

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
November 15, 2016
10:00 a.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

HEARING - TRAFFIC

To consider Amendments to the Code of the TOWN OF OYSTER BAY, Chapter 233 pertaining to parking, stopping, crossing, loading zones, thru traffic, trucking operations and other traffic regulations throughout the TOWN OF OYSTER BAY. (M.D. 10/18/16 #4).

P R E S E N T:

SUPERVISOR JOHN VENDITTO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILMAN CHRIS COSCHIGNANO
COUNCILMAN JOSEPH G. PINTO
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY

(Appearances continued on following page.)

I certify this is a true and accurate transcript.



EILEEN STOVER
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

THOMAS SABELLICO, SPECIAL COUNSEL,
OFFICE OF THE TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
CHRISTINE M. WISS, DEPUTY COMPTROLLER
CAROL FIORENZA, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
RONALD SCAGLIA, ASSISTANT TO THE SUPERVISOR,
OFFICE OF THE SUPERVISOR
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
BRIAN VANDER VER, DEPARTMENT OF PARKS
RICHARD T. BETZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DANIEL PEARL, DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
LEONARD SYMONS, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
TIM ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES
MAUREEN A. FITZGERALD, COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
PATRICIA A. BECKERLE, DEPUTY COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES

(Appearances continued on following page.)

ALSO PRESENT:

JOHN BISHOP, ADMINISTRATION,
DEPARTMENT OF HIGHWAYS
COLIN BELL, ASSISTANT DIRECTOR,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS
FRANK GATTO, ASSISTANT TO THE COMMISSIONER OF
GENERAL SERVICES

1 SUPERVISOR VENDITTO: Ladies and
2 gentlemen, if everyone will find seats, we will
3 begin.

4 We'll begin by asking Mr. Altadonna to
5 kindly poll the Board.

6 MR. ALTADONNA: Supervisor Venditto?

7 SUPERVISOR VENDITTO: I am here.

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: Here.

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: Here.

12 MR. ALTADONNA: Councilman Coschignano?

13 COUNCILMAN COSCHIGNANO: Here.

14 MR. ALTADONNA: Councilman Pinto?

15 COUNCILMAN PINTO: Here.

16 MR. ALTADONNA: Councilwoman Alesia?

17 COUNCILWOMAN ALESIA: Here.

18 MR. ALTADONNA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: Here.

20 SUPERVISOR VENDITTO: Ladies and
21 gentlemen, if everyone would please rise and join
22 in the Pledge of Allegiance to our Flag led by
23 Councilman Chris Coschignano.

24 (Pledge of Allegiance recited.)

25 SUPERVISOR VENDITTO: Mr. Altadonna,

1 can you call the first hearing?

2 MR. ALTADONNA: Yes.

3 The first hearing is Traffic, to
4 consider the Amendments to the Code of the Town of
5 Oyster Bay, Chapter 233, pertaining to parking,
6 stopping, crossing, loading zones, thru traffic,
7 trucking operations and other traffic regulations
8 throughout the Town of Oyster Bay.

9 SUPERVISOR VENDITTO: These are matters
10 which come to us in a variety of ways.

11 As everyone is aware, the Town of
12 Oyster Bay is responsible for traffic control on
13 the streets of the entire Town, stop signs, no
14 parking, this, that and the other thing. Sometimes
15 it's done by personal observations of elected
16 officials, of Town personnel and sometimes largely
17 on the request of residents and I don't think we
18 have any speakers on this here, I don't see
19 anything.

20 Do we have any speakers on this?

21 MR. ALTADONNA: No.

22 SUPERVISOR VENDITTO: Okay.

23 Then, Mr. Altadonna, do we have any
24 correspondence?

25 MR. ALTADONNA: We have affidavits of

1 postings of publications.

2 There is no other correspondence.

3 SUPERVISOR VENDITTO: Mr. Muscarella,
4 I'll take a motion.

5 COUNCILMAN MUSCARELLA: Supervisor, I
6 make a motion that this public hearing be closed
7 and the decision be reserved.

8 COUNCILMAN MACAGNONE: Seconded.

9 SUPERVISOR VENDITTO: All in favor?

10 COUNCILMAN MUSCARELLA: "Aye."

11 COUNCILMAN MACAGNONE: "Aye."

12 COUNCILMAN COSCHIGNANO: "Aye."

13 COUNCILMAN PINTO: "Aye."

14 COUNCILWOMAN ALESIA: "Aye."

15 COUNCILWOMAN JOHNSON: "Aye."

16 SUPERVISOR VENDITTO: All opposed?

17 (No response.)

18 SUPERVISOR VENDITTO: So moved.

19 (Time noted: 10:18 a.m.)

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25

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
November 15, 2016
10:19 a.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

HEARING - LOCAL LAW

To consider a local law entitled "A Local Law to Amend Chapter 209 - Taxation, to add Article X - Override of Real Property Tax Levy to the Code of the Town of Oyster Bay, New York to Override the Tax Levy Limit Established in General Municipal Law Section 3-C." Hearing continued from October 18, 2016. (M.D. 10/18/16 #4.)

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DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS
FRANK GATTO, ASSISTANT TO THE COMMISSIONER OF
GENERAL SERVICES

1 SUPERVISOR VENDITTO: We will now
2 proceed with Hearing Number 2.

3 MR. ALTADONNA: Hearing, Local Law; to
4 consider a local law entitled " A Local Law to
5 Amend Chapter 209 - Taxation, to add Article X -
6 Override of Real Property Tax Levy to the Code of
7 the Town of Oyster Bay, New York to Override the
8 Tax Levy Limit Established in General Municipal Law
9 Section 3-C." Hearing continued from October 18,
10 2016.

11 SUPERVISOR VENDITTO: In plain English,
12 this is a hearing where the Board is considering
13 piercing the tax cap so that we can raise taxes
14 beyond the limit imposed upon us by Legislations of
15 the State of New York.

16 Mr. Rozea, what say you?

17 MR. ROZEA: That's absolutely correct
18 and you essentially, Supervisor, summed up
19 everything that I was going to present to the Board
20 this morning. This is a proposal of the law that
21 would amend the Town Code to allow the Board at
22 it's option and in it's discretion to pierce the
23 tax levy limit, as you mentioned, that is imposed
24 by the State of New York upon local municipalities
25 such as the Town of Oyster Bay.

1 With that, I'll open it up to any
2 questions.

3 SUPERVISOR VENDITTO: Well, stand by.

4 What I would like to do is, where is
5 Mr. Darienzo? Where are you, Rob?

6 Do you want to give us the benefit of
7 your wisdom?

8 MR. DARIENZO: Good morning, Supervisor
9 Venditto and Town Board.

10 SUPERVISOR VENDITTO: Good morning.

11 MR. DARIENZO: The 2017 budget is
12 structurally balanced, but it does nothing to help
13 fix the cumulative deficit that has grown over the
14 years. Piercing the tax cap and increasing the
15 current tax revenues will allow us to generate a
16 sizable surplus in 2017 and we will see that
17 cumulative deficit reduced greatly. There are a
18 number of other items other than piercing the cap
19 that can keep us moving in the right direction. We
20 need to implement this new parking program, we need
21 to implement the new park and field rental program,
22 we need to commit to budget reductions and
23 part-time salaries, commit to budget staff
24 reductions if the Union does not, in fact, agree to
25 a contract, we need to commit to no new hires, we

1 need to get certain money due to us from Nassau
2 County, we need to look at the value of naming
3 rights at park fields and we need to keep working
4 hard in other areas to generate revenues and reduce
5 expenses. There are a lot of people working very
6 hard every day, including this Town Board, to make
7 these things happen, but if they don't happen by
8 January 1st we only fall further behind. Piercing
9 the tax cap today allows this Board to breath for a
10 minute while continuing to reach the objectives I
11 just outlined.

12 By my estimations, by piercing the tax
13 cap today and hitting those other objectives allows
14 the Board to hold the line on taxes next year. The
15 failure to pierce the cap today will only
16 exacerbate the problem now and in 2017 to increased
17 interest costs and will require a significantly
18 higher tax increase in the 2018 budget.

19 SUPERVISOR VENDITTO: Okay. It's not a
20 happy message but the only thing I would add to
21 that is -- speaking only for myself -- the Town is
22 in difficult financial strains, that's an
23 understatement, and I said repeatedly to anyone who
24 listens that -- again, speaking only for myself --
25 I take full responsibility for that problem, and it

1 does need to be addressed.

2 The one thing I would point out though
3 -- because sometimes there is a lot of confusion in
4 the public generally about the impact of an
5 increase in Town taxes -- everybody has a real
6 property tax bill. If you're like me the total
7 real property taxes, and now we're talking about
8 school, County and Town, probably for the typical
9 tax payer, probably around \$12,000 a year for your
10 overall tax bill, obviously depending on where you
11 live.

12 There are people who have real property
13 taxes maybe in the \$30,000 range and some who have
14 it maybe in the \$8,000 range. Again, it depends on
15 assessed evaluation and so on and so forth.

16 The one thing I do want to point out,
17 for the longest time this Town had the highest bond
18 rating obtainable, no tax increases and then, of
19 course, trouble began.

20 Personally, I think it really began
21 somewhere in 2011 or 2012, but it got way out of
22 hand. For the very longest of time, we spent a
23 great deal of money to improve the infrastructure
24 in this Town and we did a good job as evidenced by
25 Money Magazine, who has us in the top 50 finest

1 places to live anywhere in the world, but that was
2 excluding the financial condition, but it's
3 important for everybody to understand the
4 relationship between Town taxes and the overall
5 real property tax bill.

6 For example, if this Board were to
7 raise taxes in the Town 10 percent, many, many
8 people out there would say, whoa, 10 percent, I
9 already pay \$15,000 a year and 10 percent of that
10 means another \$1,500. It's only on the Town
11 portion of your tax bill which is roughly 10
12 percent of your overall tax bill, so for example,
13 in using myself, my real property taxes are \$12,000
14 a year so a 10 percent increase in Town taxes would
15 be \$120 a year, right? Am I correct? Help me with
16 the math, somebody.

17 MR. DARIENZA: You said overall.

18 SUPERVISOR VENDITTO: I'm sorry. I did
19 the exact opposite of what I just said.

20 My Town taxes are roughly \$1,800 a year
21 so a 10 percent increase would be \$180, okay.

22 For the very, very longest time, we
23 enjoyed no tax increases, up until recent years
24 obviously, but it's so important to point out that
25 at some point you have to turn off the computers

1 and turn off the statistics. Let's say your Town
2 tax bill is \$2,000 a year, that would be roughly
3 how much a month?

4 MR. DARIENZO: \$160.

5 SUPERVISOR VENDITTO: \$160, okay. I
6 don't know about the rest of you but I suspect that
7 I pay more for my cell phone, probably twice as
8 much as I do -- for a family plan than I do for my
9 Town taxes. I pay more to PSEG, I pay more to heat
10 my home, I pay more for Cablevision, far more for
11 Cablevision than I pay in Town taxes. I don't
12 know, the list goes on, my car, you name it,
13 nothing is as low as the number you pay for Town
14 taxes. So I just ask everyone to keep it in
15 perspective and understand that in the Town of
16 Oyster Bay over the course of many years and right
17 through including today you do get -- and I hate
18 this expression but -- you do get a bang for your
19 buck. You're living in one of the finest towns
20 anywhere in the United States there is to live and
21 while we all hate taxes, this country was born in a
22 tax mode. No one likes to pay taxes at all, let
23 alone pay an increase in taxes, but I just ask
24 everyone to keep it in perspective as to what we're
25 talking about here. If it means the salvation of

1 the Town, then I must tell you, right now I think
2 it's down to -- I think it's down to that. I think
3 if we don't act on this tax cap today and we don't
4 ultimately introduce a significant tax increase in
5 your Town taxes I don't know where we'll be a year
6 from now. I'm not sure that we'll be here
7 financially and that is just ridiculous. You know,
8 a lot of people are saying wow, you're like this
9 place and you're like that place, but we're not
10 like those places, we have a financial problem. It
11 is very, very fixable. The Town Board needs to
12 have the -- in the face of people saying please
13 don't raise my taxes, the Town Board has to stand
14 up in the face of that and make the right decision.
15 The people who pass judgment on this Town Board,
16 when the time comes they're the boss. They're the
17 boss and we're the employees. They may very well
18 seek the fire everybody but you still have to do
19 the right thing and again, I ask everybody to keep
20 it in perspective. When I signed on with
21 Cablevision, I was paying \$160 and it's like \$231 a
22 month now. I don't have anything against
23 Cablevision. I love Cablevision. I get my
24 computer, my phone. It's a great deal. I pay \$269
25 a month to rent a car for my wife. I give PSEG

1 \$190 a month. For heaven's sake, it costs me
2 almost as much to get newspapers delivered to my
3 house as I pay in my Town taxes, so I just ask
4 everybody to keep this in perspective. I don't
5 know if any Board members want to add to this.

6 COUNCILWOMAN ALESIA: I have a question
7 for Rob.

8 SUPERVISOR VENDITTO: Sure, go ahead.

9 COUNCILWOMAN ALESIA: Rob, what is the
10 calculation for each percentage that the taxes are
11 raised to the Town? What does the Town get off a
12 percentage point in the tax increase?

13 MR. DARIENZO: Each percentage in the
14 form of a tax increase is 2 million dollars or so
15 in revenue. You get between 2 and 2.1 million
16 dollars for every tax percentage increase.

17 SUPERVISOR VENDITTO: So on a 10
18 percent tax increase what would happen?

19 MR. DARIENZO: We receive roughly
20 between 20 and 21 million dollars.

21 SUPERVISOR VENDITTO: How helpful is
22 that in terms of our overall problem?

23 MR. DARIENZO: It will go a long way
24 towards getting us from from the red to the black.

25 SUPERVISOR VENDITTO: And righting the

1 ship.

2 MR. DARIENZO: And begin to right the
3 ship, absolutely.

4 SUPERVISOR VENDITTO: I readily
5 admitted something that probably should have been
6 done in increments over many years and it wasn't.
7 I think I said it at the last meeting, we worked
8 very hard when the sun was shining and we had all
9 those high bond ratings.

10 We worked very hard to give our
11 residents a Rolls Royce but we only charged
12 Chevrolet prices, not that there's anything wrong
13 with Chevrolet because I love Chevrolet.

14 Having said that, I think it's time to
15 stand up and do the right thing, and the cutting
16 and pasting doesn't work, raise fees, do this, do
17 that, sell this, sell that and then next year the
18 problem gets that much bigger, so the time has come
19 and I'm ready to do it. The Board members
20 individually will make their own calls, but I'm
21 ready to go. We will have speakers on this
22 hearing.

23 COUNCILMAN PINTO: I have a question.

24 SUPERVISOR VENDITTO: Yeah, sure.

25 COUNCILMAN PINTO: When this was first

1 brought up? Is there anybody else here to speak
2 about this today, of Counsel?

3 SUPERVISOR VENDITTO: Yes.

4 I think we have quite a number of --
5 we've been guided over the course of time by bond
6 sellers, by our bond counsel, our personal -- when
7 I say personal, I mean the Town's financial
8 advisors, but I cannot tell you how heavily they
9 are in support of this. Do you want to hear from
10 anyone in particular.

11 COUNCILMAN PINTO: I thought we would.
12 I thought the plan was to have those individuals
13 here to speak today.

14 MR. DARIENZO: There are certain people
15 here in this building. There not in this room
16 right now. Is there someone in particular you
17 would like me to --

18 SUPERVISOR VENDITTO: I believe they're
19 going to express the need to do this. I think
20 that's all we're going to hear.

21 MR. DARIENZO: Absolutely.

22 Would you like me to get --

23 SUPERVISOR VENDITTO: Well, we have
24 other speakers.

25 Why don't you margin them together and

1 we don't need terribly graphic presentations but we
2 do need them to give us the bottom line? I think
3 we know the answer.

4 COUNCILMAN PINTO: One last question.

5 If this does happen today, what does
6 that do to the current Supervisor's budget in
7 regards to 10 percent reductions of said staff?

8 MR. DARIENZO: It wouldn't do anything
9 to it.

10 COUNCILMAN PINTO: Would we still need
11 that?

12 MR. DARIENZO: Will we still need it?

13 COUNCILMAN PINTO: Yes.

14 MR. DARIENZO: What do you mean?

15 COUNCILMAN PINTO: Would that remain in
16 the budget?

17 MR. DARIENZO: Absolutely.

18 The only thing that would change in the
19 budget would be an increase in tax revenues.

20 COUNCILMAN MACAGNONE: Mr. Darienzo,
21 what would it take that we wouldn't have to cut
22 staff by 10 percent or that we wouldn't have to do
23 drastic cuts?

24 MR. DARIENZO: What would it take, well
25 the 10 percent reduction in salaries that are

1 currently in the budget represents between 6 and 7
2 million dollars so we learn that the tax percent
3 increase is roughly 2 million dollars so if you
4 raise taxes an additional 3 to 3 and a half percent
5 on top of what's already being recommended that
6 would allow you potentially to reduce any kind of
7 -- any proposed layoffs. With that being said,
8 there would then be no contract in place.

9 SUPERVISOR VENDITTO: I didn't follow
10 you.

11 COUNCILMAN MACAGNONE: Is there a
12 contract in place now?

13 MR. DARIENZO: No. It expires on
14 December 31st.

15 SUPERVISOR VENDITTO: So it's subject
16 to renegotiation?

17 MR. DARIENZO: Right.

18 COUNCILWOMAN ALESIA: So you're saying
19 that would be on top of the 10 percent that we're
20 discussing, an additional 3 or 4 percent?

21 MR. DARIENZO: Yes.

22 COUNCILWOMAN ALESIA: Does that answer
23 your question, Tony, or no?

24 COUNCILMAN MACAGNONE: It does, but you
25 confused me with the contract discussion, there is

1 a contract in place that's due to expire on
2 December 31st?

3 MR. DARIENZO: Correct.

4 COUNCILMAN MACAGNONE: There is nothing
5 after that?

6 MR. DARIENZO: There is no arrangement
7 that I've been made aware of.

8 COUNCILMAN MACAGNONE: Same here. I
9 just wanted to clear that up.

10 Thank you.

11 MR. DARIENZO: If the Town Board raised
12 taxes enough where there were no layoffs, I don't
13 know how that would impact negotiations.

14 SUPERVISOR VENDITTO: Okay.

15 You can round up that group together
16 and we'll start with the speakers.

17 Bob Freier, you're first up.

18 MR. FREIER: Good morning. I just have
19 a statement to make.

20 Members of the Board, I urge you to
21 vote against piercing the Tax Cap for the 2017
22 budget year. As evidenced by the closeness of the
23 Brooks/Venditto race, the people of the Town and
24 the County know the mess that our Town is in and
25 they're focus is clearly on all of you.

1 If Senator Venditto loses the race or
2 barely wins, it's clearly because of the federal
3 charges brought against the Supervisor and the
4 financial mess that Supervisor Venditto and this
5 entire Town Board is responsible for. Mr. Venditto
6 said just two days before he was charged with
7 federal crimes that have contributed to the fiscal
8 mess that our Town is in, you mentioned a Rolls
9 Royce, I thought it was a Cadillac, that you were
10 buying like it was a Cadillac when you only had the
11 money for a Chevy, that's reckless, not only on the
12 part of the Supervisor but on the part of every
13 single Town Board member that voted in favor of
14 this reckless spending.

15 Why should the residents of this Town
16 have to pay for your mismanagement of our Town.

17 Now, in addition to piercing the
18 property tax cap, you are proposing massive
19 layoffs. This will affect the workers who can
20 least afford it. The members of the CSEA are the
21 ones working hard every day and some of the lowest
22 paid in the Town. They already accepted pay lag a
23 long time ago and they are now being asked to take
24 pay cuts. These are the people that execute the
25 important services of the Town, the street pavers,

1 the Sanitation workers and others. Why are they
2 being asked to suffer for the mismanagement by the
3 Supervisor and this Town Board.

4 Unfortunately, I continue to see more
5 spending in this budget that got us into this
6 financial mess we're in. The same patronage jobs,
7 engineering service contracts, nepotism, expensive
8 outside consultants, outside legal counsel because
9 of laws that were broken by the Supervisor and this
10 Board.

11 Another example of wasteful spending,
12 in my opinion, is public safety which never existed
13 before 2007 and now has salaries of nearly 3 and a
14 half million dollars. They patrol the same areas
15 and facilities as the Nassau County Police
16 Department all while crime in Nassau County is at a
17 40 year low. I believe if you really want to get
18 the Town on track there are options out there. If
19 you move ahead with these layoffs of union workers
20 you will undoubtably affect the Town's ability to
21 deliver the services that they do now.

22 Thank you.

23 SUPERVISOR VENDITTO: Thank you, Bob.

24 (Applause.)

25 SUPERVISOR VENDITTO: Paul Molinari.

1 Good morning, Paul.

2 MR. MOLINARI: Good morning, Supervisor
3 and Town Board.

4 I'm Paul Molinari.

5 I haven't really made up my mind on the
6 Tax Cap. I need more information. Like I heard --
7 I read in the paper it was going to be 2.3 percent
8 and now you're talking about 10 percent. What is
9 it going to be and what would it be on the average
10 homeowner like myself.

11 I'm retired. I'm on a fixed income
12 now. I don't work anymore and I'm just an average
13 taxpayer here in the Town of Oyster Bay. My house
14 is probably assessed around \$400,000. I enjoy
15 living in Hicksville, but I would like to know what
16 the impact would be on myself before I commit to
17 agree to a tax cap increase. It sounds like -- if
18 it's a reasonable amount I would support it. If
19 it's an unreasonable amount I wouldn't support it.
20 A 2.3 percent, that's probably only like \$30 or \$40
21 a year more. I would gladly pay that if it helps
22 pull this Town out of the financial mess that it's
23 in.

24 Thank you.

25 SUPERVISOR VENDITTO: Don't go away.

1 Rob?

2 COUNCILWOMAN ALESIA: I had the same
3 question originally, Bob. That was my exact
4 question when I first spoke to Rob, I asked what
5 does this mean to the average household and his
6 answer was that it should be approximately \$130 a
7 year if there were a 10 percent tax increase.

8 Now, \$130 is not nothing. I know
9 because I do the grocery shopping in my house and
10 that's what it costs me in a week, but like you
11 said, if that's what is going to balance the fate
12 of the Town's budget and our finances, how do you
13 feel about it then.

14 MR. MOLINARI: I would support it if
15 it's going to help. Actually, it's not really --
16 what Rob said earlier, that this is really to
17 generate a surplus so I think the budget as
18 proposed has to go forward and it's just not the
19 taxpayers bringing everything together, certain
20 things have to occur. You lay out additional
21 revenue sources, you lay out potential no hiring.
22 I worked for the Federal Government. I went
23 through a few periods like that. I worked as a
24 manager and one year I had 41 people working for me
25 in the beginning of the fiscal year. By the end of

1 the fiscal year, I was down to 26 because of the
2 budget problems that we had, and I couldn't hire
3 anybody, and I still had to deliver the same
4 products that I had with 40 people versus 26
5 people. Sometimes we all have to tighten our belts
6 and do what's best for everyone, so if it's \$130 I
7 wouldn't be happy, but if it does what it has to do
8 I would support it.

9 Thank you.

10 SUPERVISOR VENDITTO: Thank you, Paul.

11 Jarvis Brown, President of our Local
12 Union.

13 MR. BROWN: Good morning, Supervisor
14 Venditto and Town Board.

15 SUPERVISOR VENDITTO: Good morning.

16 MR. BROWN: I speak on behalf of our
17 union membership. To be exact, we have 970 union
18 members. We've lost a lot of members over time due
19 to incentives and things like that, but today we
20 are here to talk about a tax cap that needs to be
21 pierced. We're here to talk about members who are
22 faced to be laid off. The numbers that we're
23 talking about range from anywhere between 100 to
24 200. No member in this room, no member in this
25 Town can afford to be laid off. I sit and I talk

1 to members every day. I know we have tough times
2 -- tough financial times here in the Town of Oyster
3 Bay but we heard everyone say that if we go a
4 percent above that 10 percent, maybe 12 or 13,
5 whatever that number was, we could possibly save
6 every union member. The union members that we have
7 today -- remember in 2011 you came to the previous
8 president -- it wasn't me -- and you said you
9 needed help and every union member in this Township
10 gave help and that was suppose to keep us employed
11 and be able to help the Town of Oyster Bay out in
12 their progressive movement in the Town.

13 Moving forward in 2016, we're facing
14 the same issues of no money, possible layoffs.
15 Members are afraid. I'm afraid. I'm the President
16 of this Union and I can be faced with being laid
17 off, too. We have members in this Union, members
18 in the Town of Oyster Bay who give their lives to
19 this Town. When you're calling us at 2:00, 3:00,
20 4:00 in the morning, whether it's Highway, whether
21 it's Parks, whether it's Sanitation, we do the job
22 that is asked of us and to be put in the position
23 today of the future of us to be laid off, to be
24 sitting at home waiting for the decision to approve
25 whether we have a no layoff clause in effect or not

1 in effect is pretty much a shame to me today
2 because I know what this Town has been, I know what
3 we continue to be and it's in my heart, you hear
4 the emotion because sometimes I want to ask the
5 same question, how did it get so bad, but you guys
6 always, always, always did the right thing by the
7 membership and the residents but by you cutting us
8 you're going to hurt the residents.

9 By you laying off any Parks people,
10 you're not going to have parks manned, by you
11 laying off Sanitation personnel your garbage is not
12 going to get picked up. By you cutting Public
13 Safety, you're not going to have an extra eye out
14 there to inform the police department about what's
15 going on here in the Town of Oyster Bay.

16 I urge you, I ask you to think about
17 the decision that has to be made for the Union
18 employees here in the Town of Oyster Bay. There
19 has been a lot of miscommunication from everybody,
20 from everybody. We can point fingers all day but
21 what I'm asking you to do is think about the Union
22 members, think about us. We thought about you in
23 2012. We thought about our future and now we're
24 facing the same thing.

25 We all know that people get laid off.

1 It's not going to make a difference in the upcoming
2 years. We can face these same issues in the next
3 two, three, four years, and when we're put in the
4 position where the financial security of the Town
5 is in trouble, the Union has to make some decisions
6 to protect each other, and right now, we are angry,
7 we are scared, we need you to make the correct and
8 right decision to protect the residents of this
9 Town and definitely to protect the Union members
10 that go to work every day and do what exactly
11 what's asked of them. We do the job that no one
12 else really wants to do. We're in the trenches.

13 I urge you to please, please pierce
14 this tax cap to where it needs to be where layoffs
15 will not be presented to any member here in the
16 Town of Oyster Bay. I look at every last one of
17 you guys and ladies and I'm not going to sit up
18 here and do the things that have been done to you
19 over and over again but you have a responsibility
20 to us too as Union members.

21 We deserve to have a job. I have a
22 family of four. I have a house, too. I need my
23 health insurance. I have a sick wife. I talk to
24 members every day that are afraid they're going to
25 lose their jobs, I'm a single mother, I'm a single

1 father. We can't afford to go through this right
2 now. It's not our fault. It's not our fault and
3 we didn't do this.

4 We are blessed with what you have given
5 us, but we didn't do it to this point and nor do we
6 need or deserve to lose our jobs either. Please
7 think about what I'm saying, make the right
8 decision and that decision is to keep every Union
9 employee employed here in the Town of Oyster Bay.

10 Layoffs is not the answer. The CSE
11 does not stand for it. We don't believe in it. We
12 do understand when times get tough, that might have
13 to be an issue, but we'll fight 'til the end to
14 make sure that every Union employee here in the
15 Town of Oyster Bay is employed here in the future.

16 I ask you again and I urge you please
17 make the right decision, a sound decision. You
18 know what we do for you. You know what we've done,
19 you know what we've been and what we continue to
20 be. You've always said, Supervisor Venditto, and
21 I'm looking in your face, we've been the workforce
22 that any supervisor could ever ask for. Every
23 council person has made that same statement. Any
24 time you have called we've been there, and we're
25 asking you to be there for us now. We don't

1 deserve to lose our jobs. We don't deserve to be
2 put in a position where we may be facing outside
3 instead of staying inside because of the things we
4 didn't do here for the Town of Oyster Bay and its
5 residents. Please make the right choice.

6 Thank you for your time and please make
7 the right choice.

8 (Applause.)

9 Supervisor Venditto: Nick LaMorte.

10 MR. LAMORTE: Good morning, everyone.

11 Thank you for the opportunity to give
12 my piece of suggestions and comments of what you
13 just heard. Full support of mine for Jarvis T.
14 Brown, great President here, was out speaking to
15 just about every member he could to explain what
16 exactly was going on, filtering a lot of calls that
17 had reached me.

18 For those of you who don't know, I am
19 the Long Island Region President. I represent some
20 50,000 members from the tip of Orient Point to the
21 Nassau/Queens border and right here in Nassau
22 County some 25,000 people. These folks are not
23 only just Union members but these folks are your
24 employees. We have to face each and every one of
25 those members. We both have a responsibility to

1 represent both them and the citizens of this great
2 Town. Having been a resident of this Town for many
3 years before I moved out east -- my mother still
4 lives in North Massapequa with my uncle and my
5 aunts -- I was a custodian from Farmingdale. I
6 actually escorted Nicholas and Michael to their
7 classrooms when a guy named Venditto was then the
8 Town Attorney.

9 SUPERVISOR VENDITTO: I helped you
10 clean up then, too.

11 MR. LAMORTE: You absolutely did. The
12 support that we both have together is a testament
13 of the concern that we have for not just Union
14 employees, but also for the residents of this Town.

15 I rise in support of Jarvis T. Brown in
16 his quest to save jobs, but also to right the ship,
17 get it back on track. He was right, a number of
18 years ago we took furloughs, I was part of that
19 deal, and I promise you the CSEA will continue to
20 be a partner should you pass this cap, right the
21 wrongs, bring it back on an even keel, we will
22 remain a partner with this Board. We will do the
23 right things together.

24 It has been mentioned about no
25 contract, we will work with you, but you gotta

1 pierce this cap, you gotta save those jobs, you
2 gotta do the right thing and I think I know you
3 will.

4 Thank you, John.

5 (Applause.)

6 SUPERVISOR VENDITTO: Rob Darienzo, did
7 you manage to marshall everyone together?

8 MR. RIPP: I put my paper up there.

9 SUPERVISOR VENDITTO: Okay. Come on
10 up, Rob.

11 MR. RIPP: I'm Robert Ripp. I'm from
12 Massapequa, New York.

13 The first thing I want to say is that I
14 think it's very disrespectful to the residents of
15 the Town of Oyster Bay that you were arrested on
16 federal corruption charges on October 20th and you
17 haven't made a statement, you come out here and you
18 share in this meeting as if nothing ever happened.

19 I think the people --

20 SUPERVISOR VENDITTO: Rob, what does
21 that have to do with --

22 MR. RIPP: Hold on a second, and I'll
23 say it. I would like to hear your thoughts on your
24 ability to lead this Town.

25 Now, going into the hearing on the

1 budget -- I'm not an eloquent speaker or an
2 educated guy, so I'm going to try to put this into
3 perspective that everybody can understand.

4 Today, in your Resolutions, it appears
5 that you're prepared to pay a total of \$100,000
6 worth of Town money for the holiday concerts, okay.
7 You're looking to take peoples jobs, but yet you're
8 talking about righting the wrongs. You know how I
9 feel about our debt. You increased it. You
10 doubled it in the last five years with your
11 improper use of contracts, but will one of you give
12 up your yearly salaries so residents can listen to
13 Christmas music? What are you doing?

14 Mr. Venditto, I sat here for a number
15 of years and listened to you give the same
16 testimony about taxes and how to compare them and
17 don't compare them.

18 Please, don't piss on my head and tell
19 me it's raining.

20 SUPERVISOR VENDITTO: Rob, watch your
21 mouth.

22 Thank you, Rob.

23 (Applause.)

24 SUPERVISOR VENDITTO: Ladies and
25 gentlemen, the only thing I'm going to ask is let's

1 keep the discourse civil, please.

2 You're certainly entitled to your
3 opinions and you can express them as violently as
4 you would like, but let's keep the discourse -- if
5 we have high school children or elementary school
6 children in the room, let's be proud of the way we
7 conduct ourselves.

8 Okay, Rob, go ahead.

9 MR. DARIENZO: We have representatives
10 here from our financial advisors, our bond counsel
11 and our bond underwriters.

12 Do you have specific questions for them
13 or would you like them to make a statement?

14 SUPERVISOR VENDITTO: I think the
15 question is obvious.

16 The question is, it has been urged upon
17 the Board by some of the people you identified that
18 the Town needs to do this to begin the process of
19 righting the ship. I guess I would like Councilman
20 Pinto -- I won't speak for him, I'll let him speak
21 for himself. But he indicated that he would like
22 to hear that dialog on the record.

23 COUNCILMAN PINTO: In the issue of
24 fairness, I think that the members and the people
25 who are behind you have tried to reach out to the

1 Board over the last two months or so regarding this
2 issue. Some of us weren't able to meet privately,
3 so I just think this is their opportunity to say
4 what they want to say to us here.

5 MR. DARIENZO: Okay. We'll do it one
6 at a time.

7 First up will be Randy Mayer from
8 Norton Rose Fulbright. He's our bond counsel.

9 SUPERVISOR VENDITTO: Mr. Mayer, what
10 say you?

11 MR. MAYER: Good morning, Supervisor
12 and members of the Town Board.

13 I've worked with the Town for many
14 years and watched the Town's finances in many
15 situations. I want to say that we are a law firm.
16 We are not a financial advisor.

17 I don't want to give you strictly
18 financial advice. Indeed we are prohibited from
19 doing that by the rules that apply to us, but your
20 financial advisor is here that you can ask
21 questions if you like to. One thing I can advise
22 you about is that the Town has substantial
23 borrowings outstanding that are short-term
24 borrowings of about 130 million dollars on
25 estimation notes that are come due in February.

1 The Town has lost market access in a
2 very important way. When those notes were sold
3 last year -- or actually earlier this year, the
4 Town tried to get a couple of underwriters to work
5 with them. The first underwriter that was chosen
6 by the Town refused to do it because they were not
7 satisfied with the Town's finances and they didn't
8 want to underwrite the notes, so the Town found
9 another underwriter who looked at the situation
10 closely and came to the same conclusion and walked
11 away, and that's an extremely unusual event in our
12 business. In fact, I can't recall that happening
13 to another client.

14 Finally, Oppenheimer and Company
15 stepped forward and was willing to underwrite the
16 notes, but as you know, when you deal with a single
17 supplier in anything, you're at a disadvantage.

18 So the Town is in a position where it
19 is very weak financially and it's weak as a credit
20 and as a result it faces limited opportunities.

21 Let me give you the most important one
22 from our perspective. The Town could normally have
23 the option of selling long range debt early next
24 year instead of just renewing notes. We know that
25 the market interest rates may go up and there are

1 some advantages of selling long term debt. You
2 don't have to be forced to go back to the market
3 every year, but under State Law, the Town is
4 obligated to sell that debt at a public sale. It
5 has to auction off the debt using a notice of sale
6 process, but it appears that you would not be able
7 to do that right now because of the lack of market
8 access or that there would be such disadvantages in
9 trying to do it that you may decide it's a
10 practical alternative for you.

11 You have another alternative of going
12 to the State and declaring that your situation is
13 so dire that they make an exception and allow you
14 to sell the bonds in a private sale but that has
15 the disadvantage of uncertainty, you don't know
16 whether the State is going to grant that privilege
17 and there is some aspects of selling that could be
18 very expensive for the Town.

19 So, for those reasons, because it seems
20 to be a very unusual situation, it would be risky
21 to proceed as you have before this time and the
22 reason is that you've worked yourself into creating
23 a cumulative deficit that is substantial and there
24 are some things that may help alleviate it but
25 they're uncertain. There is some things that may

1 make it worse or things that might make it better.
2 It's not our place to comment on your decisions as
3 to how to cure the problem, but we would be failing
4 in our role as an advisor if we didn't share with
5 you the difficulty that you're in from a market
6 standpoint and the legal constraints you face. So
7 if you have any questions I would be happy to give
8 you more details. The reason we wanted to be here
9 today was to give everyone a chance to ask
10 questions but also to make clear the extreme
11 situation that the Town is in.

12 SUPERVISOR VENDITTO: Thank you,
13 Mr. Mayer.

14 (Applause.)

15 MR. DARIENZO: Next up will be
16 Christine Crowley. She works for our financial
17 advisors, fiscal advisors and marketing based up in
18 Syracuse.

19 SUPERVISOR VENDITTO: Good morning,
20 Christine.

21 MS. CROWLEY: Good morning, Supervisor.
22 Good morning, Town Board.

23 First of all, thank you very much for
24 inviting us today.

25 We have been working with the Town for

1 a very long time and we've seen the Town's finances
2 deteriorate over the recent years. From our
3 perspective, it's part of our rule, we are actually
4 handling the sale and going out and finding an
5 investor to purchase the Town's debt. In the
6 financial condition that the Town is currently in,
7 we've had an extreme difficult time finding someone
8 to work with the Town and to be able to find
9 investors willing to work.

10 As you know, the bond rating was down
11 rated earlier this year for the Town, that in
12 conjunction with the finances not moving in a
13 positive direction has been unfortunate for the
14 Town in raising debt. So while we certainly can't
15 make the decision for you, we can tell you the
16 possible consequences of not righting the financial
17 condition that you're currently in. As your bond
18 rating goes down, you have a harder time getting
19 investors as we said. If that should happen, we
20 don't have market access on a competitive basis
21 anymore.

22 Back in December of '15, we issued some
23 notes and there was one bidder. Prior to that time
24 period, you were having ten, twelve bidders.
25 That's a very apparent reaction from the market.

1 So if the Town can't get the finances back moving
2 in the right direction, there is fear that the
3 market access will not be available or it would be
4 even more expensive than what you're experiencing
5 right now. The Board -- and I know you are all
6 very well educated, but as your bond rating goes
7 down your interest rates goes up. It's a higher
8 risk for the investors so as the bond rating goes
9 down, your interest expense is really a financial
10 snowball affect.

11 It's becoming more expensive for the
12 Town, so we fully support any action that can be
13 taken to help break that financial position, to
14 help you become more efficient in your borrowing
15 efforts and get you to a place where you can regain
16 that market access on a competitive basis and
17 realize there are more advantageous interest rates
18 on a lower level.

19 Are there any questions?

20 SUPERVISOR VENDITTO: Any questions for
21 Christine?

22 COUNCILWOMAN ALESIA: I just wanted to
23 comment because you said we're all very well
24 educated. Thank you for making yourself available.

25 At least for me, I was not fully

1 educated on all of this up until the last month or
2 so and I really appreciate you, and Randy, and the
3 other gentlemen making themselves available to
4 explain and answer questions to help us -- me.

5 I don't want to speak for anybody else,
6 but it was very nice to meet with you, and to speak
7 with you, and I appreciate your time.

8 MS. CROWLEY: We're happy to help in
9 any way we can.

10 SUPERVISOR VENDITTO: Thank you,
11 Christine.

12 Rob?

13 MR. DARIENZO: Finally, we have Al
14 Fleitas. He is with Oppenheimer and Company. They
15 were the bond underwriters on our last debt issues.

16 MR. FLEITAS: Good morning, Supervisor.
17 Good morning, Town Board.

18 My name is Al Fleitas. I'm the
19 Managing Director with Oppenheimer and Company,
20 Municipal Capital Markets. We were the underwriter
21 on your last note issue in June.

22 We were recommended by fiscal advisors,
23 your municipal advisory firm and we brought your
24 issue to market and at first, in taking everything
25 that we were presented -- and once again, we don't

1 offer advise. We take what the Town presents us
2 and the advisor presents us to the investor
3 community. We initially received a very weak
4 response and certainly it was at a time when the
5 money markets were changing, the investment
6 criteria was changing and so here we have a very
7 large entity with a 54 billion dollar assessed
8 evaluation, certainly substantial, but with a BB
9 +/- outlook and this was a great concern to the
10 investor community so we were not at this point
11 dealing with money market funds. We were now
12 dealing with municipal bond funds looking for an
13 edge. When we first went into it, it was really
14 quite difficult. We didn't have a very good
15 reception. People were concerned about the trend.
16 We organized an investor conference with Supervisor
17 Venditto and CFO Darienzo and at which time various
18 questions were asked. And the one overriding
19 concern was would the Town address the trend; would
20 they do what was necessary to reverse matters,
21 establish an operating -- a positive operating
22 balance and do what they could to address S&P's
23 comments. We had two conferences.

24 The first was with Supervisor Venditto.
25 It was very good. We addressed mostly the

1 demographics of the Town. Then we had the second
2 with CFO Darienzo. It went very well. Investors
3 believed that the Town, with 54 billion dollars in
4 property values, would do what was necessary to
5 restore itself to being the Crown Jewel of
6 Long Island. It went so well that we were able to
7 get very good rates for considering what it was and
8 then to be oversubscribed by more than three times
9 and having allocation problems and to be able to
10 bump the press so people believe in the ability of
11 the Town to pay it's bills; they just want to see
12 that it can do it. I was very gratified by it.

13 I think that they are all looking to
14 this upcoming issue to see, did the Town do what
15 was necessary to change the trend and then if so, I
16 think that we can get back to much lower rates and
17 a very much broader investors reception.

18 Are there any questions?

19 COUNCILWOMAN ALESIA: Al, just to be
20 clear, what you're saying when you say that the
21 Town can reverse the trend, you're talking about us
22 raising taxes?

23 MR. FLEITAS: Yes.

24 SUPERVISOR VENDITTO: The question as I
25 recall and I'll strip it down to laymen's terms, I

1 think the most probative questions asked that day
2 of the comments that you referred to, Al, was
3 whether or not the Town had the will to raise
4 taxes, and I think we even said the political will
5 to raise taxes.

6 Everybody does understand that it's
7 toxic and that is why I remember the question being
8 posed and I think we represented that if necessary
9 we would.

10 MR. FLEITAS: That's correct.

11 I think we discussed something in the
12 neighborhood that it might come to about \$140 per
13 household and the numbers were certainly dramatic
14 enough that that would definitely do it.

15 I feel that armed with this, I could go
16 back and do a very good job, again, for the Town,
17 and once again, I would be very pleased to be your
18 underwriter.

19 SUPERVISOR VENDITTO: Al, thank you
20 very much.

21 MR. RIPP: I have a question.

22 SUPERVISOR VENDITTO: Not right now.
23 You had your time.

24 MR. RIPP: I have a question for this
25 gentleman here.

1 SUPERVISOR VENDITTO: You had your
2 time, Rob. Don't make trouble today.

3 MR. RIPP: I have a question now.

4 SUPERVISOR VENDITTO: I have no other
5 forms from others who -- I'll tell you what, what's
6 your question? Make it quick.

7 MR. RIPP: I would just like to know if
8 you proposed any other suggestions besides raising
9 taxes?

10 MR. FLEITAS: Did I propose?

11 MR. RIPP: Yes.

12 In your endeavors, were there any other
13 suggestions besides raising taxes?

14 MR. FLEITAS: Basically, what I do is
15 -- I'm not the advisor. I -- once again, I take
16 what I'm given and I present that to the investors.
17 If they have questions or things that they would
18 like to see, that would then go back. It's not my
19 place to advise.

20 MR. RIPP: Thank you, sir.

21 SUPERVISOR VENDITTO: Thank you, Rob.

22 COUNCILMAN PINTO: Supervisor?

23 SUPERVISOR VENDITTO: Yes.

24 COUNCILMAN PINTO: I just want to go
25 back to the last question we had.

1 I'm still having a difficult time with
2 the fact that between 2016 and 2017 we have a 25
3 million dollar reduction in expenses or an increase
4 in revenues and that that wouldn't be enough to get
5 us through '17 even without laying anybody off.

6 I'm still having a hard time with that.
7 I'm having a real difficult time understanding
8 that. I understand that the future will be
9 difficult, but I'm still -- there is 25 million
10 dollars that between '16 and '17 that there's a
11 difference in either an increase in revenues or a
12 decrease in expenses, plus there are some other
13 items that, as everybody knows, we've been working
14 diligently on trying to put in to help the
15 situation.

16 I just -- I'm just having a hard time
17 because I don't -- I think if we push hard and work
18 as hard as we worked in the last month and a half,
19 we'll find other options, or revenues, or
20 reductions in expenses other than layoffs. I think
21 we can do it.

22 MR. DARIENZO: The first thing I would
23 say, and let the record reflect, nobody wants there
24 to be any layoffs. The Union contract negotiations
25 are ongoing.

1 Again, we're operating on a worse case
2 scenario. We will, in order to achieve the savings
3 that we're projecting, will need to have layoffs if
4 there is no contract. We would like there to be a
5 contract.

6 With that being said, yes, we have
7 increased certain revenues, we've decreased certain
8 expenses but the tax increase of 2.3 percent is
9 strictly balancing the budget. It's does not do
10 anything to the long term cumulative deficit; it
11 just doesn't. Those are the numbers. I know that
12 some of them have gone up in terms of revenues and
13 some of them have been reduced also so when you say
14 25 million dollars I don't know exactly what you're
15 referring to, but I imagine what you're referring
16 to are all the positive changes in the 2017 budget.
17 Some of the expense lines have increased and some
18 have decreased accordingly.

19 The overall budget went from 289
20 million to 284 million. It was decreased by
21 5 million dollars. So, yes, there are some ups and
22 downs, some of them quite drastic, but the overall
23 effect was a 5 million dollar reduction.

24 SUPERVISOR VENDITTO: Anything further
25 from any of the Board members for Rob?

1 COUNCILMAN COSCHIGNANO: I guess it's
2 just such a difficult, difficult situation. I
3 don't know the solution myself. We worry about our
4 residents. I'll speak for myself, but I wake up
5 every day worrying our residents. Some of us with
6 long family histories of CSEA, me, my two parents
7 both in CSEA. There's not a day in the last
8 fifteen years that I've been on the Board that I
9 don't think not only of the residents, but of the
10 employees, and I know so many of them personally.
11 I don't want to see layoffs. This is very painful.

12 We -- I know there's nothing that you
13 can say that's going to make it better, but I just
14 think -- I came here today and I don't want to deal
15 with piercing the tax cap, but we have to deal with
16 this scenario. To find out that that not only
17 doesn't get us all the way to save these people is
18 just really doubly painful. I don't know what we
19 have to do, but we need to do everything we
20 possible cannot only to right the ship, but to save
21 as many people as we possibly can because the
22 president of the Union is correct, and I know the
23 Supervisor and other Board members agree, they have
24 done everything they have been called to do for us
25 and I hope we have done everything we can for them

1 and whatever we have to do, whatever days remain
2 left we have to strike whatever balance we cannot
3 only for our residents who will have to pay more
4 but for these people that really keep this Town
5 together. It's not just us. It's them. I don't
6 know what else to say. I don't know the solution
7 and I don't want to sound like I'm grandstanding.
8 There's younger members on this Board and they'll
9 be here far longer than me. I have whatever time I
10 have left on the Board, so I want to do whatever I
11 cannot only for our residents, but for the people
12 in the audience that are looking at us to save
13 their jobs, whatever it takes. I just don't know
14 what else to say.

15 MR. DARIENZO: I agree.

16 It's certainly not my decision, but I
17 don't think there is anybody here in the Town that
18 wants there to be layoffs. No one wants layoffs,
19 negotiations are ongoing but we're going to do what
20 needs to be done though. We need to also rectify
21 the financial situation of the Town, and doing what
22 we're posing today is only one step of that.

23 COUNCILMAN COSCHIGNANO: If we're going
24 to pierce this cap, and I don't know that we are,
25 we have to save those jobs. That's just me.

1 (Applause.)

2 SUPERVISOR VENDITTO: Mr. Altadonna?

3 MR. ALTADONNA: I have a question for
4 the entire financial team.

5 We pierce the cap collectively; what
6 does that do to the outlook? Can we go back to
7 market and rebond and reorganize, and maybe save
8 some additional moneys in debt? I would like some
9 answers on that, please -- the word is refinance.

10 MS. CROWLEY: Taking the step today to
11 pierce the cap will help rectify the financial
12 situation. As Rob said, that's one step. That is
13 going to get you one step closer.

14 We need -- if this occurs we need to
15 get financial statements, we need to go back to the
16 ratings and have them reevaluated on where the Town
17 is financially to see what the outlook is.

18 MR. ALTADONNA: What's the timeframe on
19 that?

20 MS. CROWLEY: The timeframe, once the
21 '15 audit is out I would say within a few months.
22 The rating agencies do like to see audit and
23 financial statements so while the '15 audit and
24 financial statements are out '16 will have just
25 ended and they're probably going to want to see an

1 audit of '16 and they're not as apt to make a
2 rating adjustment unless they see a trend of
3 improvement in the financial condition, so this is
4 step one, and we'll continue to work towards step
5 two and step three, but we can have informal
6 conversations with them just to say, with this
7 going on what would you see as far as where we
8 might be able to land with this.

9 MR. ALTADONNA: And you can share that
10 with the Board?

11 MS. CROWLEY: Absolutely, yes. Rob can
12 relay that information on to you.

13 As far as restructuring and refinancing
14 right now, we have looked at refinancing some of
15 the Town's debt.

16 The financial condition you're in right
17 now, they would consider advanced refinancing.
18 With the advanced refinancing and your financial
19 condition right now, if there is hope that you can
20 get that financial condition turned around and to
21 wait for the call date we can do a sensitivity
22 analysis. If you were to do it now with your
23 financial conditional the way it is, what
24 flexibility would we have if we wait a little bit
25 longer until the Town's finances become more

1 stable, so it certainly is something that we will
2 work continuously with Rob and if we can alleviate
3 your interest expenses for the long term, then
4 absolutely. That's something that the Town has
5 done in the past and will continue to do in the
6 future but, again, you want to make sure you're
7 doing it at the right time and not too early,
8 especially if you're remediating your conditions.

9 MR. ALTADONNA: Thank you.

10 SUPERVISOR VENDITTO: Thank you,
11 Christine.

12 What is the procedure now once we close
13 this hearing? What are we doing? Are we voting
14 now? Are we voting downtown? What's happening?

15 MR. STEFANICH: Well, I think just on
16 the tax cap.

17 SUPERVISOR VENDITTO: We're voting now.
18 Before we close the hearing, Mr.
19 Altadonna, is there any correspondence?

20 MR. ALTADONNA: We have affidavits and
21 postings and publications. There are no other
22 correspondence.

23 SUPERVISOR VENDITTO: Before we close
24 out the hearing, everything has been said and
25 everything has been said quite well.

1 I have heard the refrain countless
2 times that no one wants to see layoffs occur in the
3 Town of Oyster Bay. It was very well addressed by
4 Jarvis and by Nick, and I call them by their first
5 names because we go back a long way. This isn't
6 our first rodeo, as they say. We've been through
7 some great times and and we've been through some
8 tough times.

9 The only thing I would add to anything
10 that has been said today, everybody here today has
11 said they don't want to see layoffs in this Town.
12 That's not the issue this morning.

13 The issue is, of course, the tax cap
14 but if everybody is safe, they don't want layoffs
15 in this Town. I look out to my friends and I say
16 to them where there's a will, there's a way. We
17 have always done it before and it's time to do it
18 again, and the road to perdition, if you will, is
19 that everybody plays the blame game, it's that
20 person's fault, that hasn't happened yet, and I
21 would have thought if it was going to happen it
22 would have happened in this room this morning.

23 It proves once again that we are a
24 family and family works together to do the right
25 thing. You give a little; you take a little;

1 you're a little happy; you're a little sad, but
2 where there is a will, there is a way, and over the
3 next, whatever it is, 45 days or if it takes a
4 little longer, we need to get it done. Where there
5 is a will, there is a way, and we need to find a
6 way.

7 On that note, Mr. Muscarella, I'll take
8 a motion.

9 COUNCILMAN MUSCARELLA: Supervisor, I
10 make a motion that this public hearing be closed
11 and the decision be voted on today.

12 COUNCILMAN MACAGNONE: Seconded.

13 SUPERVISOR VENDITTO: All in favor?

14 All: "Aye."

15 SUPERVISOR VENDITTO: Opposed?

16 (No response.)

17 SUPERVISOR VENDITTO: So moved.

18 Mr. Altadonna, if you would call the
19 role.

20 MR. ALTADONNA: Supervisor Venditto?

21 SUPERVISOR VENDITTO: I vote "Aye."

22 MR. ALTADONNA: Councilman Muscarella?

23 COUNCILMAN MUSCARELLA: I vote "Aye" on
24 a matter of principal because we have a judiciary
25 responsibility to our residents and to everybody

1 here. I am hoping that the Board understands the
2 ramifications of their vote.

3 UNKNOWN: We just need the procedure to
4 be called a Walk-On Resolution.

5 SUPERVISOR VENDITTO: That's fine.

6 Apparently, the procedure needs to be
7 called a Walk-On Resolution relative to the
8 decision on whether or not to pierce the tax cap.

9 MR. ALTADONNA: Do we have a Resolution
10 number?

11 SUPERVISOR VENDITTO: We need a number.

12 MS. SWANSON: I believe Carol has that.

13 MR. ALTADONNA: Would you like me to
14 read the Resolution?

15 SUPERVISOR VENDITTO: Yes, you can read
16 the Resolution -- hold on.

17 Do we need a motion to suspend? What
18 do we need here?

19 MR. ALTADONNA: I'll suspend.

20 I have a motion to suspend the rules
21 and add the following Walk-On Resolution:

22 Resolution No. 644-2016 which is a
23 Resolution relating to the decision on a local law
24 entitled "A Local Law to Amend Chapter 209 -
25 Taxation, to add Article X - Override of Real

1 Property Tax Levy to the Code of the Town of Oyster
2 Bay, New York to Override the Tax Levy Limit
3 Established in General Municipal Law Section 3-C."

4 On the motion?

5 COUNCILMAN MUSCARELLA: So moved.

6 COUNCILMAN MACAGNONE: Seconded.

7 SUPERVISOR VENDITTO: All in favor?

8 MR. ALTADONNA: I was going to call the
9 role.

10 Motion to suspend the rules of
11 procedure and add Walk-On Resolution No. 644.

12 On the motion?

13 SUPERVISOR VENDITTO: Call the role on
14 the suspend; then we'll do the Resolution.

15 MR. ALTADONNA: Supervisor Venditto?

16 SUPERVISOR VENDITTO: "Aye."

17 MR. ALTADONNA: Councilman Muscarella?

18 COUNCILMAN MUSCARELLA: "Aye."

19 MR. ALTADONNA: Councilman Macagnone?

20 COUNCILMAN MACAGNONE: "Aye."

21 MR. ALTADONNA: Councilman Coschignano?

22 COUNCILMAN COSCHIGNANO: "Aye."

23 MR. ALTADONNA: Councilman Pinto?

24 COUNCILMAN PINTO: "Aye."

25 MR. ALTADONNA: Councilwoman Alesia?

1 COUNCILWOMAN ALESIA: "Aye."

2 MR. ALTADONNA: Councilwoman Johnson?

3 COUNCILWOMAN JOHNSON: "Aye."

4 MR. ALTADONNA: Motion to suspend the
5 rules and add Walk-On Resolution No. 644 passes
6 with seven "Ayes."

7 May I have a motion to adopt
8 Resolution No. 644?

9 COUNCILMAN MUSCARELLA: So moved.

10 COUNCILMAN MACAGNONE: Seconded.

11 MR. ALTADONNA: Now, would you like me
12 to read the Resolution?

13 SUPERVISOR VENDITTO: Yes.

14 MR. ALTADONNA: Whereas, the Town Board
15 of the Town of Oyster Bay has reviewed a proposed
16 Local Law entitled "A Local Law to Amend Chapter
17 209 - Taxation, to add Article X - Override of Real
18 Property Tax Levy to the Code of the Town of Oyster
19 Bay, New York to Override the Tax Levy Limit
20 Established in General Municipal Law Section 3-C.

21 "Whereas, a duly advertised Public
22 Hearing on said legislation was held by the Town
23 Board of the Town of Oyster Bay on November 15,
24 2016, at which hearing all parties interested in
25 the subject matter and desiring to be heard were

1 heard; and

2 "Whereas, the Town of Oyster Bay
3 Department of Environmental Resources, Town
4 Environmental Quality Review Division, by
5 memorandum dated October 13, 2016, recommends a
6 Town Board determination that the subject
7 legislation is deemed to fall under the New York
8 State Environmental Quality Review Act, 6 NYCRR,
9 Part 617, Section 617.5, Type II Actions List, as
10 Item No. 20, relative to "routine or continuing
11 agency administration and management, not including
12 new programs or major reordering of priorities that
13 may affect the environment," and as such, does not
14 require completion of an Environmental Assessment
15 Form, Environmental Impact Statement or other
16 environmental consideration,

17 "Now, Therefore, Be It Resolved, That
18 the Town Board of the Town of Oyster Bay declares
19 that such Local Law to amend the Code of the Town
20 of Oyster Bay is a Type II Action, pursuant to the
21 New York State Environmental Quality Review Act (6
22 NYCRR, Part 617, Section 617.5), Type II Actions
23 List, Item No. 20; and it be further

24 "Resolved, that said Local Law - 2016,
25 entitled "A Local Law to Amend Chapter 209 -

1 Taxation, to add Article X - Override of Real
2 Property Tax Levy to the Code of the Town of Oyster
3 Bay, New York to Override the Tax Levy Limit
4 Established in General Municipal Law Section 3-C,"
5 is hereby adopted without change and shall take
6 effect immediately upon filing with the
7 Secretary of State; and it be further

8 "Resolved, That the Town Attorney is
9 hereby authorized and directed to file this Local
10 Law with the Secretary of State.

11 SUPERVISOR VENDITTO: Well done.

12 MR. ALTADONNA: Do you want to ask for
13 anybody to speak?

14 SUPERVISOR VENDITTO: No. I think it's
15 covered.

16 MR. ALRADONNA: On the vote.

17 Supervisor Venditto?

18 SUPERVISOR VENDITTO: I vote "Aye."

19 MR. ALTADONNA: Councilman Muscarella?

20 COUNCILMAN MUSCARELLA: "Aye."

21 MR. ALTADONNA: Councilman Macagnone?

22 COUNCILMAN MACAGNONE: We owe it to our
23 residents and our workers to pierce this cap, but
24 I'm going to ask that we reach out to the Governor
25 and the Comptroller's Office to have a Financial

1 Oversight Board in the Town.

2 I vote "Aye."

3 MR. ALTADONNA: Councilman Coschignano?

4 COUNCILMAN COSCHIGNANO: I vote "Aye"

5 and I hope and I pray that the money is used not

6 only to help right the finances, but to save as

7 many jobs and hopefully every job as possible.

8 "Aye."

9 MR. ALTADONNA: Councilman Pinto?

10 COUNCILMAN PINTO: Whereas I respect

11 the position of my fellow Town Board members, I

12 still believe there are things we can do to

13 generate more revenue. Since the budget is

14 balanced right now and we're looking at about

15 5 million dollars to save jobs, I think we should

16 be working harder to do that rather than burden the

17 taxpayers.

18 "Nay."

19 MR. ALTADONNA: Councilwoman Alesia?

20 COUNCILWOMAN ALESIA: Hoping that this

21 is the first step in the road to financial recovery

22 I vote "Aye."

23 MR. ALTADONNA: Councilwoman Johnson?

24 COUNCILWOMAN JOHNSON: I don't think

25 that in the short term we can do what Councilman

1 Pinto is hoping to do and I hope to continue to
2 work towards everything, but in order to fully
3 serve our residents and our workers, I vote "Aye."

4 MR. ALTADONNA: Motion to adopt
5 Resolution No. 644 passes with six "Ayes" and one
6 "Nay."

7 SUPERVISOR VENDITTO: That completes
8 the call of the Hearing Calendar.

9 The Board will stand in recess for a
10 little bit with the call the Regular Action
11 Calendar.

12 (Whereupon, the public hearing ended at
13 11:20 a.m.)

14 SUPERVISOR VENDITTO: Ladies and
15 gentlemen, if everyone would remain in place. The
16 Board -- I guess under the heading, Strike While
17 the Iron is Hot, the Board needs to go into
18 Executive Session right now.

19 Councilman Muscarella, if you would
20 make the motion.

21 COUNCILMAN MUSCARELLA: Supervisor, I
22 make the motion that this Town Board go into
23 Executive Session to discuss layoff negotiations.

24 COUNCILMAN MACAGNONE: Seconded.

25 SUPERVISOR VENDITTO: All in favor?

1 COUNCILMAN MUSCARELLA: "Aye."

2 COUNCILMAN MACAGNONE: "Aye."

3 COUNCILMAN COSCHIGNANO: "Aye."

4 COUNCILMAN PINTO: "Aye."

5 COUNCILWOMAN ALESIA: "Aye."

6 COUNCILWOMAN JOHNSON: "Aye."

7 SUPERVISOR VENDITTO: Opposed?

8 (No response.)

9 SUPERVISOR VENDITTO: So moved.

10 Jarvis, if you and your entourage would
11 standby; hopefully, it will be a productive half
12 hour or so. We'll see what happens. Okay?

13 MR. BROWN: Thank you.

14 SUPERVISOR VENDITTO: As I said, where
15 there's a will, there's a way.

16 (Whereupon, the Executive Session began
17 at 11:25 a.m. and ended at 12:46 p.m.)

18 SUPERVISOR VENDITTO: All right.

19 Ladies and gentlemen, if everyone would
20 find seats, we will continue.

21 I think, Mr. Muscarella, you have to
22 get us out of Executive Session.

23 COUNCILMAN MUSCARELLA: Supervisor, I
24 make a motion to end the Executive Session.

25 No action was taken and we will discuss

1 out of order the Resolution --

2 SUPERVISOR VENDITTO: Relating to
3 passing the Town Budget for 2017.

4 COUNCILMAN MACAGNONE: Seconded.

5 SUPERVISOR VENDITTO: All in favor?

6 COUNCILMAN MUSCARELLA: "Aye."

7 COUNCILMAN MACAGNONE: "Aye."

8 COUNCILMAN COSCHIGNANO: "Aye."

9 COUNCILMAN PINTO: "Aye."

10 COUNCILWOMAN ALESIA: "Aye."

11 COUNCILWOMAN JOHNSON: "Aye."

12 SUPERVISOR VENDITTO: Opposed?

13 (No response.)

14 SUPERVISOR VENDITTO: So moved.

15 All right.

16 Mr. Darienzo?

17 MR. DARIENZO: Yes, sir.

18 SUPERVISOR VENDITTO: The last thing I
19 said here on the public record was where there's a
20 will, there's a way.

21 Now, I'm going to modify that and say,
22 where there's a will, maybe there's a half way.
23 Hint, hint.

24 MR. DARIENZO: Hint, hint.

25 SUPERVISOR VENDITTO: All right.

1 What say you?

2 MR. DARIENZO: The proposed tax
3 increase was in the neighborhood of 9.4 and 9.5
4 percent. At the dais, it was mentioned that there
5 was a possibility of trying to save every Town job
6 possible and I also mention that to counteract or
7 counterbalance the salary reductions that show in
8 the 2017 budget, we need to raise taxes
9 approximately another 4 percent.

10 So I'm assuming, and maybe I'm wrong to
11 assume, that if you want to meet them halfway, you
12 would take that 9.4 percent and tack on another 2
13 percent to get in the neighborhood of 11.4 percent.

14 SUPERVISOR VENDITTO: Well, that's
15 certainly a thought. Where do we go from here? Do
16 we need Jarvis? Do we need any other input?

17 Well, I would like to get a reaction if
18 I could. I don't want to put you on the spot,
19 Jarvis, if you're not prepared to deal with this.

20 MR. BROWN: I'm never bothered being
21 put on the spot, Supervisor, and Board. I do
22 understand the focus of meeting us halfway. Some
23 of us in tough positions of possible layoffs, if we
24 were to meet halfway, would layoffs still be a
25 factor for this Township? That's my question.

1 SUPERVISOR VENDITTO: Councilman
2 Macagnone was rather instrumental in doing this,
3 Councilman Pinto and Councilman Muscarella kind of
4 chipped in and they were good --

5 MR. BROWN: I just want to say I do
6 understand and appreciate that you are thinking of
7 meeting us halfway and to go further above than
8 what you already anticipated to do. I don't want
9 you to think we don't appreciate that. I just want
10 you to know where we stand.

11 COUNCILMAN MACAGNONE: Well, hopefully,
12 we'll be able to keep a good productive dialogue of
13 communication to see where we can make some savings
14 to meet that number.

15 This way we're meeting you halfway and
16 we're trying our best to help keep as many people
17 as we can employed and keep the services where they
18 are.

19 MR. BROWN: I appreciate that
20 statement. That means we have to get back to the
21 table.

22 SUPERVISOR VENDITTO: I think it makes
23 sense to send everybody back to the table with --
24 remember what I said earlier about you give a
25 little, you take a little, you're happy, you're

1 sad, it sends everybody back to the table in that
2 mode and, clearly, it's evidenced that we want to
3 work together to solve the overall problems. I
4 think it's a significant step towards preserving a
5 lot of jobs.

6 MR. BROWN: I agree. Let's get back to
7 the table and do a better job so we can save Union
8 jobs.

9 Thank you very much.

10 SUPERVISOR VENDITTO: Thank you,
11 Jarvis.

12 Then, Rob, I guess you need to do a
13 little work?

14 MR. DARIENZO: Yes. In order to
15 facilitate a tax increase.

16 SUPERVISOR VENDITTO: What I would like
17 to do -- there are many people in this room hanging
18 on this vote, so what I would like to do, if
19 possible, is call the Resolution on the budget out
20 of order, get it before the Board now and dispatch
21 Rob quickly -- as quick as he can -- to adjust the
22 numbers and bring him back to us at 11 and a half
23 and see what the Board says.

24 MR. DARIENZO: So 11 and a half is the
25 number?

1 SUPERVISOR VENDITTO: 11 and a half is
2 the number.

3 MR. ALTADONNA: May I have a motion to
4 adopt Resolution No. 642A and 642B?

5 Resolution No. 642A-2016; Resolution
6 pertaining to the decision on the Budget for the
7 Year 2017 for the Town of Oyster Bay. Hearing
8 held: October 18, 2016. (M.D. 10/18/16 #5).

9 Resolution No. 642B-2016: Resolution
10 pertaining to the decision on the Budget for the
11 Year 2017 for the Town of Oyster Bay Special
12 Districts. Hearing held: October 18, 2016. (M.D.
13 10/18/16 #5).

14 COUNCILMAN MUSCARELLA: So moved.

15 COUNCILMAN MACAGNONE: Seconded.

16 MR. ALTADONNA: Motion made by
17 Councilman Muscarella and seconded by Councilman
18 Macagnone.

19 SUPERVISOR VENDITTO: So now we'll stop
20 there and take a brief recess and come back with a
21 new budget, so as soon as Rob comes back, we'll
22 reconvene.

23 (Whereupon, a brief recess was taken at
24 12:52 p.m. and the record reconvened at 1:03 p.m.)

25 SUPERVISOR VENDITTO: Ladies and

1 gentlemen, if everyone would find seats, we will
2 continue.

3 Mr. Darienzo, what do we have?

4 MR. DARIENZO: So I went upstairs and I
5 changed the total Tax Levies from a -- to a tax
6 increase of 11.5 percent. You can count that to a
7 partial offset to potential layoffs in all the
8 departments. I had to get this done in five
9 minutes. I had to apportion all the tax increases
10 to one fund. The truth of the matter is, to figure
11 out each exact number of all the funds will take me
12 hours, so in the interest of getting this done
13 today, I went ahead and put it all in the general
14 fund. It will require me to do -- after further
15 discussions, to make sure they are going to offset
16 against salary changes.

17 I'll propose an appropriate Resolution
18 that will be on the next Town Board calendar to
19 amend the 2017 budget. It wouldn't change any
20 overall dollars, it would just reapportion what you
21 have.

22 SUPERVISOR VENDITTO: You're
23 comfortable with that; it's not wrongful or
24 anything of the sort?

25 MR. DARIENZO: Not at all. We do

1 budget transfers all the time.

2 SUPERVISOR VENDITTO: Okay, very good.

3 Then I guess we have the Resolution
4 before us.

5 MR. ALTADONNA: Motion was made by
6 Councilman Muscarella and seconded by Councilman
7 Macagnone.

8 On the vote, Supervisor Venditto?

9 SUPERVISOR VENDITTO: "Aye."

10 MR. ALTADONNA: Councilman Muscarella?

11 COUNCILMAN MUSCARELLA: "Aye."

12 MR. ALTADONNA: Councilman Macagnone?

13 COUNCILMAN MACAGNONE: "Aye."

14 MR. ALTADONNA: Councilman Coschignano?

15 COUNCILMAN COSCHIGNANO: This is for
16 A and B?

17 MR. ALTADONNA: This is A and B.

18 COUNCILMAN COSCHIGNANO: "Aye" on A and
19 I abstain on B, which is the Special District
20 Budget.

21 MR. ALTADONNA: Councilman Pinto?

22 COUNCILMAN PINTO: "Nay" on A and I
23 abstain on B.

24 MR. ALTADONNA: Councilwoman Alesia?

25 COUNCILWOMAN ALESIA: "Aye" to both.

1 MR. ALTADONNA: Councilwoman Johnson?

2 COUNCILWOMAN JOHNSON: "Aye" on both.

3 MR. ALTADONNA: Motion to adopt
4 Resolution No. 642 passes with six "Ayes" and one
5 "Nay."

6 Motion to adopt Resolution No. 642A
7 passes with five "Ayes" and two abstentions.

8 SUPERVISOR VENDITTO: Thank you.
9 We are prepared to proceed with the
10 call of the Regular Action Calendar; am I correct?

11 MR. ALTADONNA: That's correct,
12 Supervisor.

13 We're going to call -- the first one is
14 going to be, may I have a motion to adopt
15 Resolution No. P 12 - 2016?

16 Personnel Resolution No. P 12-16;
17 Resolutions related to personnel of various
18 departments within the Town of Oyster Bay.

19 MR. ALTADONNA: Are we not doing that?

20 SUPERVISOR VENDITTO: All right.

21 We need to go back into Executive
22 Session.

23 (Laughter.)

24 SUPERVISOR VENDITTO: What's funny
25 about going back into Executive Session? Am I

1 missing something? We need to go back into
2 Executive Session.

3 MR. ALTADONNA: Do you want to call for
4 the motion first and then go to Executive Session?

5 SUPERVISOR VENDITTO: We'll just go
6 right into Executive Session on a personnel matter.

7 COUNCILMAN MUSCARELLA: Supervisor, I
8 make a motion that we go into Executive Session to
9 discuss personnel.

10 COUNCILMAN MACAGNONE: Seconded.

11 SUPERVISOR VENDITTO: All in favor?

12 COUNCILMAN MUSCARELLA: "Aye."

13 COUNCILMAN MACAGNONE: "Aye."

14 COUNCILMAN COSCHIGNANO: "Aye."

15 COUNCILMAN PINTO: "Aye."

16 COUNCILWOMAN ALESIA: "Aye."

17 COUNCILWOMAN JOHNSON: "Aye."

18 SUPERVISOR VENDITTO: Opposed.

19 (No response.)

20 SUPERVISOR VENDITTO: So moved.

21 (Whereupon, the Executive Session began
22 at 1:06 p.m. and ended at 1:21 p.m.)

23 SUPERVISOR VENDITTO: Ladies and
24 gentlemen, if everyone would find seats, we will
25 continue, hopefully without further interruption.

1 All right.

2 COUNCILMAN MUSCARELLA: Supervisor, I
3 make a motion to end the Executive Session. We
4 discussed appointing the Deputy Supervisor and two
5 people to be acting Commissioners.

6 COUNCILMAN MACAGNONE: Seconded.

7 SUPERVISOR VENDITTO: All in favor?

8 COUNCILMAN MUSCARELLA: "Aye."

9 COUNCILMAN MACAGNONE: "Aye."

10 COUNCILMAN COSCHIGNANO: "Aye."

11 COUNCILMAN PINTO: "Aye."

12 COUNCILWOMAN ALESIA: "Aye."

13 COUNCILWOMAN JOHNSON: "Aye."

14 SUPERVISOR VENDITTO: Opposed?

15 (No response.)

16 SUPERVISOR VENDITTO: So moved.

17 We are now out of Executive Session.

18 We are now back to Mr. Altadonna with
19 the call of the Regular Action Calendar.

20 MR. ALTADONNA: We still did not vote
21 on the personnel. We still have to vote on the
22 personnel. We have a motion and we have a
23 Seconded.

24 Do we have a decision?

25 SUPERVISOR VENDITTO: We're going to be

1 adding to the Personnel Resolution with the matters
2 we just discussed, the appointment of a Deputy
3 Supervisor and two acting Commissioners.

4 MR. ALTADONNA: So let me call the
5 vote.

6 SUPERVISOR VENDITTO: So we can vote on
7 that one first and then move on.

8 MR. ALTADONNA: Supervisor Venditto?

9 SUPERVISOR VENDITTO: "Aye."

10 MR. ALTADONNA: Councilman Muscarella?

11 COUNCILMAN MUSCARELLA: "Aye."

12 MR. ALTADONNA: Councilman Macagnone?

13 COUNCILMAN MACAGNONE: "Aye."

14 MR. ALTADONNA: Councilman Coschignano?

15 COUNCILMAN COSCHIGNANO: "Aye."

16 MR. ALTADONNA: Councilman Pinto?

17 COUNCILMAN PINTO: "Aye."

18 MR. ALTADONNA: Councilwoman Alesia?

19 COUNCILWOMAN ALESIA: "Aye."

20 MR. ALTADONNA: Councilwoman Johnson?

21 COUNCILWOMAN JOHNSON: "Aye."

22 MR. ALTADONNA: Motion to adopt
23 Resolution No. P 12-16 passes with seven "Ayes."

24 Now, what we're going to be doing going
25 forward is we're going to have our Regular Action

1 Calendar from 608 to --

2 SUPERVISOR VENDITTO: Before we do that
3 we're going to add all the motions to -- not add
4 all the motions, we're going to make all the
5 motions regarding personnel changes.

6 MR. ALTADONNA: Okay.

7 SUPERVISOR VENDITTO: I'll go first.

8 Pursuant to the authority granted to me
9 under the New York State Town Law I'm going to
10 appoint Councilman Joe Muscarella as the Deputy
11 Supervisor.

12 COUNCILMAN MACAGNONE: Seconded.

13 SUPERVISOR VENDITTO: I need a motion
14 first.

15 COUNCILMAN MACAGNONE: I make the
16 motion to appoint Councilman Muscarella as Deputy
17 Supervisor.

18 COUNCILMAN COSCHIGNANO: Seconded.

19 SUPERVISOR VENDITTO: All in favor?

20 COUNCILMAN MUSCARELLA: "Aye."

21 COUNCILMAN MACAGNONE: "Aye."

22 COUNCILMAN COSCHIGNANO: "Aye."

23 COUNCILMAN PINTO: "Aye."

24 COUNCILWOMAN ALESIA: "Aye."

25 COUNCILWOMAN JOHNSON: "Aye."

1 SUPERVISOR VENDITTO: Opposed?
2 (No response.)
3 SUPERVISOR VENDITTO: So moved.
4 Do you want to call the role?
5 MR. ALTADONNA: Okay.
6 SUPERVISOR VENDITTO: On the motion?
7 MR. ALTADONNA: On the vote.
8 Supervisor Venditto?
9 SUPERVISOR VENDITTO: "Aye."
10 MR. ALTADONNA: Councilman Muscarella?
11 COUNCILMAN MUSCARELLA: I abstain.
12 MR. ALTADONNA: Councilman Macagnone?
13 COUNCILMAN MACAGNONE: "Aye."
14 MR. ALTADONNA: Councilman Coschignano?
15 COUNCILMAN COSCHIGNANO: "Aye."
16 MR. ALTADONNA: Councilman Pinto?
17 COUNCILMAN PINTO: "Aye."
18 MR. ALTADONNA: Councilwoman Alesia?
19 COUNCILWOMAN ALESIA: "Aye."
20 MR. ALTADONNA: Councilwoman Johnson?
21 COUNCILWOMAN JOHNSON: "Aye."
22 COUNCILMAN MUSCARELLA: Thank you to
23 the Board.
24 SUPERVISOR VENDITTO: Do a good job.
25 That's all we ask.

1 COUNCILWOMAN ALESIA: Thank you, Joe.

2 MR. ALTADONNA: Now, we're going to go
3 to the Regular Action Calendar.

4 SUPERVISOR VENDITTO: No. We have
5 further motion by Councilman Coschignano.

6 COUNCILMAN COSCHIGNANO: Supervisor, I
7 have a motion where I would like to -- as liaison
8 to the Department of Planning I would like to
9 recommend and make a motion that Tim Zike be
10 appointed Acting Commissioner of the Department for
11 the orderly operation of the department and proper
12 administration of the department. I feel he has
13 done a fine job. I have enjoyed working with him
14 and I think the residents have as well. Things are
15 going along very well, therefore, I would like to
16 make a motion that he be made Acting Commissioner.

17 COUNCILMAN MUSCARELLA: I seconded the
18 motion.

19 MR. ALTADONNA: Motion made by
20 Councilman Coschignano and seconded by Councilman
21 Muscarella.

22 On the vote, Supervisor Venditto?

23 SUPERVISOR VENDITTO: "Aye."

24 MR. ALTADONNA: Councilman Muscarella?

25 COUNCILMAN MUSCARELLA: "Aye."

1 MR. ALTADONNA: Councilman Macagnone?

2 COUNCILMAN MACAGNONE: "Aye."

3 MR. ALTADONNA: Councilman Coschignano?

4 COUNCILMAN COSCHIGNANO: "Aye."

5 MR. ALTADONNA: Councilman Pinto?

6 COUNCILMAN PINTO: "Aye."

7 MR. ALTADONNA: Councilwoman Alesia?

8 COUNCILWOMAN ALESIA: I know that soon
9 to be Acting Commissioner, Tim Zike, is out there
10 and I just want you to know you're doing an amazing
11 job. I happily vote "Aye."

12 MR. ALTADONNA: Councilwoman Johnson?

13 COUNCILWOMAN JOHNSON: "Aye."

14 MR. ALTADONNA: Now, before I say
15 anything, is there anything else?

16 SUPERVISOR VENDITTO: Yes.

17 COUNCILMAN MACAGNONE: I would like to
18 make a motion to appoint John Bishop, Acting
19 Commissioner in the Department of Highway for the
20 orderly operation and administration of the
21 department. John has been doing an excellent job
22 since Kevin Hanifan retired.

23 COUNCILMAN MUSCARELLA: I'll second.

24 MR. ALTADONNA: Motion made by
25 Councilman Macagnone and seconded by Councilman

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Muscarella.

On the vote, Supervisor Venditto?

SUPERVISOR VENDITTO: "Aye."

MR. ALTADONNA: Councilman Muscarella?

COUNCILMAN MUSCARELLA: "Aye."

MR. ALTADONNA: Councilman Macagnone?

COUNCILMAN MACAGNONE: "Aye."

MR. ALTADONNA: Councilman Coschignano?

COUNCILMAN COSCHIGNANO: "Aye."

MR. ALTADONNA: Councilman Pinto?

COUNCILMAN PINTO: "Aye."

MR. ALTADONNA: Councilwoman Alesia?

COUNCILWOMAN ALESIA: "Aye."

MR. ALTADONNA: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: "Aye."

(Time noted: 1:27 p.m.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
November 15, 2016
1:28 p.m.

JOHN VENDITTO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOHN VENDITTO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILMAN CHRIS COSCHIGNANO
COUNCILMAN JOSEPH G. PINTO
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES J. STEFANICH, RECEIVER OF TAXES
LEONARD GENOVA, TOWN ATTORNEY
THOMAS SABELLICO, SPECIAL COUNSEL,
OFFICE OF THE TOWN ATTORNEY
DONNA B. SWANSON, DEPUTY TOWN ATTORNEY
MATTHEW M. ROZEA, ASSISTANT TOWN ATTORNEY
CHRISTINE M. WISS, DEPUTY COMPTROLLER
CAROL FIORENZA, OFFICE OF THE TOWN CLERK
RALPH J. RAYMOND, DEPUTY TOWN CLERK
RAYMOND T. SPAGNUOLO, DEPUTY TOWN CLERK
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,
OFFICE OF THE SUPERVISOR
RONALD SCAGLIA, ASSISTANT TO THE SUPERVISOR,
OFFICE OF THE SUPERVISOR

(Appearances continued on following page.)

I certify this is a true
and accurate transcript.



EILEEN STOVER
Official Reporter/Notary

ORIGINAL TRANSCRIPT

ALSO PRESENT:

CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,
PUBLIC INFORMATION
BRIAN DEVINE, RESEARCH ASSISTANT,
PUBLIC INFORMATION
ROBERT DARIENZO, DIRECTOR OF FINANCE
FRANK A. NOCERINO, COMMISSIONER,
DEPARTMENT OF PARKS
BRIAN VANDER never, DEPARTMENT OF PARKS
RICHARD T. BETZ, COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
LESLIE MACCARONE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC WORKS
MATT RUSSO, ENGINEERING,
DEPARTMENT OF PUBLIC WORKS
NEIL O. BERGIN, COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
DANIEL PEARL, DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES
BARRY BREE, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
LEONARD SYMONS, DEPUTY COMMISSIONER,
DEPARTMENT OF PUBLIC SAFETY
TIM ZIKE, DEPUTY COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT
VICKI SPINELLI, DEPUTY COMMISSIONER,
DEPARTMENT OF HUMAN RESOURCES
RICHARD LAMARCA, DIRECTOR,
DEPARTMENT OF HUMAN RESOURCES
MAUREEN A. FITZGERALD, COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
PATRICIA A. BECKERLE, DEPUTY COMMISSIONER,
DEPARTMENT OF COMMUNITY AND YOUTH SERVICES
JOHN BISHOP, ADMINISTRATION,
DEPARTMENT OF HIGHWAYS
COLIN BELL, ASSISTANT DIRECTOR,
DEPARTMENT OF INTERGOVERNMENTAL AFFAIRS
FRANK GATTO, ASSISTANT TO THE COMMISSIONER OF
GENERAL SERVICES

1 SUPERVISOR VENDITTO: Now, I think you
2 can proceed with the call of the Regular Action
3 Calendar.

4 MR. ALTADONNA: Thank you.

5 May I have a motion to adopt Resolution
6 No. 608 --

7 SUPERVISOR VENDITTO: You know what --
8 sorry to interrupt you, Jim -- wouldn't it be
9 better to get the whole calendar before the Board
10 because there really are virtually speakers on
11 every Resolution?

12 MR. ALTADONNA: Well you had said that
13 you wanted to carve out the 639, which was the Sikh
14 vote, so that's why I was going to go up to 638,
15 let us vote on that, 693 separately because that
16 may be something else and then the balance of the
17 calendar.

18 SUPERVISOR VENDITTO: Can we call the
19 whole calendar except the two Resolutions that need
20 separate treatment; can we do that?

21 MR. ALTADONNA: Well, I had just been
22 told that the transfer that I had not on is on.

23 SUPERVISOR VENDITTO: What's the
24 transfer?

25 MS. FIORENZA: TF 18.

1 MR. ALTADONNA: Okay, I had it crossed
2 off here.

3 SUPERVISOR VENDITTO: Does this need
4 some special singular attention so if we bring
5 before the Board all the Resolutions on the Regular
6 Action Calendar with the exception of what is
7 commonly referred to as the Sikh Temple; is there a
8 way to do that; because that's going to require a
9 separate discussion and motion?

10 MR. ALTADONNA: I don't think you can
11 because if you bring them all before the Board,
12 then how are they carving out the one?

13 SUPERVISOR VENDITTO: Let's just bring
14 them all before the Board, but we're not going to
15 vote until we're done with all the discussion.

16 MR. ALTADONNA: Okay.

17 May a have a motion to adopt Resolution
18 No. TF 18-16 and 608 through 643?

19 Transfer of Funds Resolution No.
20 TF 18-16; Resolution relating to Transfer of Funds
21 within various departments accounts for the Year
22 2016.

23 Transfer of Capital Funds Resolution
24 No. CF-16; Resolution relating to Transfer of
25 Capital Funds within various departments accounts

1 for the Year 2016.

2 Resolution No. 608-2016; Resolution
3 scheduling the Town Board meetings for the year
4 2017. (M.D. 10/18/16 #6).

5 Resolution No. 609-2016; Resolution
6 authorizing the employment of the services of a
7 performer to provide entertainment for GAP Program
8 participants for a performance scheduled for
9 December 2, 2016 at Syosset Woodbury Community
10 Center. Account No. CYS A 7020 47660 000 0000.
11 (M.D. 10/25/16 #4).

12 Resolution No. 610-2016; Resolution
13 authorizing the property demolition of a garage at
14 47 Cleveland Place, Massapequa, NY, be referred to
15 the County of Nassau for placement on the Nassau
16 County Tax Assessment Rolls. (M.D. 10/15/16 #7).

17 Resolution No. 611-2016; Resolution
18 authorizing a one-year extension of Contract No.
19 ERR 14-121, Requirements Contract for Old Bethpage
20 Solid Waste Disposal Complex Treatment System
21 Equipment. (M.D. 10/25/16 #8).

22 Resolution No. 612-2016; Resolution
23 granting request from Gary P. Weissman to donate a
24 plaque to be placed on the 6th hole tee box at the
25 Honorable Joseph Colby Town of Oyster Bay Golf

1 Course in memory of Philip Glazer. (M.D. 10/25/16
2 #9).

3 Resolution No. 613-2016; Resolution
4 authorizing the Department of Community and Youth
5 Services to sponsor the Town's 33rd Annual Holiday
6 Concert Series on December 5, 6 & 7, 2016 at the
7 Tilles Center, Long Island University's C.W. Post
8 Campus, Brookville, New York. Account No. CYS A
9 7020 47660 000 0000. (M.D. 11/1/16 #4).

10 Resolution No. 614-2016; Resolution
11 authorizing payment for the services of the Old
12 Brookville Police Department for their traffic
13 control assistance during the Town of Oyster Bay
14 Annual Holiday Concert Series. Account No. CYS A
15 7020 41800 000 0000. (M.D. 11/1/16 #5).

16 Resolution No. 615-2016; Resolution
17 authorizing the Commissioner of Community & Youth
18 Services to sign a Licensing Agreement and Letter
19 of Self Insured for the use of the Tilles Center
20 for the Town's Annual Concert Series on December
21 5, 6 & 7, 2016. Account No. CYS A 7020 47660 000
22 0000. (M.D. 11/1/16 #6).

23 Resolution No. 616-2016; Resolution
24 authorizing the Supervisor to enter into a Contract
25 Agreement for the Forty-second Program Year

1 (2016-2017) with Nassau County relative to the
2 Community Development Block Grant Program. (M.D.
3 11/1/16 #8).

4 Resolution No. 617-2016; Resolution
5 authorizing the Supervisor to execute a grant
6 agreement with the Local Initiatives Support
7 Corporation relative to the Zombie and Vacant
8 Properties Remediation and Prevention Initiative
9 and to authorize the Supervisor or his designee to
10 sign additional related paperwork. (M.D. 11/1/16
11 #9).

12 Resolution No. 618-2016; Resolution
13 authorizing the Supervisor and Commissioner of
14 Parks, to sign an Award Letter to receive a grant
15 from the National Hockey League, for the purchase
16 of Hockey equipment to be utilized by the Town's
17 Youth Ice Hockey Program, and C. Bell of IGA, to
18 execute all additional related paperwork. Account
19 No. TWN TA 0000-0085 444 0000 (for receipt and
20 expenditure of said grant funding). (M.D. 11/1/16
21 #10).

22 Resolution No. 619-2016; Resolution
23 authorizing the Department of Intergovernmental
24 Affairs to pursue funding provided by NYS
25 Department of Transportation's Consolidated Local

1 Street and Highway Improvement Program and Extreme
2 Winter Recovery Appropriation in reimbursement of
3 Town expenditures incurred toward reconstruction
4 work completed on specified roadways and to
5 authorize the Supervisor and Commission of Public
6 Works and C. Bell of IGA as designated appointees
7 to execute related paperwork. (M.D. 11/1/16 #11).

8 Resolution No. 620-2016; Resolution
9 authorizing payment for the shared cost of catering
10 of the regional Workforce Development Board Meeting
11 held on October 28, 2016 at SUNY Farmingdale.

12 Account No. IGA CD 6293 47900 000 CW15. (M.D.
13 11/1/16 #12).

14 Resolution No. 621-2016; Resolution
15 authorizing the extension of retainage of outside
16 counsel for Zoning Board of Appeals from January 1,
17 2016 through April 17, 2016. Account No. PAD B
18 8010 44800 000 0000. (M.D. 11/1/16 #14).

19 Resolution No. 622-2016; Resolution
20 authorizing the award of outside counsel for Zoning
21 Board of Appeals for the period commencing April
22 18, 2016 and terminating on December 31, 2016.

23 Account No. PAD B 8010 44800 000 0000. (M.D.
24 11/1/16 #15).

25 Resolution No. 623-2016; Resolution

1 authorizing the issuance of a refund of a building
2 permit fee to V. Struchkouskaya. Account No. PAD B
3 0001 02555 000 0000. (M.D. 11/1/16 #16).

4 Resolution No. 624-2016; Resolution
5 pertaining to amended site plan for 300 Duffy
6 Avenue, Hicksville, NY. (M.D. 11/1/16 #17).

7 Resolution No. 625-2016; Resolution
8 amending Resolution No. 725-2015 pertaining to
9 Contract No. PWC 035-13, On-Call Accounting
10 Services. Account No. CMP A 1315 44800 000 0000.
11 (M.D. 11/1/16 #18).

12 Resolution No. 626-2016; Resolution
13 authorizing the Supervisor to enter into a one-year
14 financial period agreement with an option for two
15 one-year renewals/extension, for On-Call Account
16 Services from December 1, 2016 through November 30,
17 2017. (M.D. 11/1/16 #19).

18 Resolution No. 627-2016; Resolution
19 authorizing the Supervisor to enter into a one-year
20 financial period agreement with an option for two
21 one-year renewals/extension, for Workers'
22 Compensation valuation services from January 1,
23 2017 through December 31, 2017. (M.D. 11/1/16
24 #20).

25 Resolution No. 628-2016; Resolution

1 authorizing the Supervisor to enter into a one-year
2 financial period agreement with an option for two
3 one-year renewals/extension, for On-Call
4 Professional Auditing Services from December 1,
5 2016 through November 30, 2017. (M.D. 11/1/16
6 #21).

7 Resolution No. 629-2016; Resolution
8 authorizing the Supervisor to issue Tax
9 Anticipation Notes in December, 2016. (M.D.
10 11/1/16 #22).

11 Resolution No. 630-2016; Resolution
12 authorizing Hull and Machinery Insurance Coverage
13 be obtained to cover the Town's boats, outboard
14 motors, aquatic harvesters and barges for the
15 period February 1, 2016 through February 1, 2017.
16 Account No. TWN AMS 1910 43020 601 0000 000. (M.D.
17 11/1/16 #24).

18 Resolution No. 631-2016; Resolution
19 authorizing a License and Permit Bond to ensure the
20 Town's performance of its obligation during highway
21 repair and/or construction required by the New York
22 State Department of Transportation (Highway Work
23 Permit). Account No. HWY DB 5110 47900 000 0000.
24 (M.D. 11/1/16 #25).

25 Resolution No. 632-2016; Resolution

1 authorizing the list of outstanding sidewalk
2 repairs, annexed by the Office of the Comptroller,
3 be referred to the County of Nassau for placement
4 on the Nassau County Tax Assessment Rolls. (M.D.
5 11/1/16 #26).

6 Resolution No. 633-2016; Resolution
7 authorizing a third one-year extension of Contract
8 No. RIC 13-080, Requirements Contract for Coating
9 Systems Repairs and Quality Control for the period
10 of September 17, 2016 through September 16, 2017.
11 (M.D. 11/1/16 #27).

12 Resolution No. 634-2016; Resolution
13 pertaining to Contract No. PWC 31-16, On-Call
14 Engineering Services relative to Operation and
15 Development of the Old Bethpage Solid Waste
16 Disposal Complex. Account No. DER SR 05 8160 44800
17 000 0000. (M.D. 11/1/16 #28).

18 Resolution No. 635-2016; Resolution
19 authorizing the Office of the Comptroller to
20 designate funds to make payment to the United
21 States Environmental Protection Agency for
22 reimbursement of oversight costs relative to the
23 Syosset Landfill Superfund Site. Contract No. DPW
24 91-560A. Account No. HWY H 5197 20000 000 1503
25 008. (M.D. 11/1/16 #29).

1 Resolution No. 636-2016; Resolution
2 authorizing the acceptance of a donation of
3 approximately 500 winter coats from the Knights of
4 Pythias Mid-Island Lodge 828 to assist the Town of
5 Oyster Bay's Coats for Kids program. (M.D. 11/1/16
6 #31).

7 Resolution No. 637-2016; Resolution
8 granting request from Delta Well and Pump Co.,
9 Inc., on behalf of the U.S. Navy to access of the
10 Town of Oyster Bay Right-of-Way for installation of
11 temporary and permanent test wells at the east side
12 of Plainedge Drive, south of the
13 intersection with Dennis Lane, Bethpage, NY. (M.D.
14 11/1/16 #30 & 11/7/16 #14).

15 Resolution No. 638-2016; Resolution
16 pertaining to New York Rising Community
17 Reconstruction Program Massapequa Flood Diversion
18 and Control Project; Project Management Agreement.
19 (M.D. 11/1/16 #13 & 11/7/16 #7).

20 Resolution No. 639-2016; Resolution
21 pertaining to settlement of litigation; Guru Gobind
22 Singh Sikh Center, Inc. v. Town of Oyster Bay, et
23 al. (M.D. 11/1/16 #23 & 11/7/16 #12).

24 Resolution No. 640-2016; Resolution
25 pertaining to fees for legal services rendered to

1 the Town of Oyster Bay. (SKM). (M.D. 11/1/16 #32
2 & 11/7/16 #16).

3 Resolution No. 641-2016; Resolution
4 pertaining to fees for legal services rendered to
5 the Town of Oyster Bay. (QEUS). (M.D. 11/1/16 #33
6 & 11/7/16 #15).

7 Resolution No. 642A-2016; Resolution
8 pertaining to the decision on the Budget for the
9 Year 2017 for the Town of Oyster Bay. Hearing
10 held: October 18, 2016. (M.D. 10/18/16 #5).

11 Resolution No. 642B-2016; Resolution
12 pertaining to the decision on the Budget for the
13 Year 2017 for the Town of Oyster Bay Special
14 Districts. Hearing held: October 18, 2016. (M.D.
15 10/18/16 #5).

16 Resolution No. 643-2016; Resolution
17 pertaining to the decision on a Local Law entitled:
18 "A Local Law to Amend Chapter 30, Ethics and
19 replacing with a New Chapter 30, Ethics. Hearing
20 held: June 21, 2016. (M.D. 6/21/16 #4).

21 COUNCILMAN MUSCARELLA: So moved.

22 COUNCILMAN MACAGNONE: Seconded.

23 MR. ALTADONNA: Motion made by
24 Councilman Muscarella and seconded by Councilman
25 Macagnone.

1 Supervisor, you have speakers on 608,
2 611, 613, it's mostly --

3 SUPERVISOR VENDITTO: Speakers on quite
4 a bit of -- why don't we do this, Jarvis spoke
5 already. Bob Freier.

6 MR. FREIER: Just some questions on
7 Resolutions.

8 I noticed on 608 you made two night
9 meetings not counting the budget meeting for next
10 year. I guess that's a step in the right
11 direction, but why not more night meetings? I
12 guess I'll address this more to the Board and not
13 the Supervisor.

14 COUNCILWOMAN ALESIA: I just want to
15 share a personal observation, the one thing that
16 happened to me about night meetings. When we held
17 the meeting about the recreational land donated to
18 us and the Country Pointe Project I held the
19 meeting or we called the meeting for 7:00, and I
20 was very surprised by multiple people getting up
21 and saying how 7:00 is an inconvenient time for
22 them because they're just getting home from work
23 and they have to give their children dinner, baths,
24 et cetera and sometimes we have people come in
25 saying a 10:00 meeting is inconvenient in the

1 morning, then I just heard that the Water District
2 had a meeting at 5:30 and people said that was
3 inconvenient. So I think it's very difficult --
4 and these are just my observations and comments --
5 to find any time that's mutually convenient for
6 many people, and I haven't seen a huge increase in
7 attendance in night meetings personally. I don't
8 know if anyone else feels differently. That's just
9 my comments in answer to your question.

10 COUNCILMAN COSCHIGNANO: I honestly
11 thought last year we were looking to do one per
12 quarter, and I thought we were kind of on track for
13 that for scheduling, as needed, additional night
14 meetings. I would be in favor of something to that
15 effect, at least one per quarter.

16 MR. FREIER: It would certainly be a
17 step in the right direction.

18 Do any other Board members have a
19 comment on that?

20 COUNCILMAN PINTO: If you do want the
21 quarters, the only quarter you're missing is the
22 third quarter.

23 SUPERVISOR VENDITTO: Do you want to
24 add one more week to --

25 COUNCILMAN PINTO: We can make the

1 September 12th meeting a --

2 SUPERVISOR VENDITTO: By the way, I
3 know you don't want me involved in this, Bob, for
4 whatever reason, but keep in mind that the public
5 can always demand a night meeting if there's a need
6 for it but you want to add one and make it four
7 quarters, that's fine.

8 COUNCILMAN COSCHIGNANO: I think you
9 only have to change one, right?

10 COUNCILWOMAN ALESIA: No. I think it
11 would have to be in that April, May, June.

12 COUNCILMAN COSCHIGNANO: September 12th,
13 I think.

14 COUNCILMAN MUSCARELLA: Yes,
15 September 12th.

16 MR. FREIER: Thank you.

17 Going on, Resolution 613, this is --
18 and really goes down to 615 and 6 -- this goes back
19 to spending -- back to the comment about spending,
20 whether it be a Rolls Royce or a Cadillac versus a
21 Chevy, we're spending so much money on these
22 holiday performances and those are obviously
23 something that people enjoy a great deal when we
24 can afford it. You're also paying \$30,000 just to
25 rent the Tilles Center.

1 Is that how you should be spending our
2 money when we're in such dire fiscal constraints?

3 COUNCILMAN PINTO: As a liaison with
4 community services, I've been in discussions with
5 Maureen and to Pat about this as well as the Music
6 Under the Stars Program. This particular situation
7 here we were already in contract after last years
8 concert. There have been discussions about
9 downsizing this. What has happened here, where the
10 cost is relatively high, is unfortunately the
11 police department is charging us money that we
12 never were charged before. Last year was the first
13 year. We tried fighting that but we can't get that
14 taken off at all. I think it's \$6400 if I'm not
15 mistaken.

16 The other thing, I believe that the
17 Friends of Community Services, which is a separate
18 entity that does have it's own books and records
19 and does do it's own tax filing, they're helping I
20 think in the \$30,000 range in this situation as
21 well as what they do in the Music Under the Stars,
22 so we are looking into that, Bob, to try and reduce
23 the expenses. We're still trying to provide a
24 service for the residents.

25 MR. FREIER: This is something that's

1 happening in a few weeks from now.

2 If this was a contract that was signed
3 last year, why is it being voted on now for
4 something a couple of weeks from now?

5 COUNCILMAN PINTO: The contract was for
6 the facility. We had the facility and now we're
7 just authorizing I believe it's just the Town that
8 we're hiring to perform.

9 MR. FREIER: So the 30K was signed last
10 year but we're still voting on it now, that's the
11 rent for the Tilles Center but the holiday
12 concerts, I mean that's in excess of -- one show I
13 think I read was over \$100,000 or is \$100,000.

14 COUNCILMAN PINTO: Not one show. I
15 think it's combined. The whole thing in
16 combination might be a little in excess of \$100,000
17 but with the Community Services Friends of helping
18 us we're well under that.

19 Maureen, you want to help us with this?

20 MS. FITZGERALD: No contract has been
21 signed yet for the facility. The dates were
22 reserved last year. Obviously, we cannot have a
23 contract signed until the Board does vote on this,
24 so the dates are reserved with the Tilles Center.
25 The musicians and the artists are reserved but no

1 formal contracts have been signed until after the
2 Board does vote on it.

3 As Joe had said, the Friends of
4 Community Services is a separate entity that does
5 help out a lot of our cultural events and they have
6 helped out at least probably to this event probably
7 over \$40,000. We have sponsors from Roslyn Savings
8 Bank. Division of New York Community Bank is one
9 of our major sponsors for this event, so we do have
10 sponsorships that do help us out.

11 MR. FREIER: So we're still spending at
12 least \$60,000 plus 30K for the Tilles Center.

13 MS. FITZGERALD: Well, it's a feeling
14 that the arts are important to the community and
15 it's well within the budget that's been allocated
16 to our department to put on this as a service to
17 the residents of the Town.

18 MR. FREIER: If the contract wasn't
19 signed yet to me, that sounds like there's no
20 liability to the Town, and in times like this --
21 I'm a big supporter of the arts, I believe in the
22 arts, I think they're very important, but we have
23 no money.

24 SUPERVISOR VENDITTO: Bob, I guess the
25 Board is going to be voting on this shortly.

1 I think the question becomes -- I have
2 to ask Rob Darienzo what impact this expenditure
3 would have on our overall finances. I know every
4 little bit helps. I'm not an idiot. I don't know
5 what impact this really has on our financial
6 circumstances on the one hand and as the
7 counterbalance, I mean the amount of -- and I'm not
8 being coy -- but the amount of joy, the amount of
9 sense of community, the amount of goodwill, how
10 much people enjoy this.

11 I understand we have financial
12 problems, but we have to balance between
13 maintaining the quality of life here and the
14 financial balance, and I think we've taken some
15 very major steps today towards addressing the
16 financial difficulties.

17 Next year's budget is a very, very
18 different discussion than what we're experiencing
19 now. I think the outlook will be very promising.
20 Having said that, I guess the offset would be the
21 impact this has on the budget whether it's even
22 measurable or significant opposed to quality of
23 life issues.

24 MR. DARIENZO: The Commissioner said
25 this was already contained in the expense line so

1 it was allocated for at the start of the year. As
2 you mentioned, there's a quality of life issue
3 here. We are dedicated to maintaining the services
4 that were provided. If the Town Board wants to
5 change their minds on that it's certainly up to
6 them but right now we're looking to maintain things
7 as they are and this is a small amount of money
8 compared to some other items.

9 SUPERVISOR VENDITTO: So we'll take
10 this all under advisement.

11 MR. FREIER: 619 as well some others is
12 directed to the Board.

13 Do you think, being the legal issues
14 that the Supervisor is now facing, that having the
15 Supervisor sign contracts for the Town is
16 appropriate or is there an alterative that perhaps
17 the new Deputy Supervisor could be the signer of
18 contracts?

19 UNKNOWN: The Town Attorney can answer
20 that.

21 MR. GENOVA: Certain contracts only the
22 Supervisor, by law, can sign. Everything else can
23 be executed by the Board, but I know there are
24 specific documents that only the Town Supervisor
25 can execute. I just don't know them off the top of

1 my head.

2 MR. FREIER: Resolution 625, we were
3 just talking about budgets, it looks like -- if I
4 read it correctly, it looks like we spent \$170,000
5 over budget for the accounting firm; is that
6 correct in my understanding of that?

7 COUNCILMAN PINTO: According to the
8 budget line items, we still have, after this
9 expenditure, we have \$130,000 left in that lineup.

10 SUPERVISOR VENDITTO: Christine, did
11 you want to add something?

12 MS. WISS: I just wanted to say as you
13 know, the 2014 audit ran into April of 2015, then
14 we had to connect the 2015 audit. We, obviously,
15 had to encourage additional accounting services and
16 we anticipate to be back to normal in 2016 and it
17 is a one time situation.

18 MR. FREIER: The same with 626, another
19 500K on that lineup?

20 COUNCILMAN PINTO: Bob, we get a
21 summary of what we're voting on and in that one
22 also we have money left in that thus far.

23 MR. FREIER: I'm out of time so.

24 SUPERVISOR VENDITTO: Thank you, Bob.

25 Paul Molinari?

1 MR. MOLINARI: Good afternoon.

2 SUPERVISOR VENDITTO: Good afternoon.

3 MR. MOLINARI: I want to go to
4 Resolution 640 and 641, the concern there is our
5 legal fees are going through the roof.

6 As a taxpayer, I don't really see what
7 benefit we're getting by paying these absorbant
8 legal fees. I just wanted to make that statement.

9 I want to address the 643, the new
10 ethics code. That I think is something that the
11 Board has to pass. As a federal employee, I worked
12 under similar type ethics codes but this, as many
13 ethnic codes, are always written by a lawyer, so I
14 have to stress, you have to have common sense and
15 guidance given to the Town employees so they can
16 live within the boundaries of this ethics code.

17 Thank you.

18 SUPERVISOR VENDITTO: Thank you, Paul.

19 Robert Ripp?

20 MR. RIPP: Hello, I'm Robert Ripp from
21 Massapequa, New York. 613, 14 and 15 were prior
22 touched on but I'm just going to say in my opinion
23 if you're going to spend \$100,000 when you're
24 threatening to lay people off for Christmas music
25 you don't get.

1 643, additionally, I have been
2 attending Frederick Ippolito's criminal proceedings
3 and his main argument is that -- or the argument
4 from his attorney is that Mr. Ippolito didn't do
5 anything wrong because he turned in his financial
6 disclosures to the Ethics Board and the first time
7 I ever heard that conception was from Supervisor
8 John Venditto during one of these meetings, before
9 Ippolito ever raised it as a defense and I'm
10 shocked because Mr. Venditto created the current
11 Ethics Board and because of the misbehavior of that
12 Ethics Board the Town of Oyster Bay is now pretty
13 much recognized as the most corrupt town in New
14 York State.

15 I would like to see public
16 participation and input into hiring a new Ethics
17 Board. I have had a number of ethics complaints
18 that have been ignored for years. I recently put
19 three in that have been ignored.

20 619, apparently we're getting a -- the
21 Town is going to be receiving a Grant. Part of
22 this Grant money is going to Stillwater Avenue. I
23 would like to know now if there is a possibility
24 that the owner of 135 Stillwater is going to be
25 reimbursed for the illegal work he did with Grant

1 money.

2 I would also like to point out
3 Resolution Number 637, this is a procedure that --
4 here, this is where the test wells in Bethpage, but
5 there is a preprocedure to access the public
6 right-of-way so I would like to know if Mr. Greco
7 is now going to be required to go through this
8 procedure to attempt to procure the use of the
9 public right-of-way in front of his house. I
10 understand -- and by the way, congratulations,
11 Mr. Muscarella. I didn't say that immediately, I'm
12 sorry.

13 I understand with speaking to Mr. Zike
14 that the homes at 135 are coming into compliance,
15 but I believe that this should be part of their
16 procedure in coming into compliance.

17 617, this is a \$350,000 Grant we're
18 getting for the Zombie Home Initiative. I've been
19 coming up here for quite a while giving you my
20 opinion that the Town is not doing everything it
21 can do in its best interest on the zombie homes.

22 I noticed that you intend on using the
23 \$350,000 to procure a number of vendor's software
24 to hire a part-time community liaison. I really
25 ask you to try to promote from within here.

1 We don't have anybody in the Town of
2 Oyster Bay that can be retrained where they could
3 figure out how to maintain a zombie registry. I
4 mean, I don't think it's that difficult. I don't
5 understand why right away we're getting this money,
6 we're going to hire more people and meanwhile
7 you're talking about laying people off.

8 SUPERVISOR VENDITTO: Before you go any
9 further, Rob, are you there?

10 MR. DARIENZO: Yes.

11 SUPERVISOR VENDITTO: I know the
12 Resolution he's talking about.

13 The work outline in there, is that
14 within the parameters of -- can you only use it for
15 those purposes, or do we have the ability to do
16 other things with this money?

17 MR. DARIENZO: That's right.

18 The funding agencies specifically
19 specify that we use this money to increase current
20 capacity, not to repurpose staff currently in
21 existence for a new role.

22 So with that -- and I would like to
23 point out that we do intend to increase capacity by
24 procuring a vendor to help us with the development
25 of a revision of policies but it will also be the

1 responsibility of that vendor to train staff that's
2 currently on hand to be able to implement these
3 tasks going forward.

4 SUPERVISOR VENDITTO: Go ahead, Rob.

5 MR. RIPP: 629, this is a draft of how
6 you're going to be looking to -- you want to I
7 believe sell 15 million dollars worth of
8 anticipated notes from next years tax returns.

9 I just noticed in the draft this calls
10 for a certification, it says, prior to the time of
11 the meeting I duly cause public notice at the time
12 and place of meeting, which is today, posted and
13 then there's a second certification that, I further
14 certify that prior to the time of the meeting I
15 duly caused the public notice of the time and place
16 of set meeting to be given to the following
17 newspapers.

18 My point is that these drafts are
19 blank. I believe that if this was a procedure that
20 was suppose to happen prior to the meeting this
21 information should be provided to the residents
22 prior to the meeting and not a blank page as if it
23 didn't happen.

24 616 is another draft. I have a
25 question on this one -- excuse me, another Grant.

1 This is the contract agreement for the Nassau
2 County Block Grant. I noticed that you've
3 earmarked this money for a lot of various entities
4 and quite frankly I don't understand, with our
5 financial situation today -- you know what, I'm
6 sorry about that. What I would like to ask about
7 is this, in the Public Housing Rehabilitation
8 you're allowing \$210,000 for backup information.
9 You have it down here that the
10 Town of Oyster Bay Housing Authority maintains 910
11 units, funding to be used to offset the funding for
12 major repairs and improvements of any of the
13 complexes.

14 I would like to ask you, back in
15 February the Town got an \$850,000 Grant, and it's
16 basically similar, money is to be used for large
17 scale projects like replacing roofs. This is a US
18 Department of Housing and Urban Development Grant.
19 So I'm curious, what plans do we have for the
20 million dollars that you now earmarked for the
21 public housing.

22 SUPERVISOR VENDITTO: Rob, go ahead.

23 MR. DARIENZO: The \$800,000 Grant that
24 Mr. Ripp is asking about was a grant that was
25 received by the Town of Oyster Bay Housing

1 Authority not the Town of Oyster Bay, so it is a
2 separate entity. I can't speak directly because
3 I'm not that involved with it. It's a grant for
4 the Housing Authority not the Town itself.

5 MR. RIPP: Thank you.

6 That clarifies my question.

7 Thank you very much.

8 This is one of the initial Transfers of
9 Funds, I think it's listed as 216 or something,
10 this is 2C. This is a memorandum docket from Frank
11 Nocerino, the Commissioner of Parks. He's got a
12 Transfer -- the Town Board authorizes the request
13 of transfer of funds from the following accounts,
14 I'm curious, who is going to pay for the use of the
15 golf carts that Mr. Nocerino procured during the
16 Italian Festival in Massapequa?

17 SUPERVISOR VENDITTO: Does anybody have
18 an answer for us?

19 COMMISSIONER NOCERINO: I believe those
20 carts the Town owns.

21 MR. RIPP: I'm sorry, but I think the
22 Town owns the carts, but I thought they were used
23 without authority in the Resolution at that
24 festival so I would like to know who is footing the
25 bill for the use of those carts.

1 COMMISSIONER NOCERINO: They're our
2 carts.

3 SUPERVISOR VENDITTO: Is there a bill
4 to foot here? Frank, what do you got?

5 MR. NOCERINO: Supervisor, all the
6 equipment that was for the feast was authorized.
7 This is something we've been doing for 25 years.
8 There was no charge. It goes with all the
9 equipment that they asked for and also it was
10 approved by the Town Board.

11 MR. RIPP: I'm sorry, but how could it
12 be authorized, you have a Resolution that
13 specifically lists what you authorized for that
14 festival and the golf carts are not mentioned.

15 So as far as I know, unless you can
16 produce some sort of documentation that shows that
17 you authorized the use of the golf carts, then I
18 believe that you misappropriated that use.

19 MR. NOCERINO: We don't specify golf
20 carts. We specify various equipment. That's a
21 piece of various equipment that they ask every year
22 as part of their letters in January and August. We
23 gave them a permit. They have a permit for the use
24 of that equipment every year.

25 MR. RIPP: I have to disagree because

1 you produced this specific Resolution on the same
2 day that the Town Board voted to approve that
3 Resolution, they voted on approximately 7 more
4 various festivals. Every entity put a list in of
5 what equipment they were requesting. Every entity
6 got the Resolution passed on what the Town
7 authorized to let them use. There is no mention of
8 any golf carts in any documentation provided by the
9 Town to the public to date for that festival. I
10 observed you driving around in a golf cart at that
11 festival. I would like to know how it got there,
12 who gave you the authority and the permission to
13 bring it there?

14 SUPERVISOR VENDITTO: I think he
15 answered that already.

16 MR. RIPP: 608, I read a number of
17 references leading off on the Town meetings, every
18 single one says, the worse thing you can do is have
19 a Town meeting at 10:00 a.m. on a Tuesday.

20 626, what I'm curious about here is I
21 noticed there were 25 requests sent out but there
22 were only two replies.

23 As a matter of fact, there is a second
24 Resolution where 25 requests were sent out and
25 there were only two replies. I would like to know

1 -- and this is a \$500,000 contract -- 25 requests
2 and only two answers, I would like to know if this
3 is an indication of the flavor of peoples feelings
4 towards the Town of Oyster Bay here, if we're
5 having a problem that people don't want to buy the
6 bonds, now they don't want to get into contracts
7 with us.

8 Is this an issue that we need to worry
9 about?

10 SUPERVISOR VENDITTO: Is this an issue,
11 counselor?

12 UNKNOWN: I don't think it has anything
13 to do with our way or anybody looking at the
14 Town of Oyster Bay. We send out RFPs, requests for
15 proposals, and we expect, of course, responses.

16 Now, in these particular RFPs that we
17 sent out they are for government accounting, they
18 are for Workers' Compensation, they are specialized
19 areas and not all accounting firms engage in those
20 specialized areas. We got some questions that were
21 asked by the accounting firms to which we
22 responded. We did not receive many responses and
23 then we received specific proposals that my
24 committee reviewed, discussed and have recommended
25 to the Board.

1 MR. RIPP: So you're saying that you
2 sent out RFPs to firms that don't actually do the
3 work that you're requesting?

4 UNKNOWN: No. We sent out to a number
5 of firms.

6 MR. RIPP: But you said some of them
7 actually don't have --

8 UNKNOWN: I didn't say some of them
9 don't do it. Some of them choose not to engage in
10 that particular specialty. It's a specialty.

11 MR. RIPP: Okay. Thank you very much.

12 SUPERVISOR VENDITTO: Thank you, Rob.

13 Mark Equinda, Mark?

14 MR. EQUINDA: I'm going to keep this
15 short. On the subject of the vote coming up on the
16 issue of the Sikh Temple.

17 SUPERVISOR VENDITTO: Are you an
18 attorney?

19 MR. EQUINDA: I'm not an attorney, no.
20 I'm a resident of 14 Hope Court. I'm right next
21 door to the temple.

22 Now, the purpose of my appearance here
23 is to strongly request and suggest that the vote on
24 the Resolution be postponed. Myself and my
25 concerned neighbors do not feel that we have been

1 given the proper part in this entire issue. It has
2 been going on for a long time.

3 We were at the meeting on November 2nd
4 with Councilwoman Alesia, and Mr. Marx, and Tim
5 Zike. We were promised access to revised plans for
6 the Temple, that was on November 2nd.

7 Last Friday, I finally sent out an
8 irate e-mail to every e-mail address in the
9 Department. We still have not been given those
10 plans. We have not been given an opportunity to
11 review them and we have not been given an actual
12 opportunity to participate in the compromise that
13 you brought up a couple of times that you believe
14 it's possible.

15 I subsequently got an e-mail from
16 Mr. Rozea and, I quote, he says I've been actively
17 working to secure the Temple's additional
18 modifications to the plans that I believe will
19 ensure benefits of the Temple's neighbors.

20 So my first question is, if this is
21 coming up for a vote now and your Town Attorney is
22 saying that he hasn't finished compiling the
23 necessary information, why is there a vote being
24 taken on this?

25 He goes on to say that though these

1 modifications are not necessarily reflected on
2 these plans, rest assured that I will ensure their
3 inclusion in the final settlement. I'm sorry, with
4 all due respect, with all I've gone through and all
5 my neighbors have gone through over the last
6 several years I can't rest assured on anything. We
7 need more information. I think this is being voted
8 on way too quickly without any of the proper due
9 diligence being done.

10 Again, I would suggest that there is
11 room for more compromise. I would like to be a
12 part of that compromise and so would my neighbors,
13 but I think a postponement of the vote is
14 absolutely and unequivocally necessary.

15 I would like to point out in closing --
16 and I've said this many, many times -- this is not
17 an issue -- this is not a religious issue. This is
18 an issue of quality of life and it's an issue of
19 people getting along, and I don't want anything
20 getting rammed down my throat that -- let me
21 rephrase that.

22 I'm entitled to my rights and so are my
23 neighbors. We don't feel that our rights are being
24 protected at this point and I frankly think, with
25 all due respect, that the Board has not done it's

1 judiciary duty to us.

2 That's all I have.

3 SUPERVISOR VENDITTO: Don't go away,
4 Mark. And I'll agree with you, by the way, it's
5 not -- not in my mind, it's not a religious issue.
6 The Sikh Temple has been there for several decades.
7 I visited it many times. It's a wonderful --

8 MR. EQUINDA: Supervisor, I've lived
9 there 31 years. I got married there, I got
10 divorced there, I raised a family there. I know
11 the neighborhood as well as anyone. I'm sorry. I
12 interrupted you.

13 SUPERVISOR VENDITTO: Go ahead.

14 MR. EQUINDA: I'm done. I think I made
15 my point.

16 SUPERVISOR VENDITTO: I just wanted to
17 affirm to you that from my perspective it's not a
18 religious issue. You hit the nail right on the
19 head, it's a quality of life issue. I think it's
20 always been about that and I think it still is.

21 If it were a religious issue, I would
22 have thought in the prior 30 years the issue would
23 have come to the forefront so that dispels that
24 notion.

25 Having said that, Mr. Rozea, what do

1 you have to add to this dialog?

2 MR. ROZEA: The speaker is correct that
3 we did meet with the community on or about
4 November 2nd. Myself, Mr. Marx, Tim Zike and John
5 Ellsworth looked at the Temple proposal from an
6 environmental perspective, and I say environmental
7 within the meaning of State Law and not just trees
8 and water. There were three concerns in my mind
9 that were raised at that meeting aside from what he
10 had presented as the proposed settlement, that
11 being additional screening between the Hope Court
12 properties and the Temple Property, a reduction in
13 the height of the light poles in the parking lot
14 and thirdly, the possibility of replacing stockade
15 fence around the perimeter of the property with PVC
16 fencing.

17 As I wrote in that e-mail that came on
18 Friday or perhaps Saturday morning, I was working
19 actively, meaning nights, and weekends with Sikh
20 Temple attorneys to secure those modifications to
21 the settlement, and I'm pleased to report that the
22 Temple did agree to reduce the height of the
23 lights, to provide additional screening between
24 Hope Court properties and the Temple Property and,
25 as of yesterday, to install PVC fencing rather than

1 stockade fencing along the perimeter of the
2 property.

3 Those were the concerns that were
4 presented to us by the community, those were the
5 concerns that I relayed to the Temple attorneys and
6 those were the concerns that ultimately are
7 addressed in the proposed settlement documents that
8 are before the Board.

9 I'm more than happy to speak on the
10 details of the settlement, further details, but
11 those concerns raised at the community meeting they
12 have been addressed. They're addressed in the
13 settlement documents and they will be a part of it.

14 MR. EQUINDA: But that's not what your
15 e-mail said. Your e-mail said you were still in
16 the process of compiling information. Now there's
17 a vote coming up today and myself and my neighbors
18 have no knowledge of whatever type of compromises
19 you've made. I appreciate the fact that you worked
20 hard on this, I'm sure you have. I also appreciate
21 the fact that the Board is between a rock and a
22 hard place on this subject.

23 SUPERVISOR VENDITTO: Gentleman, let me
24 cut the dialog here. Just by a common sense
25 appraisal -- and actually I would like to hear from

1 Councilwoman Alesia on this, but I'll just throw
2 this in the mix, is a two week adjournment so
3 unreasonable; I mean, when somebody is saying a
4 full and fair opportunity to be heard and be
5 familiar with the material I feel -- the next Town
6 Board is in two weeks, right?

7 COUNCILMAN MUSCARELLA: Yes. The 29th.

8 SUPERVISOR VENDITTO: Is a two-week
9 adjournment to allow the people to familiarize
10 themselves with the material, is that so
11 unreasonable?

12 MR. ROZEA: Ms. Shea is here.

13 MS. SHEA: My name is Janice Shea. I'm
14 with the Law Firm of Harras, Bloom & Archer, and
15 we're part of the counsel team for the Sikh Temple.

16 First, I would like to thank the Town
17 and it's personnel for working so closely with us
18 and carefully crafting what we believe is a very
19 fair Resolution which addresses three of the
20 neighbors concerns which we worked on up until
21 about 5:00 last night. Matt and I have worked
22 nights and weekends to carefully craft each word of
23 this Resolution. I don't believe -- sir, and I
24 apologize that you and I have not spoken -- this is
25 not being hoisted on this Board at the last minute.

1 We are under a Federal Court scheduling order. We
2 had an agreed date of October 31st by which the
3 Town would answer or we would be able to move for
4 default. I put my job on the line and said we have
5 an agreement in the works, we're not going to move
6 for a default, let's allow this -- with all that
7 was happening with the Town let's allow this to go
8 for until the next Board meeting so this could be
9 properly voted on at a duly noticed hearing, so we
10 are already beyond the point that the Town should
11 have acted. Now we've got a Federal Court order
12 which requires that we report by December 1st
13 what's happening. We gave the Town every one of
14 the concessions that were requested. We agreed to
15 put landscape screening between the Temple Property
16 and the Hope Court properties, we have agreed to
17 PVC fencing and I think within the last couple of
18 days I asked the Temple to reduce the lighting
19 height down from 22 feet to 18 feet.

20 Surely, we never intend to illuminate
21 off the property. The Temple wants to be good
22 neighbors. They understand that there are issues.
23 We've lost eleven months of construction. The
24 Temple wants to be back in the business of being a
25 Temple and not litigating. We apologize for any

1 inconvenience brought to the Town and to the
2 neighbors, but from this point forward the Temple
3 really wants to have a good relationship and
4 maintain it's House of Worship where it's been for
5 30 years.

6 SUPERVISOR VENDITTO: Counselor, just
7 following up on this line of questioning, you
8 mentioned December 1st is the report back date; is
9 that what it is?

10 MS. SHEA: That's the date by which --
11 I believe it's Magistrate Tomilson (phonetic) of
12 the Federal Court has indicated that we need to
13 have a consent order filed.

14 SUPERVISOR VENDITTO: Our meeting is on
15 the 29th. I know that's cutting it very close.
16 I'm only speculating, and I can't speak for the
17 Board members, but I have a sense that the Board
18 was going to look favorably upon the settlement and
19 probably will continue to do so. But I think when
20 you hear what Mr. Equinda said -- what Mark said,
21 it's always a little disturbing, it hurts our ears
22 as lawyers when someone says I need a little more
23 time to read it and if there is a problem just say
24 so.

25 MS. SHEA: I am one attorney --

1 SUPERVISOR VENDITTO: Would there be a
2 problem if the Board made a commitment today to
3 vote on the proposal, to vote on the proposed
4 stipulation and settlement on the 29th. You know
5 one way or the other you're going to get it on the
6 29th.

7 MS. SHEA: I personally don't have a
8 problem with that. I'm part of a team of five
9 lawyers. The Orlupa Council in Manhattan is
10 prepared to move forward under the federal lawsuit.
11 This agreement was crafted to save the Town
12 litigation dollars, to save the Temple from further
13 hemorrhaging their litigation dollars so no, I
14 cannot make that concession. I have nothing
15 further -- no further offerings to make to make
16 this better. Everything that the Town has
17 requested we have incorporated into our settlement.

18 COUNCILWOMAN ALESIA: I have many, many
19 different things to say but I'm going to jump on
20 what you just last said, we have a little bit of a
21 last minute request and I don't think it's an
22 unreasonable one. I know Mark is here by himself
23 today but he really isn't by himself. He is
24 standing with about 15 different neighbors behind
25 him who aren't here right now, and they all reached

1 out to me yesterday, and I spoke to many of them on
2 the phone and here is their request, they would
3 like to sit down together with the Board of the
4 Temple before the settlement is signed. I don't
5 think that's an unreasonable request. I think that
6 in the scope of being good neighbors it's a very
7 reasonable request. I agree with some of what you
8 said, you said that you think this a very fair
9 Resolution. I think it's a fair Resolution. I
10 don't think it's a "very" fair Resolution. I think
11 it's fair and I think -- have you spoken to some of
12 my colleagues one on one about it. I think we are
13 inclined -- I'm not going to give anyone's vote
14 away but I think we're inclined to approve this
15 settlement but I think the request of the
16 neighbors, who just got the language of the
17 settlement Friday at 5:00 and who have now said we
18 would like to sit down and be able to live as
19 neighbors and have a conversation one time before
20 the settlement goes forth. I don't think those are
21 unreasonable requests.

22 MS. SHEA: I understand what you're
23 saying, Councilwoman. I don't have the power to
24 change the Federal Court's scheduling order. I
25 know that going to Court is going to incur the

1 Temple many more litigation dollars and it's going
2 to incur the Town many more litigation dollars.
3 There is no change in the plans. The only plan --
4 actually there is two plans attached to the consent
5 order, one is a site plan that just shows the
6 parking configurations, that it comports with
7 zoning, so there is really nothing offsite that has
8 been changed. All the plans have been on file.

9 As of yesterday, I sat with Matt and
10 went through about 50 sets of plans and everything
11 has been on file with the Town. To suggest that
12 there is something we're slipping in is simply not
13 the case. This language in our consent order has
14 been circulated for at least the past five or six
15 weeks. Whether it was communicated just recently
16 to the Town, unfortunately, is not my client's
17 fault.

18 COUNCILWOMAN ALESIA: Well, you have
19 your client here today. I don't mean to put you on
20 the spot but maybe you can take a minute and ask
21 them if they would be willing to give us two weeks
22 to meet with their neighbors.

23 MS. SHEA: It is not just my decision.
24 We have counsel in Manhattan and I'm going to say
25 that I came here with the direction that we would

1 not be able to extend any further that which we
2 have already given the Town, the Federal Court's
3 scheduling order.

4 COUNCILWOMAN ALESIA: But that
5 scheduling order doesn't call for you to come back
6 until December 1st.

7 I just want to be clear. I'm asking
8 you if you would ask your client and their counsel
9 if they will sit down and meet with their neighbors
10 once before we sign this settlement.

11 MS. SHEA: What I would be willing to
12 do right now is, just as the Board did with a prior
13 Resolution, if the Board could adjourn my matter
14 until the end of the calendar and we can speak with
15 the neighbor right now.

16 SUPERVISOR VENDITTO: I would certainly
17 have no problem with that. Anything that would
18 help alleviate pressure on anybody, so absolutely.

19 COUNCILMAN PINTO: Supervisor, I have a
20 question.

21 SUPERVISOR VENDITTO: Go ahead, Joe.

22 COUNCILMAN PINTO: I don't think
23 anybody is asking you to go against the Court date
24 of December 1st.

25 You mentioned that you're not

1 authorized to make any changes, then why isn't the
2 person who is authorized here to represent the
3 Sikh Temple?

4 MS. SHEA: Let me back up.

5 The Town was under an obligation to
6 file an answer by October 31st, that has not
7 changed. That answer was not filed. In good faith
8 that this matter was going to be voted on today our
9 team has not acted to move forward on that default.

10 COUNCILMAN PINTO: Well, since you said
11 you're not authorized, which means that you're
12 really not representing the client, can you, when
13 you take that break, find the person who is
14 authorized and maybe ask their opinion when you
15 come back to us after you sit down with them?

16 MS. SHEA: I am representing the Temple
17 and I will make the request to the rest of my team,
18 but I do not believe there is going to be a change
19 in my information.

20 SUPERVISOR VENDITTO: Actually, I think
21 we're almost done here. We really don't have very
22 much time left. We only have one or two more
23 speakers on the Regular Action Calendar, so we'll
24 certainly stay and give you 15/20 minutes if that
25 would that helpful.

1 MS. SHEA: Thank you.

2 SUPERVISOR VENDITTO: All right.

3 Let's let them work and we'll continue.

4 Patrick Howard, Patrick.

5 MR. HOWARD: Good morning, Supervisor,
6 and Council members.

7 I would like to say if this was an 8:00
8 at night meeting it would be after midnight now so
9 I think the 10:00 meeting is a great thing.

10 A week or so ago I sent a memo, a copy
11 of a letter to the Board members of a letter that I
12 sent to Mr. Bell of Intergovernmental Affairs
13 regarding the elevation and house lift to six homes
14 in the Town of Oyster Bay. My home was one of
15 them. In the letter Mr. Bell made a comment saying
16 that I refused to comply. To reiterate in the
17 letter I sent to you and him, I have never refused
18 to comply. I would be more than happy to comply;
19 however, I am not happy with the way the Grant was
20 handled, with the way the work was done and with
21 many of -- some of the things I would just like to
22 share with you of the treatment I received. As
23 soon as the work is done to the homeowner's
24 satisfaction, I'll do whatever you need to do. The
25 main reason why we got involved in the first place

1 was to lower our flood insurance which is over
2 \$5,000 a year. To date, the work was done, the
3 Town of Oyster Bay received their CO on it.

4 I haven't received any CO on my part
5 but they received their's and I asked for the
6 elevation certificate which I was suppose to have.
7 I didn't get it. I contacted the department myself
8 and they sent me a copy. When I got the copy, it
9 said that the building owner was the Town of Oyster
10 Bay, which is incorrect, it should have been in my
11 name and the flood zone was wrong. I sent it back
12 to the people that did the elevation and that was
13 on 2/5/2015. They made the adjustments and when I
14 called to ask for it I didn't get it. They want me
15 to sign off on some document on my -- I don't know
16 if it's a deed or a title. I received a copy in
17 August of 2016 of the elevation certificate. It
18 was done on September 12, 2014.

19 You have all this; I sent it to you.
20 Two years later, I'm paying \$5,000 a year. I
21 should be paying \$500. That's \$9,000 out of my
22 pocket because they refused to -- actually it's
23 like they were threatening and bullying me, they're
24 not giving me my paperwork. I received a letter.
25 When I got this I submitted it to FEMA.

1 COUNCILMAN MACAGNONE: Mr. Howard, the
2 difference in the money is paid to who, the
3 insurance company?

4 MR. HOWARD: The insurance company.

5 COUNCILMAN MACAGNONE: Okay.

6 MR. HOWARD: I should be paying \$500.

7 COUNCILMAN MACAGNONE: I understand, I
8 just wasn't sure.

9 MR. HOWARD: Yeah, the insurance
10 company. So I received the letter from FEMA
11 stating that the records that I submitted were no
12 good because the photos that need to be taken had
13 to be taken within 90 days, so to date I still
14 don't have a valid elevation certificate which
15 means I'm still paying the higher price. That was
16 just one problem. I was not happy with the
17 contractor's work. I called -- Angel Corva was the
18 engineer, I called him back, he came around and
19 looked, we need to change this, this and this.
20 There was a punch list of some things that needed
21 to be done. It was sent to me in 2014 and they
22 were never done. Obviously I wasn't happy with the
23 contractor. I asked if we could get another
24 contractor. It took a long time back and forth,
25 no, you can't get another contractor, he has to do

1 the work. All right.

2 They hired an independent engineer,
3 Spinelli, Cashin, Spinelli. Cashin Spinelli said,
4 okay, you need to fix all these things; bring the
5 contractor back and fix them. When I brought the
6 contractor back, Mr. Russo, the contractor came in,
7 looked around and said well, you put insulation on
8 this wall so I can't do this, you put a stud here
9 so I won't fix that, you put a door here. It was
10 two years, the winter came; I needed to insulate.
11 This was improper work. They fixed it twice and it
12 was still wrong. Spinelli indicated that it was
13 still wrong. Long Island Lifters said I'm not
14 going to fix that.

15 A couple of days later I get a letter
16 they're done with me, sign the paperwork or you're
17 going to have to repay -- well Mr. Bell indicated
18 that in his letter to me I'm going to have to repay
19 the \$150,000 that the Town received from the State.
20 I was wondering why or how the Town even received a
21 reimbursement of over \$878,000 when the paperwork
22 wasn't done because I know my piece wasn't signed
23 because I wasn't really happy with what is still
24 wrong with my house and there are a number of
25 things. Mr. Russo said we didn't do it because you

1 didn't let us in. I said that's not true. An hour
2 ago he said, then I say it is and you say it isn't,
3 it's my word against yours.

4 Is that where we are? It's my word
5 against yours. I'm willing to get this done. I
6 need to be treated fairly, I need to be compensated
7 and I need to have the work finished, it's simple.

8 Now, I don't know if I'm responsible to
9 pay back the \$150,000 to somebody. I called -- I
10 was told that I was going to be reported to the
11 Homeland Security, so I called Homeland Security,
12 Rick Law answered, called me back, I told him what
13 was going, he said the State has the contract with
14 the Town of Oyster Bay not with me, and that the
15 Town of Oyster Bay would be on the hook to pay the
16 State back. I don't want to be there, I don't
17 think you want to be there. I want to get this
18 done. I'm tired of being bullied and pushed
19 around. My wife and I have had it up to here. I
20 want to move on with my life and get my house
21 fixed. Now, I'm not really happy with the team
22 that you have. I don't trust them. I don't think
23 they're fair. I'm not calling them liars, but they
24 misrepresent the trust.

25 Now, I would be more than happy to sit

1 down with a Board member and maybe sit down with
2 them and try to get this done, if not, I just don't
3 know where to go from here.

4 SUPERVISOR VENDITTO: Colin, I guess
5 you probably are aware of me knocking on your door
6 right now. Mr. Howard made a suggestion about
7 getting together with you and perhaps an elected
8 official, a Board member, is there something to be
9 gained by doing that? Is there anything -- I don't
10 want to put you on the spot and obviously there's
11 quite a history here, is there anything you want to
12 add to round out the story?

13 MR. BELL: Well, there's certainly a
14 lot of history there.

15 SUPERVISOR VENDITTO: Is it worth doing
16 that now?

17 MR. HOWARD: I would like to say that
18 Mr. Bell has always been a professional and a great
19 guy so.

20 SUPERVISOR VENDITTO: You have a
21 problem and you're entitled to air it out. We have
22 no problem with that.

23 Colin, I guess there's no short cut
24 through this thing, would it better to set up a
25 meeting with Mr. Howard and a Board member.

1 MR. BELL: Certainly, there is a lot to
2 discuss. Whatever Board member is assigned to this
3 task is --

4 MR. HOWARD: I would like to have
5 Councilman Pinto. He is invested.

6 COUNCILMAN PINTO: I'm not the liaison.

7 SUPERVISOR VENDITTO: Who is the
8 liaison to Colin?

9 COUNCILWOMAN ALESIA: It's me.

10 SUPERVISOR VENDITTO: I'll tell you
11 what, I know Councilwoman Alesia well enough to
12 know but if you would like to have Councilman
13 Pinto, you got it.

14 MR. HOWARD: I don't want to put him on
15 the spot.

16 COUNCILMAN PINTO: Let's go.

17 SUPERVISOR VENDITTO: He says let's go.
18 So why don't we do this, between now and -- well
19 ASAP, do it this week. Councilman Pinto, yourself,
20 Colin and Mr. Howard get together at a convenient
21 location and get it done.

22 MR. BELL: I'll coordinate with the
23 Councilman, I'll in turn coordinate it with Pat,
24 I'll arrange for the meeting.

25 COUNCILMAN PINTO: How's Thursday

1 morning at 9:00?

2 MR. HOWARD: That sounds great.

3 SUPERVISOR VENDITTO: Thursday morning
4 at 9:00.

5 MR. HOWARD: Where?

6 COUNCILMAN PINTO: Town Hall South in
7 the IGA office.

8 MR. HOWARD: Thank you very much. I
9 appreciate you listening to me.

10 COUNCILMAN PINTO: I have another
11 meeting at 11:00.

12 SUPERVISOR VENDITTO: Are you
13 available?

14 MR. BELL: Well I'll adjust my
15 calendar.

16 SUPERVISOR VENDITTO: Okay. Thursday
17 morning at 9:00, Town Hall South.

18 COUNCILMAN PINTO: I have to be out by
19 like 10:45.

20 MR. BELL: I think we can get it done.

21 SUPERVISOR VENDITTO: All right.

22 Gabriel Brown, Gabriel?

23 MR. BROWN: This is just in reference
24 to the meetings issue.

25 I think it would be more appropriate to

1 schedule meetings at night when people are off work
2 because -- for instance, I'm lucky I can be here
3 today. I have not been able to be at any of the
4 meetings you've had previously and if you look at
5 this room, where are the people? They're not here.
6 I think we would have a much larger audience at
7 night. I've heard that apparently we don't but I
8 would be surprised and think that we would. I
9 think it would give the people in this community an
10 opportunity to look at different issues such as
11 raising taxes for instance.

12 I think that's a concern for everybody
13 in this community and I think there are so many
14 other issues concerning people in this community
15 and we don't have enough people in this room to
16 listen to what our public representatives have to
17 say. Is that really the will of the people if the
18 peoples voices are not even heard by the people who
19 represent them. This is just a handful of people.
20 I think it's very important to consider having
21 nightly meetings even if we have meetings during
22 the day. I would definitely favor the idea of
23 having a nightly meeting at 7:00. The
24 Village of Bayville has a 7:00 meeting that they
25 engage in. I'll put it to you this way, if there's

1 issues of dire importance. In fact, so many people
2 show up, that they need to use the auditorium at
3 the Intermediate School because the issues are that
4 important, so I would imagine if enough notice was
5 given that the meeting would be at 7:00 and it's of
6 an issue of vast importance you're going to see a
7 turnout, you're going to hear what people really
8 think, and I think it's very important that voices
9 are heard. I mean we are a representative form of
10 government so we should adhere to those principles
11 that our founding fathers have left to us. That's
12 why we have a Bill Of Rights. That's why we have a
13 representative form of government, not a total
14 democracy, but we should have voices heard. That's
15 the way I feel about that.

16 SUPERVISOR VENDITTO: Thank you.

17 MR. BROWN: Actually, I have a
18 question. I also signed up for another topic.

19 Is that to be discussed later or should
20 I bring it up now.

21 SUPERVISOR VENDITTO: Public comment,
22 you can discuss anything you want at public
23 comment.

24 MR. BROWN: Okay.

25 With regards to the budget issue that

1 -- for the raising of taxes and the potential
2 laying off of employees, I'm just curious, maybe
3 the Comptroller can help me with my question, do
4 they have copies of the Comprehensive Annual
5 Financial Report for the last few years so we could
6 look at maybe the numbers that have come up with
7 that as far as the amount of money in the surplus
8 or in the deficit.

9 SUPERVISOR VENDITTO: I would think so.
10 I don't know what form they would be in but I'm
11 sure we have them.

12 Deputy Comptroller, we have them,
13 right?

14 MS. WISS: Yes.

15 MR. BROWN: How would I be able to
16 acquire those documents?

17 SUPERVISOR VENDITTO: I think you just
18 did.

19 Is there any reason why you couldn't
20 supply him with those documents?

21 MS. WISS: No, Supervisor.

22 MR. BROWN: So I would go to you then?

23 SUPERVISOR VENDITTO: You can meet
24 together as soon as we're done.

25 MR. BROWN: Okay. So I go to her and

1 acquire the copies of the documents?

2 SUPERVISOR VENDITTO: Right.

3 MR. BROWN: I appreciate your help.

4 Thank you.

5 SUPERVISOR VENDITTO: Thank you, Gabe.

6 MR. MCKENNA: I'm Kevin McKenna from
7 Syosset.

8 I had mentioned at the last meeting
9 that I took some time when I was knocking on doors
10 surrounding where the proposed Syosset Park Project
11 is going to go and being you're talking about the
12 schedule for next year, most of the people that
13 answer the door, a lot of the comments were we
14 can't make 10:00 a.m. meetings and we want to go,
15 especially in light of the fact that it's going to
16 get more active in regards to that as well as
17 everything else. I personally think that one
18 meeting every month should be at night.

19 We're talking about 7:00.

20 Is there a reason why it can't start at
21 4:00 or 5:00 so if you don't want to be here until
22 midnight? Why is it only 10 or 7, why not 6? I
23 think that the 10:00 meetings, the perception right
24 now amongst the public right now is that you
25 purposely put the meetings at 10:00 so that you do

1 not have to hear what the people have to say.

2 That's the perception right now so please take that
3 into account.

4 SUPERVISOR VENDITTO: We will. We will
5 take it under advisement.

6 The Board can switch the schedule of
7 meetings at any time. We have made changes in the
8 past.

9 I guess we can vote on all the other
10 Resolutions.

11 MR. ALTADONNA: Do you want to table
12 639?

13 SUPERVISOR VENDITTO: Oh, here we go.
14 Counselor, how did we do?

15 MS. SHEA: I have spoken to the
16 neighbor. I believe I -- we cleared up an
17 inconsistency where you thought the site plan
18 affected the Hope Court properties. This whole
19 settlement only affects the Temple property. We
20 have no power to go any further. We expected the
21 Board to act today. The Board is in default of
22 response to answer.

23 SUPERVISOR VENDITTO: Excuse me, you
24 said we're in default.

25 Are we in default in answering?

1 MR. ROZEA: Well, the Court had ordered
2 an answer by October 31st, but I reported back that
3 we had settlement terms.

4 MS. SHEA: My client requests that the
5 Board act on the Resolution and I thank the Board
6 for its indulgence and I thank the Town Attorneys
7 Office for it's work on this.

8 SUPERVISOR VENDITTO: Mark, did you
9 want to close it out with anything further?

10 MR. EQUINDA: I really don't have
11 anything else. I can't with a clear conscious
12 respond for my neighbors. These plans as counsel
13 mentioned before were completed last night if I'm
14 not mistaken.

15 MS. SHEA: No. That's not what I said.

16 MR. EQUINDA: I would respectfully
17 request a short postponement on the issue so that I
18 could speak with my neighbors. That's all that I'm
19 asking. I don't think that that's an unreasonable
20 request.

21 COUNCILMAN COSCHIGNANO: Supervisor, I
22 just want to state that the residents who contacted
23 my office had similar feelings, and I don't think
24 it's unreasonable that we give those residents a
25 little time which is well within the Court date so

1 that everybody can get up to speed including the
2 Board members who are just hearing about some of
3 this stuff for the first time.

4 MR. EQUINDA: I can assure you I can
5 reach my neighbors tonight, have them over to the
6 house, sit down and talk to them, tell them what we
7 discussed today.

8 I'm not asking for -- I'm asking for
9 indulgence because I get the sense that this is
10 being pushed down on us. That's really all I have
11 to say.

12 COUNCILWOMAN ALESIA: I can't disagree
13 with what you're saying.

14 COUNCILMAN COSCHIGNANO: It's not
15 unreasonable.

16 SUPERVISOR VENDITTO: December 1st is
17 the Court date?

18 MS. SHEA: That is the date by which
19 the Federal Court is expecting a copy of the
20 settlement fully executed.

21 COUNCILWOMAN ALESIA: If there is no
22 settlement there's an appearance.

23 If you settle, do you have to appear?

24 MR. ROZEA: Well, the Court presently
25 has ordered, in view of the pending settlement

1 terms, that the parties file a stipulation of
2 discontinuance by the 1st.

3 In other words, the Court Order is
4 contemplating the settlement. I would imagine that
5 if something were to move forward in a different
6 direction that there would be an appearance and
7 obviously the litigation would move forward.

8 SUPERVISOR VENDITTO: So
9 December 1st is really the -- it's not really a
10 control date, it's the deadline the Court set to
11 find out where we go.

12 MR. ROZEA: Correct.

13 MS. SHEA: But understand that the Town
14 is technically in default of it's time to answer.

15 SUPERVISOR VENDITTO: I'm confused on --

16 COUNCILMAN PINTO: Matt's saying one
17 thing, and I know you have the December 1st date
18 and again, I'm not a lawyer but I read the same
19 thing from the residents as well, they just want a
20 little more time. There's a lot here that's being
21 bunched into the settlement that they aren't aware
22 of so I think it's very reasonable. I need some
23 clarification on what's being said here myself.

24 COUNCILWOMAN ALESIA: And it is fair to
25 say that it wasn't really represented to them

1 because at times it was up in the air until -- and
2 to Matt's credit and to your credit, they worked on
3 this all weekend, I know they did, but as far as
4 the residents are concerned they only got final --
5 a final close on this up until a few hours ago it
6 was still --

7 MS. SHEA: With all due respect,
8 Councilwoman, the only the new terms to this order
9 are the concessions made to the neighbors, that
10 being the lower of the lamps increased, the
11 increased landscape screening and the PVC fencing.
12 Those are the only changes that have been made
13 recent to this consent order which has been
14 circulating for about five weeks now. There is
15 nothing new here except for things that benefitted
16 the neighbors.

17 COUNCILWOMAN ALESIA: I'm not
18 disagreeing, but I think that they want time to
19 process that.

20 SUPERVISOR VENDITTO: I'm still trying
21 to get clear, let's assume we did not -- we voted
22 now and we did not approve the settlement, what
23 would our status be in Court; are we in default?

24 MR. ROZEA: You would only be in
25 default if the Court were to find you in default.

1 I would imagine the first move to be would be to
2 interpose an answer.

3 MS. SHEA: Should that be permitted by
4 the Court. You would have to make leave to file a
5 late answer.

6 MR. ROZEA: That's possible. That's
7 litigation strategy. The first move would be --

8 COUNCILWOMAN JOHNSON: Counselor, would
9 your position be not to impose an answer at this
10 point?

11 MS. SHEA: That answer was due on the
12 31st of October.

13 Councilman COSCHIGNANO: It sounds like
14 everyone was negotiating in good faith, right?

15 MS. SHEA: Matt and I were in constant
16 communication, cell phones, Saturdays, evenings.

17 COUNCILMAN COSCHIGNANO: So why the
18 talk of default if everybody is operating in good
19 faith?

20 MS. SHEA: Because we elected to not
21 move forward with that default based on the fact --
22 or based upon our belief that the Town Board was
23 acting today. We withheld on moving forward on our
24 rights to continue action in good faith believing
25 that this tribunal was going to be acting on the

1 settlement today.

2 MR. ROZEA: In other words, what
3 happened was the Court had extended the time for
4 the Town to answer to October 31st. I believe it
5 was the 30th or even possibly the morning of the
6 31st we reached terms with respect to occupancy,
7 the load of the building, the parking spaces, the
8 non simultaneous use of the first floor and
9 basement level, the limitation on the mezzanine
10 area of the building for storage.

11 Those terms were set in stone as of
12 October 31st. Then, over the intervening weeks, we
13 had these discussions, including the meeting with
14 the community as to those additional measures which
15 were discussed in terms of the PVC fencing, the
16 screening and the light pole thing, so that's what
17 was added in after I reported back on the report on
18 the --

19 MS. SHEA: And, again, everything that
20 was asked for by the Town, we gave the Town every
21 concession that it asked for.

22 The Town asked us to reduce the height
23 of the lamps four feet. We gave it, no
24 negotiation.

25 The Town asked for the PVC fencing. No

1 negotiation, we gave it.

2 The Town asked for landscape screening
3 in between the properties. We gave it.

4 So, there is no reason for further
5 discussion when everything that was requested was
6 given and any change that was made was made to
7 benefit the neighbors.

8 COUNCILMAN MACAGNONE: I have the sense
9 that the neighbors want to feel good about
10 everything. They want to meet with the Temple and
11 hopefully put all this aside. Take two weeks.
12 It's not a lot to ask.

13 MS. SHEA: We believe that that
14 neighborly showing was made in our giving the
15 neighbors everything that they asked for. We're
16 already behind -- we already lost 11 months in
17 construction cost.

18 COUNCILWOMAN JOHNSON: I'm concerned
19 about the legal fees both on our side and for the
20 Sikh Temple to go that much further, how much more
21 are you going to charge them, how much more is it
22 going to cost us if you oppose our answer. Where
23 is this going to go, so I am very concerned about
24 it.

25 COUNCILWOMAN ALESIA: So you're

1 inclined to go ahead and vote on it today?

2 COUNCILWOMAN JOHNSON: If the neighbors
3 are on board with the further concessions, I am
4 inclined to vote on it today.

5 COUNCILWOMAN ALESIA: I realize I am
6 very close to this situation and I don't like it,
7 but if everyone else is prepared to vote on it, I
8 will vote on it. I don't know how everybody else
9 feels.

10 COUNCILMAN COSCHIGNANO: I'm not
11 prepared to vote.

12 COUNCILMAN PINTO: Listen, I heard
13 comments from the Sikhs when they came here and
14 they were all saying we just want to be good
15 neighbors, we'll do anything you need us to do to
16 make this situation go away and I'm not hearing
17 that now which is surprising to me because they
18 were more than willing to do anything they possibly
19 can to fit into the community so I have a hard time
20 believing that with all those people who came up
21 here to talk to us that they wouldn't say two weeks
22 is fine.

23 COUNCILWOMAN ALESIA: Especially, two
24 weeks to have a community meeting together. That's
25 what almost everybody I spoke to yesterday was

1 asking for, to get together.

2 MS. SHEA: I just don't see how that
3 another meeting is going to change anything when
4 everything that was requested was incorporated into
5 a consent order without negotiations, without any
6 asking could we maybe make the lamps 19 feet.

7 Everything the Town asked for we
8 incorporated into that consent order. We withheld
9 moving forward in the Federal action. We simply
10 request that the Board move on the Resolution
11 today.

12 Thank you.

13 MR. ALTADONNA: Would you like to table
14 it to a date certain?

15 SUPERVISOR VENDITTO: No. I think
16 we're contemplating on whether or not to vote on it
17 now.

18 MS. SWANSON: Could Matt call the
19 Court?

20 SUPERVISOR VENDITTO: I would really
21 like to know that. That's a good idea.

22 I would really like to know from the
23 Court that we're not running a foul by delaying the
24 vote on this until November 29th. I would like to
25 hear whether or not we're running a foul with the

1 Court. That's really my concern.

2 MR. ROZEA: I'm not sure that the Court
3 will give an advisory opinion on that particularly
4 matter. I will say the Court -- the deadline was
5 October 31st.

6 SUPERVISOR VENDITTO: A deadline for
7 what?

8 MR. ROZEA: To answer the settlement.

9 SUPERVISOR VENDITTO: And you were
10 working on a settlement at that point.

11 MR. ROZEA: That's right.

12 I reported back to the Court as of the
13 deadline that we had reached terms. The Court then
14 said okay, now by December 1st file your
15 stipulation of discontinuance.

16 In the interim is when we had the
17 meeting with the community and those additional
18 concerns were raised about the screening, and the
19 lights, and one or two other issues, so although we
20 had terms as to all those other issues, the
21 occupancy, the parking, the actual usage of the
22 structure, those points got added in, and Janice is
23 correct, that it was at the request of the
24 community and for the benefit of the community.

25 So my sense would be -- in fact my

1 opinion is that if the Board were not to move
2 forward with this we would have to inter person
3 answer (phonetic) immediately and it's quite
4 possible that we would then see motion practice.

5 MS. SHEA: You would absolutely see
6 motion practice because the answer would be deemed
7 untimely by the plaintiffs.

8 SUPERVISOR VENDITTO: Okay. We're
9 going into Executive Session.

10 COUNCILMAN MUSCARELLA: Supervisor, I
11 move that this Town Board go into Executive Session
12 to discuss the pending or further litigation.

13 COUNCILMAN MACAGNONE: Seconded.

14 SUPERVISOR VENDITTO: You know what?
15 We need to vote on the balance of the
16 Calendar, so let's do that before we go into
17 Executive Session.

18 MR. ALTADONNA: We have the motion and
19 we have the Seconded. The motion was made by
20 Councilman Muscarella and seconded was made by
21 Councilman Macagnone.

22 On the vote, which we are going to vote
23 on TF 18-16 through 608 to 643, bear in mind that
24 642A and B were already settled and 639 will not be
25 voted on. I don't know how to be clearer, 639 is

1 not in this vote.

2 Supervisor Venditto?

3 SUPERVISOR VENDITTO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: "Aye."

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: "Aye."

8 MR. ALTADONNA: Councilman Coschignano?

9 COUNCILMAN COSCHIGNANO: "Aye."

10 MR. ALTADONNA: Councilman Pinto?

11 COUNCILMAN PINTO: Abstain on 633 and

12 "Nay" on 640 and 641.

13 MR. ALTADONNA: Councilwoman Alesia?

14 COUNCILWOMAN ALESIA: "Aye."

15 MR. ALTADONNA: Councilwoman Johnson?

16 COUNCILWOMAN JOHNSON: "Aye."

17 MR. ALTADONNA: Motion to adopt

18 Resolution TF 18-16 through Resolution 632 passes

19 with seven "Ayes."

20 Resolution 633 passes with six "Ayes"

21 and one abstention.

22 Resolution 634 through 643, not

23 including 639, passes with seven "Ayes," except 640

24 and 641 passes with six "Ayes" and one no.

25 Okay. The Calendar is complete except

1 for 639.

2 SUPERVISOR VENDITTO: We'll leave this
3 hearing open for the purposes of the vote.

4 COUNCILMAN MUSCARELLA: Supervisor, I
5 make a motion that this Town Board go into
6 Executive Session to discuss pending or future
7 litigation.

8 COUNCILMAN MACAGNONE: Seconded.

9 SUPERVISOR VENDITTO: All in favor?

10 COUNCILMAN MUSCARELLA: "Aye."

11 COUNCILMAN MACAGNONE: "Aye."

12 COUNCILMAN COSCHIGNANO: "Aye."

13 COUNCILMAN PINTO: "Aye."

14 COUNCILWOMAN ALESIA: "Aye."

15 COUNCILWOMAN JOHNSON: "Aye."

16 SUPERVISOR VENDITTO: Opposed?

17 (No response.)

18 SUPERVISOR VENDITTO: So moved.

19 (Whereupon, the Executive Session began
20 at 2:42 p.m. and ended at 2:53 p.m.)

21 SUPERVISOR VENDITTO: All right.

22 Mr. Muscarella?

23 COUNCILMAN MUSCARELLA: Supervisor, I
24 make a motion that we end the Executive Session and
25 vote on the 639 Resolution.

1 COUNCILMAN MACAGNONE: Seconded.

2 SUPERVISOR VENDITTO: All in favor?

3 All: "Aye."

4 SUPERVISOR VENDITTO: Opposed?

5 (No response.)

6 SUPERVISOR VENDITTO: So moved.

7 We're back to earth and ready to
8 proceed with 639.

9 MR. ALTADONNA: May I have a motion to
10 adopt Resolution No. 639?

11 COUNCILMAN MUSCARELLA: So moved.

12 COUNCILMAN MACAGNONE: Seconded.

13 MR. ALTADONNA: Motion made by
14 Councilman Muscarella and seconded by Councilman
15 Macagnone.

16 On the vote,
17 Supervisor Venditto?

18 SUPERVISOR VENDITTO: "Aye."

19 MR. ALTADONNA: Councilman Muscarella.

20 COUNCILMAN MUSCARELLA: "Aye."

21 MR. ALTADONNA: Councilman Macagnone?

22 COUNCILMAN MACAGNONE: "Aye."

23 MR. ALTADONNA: Councilman Coschignano?

24 COUNCILMAN COSCHIGNANO: I appreciate
25 all the work that went into this on both sides. I

1 am not comfortable with the timeframe. I am going
2 to be abstaining on this matter because I don't
3 really want to adversely affect either side, so I
4 am abstaining.

5 MR. ALTADONNA: Councilman Pinto?

6 COUNCILMAN PINTO: I echo the comments
7 that Councilman Coschignano just stated.

8 MR. ALTADONNA: Councilwoman Alesia?

9 COUNCILWOMAN ALESIA: I'm actually
10 going to go even one step further. I like the
11 settlement and I wish I could vote "Aye" on it.

12 I would have liked to have had two
13 weeks so that we have the right ending to this
14 torturous story and allow the residents to sit down
15 with their neighbors and I'm very disappointed that
16 we didn't have that resolution today, therefore, I
17 abstain on the vote.

18 MR. ALTADONNA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: "Aye."

20 MR. ALTADONNA: Motion to adopt
21 Resolution No. 639 passes with four "Ayes" and
22 three abstentions.

23 The Calendar is complete.

24 SUPERVISOR VENDITTO: Mr. Muscarella?

25 COUNCILMAN MUSCARELLA: Supervisor, I

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make a motion to end the meeting.

COUNCILMAN MACAGNONE: Seconded.

SUPERVISOR VENDITTO: All in favor?

COUNCILMAN MUSCARELLA: "Aye."

COUNCILMAN MACAGNONE: "Aye."

COUNCILMAN COSCHIGNANO: "Aye."

COUNCILMAN PINTO: "Aye."

COUNCILWOMAN ALESIA: "Aye."

COUNCILWOMAN JOHNSON: "Aye."

SUPERVISOR VENDITTO: Opposed?

(No response.)

SUPERVISOR VENDITTO: So moved.

Everyone please stand ready to proceed
with public comment session.

(Time noted: 2:57 p.m.)