APPROVED

COMMISSIONER OF HUMAN RESOURCES

Meeting of February 12, 2019 RESOLUTION P-4-19

WHEREAS, The 2019 Budget, adopted October 30, 2018 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 2019 Budget, on October 30, 2018, 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Human Resources
Payroll

Meeting of February 12, 2019 Resolution No. TF-3-2019

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
006-19	DER	$7,000.00	DER A 3510 42200 000 0000
			TO
		$7,000.00	DER A 3510 44900 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Environmental Resources

2-A

TOWN OF OYSTER BAY
Inter-Departmental Memo

February 1, 2019

TO: Memorandum Docket

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

SUBJECT: Transfer of Funds

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

From:

DER A 3510 42200 000 0000	Animal Shelter	Light, water and Supply	$7,000

To:

DER A 3510 44900 000 0000	Animal Shelter	Other Contracts	$7,000

This transfer is being requested to provide funds for contracts for the Animal Shelter.

Neil Bergin (by LS)

NEIL O. BERGIN
Commissioner of Environmental Resources

NOB/kt
Copy: Town Attorney - w/ 7 copies
Steven Ballas, Comptroller

Third Corrected Copy

Meeting of February 12, 2019 Resolution No. 79-2019

WHEREAS, pursuant to public notice, bids were duly and regularly received for Requirements Contract for Concrete Restoration Throughout the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. HCR17-160-R, and said bids were publicly opened and read on January 7, 2019; and

WHEREAS, the lowest responsive bid among four (4) bids submitted was that of The Landtek Group Inc., 235 County Line Road, Amityville, New York 11701, in the total weighted amount of $545,425.00; and

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated January 10, 2019, recommended that the bid as hereinabove set forth be accepted and awarded for a term of 365 calendar days commencing on the date of the award, with the option for four (4) one-year extensions, such options to be exercised at the sole discretion of the Town Board; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that the estimated budget amount is $5,000,000.00,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth, are accepted, and Contract No. HCR17-160-R shall be awarded to The Landtek Group, Inc., in accordance with the provisions thereunder, for a one-year term from date of award, for a total weighted amount of $545,425.00 with an estimated budget amount of $5,000,000.00, with the option for four (4) one-year extensions, such options to be exercised at the sole discretion of the Town Board.

-#-

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

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

cc: Supervisor
Town Attorney
Comptroller
Public Works
Highway

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 10, 2019

TO: MEMORANDUM DOCKET

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

SUBJECT: AWARD OF CONSTRUCTION CONTRACT
REQUIREMENTS CONTRACT FOR CONCRETE RESTORATION THROUGHOUT THE TOWN OF OYSTER BAY
CONTRACT NO. HCR17-160-R

On January 7, 2019, the Division of Purchasing received bids for the subject project. The Division of Engineering reviewed the bids. The Landtek Group Inc., located at 235 County Line Road, Amityville, NY 11701, with Federal I.D. 112945683 submitted the lowest responsive bid among the four (4) received in the total weighted amount of $545,425.00.

The subject contract is to be effective for 365 calendar days from date of award. As per contract specifications upon review of the contract work performed by the contractor, the Town Board shall have the option to either terminate the contract and seek new bids or continue the contract under present terms at no additional cost to the Town of Oyster Bay, for an additional one year extension, up to four (4) years.

We request that Contract No. HCR17-160-R be awarded to The Landtek Group Inc., in the total weighted amount of $545,425.00 with an estimated budget amount of $5,000.000.00.

Richard W. Lenz by
John C. Tuman, Deputy Commissioner

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

RWL/JCT/MR/BK/lk
Attachments

cc: Joseph Nocella (w/7 copies)
Steven C. Ballas, Comptroller
Eric Tuman, Commissioner - Purchasing
John Bishop, Deputy Commissioner - Highway
Kathy Stefanich-DPW Administration

HCR17-160-R Docket Award - Landtek

Meeting of February 12, 2019 Resolution No. 99-2019

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 837-2017, adopted on December 12, 2017, the Town Board authorized the Town to enter into an Agreement with Medical Documentation, Inc., 215 Bow Drive East, Suite C, Smithtown, NY, to provide Workers' Compensation medical claims review and bill auditing services to the Town for the period commencing January 1, 2018 through December 31, 2018, with an option for two (2) one year extensions of the Agreement; and

WHEREAS, by Resolution No. 821-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into an agreement with CorVel Corporation, 2010 Main Street, Suite 600, Irvine, CA, to provide Third Party Administrative services, including Workers' Compensation medical claims review and bill auditing services to the Town for the period commencing January 1, 2019 through December 31, 2019; and

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated January 18, 2018, recommended to the Town Board that in order to ensure a smooth transition from Medical Documentation, Inc. to CorVel Corporation in the handling of Workers' Compensation medical claims review and bill auditing services, the contract with Medical Documentation, Inc. should be extended for four months, *nunc pro tunc*, from January 1, 2019 through and including April 30, 2019; at a cost not to exceed $8,000.00; and

WHEREAS, funds are available the aforesaid Agreement extension in Account No. TWN AMW 9040 84020 000 0000 000.

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Supervisor or his designee is hereby authorized to enter into a four (4) month extension of the Agreement with Medical Documentation, Inc., for the purpose of providing Workers' Compensation medical claims review and bill auditing services, *nunc pro tunc*, from January 1, 2019 through and including April 30, 2019, at a maximum cost of $8,000.00, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. TWN AMW 9040 84020 000 0000, upon submission 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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Human Resources

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TOWN OF OYSTER BAY

Inter-Departmental Memorandum

January 18, 2019

TO: Memorandum Docket

FROM: John Canning, Commissioner
Department of Human Resources

SUBJECT: **Renewal of Agreement between the Town of Oyster Bay and Medical Documentation, Inc.**

On December 11, 2018, the Town Board authorized the Supervisor or his designee to execute an agreement with a new third party administrator (TPA) for the Town's self-insured Workers' Compensation Program. This agreement is inclusive of medical claims review and bill auditing services previously provided by Medical Documentation, Inc. under a separate contract as per resolution 837-2017. To allow for a smooth transition to the new TPA however, it is respectfully requested that the Honorable Town Board authorize the Supervisor or his designee to execute a renewal contract between the Town of Oyster Bay and Medical Documentation, Inc., located at 215 Bow Drive East, Suite C, Smithtown, NY 11787 for a four (4) month extension. The effective date of the renewal will be for the period nunc pro tunc January 1, 2019 through and including April 30, 2019 at an amount not to exceed $8,000.00. Funds will be available in Account No. TWN AMW 9040 84020 000 0000 000.

The Department of Human Resources is in receipt of the attached letter dated October 5, 2018 from Medical Documentation, Inc., indicating that it would like to continue providing medical claims review and bill auditing services to the Town during the transition period.

John Canning by
JOHN CANNING
COMMISSIONER Deputy

JC:MB
Attachments
c: Town Attorney w/7 copies

Reviewed By
Office of Town Attorney

Meeting of December 12, 2017 Resolution No. 837-2017

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated November 27, 2017, advised that pursuant to the Town of Oyster Bay Procurement Policy the Department of Human Resources requested proposals from three (3) firms interested in providing Workers' Compensation medical claims review and bill auditing services for the Town for a one-year period, with the provision of two (2) one-year extension options; and

WHEREAS, Commissioner Canning, by said memorandum further advised, that in response to the Request for Proposals, only one firm responded by the response date; and

WHEREAS, Joseph Nocella, Town Attorney and Matthew Rozea, Deputy Town Attorney, by memorandum dated November 27, 2017, advised that the Department of Human Resources had complied with the Procurement Policy of the Town, pursuant to Guideline 7 of the policy; and

WHEREAS, Commissioner Canning, by said memorandum requested authorization for the Supervisor to enter into a one (1) year agreement, with options for two (2) one-year extensions, with Medical Documentation, Inc., 215 Bow Drive East, Suite C, Smithtown, New York 11787, for the purpose of providing Workers' Compensation medical claims review and bill auditing services to the Town, from January 1, 2018 through December 31, 2018, at a maximum cost of $25,000.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Supervisor is hereby authorized enter into a one (1) year agreement with Medical Documentation, Inc., 215 Bow Drive East, Suite C, Smithtown, New York 11787 for the purpose of providing a Workers' Compensation medical claims review and bill auditing services, at a maximum cost of $25,000.00 annually, from January 1, 2018 through December 31, 2018, with options for two (2) one-year extensions; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. TWN AMW 9040 84020 000 0000, upon submission 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	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Absent
Councilman Hand	Aye

cc: Supervisor (2)
Town Attorney
Comptroller
Human Resources

MEDICAL DOCUMENTATION, INC.
215 Bow Drive East Suite C
Smithtown, NY 11787
(631) 366-0043 (631)361-6788-fax
meddoc2@aol.com

October 5, 2018

Town of Oyster Bay
29 Spring Street
Oyster Bay, New York 11771
Att: Monica Bujnowski

To Whom It May Concern:

Medical Documentation, Inc hereby requests consideration and sets forth a proposal to provide medical auditing service to the Town of Oyster Bay related to its self-insured Worker's Compensation Program for the period to continue and commence January 1, 2019.

Medical Documentation, Inc. along with its principal has been providing reliable, concise and professional services related to medical bill auditing to the Town of Oyster Bay for approximately 25 years. Claims are reviewed and returned in a timely manner and savings have been substantial.

Attached please find outlined fee schedule and pricing per individual services, which has not increased in over 10 years. We request consideration of this proposal to continue providing these services to the Town of Oyster Bay.

It has been our pleasure to maintain this mutually beneficial relationship. Thank you for your patronage. If you have any questions please do not hesitate to contact me.

Sincerely,

Maria Wenstrom
President

MW/as
Enc

MEDICAL DOCUMENTATION, INC.

215 Bow Drive East, Suite C
Smithtown NY 11787
Phone: 631-366-0043 Fax: 631-361-6788
MEDDOC2@AOL.COM

MEDICAL COST CONTAINMENT SERVICES

Medical Documentation, Inc. was founded in 1985 as a medical cost containment business servicing national workers' compensation, no-fault and commercial carriers in the area of medical bill auditing and case management. Specializing in the area of case management, procedural coding and fee assignment, Medical Documentation, Inc. has saved these payors millions of dollars in return to work savings as well as excessive charges.

Medical Bill Auditing

Medical Documentation, Inc. has been offering a cost containment program specializing in the auditing of Provider Bill Reviews and Hospital Bill Reviews for well over two decades. A Medical Professional Review Specialist evaluates claims in a two part audit process:

DRG Review: $100.00

- For medical necessity of services rendered, appropriateness of care, duration of treatment, and unrelated medical diagnosis and treatment. Includes obtaining medical records, review, detailed report, DRG analysis, HCTA when applicable
- Detection of inaccuracies such as duplication, level of service, frequency of treatment and fee assignment. Review of medicals to determine drug/alcohol involvement in injury.

EAPG Grouper Coding Review: $75.00

- For medical necessity of services rendered, appropriateness of care, duration of treatment, and unrelated medical diagnosis and treatment. Includes obtaining medical records, review, detailed report, EAPG analysis, HCTA when applicable
- Detection of inaccuracies such as duplication, level of service, frequency of treatment and fee assignment.

All Other Provider Bills: Percentage of Saving 14%

- The charge for this service is on a contingency basis, if savings is obtained on provider claim then 14% of savings is entitled to Medical Documentation, Inc., if no saving then no fee incurred to the carrier. Full report provided. All provider bills are reviewed in accordance with appropriate fee schedule and will meet all the provisions of the New York State Worker's Compensation program.

Please note our fees have remained competitive as we have been providing quality services for the past 30 years. Our reliability and consistency remain a constant for the carrier based on integrity and hard work ethics.

Medical Documentation, Inc. provides fair and objective reviews, targeting appropriateness and accuracy, in the screening and analysis of all healthcare expenses.

Thank you,

Maria Wenstrom
President

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/24/2019

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 be endorsed. If SUBROGATIONIS 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:	
EDWARDS AND COMPANY/PHS 12127059 The Hartford Business Service Center 3600 Wiseman Blvd San Antonio, TX 78265	PHONE (A/C, No, Ext): (866) 467-8730	FAX (A/C, No): (888) 443-6112
	E-MAIL ADDRESS:	

INSURED	INSURER(S) AFFORDING COVERAGE	NAIC#
MEDICAL DOCUMENTATION, INC 215 BOW DR E STE C SMITHTOWN ,NY 11787-5321	INSURER A : The Sentinel Insurance Company	11000
	INSURER B :	
	INSURER C :	
	INSURER D :	
	INSURER E :	
	INSURER F :	

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.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR [X] General Liability GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [X] LOC [ ] OTHER:			12 SBM ZJ1362	10/03/2018	10/03/2019	EACH OCCURRENCE	$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
							MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$1,000,000
							GENERAL AGGREGATE	$2,000,000
							PRODUCTS - COMP/OP AGG	$2,000,000
A	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [X] HIRED AUTOS [X] NON-OWNED AUTOS			12 SBM ZJ1362	10/03/2018	10/03/2019	COMBINED SINGLE LIMIT (Ea accident)	$1,000,000
							BODILY INJURY (Per person)	
							BODILY INJURY (Per accident)	
							PROPERTY DAMAGE (Per accident)	
A	[X] UMBRELLA LIAB [X] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE DED [X] RETENTION $ 10,000			12 SBM ZJ1362	10/03/2018	10/03/2019	EACH OCCURRENCE	$1,000,000
							AGGREGATE	$1,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				[ ] 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)

Those usual to the Insured's Operations. The Town of Oyster Bay the Certificate holder is an additional insured per the Business Liability Coverage Form SS0008 attached to this policy.

CERTIFICATE HOLDER

The Town of Oyster Bay
54 AUDREY AVE
OYSTER BAY NY 11771-1504

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

Susan L. Castaneda

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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

POLICY CHANGE

This endorsement changes the policy effective on the Inception Date of the policy unless another date is indicated below:

Policy Number: 12 SBM ZJ1362 DW

Named Insured and Mailing Address; MEDICAL DOCUMENTATION, INC

215 BOW DR E STE C
SMITHTOWN NY 11787

Policy Change Effective Date: 01/24/19 **Effective hour is the same as stated in the Declarations Page of the Policy.**

Policy Change Number: 001

Agent Name: EDWARDS AND COMPANY/PHS
Code: 127059

POLICY CHANGES:

SENTINEL INSURANCE COMPANY, LIMITED

ANY CHANGES IN YOUR PREMIUM WILL BE REFLECTED IN YOUR NEXT BILLING STATEMENT.IF YOU ARE ENROLLED IN REPETITIVE EFT DRAWS FROM YOUR BANK ACCOUNT, CHANGES IN PREMIUM WILL CHANGE FUTURE DRAW AMOUNTS.
THIS IS NOT A BILL.

NO PREMIUM DUE AS OF POLICY CHANGE EFFECTIVE DATE

FORM NUMBERS OF ENDORSEMENTS REVISED AT ENDORSEMENT ISSUE:

IH12001185 ADDITIONAL INSURED - OWNER, LESSEES OR CONTRACTOR

PRO RATA FACTOR: 1.000

THIS ENDORSEMENT DOES NOT CHANGE THE POLICY EXCEPT AS SHOWN.

Reviewed By
Office of Town Attorney

POLICY NUMBER: 12 SBM ZJ1362

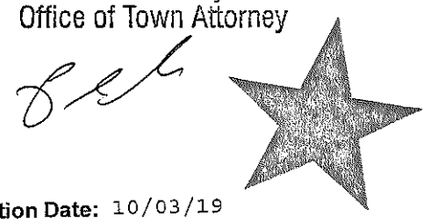
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - OWNER, LESSEES OR CONTRACTOR

TOWN OF OYSTER BAY
54 AUDREY AVE.
OYSTER BAY, NY 11771

TOWN OF HEMPSTEAD
1 WASHINGTON STREET
HEMPSTEAD NY 11550

Reviewed By
Office of Town Attorney



Meeting of February 12, 2019 Resolution No. 100-2019

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 30, 2018, authorized the Highway Department to clean up the premises located at 63 Vandewater 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 January 9, 2019, 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 September 6, 2018, in the total amount of $1,342.31, 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 January 9, 2019, 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 $1,342.31 may be assessed by the Legislature of the County of Nassau against the parcel known as 63 Vandewater 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development

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Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2019

SUBJECT: Property Cleanup Assessment
63 Vandewater Street, Farmingdale, New York 11735
Section 48, Block 503, Lot 114

The Department of Planning and Development, by memorandum dated August 30, 2018, directed the Highway Department to clean the premises located at 63 Vandewater 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 September 14, 2018, advised that the property was cleaned by a crew from the Highway Department on September 6, 2018. The cost incurred by the Town of Oyster Bay was $1,342.31.

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\CleanupMD&Reso\MD&Reso\MD 63 Vandewater St 1.9.19.doc

2018-6882

SEC'D BY HIGHWAY DEPT
AUG 31 '18 PM 2:18

Ken B

TOWN OF OYSTER

Inter-Departmental Memo

August 30, 2018

To: JOHN BISHOP: DEPUTY COMMISIONER/HIGHWAY

From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

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

DEPUTY COMM/HIGHWAY

Subject: 63 Vandewater Street Farmingdale, NY 11735
SBL:48-503-114

Nov. (No.18322) was issued to the owner of the above-referenced premises 08/23/2018 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..**
- **The litter and debris be removed.**

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 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 13th day of July, nineteen hundred and eighty-nine

BETWEEN Donald E. Temple, residing at 63 Vandewater 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 Vandewater Street, Farmingdale, New York

AS SHOWN ON THE NASSAU COUNTY TAX MAP AS
SEC. 48
BLK. 503
LOT 114

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 2t 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 8/25/58 in Liber 6418 Cp 585.

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 Vandewater Street, Farmingdale, New York.

SAID premises being and intending to be the same premises as was conveyed to the party 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

Lucy C. Temple

DEED 10015 PAGE 670

No Consideration

Section 48 Block 503 Lot 114

RECORDED

AC

Town of Oyster Bay
Inter- Departmental Memo

September 14, 2018

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 **$1,342.31**.

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

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 Sep 6, 2018

Work Order # 51857

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
PATRICK ORLANDO	General Maintenance	01:00	$42.34	00:00	0	$42.34
STEVE DIAKOGIANNIS	General Maintenance	01:00	$38.36	00:00	0	$38.36
ANTHONY VOLLONO	General Maintenance	01:00	$50.61	00:00	0	$50.61
MICHAEL F FITZPATRICK	General Maintenance	01:00	$15.00	00:00	0	$15.00
					Total Labor	$146.31

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD692	TRUCK DUMP 2010 FORD F-350 YW (T-215) - Power Wagons	$105.00	01:00	$105.00
TD730	6 WHEELER 2015 LIC AM8533	$131.00	01:00	$131.00
TD738	TRUCK DUMP 2016 DODGE RAM 3500 POWER WAGON (T-275)	$105.00	01:00	$105.00
TR099	TRAILER 1993 CUSTM 6X10 YW (M-99 / M99)	$105.00	01:00	$105.00
			Total Equipment	$446.00

Materials

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

Grand Total **$1342.31**

Description of Work:
CLEAN UP 63 VANDERWATER STREET FM

Signature:
Name: Douglas Robalino
Title: Director of Highway Operations
Date: Sep 13, 2018

Meeting of February 12, 2019 Resolution No. 101-2019

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 back door of the house located at 140 Ninth Street, Hicksville, New York 11801, also known as Section 46, Block 289, Lot 982 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 January 9, 2019, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of securing the premises on November 16, 2018, in the amount of $811.82, 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 January 9, 2019, 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 $811.82 may be assessed by the Legislature of the County of Nassau against the parcel known as 140 Ninth Street, Hicksville, New York 11801, also known as Section 46, Block 289, Lot 982 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development

8

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2019

SUBJECT: Property Cleanup Assessment
140 Ninth Street, Hicksville, New York 11801
Section 46, Block 289, Lot 982

By the emergency powers granted to the Department of Planning and Development, the Highway Department was directed to secure the rear door of the house located at 140 Ninth Street, Hicksville, New York 11801, also known as Section 46, Block 289, Lot 982 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, 2018, advised that the property was secured by a crew from the Highway Department on November 16, 2018. The cost incurred by the Town of Oyster Bay was $811.82.

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
Special Counsel

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

S:\Attys\DBS\Cleanup MD&Reso\MD 140 Ninth St Bd Up 1.9.19

2018-6907
ltr

Ken Bishop

From: Michael Esposito
Sent: Thursday, November 15, 2018 11:38 AM
To: Ken Bishop
Cc: Kevin Conway
Subject: 140 ninth street hicksville 46-289-982

Kenny
Can you please ask Jeff to secure the rear door at the subject premises.
Thanks

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

ETA 408-6

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

THIS INDENTURE, made the 1st day of July , nineteen hundred and ninety-five

BETWEEN SPYROS ARGYROS and ATHINA ARGYROS, his wife, both residing at 58-25 183rd Street, Flushing, New York

party of the first part, and THEODORE A. ACHTARIDES, residing at 140 9th Street Hicksville ny 11801

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 at Lot 932 and parts of lots 930, 931, 933 and 934, on a certain map entitled, "Map of Property at Hicksville, Town of Oyster Bay, Nassau Co., L.I., for sale by Suburban Realty Organization, Brooklyn, New York, Wm. Ellison C.E., and Surveyor, March 1907" and filed in the Office of the Clerk of the County of Nassau on June 6, 1919 as Map No. 39, Case No. 287 more particularly bounded and described as follows:

TT 8440

Sec 46
Blk 289
Lot 0385

BEGINNING at a point on the southerly side of Ninth Street distant 277.75 feet westerly from the corner formed by the intersection of the southerly side of Ninth Street with the westerly side of Fifth Avenue;

RUNNING THENCE South 8 degrees 44 minutes 20 seconds East a distance of 104.24 feet;

RUNNING THENCE South 81 degrees 15 minutes 40 seconds West a distance of 60 feet;

RUNNING THENCE North 8 degrees 44 minutes 20 seconds West a distance of 104.24 feet to the southerly side of Ninth Street; and

THENCE RUNNING North 81 degrees 15 minutes 40 seconds East along the southerly side of Ninth Street a distance of 60 feet to the point or place of BEGINNING.

SAID premises is also known as 140 Ninth Street, Hicksville, NY.

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:

Spyros Argyros
SPYROS ARGYROS

CEB

Town of Oyster Bay
Inter- Departmental Memo

November 20, 2018

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: **140 NINTH STREET, HICKSVILLE**
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 **$811.82**.

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

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (46-289-982) 140 NINETH ST HICKSVILLE 11801

Date Nov 16, 2018

Work Order # 54461

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
JEFFREY VAN NOSTRAND	General Maintenance	00:30	$44.64	00:00	0	$22.32
					Total Labor	$22.32

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
Administrative Fee	$750.00	1	$750.00
		Total Materials	$750.00

Grand Total **$811.82**

Description of Work:
secure the rear door at 140 9th Street HV

Signature:
Name: Douglas Robalino
Title: Director of Highway Operations
Date: Nov 19, 2018

Meeting of February 12, 2019 Resolution No. 102-2019

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 November 5, 2018, authorized the Highway Department to clean up the premises located at 9 Peter Lane, Plainview, New York 11803, also known as Section 47, Block 19, Lot 15 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 January 9, 2019, 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 13, 2018, in the total amount of $1,640.17, be referred to the County of Nassau for assessment,

Reviewed By
Office of Town Attorney

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 January 9, 2019, 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 $1,640.17 may be assessed by the Legislature of the County of Nassau against the parcel known as 9 Peter Lane, Plainview, New York 11803, also known as Section 47, Block 19, Lot 15 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

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

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development

9

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2019

SUBJECT: Property Cleanup Assessment
9 Peter Lane, Plainview, New York 11803
Section 47, Block 19, Lot 15

The Department of Planning and Development, by memorandum dated November 5, 2018, directed the Highway Department to clean the premises located at 9 Peter Lane, Plainview, New York 11803, also known as Section 47, Block 19, Lot 15 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated November 15, 2018, advised that the property was cleaned by a crew from the Highway Department on November 13, 2018. The cost incurred by the Town of Oyster Bay was $1,640.17.

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\CleanupMD&Reso\MD&Reso\MD 9 Peter Lane. 1.9.19.doc

2018-6908

DEPUTY COMM/HIGHWAY

TOWN OF OYSTER

Inter-Departmental Memo
November 5, 2018

To: JOHN BISHOP: DEPUTY COMMISIONER/HIGHWAY

From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

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

Subject: 9 Peter Lane Plainview, NY 11803
SBL: 47-19-15

Nov. (No.18729) was issued to the owner of the above-referenced premises 10/26/2018 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

CONSULT YOUR ATTORNEY BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 7th day of April in the year, 2005

BETWEEN

MICHELLE STARK
residing at
9 Peter Lane, Plainview, New York 11803

party of the first part, and

TODD STARK and MICHELLE STARK, his wife
residing at
9 Peter Lane, Plainview, New York 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

~~See Schedule "A" attached hereto.~~

Tax Map Designation: 47 – 19 – 15
Address: 9 Peter Lane, Plainview, New York 11803

BEING AND INTENDED TO BE the same premises conveyed to the grantor herein by deed dated 11/26/01 recorded 12/26/01 Liber 11419 Page 664.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any street 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 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, covenant 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:

MICHELLE STARK

AC

Town of Oyster Bay
Inter- Departmental Memo

November 15, 2018

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: **9 PETER LANE, PLAINVIEW**
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 **$1,640.17**.

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

JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN – UP 9 PETER LANE,PLAINVIEW TO P & D

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (47-19-15) 9 PETER LN PLAINVIEW 11803

Date Nov 13, 2018

Work Order # 54319

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
MICHAEL ZEREBAK	General Maintenance	01:30	$25.11	00:00	0	$37.67
CHRISTOPHER MADDEN	General Maintenance	01:30	$24.86	00:00	0	$37.29
JOHN STERGIOPOULOS	General Maintenance	01:30	$24.86	00:00	0	$37.29
MICHAEL CALAMIA	General Maintenance	01:30	$25.56	00:00	0	$38.34
RAYMOND SWIERKOWSKI	General Maintenance	01:30	$30.05	00:00	0	$45.08
					Total Labor	$195.67

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU444	PICK UP 2012 FORD F350 YELLO (21 / 021)	$79.00	01:30	$118.50
TD550	TRUCK DUMP 2004 INTL 7400 YW (PT979) -10 Wheeler	$93.00	01:30	$139.50
TD597	TRUCK DUMP 2006 INTL 7400 YW (PT989) -10 Wheeler	$93.00	01:30	$139.50
TD635	TRUCK DUMP 2008 FORD F350 YW (T275 / T-275) - Power Wagons	$105.00	01:30	$157.50
TD697	TRUCK DUMP 2011 INTER 7400 YW (T-239) -10 Wheeler	$93.00	01:30	$139.50
			Total Equipment	$694.50

Materials

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

Grand Total **$1640.17**

Description of Work:
CLEAN UP 9 PETER LANE PL

Signature:

Name: Douglas Robalino

Title: Director of Highway Operations

Date: Nov 15, 2018

Meeting of February 12, 2019 Resolution No. 103-2019

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 30, 2018, authorized the Highway Department to clean up the premises located at 23 Bailey Drive, Massapequa, New York 11758, also known as Section 53, Block A06, Lot 44 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 January 9, 2019, 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 September 6, 2018, in the total amount of $1,342.31, 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 January 9, 2019, 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 $1,342.31 may be assessed by the Legislature of the County of Nassau against the parcel known as 23 Bailey Drive, Massapequa, New York 11758, also known as Section 53, Block A06, Lot 44 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development

10

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2019

SUBJECT: Property Cleanup Assessment
23 Bailey Drive, Massapequa, New York 11758
Section 53, Block A06, Lot 44

The Department of Planning and Development, by memorandum dated August 30, 2018, directed the Highway Department to clean the premises located at 23 Bailey Drive, Massapequa, New York 11758, also known as Section 53, Block A06, Lot 44 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated September 14, 2018, advised that the property was cleaned by a crew from the Highway Department on September 6, 2018. The cost incurred by the Town of Oyster Bay was $1,342.31.

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\CleanupMD&Reso\MD&Reso\MD 23 Bailey Dr. 1.9.19.doc

2018-6876

RECD BY HIGHWAY DEPT
AUG 31 '18 PM3:18

TOWN OF OYSTER

Inter-Departmental Memo
August 30, 2018

To: JOHN BISHOP: DEPUTY COMMISIONER/HIGHWAY

From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

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

DEPUTY COMM/HIGHWAY

Subject: 23 Bailey Drive Massapequa, NY 11758
SBL:53-A06-44

Nov. (No.18320) was issued to the owner of the above-referenced premises 08/22/2018 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

THIS INDENTURE, made the 13th day of December, 2004

BETWEEN DOUBLE EAGLE REALTY LLC

Having an office located at
100 Jericho Quadrangle, Suite 215, Jericho, New York 11753

party of the first part, and

CHERYL JOSEPH

residing at 135 Post Avenue, Westbury, New York 11590

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Three Hundred Thirty-nine Thousand Nine Hundred Dollars ($339,900.00) 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, lying and being at North Amityville, Town of Oyster Bay, County of Nassau, State of New York, more particularly described as follows:

SEE ATTACHED SCHEDULE A

Premises Known as: 23 Bailey Drive, Massapequa, New York 11758
District: Section: 53 Block: A-6 Lot: 44

Being the same premises conveyed to Double Eagle Realty, LLC herein by deed dated March 30, 2004, recorded April 15, 2004, in LIBER 11767, Page 558, of the Nassau County Clerks office in the State of 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 whatsoever, 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:

DOUBLE EAGLE REALTY, LLC
BY: PETER T. ROACH

RC

Town of Oyster Bay
Inter- Departmental Memo

September 14, 2018

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: **23 BAILEY DRIVE, 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 **$1,342.31**.

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 SEP 14 P 1:31

CLEAN – UP 23 BAILEY DRIVE, MASSAPEQUA TO P & D

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (53-A06-44) 23 BAILEY DR MASSAPEQUA 11758 **Date** Sep 6, 2018

Work Order # 51865

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
PATRICK ORLANDO	General Maintenance	01:00	$42.34	00:00	0	$42.34
STEVE DIAKOGIANNIS	General Maintenance	01:00	$38.36	00:00	0	$38.36
ANTHONY VOLLONO	General Maintenance	01:00	$50.61	00:00	0	$50.61
MICHAEL F FITZPATRICK	General Maintenance	01:00	$15.00	00:00	0	$15.00
					Total Labor	$146.31

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD692	TRUCK DUMP 2010 FORD F-350 YW (T-215) - Power Wagons	$105.00	01:00	$105.00
TD730	6 WHEELER 2015 LIC AM8533	$131.00	01:00	$131.00
TD738	TRUCK DUMP 2016 DODGE RAM 3500 POWER WAGON (T-275)	$105.00	01:00	$105.00
TR099	TRAILER 1993 CUSTM 6X10 YW (M-99 / M99)	$105.00	01:00	$105.00
			Total Equipment	$446.00

Materials

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

Grand Total $1342.31

Description of Work:
CLEAN UP 23 BAILY DRIVE MS

Signature:
Name: Douglas Robalino
Title: Director of Highway Operations
Date: Sep 13, 2018

Meeting of February 12, 2019 Resolution No. 104-2019

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 29, 2018, authorized the Highway Department to clean up the premises located at 43 Maxwell Drive, Westbury, New York 11590, also known as Section 11, Block 428, Lot 24 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 January 9, 2019, 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 1, 2018, in the total amount of $2,119.02, be referred to the County of Nassau for assessment,

Reviewed By
Office of Town Attorney

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 January 9, 2019, 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 $2,119.02 may be assessed by the Legislature of the County of Nassau against the parcel known as 43 Maxwell Drive, Westbury, New York 11590, also known as Section 11, Block 428, Lot 24 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

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

cc: Supervisor
Town Attorney
Comptroller
Highway
Planning & Development

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2019

SUBJECT: Property Cleanup Assessment
43 Maxwell Drive, Westbury, New York 11590
Section 11, Block 428, Lot 24

The Department of Planning and Development, by memorandum dated October 29, 2018, directed the Highway Department to clean the premises located at 43 Maxwell Drive, Westbury, New York 11590, also known as Section 11, Block 428, Lot 24 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated November 13, 2018, advised that the property was cleaned by a crew from the Highway Department on November 1, 2018. The cost incurred by the Town of Oyster Bay was $2,119.02.

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\CleanupMD&Reso\MD&Reso\MD 43 Maxwell Dr. 1.9.19.doc

2018-6899

TOWN OF OYSTER

Inter-Departmental Memo

October 29, 2018

To: JOHN BISHOP: DEPUTY COMMISIONER/HIGHWAY

From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU

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

Subject: 43 Maxwell Drive Westbury, NY 11590
SBL: 11-428-24

Nov. (No.18574) was issued to the owner of the above-referenced premises 10/18/2018 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 in the front and rear of property.**
- **The weeds on the west side of the property be removed.**

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

WCB2

DEED LIBER

Section 11

Block 428

Lot 24

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 4th day of January , nineteen hundred and ninety five

BETWEEN Security Pacific Realty Corp., a corporation with offices at 1400 Old Country Road, Westbury, NY 11590

party of the first part, and Leon W. Heblett, residing at 1045 St. John's Place, Brooklyn, NY 11263

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 in the Town of Oyster Bay, County of Nassau and State of New York, known as and by lot 24 in Block 428 as shown and designated on a certain map entitled "Map of Imperial Gardens Section No. 3, situated at Hicksville, Nassau County, New York, surveyed October 1957, Baldwin & Cornelius Co., Civil Engineers and Surveyors, Freeport, NY" and filed in the Office of the Clerk of the County of Nassau, September 18, 1958, under File No. 7074, and which said lot according to said map is bounded and described as follows:

BEGINNING at a point on the northeasterly side of Maxwell Drive distant 239.06 feet northwesterly from the extreme northwesterly end of the arc connecting the northwesterly side of Robbins Lane with the northeasterly side of Maxwell Drive;

RUNNING THENCE northwesterly along the northeasterly side of Maxwell Drive the following two courses and distances:

1) along the arc of a circle bearing to the left having a radius of 250 feet a distance of 0.75 feet;
2) North 48 degrees 02 minutes West 74.26 feet;

THENCE North 41 degrees 58 minutes East 100 feet;

THENCE South 48 degrees 02 minutes East 75 feet;

THENCE South 41 degrees 58 minutes West 100 feet to the northeasterly side of Maxwell Drive, the point or place of BEGINNING.

BEING AND INTENDED TO BE same premises grantor acquired by Deed dated 7/26/94 and recorded 11/17/94 in liber 10487 page 591.

Premises also known as 43 Maxwell Drive, Westbury, 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:

SECURITY PACIFIC REALTY CORP. CORPORATE SEAL 1994 NEW YORK

Security Pacific Realty Corp.

By: Caryn S. Schreiber

Caryn S. Schreiber, Asst. V.P.

AL

15000436

Town of Oyster Bay
Inter- Departmental Memo

15000273

November 13, 2018

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: **43 MAXWELL DRIVE, WESTBURY**
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 **$2,119.02**.

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

MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (11-428-24) 43 MAXWELL DR WESTBURY 11590 **Date** Nov 1, 2018

Work Order # 53939

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Ovetime Hours	Overtime Rate	Line Cost
KENNETH HAWES	General Maintenance	03:00	$43.19	00:00	0	$129.57
PETER LLOYD	General Maintenance	03:00	$43.19	00:00	0	$129.57
TIMOTHY OLSON	General Maintenance	03:00	$39.96	00:00	0	$119.88
DAVID G AGOSTINELLO	General Maintenance	03:00	$15.00	00:00	0	$45.00
					Total Labor	$424.02

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD560	TRUCK DUMP 2005 FORD F-350 YW (POOL / HP924 / HP926) - Power Wagons	$105.00	03:00	$315.00
TD657	PICK-UP TRUCK 2009 FORD F-250 YW	$79.00	03:00	$237.00
TD733	TRUCK DUMP 2016 INTL 7300 YW (T181) 6 WHEELER	$131.00	03:00	$393.00
			Total Equipment	$945.00

Materials

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

Grand Total $2119.02

Description of Work:
CLEAN UP 43 MAXWELL DRIVE WESTBURY

Signature:
Name: Douglas Robalino
Title: Director of Highway Operations
Date: Nov 13, 2018

Meeting of February 12, 2019

Resolution No. 105-2019

WHEREAS, Maureen Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated January 28, 2019, requested Town Board authorization to sponsor enrichment workshops and to retain the professional services of the instructors on the attached chart for the locations, services and fees listed therein, for the Spring 2019 Town of Oyster Bay Enrichment Program Workshops, and by said memorandum Commissioner Fitzgerald advised that the registration fees for the Adult Workshops will range from $75.00 to $100.00 for Residents and $100.00 to $125.00 for Non-Residents, and monies collected from the workshops will be deposited in Revenue Account No. CYS A 0001 02001 511 0000; and

Reviewed By
Office of Town Attorney

WHEREAS, Commissioner Fitzgerald requested that the Department of Community and Youth Services be granted Town Board authorization to process refunds for workshops that do not materialize for cause,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Department of Community and Youth Services, is hereby authorized to retain the professional services of the instructors on the attached chart, for the locations, services and fees listed therein, for the Spring 2019 Town of Oyster Bay Enrichment Program Workshops; 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, with funds to be drawn from Account No. CYS A 7020 47660 000 0000; and be it further

RESOLVED, That the registration fees for the Adult Workshops will range from $75.00 to $100.00 for Residents and $100.00 to $125.00 for Non-Residents, and monies collected from the workshops will be deposited in Revenue Account No. CYS A 0001 02001 511 0000; and be it further

RESOLVED, That the Department of Community and Youth Services is hereby authorized to process refunds for workshops that do not materialize for cause, and the Comptroller is hereby authorized to process refunds for resident and non-resident fees, 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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Community & Youth Services

5

TOWN OF OYSTER BAY
Inter-Departmental Memorandum

January 28, 2019

TO: Memorandum Docket

FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: Spring 2019 Enrichment Programs – Instructional Services

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The Department of Community & Youth Services is requesting Town Board authorization to sponsor enrichment programs and to retain the professional services of Instructors to conduct those programs.

The program type, location, Instructor and fee for each program are listed on the attached chart. The funds for the instructional fees are available in Account CYS A 7020 47660 000 0000 *Special Events*, and will not exceed $8,600.

Registration fees for the programs will range from $75.00-$100.00 for residents and from $100.00-$125.00 for non-residents. The registration fees collected from the programs shall be deposited in Revenue Account CYS A 0001 02001 511 0000.

The programs are in accordance with Guideline 5, Section b. of the Town's Procurement Policy therefore, no solicitation, written proposal or quotation is required.

The Department also requests authorization for the Commissioner of Community & Youth Services to process refunds for programs that do not materialize for cause. Said refunds will be issued by the Town Comptroller's Office after audit.

Therefore, it is respectfully requested that the Town Board authorize the Department to enter into agreements as negotiated and attached and further authorize the Supervisor and/or his designee to execute said agreements.

Maureen A. Fitzgerald
Commissioner

MAF:SAB:dj
Attachments
cc: Town Attorney (+7 copies)

2019 SPRING Instructional Services	Check Payable to:	Community Centers	Fee per Session x Amount of Sessions	Amount Not to Exceed
Sumi-E Painting One (1) Adult Class. Ten (10) sessions.	**Gladys L. Yong Chu Stewart** 28 20th Street Jericho, NY 11753	**Syosset-Woodbury**	**$80 per session x ten (10) sessions**	**$800.00**
Painting in Oils I & II Two (2) Adult Classes. Ten (10) sessions for each class. Twenty (20) sessions total.	**Jock Anderson** 7 Russell Road Garden city, NY 11530	**Syosset-Woodbury**	**$80 per session x twenty (20) sessions**	**$1,600.00**
Drawing Fundamentals One (1) Adult Class. Ten (10) sessions.	**Jock Anderson** 7 Russell Road Garden city, NY 11530	**Syosset-Woodbury**	**$80 per session x ten (10) sessions**	**$800.00**
Abstract Acrylics One (1) Adult Class. Ten (10) sessions.	**Kevin Larkin** 70 North Court Roslyn Heights, NY 11577	**Syosset-Woodbury**	**$80 per session x ten (10) sessions**	**$800.00**
Watercolor One (1) Adult Class. Ten (10) sessions.	**Elizabeth Ehrlichman** 41 Chestnut Street Huntington, NY 11743	**Syosset-Woodbury**	**$80 per session x ten (10) sessions**	**$800.00**
Writing One (1) Adult Class. Ten (10) sessions.	**Laurie Rozakis** 62 Sunset Avenue Farmingdale, NY 11735	**Syosset-Woodbury**	**$100 per session x ten (10) sessions**	**$1,000.00**
Let's Make Beautiful Jewelry! One (1) Adult Class. Ten (10) sessions.	**Rachel Ferraro** 620 Conklin Street Farmingdale, NY 11735	**Syosset-Woodbury**	**$225 per session x eight (8) sessions**	**$1,800.00**
Psychic Development One (1) Adult Class. Four (4) sessions	**Winter Brook Psychic Medium** PO Box 552 Northport, NY 11768	**Syosset-Woodbury**	**$250 per session x four (4) sessions**	**$1,000.00**

TOTAL: $8,600.00

Contract number:. 043-2019

CONTRACT

This Contract, made by and between the Town of Oyster Bay's Department of Community and Youth Services, located at 977 Hicksville Road, Massapequa, New York 11758 (hereinafter referred to as "TOWN") and Gladys L. Yong Chu Stewart, 28 20th Street, Jericho, New York 11753 (hereinafter referred to as "CONTRACTOR") in consideration of mutual interests provided for hereby, the parties herein agree as follows:

Workshop: Sumi-E Painting

Location: Syosset-Woodbury Community Center

Amount: $80.00 per session
Ten sessions

In consideration of these services, the TOWN agrees to pay CONTRACTOR an amount not to exceed Eight hundred dollars and 00/100. If CONTRACTOR fails to appear, or is incapacitated from rendering services through sickness or otherwise, CONTRACTOR shall not receive any compensation. Payment for the above services shall be made upon submission of CONTRACTOR'S invoice and the claim form provided by TOWN.

If the workshop(s) covered under this contract do not materialize due to low enrollment or any other unforeseeable cause, the Commissioner of the Department of Community & Youth Services reserves the right to cancel the workshop in part or, the contract in its entirety.

CONTRACTOR agrees to provide services in accordance with the Instructor's Guidelines specified in Appendix I which is attached hereto and in all respects made a part hereof by reference.

GLADYS L. YONG CHU STEWART

_____
CONTRACTOR

DATE: _____, 2019

TOWN OF OYSTER BAY

_____
COMMISSIONER

DATE: _____, 2019

Meeting of February 12, 2019 Resolution No. 106-2019

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated January 24, 2019, requested that the Town Board authorize Town Wide Senior Trips for April, May and June 2019, as listed below, and authorize the Commissioner of Community and Youth Services to make adjustments, deletions or changes, as needed, provided that in the event of change, participants are permitted to receive a full refund if the change is not to his or her preference:

Reviewed By
Office of Town Attorney

Date	Place/Event and Cost	Cost Includes
Friday, April 5, 2019	Westchester Theater Newsies $95.00	Luncheon Transportation by Coach Bus Ticket to Show
Tuesday, May 7, 2019	Salute to Senior's Luncheon Crest Hollow Country Club $45.00 Residents $55.00 Non-Residents	Luncheon Town or School Bus transportation Entertainment Valet Parking
Wednesday, May 29, 2019	John Engeman Theater "Aida" $65.00	Transportation by Town Bus Ticket to Show
Tuesday, June 25, 2019	Long Island Ducks $35.00	Picnic & Box Seat Tickets Town or School Bus transportation

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and the abovementioned Town Wide Senior Trips for April, May and June 2019 are hereby authorized, and are to be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts; and be it further

RESOLVED, That the Commissioner of the Department of Community and Youth Services, or her designee, is authorized to make any adjustments, deletions, or changes, as needed, to the above schedule, provided that in the event of any change, each participant is permitted to receive a full refund if the change is not to his or her preference.

-#-

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

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

cc: Supervisor
Town Attorney
Comptroller
Community & Youth Services

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

January 24, 2019

TO: Memorandum Docket

FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: Town Wide Senior Trips for April, May & June

The Department of Community & Youth Services is requesting Town Board authorization to provide Town Wide Senior Trips for April, May & June 2019 (see attachment).

The Department also requests authorization for the Commissioner of Community and Youth Services to make adjustments, deletions or changes, as needed, provided that in the event of change, participants are permitted to receive a full refund if the change is not to his or her preference.

This Town Wide Senior Trips is to be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts.

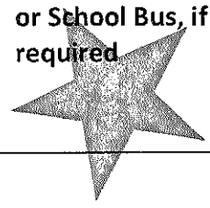
Maureen A. Fitzgerald
Commissioner

MAF:dw
Attachment
cc: Town Attorney (+7 copies)

2019
TOWN WIDE SENIOR TRIPS

April, May & June

Date	Place & Cost	Includes
Friday, April 5th	Westchester Theater Newsies $95.00	• Luncheon • Transportation by Coach Bus • Ticket to show
Tuesday, May 7th	Salute to Seniors's Luncheon Crest Hollow Country Club $45.00 Residents $55.00 Non-Residents	• Luncheon • Transportation by Town or School Bus • Entertainment • Valet Parking
Wednesday, May 29th	John Engeman Theater "Aida" $65.00	• Transportation by Town Bus, if required • Ticket to show
Tuesday, June 25th	Long Island Ducks $35.00	• Picnic & Box Seat Ticket • Transportation by Town or School Bus, if required



Reviewed By
Office of Town Attorney
Elizabeth A. Vaughan

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 23, 2019, requested Town Board authorization to employ the services of the Nassau County ASA Umpires Association, in connection with the Town of Oyster Bay Senior Citizen Softball League, for one hundred seventy (170) games during the 2019 softball season, at the rate of $44.00 per seven-inning game, for a total amount not to exceed $10,000.00, plus a travel fee of $15.00 per occurrence should a team fail to cancel a game in advance because of field or weather conditions,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Department of Parks is hereby authorized to employ the services of the Nassau County ASA Umpires Association, in connection with the Town of Oyster Bay Senior Citizen Softball League, for one hundred seventy (170) games, during the 2019 softball season, at the rate of $44.00 per seven-inning game, for a total amount not to exceed $10,000.00, plus a travel fee of $15.00 per occurrence should a team fail to cancel a game in advance because of field or weather conditions; 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 funds for said payment are to be drawn from Account No. PKS A 7110 44900 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 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 Pinto, Commissioner of Parks

DATE: January 23, 2019

SUBJECT: Umpire Services for Senior Citizen Softball

The Department of Parks requests Town Board authorization to employ the services of the Nassau County ASA Umpires Association to provide officials for the Town's Senior Citizen softball teams for the 2019 season. Town Board Resolution No. 105-2018, dated 2/27/18, authorized the services last year.

The services of the Umpires Association have remained the same, therefore they are requesting for 170 games at a rate of $44.00 per seven-inning game, the total amount not to exceed $10,000.00. The Association also charges a travel fee of $15.00 per occurrence, should a team fail to cancel a game in advance due to field or weather conditions.

Attached is a current Certificate of Liability Insurance from Long Island Senior Softball Association that has been reviewed and approved by the Office of the Town Attorney.

Therefore, it is respectfully requested that the Town Board authorize the Department of Parks to employ the services of the Nassau County Asa Umpires. Funds for this purpose are available in account PKS A 7110 44900 000 0000, other contract.

Joseph Pinto
Commissioner of Parks

CC: Town Attorney (original + 7 copies)

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/17/2019

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 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 RPS Bollinger 150 JFK PARKWAY, 4TH FLOOR PO Box 390 SHORT HILLS, NJ 07078 PHONE: 1-800-446-5311 FAX: 973-921-8474	CONTACT NAME: PHONE (A/C, No, Ext): 800-446-5311 FAX (A/C, No.): 973-921-8474 E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Markel Insurance Company	38970
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
USA Softball Adult Team Registration-Liability Insurance Program
2801 N.E. 50th Street
Oklahoma City, OK 73111

COVERAGES — POLICY CHANGE NUMBER: ATL20173223 — 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	GENERAL LIABILITY [X] COMMERCIAL GENERAL LIABILITY [ ] CLAIMS-MADE [X] OCCUR [X] Participants Liab GEN'L AGGREGATE LIMIT APPLIES PER: [ ] POLICY [ ] PRO-JECT [X] LOC	X		3602AH230069 *Non-participants only Sexual Abuse & Molestation Liab per occurrence: $2,000,000 Sexual Abuse & Molestation Aggregate limit: $2,000,000	01/18/2019	01/01/2020	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$2,000,000 $1,000,000 $10,000* $2,000,000 $5,000,000 $2,000,000
	AUTOMOBILE LIABILITY [ ] ANY AUTO [ ] ALL OWNED AUTOS [ ] SCHEDULED AUTOS [ ] HIRED AUTOS [ ] NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	UMBRELLA LIAB [ ] OCCUR [ ] EXCESS LIAB [ ] CLAIMS-MADE [ ] DED [ ] RETENTION $						EACH OCCURRENCE AGGREGATE	$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y / N [ ] (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N / A					[ ] WC STATU-TORY LIMITS [ ] OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $ $
	OTHER						No Accident Insurance is provided by this certificate	

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

COVERAGE UNDER THIS POLICY SHALL APPLY TO LIABILITY OF LISSA ARISING OUT OF THE ADMINISTRATION, PLAY OR PRACTICE OF AMATEUR SOFTBALL/BASEBALL, BUT ONLY FOR INCIDENTS INVOLVING BODILY INJURY, PERSONAL INJURY OR PROPERTY DAMAGE. THE CERTIFICATE HOLDER BELOW IS NAMED AS AN ADDITIONAL INSURED TO THIS POLICY. ALL UMPIRES MUST BE USA SOFTBALL REGISTERED OR THE UMPIRES AND ANY ADDITIONAL INSUREDS WILL HAVE NO COVERAGE FOR AN UMPIRE LIABILITY CLAIM. 100% REGISTRATION IN USA SOFTBALL FOR TEAMS AND UMPIRES IS REQUIRED.

CERTIFICATE HOLDER

Town of Oyster Bay Department of Parks
977 Hicksville Road
Massapequa, NY 11758

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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THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

POLICY CHANGES

Policy Change
Number ATL20173223

POLICY NUMBER 3602AH230069	POLICY CHANGES EFFECTIVE 01/18/2019	COMPANY Markel Insurance Company
NAMED INSURED USA Softball		Authorized Representative Signature

COVERAGE PARTS AFFECTED:
COMMERCIAL GENERAL LIABILITY COVERAGE PART

CHANGES

CERTIFICATE OF INSURANCE

This certificate represents insurance provided in accordance with THE FOLLOWING POLICY NUMBER:
3602AH230069

NAMED INSURED
LISSA
Joseph Pellechi
68 Shady Lane
Westbury, NY 11590
516-510-8341

Effective Date: 01/18/2019 at 12:01 a.m. Standard Time at your mailing address shown above.
Expiration Date: 01/01/2020 **Termination of the policy does not amend the expiration date of this certificate.**

Plan Administered By:
RPS Bollinger, 150 JFK Parkway Short Hills NJ 07078

TO REPORT A CLAIM, CALL 1-800-446-5311

Commercial General Liability Limits of Insurance

General Aggregate Limit	$5,000,000	
Products-Completed Operations Aggregate Limit	$2,000,000	
Personal and Advertising Injury Limit	$2,000,000	
Sexual Abuse and Molestation per Occurrence Limit	$2,000,000	
Sexual Abuse and Molestation Aggregate Limit	$2,000,000	
Each Occurence Limit	$2,000,000	
Damage to Premises Rented to You Limit	$1,000,000	Any One Premise
Medical Expense Limit	$10,000	Any One Person - applies to non-participants

This Certificate only provides evidence of insurance and does not amend, expand or alter any terms or conditions of the Policy.

Copyright, Insurance Services Office Inc., 1983
Copyright, ISO Commercial Risk Services, Inc. 1983

Meeting of February 27, 2018 Resolution No. 105-2018

Reviewed By
Office of Town Attorney

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated February 6, 2018, requested Town Board authorization to employ the services of the Nassau County ASA Umpires Association, in connection with the Town of Oyster Bay Senior Citizen Softball League, for one hundred seventy (170) games during the 2018 softball season, at the rate of $44.00 per seven-inning game, for a total amount not to exceed $10,000, plus a travel fee of $15.00 per occurrence should a team fail to cancel a game in advance because of field or weather conditions,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Department of Parks, is hereby authorized to employ the services of the Nassau County ASA Umpires Association, in connection with the Town of Oyster Bay Senior Citizen Softball League, for one hundred seventy (170) games, during the 2018 softball season, at the rate of $44.00 per seven-inning game, for a total amount not to exceed $10,000, plus a travel fee of $15.00 per occurrence should a team fail to cancel a game in advance because of field or weather conditions; 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 funds for said payment are to be drawn from Account No. PKS A 7110 44900 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

Meeting of February 12, 2019 Resolution No.108-2019

Reviewed By
Office of Town Attorney

WHEREAS, Joseph Pinto, Commissioner, Department of Parks, by memorandum dated January 16, 2019, requested Town Board approval for Town of Oyster Bay sponsorship of the Thirty-Fourth Annual Bluefish Tournament; and

WHEREAS, the event shall be conducted under the following guidelines:

1. Date: September 15, 2019;

2. Time: 4:30 a.m. to 4:00 p.m.;

3. Place: Theodore Roosevelt Memorial Park;

4. Cost: $35.00 Residents, $45.00 Non-Residents;

5. Funds collected shall be deposited into Trust Account TWN TA 0000 00085 474 0000 to be used according to the Town's procurement policies through the Purchasing Department to cover the following costs:

   A. Gift certificates shall be awarded to contestants finishing first through fifteenth place. Plaques shall be awarded to contestants finishing first through tenth place;

   B. Fixed expenses will be procured using the sponsor donations and registration fees for such food items as hot dogs, soda, water and chips; charcoal, lighter fluid and paper goods; t-shirts for participants; ice; and tent rental;

   C. The remaining balance of the registration and donated sponsor fees will be used to purchase door prizes to be purchased in compliance with the Town of Oyster Bay Procurement Policy from vendors approved by the Department of General Services Purchasing Division;

   D. Donations by event sponsors to support and offset the expenses of the tournament may be added upon the approval of the Town Board; and

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 request as set forth hereinabove is hereby accepted and approved in accordance with the hereinabove stated guidelines, for the purpose of the Department of Parks conducting the Town sponsored Thirty-Fourth Annual Bluefish Tournament.

#

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

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

cc: Supervisor
Town Attorney
Comptroller
Parks

8

TOWN OF OYSTER BAY

INTER - DEPARTMENTAL MEMORANDUM

January 16, 2019

TO: MEMORANDUM DOCKET

FROM: JOSEPH PINTO, COMMISSIONER OF PARKS

SUBJECT: THIRTY FOURTH ANNUAL BLUEFISH TOURNAMENT

The Department of Parks requests Town Board approval for the following Town of Oyster Bay sponsored Bluefish Tournament as outlined below:

The event will be conducted under the following guidelines:

1. Date: September 15, 2019
2. Time: 4:30 AM – 4:00 PM
3. Place: Theodore Roosevelt Memorial Park
4. Cost: $35.00 Residents, $45.00 Non-Residents
5. Funds collected will be deposited into the following Trust Account TWN TA 0000 00085 474 0000 to be used as follows according to the Town's procurement policies through the Purchasing Department:

   A. Purchase gift certificates and plaques. Gift certificates will be awarded to contestants finishing first through fifteenth place. Plaques are awarded for first through tenth place.

   B. The following fixed expenses will be procured using the sponsor donations and registration fees:
      - Food items such as hot dogs, soda, water, & chips. In addition, charcoal, lighter fluid, paper goods, etc.
      - T shirts for participants
      - Ice
      - Tent rental

   C. The remaining balance of the registration and donated sponsor fees will be used to purchase door prizes. Prizes will be purchased in compliance with the Town of Oyster Bay Procurement Policy from vendors approved by the Department of General Services Purchasing Division.

   D. Donations by event sponsors to support and offset the expenses of the tournament may be added upon the approval of the Town Board.

Town Board approval is recommended.

JOSEPH PINTO
COMMISSIONER OF PARKS

JP/jd
C: Town Attorney (original + 7 copies)

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Departments of Public Works/Highways, and Michael Cipriano, Division Head, Central Vehicle Maintenance, by memorandum dated January 10, 2019, recommended that the Town owned vehicles and equipment on the attached list be declared surplus and that the necessary steps be taken to secure bids on said vehicles and equipment;

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated January 28, 2018, requested the Town Board declare that the Town owned vehicles and equipment on the attached list be declared surplus and that he be authorized to prepare and advertise said vehicles and equipment for competitive bid sale or public auction; and

WHEREAS, the aforementioned memoranda are in conformance with the requirements of the Town's Surplus Equipment Policy adopted by Resolution No. 415-2018 on June 12, 2018,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and the Town owned vehicles and equipment on the attached list are declared surplus, and the Commissioner of the Department of General Services is hereby authorized to prepare and advertise said vehicles and equipment for competitive bid sale or public auction.

#

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

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

cc: Supervisor
Town Attorney
Comptroller
Public Works
CVM

16

Town of Oyster Bay
Inter-Departmental Memo

To: MEMORANDUM DOCKET

From: ERIC TUMAN, COMMISSIONER
GENERAL SERVICES DEPARTMENT

Date: January 28, 2019

Subject: SURPLUS EQUIPMENT

As required by the Town of Oyster Bay Surplus Policy, Town Board Resolution #415-2018, the Town Board is hereby requested to give favorable consideration to the suggestion and recommendation to prepare and advertise these items for competitive bid sale or public auction.

In accordance with the attached request from the Department of Public Works attached are the surplus items including: description, condition, age, original cost and estimated current market value.

This department requests Town Board authorization to approve the attached items for competitive bid sale or public auction.

Eric Tuman

Eric Tuman, Commissioner
Department of General Services

ET/sc
Attachments

cc: Town Attorney (7)
Comptrollers/Accounts Payable
Department of Public Works
Central Vehicle Maintenance

2019 SURPLUS VEHICLES
RECYCLING TRUCKS

Item #	COMPUTER #	Year	Make	Model	Deptmartment	Color	Condition			VIN#	VALUE
1	RE074	2011	INTERNATIONAL	7400	276 Recycling	White	Poor			IHTWGAZT7BJ285367	16,500
2	RE076	2011	INTERNATIONAL	7400	276 Recycling	White	Poor			IHTWGAZT7BJ285370	16,500
3	RE080	2012	INTERNATIONAL	7400	276 Recycling	White	Fair			1HTWGAZT6CJ632642	18,000
4	RE081	2012	INTERNATIONAL	7400	276 Recycling	White	Fair			1HTWGAZT4CJ632638	18,000
5	RE082	2012	INTERNATIONAL	7400	276 Recycling	White	Fair			IHTWGAZT1CJ632645	18,000
6	RE083	2012	INTERNATIONAL	7400	276 Recycling	White	Fair			1HTWGAZT4CJ632641	18,000
7	RE089	2013	INTERNATIONAL	7400	276 Recycling	White	Fair			1HTWGAZTXDH297183	22,000
8											
9											
10											
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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 10, 2019

TO: ERIC TUMAN, COMMISSIONER DEPT. OF GENERAL SERVICES

FROM: MIKE CIPRIANO, DIVISION HEAD, C.V.M.
THRU: RICHARD W. LENZ, P.E., COMMISSIONER, D.P.W./HIGHWAY

SUBJECT: SURPLUS EQUIPMENT BID

TOWN OF OYSTER BAY
2019 JAN 14 P 3:24
RECEIVED
PURCHASING

The attached paperwork shows Town owned vehicles and equipment that are now surplus. Included are Vehicle Master Inquiry and a spread sheet showing the item number, computer number, year, make, model, department, color, condition, Vin#, and off set cost.

Please begin the necessary procedure to secure bids on this equipment.

If you should have any questions, please contact Pat White at ext. 5742

Mike Cipriano
Division Head C.V.M.

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

MC/RWL/pw

c: Pat White, Auto Shop Supervisor II
File

INV700 TOWN OF OYSTER BAY - VEHICLE MASTER INQUIRY 1/10/19
VEHICLE # RE074 MONTH ENDING 1/10/19 CMD-1 (MENU)

DESCRIPTION	RECYCLING TRUCK
YEAR	2011
MAKE	INTL
MODEL	7400
DEPARTMENT #	276
DRIVER CHG DATE	00 00 (MM DD)
DRIVER	
ORIGINAL COST	254,804
PURCHASE DATE	7/12/10
PURCHASE ORDER#	20731
LOCATION OF VEH.	150 MILLER
SOURCE OF FUNDS	K151
ENGINE C.I.D.	466
ENGINE TYPE	D
TANK SIZE	70
ACCESS CODE	

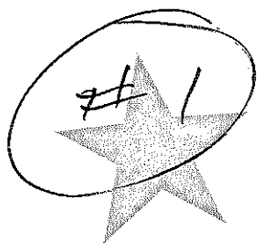
INSPECTION DUE DATE ---- 10/15
DISPOSITION -
STATUS - V DISP DATE - 0/00/00
SERIAL NO. 1 HTWGAZT7BJ285367

CYLINDERS	6
LICENSE #	AM8663
ODOMETER	40,037.0
TIRE SIZE F.	315225
TIRE SIZE R.	255225
DEPT VEH. #	
USEFUL LIFE	8
TITLE NUMBER	737540H
GROSS WEIGHT	56,000
DRIVE WHEELS	2
USE CODE	
COLOR	WHITE

******* COSTS *******

	MONTH TO DATE	YEAR TO DATE
PARTS	-	-
LABOR	-	-
FUEL	-	-

	LIFE TO DATE
PARTS	39,026.33
LABOR	69,489.66
FUEL	56,676.30



INV700 TOWN OF OYSTER BAY - VEHICLE MASTER INQUIRY 1/10/19

VEHICLE # RE076 MONTH ENDING 1/10/19 CMD-1 (MENU)

DESCRIPTION	RECYCLING TRUCK
YEAR	2011
MAKE	INTL
MODEL	7400
DEPARTMENT #	276
DRIVER CHG DATE	00 00 (MM DD)
DRIVER	
ORIGINAL COST	254,804
PURCHASE DATE	7/12/10
PURCHASE ORDER#	20731
LOCATION OF VEH.	150 MILLER
SOURCE OF FUNDS	K151
ENGINE C.I.D.	466
ENGINE TYPE	D
TANK SIZE	70
ACCESS CODE	

INSPECTION DUE DATE ---- 11/15

DISPOSITION -

STATUS - V DISP DATE - 0/00/00

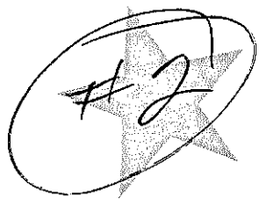
SERIAL NO. 1 HTWGAZT7BJ285370

CYLINDERS	6
LICENSE #	AM8665
ODOMETER	47,908.0
TIRE SIZE F.	315225
TIRE SIZE R.	255225
DEPT VEH. #	
USEFUL LIFE	8
TITLE NUMBER	099151S
GROSS WEIGHT	56,000
DRIVE WHEELS	2
USE CODE	
COLOR	WHITE

******* COSTS *******

	MONTH TO DATE	YEAR TO DATE
PARTS	-	-
LABOR	-	-
FUEL	-	-

	LIFE TO DATE
PARTS	29,926.28
LABOR	67,944.03
FUEL	60,756.36



INV700 TOWN OF OYSTER BAY - VEHICLE MASTER INQUIRY 1/10/19
VEHICLE # RE080 MONTH ENDING 1/10/19 CMD-1 (MENU)

DESCRIPTION	RECYCLING TRUCK
YEAR	2012
MAKE	INTER
MODEL	7400
DEPARTMENT #	276
DRIVER CHG DATE	00 00 (MM DD)
DRIVER	
ORIGINAL COST	279,700
PURCHASE DATE	1/12/12
PURCHASE ORDER#	24769
LOCATION OF VEH.	150 MILLER
SOURCE OF FUNDS	K151
ENGINE C.I.D.	466
ENGINE TYPE	D
TANK SIZE	70
ACCESS CODE	XW7YR

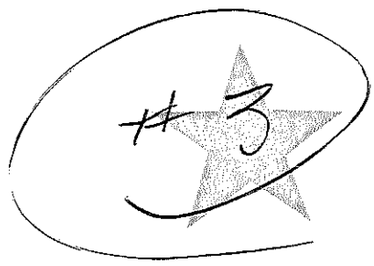
INSPECTION DUE DATE ---- 10/18
DISPOSITION -
STATUS - V DISP DATE - 0/00/00
SERIAL NO. 1 HTWGAZT6CJ632642

CYLINDERS	6
LICENSE #	AM8791
ODOMETER	2,316.0
TIRE SIZE F.	315225
TIRE SIZE R.	11R225
DEPT VEH. #	
USEFUL LIFE	8
TITLE NUMBER	815684P
GROSS WEIGHT	56,000
DRIVE WHEELS	2
USE CODE	
COLOR	WHITE

******* COSTS *******

	MONTH TO DATE	YEAR TO DATE
PARTS	-	-
LABOR	-	-
FUEL	-	-

	LIFE TO DATE
PARTS	19,702.26
LABOR	54,466.69
FUEL	47,269.14



INV700 TOWN OF OYSTER BAY - VEHICLE MASTER INQUIRY 1/10/19
VEHICLE # RE081 MONTH ENDING 1/10/19 CMD-1 (MENU)

DESCRIPTION	RECYCLING TRUCK
YEAR	2012
MAKE	INTER
MODEL	7400
DEPARTMENT #	276
DRIVER CHG DATE	00 00 (MM DD)
DRIVER	
ORIGINAL COST	279,700
PURCHASE DATE	1/18/12
PURCHASE ORDER#	24769
LOCATION OF VEH.	150 MILLER
SOURCE OF FUNDS	K151
ENGINE C.I.D.	466
ENGINE TYPE	D
TANK SIZE	70
ACCESS CODE	XW7YR

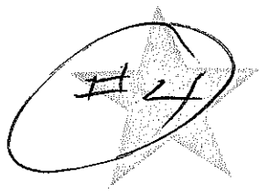
INSPECTION DUE DATE ---- 6/16
DISPOSITION -
STATUS - V DISP DATE - 0/00/00
SERIAL NO. 1 HTWGAZT4CJ632638

CYLINDERS	6
LICENSE #	AM8792
ODOMETER	36,125.0
TIRE SIZE F.	315225
TIRE SIZE R.	11R225
DEPT VEH. #	
USEFUL LIFE	8
TITLE NUMBER	741221I
GROSS WEIGHT	56,000
DRIVE WHEELS	2
USE CODE	
COLOR	WHITE

******* COSTS *******

	MONTH TO DATE	YEAR TO DATE
PARTS -		-
LABOR -		-
FUEL -		-

	LIFE TO DATE
PARTS -	14,012.06
LABOR -	55,584.27
FUEL -	48,725.38



INV700 TOWN OF OYSTER BAY - VEHICLE MASTER INQUIRY 1/10/19
VEHICLE # RE082 MONTH ENDING 1/10/19 CMD-1 (MENU)

DESCRIPTION	RECYCLING TRUCK
YEAR	2012
MAKE	INTER
MODEL	7400
DEPARTMENT #	276
DRIVER CHG DATE	00 00 (MM DD)
DRIVER	
ORIGINAL COST	279,700
PURCHASE DATE	1/18/12
PURCHASE ORDER#	24769
LOCATION OF VEH.	150 MILLER
SOURCE OF FUNDS	K151
ENGINE C.I.D.	466
ENGINE TYPE	D
TANK SIZE	70
ACCESS CODE	XW7YR

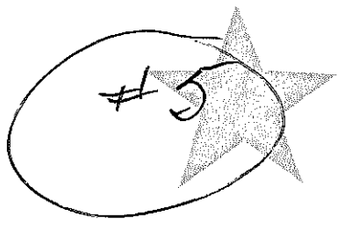
INSPECTION DUE DATE ---- 4/18
DISPOSITION -
STATUS - V DISP DATE - 0/00/00
SERIAL NO. 1 HTWGAZT1CJ632645

CYLINDERS	6
LICENSE #	AM8793
ODOMETER	14,524.0
TIRE SIZE F.	315225
TIRE SIZE R.	11R225
DEPT VEH. #	
USEFUL LIFE	8
TITLE NUMBER	977145Z
GROSS WEIGHT	56,000
DRIVE WHEELS	2
USE CODE	
COLOR	WHITE

******* COSTS *******

	MONTH TO DATE	YEAR TO DATE
PARTS -	-	
LABOR -	-	
FUEL -	-	

	LIFE TO DATE
PARTS -	13,824.50
LABOR -	45,926.49
FUEL -	45,006.14



INV700 TOWN OF OYSTER BAY - VEHICLE MASTER INQUIRY 1/10/19
VEHICLE # RE083 MONTH ENDING 1/10/19 CMD-1 (MENU)

DESCRIPTION	RECYCLING TRUCK
YEAR	2012
MAKE	INTER
MODEL	7400
DEPARTMENT #	276
DRIVER CHG DATE	00 00 (MM DD)
DRIVER	
ORIGINAL COST	279,700
PURCHASE DATE	1/24/12
PURCHASE ORDER#	24769
LOCATION OF VEH.	150 MILLER
SOURCE OF FUNDS	K151
ENGINE C.I.D.	466
ENGINE TYPE	D
TANK SIZE	70
ACCESS CODE	XW7YR

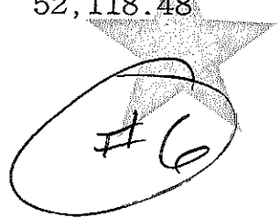
INSPECTION DUE DATE ---- 5/16
DISPOSITION -
STATUS - V DISP DATE - 0/00/00
SERIAL NO. 1 HTWGAZT4CJ632641

CYLINDERS	6
LICENSE #	AM8794
ODOMETER	45,470.0
TIRE SIZE F.	315225
TIRE SIZE R.	11R225
DEPT VEH. #	
USEFUL LIFE	8
TITLE NUMBER	769965C
GROSS WEIGHT	56,000
DRIVE WHEELS	2
USE CODE	
COLOR	WHITE

******* COSTS *******

	MONTH TO DATE	YEAR TO DATE
PARTS -		-
LABOR -		-
FUEL -		-

	LIFE TO DATE
PARTS -	15,911.17
LABOR -	34,723.98
FUEL -	52,118.48



INV700 TOWN OF OYSTER BAY - VEHICLE MASTER INQUIRY 1/10/19
VEHICLE # RE089 MONTH ENDING 1/10/19 CMD-1 (MENU)

DESCRIPTION	RECYCLING TRUCK
YEAR	2013
MAKE	INTER
MODEL	7400
DEPARTMENT #	275
DRIVER CHG DATE	00 00 (MM DD)
DRIVER	
ORIGINAL COST	279,700
PURCHASE DATE	11/28/12
PURCHASE ORDER#	26814
LOCATION OF VEH.	150 MILLER
SOURCE OF FUNDS	K151
ENGINE C.I.D.	466
ENGINE TYPE	D
TANK SIZE	70
ACCESS CODE	

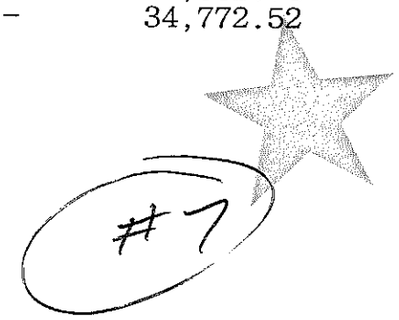
INSPECTION DUE DATE ---- 0/00
DISPOSITION -
STATUS - V DISP DATE - 0/00/00
SERIAL NO. 1 HTWGAZTXDH297183

CYLINDERS	6
LICENSE #	AM8785
ODOMETER	999,999.0
TIRE SIZE F.	315R22
TIRE SIZE R.	11R225
DEPT VEH. #	
USEFUL LIFE	8
TITLE NUMBER	708776F
GROSS WEIGHT	56,000
DRIVE WHEELS	4
USE CODE	
COLOR	WHITE

******* COSTS *******

	MONTH TO DATE	YEAR TO DATE
PARTS	-	-
LABOR	-	-
FUEL	-	-

	LIFE TO DATE
PARTS	11,866.13
LABOR	27,662.74
FUEL	34,772.52



Meeting of February 12, 2019 Resolution No.110-2019

Reviewed By
Office of Town Attorney
Elizabeth A. Vaughan

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated January 23, 2019, requested Town Board authorization to obtain Workers' Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program, through Salerno Brokerage Corp., 117 Oak Drive, Syosset, New York 11791, for the premium of $5,540.84, with a brokerage service fee of $750.00, for the period January 1, 2019 through December 31, 2019,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, is hereby authorized to obtain Workers' Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program through Salerno Brokerage Corp., for the premium of $5,540.84, with a brokerage service fee of $750.00, for the period January 1, 2019 through December 31, 2019, nunc pro tunc, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same in the total amount of $6,290.84, upon presentation of a duly certified claim, after audit, and that the funds for said payment shall be drawn from Account No. IGA CD 6293 43000 000 CW18.

#

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

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

cc: Supervisor
Town Attorney
Comptroller
IGA

14

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

January 23, 2019

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 Youth Employment and Training program. This insurance is renewed annually.

Salerno Brokerage Corp. has been retained to secure the Workers Compensation Insurance. Salerno Brokerage Corp. has bound replacement Workers Compensation insurance coverage with the State Insurance Fund Group 90 (Current Plan) for the period January 1, 2019 through and including December 31, 2019. The amount of the premium is $5,540.84. Additionally, there is a brokerage service fee of $750.00. Furthermore, in a memo from the Town Attorney's office to this department dated January 17, 2019 a determination in accordance with Guideline 7 of the Town's Procurement Policy was found to be in compliance.

It is respectfully requested that the Town Board adopt a resolution effective January 1, 2019 authorizing payment to Salerno Brokerage Corp. in the amount of $6,290.84. Funds are available in account IGA CD 6293 43000 000 CW18.

Thank you for your attention to this matter.

Frank V. Sammartano
Commissioner

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

Town of Oyster Bay
Inter-Departmental Memo

TO : Frank V. Sammartano, Commissioner
Department of Intergovernmental Affairs

FROM : Office of the Town Attorney

DATE : January 17, 2019

SUBJECT: Waiver of Procurement Requirements
Workers Compensation Insurance Provider (WIOA Youth)

The Office of the Town Attorney has reviewed your memorandum dated January 11, 2019, regarding your Department's efforts to obtain the required number of proposals or quotations for the above referenced insurance.

We have also reviewed the correspondence attached to your memorandum, which indicates that at least four (4) carriers who received your request for a proposal/quote, declined to submit a quote. Accordingly, in accordance with Guideline 7 of the Town's Procurement Policy, this memorandum shall serve as our Office's determination that your department has complied with the Procurement Policy in this matter.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:ba
11-000

S:\Attorney\TMS\Memo to Sammartano WorkersComp.docx

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

January 23, 2019

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

RE: Policy Type: Workers Compensation
Carrier: State Insurance Fund
Policy #: H2148337-5
Policy Term: 1/1/2019 to 1/1/2020

Dear Steven,

Thank you for working with us again this year to renew workers compensation coverage.

We went to several markets as always. These markets failed to quote:

1. Utica- Unfortunately, this type of risk is out within their appetite. They have declined this account with no quotes being offered at this time.
2. Travelers- Declined as they will not cover municipalities for this exposure.
3. The Hartford- Declined as the account is not a good fit for them.

NYSIF is the only carrier at this time who will write the account. as you can see, the renewal is quite close to expiring; it is actually less than last year.

Thank you for the opportunity to be of service. As always please do not hesitate to contact our office if you have any questions.

Very truly yours,

Maryann Aiello

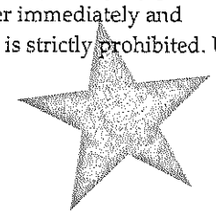
Enc.

Very truly yours,

Maryann K. Aiello, Esq.

General Counsel
Salerno Brokerage Corp.
117 Oak Drive
Syosset, NY 11791
516-364-4044 ext. 202
516-364-5901 Fax
maiello@salernoins.com

This message, including any attachments, contains information for use only by the intended recipient and may be legally privileged, confidential, and/or exempt from disclosure. If you received this message in error, please notify the sender immediately and permanently delete this message. Any unauthorized review, use, disclosure, interception, or distribution is strictly prohibited. Unless explicitly stated otherwise, this e-mail is not a contract offer, amendment, or acceptance.



Meeting of February 12, 2019 Resolution No. 111-2019

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 23, 2019, advised that in connection with certain litigation, the services of Intercounty Judicial Services, LLC, 85 Willis Avenue, Suite F, Mineola, New York 11501, were necessary in order to serve pleadings upon parties following the Town's commencement of litigation in the matters of *Town of Oyster Bay v. Bethpage Associates, LLC et.al.*, *Town of Oyster Bay v. Mercyfirst* and *Town of Oyster Bay v. Seville Central Mix Corp*; and

Reviewed By
Office of Town Attorney

WHEREAS, in accordance with the Procurement Policy, the Office of the Town Attorney consulted with the Office of the Comptroller, which concluded, by memorandum dated January 17, 2019, that in view of the specific nature of the professional services rendered by Intercounty Judicial Services, LLC, and the cost for same, the Procurement Policy has been satisfied; and

WHEREAS, Joseph Nocella, Town Attorney, and Ralph P. Healey, Special Counsel, by the aforementioned memorandum, requested and recommended that the Town Board authorize payment to Intercounty Judicial Services, LLC, in an amount not to exceed $527.55, to satisfy all outstanding invoices for process service, with respect to the aforementioned matters,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are hereby accepted and approved and the Comptroller is hereby authorized and directed to make payment to Intercounty Judicial Services, LLC, 85 Willis Avenue, Suite F, Mineola, New York, in an amount not to exceed $527.55, with respect to the aforementioned matters, with funds to be drawn from Account No. OTA A 1420 44110 000 0000 upon submission 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	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: January 23, 2019

SUBJECT: Payment for process Server
Intercounty Judicial Services, LLC

This Office required the services of Intercounty Judicial Services, LLC, 85 Willis Avenue, Suite F, Mineola, New York, in order to serve process on various parties in the civil actions entitled *Town of Oyster Bay v. Bethpage Associates, LLC et.al.*, *Town of Oyster Bay v. Mercyfirst* and *Town of Oyster Bay v. Seville Central Mix Corp*. The Town commenced all three actions in 2018. The cost incurred in connection with such service of process was $527.55.

In accordance with Procurement Policy Guideline 6, this Office consulted with the Office of the Comptroller, which concluded, by memorandum dated January 17, 2019, that the Procurement Policy has been satisfied in view of the specific nature of the professional services rendered and the cost for same. Accordingly, attached hereto for Town Board consideration is a proposed resolution to authorize payment to Intercounty Judicial Services in an amount not to exceed $527.55, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, and this office requests Town Board to approve same.

JOSEPH NOCELLA
TOWN ATTORNEY

Ralph P. Healey
Special Counsel

RPH:ba
Attachment
Town Attorney (w/7 copies)

S:\Attorney\RESOS 2019\MD & RESO\IJS 2018 Claim MD and Resolution RPH.docx

RPH

TOWN OF OYSTER BAY

Inter-Departmental Memo

January 17, 2019

To: **JOSEPH NOCELLA, TOWN ATTORNEY**
Attn: **RALPH HEALEY, SPECIAL COUNSEL**

From: **STEVEN C. BALLAS, COMPTROLLER**

Subject: **PROCUREMENT POLICY- GUIDELINE 6**
PROCESS SERVERS

In response to your memo dated January 11, 2019, copy enclosed, please be advised that the Office of the Comptroller and the Department of General Services have reviewed your procurement efforts, pursuant to the above mentioned subject matter.

It is our determination that, due to the specific nature of this professional service, town wide we do not expect spending to exceed the current threshold of $10,000.00 in a calendar year, and therefore, the provisions have been met to satisfy procurement.

If we can be of further assistance, please do not hesitate to contact the undersigned.

STEVEN C. BALLAS
COMPTROLLER

Enclosure

SCB:mj

cc: Eric Tuman, Commissioner, Department of General Services
Accounts Payable Division
Reading File

2019 JAN 18 A 11:18

Meeting of February 12, 2019 Resolution No. 112-2019

Reviewed By
Office of Town Attorney

WHEREAS, in connection with the Route 107 median planting project, Hicksville, New York, the New York State Department of Transportation (NYSDOT) requires the Town to maintain a License and Permit Bond, in the amount of $10,000.00, to ensure the Town's performance of its obligations contained in the Memorandum of Understanding between the Town and the NYSDOT; and

WHEREAS, Joseph Nocella, Town Attorney, and Paul S. Ehrlich, Deputy Town Attorney, by memorandum dated January 23, 2019, recommended that the Town's aforesaid License and Permit Bond, be maintained from Utica Mutual Insurance Company, *nunc pro tunc*, from November 2, 2018 through November 1, 2019, through Salerno Brokerage Corp., at a renewal premium of $100.00, with funds to be drawn from Account No. HWY DB 5110 44900 000 0000,

NOW THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and the Office of the Town Attorney is hereby authorized to maintain the License and Permit Bond, from Utica Mutual Insurance Company, nunc pro tunc, from November 2, 2018 through November 1, 2019, through Salerno Brokerage Corp., at a renewal premium of $100.00, with funds to be drawn from Account No. HWY DB 5110 44900 000 0000; and be it further

RESOLVED, That the Office of the Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim therefor, 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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

21

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 23, 2019

SUBJECT: Route 107 Median Planting
Hicksville, New York

In connection with the above referenced matter, the New York State Department of Transportation (NYSDOT) requires the Town to maintain a License and Permit Bond, in the amount of $10,000.00, to ensure the Town's performance of its obligations contained in the Memorandum of Understanding between the Town and the NYSDOT. The renewal premium, for the period from November 2, 2018 through November 1, 2019, is $100.00. The Bond is provided by Utica Mutual Insurance Company, through its agent, Salerno Brokerage Corporation.

A review of the renewal procedure and the Town of Oyster Bay's Procurement Policy indicates that Guideline 6 of the Procurement Policy has been satisfied.

Accordingly, attached hereto for Town Board consideration is a proposed resolution to authorize payment to Salerno Brokerage Corporation, as agent for Utica Mutual Insurance Company, in an amount not to exceed $100.00, with funds to be drawn from Account No. HWY DB 5110 44900 000 0000.

It is requested that this matter be placed on the Town Board calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Paul S. Ehrlich
Deputy Town Attorney

PSE:ba
Enclosure
File: 2017-5834.007
cc: Town Attorney (w/7 copies)

S:\Attorney\RESOS 2019\MD & RESO\HicksvilleMedianPlanting 2019.PSE.doc

Meeting of February 12, 2019 Resolution No. 113-2019

WHEREAS, by Resolution No. 854-2017, adopted on December 12, 2017, LiRo Engineers, Inc. was authorized by the Town Board to provide engineering services under On-Call Contract No. PWC07-18; and

WHEREAS, pursuant to Resolution No. 854-2017, On-Call Contract No. PWC07-18, and the direction of Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, LiRo Engineers, Inc. is performing services for the Town of Oyster Bay pursuant to Project ID No. 1501TWNA-02, including the acquisition of a permit from New York State Department of Environmental Conservation, surveying and design regarding the Lake Avenue C.V.M. building extension; and

Reviewed By
Office of Town Attorney

WHEREAS, Commissioner Lenz, by memorandum dated January 25, 2019, and LiRo Engineers, Inc., by letter dated June 19, 2018, requested that the Town Board direct the Comptroller to issue an encumbrance order in the amount of $23,947.49 for LiRo Engineers, Inc. under Contract No. PWC07-18; and

WHEREAS, Robert Darienzo, Director of Finance, has indicated that the requested funds in the amount of $23,947.49 are available in Account No. DPW H 1997 20000 1501 001,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved and the Comptroller is authorized to issue an encumbrance order in the amount of $23,947.49, with funds to be drawn from Account No. DPW H 1997 20000 1501 001for the hereinabove set forth project, 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, with the funds for said payment to be drawn from Account DPW H 1997 20000 1501 001.

#

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

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

cc: Supervisor
Town Attorney
Comptroller
Public Works

22

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 25, 2019

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.: DPW H 1997 20000 1501 001
PROJECT ID NO. 1501TWNA-02

The consultant, LiRo Engineers, 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 June 19, 2018 from LiRo Engineers, Inc. regarding the scope of work to be performed in an amount not to exceed $23,947.49. Services to be performed include surveying, and design.

Attached is an availability of funds in the amount of $23,947.49 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. DPW H 1997 20000 1501 001.

It is hereby requested that the Town Board authorize, by Resolution, LiRo Engineers, 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/BK/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steve C. Ballas, Comptroller
Jeffrey Pravato, Deputy Commissioner/CVM
Michael Cipriano, CVM
Kathy Stefanich, Administrative Division/DPW

PWC07-18 DOCKET 23947 LIRO

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. PWC07-18 Contract End 12/31/2019

Commencement Date _____

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

Vendor Name and Address

LiRo Engineers, Inc.

3 Aerial Way

Syosset, NY 11791

Requesting Town Department C.V.M.

Contact Brian Kunzig Phone 677-5741

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

Funds are required for the acquisition of a D.E.C. permit, surveying, and design regarding the Lake Avenue C.V.M. Building Extension

This work order shall not exceed $ 23,947.49

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

Requesting Division/Department

Signature _____

Title Division Head CVM

Date 1-25-19

Department Of Public Works Approval

Only To Be Executed By The Commissioner

Signature _____

Commissioner of Public Works

Date 1/25/19

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

Requesting Division/Department C.V.M.

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

Contract Number PWC07-18

Contract Period January 1, 2018 through December 31, 2019

Consultant/Contractor LiRo Engineers, Inc.

Discipline Civil Engineering

Total Authorization

Resolution No. 854-2017 Date 12/12/2017

Funded To Date

Amount Requested $23,947.49

Account To Be Used DPW-H-1997-20000-1501-001 ID# ~~1501 TWNTWN-02~~ 1501TWNA-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 the acquisition of a D.E.C. permit, surveying, and design regarding the Lake Avenue C.V.M. Building Extension

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	DPW Approval Only To Be Executed By The Commissioner
Signature [signature]	Signature [signature]
Title Division Head CVM	Title Commissioner of Public Works
Date 1-25-19	Date 1/25/19

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 23,947.49

Unemcumbered Balance 682,847.51

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

Signature [signature] Date 1/25/19

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

The LiRo Group
[illegible] Sunset, NY 11791 [illegible] www.liro.com

June 19, 2018

Mr. Richard Lenz P.E., Commissioner
Town of Oyster Bay
Department of Public Works
150 Miller Place
Syosset, NY 11791

Attention: John Tassone
Re: Lake Ave CVM Garage

Dear Commissioner Lenz:

LiRo Engineers, Inc. was authorized under its 2014-2015 Civil Engineering On-Call contract to provide planning and design services for improvements to the Lake Avenue CVM Garage. The work efforts, in support of the project, were not completed by the close of 2015 and have extended into 2016. The project work was approved under Town Board Resolution No. 657-2015 for a budget of $130,500.00.

Work completed and billed through 31 December 2017 totaled $116,852.51 leaving a balance of $13,347.49.

In consideration of the above, we are requesting reauthorization of LiRo for Planning and Engineering Services for the Lake Ave CVM Garage Improvement Project including out of pocket costs for drilling, concrete coring, and testing under our PWC 07-18, On Call Engineering Services relative to Civil Engineering in the amount of $13,347.49. A permit application was submitted to the NYSDEC for the proposed work at Lake Avenue. Comments were received which necessitated additional work not in our original authorization. Land Use was retained to provide flagging of the wetlands in the area, the flagged areas then had to be resurveyed and added to the base map. The design then had to be modified to reflect this additional information. Land Use estimate for the work is $1,100 and our surveying and additional design effort is estimated at $9,500. The total estimate for the additional work scope required by the NYSDEC is $10,600.

Therefore, we request a total reauthorization under our PWC 07-18 on-call for $23,947.49 to complete our design effort.

We trust this meets with your approval. If you have any questions, please do not hesitate to contact us.

Very truly yours,
LiRo ENGINEERS, INC.

Michael Kwaschyn

Michael Kwaschyn, P.E.
Vice President

mk:cm

Meeting of February 12, 2019 Resolution No. 114-2019

Reviewed By
Office of Town Attorney

WHEREAS, pursuant to public notice, bids were duly solicited and regularly received in relation to Engineering Services for Contract No. DP18-181, Installation of Sidewalk & Lighting at Theodore Roosevelt Elementary School Located In Oyster Bay, NY, and said bids were publicly opened and read; and

WHEREAS, the lowest responsible bid submitted among the five (5) received was that of H2M Architects & Engineers, 538 Broad Hollow Road, Melville, NY, 11747, with a bid for design, bid and construction inspection services in the amount of $53,226.75; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 28, 2019, recommended that the bid as hereinabove set forth be accepted; and

WHEREAS, funds for payment for the aforesaid services under Contract No. DP18-181 are available in Account No. IGA CD 8662 28800 722 CD 16,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and Contract No. DP18-181 for design, bid and construction inspection services in connection with the Installation of Sidewalk & Lighting at Theodore Roosevelt Elementary School Located In Oyster Bay, NY, shall be awarded to H2M Architects & Engineers, in the amount of $53,226.75, in accordance with the provisions thereunder, and the Supervisor or his designee is hereby authorized and directed to sign Contract No. DP18-181; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue a total encumbrance order in a total amount not to exceed $53,226.75, upon presentation of a duly certified claim, after audit, to be drawn from Account No. IGA CD 8662 28800 722 CD 16.

-#-

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

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

cc: Supervisor
Town Attorney
Comptroller
Public Works
Intergovernmental Affairs

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 28, 2019

TO: MEMORANDUM DOCKET

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

SUBJECT: AWARD OF ENGINEERING SERVICES CONTRACT
INSTALLATION OF SIDEWALK & LIGHTING AT THEODORE ROOSEVELT ELEMENTARY SCHOOL LOCATED IN OYSTER BAY, NY
CONTRACT NO. DP18-181
ACCOUNT NO. IGA CD 8662 28800 722 CD16

On September 14, 2018 the Department of Public Works issued "Requests for Proposals" to firms in accordance with the approved procurement procedure. On October 3, 2018 the Division of Engineering had received five (5) responses which were reviewed and evaluated by a selection committee based on the technical merits of the responses. Related support documentation is on file in the Division of Engineering.

The Commissioner of Public Works, after review of the Division's preliminary recommendations and in conjunction with the current workload, has selected H2M Architects & Engineers to perform the work. The evaluation and selection process was performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy. The necessary disclosure documents have been submitted.

The total fee for design, bid, and construction inspection services, as negotiated and based upon the scope of work as detailed in the RFP document, is $53,226.75 comprised of $29,223.00 relative to the Design Phase, $2,952.00 for the Bid Phase consisting of $2,352 for engineering and $600.00 for reimbursable expenses, and $21,051.75 for the Construction Phase, as stated in the attached letter, dated October 22, 2018. The firm H2M Architects & Engineers has previously executed a Standard Consultant Agreement with the Department of Public Works under which their services are to be provided, which is on file in the Division of Engineering.

Funds are available to satisfy these engineering services in Account No. IGA CD 8662 28800 722 CD16.

It is hereby requested that the Town Board authorize, by resolution, H2M Architects & Engineers to perform engineering services relative to the Design, Bid and Construction Phase Engineering Service for Contract No. DP18-181.

Richard W. Lenz by:
Colin C. Bell, Deputy Commissioner

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

RWL/JCT/MR/BK/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steven C. Ballas, Comptroller
Colin Bell, Deputy Commissioner/IGA
Kathy Stefanich, DPW/Administration

DP18-181 Award H2M

538 Broad Hollow Road, 4th Floor East
Melville, NY 11747 | tel 631.756.8000

October 22, 2018

Commissioner Richard Lenz, P.E.
Department of Public Works
Town of Oyster Bay
150 Miller Place
Syosset, New York 11791

via Email: rlenz@oysterbay-ny.gov

Re: Installation of Sidewalk and Lighting
at Theodore Roosevelt Elementary School
Oyster Bay, New York
H2M Proposal No.: PROP180246

Dear Commissioner Lenz:

H2M architects + engineers (H2M) is pleased to provide this cost proposal for professional land surveying engineering, and construction support services for the sidewalk and lighting improvements on the north and west side of Theodore Roosevelt Roosevelt Elementary School in the hamlet of Oyster Bay. Our scope of services is described in more detail below and is followed by a detailed cost proposal.

SCOPE OF SERVICES

Project Overview and Coordination

The proposed design project includes the following features:

- Installation of new concrete sidewalks on the school's north and west boundaries along Larrabee Avenue and Shore Avenue (approximately 1,030 feet);
- Installation of new street lights within the project limits.

To assist the Town of Oyster Bay with this project, H2M has assembled a team of experienced professionals with the required expertise to successfully complete this assignment. All projects at H2M are carried out under the direction of one or more of the firm's Principals and are managed by senior staff professionals. H2M's management is also very conscious that the success of any project is dependent upon the close coordination required between the H2M staff and the project personnel of our client.

Design and Construction Documents

At the commencement of the project, the H2M Project Manager will convene a kickoff meeting and conduct a site visit with the appropriate Town of Oyster Bay staff. The purpose of the kickoff meeting and site visit will be to assess and document field conditions and to finalize the scope of work. During the site assessment phase, "as-built" drawings and data will be requested from the Town and reviewed. At this meeting, we will also discuss any assistance the Town would need in securing grants or other financial assistance to offset the construction costs for this project.

H2M has extensive experience working with local school districts across Long Island and we are familiar with the goals and needs of schools. We believe this will be an important skill set during this project, as we understand and expect input from the Oyster Bay - East Norwich School District and Theodore Roosevelt Elementary School staff.

After the kickoff meeting, we will initiate the topographic survey of Larrabee Avenue and Shore Avenue. H2M will assign a field crew to obtain topographic information within the limit of work. This will include

cross sections every 50 feet comprised of bottom/top of curb ground elevations at the fence line and midpoint. Visible surface features such as trees, fences, driveways, utility poles, and other visible surface features within the project limits will be identified. We anticipate all work to be conducted within the Town's right-of-way. Therefore, our survey will not include detailed property line information. Approximate property lines will be added to the survey based on current tax map data.

Upon completion of the topographic survey, H2M will prepare a preliminary design for the installation of sidewalks along Larrabee Avenue and Shore Avenue. The new sidewalk location and elevations will typically be established based on existing curb elevations and the typical Town of Oyster Bay roadway cross section. However, to avoid removing trees or the perimeter fencing around the school, or re-grading private property, we may need to alter the typical roadway section. In the event this is necessary, we would advise the Town before proceeding with the design. To assist with this evaluation, H2M's Registered Landscape Architect and International Society of Arboriculture (ISA) Certified Arborist will inventory and assess the 23 existing trees on Larrabee Avenue. We will make a technically defensible and reasonable effort to preserve existing trees and protect them from construction impacts. As seen in Photo 1, tree root exposure along the sidewalk route will need to be evaluated. Our team will employ site sensitive sidewalk construction practices and tree mitigation techniques as necessary to preserve the existing trees from new construction.

Additionally, the proposed layout of the sidewalk will include a code review with the applicable provisions of the current ADA Standards for Accessible Design. The layout will also seek to incorporate goals set forth by the School District, where supported by the Town.

During our pre-proposal site visit, it was noted that there are several existing utility pole mounted lighting fixtures along the west side of Larrabee Avenue. These fixtures appear to be a mix of LED and Metal Halide lighting fixtures controlled via individual photocells as shown in Photos 2 and 3. We recommend that the older fixtures be upgraded to LED and additional fixtures be added as needed to achieve the target illumination on the new walkway. The consistent lighting fixture type will also allow for a more aesthetically pleasing appearance of the walkways and surrounding areas. This will minimize the construction cost and maintenance of the walkway lighting by the Town. To further improve the lighting, we also recommend the trees along the west side of Larrabee Avenue be trimmed to allow the lighting fixtures the ability to better distribute light to the road and walkway. H2M's arborist will work with our electrical engineers in developing a pruning plan for the existing trees so street lighting may properly light the street right-of-way.

H2M has extensive experience working with PSEG for the installation of new and upgrading of existing utility owned lighting. That experience and solid understanding will allow us to better assist the Town in preparing the photometric calculations and coordination with PSEG for the new lighting.

A significant design consideration for this project will be the maintenance and protection of traffic. Although there are currently no sidewalks along Larrabee Avenue and Shore Avenue adjacent to school property, pedestrians frequently walk along this grass area to access the school and other community facilities. During construction, it will be necessary to provide alternative access to the school for pedestrians. This may include appropriate signage directing pedestrians to utilize the west side of Larrabee Avenue or the school entrance on Shore Avenue. H2M will work with the Town and school district to develop a strategy to facilitate pedestrian traffic flow during construction operation. Additionally, the timing of construction may need to be considered. We suspect that the school district will likely desire the work to be completed during summer months, when classes are not in session. However, since the project abuts athletic fields, club teams using these fields at that time would then be affected, as would the public which attends major events in the parking field across from Shore Avenue and along the waterfront throughout the year. We will work closely with the Town and school district staff to set an appropriate schedule for construction and plan our design timelines appropriately to meet that schedule.

H2M will prepare preliminary construction documents and submit them to the Town for their review when the documents are approximately 50% and 90% complete. H2M will meet with the Town to discuss the scope, design approach, preliminary construction costs, and construction timeline as well. Construction drawings will be prepared on 24 x 36-inch plan sheets at a horizontal scale of 1-inch = 20 feet. The National CADD Standards sheet naming convention will be utilized for sheet identification. The drawing sheets will include, but are not limited to the following:

- Title Sheet;
- General Notes, Legend, Location Map;
- Sheet Index and Legend;
- Sidewalk Plan and Profiles;
- Tree Protection and Mitigation Plan;
- Lighting Plan;
- Traffic Maintenance and Phasing Plan;
- Construction Details.

We will prepare construction drawings and contract specifications that incorporate the Town of Oyster Bay roadway and sidewalk standards and requirements. We understand the Town may be submitting applications for grants/rebates to construct this project. To support the Town with these endeavors, H2M will provide support to the Town to assist with required applications.

Construction Administration

H2M will assist the Town throughout the construction phase which will include attending a pre-construction meeting, reviewing submittals, responding to RFIs, and evaluating Contractor-initiated deviations when submitted. The pre-construction meeting with cover the following items:

- Contractor's schedule;
- General notification procedures;
- Submittal procedures;
- Payment requisitions;
- Special job conditions;
- Town policies regarding weekend and overtime work;
- Emergency procedures, phone numbers, etc.;
- Utility work and coordination.

During construction, H2M staff will be available in our office to answer questions concerning the project and/or field conditions encountered and to interpret the drawings as may be required. H2M will review shop drawings, Contractor submittals and review processes, and approve Contractor payment requests. The project engineer will conduct a site visit and a construction progress meeting every two weeks. We have based our fee on a total construction contract duration of two months (four progress meetings). At the conclusion of the project, H2M will conduct a final inspection of the project along with representatives from both the Town and Contractor. During this final inspection, we will prepare a punch list of any corrective items that need to be addressed.

During the construction phase, H2M will work closely with the Town in responding to field issues in a timely manner to minimize potential field delays and assist in developing cost effective design solutions to address issues that arise during construction.

Construction Observation

Professional services under this task would include the assignment of field personnel to observe the Contractor's progress on a daily basis. We have based our effort on providing four hours of inspection time per day. Although the actual project schedule may vary depending upon the final scope of the project, we are currently anticipating a construction duration of approximately six weeks (30 working days).

Project Exclusions

The following project exclusions are summarized below which are not included in our scope of services

- Design of handicap ramps, pedestrian crossing button, and associated striping on the opposite side of the street from the proposed improvements;
- Design modification to relocate existing utilities;
- Planting plans within project limits;
- Preparation of right-of-way maps, temporary and permanent easements;
- Decorative ground mounted lighting design;
- Replacement of existing school fence;
- Improvements which extend past the project limits as depicted in Appendix 1 Area Map, with the following exception. The project limit width is confined between the curb line and school fence line along Larrabee Avenue (east side) and Shore Avenue (south side).
- Utility pole relocation;
- Buried utility relocation; and
- Retaining wall design;

Conclusion

H2M appreciates the opportunity to be selected for this important project and look forward to working with the Town on this assignment. If you have questions or require additional information, please contact me at (631) 756-8000 ext. 1714.

Very truly yours,

H2M architects + engineers

Michael W. Keffer, P.E., LEED AP
Vice President
Director of Civil Engineering

Enclosure: Fee Schedule

cc: John Tassone, Deputy Commissioner, Town of Oyster Bay Department of Public Works
Matthew Russo, P.E., Town of Oyster Bay Department of Public Works
PJS-H2M

Installation of Sidewalk and Lighting at Theodore Roosevelt Elementary School
Located in Oyster Bay, NY
Solicitation No. 2018-05
Effort-Hour Matrix

Design/Contract Documents					
Employee	Rate/Hr	Multiplier	Billing Rate	Hours	Total
Josh Gehrkin	$ 35.10	3.0	$ 105.30	4	$ 421.20
Charles Armstrong	$ 35.01	3.0	$ 105.03	12	$ 1,260.36
Nigel Whelan	$ 21.65	3.0	$ 64.95	24	$ 1,558.80
John Schnurr*	$ 72.45	3.0	$ 175.00	8	$ 1,400.00
Michael Keffer, P.E., LEED AP*	$ 94.00	3.0	$ 175.00	2	$ 350.00
Matthew Mohlin, P.E.*	$ 70.05	3.0	$ 175.00	20	$ 3,500.00
Sean Callahan, P.E., LEED AP*	$ 59.25	3.0	$ 175.00	31.5	$ 5,512.50
Deniz Solen	$ 42.45	3.0	$ 127.35	60	$ 7,641.00
Kenneth Keltal, RLA, ISA, Certified Arborist*	$ 67.35	3.0	$ 175.00	14	$ 2,450.00
Greg Parisi, ASLA, BSLA	$ 31.25	3.0	$ 93.75	46	$ 4,312.50
Ernest Ianucci, P.E., LEED AP*	$ 85.00	3.0	$ 175.00	1	$ 175.00
Michael Lantier, P.E., LEED AP*	$ 61.90	3.0	$ 175.00	5	$ 875.00
Lawrence Koh, EIT	$ 42.00	3.0	$ 126.00	32	$ 4,032.00
Anthony Fisher, P.E.*	$ 102.50	3.0	$ 175.00	1	$ 175.00
				Expenses	$ 200.00
				Design/Contract Documents Total	**$ 29,223.00**

Bidding					
Employee	Rate/Hr	Multiplier	Billing Rate	Hours	Total
Matthew Mohlin, P.E.*	$ 70.05	3.0	$ 175.00	1	$ 175.00
Sean Callahan, P.E., LEED AP*	$ 59.25	3.0	$ 175.00	10	$ 1,750.00
Michael Lantier, P.E., LEED AP*	$ 61.90	3.0	$ 175.00	1	$ 175.00
Lawrence Koh, EIT	$ 42.00	3.0	$ 126.00	2	$ 252.00
				Expenses	$ 600.00
				Bidding Total	**$ 2,952.00**

Construction Administration					
Employee	Rate/Hr	Multiplier	Billing Rate	Hours	Total
Matthew Mohlin, P.E.*	$ 70.05	3.0	$ 175.00	3	$ 525.00
Sean Callahan, P.E., LEED AP*	$ 59.25	3.0	$ 175.00	23	$ 4,025.00
Deniz Solen	$ 42.45	3.0	$ 127.35	5	$ 636.75
Kenneth Keltal, RLA, ISA, Certified Arborist*	$ 67.35	3.0	$ 175.00	6	$ 1,050.00
Greg Parisi, ASLA, BSLA	$ 31.25	3.0	$ 93.75	4	$ 375.00
Michael Lantier, P.E., LEED AP*	$ 61.90	3.0	$ 175.00	2	$ 350.00
Lawrence Koh, EIT	$ 42.00	3.0	$ 126.00	5	$ 630.00
				Expenses	$ 700.00
				Construction Administration Total	**$ 8,291.75**

Construction Observation					
Employee	Rate/Hr	Multiplier	Billing Rate	Hours	Total
Inspector - TBD	$ 33.50	3.0	$ 100.50	120	$ 12,060.00
				Expenses	$ 700.00
				Construction Observation Total	**$ 12,760.00**
				Project Total	**$ 53,226.75**

* Billing Rate capped at $175/Hr

Reviewed By
Office of Town Attorney

Meeting of February 12, 2019 Resolution No. 115-2019

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 24, 2019, advised that the design for Contract No. H19-186, Construction of Highway Improvements for the Fairwater Avenue Area, Massapequa, New York, has been completed; and

WHEREAS, Commissioner Lenz advised that he had approved the plans and specifications submitted, with an estimated construction time for completion of 280 days, and recommended that the Division of Purchasing, Department of General Services, proceed with setting a date for receiving bids for said Contract; and

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and that the Division of Purchasing, Department of General Services, is hereby authorized and directed to contact the Division of Engineering and set a date for receiving bids for Contract No. H19-186.

#

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

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

cc: Supervisor
Town Attorney
Comptroller
Highway
Public Works
General Services

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 24, 2019

TO: MEMORANDUM DOCKET

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

SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID
CONSTRUCTION OF HIGHWAY IMPROVEMENTS FOR THE FAIRWATER AVENUE AREA - MASSAPEQUA,NEW YORK
CONTRACT NO. H19-186

The design for the subject contract has been completed, and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 280 days.

It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract.

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

RWL/JCT/MR/SC/lk

cc: Town Attorney (w/7 copies)
Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services
John Bishop, Deputy Commissioner/Highway

H19-186_Highway Improvements for Fairwater Ave_permission to bid

Meeting of February 12, 2019 Resolution No. 116-2019

Reviewed By
Office of Town Attorney

WHEREAS, pursuant to public notice, bids were duly solicited and regularly received in relation to Contract No. H17-165, Construction of Highway Improvements to the William Street Area Located in Glen Head, New York, and said bids were publicly opened and read; and

WHEREAS, the lowest responsible bid submitted among the five (5) received was that of Thomas Novelli Contracting Corp., 41 Sarah Drive, Farmingdale, NY 11735, with a bid in the amount of $2,399.080.00; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 24, 2019, recommended that the bid as hereinabove set forth be accepted; and

WHEREAS, by Town policy, $119,954.00 should be applied to the low bid amount for potential quantity increases for a total bid encumbrance of $2,519,034.00; and

WHEREAS, funds for payment for the aforesaid services under Contract No. H17-165 are available in Account No. HWY H5197 20000 000 1903 008,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and Contract No. H17-165, Construction of Highway Improvements to the William Street Area Located in Glen Head, New York, shall be awarded to Thomas Novelli Contracting Corp., in the amount of $2,399.080.00, in accordance with the provisions thereunder, and the Supervisor or his designee is hereby authorized and directed to sign Contract No. H17-165; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue a total encumbrance order in a total amount not to exceed $2,519,034.00, upon presentation of a duly certified claim, after audit, to be drawn from Account No. HWY H5197 20000 000 1903 008.

-#-

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

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

cc: Supervisor
Town Attorney
Comptroller
Public Works
Highway

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 24, 2019

TO : MEMORANDUM DOCKET

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

SUBJECT: AWARD OF CONSTRUCTION CONTRACT
CONSTRUCTION OF HIGHWAY IMPROVEMENTS
TO THE WILLIAM STREET AREA
LOCATED IN GLEN HEAD, NEW YORK
CONTRACT NO. H17-165
ACCOUNT NO. HWY H5197 20000 000 1903 008
PROJECT ID# 1903 HWYDB-02

On December 19, 2018, the Division of Purchasing received bids for the subject project and the consulting engineer reviewed the bids. Thomas Novelli Contracting Corp., located at: 41 Sarah Drive, Farmingdale, N.Y. 11735, with Federal I.D. 11-219976-9 submitted the lowest responsive bid among five (5) in the amount of $2,399,080.00.

Attached is a letter dated January 2, 2019 from the office of Nelson & Pope Engineer & Land Surveyor PLLC, recommending the award of this contract to Thomas Novelli Contracting Corp. in the amount of $2,399,080.00. In accordance with Town policy $119,954.00 should be applied to the low bid amount for potential quantity increases for a total bid encumbrance of $2,519,034.00.

The estimated construction time for completion of the subject contract is 180 calendar days. Funds are available for the subject contract work in Account No. HWY H5197 20000 000 1903 008

We concur with the recommendation of Nelson & Pope Engineer & Land Surveyor PLLC. and request that Contract No. H17-165 be awarded to Thomas Novelli Contracting Corp. in the total bid amount of $2,399,080.00. and that $119,954.00 be applied to the low bid amount for a total bid encumbrance of $2,519,034.00.

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

RWL/JCT/MR/HAS/lk
Attachments

cc: Office of the Town Attorney (w/7 copies)
Steven Ballas, Comptroller
Kathleen Stefanich, Administration/DPW
John Bishop, Deputy Commissioner/HIGHWAY

H17-165 DOCKET Contractor Award to Thomas Novelli

NELSON & POPE
ENGINEERS I ARCHITECTS I SURVEYORS
JOSEPH R. EPIFANIA, PE • ROBERT G. NELSON JR., PE • THOMAS F. LEMBO, PE • ERIC J. McFERRAN, PE
THOMAS C. DIXON, PE • GREGORY D. PETERMAN, PLS • RUSSELL Z. SCOTT, PE • MICHAEL A. SCIARA, RA
VICTOR BERT, PE • GARY S. BECKER, PE
572 WALT WHITMAN ROAD, MELVILLE NY 11747-2188
PHONE: 631.427.5665 • FAX: 631.427.5620 • NELSONPOPE.COM

January 2, 2019

Richard Lenz, PE, Commissioner
Department of Public Works
Town of Oyster Bay
150 Miller Place
Syosset, NY 11791

Re: Construction of Highway and Drainage Improvements to the William Street Area
Contract No. H17-165 / Bid No. PW 36-18
Nelson & Pope No. 14102

Dear Commissioner Lenz:

The Town of Oyster Bay received bid proposals on December 19, 2018 in connection with the above referenced project. Bid proposals were submitted by the following firms:

CONTRACTOR	Bid Amount
Thomas Novelli Contracting Corp.	$2,399,080.00
Rosemar Contracting Inc.	$2,584,395.00
Laser Industries, Inc.	$2,748,800.00
Roadwork Ahead	$2,778,645.00*
Pratt Brothers Inc.	$2,809,110.00

Nelson & Pope reviewed these proposals and prepared a comparison bid sheet which is attached for your information. Please note there was a mathematical error on Roadwork Ahead's Bid Proposal for Item 364-C, the total amount for this item should be $4,500.00 bringing their total bid amount to $2,778,645.00, not $2,744,595.00

Nelson & Pope has reviewed Thomas Novelli Contracting Corp's Bid Submission. The Contractor is in compliance with the bid documents and have indicated that they will provide a financial statement should they be the lowest bidder.

Based on our review, it is Nelson & Pope's opinion that the Contract be awarded to **Thomas Novelli Contracting Corp.** If you have any questions or require additional information, kindly contact this office.

Very truly yours,

Russell Z. Scott, P.E
Partner

HIGHWAY & DRAINAGE IMPROVEMENTS TO THE WILLIAM STREET AREA, GLEN HEAD, NY

BID NO. PW-036-18 (H17-165)

DECEMBER 2018

ITEM No.	BID QTY.	ITEM DESCRIPTION	UNIT	THOMAS NOVELLI CONTRACTING CORP		ROSEMAR CONTRACTING		LASER INDUSTRIES		ROADWORK AHEAD		PRATT BROTHERS	
				UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID
1	1	CLEARING AND GRUBBING	LS	$2,500.00	$2,500.00	$50,000.00	$50,000.00	$10,000.00	$10,000.00	$50,000.00	$50,000.00	$25,000.00	$25,000.00
1M	1	MOBILIZATION	LS	$100,000.00	$100,000.00	$95,000.00	$95,000.00	$75,000.00	$75,000.00	$30,000.00	$30,000.00	$75,000.00	$75,000.00
2	850	UNCLASSIFIED EXCAVATION	CY	$85.00	$72,250.00	$30.00	$25,500.00	$75.00	$63,750.00	$68.00	$57,800.00	$75.00	$63,750.00
2B	25	ALTERATION OF TRENCH DEPTH	LF	$50.00	$1,250.00	$50.00	$1,250.00	$50.00	$1,250.00	$100.00	$2,500.00	$1.00	$25.00
2U	500	UNDERCUT	CY	$60.00	$30,000.00	$35.00	$17,500.00	$70.00	$35,000.00	$65.00	$32,500.00	$100.00	$50,000.00
4B	125	CEMENT CONCRETE STRUCTURES REMOVAL	CY	$100.00	$12,500.00	$75.00	$9,375.00	$150.00	$18,750.00	$100.00	$12,500.00	$10.00	$1,250.00
4D	1,425	BITUMINOUS CONCRETE SAWCUT	LF	$3.00	$4,275.00	$2.00	$2,850.00	$5.00	$7,125.00	$6.00	$8,550.00	$5.00	$7,125.00
4E-1	200	FULL DEPTH SIDEWALK AND/OR DRIVEWAY SAWCUT OF CEMENT CONCRETE	LF	$6.00	$1,200.00	$4.00	$800.00	$8.00	$1,600.00	$6.00	$1,200.00	$6.00	$1,200.00
5S	500	SELECT BORROW FILL	CY	$5.00	$2,500.00	$40.00	$20,000.00	$60.00	$30,000.00	$65.00	$32,500.00	$55.00	$27,500.00
5T	25	TRENCH BORROW FILL	CY	$10.00	$250.00	$40.00	$1,000.00	$45.00	$1,125.00	$65.00	$1,625.00	$10.00	$250.00
12P-15	600	FURNISH & INSTALL 15" DIA. CORRUGATED PLASTIC PIPE	LF	$100.00	$60,000.00	$65.00	$39,000.00	$125.00	$75,000.00	$95.00	$57,000.00	$60.00	$36,000.00
12R	60	RELAY DRAINAGE PIPE	LF	$50.00	$3,000.00	$50.00	$3,000.00	$80.00	$4,800.00	$90.00	$5,400.00	$10.00	$600.00
13A	6	CATCHBASIN NASSAU COUNTY TYPE A	EA	$8,000.00	$48,000.00	$4,700.00	$28,200.00	$5,500.00	$33,000.00	$12,000.00	$72,000.00	$4,500.00	$27,000.00
13B	2	CATCHBASIN NASSAU COUNTY TYPE 1	EA	$10,000.00	$20,000.00	$10,000.00	$20,000.00	$6,500.00	$13,000.00	$15,000.00	$30,000.00	$7,000.00	$14,000.00
15-3A	3	4' DIAMETER MANHOLE TYPE 3	EA	$7,000.00	$21,000.00	$10,000.00	$30,000.00	$5,000.00	$15,000.00	$6,500.00	$19,500.00	$7,000.00	$21,000.00
15-LB	490	FURNISH AND INSTALL 10' DIAMETER LEACHING BASIN	VF	$600.00	$294,000.00	$800.00	$392,000.00	$1,200.00	$588,000.00	$1,200.00	$588,000.00	$1,500.00	$735,000.00
16MA	4	FURNISH AND INSTALL NEW MANHOLE CASTING	EA	$2,000.00	$8,000.00	$1,000.00	$4,000.00	$800.00	$3,200.00	$1,800.00	$7,200.00	$600.00	$2,400.00
16-1	4	CHANGE ELEVATIONS MANHOLE CASTING - MINOR ADJUSTMENT	EA	$500.00	$2,000.00	$500.00	$2,000.00	$350.00	$1,400.00	$600.00	$2,400.00	$1,200.00	$4,800.00
17AC	10	CONCRETE MASONRY, CONTINGENCY, CLASS A CONCRETE	CY	$1,000.00	$10,000.00	$1,300.00	$13,000.00	$1,200.00	$12,000.00	$1,200.00	$12,000.00	$850.00	$8,500.00
26	11,600	CEMENT CONCRETE CURB	LF	$32.00	$371,200.00	$29.00	$336,400.00	$27.00	$313,200.00	$30.00	$348,000.00	$35.00	$406,000.00
26B	1,050	REMOVE AND REPLACE STONE BLOCK, BRICK OR SIMILAR MORTAR CURB	LF	$40.00	$42,000.00	$35.00	$36,750.00	$33.00	$34,650.00	$30.00	$31,500.00	$30.00	$31,500.00
27	2,370	CEMENT CONCRETE SIDEWALK	SF	$13.00	$30,810.00	$12.50	$29,625.00	$12.50	$29,625.00	$10.00	$23,700.00	$15.00	$35,550.00
28	1,570	REINFORCED CEMENT CONCRETE DRIVEWAY & APRONS (7" THICK)	SF	$15.00	$23,550.00	$14.00	$21,980.00	$14.00	$21,980.00	$12.00	$18,840.00	$18.00	$28,260.00

HIGHWAY & DRAINAGE IMPROVEMENTS TO THE WILLIAM STREET AREA, GLEN HEAD, NY

BID NO. PW-036-18 (H17-165)

DECEMBER 2018

ITEM No.	BID QTY.	ITEM DESCRIPTION	UNIT	THOMAS NOVELLI CONTRACTING CORP		ROSEMAR CONTRACTING		LASER INDUSTRIES		ROADWORK AHEAD		PRATT BROTHERS	
				UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID
28A	910	BITUMINOUS SIDEWALK, DRIVEWAY & DRIVEWAY APRON	SY	$50.00	$45,500.00	$35.00	$31,850.00	$75.00	$68,250.00	$8.00	$7,280.00	$49.00	$44,590.00
28B	35	LOOSE STONE SIDEWALKS, DRIVEWAY & DRIVEWAY APRON	SY	$40.00	$1,400.00	$30.00	$1,050.00	$25.00	$875.00	$81.00	$2,835.00	$25.00	$875.00
36-2A	3,875	BITUMINOUS MACADAM PLANT MIX TYPE 1A TOP AND DENSE BINDER	TONS	$120.00	$465,000.00	$115.00	$445,625.00	$110.00	$426,250.00	$110.00	$426,250.00	$99.00	$383,625.00
57	2	REBUILDING CATCH BASINS	EA	$3,000.00	$6,000.00	$3,000.00	$6,000.00	$2,900.00	$5,800.00	$5,000.00	$10,000.00	$5,000.00	$10,000.00
60X	1	CURB COCK AND WATER SERVICE BOX RELOCATION	EA	$1,000.00	$1,000.00	$1,000.00	$1,000.00	$400.00	$400.00	$600.00	$600.00	$600.00	$600.00
61X	20	HOUSE SERVICE CONNECTION TO WATERMAIN	LF	$100.00	$2,000.00	$100.00	$2,000.00	$60.00	$1,200.00	$150.00	$3,000.00	$135.00	$2,700.00
72	10	REMOVAL AND REPLACEMENT OF EXISTING HEDGE	LF	$100.00	$1,000.00	$60.00	$600.00	$45.00	$450.00	$50.00	$500.00	$200.00	$2,000.00
73A	10	REMOVING AND REPLACING PLANTS, SHRUBS AND TREES	EA	$300.00	$3,000.00	$500.00	$5,000.00	$450.00	$4,500.00	$50.00	$500.00	$150.00	$1,500.00
75-B	15	REMOVAL AND REBUILDING OF HOUSE STEPS - CONCRETE	STEPS	$1,000.00	$15,000.00	$150.00	$2,250.00	$150.00	$2,250.00	$1,000.00	$15,000.00	$500.00	$7,500.00
76	1,390	TOPSOIL AND SEED	SY	$12.00	$16,680.00	$11.00	$15,290.00	$9.00	$12,510.00	$16.00	$22,240.00	$18.00	$25,020.00
98	1	MAINTENANCE AND PROTECTION OF TRAFFIC	LS	$50,000.00	$50,000.00	$260,000.00	$260,000.00	$50,000.00	$50,000.00	$20,000.00	$20,000.00	$65,000.00	$65,000.00
99	175	WATERMAIN RELOCATION	LF	$250.00	$43,750.00	$180.00	$31,500.00	$260.00	$45,500.00	$125.00	$21,875.00	$150.00	$26,250.00
99-F	1,000	WATERMAIN FITTINGS	LBS	$10.00	$10,000.00	$9.00	$9,000.00	$3.00	$3,000.00	$12.00	$12,000.00	$6.00	$6,000.00
99-TB	12	INSTALL CONCRETE THRUST BLOCKS	CY	$300.00	$3,600.00	$30.00	$360.00	$200.00	$2,400.00	$1,100.00	$13,200.00	$175.00	$2,100.00
99-V	6	NEW WATERMAIN VALVE WITH VALVE BOX	EA	$4,500.00	$27,000.00	$3,000.00	$18,000.00	$1,800.00	$10,800.00	$2,000.00	$12,000.00	$4,000.00	$24,000.00
364-A	33	CONSTRUCTION OF SMALL RETAINING WALLS - BRICK	CY	$850.00	$28,050.00	$1,625.00	$53,625.00	$1,600.00	$52,800.00	$1,000.00	$33,000.00	$525.00	$17,325.00
364-C	150	SMALL RETAINING WALLS (RAILROAD TIES)	SF	$50.00	$7,500.00	$50.00	$7,500.00	$30.00	$4,500.00	$30.00	$4,500.00	$30.00	$4,500.00
366-T	840	THERMOPLASTIC REFELCTORIZED PAVEMENT MARKINGS	LF	$4.00	$3,360.00	$3.00	$2,520.00	$4.00	$3,360.00	$6.00	$5,040.00	$2.00	$1,680.00
376	200	DUST PALLATIVE	GAL	$10.00	$2,000.00	$3.00	$600.00	$6.50	$1,300.00	$20.00	$4,000.00	$4.00	$800.00
393	15	TEST HOLES	EA	$1,000.00	$15,000.00	$300.00	$4,500.00	$600.00	$9,000.00	$50.00	$750.00	$750.00	$11,250.00
396	2,375	PLANTING SOD (SUPPLIED)	SY	$18.00	$42,750.00	$20.00	$47,500.00	$12.00	$28,500.00	$14.00	$33,250.00	$39.00	$92,625.00
398	750	DENSE GRADED AGGREGATE BASE COURSE	CY	$20.00	$15,000.00	$40.00	$30,000.00	$70.00	$52,500.00	$65.00	$48,750.00	$20.00	$15,000.00

HIGHWAY & DRAINAGE IMPROVEMENTS TO THE WILLIAM STREET AREA, GLEN HEAD, NY

BID NO. PW-036-18 (H17-165)

DECEMBER 2018

ITEM No.	BID QTY.	ITEM DESCRIPTION	UNIT	THOMAS NOVELLI CONTRACTING CORP		ROSEMAR CONTRACTING		LASER INDUSTRIES		ROADWORK AHEAD		PRATT BROTHERS	
				UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID	UNIT BID PRICE	AMOUNT BID
500	580	CLEANING EXISTING DRAINAGE SYSTEM	LF	$10.00	$5,800.00	$6.00	$3,480.00	$10.00	$5,800.00	$6.00	$3,480.00	$5.00	$2,900.00
501	30	MODIFY EXISTING ROOF DRAIN	LF	$100.00	$3,000.00	$75.00	$2,250.00	$40.00	$1,200.00	$90.00	$2,700.00	$20.00	$600.00
504	20	WATER METER PIT, SANITARY SEWER CLEANOUT OR TRAFFIC SIGNAL PULL BOX	EA	$250.00	$5,000.00	$200.00	$4,000.00	$350.00	$7,000.00	$1,000.00	$20,000.00	$300.00	$6,000.00
505	5	MASONRY PIPE PLUG	CF	$50.00	$250.00	$200.00	$1,000.00	$50.00	$250.00	$400.00	$2,000.00	$50.00	$250.00
508	220	REMOVAL AND REPLACEMENT OF EXISTING FENCE	LF	$50.00	$11,000.00	$80.00	$17,600.00	$85.00	$18,700.00	$60.00	$13,200.00	$50.00	$11,000.00
510	4,180	REMOVE AND REPLACE OR RELOCATE SPRINKLER SYSTEM	LF	$5.00	$20,900.00	$7.00	$29,260.00	$5.00	$20,900.00	$9.00	$37,620.00	$10.00	$41,800.00
533	4	CONNECTIONS OF EXISTING DRAINAGE FACILITIES	EA	$1,000.00	$4,000.00	$1,500.00	$6,000.00	$750.00	$3,000.00	$1,000.00	$4,000.00	$500.00	$2,000.00
566	18,470	MIXED-IN-PLACE BASE COURSE	SY	$9.00	$166,230.00	$9.00	$166,230.00	$13.00	$240,110.00	$12.00	$221,640.00	$14.00	$258,580.00
567	44,330	RECYCLING EMULSION	GAL	$2.50	$110,825.00	$1.50	$66,495.00	$3.00	$132,990.00	$4.00	$177,320.00	$1.00	$44,330.00
570	1,930	BRICK, STONE, BLOCK , PRECAST DECORATEIVE OR CAST IN PLACE DECORATIVE DRIVEWAY, DRIVEWAY APRONS AND SIDEWALKS	SF	$20.00	$38,600.00	$36.00	$69,480.00	$35.00	$67,550.00	$20.00	$38,600.00	$20.00	$38,600.00
574	10	SILT PROTECTION FOR DRAINAGE STRUCTURES	EA	$100.00	$1,000.00	$250.00	$2,500.00	$150.00	$1,500.00	$400.00	$4,000.00	$200.00	$2,000.00
580	2	FURNISH AND INSTALL POST MOUNTED SIGNS	EA	$500.00	$1,000.00	$500.00	$1,000.00	$300.00	$600.00	$900.00	$1,800.00	$1,000.00	$2,000.00
900A	34	FURNISH AND INSTALL CATCHBASIN INSERT, TYPE 1A	EA	$1,800.00	$61,200.00	$1,600.00	$54,400.00	$2,000.00	$68,000.00	$3,000.00	$102,000.00	$1,400.00	$47,600.00
900B	3	FURNISH AND INSTALL CATCHBASIN INSERT, TYPE 1B	EA	$1,800.00	$5,400.00	$1,900.00	$5,700.00	$2,200.00	$6,600.00	$3,000.00	$9,000.00	$1,600.00	$4,800.00
			TOTAL		$2,399,080.00		$2,584,395.00		$2,748,800.00		$2,778,645.00		$2,809,110.00

Meeting of February 12, 2019 Resolution No. 117-2019

Reviewed By
Office of Town Attorney

WHEREAS, by Town Board Resolution No. 701-2018, adopted on October 30, 2018, John A. Grillo Architects, P.C., was approved to provide on-Call Engineering Services related to the completion of design documents, bid and construction administration and construction inspection concerning the replacement of two synthetic turf fields located at John J. Burns Park, in Massapequa, and Cpl. Kevin T. Kolm Memorial Park (Triangle Park) in Hicksville (Contract No. DP18-182); and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 28, 2019, stated that the Department of Public Works has approved the plans and specifications and recommended that the Division of Purchasing be authorized and directed to proceed with setting a bid date for Contract No. DP18-182 by contacting Brian Kunzig, Project Manager, to establish a bid date,

NOW, THEREFORE, BE IT RESOLVED, that the recommendation as hereinabove set forth are hereby accepted and approved, and the Division of Purchasing is authorized and directed to proceed with the bidding phase for Contract No. DP18-182, and the Division of Purchasing is hereby authorized to proceed with setting a bid date for receiving bids for Contract No. DP18-182.

-#-

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

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

cc: Supervisor
Town Attorney
Comptroller
Highway
Public Works
General Services

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 28, 2019

TO: MEMORANDUM DOCKET

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

SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID & CONSTRUCTION PHASES
REPLACEMENT OF TWO SYNTHETIC TURF FIELDS AT JOHN J. BURNS PARK & CPL. KEVIN T. KOLM MEMORIAL PARK
CONTRACT NO. DP18-182

Town Board Resolution No. 701-2018 authorized John A. Grillo, Architect, P.C. to perform engineering services relative to the above-mentioned contract.

The design has been completed, and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 60 days.

It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract. They are requested to contact Brian Kunzig, Project Manager, to establish a bid date.

Richard W. Lenz by: Deputy Commissioner

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

RWL/JCT/MR/BK/lk

Attachment

cc: Office of the Town Attorney (w/7 copies)
Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services
Joseph G. Pinto, Commissioner/Parks
Kathy Stefanich, Administrative Division/DPW

DP18-182 Docket Accept Design JAG

WHEREAS, by Resolution No. 854-2017, adopted on December 12, 2017, the Town Board authorized the Department of Public Works to enter into an agreement with John A. Grillo, Architect, P.C. to provide engineering services in connection with On-Call Contract No. PWC07-18, for a two (2) year period, from January 1, 2018 through December 31, 2019; and

WHEREAS, John A. Grillo, Architect, P.C., by letter dated October 9, 2018, described the scope of work to be performed under Contract No. PWC07-18, in an amount not to exceed $147,000.00, in connection with providing On-Call Engineering Services related to the completion of design documents, bid and construction administration and construction inspection regarding the replacement of two synthetic turf fields located at John J. Burns Park, in Massapequa, and Cpl. Kevin T. Kolm Memorial Park (Triangle Park) in Hicksville; and

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated October 17, 2018, requested Town Board authorization for John A. Grillo, Architect, P.C. to provide the aforesaid On-Call Engineering Services under Contract No. PWC10-18, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed $147,000.00 for this purpose; and

WHEREAS, funds in the amount of $147,000.00 to satisfy said engineering costs are available in Account No. PKS H 7197 20000 000 1209 001,

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are accepted and approved, and John A. Grillo, Architect, P.C. is hereby authorized to proceed to provide the aforementioned services in connection with Contract No. PWC07-18, On-Call Engineering Services Relative to Construction Management, and the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $147,000.00, with funds to be drawn from Account No. PKS H 7197 20000 000 1209 001 for the hereinabove set forth project, 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, with the funds for said payment to be drawn from Account PKS H 7197 20000 000 1209 001.

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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	Abstain
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Public Works
Parks

Meeting of February 12, 2019 Resolution No. 118-2019

Reviewed By
Office of Town Attorney

WHEREAS, Neil O. Bergin, Commissioner, Department of Environmental Resources, by memorandum dated January 28, 2019, advised that member contributions fund the Inter-municipal Oyster Bay/Cold Spring Harbor Protection Committee (OB/CSH PC) of which the Town is an active member, and requested that the Office of the Comptroller be directed to pay the Town's share for dues, from June 1, 2018 through May 31, 2019, nunc pro tunc, in the amount of $6,500.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Office of the Comptroller is directed to make payment to the Incorporated Village of Bayville (fiscal officer for OB/CSH PC) for the Town's membership dues in the aforementioned Committee, from June 1, 2018 through May 31, 2019, nunc pro tunc, in the amount of $6,500.00, upon presentation of a duly certified claim, after audit; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. DER A 8090 44900 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Environmental Resources

TOWN OF OYSTER BAY

Inter-Departmental Memo

January 28, 2019

TO: Memorandum Docket

FROM: Neil O. Bergin, Commissioner of Environmental Resources

SUBJECT: **OYSTER BAY / COLD SPRING HARBOR PROTECTION COMMITTEE:** Membership Dues 2018/2019

Member contributions fund the Inter-municipal Oyster Bay / Cold Spring Harbor Protection Committee (OB/CSH PC) of which the Town is an active member. Under the terms of the Inter-municipal Agreement and as per the attached invoice our share for dues from June 1, 2018 – May 31, 2019 is $6,500 (the same as the past three dues cycles). The dues go toward implementation of the Oyster Bay Harbor Watershed Action Plan, EPA Phase II Stormwater measurable goals, and local matches for various grants. It should be noted that the Town saves money by sharing costs with the member municipalities by not having to fund its own studies and projects in full.

We, therefore, respectfully request approval from the Town Board and that the Comptroller's Office be directed to encumber funds and pay the Town's share in the amount of $6,500 to the Village of Bayville (fiscal officer for OB/CSH PC) for the period of June 1, 2018 through May 31, 2019. Funds are available in account DER A 8090 44900 000 0000 for this purpose.

Neil O. Bergin BY:

NEIL O. BERGIN
Commissioner

NOB/TML

Attachment

CC: *Town Attorney 7 copies*
Steven C. Ballas, Comptroller

Docket memo OBCSHPC dues 2018 2019 January 2019.doc

TOWN OF OYSTER BAY

CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER
FEDERAL ID # ☐ SOCIAL SECURITY # ☐

CLAIMANT'S NAME: Incorporated Village of Bayville	CONTRACT #	ORDER #
CLAIMANT'S ADDRESS: 34 School St, Bayville NY 11709	CONTRACT NAME	
TOWN DEPARTMENT: Environmental	CLAIMANT INVOICE #: October 2018	

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
10/24/18	Oyster Bay/Cold Spring Harbor Protection Committee Dues		
	June 1, 2018 - May 31, 2019	$6500	$6500

TOTAL AMOUNT	$6,500
CASH DISCOUNT %	—
NET AMOUNT	$6,500

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above articles were sold and delivered and/or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of no part thereof has been paid except as stated therein and that the balance there in stated in the amount of

Six Thousand and Five Hundred 00/100

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial ~~consumer~~ for like deliveries.

Date 1/18/19

Signature _____ Title Coordinator

Print or type name Rob Craft Name of Company OBCSH PC for Inc Village of Bayville

I HEARBY APPROVE this claim form for the sum of Six Thousand Five Hundred for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

Signature _____ Title DEPUTY COMMISSIONER Date JAN 18, 2019

Department ENVIRONMENTAL RESOURCES Account DEQ A 8090 - 44900 - 000 - 0000

OYSTER BAY COLD SPRING HARBOR
PROTECTION COMMITTEE

111 South Street, Suite 2 Townsend Square
Oyster Bay, NY 11771
Phone #: 631-848-2090 Fax #: 516-706-8750

DATE: October 24, 2018

Bill To:
Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, NY 11771

DESCRIPTION	AMOUNT
Membership dues for the Oyster Bay/Cold Spring Harbor Protection Committee June 1, 2018 - May 31, 2019	$6,500.00
TOTAL	**$6,500.00**

Make all checks payable to: **"Incorporated Village of Bayville"**

Send to:
Maria Alfano Harding
Incorporated Village of Bayville
34 School Street
Bayville, NY 11709

If you have any questions concerning this invoice or cannot remit by December 30, contact:
Rob Crafa 631-848-2090, rob@oysterbaycoldspringharbor.org

Meeting of February 12, 2019 Resolution No. 119-2019

WHEREAS, by Resolution No. 834-2017, adopted on December 12, 2017, the Town Board authorized the Supervisor to enter into an agreement with Dr. Laurence H. Blauvelt, DVM, of Carman Avenue Veterinary Office, P.C., 837 Carman Avenue, Westbury, New York 11590, to provide the Town Animal Shelter with veterinary services for basic care of the Animal Shelter's animals, for the period from January 1, 2018 through December 31, 2018, in an amount not to exceed $140,000.00; and

Reviewed By Office of Town Attorney

WHEREAS, by Resolution No. 273-2018, adopted on April 24, 2018, the Town Board authorized the amendment of Resolution No. 834-2017 to add four (4) additional one (1) year extensions to said agreement, at the same rate, in a dollar amount not to exceed $140,000.00 per year; and

WHEREAS, Dr. Laurence H. Blauvelt, DVM, of Carman Avenue Veterinary Office, P.C., by letter dated November 29, 2018, requested to exercise the first one (1) year extension option of said agreement, for the period from January 1, 2019 through December 31, 2019; and

WHEREAS, Neil O. Bergin, Commissioner, Department of Environmental Resources, by memorandum dated January 25, 2019, requested Town Board authorization to exercise the first one (1) year extension option of said agreement, for the period from January 1, 2019 through December 31, 2019, *nunc pro tunc*, under the same terms, conditions and pricing, in an amount not to exceed $140,000.00,

NOW, THEREFORE, BE IT RESOLVED, That the abovementioned request is hereby accepted and approved, and the Supervisor, or his designee, is hereby authorized to exercise the first one (1) year extension option of the agreement with Dr. Laurence H. Blauvelt, DVM, of Carman Avenue Veterinary Hospital, to provide the Town Animal Shelter with veterinary services for basic care of the Animal Shelter's animals, for the period from January 1, 2019 through December 31, 2019, nunc pro tunc in an amount not to exceed $140,000, under the same terms, conditions and pricing; 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 shall be drawn from Account No. DER A 3510 44900 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Environmental Resources

28

TOWN OF OYSTER BAY
Inter-Departmental Memo

January 25, 2019

TO: The Memorandum Docket

FROM: Neil O. Bergin, Commissioner of Environmental Resources

SUBJECT: **First extension of Basic Medical Care of Animals**
Carman Avenue Veterinary Hospital
RESOLUTION NO. 834-2017

Resolution 834-2017 authorized the Department of Environmental Resources, Animal Shelter Division to utilize the services of Carman Ave Veterinary Hospital and enter into an agreement for the period of January 1, 2018 through December 31, 2018. Resolution 273-2018 was an amendment to the original resolution to add four (4) additional one (1) year extensions, at the same rate, with a dollar amount not to exceed $140,000.00 per year as stated in the contract.

Therefore, it is respectfully requested that the Town Board authorize the first one year extension for the period Nunc pro tunc January 1, 2019 to December 31, 2019 for Basic Medical Care. Funds are available in account DER A 3510 44900 000 0000 (Other Contract). Under its terms, this agreement may be extended at the same rate, upon mutual agreement, for up to four (4) additional one (1) year periods.

Neil Bergin (by Scarpa)
NEIL O. BERGIN
Commissioner of Environmental Resources

Attachments

NOB/kt
Copy: Town Attorney - w/ 7 copies
Laurie Scarpa, Deputy Commissioner of Environmental Resources
George Baptista, Deputy Commissioner of Environmental Resources
Steven Ballas, Comptroller

Carman Avenue Veterinary Hospital

837 Carman Avenue

Westbury, NY 11590

516-333-68686

November 29, 2018

Commissioner Bergin

Town of Oyster Bay/Department of Environmental Resources

150 Miller Place

Syosset, NY 11791

Dear Commissioner Bergin;

I am writing this letter to inform you that I would like to exercise the first one year extension of the contract for the Basic Medical Care services between Carman Avenue Veterinary Hospital and the Town of Oyster Bay Animal Shelter. This extension would run from January 1, 2019 to December 31, 2019. If you have any questions, please feel free to contact me.

Sincerely,

Dr. Laurence H. Blauvelt, DVM

Meeting of December 12, 2017 Resolution No. 834-2017

WHEREAS, Neil O. Bergin, Commissioner, Department of Environmental Resources, by memorandum dated November 27, 2017, advised that on October 11, 2017, the Department of Environmental Resources issued a Request for Proposals for the purpose of securing veterinary services for basic care of the Animal Shelter's animals; and.

WHEREAS, in response to that Request for Proposals, two (2) responses were received by the Department of Environmental Resources; and

WHEREAS, Joseph Nocella, Town Attorney, and Paul S. Ehrlich, Deputy Town Attorney, by memorandum to the Department of Environmental Resources dated November 22, 2017, advised that the Department of Environmental Resources complied with the Procurement Policy of the Town, pursuant to Guideline 7 of the policy; and

WHEREAS, after review of the responses that were received by the Department of Environmental Resources, in accordance with both the Procurement Policy and the criteria set forth in the Request for Proposals, Neil O. Bergin, Commissioner, Department of Environmental Resources, by memorandum dated November 27, 2017 recommended and requested that the Town Board authorize the Supervisor to enter into an agreement, with Dr. Laurence Blauvelt, DVM, of Carman Avenue Veterinary Office PC, 837 Carman Avenue, Westbury, New York 11590, for one (1) year from January 1, 2018 through December 31, 2018 at a rate not to exceed $140,000 per year, with funds available in account DER A 3510 44900 000 000 (Other Contract); and

WHEREAS, the Town Board deems it to be in the best interest of the Town to enter into such agreement,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth is hereby approved, and the Supervisor is hereby authorized to execute any and all documents necessary to enter into an agreement with Dr. Laurence Blauvelt.

-#-

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	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Absent
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller (2)
Environmental Resources

Meeting of April 24, 2018 Resolution No. 273-2018

WHEREAS, on December 12, 2017, the Town Board adopted Resolutions 830-2017, 832-2017, 833-2017, and 834-2017 to authorize the Town to enter into agreements with Dr. Laurence Blauvelt, DVM, Carman Avenue Veterinary Office, PC, 837 Carman Avenue, Westbury, New York 11590 for various veterinary services; and

WHEREAS, such services were procured through a Request for Proposals dated October 11, 2017 ("RFP") that solicited veterinary services for an initial one (1) year term beginning on January 1, 2018 through and including December 31, 2018, with four (4) one-year extension options; and

WHEREAS, in drafting the aforementioned resolutions, language to authorize the one-year extension option for each agreement was inadvertently omitted from said resolutions; and

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated April 2, 2018, have requested and recommended that the Town Board amend Resolutions 830-2017, 832-2017, 833-2017, and 834-2017 so as to authorize the Supervisor, or his designee, to execute agreements with Carman Avenue Veterinary Office, PC, 837 Carman Avenue, Westbury, New York, for an initial one (1) year term beginning on January 1, 2018 through and including December 31, 2018, with four (4) one-year extension options as provided for in the RFP,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth is accepted and approved, and Resolutions 830-2017, 832-2017, 833-2017, and 834-2017 are hereby amended so as to authorize the Supervisor, or his designee, to execute agreements with Carman Avenue Veterinary Office, PC, 837 Carman Avenue, Westbury, New York, for an initial one (1) year term beginning on January 1, 2018 through and including December 31, 2018, with four (4) one-year extension options as provided for in the RFP.

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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

Meeting of February 12, 2019 Resolution No. 120-2019

WHEREAS, by Resolution No. 297-2017, adopted on May 23, 2017, Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., was retained as special counsel to represent the Town of Oyster Bay and protect its interests in connection with telecommunication matters; and

WHEREAS, Joseph Nocella, Town Attorney, and Frank M. Scalera, Chief Deputy Town Attorney, by memorandum dated January 25, 2019, have recommended that an additional sum of $10,780.47 be authorized for outstanding legal fees, costs and disbursements; and

Reviewed By
Office of Town Attorney

WHEREAS, funds are available in Account No. OTA A 1420 44110 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board hereby approves the authorization of an additional sum of $10,780.47 for outstanding legal fees, costs and disbursements to Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., as outside counsel, which sum is to be paid at the predetermined rate; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to pay said outside counsel for legal fees, costs and disbursements rendered, upon the submission of a duly certified claim, after approval by the Town Attorney, and after audit, with funds available in Account No. OTA A 1420 44110 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

29

Town of Oyster Bay
Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : January 25, 2019

SUBJECT: Outside Counsel to the Town of Oyster Bay
Berkman, Henoch, Peterson, Peddy & Fenchel, P.C.

By Resolution No. 297-2017, adopted on May 23, 2017, the law firm of Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., was retained to represent and provide legal services to the Town of Oyster Bay in connection with the pending litigation regarding telecommunications.

Legal costs have now exceeded the previously authorized sum, and an additional sum of $10,780.47 is necessary.

It is recommended that the Town Board authorize the additional legal fees for the period through December 31, 2018 for Berkman, Henoch, Peterson, Peddy & Fenchel, P.C., with funds available in Account No. OTA A 1420 44110 000 0000.

JOSEPH NOCELLA
TOWN ATTORNEY

Frank M. Scalera
Chief Deputy Town Attorney

DPS:dps
Attachment
2017-6016

cc: Town Attorney (with 7 copies)

Meeting of February 12, 2019 Resolution No. 121-2019

Reviewed By Office of Town Attorney

WHEREAS, by Resolution No. 35-2017, adopted on January 10, 2017, the Town Board authorized the retention of Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, to provide legal services to the Town of Oyster Bay with respect to various negligence matters; and

WHEREAS, Joseph Nocella, Town Attorney, and Frank M. Scalera, Chief Deputy Town Attorney, by memorandum dated January 25, 2019, requested that Resolution No. 35-2017 be amended, to provide an additional amount of $11,541.70, to cover legal fees and expenses in connection with said negligence matters,

NOW, THEREFORE, BE IT RESOLVED, That Resolution No. 35-2017 be amended to increase the fees of Cascone & Kluepfel, LLP, 1339 Franklin Avenue, Garden City, New York 11530, in an amount of $11,541.70, including expenses and disbursements; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment from Account No. TWN AMS 1910 43010 602 0000 000 and from Account No. TWN AMS 1910 43020 602 0000 000, upon submission 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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

30

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: OFFICE OF THE TOWN ATTORNEY

DATE: January 25, 2019

SUBJECT: Cascone & Kluepfel, LLP
Outside Counsel to the Town of Oyster Bay

The Town Board previously adopted Resolution No. 35-2017 on January 10, 2017, retaining the law firm of Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, to provide legal services with respect to certain negligence matters. Said matters require additional work. Therefore, it is necessary to authorize an increase of funds, in the amount of $11,541.70, to cover legal fees and expenses in connection therewith for the year 2018, to be paid from Account No. TWN AMS 1910 43010 602 0000 000 and from Account No. TWN AMS 1910 43020 602 0000 000.

Submitted herewith is the Resolution for the foregoing request.

JOSEPH NOCELLA
TOWN ATTORNEY

Frank M. Scalera
Chief Deputy Town Attorney

Attachment

Town Attorney (w/7 copies)

Meeting of February 12, 2019 Resolution No. 122-2019

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 515-2017, adopted on August 15, 2017, the Town Board authorized the retention of the law firm of Bee, Ready, Fishbein, Hatter & Donovan, LLP, 170 Old Country Road, Mineola, New York 11501, for the purpose of providing counsel in connection with homeowner retention, housing vacancy and blight prevention, with an emphasis on "zombie" property prevention and enforcement; and

WHEREAS, Joseph Nocella, Town Attorney, and Frank M. Scalera, Chief Deputy Town Attorney, by memorandum dated January 25, 2019, requested that Resolution No. 515-2017, be amended to provide an additional amount not to exceed $16,328.29, to satisfy outstanding invoices from Bee, Ready, Fishbein, Hatter & Donovan, LLP,

NOW, THEREFORE BE IT RESOLVED, That Resolution No. 515-2017 be amended to increase the authorized fees of Bee, Ready, Fishbein, Hatter & Donovan, LLP in an amount not to exceed $16,328.29, including expenses and disbursements; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment from Account No. OTA A 1420 44110 000 0000, upon submission 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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

51

Town of Oyster Bay
Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE : January 25, 2019

SUBJECT: Bee, Ready, Fishbein, Hatter & Donovan, LLP
Outside Counsel to the Town of Oyster Bay

By Resolution No. 515-2017, adopted on August 15, 2017, the Town Board authorized the retention of the law firm of Bee, Ready, Fishbein, Hatter & Donovan, LLP, 170 Old Country Road, Suite 200, Mineola, New York for the purpose of providing counsel in connection with homeowner retention, housing vacancy and blight prevention, with an emphasis on "zombie" property prevention and enforcement.

This office requests that the Town Board amend Resolution No. 515-2017 to authorize additional funds in order to satisfy outstanding invoices in the amount of $16,328.29. Funds are available in Account No. OTA A 1420 44110 000 0000.

Submitted herewith is the resolution for the forgoing request.

JOSEPH NOGELLA
TOWN ATTORNEY

Frank M. Scalera
Chief Deputy Town Attorney

Attachment
2017-6115
cc: Town Attorney (with 7 copies)

Meeting of February 12, 2019 Resolution No. 123-2019

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 49-2018, adopted on January 23, 2018, the Town Board authorized the retention of Milber Makris Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797, to provide legal services to the Town of Oyster Bay with respect to various negligence matters; and

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 28, 2019, have requested that Resolution No. 49-2018 be amended, to provide an additional amount not to exceed $18,665.07, to cover legal fees and expenses in connection with said negligence matters,

NOW, THEREFORE, BE IT RESOLVED, That Resolution No. 49-2018 be amended to increase the fees of Milber Makris Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797, in an amount not to exceed $18,665.07, including expenses and disbursements; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000, upon submission 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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

32

Town of Oyster Bay
Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: January 28, 2019

SUBJECT: Payment for Outside Counsel in Certain Negligence Actions
Account Numbers: TWN AMS 1910 43010 602 0000 000 and
TWN AMS 1910 43020 602 0000 000

By Town Board Resolution No. 49-2018, adopted on January 23, 2018, the Town Board authorized the retention of the law firm of Milber Makris Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797 to provide legal services with respect to certain negligence matters.

This Office requests that the Town Board amend Resolution No. 49-2018 to authorize additional funds in order to satisfy outstanding invoices in the amount of $18,665.07. Funds are available in Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000.

JOSEPH NOCELLA
TOWN ATTORNEY

Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment
2018-6472

cc: Town Attorney (with 7 copies)

S:\Attorney\RESOS 2019\MD & RESO\Inc. Fees Milber Makris Neg Defense December 2018 MMR.doc

Meeting of February 12, 2019 Resolution No. 124-2019

Prepared by Office of Town Attorney

WHEREAS, by Resolution No. 708-2016, adopted on December 13, 2016, the Town Board authorized the retention of the law firm of Milber, Makris, Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797, to provide legal services in connection with the action *Romano, et al. v. Town of Oyster Bay, et al.* (EDNY); and

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 28, 2019, have requested that Resolution No. 708-2016 be amended, to provide an additional $17,358.60, to satisfy outstanding invoices,

NOW, THEREFORE, BE IT RESOLVED, That Resolution No. 708-2016 be amended to increase the authorized fees of Milber, Makris, Plousadis & Seiden, LLP, in an amount of $17,358.60, including expenses and disbursements; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment from Account No. OTA A 1420 44110 000 0000, upon submission 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	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

33

Town of Oyster Bay
Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: January 28, 2019

SUBJECT: Milber, Makris, Plousadis & Seiden, LLP
Outside Counsel -- *Romano, et al. v. Town of Oyster Bay, et al.*

By Town Board Resolution No. 708-2016, adopted on December 13, 2016, the Town Board authorized the retention of the law firm of Milber, Makris, Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797, to provide legal services in connection with the action *Romano, et al. v. Town of Oyster Bay, et al.* (EDNY).

This Office requests that the Town Board amend Resolution No. 708-2016 to authorize additional funds in order to satisfy invoices in the amount of $17,358.60. Funds are available in Account No. OTA A 1420 44110 000 0000.

JOSEPH NOCELLA
TOWN ATTORNEY

Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment
2016-5692

cc: Town Attorney (with 7 copies)

Meeting of February 12, 2019 Resolution No. 125-2019

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 517-2015, adopted September 1, 2015, Quinn, Emanuel, Urquhart, and Sullivan, LLP was retained as special counsel to represent the Town of Oyster Bay and protect its interest in connection with various matters; and

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 24, 2019, have requested an authorization to pay Quinn, Emanuel, Urquhart and Sullivan, LLP, the amount of $221,966.74, including expenses and disbursements; and

WHEREAS, funds are available in Account No. OTA A 1420 44110 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board hereby approves the authorization of payment to Quinn, Emanuel, Urquhart and Sullivan, LLP, of the amount of $221,966.74, for legal fees, costs and disbursements as outside counsel, which sum is to be paid at the predetermined rate; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to pay said outside counsel for legal fees, costs and disbursements rendered, upon the submission of a duly certified claim, after approval by the Town Attorney, and after audit, with funds available in Account No. OTA A 1420 44110 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

34

Town of Oyster Bay
Inter-Departmental Memo

TO : Memorandum Docket

FROM : Office of the Town Attorney

DATE : January 24, 2019

SUBJECT: Outside Counsel to the Town of Oyster Bay
Quinn, Emanuel, Urquhart & Sullivan, LLP

By Resolution No. 517-2015, adopted on September 1, 2015, the law firm of Quinn, Emanuel, Urquhart & Sullivan, LLP was retained to represent and provide legal services to the Town of Oyster Bay in connection with various matters.

Legal costs have now exceeded the previously authorized sum, and an additional sum of $221,966.74 is necessary. In keeping with a previously negotiated arrangement, the firm has applied a 5 percent discount to its legal fees for its invoices through the close of calendar year 2018.

It is recommended that the Town Board authorize the payment of additional legal fees and disbursements to Quinn, Emanuel, Urquhart & Sullivan, LLP with funds to be drawn from Account No. OTA A 1420 44110 000 0000.

JOSEPH NOCELLA
TOWN ATTORNEY

Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment
2015-5129

cc: Town Attorney (with 7 copies)

Meeting of February 12, 2019 Resolution No. 126-2019

WHEREAS, by Resolution No. 1039-84, adopted on October 30, 1984, the Town Board granted a Change of Zone for the premises located at 9 Gerhard Road, Plainview, Town of Oyster Bay, New York 11803, said premises known and designated as Section 46, Block 567, Lot 61, on the Land and Tax Map of Nassau County; and

WHEREAS, Resolution No. 1039-84 changed the zoning designation of said premises from a "D" Residence District for the entire premises to an "F" Business District (Neighborhood Business) for a portion of the premises and to a "G" Business District (General Business) for the remaining portion of the premises; and

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 1039-84, the Town Board also granted a Special Use Permit to erect and maintain a Senior Citizens Residence Home in the "F" Business District portion of the premises, and to erect and maintain a professional office building in the "G" Business District portion of the premises; and

WHEREAS, pursuant to Resolution No. 1039-84, a Declaration of Restrictive Covenants was executed by DONALD MONTI and DR. RALPH PARISI, Contract Vendees, and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, on November 12, 1984, which Declaration was recorded in the Office of the Clerk of Nassau County on December 14, 1984 in Liber 9604 of Deeds, page 623; and

WHEREAS, by Resolution No. 356-89, adopted on April 4, 1989, the Town Board granted a change of present use, for a period of 24 months, and a Modification of Restrictive Covenants, allowing the use of the existing senior citizen housing complex as a conference center, for a period of 24 months, in addition to the permitted uses; and

WHEREAS, pursuant to Resolution No. 359-89, a Declaration of Restrictive Covenants was executed by GREENBRIAR ASSOCIATES, fee owner, on April 10, 1989, which Declaration was recorded on April 18, 1989, in the Office of the Clerk of Nassau County in Liber 9986 of Deeds, page 769; and

WHEREAS, by Resolution No. 1174-90, adopted on December 11, 1990, the Town Board granted a modification of the Special Use Permit and Declaration of Restrictive Covenants, to allow for the continued and permanent use of the subject premises as a Residence Inn/Conference Center and Senior Citizens Residence Home in an "F" Business District; and

WHEREAS, Jeffrey D. Forchelli, Esq., of Forchelli Deegan Terrana LLP, attorneys for CSH PLAINVIEW, LLC, contract vendee, on behalf of CSH Plainview, LLC, and on behalf of GREENBRIAR ASSOCIATES, LLC and PLAINVIEW PARKING ASSOCIATES, LLC, fee owners, by letter dated December 17, 2018, corrected January 22, 2019, requested modification of the existing restrictive covenants as follows:

1.) Amend Restrictive Covenant No. 10 of Declaration of Restrictive Covenants dated November 12, 1984, to read as follows:

"The maximum number of residential units on the premises is limited and restricted to one hundred sixty (160) units, and the property known and designated as Section 47, Block 22, Lots 3 & 4 in the Town of Oyster Bay, County of Nassau, and State of New York shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the facility located on the premises known as Section 46, Block 567, Lot 61."

2.) Amend Restrictive Covenant No. 20 of Declaration of Restrictive Covenants dated November 12, 1984, to read as follows:

"Upon the issuance by the Town of Oyster Bay of a building permit for the renovation of the existing facility located at the premises, and the subsequent issuance of a certificate of occupancy for such renovations, any subsequent material deviation or expansion after completion of the renovations, including the height or size of the then existing building, as completed, shall be subject to the approval of the Town of Oyster Bay."

3.) Amend Restrictive Covenant No. 4 of Declaration of Covenants dated April 10, 1989, to read as follows:

"The parking lot located at the property known and designated as Section 47, Block 22, Lots 3 and 4 in the Town of Oyster Bay, County of Nassau, and State of New York, shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the premises known as Section 46, Block 567, Lot 61 on the Land and Tax Map of Nassau County."

and

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated January 30, 2019, recommended that the Declaration of Restrictive Covenants, dated November 12, 1984, and the Declaration of Restrictive Covenants, dated April 10, 1989, be amended as set forth above,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and approved, and the Declarations of Restrictive Covenants, dated November 12, 1984 and April 10, 1989, shall be amended as set forth above, and be it further

RESOLVED, That the relief granted by this Resolution is subject to the execution of a written Declaration of Restrictive Covenants, amending Declaration of Restrictive Covenants dated November 12, 1984, and Declaration of Restrictive Covenants dated April 10, 1989, as set forth in the written instrument attached herewith to be duly recorded in the Office of the Clerk of Nassau County within one (1) year of this Resolution, and the relief granted may only become effective upon such recording.

-#-

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

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

cc: Supervisor
Town Attorney
Comptroller
Planning & Development

Reviewed By
Office of Town Attorney

DECLARATION OF RESTRICTIVE COVENANTS

GREENBRIAR ASSOCIATES, LLC, (formerly known as GREENBRIER ASSOCIATES), with a business address of 9 Gerhard Road, Plainview, New York 11803 and PLAINVIEW PARKING ASSOCIATES, LLC, with a business address of 9 Gerhard Road, Plainview, New York 11803 , fee owners, and CSH PLAINVIEW, LLC, contract vendee, with an address of 1275 Pennsylvania Avenue NW, Second Floor, Washington, D.C. 20004, (collectively "the Declarants"), by this declaration, dated February , 2019, declare as follows:

WHEREAS, on November 12, 1984, a Declaration of Restrictive Covenants was executed with respect to the premises identified as 9 Gerhard Road, Plainview, Town of Oyster Bay, New York, known and designated as Section 46, Block 567, Lot 61 on the Land and Tax Map of Nassau County, which Declaration was recorded in the Office of Clerk of Nassau County on December 14, 1984, in Liber 9604 of Deeds, page 623; and

WHEREAS, on April 10. 1989, a second Declaration of Restrictive Covenants was executed with respect to the same premises, which Declaration was recorded in the Office of the Clerk of Nassau County on April 18, 1989, in Liber 9986 of Deeds, page 769; and

WHEREAS, GREENBRIAR ASSOCIATES, LLC, PLAINVIEW PARKING ASSOCIATES, LLC and CSH PLAINVIEW LLC, have requested that the Town Board of the Town of Oyster Bay ("Town Board") authorize the modification of the existing Declarations of Restrictive Covenants; and

WHEREAS, The Town Board, by Resolution No. 126 - 2019, dated February 12, 2019, approved said request subject to the execution and recording of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily agree to modify the Declaration dated November 12, 1984, and the Declaration dated April 10, 1989, with respect to the premises identified as being located at 9 Gerhard Road, Plainview, Town of Oyster Bay, New York, with the following covenants and restrictions, which will run with the land and be binding upon said Declarants, their successors and/or assigns,

NOW, THEREFORE, BE IT RESOLVED, said Declarants, do hereby covenant and declare as follows:

1. That Restrictive Covenant No. 10 of the Declaration of Restrictive Covenants dated November 12, 1984, be amended in its entirety to read as follows:

> "The maximum number of residential units on the premises is limited and restricted to one hundred sixty (160) units, and the property known and designated as Section 47, Block 22, Lots 3 & 4 in the Town of Oyster Bay, County of Nassau, and State of New York shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the facility located on the premises known as Section 46, Block 567, Lot 61."

2. That Restrictive Covenant No. 20 of the Declaration of Restrictive Covenants dated November 12, 1984, be amended in its entirety, to read as follows:

> "Upon the issuance by the Town of Oyster Bay of a building permit for the renovation of the existing facility located at the premises, and the subsequent issuance of a certificate of occupancy for such renovations, any subsequent material deviation or expansion after completion of the renovations, including the height or size of the then existing building, as completed, shall be subject to the approval of the Town of Oyster Bay."

3. That Restrictive Covenant No. 4 of the Declaration of Restrictive Covenants dated April 10, 1989, be amended in its entirety to read as follows:

> "The parking lot located at the property known and designated as Section 47, Block 22, Lots 3 and 4 in the Town of Oyster Bay, County of Nassau, and State of New York, shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the premises known as Section 46, Block 567, Lot 61 on the Land and Tax Map of Nassau County."

4. That except as modified herein, the Declaration of Restrictive Covenants dated November 12, 1984, and the Declaration of Restrictive Covenants dated April 10, 1989, remain in full force and effect.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, Nassau County, New York, as shown on map entitled: "Map of Morton Village, Section No. 5 situated at Plainview, Town of Oyster Bay, Nassau County, New York surveyed by Teas and Steinbrenner 125 Church Street, Malverne, L.I., N.Y. Jan. 12, 1953" and more particularly bounded and described as follows:

BEGINNING at a point on the Southerly side of Old Country Road distant 104.50 feet easterly from the corner formed by the intersection of the southerly side of Old Country Road with the easterly side of Gerhard Road East;

RUNNING THENCE easterly along the southerly side of Old Country Road North 87 degrees 09 minutes 45 seconds East 50.81 feet to the Westerly side of Gerhard Road East;

THENCE along said road line the following three (3) courses and distances:

1. Southerly along the arc of a curve bearing to the right having a radius of 251.05 feet and an arc length of 227.76 feet;
2. South 49 degrees 08 minutes 38 seconds West 154.19 feet;
3. Southerly along the arc of a curve bearing to the left having a radius of 344.52 feet and an arc length of 65.49 feet to the easterly side of Gerhard Road (formerly Central Park Road);

THENCE along said road line North 15 degrees 12 minutes 40 seconds East 245.29 feet to land now or formerly of 901 Old Country Road Associates LLC;

THENCE along said land the following two (2) courses and distances:

1. North 85 degrees 04 minutes 00 seconds East 105.83 feet;
2. North 15 degrees 12 minutes 40 seconds East 105.85 feet to the southerly line of Old Country Road and the point or place of BEGINNING.

and

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau, and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road (Central Park Road) distant 275.69 feet southerly from the corner formed by the intersection of the southerly side of Old Country Road and the westerly side of Gerhard Road;

RUNNING THENCE southerly along the westerly side of Gerhard Road the following three (3) courses and distances:

1. Along the arc of a curve bearing to the left and having a radius of 97.91 feet a length of 9.43 feet;
2. Along the arc of a curve bearing to the right and having a radius of 414.52 feet a length of 178.23 feet;
3. THENCE South 15 degrees 34 minutes 10 seconds West 208.00 feet;

THENCE North 74 degrees 25 minutes 50 seconds West 220.66 feet;

THENCE northwesterly along the arc of a curve bearing to the left and having a radius of 75.00 feet a length of 63.75 feet;

THENCE North 74 degrees 25 minutes 50 seconds West 155.00 feet;

THENCE southwesterly along the arc of a curve bearing to the left and having a radius of 75.00 feet a length of 63.75 feet;

THENCE North 74 degrees 25 minutes 50 seconds West 130.90 feet to land formerly of Dorchester and now or formerly of C.I.N.H.R. Inc.;

THENCE North 15 degrees 35 minutes 17 seconds East along said above mentioned lands 84.24 feet to lands formerly of Eleanor T. Wright and now or formerly of C.I.N.H.R. Inc.;

THENCE along land formerly of Eleanor Wright and now or formerly of C.I.N.H.R. Inc., the following two (2) courses and distances:

1. North 80 degrees 26 minutes 40 seconds East 61.01 feet;
2. North 8 degrees 57 minutes 20 seconds East 130.60 feet;

THENCE South 81 degrees 02 minutes 40 seconds East a distance of 49.92 feet;

THENCE North 8 degrees 57 minutes 20 seconds East 31.14 feet;

THENCE North 86 degrees 22 minutes 25 seconds East a distance of 205.00 feet to the land now or formerly of Plainview Fire Dept.;

THENCE South 8 degrees 57 minutes 20 seconds West along said land now or formerly of Plainview Fire Dept. a distance of 59.67 feet;

THENCE North 89 degrees 54 minutes 00 seconds East 388.21 feet to the westerly side of Gerhard Road at the point or place of BEGINNING.

IN WITNESS WHEREOF, the Declarants have hereunto set their hands and seals the day and year first above written.

GREENBRIAR ASSOCIATES, LLC

By: _____

PLAINVIEW PARKING ASSOCIATES, LLC

By: _____

CSH PLAINVIEW, LLC

By: _____

STATE OF)
COUNTY OF) ss.:

On the day of in the year 2019 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.

_____
Notary Public

STATE OF)
COUNTY OF) ss.:

On the day of in the year 2019 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.

_____
Notary Public

STATE OF)
COUNTY OF) ss.:

On the day of in the year 2019 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.

_____
Notary Public

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Town of Oyster Bay

Inter-Departmental Memo

TO: MEMORANDUM DOCKET

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

DATE: JANUARY 30, 2019

SUBJECT: GREENBRIAR ASSOCIATES, LLC AND PLAINVIEW PARKING ASSOCIATES, LLC (COLLECTIVELY, "SELLER") TO CSH PLAINVIEW, LLC ("PURCHASER")
MODIFICATION OF RESTRICTIVE COVENANTS
TOWN BOARD RESOLUTION NUMBER(S) 1039-84 & 356-89
9 GERHARD RD.
PLAINVIEW, N.Y. 11803
SECTION 46, BLOCK 567, LOT 61 &
SECTION 47, BLOCK 22, LOT(S) 3 & 4

This Department is in receipt of correspondence, from Jeffrey D. Forchelli, Esq. (hereinafter referred to as "applicant"), Forchelli Deegan Terrana, LLP., dated December 17, 2018 (corrected January 22, 2019), together with a letter from Richard Monti (current property owner) dated January 22, 2019, requesting the modification of Restrictive Covenants for the above mentioned property.

On October 30, 1984, the Town Board approved Town Board Resolution Number 1039-84 which granted a change of zone from a "D" Residence District to a "F" Business District (Neighborhood Business) and "G" Business District (General Business) on the entire premises and granted a Special Use Permit to erect and maintain in the requested "F" Business District (Neighborhood Business), part of the premises a "Senior Citizens Residence Home", and to erect and maintain in the requested "G" Business District (General Business), part of the premises, a professional office building.

According to the Declaration of Restrictive Covenants enacted pursuant to Town Board Resolution Number 1039-84, Number 20, the maximum permitted number of guest rooms on the premises is limited and restricted to one hundred (100) rooms. The applicant requests the modification of this restrictive covenant to limit the maximum number of residential units on the premises to one hundred sixty (160) units and the property known and designated as Section 47, Block 22, Lots 3 & 4 shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the facility located on the premises known as Section 46, Block 567, Lot 61.

According to the Declaration of Restrictive Covenants enacted pursuant to Town Board Resolution Number 1039-84, Number 10, which states in part that no building permit and or certificate of occupancy shall be issued unless and until a "Site Plan" has been approved by Town Board Resolution within one year of the adoption of this resolution. The applicant requests the modification of this restrictive covenant to state " upon the issuance by the Town of Oyster Bay of a building permit for the renovation of the existing facility located at the premises, and the subsequent issuance of a certificate of occupancy for such renovations, any subsequent material deviation or expansion after completion of the renovations, including the height or size of the then existing building, as completed, shall be subject to the approval of the Town of Oyster Bay".

On April 4, 1989, the Town Board approved Town Board Resolution Number 356-89 which granted a change of present use for a period of 24 months and granted a Modification of Restrictive Covenants to use the existing senior citizen housing complex as a conference center (for a period of 24 months) in addition to the presently permitted uses.

According to the Declaration of Restrictive Covenants enacted pursuant to Town Board Resolution Number 356-89, Number 4 off-street parking will be provided in the basement of the subject building through the use of valet service. The applicant requests the modification of this restrictive covenant to state "the parking lot located at the property known and designated as Section 47, Block 22, Lots 3 & 4 in the Town of Oyster Bay, County of Nassau, and State of New York shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the premises known as Section 46, Block, 567, Lot 61".

On December 11, 1990, the Town Board approved Town Board Resolution Number 1174-90 which granted a modification of Special Use Permit and Declaration of Restrictive Covenants effective pursuant to Town Board Resolution Number 1039-84 dated October 30, 1984 as modified by Town Board Resolution Number 356-89 dated April 4, 1989, to continue and permanently use the subject premises as a Residence Inn/Conference Center and Senior Citizens Residence Home in an "F" Business District.

According to the Declaration of Restrictive Covenants enacted pursuant to Town Board Resolution Number 1039-84, Number 23 and the Declaration of Restrictive Covenants enacted pursuant to Town Board Resolution Number 356-89, Number 9 the covenants, restrictions and provisions recited herein may only be changed, modified or terminated by Town Board Resolution.

Submitted for your review are the following documents:

1. Letter from Jeffrey D. Forchelli, Esq., Forchelli Deegan Terrana, LLP., dated December 17, 2018 (corrected January 22, 2019).
2. Town Board Resolution Number 1039-84 dated October 30, 1984 with the associated Declaration of Restrictive Covenants.
3. Town Board Resolution Number 356-89 dated April 4, 1989 with the associated Declaration of Restrictive Covenants.

4. Town Board Resolution Number 1174-90 dated December 11, 1990 with the associated Declaration of Restrictive Covenants.
5. Two (2) Land surveys prepared by Gregory Peterman, L.S., Nelson & Pope Engineers, dated 01/22/2019 for Nassau County Tax Map ID Numbers Sec. 46, Blk. 567, Lot 61 and Sec. 47, Blk. 22 Lots 3 & 4.
6. Letter from the current property owner Richard Monti dated January 22, 2019.
7. Two (2) surveys prepared by Gregory Peterman, L.S., Nelson & Pope Engineers, dated 01/22/2019 for Sec. 46, Blk. 567, Lot 61 and Sec. 47, Blk. 22 Lots 3 & 4 demonstrate compliance with parking requirements, for a 160 unit Senior Living Facility, in accordance with Table 246-8.2.1 of the Town of Oyster Bay Code.

Based on the information provided herein, it is the recommendation of this Department that the aforementioned Resolutions' Restrictive Covenants be modified as requested and this matter be referred to the town Board for their appropriate action.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:slb
Encls.
cc: Legislative Affairs (1 copy w/ attachments)

FORCHELLI DEEGAN TERRANA

JEFFREY D. FORCHELLI
MANAGING PARTNER
DIRECT DIAL: (516) 812-6200
DIRECT FACSIMILE: (866) 522-1239
JFORCHELLI@FORCHELLILAW.COM

REVISED

December 17, 2018
corrected January 22, 2019

VIA EMAIL (sbyrne@oysterbay-ny.gov)

Hon. Leslie Maccarone, Commissioner
Department of Planning and Development
Town of Oyster Bay
74 Audrey Avenue
Oyster Bay, New York 11771

Re: **Greenbriar Associates, LLC and Plainview Parking Associates, LLC (collectively, "Seller") to CSH Plainview, LLC ("Purchaser")**

Premises: 9 Gerhard Road, Plainview, New York 11803
Section 46, Block 567, Lot 61 and
Section 47, Block 22, Lot 3-4

Dear Commissioner Maccarone:

Please be advised that we represent Purchaser in connection with its prospective purchase of the above property. The Sellers, Greenbriar Associates, LLC and Plainview Parking Associates, LLC, are represented by Howard Stein of Certilman Balin who has authorized and approved this request to the Town.

The subject property was the subject of a Town Board application in the 1980s which resulted in the subject property being rezoned from "D" Residence District to "F" Business District ("Neighborhood District"). Simultaneously with the change of zone, the property was granted a special use permit to erect and maintain a "Senior Citizens Residence Home". In connection with such change of zone, a Declaration of Restrictive Covenants was executed by the applicants and recorded with the Nassau County Clerk on December 10, 1984 in Liber 9604, Pages 623-630 (Exhibit "A" attached hereto).

In 1989, a further application was made to, and approved by the Town Board which also permitted the premises to be used as a conference center for a 24-month period. In connection therewith, a further Declaration of Restrictive Covenants was recorded with the Nassau County Clerk on April 12, 1989 in Liber 9986, Pages 769-775. In 1990, by Resolution No. 1174-90, the Town Board eliminated the 24-month limitation on the use of the premises as a conference center (Exhibit "B" attached hereto).

In connection with the sale of the premises it has come to the attention of all parties that certain of the restrictive covenants should be modified in order to reflect the current conditions and to insure proper use of the premises and its parking in the future. We believe they are as follows:

1. Modification of Restrictive Covenant #10 in Declaration of Restrictive Covenants recorded in Liber 9604 Page 623:

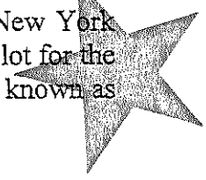
   Restrictive Covenant #10 shall be deleted and replaced with the following language: "The maximum number of residential units on the premises is limited and restricted to one hundred sixty (160) units, and the property known and designated as Section 47, Block 22, Lots 3 & 4 in the Town of Oyster Bay, County of Nassau, and State of New York shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the facility located on the premises known as Section 46, Block 567, Lot 61."

2. Modification of Restrictive Covenant #20 in Declaration of Restrictive Covenants recorded in Liber 9604 Page 623:

   Restrictive Covenant #20 shall be deleted and replaced with the following language: "Upon the issuance by the Town of Oyster Bay of a building permit for the renovation of the existing facility located at the premises, and the subsequent issuance of a certificate of occupancy for such renovations, any subsequent material deviation or expansion after completion of the renovations, including the height or size of the then existing building, as completed, shall be subject to the approval of the Town of Oyster Bay."

3. Modification of Restrictive Covenant #4 in Declaration of Restrictive Covenants recorded in Liber 9986 Page 769:

   Restrictive Covenant #4 shall be deleted and replaced with the following language: "The parking lot located at the property known and designated as Section 47, Block 22, Lot 3 & 4 in the Town of Oyster Bay, County of Nassau, and State of New York shall be used exclusively, and in perpetuity, as a parking lot for the purpose of providing additional parking for the premises known as Section 46, Block 567, Lot 61."



As per paragraph 23 of the 1984 Declaration of Restrictive Covenants a public hearing is not required to change, modify or terminate the covenants and restrictions. However, a Town Board Resolution is required. The same is true of the 1989 Declaration of Restrictive Covenants in paragraph 9.

For your information, the parking area on Lots 3 & 4 in Block 22 of Section 47 were not covered by the two recorded Declarations. However, by the proposed changes to 1 and 3 above, they now would be.

With the parking provided in Section 46, Block 567, Lot 61 and in Section 47, Block 22, Lots 3 and 4, there is a total of 131 parking spaces as shown on the two surveys prepared by Nelson & Pope attached hereto. Accordingly, the required parking calculation for the proposed senior living facility is as follows:

Total Units	160 x .75 = 120 spaces
Maximum Employees	10 spaces
Total Parking Spaces Required	130

Also annexed hereto is a copy of the letter of support dated November 29, 2018 from many local residents (Exhibit "C" attached hereto) and copies of the Nassau County Land and Tax Maps showing the properties (Exhibit "D" attached hereto).

I would appreciate if you could give this your earliest attention because at the end of the year it will no longer be Marriott facility and both the owners and the neighbors are not happy with the prospect of this building "going dark". The sale and purchase are subject to the above changes.

If there is anything further that you need from me or if you would like me to meet with you to go over this please let me know.

Yours truly,

FORCHELLI DEEGAN TERRANA LLP

By: _____
JEFFREY D. FORCHELLI

JDF/ka
Enclosures

cc: Howard Stein, Esq.
Dan Baker, Esq.
Brian Kelly, Esq.
John Bilyeu, Esq.

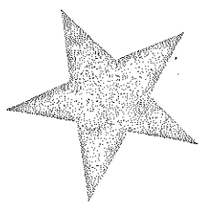


Exhibit A

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION dated the 17th day of November 1984, by DONALD MONTI, residing at 6 Links Court, Huntington, New York, and Dr. RALPH PARISI, residing at Glenby Lane, Brookville, New York, Contract Vendees, and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, with offices at Jamaica Avenue, Plainview, New York, as Owner in Fee of the below described premises, do declare and witnesseth that:

WHEREAS, DONALD MONTI, Dr. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, duly petitioned the Town Board of the Town of Oyster Bay, for a Change of Zone from "D" Residence District to "F" Business District (Neighborhood Business) and "G" Business District (General Business), on the entire premises described below, located at Plainview, New York, and for a Special Use Permit to erect and maintain in the requested "F" Business District (Neighborhood Business), part of the premises, a "Senior Citizens Residence Home", and to erect and maintain in the requested "G" Business District (General Business), part of the premises, a professional office building; and

WHEREAS, a public hearing was held on July 31, 1984, upon the application of DONALD MONTI and Dr. RALPH PARISI, as Contract Vendees, and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, as Owner in Fee, for the aforementioned Change of Zone and special permission; and

WHEREAS, the Town Board has by Resolution No. 1039-84 dated October 30, 1984, approved the above petition subject to execution of certain declaration of restrictive covenants; and

WHEREAS, it is the desire and intent of the petitioners DONALD MONTI and Dr. RALPH PARISI, as Contract Vendees, and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, as Owner in Fee, to assure the orderly development of the below described premises for purposes of preserving the value of said premises and for the benefit and protection of persons and properties in the area and to protect the health, welfare and safety of present and future residents, do hereby voluntarily impose the below listed restrictions and covenants which shall run with the land and bind DONALD MONTI, Dr. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT and all successors and assigns, of that piece or parcel of land situate, lying and being at Plainview, New York, more particularly described as:

DESCRIPTION ENTIRE PREMISES

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Dist. Ver. Pent. Ver.
Section Block Lot
46 567 57

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; thence south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6; RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC:; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet;THENCE north 80 degrees 26 minutes 40 seconds east, 61.01 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 350.60 feet to the southerly side of Old Country Road; THENCE north 86 degrees 22 minutes 25 seconds east, 256.15 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 259.67 feet; THENCE north 89 degrees 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

SAID premises being known and designated as Section 46, Block 567, Lot 57 on the Land and Tax Map of the County of Nassau.

DESCRIPTION "F" BUSINESS DISTRICT (NEIGHBORHOOD BUSINESS) PARCEL

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; THENCE along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; THENCE south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6; RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC.; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet; THENCE north 80 degrees 26 minutes 40 seconds east, 61.01 feet; THENCE north 8 degrees 57 minutes 20

seconds east, 130.60 feet; THENCE south 81 degrees 02 minutes 40 seconds east, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 31.14 feet; THENCE north 86 degrees 22 minutes 25 seconds east, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 59.67 feet; THENCE north 89 degrees 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

DESCRIPTION "G" BUSINESS DISTRICT (GENERAL BUSINESS) PARCEL

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau and State of New York, being more particulary bounded and described as follows:

BEGINNING at a point, which point is the following two courses and distances from a point on the westerly side of Gerhard Road, 290.69 feet south of the intersection of the westerly side of Gerhard Road with the southerly side of Old Country Road; South 89 degrees 54 minutes 00 seconds west, 388.21 feet; North 8 degrees 57 minutes 20 seconds east, 59.67 feet and from said point of BEGINNING:

RUNNING THENCE south 86 degrees 22 minutes 25 seconds west, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 31.14 feet; THENCE north 81 degrees 02 minutes 40 seconds west, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 220.00 feet to the southerly side of Old Country Road; THENCE north 86 degrees 22 minutes 25 seconds east, 256.15 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 200.00 feet to the point or place of BEGINNING.

The following restrictions shall henceforth apply to the said above described property and shall be deemed to be real covenants and shall run with the land.

That as to ourselves and in behalf of all successors of our proprietary interests, it is hereby voluntarily covenanted that, with the exception of the use as a "Senior Citizens Residence Home" specifically granted herein, by the Change of Zone of part of the premises from "D" Residence District to "F" Business District (Neighborhood Business), the premises being described in the granting Resolution No. dated 1984, shall not be utilized for any other use or purpose as is enumerated in the "F" Business District (Neighborhood Business) and "G" Business District (General Business) of the Building Zone Ordinance of the Town of Oyster Bay, unless and until an application for a modification of these restrictive covenants to utilize the subject property for some use other than has been duly approved by resolution of the Town Board of the Town of Oyster Bay, after a public hearing.

RESTRICTIVE COVENANTS APPLICABLE TO "F" BUSINESS DISTRICT (NEIGHBORHOOD BUSINESS) PARCEL.

1. The "Senior Citizens Residence Home" premises is restricted to those individuals over the age of fifty-five (55) and residence shall not be subsidized by any federal, state or local agency.

2. The premises shall not be used as a nursing home, health care, alcoholic or detention facility.

3. That residence at the premises shall not be for a

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term less than thirty (30) days.

4. That the premises shall not be utilized for transient rooms.

5. That the structures on the premises shall meet all requirements of OSHA and the Department of Health as to soundproofing.

6. That outdoor service of food is prohibited, except in the pool area.

7. That the use of the kitchen and dining facility shall be restricted and limited to the residents of the premises.

8. That neither the petitioner nor his successors or assigns shall make any application for a liquor license.

9. That there shall be no cooking facilities on the premises other than in the main kitchen and dining room area, and such kitchenette areas as approved by the Town Board and "site plan" approval.

10. That the maximum number of guest rooms on the premises is limited and restricted to one hundred (100) rooms.

11. There shall be no pedestrian or vehicular ingress or egress to or from Terry Lane and Karen Avenue, and only the planned driveway on Gerhard Road shall be used for the ingress and egress to the premises.

12. No recreational facilities shall be permitted on the roof of the structure. Any recreational facility on the premises shall be for the exclusive use of the residents or guests.

13. For identification purposes of each parcel, freestanding illuminated signs may be erected only on Gerhard Road or Old Country Road and the sign on Gerhard Road may not exceed six (6) feet in total height and the sign on Old Country Road may not exceed eight (8) feet in total height.

14. That the exterior of all structures, driveways, parking fields, landscaping and outdoor areas shall be properly maintained and kept in neat and clean condition.

15. That waste, debris, garbage and refuse shall be stored in closed containers fenced in on three sides and shall be disposed of in accordance with applicable statutes, rules and ordinances. Dumpsters shall use the Old Country Road entrance only, for ingress and egress.

16. That the exterior lighting shall be directed onto the subject premises so as not to penetrate abutting properties or penetrate into the streets so as to interfere with pedestrian or vehicular traffic.

17. The lighting in the landscaped areas shall be of the mushroom variety and shall not exceed eighteen (18) inches in height.

18. That parking shall only be permitted in designated areas and all driveway areas shall remain open at all times for fire and emergency apparatus.

19. There shall be no loudspeaker systems on the premises and any noise shall not go beyond the property line.

20. That no building permit and/or certificate of occu-

 DEED 9604 PAGE 626

pancy shall be issued unless and until a "site plan" has been approved by Town Board resolution within one (1) year of the adoption of this resolution. Said "site plan" shall be drawn to scale and presented in a form acceptable to the Department of Planning and Development and shall include location of ingress and egress; location, layout and striping of all parking areas; sidewalks; landscaping and planters; location of dumpsters and refuse baskets; size, type and location of all exterior lighting; size, type and location of signs; size, type and location of fences; emergency exits and safety equipment; air filtering, circulatory and conditioning systems; smoke detection devices, ansil system and sprinkler system; drainage and grading in compliance with the provisions of the "Individual Building Site Plan Rules and Regulations" of the Department of Planning and Development pursuant to Section 6-32 of the Building Code; and any other information or details as required by regulation and the Department of Planning and Development may require.

21. That the subject premises shall strictly comply with environmental requirements of the Town of Oyster Bay and there shall be strict compliance with any and all Federal, State, County and Town laws, ordinances and directives.

22. That in the event of any violation of any kind of the restrictions, covenants or provisions contained herein, or any previously imposed, or any ordinance or regulations and failure of the then owner of the real property or any first mortgagee, to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate, and any first mortgagee of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith, the special use permit granted, unless a cure for such violation has been commenced and the then owner and/or any first mortgagee is diligently prosecuting the curing of any violation.

23. That the covenants, restrictions and provisions recited herein may only be changed, modified or terminated by Town Board resolution.

RESTRICTIVE COVENANTS APPLICABLE TO "G" BUSINESS DISTRICT (GENERAL BUSINESS) PARCEL.

The above stated restrictive covenants numbered 14 through 23 inclusive are applicable hereto as though fully set forth at length herein.

24. There shall be no retail facility on the premises nor may alcoholic beverages be sold.

25. The premises shall be used for a professional office building. No drug-related or alcoholic facility shall be erected or maintained on the premises.

26. That no part of the basement in the structure shall be used for any purpose other than storage uses directly related to the tenant's operation and maintenance of the facility.

27. That lighting in the parking area shall not exceed twelve (12) feet in height.

IN WITNESS WHEREOF, the parties hereto have duly executed this DECLARATION OF RESTRICTIVE COVENANTS this 14th day of November, 1984.

DONALD MONTI

Dr. RALPH PARISI

PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT

By: President, Board of Education

STATE OF NEW YORK)
) ss.:
COUNTY OF Nassau)

On this 14th day of November 1984, before me personally came DONALD MONTI, to me known who, being by me duly sworn, did depose and say that he resides at 6 Links Court, Huntington, New York, 11743, that he is Contract Vendee of the above described premises and did execute this instrument.

Notary Public

STATE OF NEW YORK)
) ss.:
COUNTY OF Nassau)

On this 13th day of November 1984, before me personally came Dr. RALPH PARISI, to me known who, being by me duly sworn, did depose and say that he resides at Glenby Lane, Brookville, New York, 11545, that he is Contract Vendee of the above described premises and did execute this instrument.

Notary Public

JEAN A. HITCHEN
Notary Public, State of New York
No. 30-4916109
Qualified in Nassau County
Commission Expires March 30, 1986

DEED 9604 PAGE 628

STATE OF NEW YORK)
) ss.:
COUNTY OF Nassau)

On this 14th day of November 1984, before me personally came NORMAN MOSCOWITZ, to me known, who, being by me duly sworn, did depose and say that he resides at 59 Joyce Road, Plainview, New York, 11803, that he is the President of the PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, the municipal Corporation described in and which executed the foregoing instrument; that he knows the seal of said municipal Corporation; that the seal affixed to said instrument is such municipal corporate seal; that it was so affixed by order of the Board of Education of said municipal Corporation, and that he signed his name thereto by like order.

GREGORY J. GUERCIO
NOTARY PUBLIC, State of New York
No. 4743222
Qualified in Nassau County
Commission Expires March 30, 1985

Notary Public

OFFICIAL 9604 PAGE 629

DEC 14 1984

DEC 14 1984

000295

RECORDED

DEC 14 12 06 PM '84

HAROLD W. McDONNELL
COUNTY CLERK

RECORD AND RETURN
TO
TOWN CLERK
OYSTER BAY, N. Y.

ANN B. OCKER
TOWN CLERK
OYSTER BAY, N. Y. 11771

DEED 9604 PAGE 630

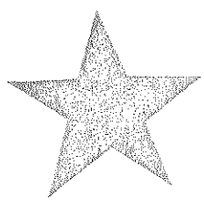

Exhibit B

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, dated the 10th day of APRIL, 1989, by GREENBRIAR ASSOCIATES of the premises described in Schedule "A", do hereby declare and witnesseth:

That said Declarant, GREENBRIAR ASSOCIATES*, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit in an "F" Business District to change present use for a period of 24 months and for a Modification of prior Restrictive Covenants to use the existing senior citizen housing complex as a Conference Center (for a period of 24 months) at Plainview, Town of Oyster Bay, County of Nassau and State of New York; and

WHEREAS, a duly advertised public hearing on said petition was held by the Town Board of the Town of Oyster Bay on December 20, 1988, upon this application for the aforementioned special use permit and amendment of the present covenants and restrictions; and

WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 356-89, dated APRIL 4, 1989, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, GREENBRIAR ASSOCIATES, for the purpose of preserving the value, and in order to assure the orderly development of the below-described premises in Schedule "A", and for the benefit and protection of persons and property in the area, and in order to protect the health, welfare and safety of present and future residents, do hereby voluntarily impose the following covenants and restrictions which will run with the land and be binding upon said owners, their successors or assigns.

NOW, THEREFORE, said declarant, GREENBRIAR ASSOCIATES, does hereby covenant and declare as follows:

1. That the terms and conditions of this declaration and the accompanying Special Use Permit shall be in force and effect for a period of twenty-four (24) months. Said time period shall begin on the effective date of said Special Use Permit, i.e., the day of filing with the Nassau County Clerk's Office.

2. That the terms, conditions and restrictive covenants referred to in Town Board Resolution No. 1039-84 dated October 30, 1984 and specifically recited in a separate executed agreement between the Town of Oyster Bay and Donald Monti, Dr. Ralph Parisi and Plainview-Old Bethpage Central School District, dated 11/12/84 and recorded in the Office of the Clerk of the County of Nassau on 12/14/84 at liber 9604, pages 623-630, shall remain in full force and effect with regard to the senior citizens residence home.

3. That the following terms, conditions and restrictive covenants in the above noted declaration dated

DONALD MONTI
GENERAL PARTNER
*GREENBRIAR ASSOCIATES
875 OLD COUNTRY ROAD
PLAINVIEW, N.Y. 11803

Lotted R Ver M Post Ver
Section 46 Block 567 Lot 61

APR 13 1989

DEED 9986 PAGE 769

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HAROLD W. McCONNELL
COUNTY CLERK
NASSAU COUNTY

11/12/84 shall be conditionally suspended for a period of twenty-four (24) months as set forth herein as follows:

a) Covenant No. 1 - "The 'Senior Citizens Residence Home' premises is restricted to those individuals over the age of fifty-five (55) and residence shall not be subsidized by any federal state or local agency" but only with respect to Conference Center guests.

b) Covenant No. 3 - "That a residence at the premises shall not be for a term less than thirty (30) days" but only with respect to Conference Center guests.

c) Covenant No. 4 - "That the premises shall not be utilized for transient rooms", provided that any transient stay shall be restricted to participants of a scheduled conference currently being held or pre-booked business corporate customers of the Conference Center.

d) Covenant No. 7 - "That the use of the kitchen and dining facility shall be restricted and limited to the residents of the premises" provided that all other dining accommodations are limited to current Conference Center guests.

e) Covenant No. 8 - "Neither the petitioner nor his successors or assigns shall make any application for a liquor license", provided that if a liquor license is obtained, alcoholic beverages may be sold. However, they shall be limited to occupants legally occupying the subject premises, in accordance with this Declaration and accompanying Special Use Permit.

4. That off-street parking be provided in the basement of the subject building through the use of a valet service.

5. That no on-street parking will be permitted.

6. That the applicant shall meet with local residents at which time a local residents advisory board shall be established to provide a means of communication by the residents to the applicant in the event of any problems or concerns with regard to the conference center use.

7. That no bar, restaurant, night club or catering use shall be provided.

8. That in the event of any violations of any kind of the restrictions, covenants or provisions recited herein, or any ordinance or regulations and failure of the then owner of the

real property, or any first mortgagee of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith the Special Use Permit granted, unless a cure for such violation has been commenced and the then owner and/or any first mortgagee is diligently prosecuting the curing of any violation.

9. That the covenants, restrictions and provisions recited herein may only be changed, modified or terminated by Town Board Resolution.

SCHEDULE "A"

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; THENCE along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; THENCE south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6; RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC.; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet; THENCE north 80 degrees 26 minutes 40 seconds east 61.01 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 130.60 feet; THENCE south 81 degrees 02 minutes 40 seconds east, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 31.14 feet; THENCE north 86 degrees 22 minutes 25 seconds east, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 59.67 feet; THENCE north 89 degrees, 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

Said premises are known and described as Section 46, Block 567, Lot 61 on the Land and Tax Map of the County of Nassau.

GREENBRIAR ASSOCIATES

DONALD MONTI

DR. JAY YOUNGERMAN

~~DR. HOSSAIN AKBAR YADEN~~

CAROLYN SALADINO

DR. RALPH PARISI

~~BORITA REALTY CORP.~~

~~By:~~ _____

Dr.Jay Youngerman
25 Coachman Place West
Muttontown,NY 11732

~~Dr.Hossain Akbar Yaden~~
~~11 Sound Bay Dr.~~
~~Lloyd Neck,N.Y. 11743~~

Dr.Ralph Parisi
No# Glenby Lane
Brookville,N.Y. 11545

Carolyn Saladino
250 Jennings Road
Lloyd Harbor, N.Y. 11743

~~Borita Realty Corp.~~
~~1040 Northern Blvd.~~
~~Roslyn, N.Y. 11576~~

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this 11 day of APRIL, 1989 before me personally came and appeared DONALD MONTI, to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Maria L. Avitable
Notary Public

MARIA L. AVITABLE
Notary Public, State of New York
No. 4864327
Qualified in Nassau County
Commission Expires Sept. 15, 19 QC

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this 11 day of APRIL, 1989, before me personally came and appeared JAY YOUNGERMAN, to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Maria L. Avitable
Notary Public

MARIA L. AVITABLE
Notary Public, State of New York
No. 4864327
Qualified in Nassau County
Commission Expires Sept. 15, 19 QC

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this day of APRIL, 1989, before me personally came and appeared HOSSEIN ~~MICHAEL ZADEH~~ to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Notary Public

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this 11 day of APRIL, 1989, before me personally appeared CAROLYN SALADINO to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Maria L. Avitable
Notary Public

MARIA L. AVITABLE
Notary Public, State of New York
No. 4864327
Qualified in Nassau County
Commission Expires Sept. 15, 19 QC

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this 11 day of April, 1987, before me personally came and appeared Ralph Parisi, to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed same.

Maria L. Avitable
Notary Public

MARIA L. AVITABLE
Notary Public, State of New York
No. 4854327
Qualified in Nassau County
Commission Expires Sept. 15, 19[illegible]

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this day of , 1987, before me personally came and appeared , to me known, who being by me duly sworn, did depose and say that he resides at , that he is the of BERITA REALTY CORPORATION, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation, that one of the seals affixed to said instrument is such seal, that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Notary Public

ECORD AND RETURN
TO
TOWN CLERK
OYSTER BAY, N. Y.

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NASSAU COUNTY
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L 61
TN Deeds

RECORDED
APR 18 11 42 AM '89
HAROLD W. McCONNE
COUNTY CLERK
NASSAU COUNTY

DEED 9986 PAGE 775

~~RECORD AND RETURN~~
~~TO~~
~~TOWN CLERK~~
~~OYSTER BAY, N. Y.~~

BJW:tac/eb

RESOLUTION NO. 1039-84

Meeting of October 30, 1984

WHEREAS, DONALD MONTI, DR. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, by petition verified February 9, 1984 by Donald Monti and Dr. Ralph Parisi, and verified February 16, 1984, by Miriam Ravad, President of the Board of Education, Plainview-Old Bethpage Central School District, heretofore petitioned the Town Board of the Town of Oyster Bay for a Change of Zone from "D" Residence District to "F" Business District (Neighborhood Business) and "G" Business District (General Business) on the entire premises described below, located at Plainview, New York, and for a Special Use Permit to erect and maintain in the requested "F" Business District (Neighborhood Business), part of the premises, a "Senior Citizens Residence Home", and to erect and maintain in the requested "G" Business District (General Business), part of the premises, a professional office building; and

WHEREAS, a duly advertised public hearing on said petition was held by the Town Board of the Town of Oyster Bay on July 31, 1984, at which hearing all parties interested in the subject matter and desiring to be heard, were heard; and

WHEREAS, D'Amato, Forchelli, Libert, Schwartz, Mineo and Weinstein, Esqs., attorneys for the petitioner, by Jeffrey D. Forchelli, Esq., of Counsel, appeared in support of the application; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 2731-84, adopted July 26, 1984, recommends the Town Board of the Town of Oyster Bay take such action as it deems appropriate, the Commission having no objections or modifications; and

WHEREAS, the Town Board of the Town of Oyster Bay, after having reviewed the recommendations of the Town of Oyster Bay Environmental Quality Review Commission, which reported that this application would not have a significant effect upon the environment, did by Resolution No. 489-84, dated May 22, 1984, declare and find that the petition of DONALD MONTI, DR. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT would not have a significant effect upon the environment; and

WHEREAS, the Town Board of the Town of Oyster Bay finds from the relevant facts and circumstances adduced at the hearing and from facts within the personal knowledge of the members of the Town Board that the nature of the area, location, nature and character of the subject premises and the zoning and uses of the surrounding properties in the vicinity thereof, said subject premises are adequate and suitable for the requested use; that the granting of the application subject to the covenants and restrictions herein imposed on the owner and contract vendees herein by recordable written instrument, will not endanger the health, welfare or safety of the community or the inhabitants thereof and will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the petition of DONALD MONTI, DR. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, for a Change of Zone from "D" Residence District to "F" Business District (Neighborhood Business) and for a Special Use Permit to erect and maintain in the requested "F" Business District (Neighborhood Business) a "Senior Citizens Residence Home", on the premises described below as Description "F"

Business District (Neighborhood Business) Parcel, be and the same is hereby GRANTED: and be it further

RESOLVED, That the petition of DONALD MONTI, Dr. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, for a Change of Zone from "D" Residence District to "G" Business District (General Business) to erect and maintain in the requested "G" Business District (General Business) a professional office building, on the premises described below as Description "G" Business District (General Business) Parcel, be and the same is hereby GRANTED; and be it further

RESOLVED, That the granting of the Change of Zone from "D" Residence District to "F" Business District (Neighborhood Business) and "G" Business District (General Business), and the Special Use Permit as set forth herein, shall not take effect unless and until the covenants and restrictions imposed herein on the owner in fee and the applicant contract vendees, as set forth in a separate written instrument entitled "Declaration of Restrictive Covenants" annexed hereto, are duly executed and recorded in the Office of the Clerk of Nassau County and said Change of Zone and special permission granted by this resolution shall only become effective at the time of such recording.

DESCRIPTION ENTIRE PREMISES

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; thence south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6;

RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE North 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC.; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet THENCE north 80 degrees 26 minutes 40 seconds east, 61.01 feet; THENCE north 8 degrees 57 minutes 20 second east, 350.60 feet to the southerly side of Old Country Road; THENCE north 86 degrees 22 minutes 25 seconds

east, 256.15 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 259.67 feet; THENCE north 89 degrees 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

SAID premises being known and designated as Section 46, Block 567, Lot 57 on the Land and Tax Map of the County of Nassau.

DESCRIPTION "F" BUSINESS DISTRICT
(NEIGHBORHOOD BUSINESS) PARCEL

ALL that certain plot, piece or parcel of land, situa lying and being at Plainview, Town of Oyster Bay, Cou of Nassau and State of New York, being more particula bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Roac with the south side of Old Country Road and from saic point of beginning, running southerly along the west side of Gerhard Road, the following three courses anc distances:

Along the arc of a curve, bearing to the right, havir a radius of 97.91 feet, a distance of 9.43 feet; THEI along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; THENCE south 15 degrees, 34 minutes 10 seconds west, feet to the boundary of map of Morton Village Sectior RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve be ing to the left, having a radius of 75.00 feet, a dis tance of 63.75 feet; THENCE north 74 degrees 25 minut 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degre 25 minutes 50 seconds west, 130.90 feet to land now c formerly of CINHR INC.; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet; THENCE north 80 degrees 26 minutes 40 seconds east, 61.01 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 130.60 feet; THENCE south 81 degrees 0 minutes 40 seconds east, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 31.14 feet; THENC north 86 degrees 22 minutes 25 seconds east, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 59.67 feet; THENCE north 89 degrees, 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

DESCRIPTION "G" BUSINESS DISTRICT
(GENERAL BUSINESS) PARCEL

ALL that certain plot, piece or parcel of land, situa lying and being at Plainview, Town of Oyster Bay, Cou of Nassau and State of New York, being more particula bounded and described as follows:

BEGINNING at a point, which point is the following tv courses and distances from a point on the westerly si of Gerhard Road, 290.69 feet south of the intersectic of the westerly side of Gerhard Road with the souther side of Old Country Road; South 89 degrees 54 minutes 00 seconds west, 388.21 feet; North 8 degrees 57 minu

20 seconds east, 59.67 feet and from said point of BEGINNING:
RUNNING THENCE south 86 degrees 22 minutes 25 seconds west, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 31.14 feet; THENCE north 81 degrees 02 minutes 40 seconds west; 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 220.00 feet to the southerly side of Old Country Road; THENCE north 86 degrees 22 minutes 25 seconds east, 256.15 feet; THENCE south 8 degrees 57 minutes 20 second west, 200.00 feet to the point or place of BEGINNING.

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

Supervisor Colby	Aye
Councilman Mosca	Aye
Councilman Hogan	Aye
Councilman Diamond	Aye
Councilman Clark	Aye
Councilman Hynes	Aye
Councilman Venditto	Aye

cc: Supervisor
Town Board
Town Attorney
Comptroller(2)
Building Div.
Plan. & Dev. (cert.)

STATE OF NEW YORK, }
COUNTY OF NASSAU, } ss.:
TOWN OF OYSTER BAY }

I, FANNY CORSENTINO, Deputy Town Clerk of the Town of Oyster Bay, and custodian of the Records of said Town, DO HEREBY CERTIFY that I have compared the annexed with the original Resolution No. 1039-84 adopted by the Town Board on October 30, 1984 approving the application of DONALD MONTI, DR. RALPH PARISI & PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT for a change of zone, Plainview, N.Y.
filed in the Town Clerk's Office
and that the same is a true transcript thereof, and of the whole of such original.

In Testimony Whereof, I have hereunto signed my name and affixed the seal of said Town this 2nd day of November 1984.

Fanny Corsentino
Deputy Town Clerk.

TC-7

NOV 30 RE-4

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION dated the 17th day of November 1984, by DONALD MONTI, residing at 6 Links Court, Huntington, New York, and Dr. RALPH PARISI, residing at Glenby Lane, Brookville, New York, Contract Vendees, and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, with offices at Jamaica Avenue, Plainview, New York, as Owner in Fee of the below described premises, do declare and witnesseth that:

WHEREAS, DONALD MONTI, Dr. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, duly petitioned the Town Board of the Town of Oyster Bay, for a Change of Zone from "D" Residence District to "F" Business District (Neighborhood Business) and "G" Business District (General Business), on the entire premises described below, located at Plainview, New York, and for a Special Use Permit to erect and maintain in the requested "F" Business District (Neighborhood Business), part of the premises, a "Senior Citizens Residence Home", and to erect and maintain in the requested "G" Business District (General Business), part of the premises, a professional office building; and

WHEREAS, a public hearing was held on July 31, 1984, upon the application of DONALD MONTI and Dr. RALPH PARISI, as Contract Vendees, and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, as Owner in Fee, for the aforementioned Change of Zone and special permission; and

WHEREAS, the Town Board has by Resolution No. 1039-84 dated October 30, 1984 , approved the above petition subject to execution of certain declaration of restrictive covenants; and

WHEREAS, it is the desire and intent of the petitioners DONALD MONTI and Dr. RALPH PARISI, as Contract Vendees, and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, as Owner in Fee, to assure the orderly development of the below described premises for purposes of preserving the value of said premises and for the benefit and protection of persons and properties in the area and to protect the health, welfare and safety of present and future residents do hereby voluntarily impose the below listed restrictions and covenants which shall run with the land and bind DONALD MONTI, Dr. RALPH PARISI and PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT and all successors and assigns, of that piece or parcel of land situate, lying and being at Plainview, New York, more particularly described as:

DESCRIPTION ENTIRE PREMISES

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; thence south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6; RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC:; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet;THENCE north 80 degrees 26 minutes 40 seconds east, 61.01 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 350.60 feet to the southerly side of Old Country Road; THENCE north 86 degrees 22 minutes 25 seconds east, 256.15 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 259.67 feet; THENCE north 89 degrees 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

SAID premises being known and designated as Section 46, Block 567, Lot 57 on the Land and Tax Map of the County of Nassau.

DESCRIPTION "F" BUSINESS DISTRICT (NEIGHBORHOOD BUSINESS) PARCEL

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; THENCE along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; THENCE south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6; RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC.; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet; THENCE north 80 degrees 26 minutes 40 seconds east, 61.01 feet; THENCE north 8 degrees 57 minutes 20

seconds east, 130.60 feet; THENCE south 81 degrees 02 minutes 40 seconds east, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 31.14 feet; THENCE north 86 degrees 22 minutes 25 seconds east, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 59.67 feet; THENCE north 89 degrees 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

DESCRIPTION "G" BUSINESS DISTRICT (GENERAL BUSINESS) PARCEL

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau and State of New York, being more particulary bounded and described as follows:

BEGINNING at a point, which point is the following two courses and distances from a point on the westerly side of Gerhard Road, 290.69 feet south of the intersection of the westerly side of Gerhard Road with the southerly side of Old Country Road; South 89 degrees 54 minutes 00 seconds west, 388.21 feet; North 8 degrees 57 minutes 20 seconds east, 59.67 feet and from said point of BEGINNING:

RUNNING THENCE south 86 degrees 22 minutes 25 seconds west, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 31.14 feet; THENCE north 81 degrees 02 minutes 40 seconds west, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 220.00 feet to the southerly side of Old Country Road; THENCE north 86 degrees 22 minutes 25 seconds east, 256.15 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 200.00 feet to the point or place of BEGINNING.

The following restrictions shall henceforth apply to the said above described property and shall be deemed to be real covenants and shall run with the land.

That as to ourselves and in behalf of all successors of our proprietary interests, it is hereby voluntarily covenanted that, with the exception of the use as a "Senior Citizens Residence Home" specifically granted herein, by the Change of Zone of part of the premises from "D" Residence District to "F" Business District (Neighborhood Business), the premises being described in the granting Resolution No. dated 1984, shall not be utilized for any other use or purpose as is enumerated in the "F" Business District (Neighborhood Business) and "G" Business District (General Business) of the Building Zone Ordinance of the Town of Oyster Bay, unless and until an application for a modification of these restrictive covenants to utilize the subject property for some use other than has been duly approved by resolution of the Town Board of the Town of Oyster Bay, after a public hearing.

RESTRICTIVE COVENANTS APPLICABLE TO "F" BUSINESS DISTRICT (NEIGHBORHOOD BUSINESS) PARCEL.

1. The "Senior Citizens Residence Home"premises is restricted to those individuals over the age of fifty-five (55) and residence shall not be subsidized by any federal, state or local agency.

2. The premises shall not be used as a nursing home, health care, alcoholic or detention facility.

3. That residence at the premises shall not be for a

term less than thirty (30) days.

4. That the premises shall not be utilized for transient rooms.

5. That the structures on the premises shall meet all requirements of OSHA and the Department of Health as to sound-proofing.

6. That outdoor service of food is prohibited, except in the pool area.

7. That the use of the kitchen and dining facility shall be restricted and limited to the residents of the premises.

8. That neither the petitioner nor his successors or assigns shall make any application for a liquor license.

9. That there shall be no cooking facilities on the premises other than in the main kitchen and dining room area, and such kitchenette areas as approved by the Town Board and "site plan" approval.

10. That the maximum number of guest rooms on the premises is limited and restricted to one hundred (100) rooms.

11. There shall be no pedestrian or vehicular ingress or egress to or from Terry Lane and Karen Avenue, and only the planned driveway on Gerhard Road shall be used for the ingress and egress to the premises.

12. No recreational facilities shall be permitted on the roof of the structure. Any recreational facility on the premises shall be for the exclusive use of the residents or guests.

13. For identification purposes of each parcel, free-standing illuminated signs may be erected only on Gerhard Road or Old Country Road and the sign on Gerhard Road may not exceed six (6) feet in total height and the sign on Old Country Road may not exceed eight (8) feet in total height.

14. That the exterior of all structures, driveways, parking fields, landscaping and outdoor areas shall be properly maintained and kept in neat and clean condition.

15. That waste, debris, garbage and refuse shall be stored in closed containers fenced in on three sides and shall be disposed of in accordance with applicable statutes, rules and ordinances. Dumpsters shall use the Old Country Road entrance only, for ingress and egress.

16. That the exterior lighting shall be directed onto the subject premises so as not to penetrate abutting properties or penetrate into the streets so as to interfere with pedestrian or vehicular traffic.

17. The lighting in the landscaped areas shall be of the mushroom variety and shall not exceed eighteen (18) inches in height.

18. That parking shall only be permitted in designated areas and all driveway areas shall remain open at all times for fire and emergency apparatus.

19. There shall be no loudspeaker systems on the premises and any noise shall not go beyond the property line.

20. That no building permit and/or certificate of occu-

pancy shall be issued unless and until a "site plan" has been approved by Town Board resolution within one (1) year of the adoption of this resolution. Said "site plan" shall be drawn to scale and presented in a form acceptable to the Department of Planning and Development and shall include location of ingress and egress; location, layout and striping of all parking areas; sidewalks; landscaping and planters; location of dumpsters and refuse baskets; size, type and location of all exterior lighting; size, type and location of signs; size, type and location of fences; emergency exits and safety equipment; air filtering, circulatory and conditioning systems; smoke detection devices, ansil system and sprinkler system; drainage and grading in compliance with the provisions of the "Individual Building Site Plan Rules and Regulations" of the Department of Planning and Development pursuant to Section 6-32 of the Building Code; and any other information or details as required by regulation and the Department of Planning and Development may require.

21. That the subject premises shall strictly comply with environmental requirements of the Town of Oyster Bay and there shall be strict compliance with any and all Federal, State, County and Town laws, ordinances and directives.

22. That in the event of any violation of any kind of the restrictions, covenants or provisions contained herein, or any previously imposed, or any ordinance or regulations and failure of the then owner of the real property or any first mortgagee, to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate, and any first mortgagee of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith, the special use permit granted, unless a cure for such violation has been commenced and the then owner and/or any first mortgagee is diligently prosecuting the curing of any violation.

23. That the covenants, restrictions and provisions recited herein may only be changed, modified or terminated by Town Board resolution.

RESTRICTIVE COVENANTS APPLICABLE TO "G" BUSINESS DISTRICT (GENERAL BUSINESS) PARCEL.

The above stated restrictive covenants numbered 14 through 23 inclusive are applicable hereto as though fully set forth at length herein.

24. There shall be no retail facility on the premises nor may alcoholic beverages be sold.

25. The premises shall be used for a professional office building. No drug-related or alcoholic facility shall be erected or maintained on the premises.

26. That no part of the basement in the structure shall be used for any purpose other than storage uses directly related to the tenant's operation and maintenance of the facility.

27. That lighting in the parking area shall not exceed twelve (12) feet in height.

IN WITNESS WHEREOF, the parties hereto have duly executed this DECLARATION OF RESTRICTIVE COVENANTS this 13th day of November, 1984.

Donald Monti
DONALD MONTI

Ralph Parisi MD
Dr. RALPH PARISI

PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT

Norman Markowitz
By: President, Board of Education

STATE OF NEW YORK)
) ss.:
COUNTY OF Nassau)

On this 13th day of November 1984, before me personally came DONALD MONTI, to me known who, being by me duly sworn, did depose and say that he resides at 6 Links Court, Huntington, New York, 11743, that he is Contract Vendee of the above described premises and did execute this instrument.

Walter J. Bobbick
Notary Public

WALTER J. BOBBICK
Notary Public, State of New York
No. 30-4774713
Qualified in Nassau County
Commission Expires March 30, 19

STATE OF NEW YORK)
) ss.:
COUNTY OF Nassau)

On this 13th day of November 1984, before me personally came Dr. RALPH PARISI, to me known who, being by me duly sworn, did depose and say that he resides at Glenby Lane, Brookville, New York, 11545, that he is Contract Vendee of the above described premises and did execute this instrument.

Jean A. Hitchen
Notary Public

JEAN A. HITCHEN
Notary Public, State of New York
No. 30-6915100
Qualified in Nassau County
Commission Expires March 30, 1986

STATE OF NEW YORK)
) ss.:
COUNTY OF)

On this day of 1984, before me personally came NORMAN MOSCOWITZ, to me known, who, being by me duly sworn, did depose and say that he resides at 59 Joyce Road, Plainview, New York, 11803, that he is the President of the PLAINVIEW-OLD BETHPAGE CENTRAL SCHOOL DISTRICT, the municipal Corporation described in and which executed the foregoing instrument; that he knows the seal of said municipal Corporation; that the seal affixed to said instrument is such municipal corporate seal; that it was so affixed by order of the Board of Education of said municipal Corporation, and that he signed his name thereto by like order.

GREGORY J. GUERCIO
NOTARY PUBLIC, State of New York
No. 4743032
Qualified in Nassau County
Commission Expires March 30, 19 85

Notary Public

RESOLUTION NO. 356-89

Meeting of April 4, 1989

WHEREAS, GREENBRIAR ASSOCIATES, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit in an "F" Business District at Plainview, New York to change present use for a period of 24 months and for a Modification of prior Restrictive Covenants to use the existing senior citizen housing complex as a Conference Center (for a period of 24 months) in addition to the presently permitted uses; and

WHEREAS, a duly advertised public hearing on said petition was held before the Town Board on December 20, 1988 and all interested parties desiring to be heard were heard; and

WHEREAS, Jeffrey D. Forchelli, of D'Amato, Forchelli, Libert, Schwartz, Mineo and Joseph F. Carlino, attorney for the Petitioner, appeared in support of the application; and

WHEREAS, the Town Board of the Town of Oyster Bay, after having reviewed the recommendations of the Town Environmental Quality Review Commission, did by Resolution No. 169-89 dated February 14, 1989, declare and find that the subject application will not have a significant effect on the environment and the proposed actions in the petition constitute a Negative Declaration, in accordance with the New York State Environmental Conservation Law and its applicable regulations thereon; and

WHEREAS, the Town Board of the Town of Oyster Bay finds from the relevant facts and circumstances adduced at the public hearing, and from the facts and information within the personal knowledge of the members of the Town Board, that because of the area, location, nature and character of the subject property, the below described premises are adequate and suitable for the requested use; that the granting of this application subject to the covenants, restrictions and provisions herein imposed upon said premises, will not adversely affect the present character of the area, and will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the petition of GREENBRIAR ASSOCIATES, for a 24-month Special Use Permit to utilize the premises as a conference center in addition to the presently permitted uses, at Plainview, Town of Oyster Bay, County of Nassau and State of New York, is hereby GRANTED, and the Building Zone Map of the Town of Oyster Bay, Nassau County, New York, as amended and revised be and the same is hereby amended and changed accordingly, on the premises described as follows:

Approved as to Form
Deputy Town Attorney

SCHEDULE "A"

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning,

running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; THENCE along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; THENCE south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6; RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC.; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet; THENCE north 80 degrees 26 minutes 40 seconds east 61.01 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 130.60 feet; THENCE south 81 degrees 02 minutes 40 seconds east, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 31.14 feet; THENCE north 86 degrees 22 minutes 25 seconds east, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 59.67 feet; THENCE north 89 degrees, 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

Said premises are known and described as Section 46, Block 567, Lot 61 on the Land and Tax Map of the County of Nassau.

The Special Use Permit herein granted are subject to voluntary covenants and restrictions imposed upon the subject premises by GREENBRIAR ASSOCIATES, as set forth in a written instrument to be duly recorded in the Office of the Clerk of Nassau County; and this resolution shall become effective upon such recording.

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

Supervisor Delligatti	Aye
Councilman Hogan	Aye
Councilman Clark	Aye
Councilman Hynes	Aye
Councilman Venditto	Aye
Councilman Ocker	Aye
Councilman Symons	Abstaining

cc:Supervisor
Town Attorney
Comptroller(2)
Building Div.
Plan. & Dev.(cert.)

DONALD MONTI
GENERAL PARTNER
GREENBRIAR ASSOCIATES
875 OLD COUNTRY ROAD
PLAINVIEW, N.Y. 11803

RECEIVED
HAROLD W. McCONNELL
COUNTY CLERK

APR 17 10 11 AM '89

DECLARATION OF RESTRICTIVE COVENANTS

THIS DECLARATION, dated the 10th day of APRIL, 1989, by GREENBRIAR ASSOCIATES of the premises described in Schedule "A", do hereby declare and witnesseth:

That said Declarant, GREENBRIAR ASSOCIATES, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit in an "F" Business District to change present use for a period of 24 months and for a Modification of prior Restrictive Covenants to use the existing senior citizen housing complex as a Conference Center (for a period of 24 months) at Plainview, Town of Oyster Bay, County of Nassau and State of New York; and

WHEREAS, a duly advertised public hearing on said petition was held by the Town Board of the Town of Oyster Bay on December 20, 1988, upon this application for the aforementioned special use permit and amendment of the present covenants and restrictions; and

WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 356-89, dated APRIL 4, 1989, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, GREENBRIAR ASSOCIATES, for the purpose of preserving the value, and in order to assure the orderly development of the below-described premises in Schedule "A", and for the benefit and protection of persons and property in the area, and in order to protect the health, welfare and safety of present and future residents, do hereby voluntarily impose the following covenants and restrictions which will run with the land and be binding upon said owners, their successors or assigns.

NOW, THEREFORE, said declarant, GREENBRIAR ASSOCIATES, does hereby covenant and declare as follows:

1. That the terms and conditions of this declaration and the accompanying Special Use Permit shall be in force and effect for a period of twenty-four (24) months. Said time period shall begin on the effective date of said Special Use Permit, i.e., the day of filing with the Nassau County Clerk's Office.

2. That the terms, conditions and restrictive covenants referred to in Town Board Resolution No. 1039-84 dated October 30, 1984 and specifically recited in a separate executed agreement between the Town of Oyster Bay and Donald Monti, Dr. Ralph Parisi and Plainview-Old Bethpage Central School District, dated 11/12/84 and recorded in the Office of the Clerk of the County of Nassau on 12/14/84 at liber 9604, pages 623-630, shall remain in full force and effect with regard to the senior citizens residence home.

3. That the following terms, conditions and restrictive covenants in the above noted declaration dated

11/12/84 shall be conditionally suspended for a period of twenty-four (24) months as set forth herein as follows:

a) Covenant No. 1 - "The 'Senior Citizens Residence Home' premises is restricted to those individuals over the age of fifty-five (55) and residence shall not be subsidized by any federal state or local agency" but only with respect to Conference Center guests.

b) Covenant No. 3 - "That a residence at the premises shall not be for a term less than thirty (30) days" but only with respect to Conference Center guests.

c) Covenant No. 4 - "That the premises shall not be utilized for transient rooms", provided that any transient stay shall be restricted to participants of a scheduled conference currently being held or pre-booked business corporate customers of the Conference Center.

d) Covenant No. 7 - "That the use of the kitchen and dining facility shall be restricted and limited to the residents of the premises" provided that all other dining accommodations are limited to current Conference Center guests.

e) Covenant No. 8 - "Neither the petitioner nor his successors or assigns shall make any application for a liquor license", provided that if a liquor license is obtained, alcoholic beverages may be sold. However, they shall be limited to occupants legally occupying the subject premises, in accordance with this Declaration and accompanying Special Use Permit.

4. That off-street parking be provided in the basemen of the subject building through the use of a valet service.

5. That no on-street parking will be permitted.

6. That the applicant shall meet with local residents at which time a local residents advisory board shall be established to provide a means of communication by the residents to the applicant in the event of any problems or concerns with regard to the conference center use.

7. That no bar, restaurant, night club or catering use shall be provided.

8. That in the event of any violations of any kind of the restrictions, covenants or provisions recited herein, or any ordinance or regulations and failure of the then owner of the

real property, or any first mortgagee of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith the Special Use Permit granted, unless a cure for such violation has been commenced and the then owner and/or any first mortgagee is diligently prosecuting the curing of any violation.

9. That the covenants, restrictions and provisions recited herein may only be changed, modified or terminated by Town Board Resolution.

SCHEDULE "A"

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet; THENCE along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet; THENCE south 15 degrees, 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6; RUNNING THENCE north 74 degrees 25 minutes 50 seconds west, 220.66 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet; THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet; THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC.; THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet; THENCE north 80 degrees 26 minutes 40 seconds east 61.01 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 130.60 feet; THENCE south 81 degrees 02 minutes 40 seconds east, 49.92 feet; THENCE north 8 degrees 57 minutes 20 seconds east, 31.14 feet; THENCE north 86 degrees 22 minutes 25 seconds east, 205.00 feet; THENCE south 8 degrees 57 minutes 20 seconds west, 59.67 feet; THENCE north 89 degrees, 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

Said premises are known and described as Section 46, Block 567, Lot 61 on the Land and Tax Map of the County of Nassau.

GREENBRIAR ASSOCIATES

DONALD MONTI

DR. JAY YOUNGERMAN

~~DR. HOSSAIN AKDAR ZAD~~

CAROLYN SALADINO

DR. RALPH PARISI

~~BERITA REALTY CORP.~~

~~By:~~ _____

Dr. Jay Youngerman
25 Coachman Place West
Muttontown, NY 11732

~~Dr. Hossain Akdar Zaden~~
~~11 Sound Bay Dr.~~
~~Lloyd Neck, N.Y. 11743~~

Dr. Ralph Parisi
No# Glenby Lane
Brookville, N.Y. 11545

Carolyn Saladino
250 Jennings Road
Lloyd Harbor, N.Y. 11743

~~Berita Realty Corp.~~
~~1040 Northern Blvd.~~
~~Roslyn, N.Y. 11576~~

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this 11 day of APRIL, 1989, before me personally came and appeared DONALD MOKTI to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Maria L. Avitable
Notary Public

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

MARIA L. AVITABLE
Notary Public, State of New York
No. 4864327
Qualified in Nassau County
Commission Expires Sept. 15, 19 90

On this 11 day of APRIL, 1989, before me personally came and appeared JAY YOUNGERMAN, to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Maria L. Avitable
Notary Public

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

MARIA L. AVITABLE
Notary Public, State of New York
No. 4864327
Qualified in Nassau County
Commission Expires Sept. 15, 19 90

On this day of APRIL, 1989, before me personally came and appeared HUSSAIN AKBAR ZAIDI, to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Notary Public

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this 11 day of APRIL, 1989, before me personally appeared CAROLYN SALADINO, to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed the same.

Maria L. Avitable
Notary Public

MARIA L. AVITABLE
Notary Public, State of New York
No. 4864327
Qualified in Nassau County
Commission Expires Sept. 15, 19 90

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this 11 day of APRIL, 198 , before me personally came and appeared RALPH PARISI , to me known to be the person described in and who executed the foregoing instrument and who acknowledged to me that he executed same.

Maria L. Avitable
Notary Public

MARIA L. AVITABLE
Notary Public, State of New York
No. 4864327
Qualified in Nassau County
Commission Expires Sept. 15, 19__

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On this day of , 1989, before me personally came and appeared , to me known, who being by me duly sworn, did depose and say that he resides at , that he is the of BERITA REALTY CORPORATION, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation, that one of the seals affixed to said instrument is such seal, that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereto by like order.

Notary Public

RESOLUTION NO. 1174-90

Meeting of December 11, 1990

WHEREAS, GREENBRIAR ASSOCIATES, petitioned the Town Board of the Town of Oyster Bay for a Modification of Special Use Permit and Declaration of Restrictive Covenants effective pursuant to Town Board Resolution No. 1039-84, dated October 30, 1984 as modified by Town Board Resolution No. 356-89, dated April 4, 1989, to amend and modify restrictive covenants to remove a 48 month time restriction to use the subject premises as a Residence Inn/Conference Center in addition to a Senior Citizens' Residence Home in an "F" Business District; at Plainview, Town of Oyster Bay, County of Nassau, State of New York, said premises being further identified as Section 46, Block 567, Lot 61 on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said petition was held by the Town Board of the Town of Oyster Bay on September 25, 1990, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, Jeffrey D. Forchelli, Esq., of the law firm of D'Amato, Forchelli, Libert, Schwartz, Mineo and Joseph F. Carlino, attorneys for the Petitioner, appeared in support of the application; and

WHEREAS, the Town Board of the Town of Oyster Bay, after having reviewed the recommendations of the Town Environmental Quality Review Commission, did by Resolution No. 1044-90 dated November 13, 1990, declare and find that the subject application will not have a significant effect on the environment and the proposed actions in the petition subject to certain conditions constitute a Negative Declaration, in accordance with the New York State Environmental Conservation Law and its applicable regulations thereon; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 5697-90, dated November 15, 1990 recommended local determination of said application; and

WHEREAS, the Town Board of the Town of Oyster Bay finds from the relevant facts and circumstances adduced at the public hearing, and from the facts and information within the personal knowledge of the members of the Town Board, that because of the area, location, nature and character of the subject property, the below described premises are adequate and suitable for the requested use; that the granting of this application subject to the covenants, restrictions and provisions herein imposed upon said premises, will not adversely affect the present character of the area, and will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay.

Approved as to Form
Deputy Town Attorney

NOW, THEREFORE, BE IT RESOLVED, That the petition of GREENBRIAR ASSOCIATES, for a Modification of Special Use Permit and Declaration of Restrictive Covenants effective pursuant to Town Board Resolution No. 1039-84, dated October 30,1984 as modified by Town Board Resolution No. 356-89 dated April 4, 1989, to continue and permanently use the subject premises as a Residence Inn/Conference Center and a Senior Citizens' Residence Home in an "F" Business District at Plainview, Town of Oyster Bay, County of Nassau and State of New York, is hereby GRANTED, and the Building Zone Map of the Town of Oyster Bay, Nassau County, New York, upon the conditions set forth below, on the premises described as follows:

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, situate, lying and being at Plainview, Town of Oyster Bay, County of Nassau, State of New York, bounded and described as follows:

BEGINNING at a point on the westerly side of Gerhard Road, which point is distant 290.69 feet south of the intersection of the westerly side of Gerhard Road, with the south side of Old Country Road and from said point of beginning, running southerly along the west side of Gerhard Road, the following three courses and distances:

Along the arc of a curve, bearing to the right, having a radius of 97.91 feet, a distance of 9.43 feet;

THENCE along the arc of a curve, bearing to the left, having a radius of 414.52 feet, a distance of 178.23 feet;

THENCE south 15 degrees 34 minutes 10 seconds west, 208 feet to the boundary of map of Morton Village Section 6;

RUNNING THENCE north 74 degrees 25 minutes 50

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ZONING BOARD OF APPEALS
1990 DEC 21 PM 4 26
TOWN OF OYSTER BAY, N.Y.

seconds west, 220.66 feet;

THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet;

THENCE north 74 degrees 25 minutes 50 seconds west, 155 feet;

THENCE along the arc of a curve bearing to the left, having a radius of 75.00 feet, a distance of 63.75 feet;

THENCE north 74 degrees 25 minutes 50 seconds west, 130.90 feet to land now or formerly of CINHR INC.;

THENCE along said land north 15 degrees 35 minutes 17 seconds east, 84.24 feet;

THENCE north 80 degrees 26 minutes 40 seconds east, 61.01 feet;

THENCE north 8 degrees 57 minutes 20 seconds east, 130.60 feet;

THENCE south 81 degrees 02 minutes 40 seconds east, 49.92 feet;

THENCE north 8 degrees 57 minutes 20 seconds east, 31.14 feet;

THENCE north 86 degrees 22 minutes 25 seconds east, 205.00 feet;

THENCE south 8 degrees 57 minutes 20 seconds west, 59.67 feet;

THENCE north 89 degrees 54 minutes 00 seconds east, 388.21 feet to the point or place of BEGINNING.

SAID premises are known as Section 46 Block 567, Lot 61 on the land and tax map of the County of Nassau,

COUNTY OF NASSAU
1990 DEC 21 PM 4:25
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and be it further

RESOLVED, That the Declaration of Restrictive Covenants effective pursuant to Resolution No. 356-89 dated April 4, 1989, duly recorded at the office of the County Clerk on April 18, 1989 at liber 9986, pages 769-779 is hereby amended as follows:

1. That Covenant No. 1 is hereby deleted.

2. That Covenant No. 3 is hereby amended to read as follows:

That the terms, conditions and restrictive covenants set forth by a Declaration of Restrictive Covenants dated November 12, 1984 pursuant to Resolution No. 1039-84 dated October 30, 1984 as suspended by Resolution No. 356-89 dated April 4, 1989 should be permanently suspended by the following modified conditions:

(a) Covenant No. 1 - "The 'Senior Citizens Residence Home' premises is restricted to those individuals over the age of fifty-five (55) and residence shall not be subsidized by any federal, state or local agency" but only with respect to Residence Inn/Conference Center guests.

(b) Covenant No. 3 - "That a residence at the premises shall not be for a term less than thirty (30) days" but only with respect to Residence Inn/Conference Center guests.

(c) Covenant No. 4 - "That the premises shall not be utilized for transient rooms", provided that any transient stay shall be restricted to participants of a scheduled conference and their guests currently being held or pre-booked business corporate customers of the Residence Inn/Conference Center.

(d) Covenant No. 7 - "That the use of the kitchen and dining facility shall be restricted and limited to the residents of the premises" provided that all other dining accommodations are limited to current

TOWN OF OYSTER BAY, N.Y.
DEC 21 PM 4 26
RECEIVED
TOWN BOARD OF APPEALS

Residence Inn/Conference Center users and their guests.

(e) Covenant No. 8 - "Neither the petitioner nor his successors or assigns shall make any application for a liquor license", provided that if a liquor license is obtained, alcoholic beverages may be sold. However, they shall be limited to occupants legally occupying the subject premises, in accordance with this Declaration and accompanying Special Use Permit.

3. That the Modification of Restrictive Covenants herein granted is to be duly recorded in the Office of the Clerk of Nassau County; and this resolution shall become effective upon such recording.

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

Supervisor Delligatti	Aye
Councilman Hogan	Aye
Councilman Clark	Aye
Councilman Hynes	Aye
Councilman Venditto	Aye
Coun lman Ocker	Aye
Coun lman Symons	Aye

cc: Supervisor
Town Attorney
Comptroller(2)
Building Div.
Plan. & Dev.(cert.)

November 29, 2018

VIA FEDERAL EXPRESS

Town of Oyster Bay
54 Audrey Ave,
Oyster Bay, NY 11771
Attn: Leslie Maccarone
Commissioner of Planning & Development

To Commissioner Maccarone:

We the undersigned residents of the Plainview community reside in close proximity to the Marriott Residence Inn at 9 Gerhard Road in Plainview. Many of us have known Mr. Donald Monti since the facility was first built and are pleased to say that we have had an excellent relationship with Mr. Monti throughout the years. Tonight represents the second meeting that we have had regarding the future use of the facility.

We are aware that the facility was first approved as a senior citizen community and subsequently approved as a hotel. Our understanding is that Marriott Hotels have made the decision not to renew the Marriott Franchise and that Mr. Monti and his partners have determined to cease operations effective the end of this year and to sell the property for the original intended use as a senior citizen community. He has assured us that the potential buyers have an impeccable reputation and are willing to meet with us as soon as the condition they are requesting from Mr. Monti and the Town of Oyster Bay is satisfied.

Mr. Monti has explained to us that the condition requested by the Purchaser is as follows: That the Town approves that the facility can be renovated and will provide no more than one hundred and seventy senior resident housing units, which is the same number of units that exists today in the hotel. We are in favor of this request to the Town, provided that the triangle parking lot located across the street from the facility is exclusively and permanently used for additional parking for residents and employees to self-park their cars, if necessary.

The last thing we want as a community is to see a vacant, boarded up facility. Therefore we are requesting that the Town move forward expeditiously to approve the Purchaser's necessary request for this conversion so that renovations can begin as quickly as possible.

We thank you in advance for any assistance that you might provide to expedite our request.

Very truly yours,

The Undersigned

NAME	ADDRESS
[illegible]	25 Gerhard Rd
Russell Breiter	11 Terry Lane Plainview NY
Angel Garcia	23 Gerhard Rd, Plainview
Carol Krupinski	16 Gerhard Rd. Plainview N.Y.
Michael Hansen	14 Karen Ave Plainview
Mary K Milana	15 Terry Lane Plainview, NY
Michael P Milana	15 Terry Lane Plainview
Richard Shi	16 Terry Lane Plainview
Carmela Calafano	1 Terry Lane Plainview
[illegible]	1 Terry Ln. Plainview
Murray Cohen	34 Gerhard Rd, Plainview
Leonore Hauptman	12 Karen Ave Plainview
[illegible]	" " "
Anabel Mitrepp	12 Gerhard Rd
Marie Casper	5 Terry Ln
[illegible] Casper	" " "

6736890.1

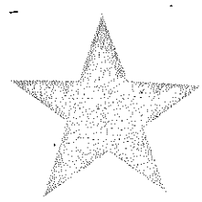

Exhibit D

GREENBRIAR ASSOCIATES, LLC
PLAINVIEW PARKING ASSOCIATES, LLC
9 Gerhard Road
Plainview, New York 11803

January 22, 2019

VIA EMAIL (sbyrne@oysterbay-ny.gov)

Hon. Leslie Maccarone, Commissioner
Department of Planning and Development
Town of Oyster Bay
74 Audrey Avenue
Oyster Bay, New York 11771

Re: **Greenbriar Associates, LLC and Plainview Parking Associates, LLC (collectively, "Seller") to CSH Plainview, LLC ("Purchaser")**

Premises: **9 Gerhard Road, Plainview, New York 11803**
Section 46, Block 567, Lot 61 and
Section 47, Block 22, Lot 3-4

Dear Commissioner Maccarone:

I am writing to you in connection with the request sent to you by Jeffrey D. Forchelli in regard to the above matter. Please be advised that both of the above entities, of which I am an Owner and Member, hereby consent to the request set forth in Mr. Forchelli's letter.

Yours truly,

RICHARD MONTI

Meeting of February 12, 2019 Resolution No. 127-2019

Reviewed By
Office of Town Attorney

WHEREAS, By Resolution No. 595-2002, adopted on September 17, 2002, as amended by Resolution No. 324-2017, adopted June 6, 2017, the Town Board authorized the retention of the law firm of Rivkin Radler, LLP, 926 RXR Plaza, Uniondale, New York, for the purpose of representing the Town's interests in litigation involving the Bethpage Community Park, including the handling of the action entitled *Town of Oyster Bay v. Northrop Grumman Corp., et al.*, 05-cv-1495 (EDNY); and

WHEREAS, Joseph Nocella, Town Attorney, and Frank M. Scalera, Chief Deputy Town Attorney, by memorandum dated January 29, 2019, requested that Resolution No. 595-2002, be amended to provide an additional amount not to exceed $275.00 to satisfy outstanding invoices from Rivkin Radler, LLP for the year of 2018,

NOW, THEREFORE BE IT RESOLVED, That Resolution No. 595-2002 be amended to increase the authorized fees of Rivkin Radler, LLP in an amount not to exceed $275.00, including expenses and disbursements; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment from Account No. OTA A 1420 44110 000 0000, upon submission 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	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: January 29, 2019

SUBJECT: Rivkin Radler, LLP
Outside Counsel to the Town of Oyster Bay

By Resolution No. 595-2002, adopted on September 17, 2002, as amended by Resolution No. 324-2017, adopted June 6, 2017, the Town Board authorized the retention of the law firm of Rivkin Radler, LLP, 926 RXR Plaza, Uniondale, New York, for the purpose of representing the Town's interests in litigation involving the Bethpage Community Park, including the handling of the action entitled *Town of Oyster Bay v. Northrop Grumman Corp., et al.*, 05-cv-1495 (EDNY).

This office requests that the Town Board amend Resolution No. 595-2002 to authorize additional funds in order to satisfy outstanding invoices for the year 2018 in the amount of $275.00. Funds are available in Account No. OTA A 1420 44110 000 0000.

Submitted herewith is the Resolution for the foregoing.

Please place this matter on the action calendar for February 12, 2019.

JOSEPH NOCELLA
TOWN ATTORNEY

Frank M. Scalera
Chief Deputy Town Attorney

Attachment
LT1130
cc: Town Attorney (with 7 copies)

Meeting of February 12, 2019 Resolution No.128-2019

WHEREAS, the Office of the Town Attorney instituted a summary proceeding against M. Pire Land Rental Corp., seeking to evict them from a 1.8 acre portion of the Town's property known as the Old Bethpage Solid Waste Disposal Complex; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memorandum dated February 1, 2019, advised that in view of M. Pire Land Rental Corp.'s breach of a Town Board authorized Termination Agreement, the Town Board directed the Office of the Town Attorney to take expedited action to seek equitable relief from the Court in order to enforce the Termination Agreement; and

WHEREAS, Messrs. Nocella and Sabellico have advised that because of the Town's need for expedited legal representation, the Office of the Town Attorney deemed it necessary to retain, pursuant to Guideline 5 of the Procurement Policy, Horing Welikson & Rosen, PC, 11 Hillside Avenue, Williston Park, New York 11596 as special counsel to the Town Attorney, at the rate of $375.00 per hour; and

Reviewed By Office of Town Attorney

WHEREAS, by the aforementioned memorandum, Messrs. Nocella and Sabellico requested that the Town Board ratify the retention of Horing Welikson & Rosen, PC for purposes of pursuing all legal and equitable relief from the Courts in connection with M. Pire Land Rental Corp.'s breach of the Termination Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the retention of Horing Welikson & Rosen, PC at the rate of $375.00 is ratified, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, in an amount not to exceed $20,000, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, upon submission 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	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 : February 1, 2019

SUBJECT: Authorization of Retention of Special Counsel to the Town Attorney
Town of Oyster Bay v. M. Pire Land Rental Corp.
Premises: Old Bethpage Solid Waste Disposal Complex

Pursuant to authorization of the Town Board, the Office of the Town Attorney instituted a summary proceeding against M. Pire Land Rental Corp., seeking to evict them from a 1.8 acre portion of the Town's property known as the Old Bethpage Solid Waste Disposal Complex. In January 2019, the Town Board directed this office to take expedited action to seek equitable relief from the Court to enforce the Termination Agreement between the Town and M. Pire Land Rental Corp. and to have them vacate the premises. The Office of the Town Attorney deems it necessary to retain qualified outside counsel to represent and protect the Town's interests in this matter.

Jaime D. Ezratty, Esq., Horing Welikson & Rosen, PC, 11 Hillside Avenue, Williston Park, New York 11596, is recognized as an expert in the area of landlord-tenant law in Nassau County. He is the Chairman of the District Court Committee of the Nassau County Bar Association, the former Chairman of the Real Property Law Committee of the Nassau County Bar Association and an Associate Dean of the Nassau Academy of Law.

Due to this firm's unique qualifications and the Town's need for expedited legal representation, it is requested that the Town Board ratify the retention of Horing Welikson & Rosen PC, as special counsel to the Office of the Town Attorney, under Guideline 5 of the Town's Procurement Policy, in connection with the above referenced matter, at an hourly rate of $375. This Office requests that this matter be placed on the February 12, 2019 Town Board calendar for action.

JOSEPH NOCELLA
TOWN ATTORNEY

Thomas M. Sabellico
Special Counsel

TMS:nb
cc: Town Attorney (with 7 copies)

Reviewed By
Office of Town Attorney
Elizabeth A. Loughran

Meeting of February 12, 2019

Resolution No. 129-2019

WHEREAS, pursuant to public notice, a public hearing was held on February 12, 2019 at 10:00 o'clock a.m., prevailing time, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, at which hearing all parties interested were given an opportunity to be heard upon the question of the proposed contract between the Town of Oyster Bay, acting on behalf of the Oyster Bay Fire Protection District and the Oyster Bay Water District, for the period January 1, 2019 through December 31, 2019, for the rental of two hundred twenty-five (225) hydrants located within the Town's boundaries, which hydrants are owned and maintained by the Water District, at a rental of Ninety ($90.00) Dollars per hydrant, not to exceed $20,250.00; and

WHEREAS, following due deliberation, it was determined to be in the best interests of the residents of the Oyster Bay Fire Protection District to enter into an Agreement with the Oyster Bay Water District, for the rental of fire hydrants for the year 2019,

NOW, THEREFORE, BE IT RESOLVED, That the Supervisor is authorized to enter into an Agreement with the Town of Oyster Bay, acting on behalf of the Oyster Bay Fire Protection District and the Oyster Bay Water District for the rental of fire hydrants for the year 2019, nunc pro tunc and payments pursuant to the terms and conditions thereof are hereby authorized upon presentation of a duly certified claim therefor, after audit by the Comptroller, said Agreement to be approved and ratified through 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

Reviewed By
Office of Town Attorney
Elizabeth A. Vaughan

Meeting of February 12, 2019 Resolution No. 130-2019

WHEREAS, pursuant to public notice, a public hearing was held on February 12, 2019, at 10:00 o'clock a.m., prevailing time, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, at which hearing all parties interested were given an opportunity to be heard upon the question of the proposed contract between the Town of Oyster Bay acting on behalf of the Plainview Fire Protection District and the Plainview Water District, for the period January 1, 2019 through December 31, 2019, for the rental of one thousand two hundred forty (1,240) hydrants located within the Town's boundaries, which hydrants are owned and maintained by the Water District, at a rental of Ninety ($90.00) Dollars per hydrant, not to exceed $111,600; and

WHEREAS, following due deliberation, it was determined to be in the best interests of the residents of the Town of Oyster Bay to enter into an Agreement with the Plainview Water District, for the rental of fire hydrants for the year 2019,

NOW, THEREFORE, BE IT RESOLVED, That the Supervisor is authorized to enter into an Agreement with the Town of Oyster Bay acting on behalf of the Plainview Fire Protection District and the Plainview Water District for the rental of fire hydrants for the year 2019, nunc pro tunc and payments pursuant to the terms and conditions thereof are hereby authorized upon presentation of a duly certified claim therefor, after audit by the Comptroller, said Agreement to be approved and ratified through 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller

Meeting of February 12, 2019 Resolution No. 131-2019

WHEREAS, 62 CHARLOTTE AVENUE DEVELOPMENT LLC., fee owner, and C&R AUTOMOTIVE INC. d/b/a AAAA-1 AUTO AND TOWING, tenant, petitioned the Town Board of the Town of Oyster Bay for a Modification of Special Use Permit and Modification of Declaration of Restrictive Covenants, dated January 10, 1992, and recorded in the Office of the Clerk of Nassau County, on June 1, 1992, in Liber 10185 of Deeds, page 643, affecting a parcel of land located in a "GB" (General Business) District, at 62 Charlotte Avenue, Hicksville, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 11, Block 484, Lot 53 on the Land and Tax Map of Nassau County; and

Reviewed By
Office of Town Attorney

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on December 11, 2018 at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, has reviewed and submitted its Quality Review Report regarding the environmental impacts contemplated by said Petition; and

WHEREAS, the Quality Review Report was dated December 13, 2018, with said report rendering the Division's assessment of the relevant environmental factors affected by the uses proposed in the subject Petition and recommending that the conclusions contained therein be accepted, and that same be deemed to constitute a Negative Declaration, indicating that the proposed actions would not cause significant impacts upon the environment and recommended, accordingly, that the Town Board issue a Negative Declaration; and

WHEREAS, the Nassau County Planning Commission, by letter dated December 21, 2018, deferred to the Town Board of the Town of Oyster Bay to take action as it deemed appropriate on said application; and

WHEREAS, the Town Board of the Town of Oyster Bay, based upon the relevant facts and circumstances presented at the public hearing, and based upon the facts and information within the personal knowledge of the members of the Town Board, finds the following: that because of the area, location, nature and character of the subject property, the below described premises are adequate and suitable for the requested use; that the granting of this application, subject to the imposition of certain covenants, restrictions and provisions, will not adversely affect the present character of the area; and the granting of this application will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay; and

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated September 4, 2018, has advised that the Department of Planning and Development has reviewed the following seven (7) plans prepared by Anthony S. DiProperzio, R.A., Anthony S. DiProperzio Architects, Mineola, New York:

SHEET NO.	TITLE		DATE
A-1	PLOT PLAN, ZONING & DETAILS	Anthony S. DiProperzio, R.A.	07/08/15
A-2	PROPOSED FIRST FLOOR PLAN	Anthony S. DiProperzio, R.A.	07/08/15
A-3	PROPOSED EXTERIOR BUILDING ELEVATIONS	Anthony S. DiProperzio, R.A.	07/08/15
A-4	BUILDING SECTIONS	Anthony S. DiProperzio, R.A.	06/22/15
A-5	SITE LIGHTING PHOTOMETRICS	Anthony S. DiProperzio, R.A.	07/08/15
A-6	SITE DETAILS	Anthony S. DiProperzio, R.A.	06/22/15
D-1	DEMOLITION PLAN	Anthony S. DiProperzio, R.A.	06/22/15

WHEREAS, said Commissioner further reports that the plans submitted, as modified, comply with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommends Town Board approval for the site plans enumerated herein,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay does hereby adopt a Negative Declaration with respect to the Petition of 62 CHARLOTTE AVENUE DEVELOPMENT LLC., fee owner, and C&R AUTOMOTIVE INC. d/b/a AAAA-1 AUTO AND TOWING, tenant, for a Modification of Special Use Permit and Modification of Declaration of Restrictive Covenants, dated January 10, 1992, and recorded in the Office of the Clerk of Nassau County, in Liber 10185 of Deeds, page 643, affecting a parcel of land located in a "GB" (General Business) District, at 62 Charlotte Avenue, Hicksville, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 11, Block 484, Lot 53 on the Land and Tax Map of Nassau County ; and be it further

RESOLVED, That the Petition of 62 CHARLOTTE AVENUE DEVELOPMENT LLC., fee owner, and C&R AUTOMOTIVE INC. d/b/a AAAA-1 AUTO AND TOWING, tenant, for a Modification of Special Use Permit and Modification of Declaration of Restrictive Covenants, dated January 10, 1992, and recorded in the Office of the Clerk of Nassau County, in Liber 10185 of Deeds, page 643, affecting a parcel of land located in a "GB" (General Business) District, at 62 Charlotte Avenue, Hicksville, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 11, Block 484, Lot 53 on the Land and Tax Map of Nassau County, authorizing use of the premises as an unrestricted towing facility in addition to the existing auto body and auto repair shop at the premises, is hereby GRANTED, on the premises described as follows:

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Hicksville, in the Town of Oyster Bay, Nassau County, New York, Section 11, Block 484, Tax Lot 53, on the Nassau County Land and Tax Map, being more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Charlotte Avenue distant 68.06 feet northerly from the northerly end of a curve, said curve having a radius of 20.00 feet and connecting the westerly line of Old Country Road;

RUNNING THENCE from said point or place of beginning South 85 degrees 54 minutes 17 seconds West 56.82 feet;

THENCE North 4 degrees 05 minutes 43 seconds West 5.59 feet;

THENCE South 85 degrees 54 minutes 17 seconds West 112.12 feet to the easterly line of land now or formerly of Doino;

THENCE along said land now or formerly of Doino the following four courses and distances:

1. North 4 degrees 05 minutes 43 seconds West 11.35 feet;
2. North 85 degrees 54 minutes 17 seconds East 34.55 feet;
3. North 4 degrees 05 minutes 43 seconds West 87.53 feet;
4. North 80 degrees 25 minutes 47 seconds East 134.96 feet to the westerly line of Charlotte Avenue:

THENCE southerly along the westerly line of Charlotte Avenue and the arc of a curve bearing to the right having a radius of 549.24 feet a length of 6.99 feet to the point of a tangent of said curve;

THENCE South 4 degrees 05 minutes 43 seconds East 110.39 feet to the point or place of BEGINNING.

RESOLVED, That the Petition herein granted is subject to voluntary covenants and restrictions imposed upon the subject premises by the Petitioner, as set forth in the written instrument attached herewith, to be duly recorded in the Office of the Clerk of Nassau County within one year of this Resolution, and the subject Petition may only become effective upon such recording; and be it further

RESOLVED, That in accordance with the memorandum of Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, dated September 4, 2018, the seven (7) plans described herein are hereby 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 Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Planning & Development
Environmental Resources

Reviewed By
Office of Town Attorney

DECLARATION OF RESTRICTIVE COVENANTS

62 CHARLOTTE AVENUE DEVELOPMENT LLC, fee owner, with a business address of 34 Charlotte Avenue, Hicksville, New York 11801, and C&R AUTOMOTIVE INC. d/b/a AAAA-1 AUTO AND TOWING, tenant, with a business address of 112 Duffy Avenue, Hicksville, New York 11801, (collectively "the Declarants"), by this declaration, dated February , 2019, declare as follows:

WHEREAS, on January 10, 1992, a Declaration of Restrictive Covenants was executed with respect to the premises identified as 62 Charlotte Avenue, Hicksville, Town of Oyster Bay, New York, known and designated as Section 11, Block 484, Lot 53 on the Land and Tax Map of Nassau County, which Declaration was recorded in the Office of Clerk of Nassau County on June 1, 1992, in Liber 10185 of Deeds, page 643; and

WHEREAS, 62 CHARLOTTE AVENUE DEVELOPMENT LLC and C&R AUTOMOTIVE INC. d/b/a AAAA-1 AUTO AND TOWING, have requested that the Town Board of the Town of Oyster Bay ("Town Board") authorize the modification of the existing Declaration of Restrictive Covenants; and

WHEREAS, The Town Board, by Resolution No. 131 - 2019, dated February 12, 2019, approved said request subject to the execution and recording of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily agree to modify the Declaration dated January 10, 1992, with respect to the premises identified as being located at 62 Charlotte Avenue, Hicksville, Town of Oyster Bay, New York, with the following covenants and restrictions, which will run with the land and be binding upon said Declarants, their successors and/or assigns,

NOW, THEREFORE, BE IT RESOLVED, said Declarants, do hereby covenant and declare as follows:

1. That Restrictive Covenant No. 2 of the Declaration of Restrictive Covenants dated January 10, 1992, be amended in its entirety to read as follows:

> "That hours of operation of the subject auto body and auto repair shop shall be limited to 7:30 a.m. to 6:00 p.m., Monday through Saturday, and closed on Sundays, and no repair work shall be performed on Sundays; and that in connection with the use of the premises as an unrestricted towing facility,

that the premises may be accessed 24 hours a day, seven days a week for emergency towing calls."

2. That Restrictive Covenant No. 4 of the Declaration of Restrictive Covenants dated January 10, 1992, be amended in its entirety, to read as follows:

"That the use of the premises in any manner for the sale or rental or storage of automobiles, trailers or any other vehicle shall be prohibited at all times. Tow trucks used in the operation of the unrestricted towing business allowed on the premises shall be stored inside. No tow trucks shall be stored outside on the premises."

3. That except as modified herein, the Declaration of Restrictive Covenants dated January 10, 1992, remains in full force and effect.

SCHEDULE A

ALL that certain plot, piece or parcel of land, situate, lying and being at Hicksville, in the Town of Oyster Bay, Nassau County, New York, Section 11, Block 484, Tax Lot 53, on the Nassau County Land and Tax Map, being more particularly bounded and described as follows:

BEGINNING at a point in the westerly line of Charlotte Avenue distant 68.06 feet northerly from the northerly end of a curve, said curve having a radius of 20.00 feet and connecting the westerly line of Old Country Road;

RUNNING THENCE from said point or place of beginning South 85 degrees 54 minutes 17 seconds West 56.82 feet;

THENCE North 4 degrees 05 minutes 43 seconds West 5.59 feet;

THENCE South 85 degrees 54 minutes 17 seconds West 112.12 feet to the easterly line of land now or formerly of Doino;

THENCE along said land now or formerly of Doino the following four courses and distances:

1. North 4 degrees 05 minutes 43 seconds West 11.35 feet;
2. North 85 degrees 54 minutes 17 seconds East 34.55 feet;
3. North 4 degrees 05 minutes 43 seconds West 87.53 feet;
4. North 80 degrees 25 minutes 47 seconds East 134.96 feet to the westerly line of Charlotte Avenue:

THENCE southerly along the westerly line of Charlotte Avenue and the arc of a curve bearing to the right having a radius of 549.24 feet a length of 6.99 feet to the point of a tangent of said curve;

THENCE South 4 degrees 05 minutes 43 seconds East 110.39 feet to the point or place of BEGINNING.

IN WITNESS WHEREOF, the Declarants have hereunto set their hands and seals the day and year first above written.

62 CHARLOTTE AVENUE
DEVELOPMENT LLC

By: _____

C&R AUTOMOTIVE INC.

By: _____

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

On the day of in the year 2019 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.

_____
Notary Public

STATE OF NEW YORK)
COUNTY OF NASSAU) ss.:

On the day of in the year 2019 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.

_____
Notary Public

Meeting of February 12, 2019

Resolution No. 132-2019

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 406-2017, adopted on July 11, 2017, the Town Board authorized the retention of the law firm of Morvillo Abramowitz Grand Iason & Anello, P.C., 565 Fifth Avenue, New York, New York, for the purpose of representing the Town's interests in litigation involving the United States Securities and Exchange Commission; and

WHEREAS, Joseph Nocella, Town Attorney, and Frank M. Scalera, Chief Deputy Town Attorneyl, by memorandum dated February 4, 2019, requested that Resolution No. 406-2017, be amended to provide an additional amount not to exceed $1,053.00, to satisfy outstanding invoices from Morvillo Abramowitz Grand Iason & Anello, P.C.,

NOW, THEREFORE BE IT RESOLVED, That Resolution No. 406-2017 is hereby amended to increase the authorized fees of Morvillo Abramowitz Grand Iason & Anello, P.C. in an amount not to exceed $1,053.00, including expenses and disbursements; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment from Account No. OTA A 1420 44110 000 0000, upon submission 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	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 : February 4, 2019

SUBJECT: Morvillo Abramowitz Grand Iason & Anello, P.C.
Outside Counsel to the Town of Oyster Bay

By Town Board Resolution No. 406-2017, adopted on July 11, 2017, the Town Board authorized the retention of the law firm of Morvillo Abramowitz Grand Iason & Anello, P.C., 565 Fifth Avenue, New York, New York for the purpose of providing counsel in connection with litigation involving the United States Securities and Exchange Commission.

This Office requests that the Town Board amend Resolution No. 406-2017 to authorize additional funds in order to satisfy outstanding invoices in the amount of $1,053.00. Funds are available in Account No. OTA A 1420 44110 000 0000.

Submitted herewith is the resolution for the foregoing.

Please suspend the rules and place this item on the action calendar for February 12, 2019.

JOSEPH NOCELLA
TOWN ATTORNEY

Frank M. Scalera
Chief Deputy Town Attorney

Attachment
2018-6660
cc: Town Attorney (with 7 copies)

S:\Attorney\RESOS 2019\MD & RESO\Inc. Fees Morvillo Abram docx.docx

Meeting of February 12, 2019 Resolution No. 133-2019

Reviewed By
Office of Town Attorney
Elizabeth O. Faughnan

WHEREAS, New York State recently enacted §925-e of the New York State Real Property Tax Law providing that any deadline with respect to the payment of real property tax for a property owned by a person who has been either a furloughed or designated non-pay federal employee due to a period of a lapse in discretionary appropriations by the federal government, or by the spouse or domestic partner of such person, for real property of a person so furloughed or designated non-pay, any deadline with respect to the payment of such real property tax shall be extended for a period of ninety days after the end of such lapse in discretionary appropriations by the federal government if the municipal corporation that employs the collecting officer has passed a local resolution authorizing such extension; and

WHEREAS, New York State Real Property Tax Law §925-e(b) requires documentation by a person requesting an extension demonstrating that they have been furloughed or designated non-pay as a result of a period of a lapse in discretionary appropriations by the federal government, and that such documentation shall be submitted to the collecting officer no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty, as determined without regard to the provisions of this section; and

WHEREAS, Joseph S. Saladino, Supervisor, by memorandum dated February 5, 2019, requested that the Town Board opt-in to the aforesaid New York State initiative to allow furloughed or non-pay federal employees a 90 day temporary extension within which to pay their property taxes, without the imposition of penalties or interest, upon providing the required documentation, pursuant to §925-e of the New York State Real Property Tax Law, authorizing such 90 day extension, allowing for payment up to and including April 25, 2019, without penalty,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation of Joseph S. Saladino, Supervisor, as hereinabove set forth, is accepted and the Town Board hereby opts-in to New York State's initiative, and authorizes a 90 day temporary extension from January 25, 2019, *nunc pro tunc* (which was the date of the end of the lapse in discretionary appropriations by the federal government), up to and including April 25, 2019, within which furloughed or non-pay federal employees may pay their property taxes, without the imposition of penalties or interest, upon providing the required documentation no later than March 13, 2019, pursuant to §925-e of the New York State Real Property Tax Law, and the Receiver of Taxes is hereby authorized to take the actions necessary to effectuate this authorization in accordance with this Resolution and Authorization, as well as required by and provided in New York State Real Property Tax Law §925-e.

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

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

cc: Supervisor
Town Attorney
Comptroller

Receiver of Taxes

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: Office of the Supervisor

DATE: February 5, 2019

SUBJECT: Oyster Bay Town Ready to Grant Property Tax Extension to Furloughed employees.

Town Board authorization is hereby requested for the Town of Oyster Bay to opt-in to New York State's recent initiative to allow furloughed or non-pay federal workers, pursuant to §925-e of the New York State Real Property Tax Law, a 90-day temporary extension within which to pay their property taxes. Thus, any furloughed or non-pay federal employee residing within the Town of Oyster Bay, upon providing the required documentation, shall be granted a 90-day extension, effective February 4, 2019, *nunc pro tunc,* up to and including April 25, 2019, to pay their property taxes.

It is my recommendation and request that the Town Board act on this proposal and grant the foregoing tax initiative and relief to Town of Oyster Bay residents who provide the required documentation.

Kindly place this matter on the Town Board action Calendar for the February 12, 2019 meeting.

JOSEPH S. SALADINO
SUPERVISOR

JSS:esk
cc: Town Attorney (w/ 7 copies)

McKinney's Consolidated Laws of New York Annotated
Real Property Tax Law (Refs & Annos)
Chapter 50-a. Of the Consolidated Laws
Article 9. Levy and Collection of Taxes
Title 3. Collection of Taxes; Return of Collecting Officer (Refs & Annos)

McKinney's RPTL § 925-e

§ 925-e. Furloughed or non-pay federal workers; temporary extension

Effective: February 1, 2019

Currentness

<[Expires and deemed repealed June 1, 2020, pursuant to L.2019, c. 9, § 2.]>

1. (a) Notwithstanding any other provision of law which relates to the collection of real property tax owed to a municipal corporation or to the imposition of penalties or interest therefor for a late payment owed by a person who has been either a furloughed or designated non-pay federal employee due to a period of a lapse in discretionary appropriations by the federal government, or by the spouse or domestic partner of such person, for real property of a person so furloughed or designated non-pay, any deadline with respect to the payment of such real property tax shall be extended for a period of ninety days after the end of such lapse in discretionary appropriations by the federal government if the municipal corporation that employs the collecting officer has passed a local resolution authorizing such extension.

(b) A municipal corporation that authorizes such an extension shall require documentation by a person requesting an extension demonstrating that they have been furloughed or designated non-pay as a result of a period of a lapse in discretionary appropriations by the federal government. Such documentation shall be submitted to the collecting officer no later than the thirtieth day following the last day for paying such taxes without incurring interest or penalty, as determined without regard to the provisions of this section.

(c) An extension that has been authorized pursuant to this section shall apply to all taxes that are payable to the collecting officer without interest or penalty from the date on which such lapse in discretionary appropriations by the federal government began until the date on which such lapse shall end, including installment payments that are due during that period. Such extension shall apply not just to the taxes of the municipal corporation that adopted the resolution, but also to the taxes of any other municipal corporation or corporations that are payable to the collecting officer, as well as to any special ad valorem levies and special assessments that are payable to the collecting officer.

2. Where an extension has been granted pursuant to this section, and such taxes are not paid by the ninetieth day after the end of such lapse in discretionary appropriations by the federal government, those taxes shall be subject to interest and penalties as provided by section nine hundred twenty-four of this chapter which shall accrue beginning on the first day after the end of such extension until paid.

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3. If, at the time the collecting officer's warrant expires, extensions granted pursuant to this section are in effect, the following provisions shall apply:

(a) When making his or her return of unpaid delinquent taxes to the county pursuant to section nine hundred thirty-six of this title, the collecting officer shall separately list the unpaid taxes attributable to those persons who have been granted tax payment extensions pursuant to this section. Those taxes shall thereafter be payable to the county treasurer as provided by section nine hundred forty-two of this title, but without interest or penalty as long as they are paid on or before the last day of the extension period.

(b) When discharging his or her responsibilities under subdivision two of section nine hundred four of this title, the collecting officer's warrant shall be deemed amended so that the amount to be paid to the town supervisor pursuant to such subdivision shall be reduced by the total amount of unpaid taxes attributable to those persons who have been granted tax payment extensions pursuant to this section.

(c) No later than ten days after the last day of the extension period, the county treasurer shall pay over to the town collecting officer the total amount of unpaid taxes attributable to persons who were granted tax payment extensions pursuant to this section.

Credits

(Added L.2019, c. 9, § 1, eff. Feb. 1, 2019. Amended L.2019, c. 10, § 1, eff. Feb. 1, 2019.)

McKinney's R. P. T. L. § 925-e, NY RP TAX § 925-e
Current through L.2019, chapters 1 to 10.

End of Document

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Town of Oyster Bay Receiver of Taxes
Application for Exemption from Real Property Tax Penalty For Furloughed or Designated Non-Pay Federal Employees

Instructions: Please fill out this document legibly and completely and submit to Tax Receiver in as timely a manner as possible. Federal Employee Identification is required. Incomplete applications will be returned to the applicant for correction and re-submission to the Tax Receiver. **False information will void any waived penalty.**

Applicant Name (Federal Employee/Spouse/Domestic Partner):

Federal Employee Name if not the Applicant:

Applicant Address:

Applicant Phone Number: (_____) _____ - _____ Extension _____

Property Description:

School District: _____ Section: _____ Block: _____ Lot: _____

For Condo's Only- CA:_____ Unit: _____

I hereby certify to the Tax Receiver that I am a (Check Only One):

- ☐ **Furloughed or designated non-pay federal employee**
- ☐ **Furloughed or designated non-pay federal employee spouse**
- ☐ **Furloughed or designated non-pay federal employee domestic partner**

I hereby certify that the above information is accurate and true.

Applicant Signature: _____ Application Date: _____

State of New York

County of _____

On the _____ day of _____ in the year __2019__ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence that he/she/they executed this instrument 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.

_____
Notary Public
Printed Name: _____

My Commission Expires: _____

Please Return the Completed Form to: James J. Stefanich, Receiver of Taxes, Town of Oyster Bay, 74 Audrey Ave Oyster Bay, NY 11771-1539

Application Approved : _____ Date _____

WHEREAS, by Resolution No. 69-2016, adopted on February 23, 2016, the Town Board authorized Jackson Lewis P.C., Guercio & Guercio, LLP., The Scher Law Firm, Bisceglie & Associates, P.C., and Silverman Acampora LLP., to provide labor counsel services to the Town of Oyster Bay, for the period beginning January 1, 2016 through December 31, 2016, with two (2) one (1) year extension options; and

WHEREAS, by Resolution No. 836-2017, adopted on December 12, 2017, the Town Board exercised the second extension option and extended the Agreement for one year, from January 1, 2018 through December 31, 2018, in an amount not to exceed $50,000.00; and

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated February 7, 2019, requested that Resolution No. 836-2017 be amended to provide an additional amount not to exceed $2,800.00 to satisfy outstanding invoices for 2018,

NOW, THEREFORE BE IT RESOLVED, That Town Board Resolution No. 836-2017 be amended to increase the authorized fees in an amount not to exceed $2,800.00, including expenses and disbursements; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment from Account No. TWN AMW 9040 84040 000 0000 000, upon submission of a duly certified claim, after audit.

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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	Nay
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Human Resources

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Town of Oyster Bay
Inter-Departmental Memo

TO: Memorandum Docket
FROM: John Canning, Commissioner
Department of Human Resources
DATE: February 7, 2019
RE: Labor Counsel

Town Board Resolution #69-2016 authorized the Town to enter into an Agreement with Jackson Lewis P.C., Guercio & Guercio, LLP, The Scher Law Firm, Bisceglie & Associates, P.C., and Silverman Acampora LLP, from January 1, 2016 through December 31, 2016, with two (2) one (1) year options to extend said agreement if mutually agreed upon. Resolution #836-2017 authorized the second one (1) year extension of this agreement from January 1, 2018 through December 31, 2018 in an amount not to exceed $50,000. Funds were made available in Account TWN AMW 9040 84040 000 0000 000.

At this time, it is respectfully requested that the Town Board authorize an increase of $2,800.00 to fund this account for services provided during 2018.

John Canning by
Vicki Donlon Deputy Commissioner
John Canning, Commissioner

cc: Town Attorney (with 7 Copies)
Attachments

Meeting of February 12, 2019 Resolution No. 135-2019

WHEREAS, Kushnick Pallaci, PLLC, by Resolution No. 254-2017, adopted May 9, 2017, was retained as special counsel in connection with litigation relative to the design, construction, inspection, and remedial work of the Town of Oyster Bay Garage, located at Hicksville, New York; and

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 94-2019, adopted on January 29, 2019, the Town Board increased its authorization for payment of legal costs with respect to this matter; and

WHEREAS, Joseph Nocella, Town Attorney, and Frank M. Scalera, Chief Deputy Town Attorney, by memorandum dated February 6, 2019, recommended and requested authorization to pay Kushnick Pallaci, PLLC, an additional amount not to exceed $115,809.44, including expenses and disbursements; and

WHEREAS, funds are available in Account No. OTA A 1420 44110 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board hereby approves the authorization of payment to Kushnick Pallaci, PLLC, in an additional amount not to exceed $115,809.44, for legal fees, costs and disbursements as special counsel, which sum is to be paid at the predetermined rate; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to pay said outside counsel for legal fees, costs and disbursements rendered, upon the submission of a duly certified claim, after approval by the Town Attorney, and after audit, with funds available in Account No. OTA A 1420 44110 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 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 : February 6, 2019

SUBJECT: Outside Counsel to the Town of Oyster Bay
Kushnick Pallaci, PLLC

By Resolution No. 254-2017, adopted on May 9, 2017, the law firm of Kushnick Pallaci, PLLC was retained to represent and provide legal services to the Town of Oyster Bay in connection with litigation relative to the design, construction, inspection, and remedial work of the Town of Oyster Bay Garage, located at Hicksville, New York.

By Resolution No. 94-2019, adopted on January 29, 2019, the Town Board increased its authorization for payment of legal costs with respect to this matter.

Legal costs have now exceeded the previously authorized sum. There are outstanding invoices in the amount of $115,809.44 for services provided in 2018.

It is therefore recommended and requested that the Town Board authorize payment of additional legal fees and disbursements in the amount not to exceed $115,809.44 for Kushnick Pallaci, PLLC with funds to be drawn from Account No. OTA A 1420 44110 000 0000.

A proposed resolution for Town Board consideration is attached hereto. Kindly suspend the rules and place this matter on the February 12, 2019 Town Board Calendar.

JOSEPH NOCELLA
TOWN ATTORNEY

Frank M. Scalera
Chief Deputy Town Attorney

FMS:mek
Attachment
2017-6023
cc: Town Attorney (with 7 copies)

S:\Attorney\RESOS 2019\MD & RESO\Inc Fees Kushnick Pallaci (2)for 2018 eaf.docx