

TOWN OF OYSTER BAY  
TOWN BOARD  
ACTION CALENDAR  
NOVEMBER 29, 2016  
10:10 A.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  
LEONARD GENOVA, 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  
ANDREW S. ROTHSTEIN, DIRECTOR OF OPERATIONS,  
OFFICE OF THE SUPERVISOR  
CAROL STRAFFORD, DIRECTOR OF LEGISLATIVE AFFAIRS  
MARTA KANE, DIRECTOR OF COMMUNITY RELATIONS,  
PUBLIC INFORMATION  
BRIAN DEVINE, RESEARCH ASSISTANT,  
PUBLIC INFORMATION

(Appearances continued on following page.)

I certify this is a true  
and accurate transcript.



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YVONNE ANGELES  
Official Reporter/Notary

**ORIGINAL TRANSCRIPT**

ALSO PRESENT:

FRANK A. NOCERINO, COMMISSIONER,  
DEPARTMENT OF PARKS  
JUSTIN McCaffrey, COMMISSIONER, PUBLIC SAFETY  
RICHARD T. BETZ, COMMISSIONER,  
DEPARTMENT OF PUBLIC WORKS  
LESLIE MACCARONE, DEPUTY COMMISSIONER,  
DEPARTMENT OF PUBLIC WORKS  
MATT RUSSO, ENGINEERING,  
DEPARTMENT OF PUBLIC WORKS  
FRANK SAMMARTANO, DEPUTY COMMISSIONER,  
INTERGOVERNMENTAL AFFAIRS  
NEIL O. BERGIN, COMMISSIONER,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
DANIEL PEARL, DEPUTY COMMISSIONER,  
DEPARTMENT OF ENVIRONMENTAL RESOURCES  
BARRY BREE, 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  
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 would find seats, we will  
3 begin and I will ask Mr. Altadonna to kindly poll  
4 the Board.

5 MR. ALTADONNA: Supervisor Venditto?

6 SUPERVISOR VENDITTO: I am here.

7 MR. ALTADONNA: Councilman Muscarella?

8 COUNCILMAN MUSCARELLA: Here.

9 MR. ALTADONNA: Councilman Macagnone?

10 COUNCILMAN MACAGNONE: Here.

11 MR. ALTADONNA: Councilman Coschignano?

12 COUNCILMAN COSCHIGNANO: Here.

13 MR. ALTADONNA: Councilman Pinto?

14 COUNCILMAN PINTO: Here.

15 MR. ALTADONNA: Councilwoman Alesia?

16 COUNCILWOMAN ALESIA: Here.

17 MR. ALTADONNA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: Here.

19 SUPERVISOR VENDITTO: If everyone would  
20 please rise and join in the Pledge of Allegiance  
21 led by Councilman Joe Muscarella.

22 (Pledge of Allegiance recited.)

23 SUPERVISOR VENDITTO: Mr. Altadonna,

24 would you proceed with the Call of the Regular

25 Action Calendar?

1 MR. ALTADONNA: I'll call it all at  
2 once. We do have one walk-on, so I'll call the  
3 Regular Action and then do the Walk-on separate.

4 SUPERVISOR VENDITTO: Okay.

5 MR. ALTADONNA: May I have a motion to  
6 adopt Resolution No. TF 19-16 through Resolution  
7 No. 660-2016?

8 Transfer of Funds Resolution No.  
9 TF 19-16; Resolution relating to Transfer of Funds  
10 within various departments accounts for the Year  
11 2016.

12 Transfer of Capital Funds Resolution  
13 No. CF -16; Resolution relating to Transfer of  
14 Capital Funds within various departments accounts  
15 for the Year 2016.

16 Resolution No. 645-2016; Resolution  
17 authorizing the employment of the services of a  
18 performer to provide entertainment for GAP Program  
19 participants on December 10, 2016 at the Syosset  
20 High School. Account No. CYS A 7020 47660 000  
21 0000. (M.D. 11/7/16 #4).

22 Resolution No. 646-2016; Resolution  
23 granting request from Plainedge Middle School, for  
24 Town assistance in hosting the "Fight Pediatric  
25 Cancer Raffle for Marissa P." Scheduled to be held

1 on December 2, 2016, permitting the Commissioner of  
2 Parks to issue 10 guest passes for access to the  
3 Town of Oyster Bay Ice Skating Center at Bethpage  
4 to be used as raffle prizes. (M.D. 11/7/16 #5).

5 Resolution No. 647-2016; Resolution  
6 authorizing the publication of a legal notice  
7 pertaining to the 2017 General Tax. Account No.  
8 ROT A 1330 44100 000 0000. (M.D. 11/7/16 #6).

9 Resolution No. 648-2016; Resolution  
10 authorizing the renewal of the Town's Dental Plan  
11 for the period January 1, 2017 through December 31,  
12 2017. Account No. TWN AMM 9060 80000 000 0000 000.  
13 (M.D. 11/7/16 #8).

14 Resolution No. 649-2016; Resolution  
15 authorizing the renewal of the Town's Worker's  
16 Compensation medical claims review and bill  
17 auditing services for the period January 1, 2017  
18 through December 31, 2017. Account No. TWN AMW  
19 9040 84020 000 0000 000. (M.D. 11/7/16 #9).

20 Resolution No. 650-2016; Resolution  
21 authorizing the renewal of Claims Investigative  
22 Services relative to the Town's Self-insured  
23 Worker's Compensation Program for the period  
24 January 1, 2017 through December 31, 2017.  
25 Account No. TWN AMW 9040 84040 000 0000 000.

1 (M.D. 11/7/16 #10).

2 Resolution No. 651-2016; Resolution  
3 pertaining to the decision on the application of  
4 Michael W. Barney, to erect, maintain, improve,  
5 alter or repair a dock, float, bulkhead or other  
6 moorings at 190 East Shore Drive, Massapequa, NY.

7 (M.D. 11/7/16 #11).

8 Resolution No. 652-2016; Resolution  
9 authorizing the issuance of a refund of a parking  
10 permit fee to F. Gatti. Account No. HWY ST 0001  
11 01721 000 0000. (M.D. 11/7/16 #13).

12 Resolution No. 653-2016; Resolution  
13 authorizing the award of Contract No. SE004-17,  
14 Pick up, Transfer, Haul and Recycle Tires. Bids  
15 received: October 19, 2016. (M.D. 11/15/16 #9).

16 Resolution No. 654-2016; Resolution  
17 authorizing the re-appointment of a member to the  
18 Zoning Board of Appeals for a five year term  
19 commencing January 1, 2017 through December 31,  
20 2021. Account No. PAD B 8010 11000 000 0000.  
21 (M.D. 11/15/16 #11).

22 Resolution No. 655-2016; Resolution  
23 pertaining to Contract No. PWC18-16, On-Call  
24 Engineering Services; Electrical Engineering.  
25 Account No. DGS H 1997 20000 000 1208 001. (M.D.

1 11/15/16 #15).

2 Resolution No. 656-2016; Resolution  
3 relating to the Oyster Bay/East Norwich Chamber of  
4 Commerce Annual Holiday Tree Lighting and Holiday  
5 Market scheduled to be held December 10 & 11, 2016.  
6 (M.D. 11/15/16 #16 & 11/22/16 #13).

7 Resolution No. 657-2016; Resolution  
8 relating to the Oyster Bay Main Street Association  
9 Holiday Ice Rink, scheduled to be held December 10 &  
10 11, 2016. (M.D. 11/15/16 #18 & 11/22/16 #11).

11 Resolution No. 658-2016; Resolution  
12 relating to the Oyster Bay Rail Road Museum Annual  
13 Holiday Express, scheduled to be held December 10 &  
14 11, 2016. (M.D. 11/15/16 #19 & 11/22/16 #12).

15 Resolution No. 659-2016; Resolution  
16 pertaining to the decision on Amendments to the  
17 Code of the Town of Oyster Bay, Chapter 233  
18 pertaining to parking, stopping, crossing, loading  
19 zones, thru traffic, trucking operations and other  
20 traffic regulations throughout the Town of Oyster  
21 Bay. Hearing held: November 15, 2016. (M.D.  
22 11/15/16 #4).

23 Resolution No. 660-2016; Resolution  
24 pertaining to the decision on the application of  
25 FORE IMPROVEMENT CORP., fee owner and K&K VENTURES,

1 INC., d/b/a C&B ARCHERY, tenant, for a Special Use  
2 Permit to allow premises located at 11 Commercial  
3 Street, Hicksville, Town of Oyster Bay, County of  
4 Nassau, State of New York and described as Section  
5 46, Block Q, Lot 235 on the Land and Tax Map of  
6 Nassau County, NY. Hearing held July 26, 2016.  
7 (M.D. 7/26/16 #4).

8 On the motion?

9 COUNCILMAN MUSCARELLA: So moved.

10 COUNCILMAN MACAGNONE: Seconded.

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

14 Supervisor, you have speakers on 649,  
15 653, 654, 655.

16 SUPERVISOR VENDITTO: We will start  
17 with Bob Freier.

18 MR. FREIER: Good morning.

19 On 649 -- and I will ask this more  
20 towards Councilman Muscarella, 649, but also many  
21 of the agreements, they are authorizing -- and I  
22 brought this up last time -- the Supervisor to sign  
23 legal agreements and considering the legal issues  
24 that the Supervisor is facing -- maybe now I  
25 believe that you are Deputy Supervisor, can you be



1 signing these documents -- the legal documents for  
2 the Town in his place.

3 COUNCILMAN MUSCARELLA: That's up to  
4 the Town Attorneys to advise me what the procedure  
5 is. As of yesterday, I did sign some documents for  
6 the Town of Oyster Bay.

7 MR. FREIER: Is that something that the  
8 attorney can answer?

9 SUPERVISOR VENDITTO: Does the attorney  
10 have any comments?

11 MR. GENOVA: There are certain  
12 documents -- this question came up at the Board  
13 meeting -- there are certain documents that only  
14 the Supervisor can sign. Those are the ones that  
15 you will continue to sign. In the event you're not  
16 available for signature, the Deputy Supervisor can  
17 sign on your behalf.

18 MR. FREIER: That was before there was  
19 a Deputy Supervisor when you answered that question  
20 last week.

21 MR. GENOVA: I think it's when they  
22 made the appointment.

23 MR. FREIER: No, it was actually  
24 before. It was during the resolution.

25 SUPERVISOR VENDITTO: You have the

1 answer, Bob?

2 MR. FREIER: Resolution 653, we are  
3 paying a company to remove tires for recycling.

4 Isn't that something that the Town  
5 makes money on for recycling?

6 SUPERVISOR VENDITTO: I think --

7 MR. BERGIN: It's not the case with the  
8 tires. There's no money to be made in tires.  
9 There's money to be made in other places, but not  
10 tires.

11 MR. FREIER: We collect them and then  
12 pay someone to take them away?

13 MR. BERGIN: Absolutely, it's State  
14 law.

15 MR. FREIER: Thank you.

16 SUPERVISOR VENDITTO: That's a function  
17 of the marketplace. There's no call for it.

18 MR. FREIER: 654, I know this is for  
19 one particular member to renew their five-year term  
20 on the Zoning Board of Appeals.

21 How often does the Zoning Board of  
22 Appeals meet?

23 SUPERVISOR VENDITTO: I think they meet  
24 a couple of times a month.

25 MR. FREIER: So, 24 meetings a year,

1 basically?

2 SUPERVISOR VENDITTO: I don't know the  
3 exact number, but thereabout.

4 MR. FREIER: So each member gets  
5 \$22,500?

6 SUPERVISOR VENDITTO: I think it's all  
7 the same, except the chairperson might get a little  
8 bit more.

9 COUNCILMAN COSCHIGNANO: 25, maybe.

10 MR. FREIER: Resolution No. 655, this  
11 is almost \$80,000 to Michael Spinelli's company.

12 Again, it's the same companies over and  
13 over again.

14 Why do you continue to continually give  
15 these outside contracts to Spinelli particularly?  
16 Don't they have competition? Even from the optic  
17 standpoint, they are so interconnected with this  
18 Town, with family members working here. This  
19 gentleman over there basically is an absent  
20 full-time employee here, but works for them.

21 SUPERVISOR VENDITTO: Which gentleman?

22 MR. FREIER: Mr. Ellsworth.

23 You know who I was talking about?

24 Why do you continue when you know that  
25 that's been an issues to the residents of the Town?

1 Why do we continue to give that company contract  
2 after contract after contract?

3 SUPERVISOR VENDITTO: Where does this  
4 contract emanate out of? I assume DPW?

5 COUNCILWOMAN ALESIA: Supervisor, it's  
6 is a not a new contract.

7 SUPERVISOR VENDITTO: I know. Let me  
8 hear dialogue to this contract.

9 What's happening here, Leslie?

10 MS. MACCARONE: This is the final  
11 payment for the generator that was installed in  
12 Town Hall for general services earlier this year.  
13 And I understand Mr. Freier talks about the same  
14 company, Spinelli, we have several different  
15 on-call contracts for various disciplines and based  
16 upon this, this was electrical -- electrical  
17 engineering. They were brought in a year and a  
18 half ago back in 2015 to design it.

19 You hear different -- in the past,  
20 we've heard other contractors or consultants named  
21 also. We have different consultants who specialize  
22 in certain aspects of various engineering projects.  
23 So in this case, Nassau/Suffolk was selected to run  
24 this engineering project. In other cases, if it's  
25 traffic, we pick another consultant. If it's

1 environmental, it could be the Department of  
2 Environmental Resources, we have a different  
3 consultant.

4 So you may see their names, but they  
5 are brought up first, to do the design and then the  
6 bid phase and then the construction. They follow  
7 the project through the entire process and we come  
8 to the Board each time for the design phase, the  
9 design and bid phase or just the design and then  
10 the bid and construction management phase. So you  
11 will hear their names several times during the  
12 project, but it's all for one project in this case.

13 Same thing when the contractor is  
14 selected, we reference Nassau-Suffolk because they  
15 are recommending to award the contract to the  
16 contractor, they also recommend the final contract.  
17 You will hear their names often through a yearlong  
18 process for this particular contract.

19 SUPERVISOR VENDITTO: Okay. The  
20 original on-call, what you're characterizing, is a  
21 bid?

22 MS. MACCARONE: They are RFP because we  
23 have about 22 different on-call contracts for  
24 various aspects of engineering services.

25 MR. FREIER: How many of those 22 have

1 a Spinelli connected to it?

2 SUPERVISOR VENDITTO: If you know.

3 MS. MACCARONE: Probably -- we think  
4 four or five, it may be six or seven of all the  
5 different aspects.

6 MR. FREIER: That's just within your  
7 department? There other departments --

8 SUPERVISOR VENDITTO: I don't know if  
9 we have an answer for everything, but we --

10 MS. MACCARONE: I can't speak for the  
11 other departments.

12 SUPERVISOR VENDITTO: I don't know that  
13 the practice -- I don't want to stick my neck out  
14 too far, but you will probably find in other towns  
15 that the situations is probably very similar. Can  
16 anybody help me with what happens in other  
17 municipalities? Paul, do you know it?

18 MR. MOLINARI: Yes, it's a standard  
19 practice for a lot of municipalities who go out  
20 with an RFP (inaudible) engineering services. Then  
21 they will select firms. When work comes up, then  
22 they go to that particular firm and ask them to  
23 give a detailed proposal for the scope of the work.  
24 I know Nassau County does this all the time. When  
25 I was in the consulting field, I did work for

1 Nassau County on special projects that the company  
2 had been designated in certain areas and when the  
3 project came up, they came to us and we gave them a  
4 detailed scope of work on how to perform the  
5 services for them.

6 MR. FREIER: Is he working for the  
7 Town?

8 SUPERVISOR VENDITTO: Thanks, Paul. I  
9 just asked if anybody in the audience --

10 MR. FREIER: No, I'm just also bringing  
11 up a point, besides this contract, you've got a  
12 Spinelli who I think runs HR here. Mr. Ellsworth  
13 bills this Town hundreds of thousands of dollars  
14 for his time. It's an ongoing pattern within this  
15 Town and I wouldn't compare this Town with other  
16 towns because this Town pretty much does stand  
17 alone in the condition its in and the microscope  
18 its under because of the corruption that's been  
19 focused on in this Town.

20 SUPERVISOR VENDITTO: Well, that's your  
21 opinion. You are entitled to it. No one is trying  
22 to dissuade you.

23 Robert Ripp, you're up.

24 MR. RIPP: I'm Robert Ripp from  
25 Massapequa, New York. I have some concerns on 655

1 also.

2 I was listening to some of -- I was  
3 listing to everything here, but a couple of things  
4 I'd like to bring to your attention; this --  
5 actually, PWC18-16, this really isn't a contract.  
6 This is an open-end service agreement.

7 SUPERVISOR VENDITTO: I'm sorry, Rob.  
8 You're speaking about the initial  
9 on-call?

10 MR. RIPP: Right. If you went to the  
11 draft -- if you went to the backup material that  
12 was posted by the Town on your web page, provided  
13 some information and PWC18-16 is actually what the  
14 Town refers to as open-end service agreement.

15 The way that you have -- the Town has  
16 this set up is, if you read Resolution 543-15 which  
17 is referencing the current resolution, at the  
18 request of Commissioner Betz, a number of engineers  
19 were given this contract or this open-end service  
20 agreement, excuse me, and you have them listed  
21 here, Nassau/Suffolk is one of them, Lockwood  
22 Kessler, Bartlett, Sidney Bowne, LIRO, Grillo.  
23 Each of these companies gets the exact same  
24 open-end service agreement.

25 You didn't vote on it. There was no



1 RFP. It was done on the request of Commissioner  
2 Richard Betz.

3 Now, as work is needed -- like, for  
4 instance, in the resolution that you're dealing  
5 with today, this is again being brought forth by  
6 Commissioner Richard Betz. So the way you have it  
7 set up is that your Commissioners can pick and  
8 choose through these five individual people and  
9 have these open-end service agreements and assign  
10 work to them in the way that they want.

11 I would like to bring to your attention  
12 that specifically Commissioner Betz, if you can  
13 remember his testimony based on the 135 Stillwater  
14 incident, I would highly subjective of any  
15 recommendations he is making to the Town Board.

16 SUPERVISOR VENDITTO: I'm sorry,  
17 Robert, highly?

18 MR. RIPP: Suspect -- I misspoke.  
19 Highly suspect of any further recommendations  
20 Mr. Betz might make to you. He felt that there was  
21 nothing wrong at 135 Stillwater there.

22 I would also like to point that yes,  
23 Michael Spinelli is involved with Nassau/Suffolk  
24 Engineering, but what you need -- what you need, in  
25 my point, to look at, from an ethical standpoint,

1 is for the longest period of time the Town was  
2 doing business with Michael Spinelli through  
3 Cashin, Spinelli and Ferretti. I understand  
4 that -- I don't think they are getting any further  
5 contracts.

6 I'm not 100 percent sure of that. But  
7 at the same time that you were doing business with  
8 Cashin, Spinelli & Ferretti, you're doing business  
9 with Nassau/Suffolk Engineering and Architecture  
10 which is the exact -- it's the same company, just  
11 two different names.

12 I even brought to your attention in the  
13 past instances where Michael Spinelli actually  
14 consulted on his own work as being Nassau/Suffolk  
15 as opposed to Cashin, Spinelli & Ferretti. So  
16 there are some ethical questions here. There is  
17 also a large number of Spinelli family working with  
18 the Town, okay, in high ranking positions. And  
19 also, I don't know if he still holds the position,  
20 but Michael Spinelli was on Planning and Advisory  
21 Board and he was also on Historical Preservation  
22 Committee.

23 There are a lot of questions with the  
24 current attitude in the Town with the current  
25 situation that the Town is experiencing now. There

1 are a lot ethical concerns that I just wanted to  
2 bring these to your attention.

3 SUPERVISOR VENDITTO: Thanks, Rob.

4 They're lining up to address this, so  
5 Town Attorney Genova?

6 MR. GENOVA: It's very important. I  
7 don't want to comment on the latter portion, but I  
8 did want to be very clear and I have Deputy  
9 Commissioner MacCarone here.

10 In terms of the RFP process -- let's go  
11 slow and make sure we expel some of the myths.  
12 Number one, the RFP to the multiple disciplines are  
13 done every two years and the Deputy will correct me  
14 if I say something that's wrong.

15 SUPERVISOR VENDITTO: Go slow. Slow  
16 down. Multiple disciplines, give it to us in plain  
17 English.

18 MR. GENOVA: There's different  
19 engineering disciplines and for each one --

20 SUPERVISOR VENDITTO: Discipline being  
21 a function?

22 MS. MACCARONE: Function.

23 MR. GENOVA: So request for proposals  
24 is prepared every two years for each of those  
25 functions.

1                   How many functions are there?

2                   MS. MACCARONE: I believe it's 22 or  
3                   25. Whether it's electrical, engineering, civil,  
4                   environmental resources, there's a different one  
5                   for each engineering discipline. They begin --  
6                   they run every two years and then the year that  
7                   they are expiring, we begin in August and we send  
8                   out 22 to 25 separate RFPs. We roll them out about  
9                   five each week for a series of five weeks to six  
10                  weeks and we receive all the responses back in for  
11                  each of the specific on-call agreements.

12                  We do that from August through October.  
13                  Then in December of -- in this instance, the  
14                  current one is December of '15, we come to that the  
15                  Board with 22 to 25 resolutions and the Town Board  
16                  acts and approves every contract based upon our  
17                  recommendation.

18                  MR. GENOVA: Also, with each  
19                  discipline, it goes to multiple engineering  
20                  professionals.

21                  Typically, the Board, based on the  
22                  recommendation from the Department of Public Works,  
23                  Division of Engineering that reviews it, they will  
24                  make recommendations. The Board typically, not in  
25                  every instance, approves the use of multiple firms

1 per discipline. So it allows the engineering  
2 department -- division, rather, and the Town Board  
3 the greatest latitude in terms of picking the best  
4 people for the particular job that comes up; is  
5 that correct?

6 MS. MACCARONE: That's correct.

7 SUPERVISOR VENDITTO: So every two  
8 years, that is by way of RFP, these various  
9 contractors are selected and as work is required  
10 during the two-year period, you have that list to  
11 go of -- I guess the department, ultimately through  
12 the Commissioner, makes a recommendation as to who  
13 is best suited to do the work.

14 MS. MACCARONE: Right.

15 One of our outlined departments will  
16 contact us, whether its Parks, Environmental,  
17 General Services and say, we have a project that we  
18 want to the build, construct and so forth. So they  
19 come to us, they give us the scope of what the  
20 project is. Then, we go to the list of on-calls  
21 and we pick the consultant that we feel has the  
22 best expertise in this particular scope and then we  
23 come back --

24 MR. GENOVA: This is where the myths  
25 come in.

1           In open services agreement, there's a  
2 term of art that have been used through the years,  
3 it refers to -- and it really should be corrected  
4 and will be corrected to a standard consulting  
5 agreement.

6           For example, Company X comes to the  
7 Town and says, we are interested in doing work in a  
8 particular discipline. The first time the Town  
9 Board, provided the recommendation is made by the  
10 Division of Engineering and ratified by the Town  
11 Board, we will execute a standard consultant  
12 agreement which is roughly a 25-page document that  
13 is in effect the contract between the Town of  
14 Oyster Bay and that particular consulting firm. It  
15 has been referred to over the years as an  
16 open-service agreement or termed to that effect.

17           Having said that, what it says on the  
18 document itself is that it's a standard consult  
19 agreement. Now, here's where there's a  
20 miscommunication.

21           If, for example, the reason -- if for  
22 example, a company, after a two-year period,  
23 chooses to come back to the Town -- we've had a bad  
24 experience with them or we don't think we need to  
25 employ their services and the Town Board chooses,

1 or the Division of Engineering, not to accept them  
2 as one of the successful responders, that contracts  
3 ends. If however, which is the case oftentimes, if  
4 it's renewed, it avoids us having to negotiate a  
5 whole new contract. It's subject to the same terms  
6 and conditions.

7 What's is critical for everyone to  
8 understand, because some people don't, is that the  
9 contract does not, in and of itself, give the Town,  
10 Town Board, Division of Engineering the ability to  
11 work with a firm for five years, six years, eight  
12 years. It merely governs the terms and conditions  
13 for the two-year period that this Town Board awards  
14 through the RFP process.

15 I just want to be very clear because  
16 it's not an open-service agreement. It has been  
17 referred to in former resolutions and that's  
18 actually incorrect and we have changed that  
19 internally. The agreement itself says standard  
20 consulting agreement. I just want to be very clear  
21 and it, in no way, allows the department or the  
22 Town without going to through the competitive RFP  
23 process to continue to award work past the duration  
24 of that particular RFP.

25 SUPERVISOR VENDITTO: Okay, that's

1 pretty clear. I'm going to ask -- I almost hate to  
2 ask a relevant question, but I will, the work  
3 that's being done under these agreements, despite  
4 all the negativities that you hear -- there are  
5 certain things that we have to rise above. We have  
6 to bigger than some of these issues.

7 Having said that, we all do know about  
8 the Town of Oyster Bay, its infrastructure, the  
9 work that's been done here. I think it's been cast  
10 upon many times and the public opinion as well.  
11 I'm not going to get into that, I promise. But  
12 having said that, the work that's being done under  
13 these agreements, it's satisfactory.

14 MS. MACCARONE: Absolutely.

15 SUPERVISOR VENDITTO: And it's  
16 acceptable, Commissioner Betz?

17 MR. BETZ: Yes, it is.

18 SUPERVISOR VENDITTO: Is there any  
19 question about that?

20 MS. MACCARONE: Every dollar that is  
21 spent, this Board approves and authorizes by the  
22 Division of Engineering. We come back several  
23 times, again, for the consultants and the  
24 contractor. Every dollar is before you and you  
25 ultimately vote on the their funding.



1 SUPERVISOR VENDITTO: Let's keep it  
2 simple, they do good work.

3 MR. GENOVA: I think what is important  
4 to say publically on the record is that the work  
5 and the responses are reviewed every two years by  
6 the Division of Engineering and I believe the  
7 recommendations are made to the Town Board.

8 SUPERVISOR VENDITTO: Well done.

9 Rob, I didn't want to turn this into a  
10 debate.

11 MR. RIPP: I just wanted to point out  
12 to you, I FOILED many of these contracts, open-end  
13 service agreements and I haven't seen any RFP  
14 material in the FOILs or the contracts that I  
15 reviewed. What I have observed though is -- the  
16 Town Attorney mentioned there's are many different  
17 disciplines, engineering, P & D Consulting. I  
18 understand now they're -- Town officials here are  
19 saying 25 RFPs are going out. It's been my  
20 experience that the same six or seven companies get  
21 the same contracts no matter what the discipline.  
22 So maybe if you took a look at that, you might see  
23 that pattern.

24 SUPERVISOR VENDITTO: We'll take a look  
25 at that.

1 Thanks, Rob.

2 All right, Mr. Altadonna, back to you.

3 MR. ALTADONNA: Motion made by  
4 Councilman Muscarella, seconded by Councilman  
5 Macagnone.

6 On the vote, Supervisor Venditto?

7 SUPERVISOR VENDITTO: I vote "Aye."

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: "Aye."

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: "Aye."

12 MR. ALTADONNA: Councilman Coschignano?

13 COUNCILMAN COSCHIGNANO: "Aye."

14 MR. ALTADONNA: Councilman Pinto?

15 COUNCILMAN PINTO: "Aye."

16 MR. ALTADONNA: Councilwoman Alesia?

17 COUNCILWOMAN ALESIA: "Aye."

18 MR. ALTADONNA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: "Aye."

20 MR. ALTADONNA: Motion to adopt  
21 Resolution No. TF-19-2016 through Resolution No.  
22 660-2016 passes with seven "Ayes."

23 We have a suspend.

24 May I have a motion to suspend the  
25 rules and add Resolution No. 661-2016?

1 I will read it.

2 SUPERVISOR VENDITTO: This is the  
3 military service?

4 MR. ALTADONNA: This is the retirement.

5 "Resolution authorizing the acceptance  
6 of Retirement papers from K. Leslie and authorizing  
7 Comptroller to pay said employee retirement  
8 incentive."

9 On the motion?

10 COUNCILMAN MUSCARELLA: So moved.

11 COUNCILMAN MACAGNONE: Seconded.

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

15 On the vote, Supervisor Venditto?

16 SUPERVISOR VENDITTO: I just want to be  
17 clear, this is, I believe, a lady that was on  
18 active military during the period of the incentive  
19 and I think we are carving out an exception because  
20 she was on active duty; is that correct?

21 MS. SPINELLI: Yes.

22 SUPERVISOR VENDITTO: I vote "Aye."

23 MR. ALTADONNA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: "Aye."

25 MR. ALTADONNA: Councilman Macagnone?

1 COUNCILMAN MACAGNONE: "Aye."

2 MR. ALTADONNA: Councilman Coschignano?

3 COUNCILMAN COSCHIGNANO: "Aye."

4 MR. ALTADONNA: Councilman Pinto?

5 COUNCILMAN PINTO: "Aye."

6 MR. ALTADONNA: Councilwoman Alesia?

7 COUNCILWOMAN ALESIA: "Aye."

8 MR. ALTADONNA: Councilwoman Johnson?

9 COUNCILWOMAN JOHNSON: "Aye."

10 MR. ALTADONNA: Motion to suspend the  
11 rules and add Resolution No. 661-16 passes with  
12 seven "Ayes."

13 May I have a motion to adopt Resolution  
14 No. 661-16?

15 Resolution No. 661-2016; Resolution  
16 authorizing the acceptance of Retirement Papers  
17 from K. Leslie and authorizing Comptroller to pay  
18 said employee retirement incentive. (M.D. 11/22/16  
19 #18).

20 On the motion?

21 COUNCILMAN MUSCARELLA: So moved.

22 COUNCILMAN MACAGNONE: Seconded.

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

1 On the vote, Supervisor Venditto?  
2 SUPERVISOR VENDITTO: I vote "Aye."  
3 MR. ALTADONNA: Councilman Muscarella?  
4 COUNCILMAN MUSCARELLA: "Aye."  
5 MR. ALTADONNA: Councilman Macagnone?  
6 COUNCILMAN MACAGNONE: "Aye."  
7 MR. ALTADONNA: Councilman Coschignano?  
8 COUNCILMAN COSCHIGNANO: "Aye."  
9 MR. ALTADONNA: Councilman Pinto?  
10 COUNCILMAN PINTO: "Aye."  
11 MR. ALTADONNA: Councilwoman Alesia?  
12 COUNCILWOMAN ALESIA: "Aye."  
13 MR. ALTADONNA: Councilwoman Johnson?  
14 COUNCILWOMAN JOHNSON: "Aye."  
15 MR. ALTADONNA: Motion to adopt  
16 Resolution No. 661-16 passes with seven "Ayes."  
17 SUPERVISOR VENDITTO: Is Ms. Leslie in  
18 the room?  
19 Vicki, do you talk to her?  
20 MS. SPINELLI: Yes.  
21 SUPERVISOR VENDITTO: Tell her thank  
22 you for her service. I know the Board appreciates  
23 it. All the residents of the Town appreciate it.  
24 MR. ALTADONNA: Calendar is complete.  
25 SUPERVISOR VENDITTO: All right,

1 Mr. Muscarella.

2 I will take a motion.

3 COUNCILMAN MUSCARELLA: Supervisor,  
4 I'll move that this Town Board go into Executive  
5 Session for the purposes of discussing what are the  
6 negotiations with the CSEA contracts and discussing  
7 the proposed sale of real property.

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 We will be in Executive Session and we  
20 will be back for public comment.

21 (Whereupon, the Executive Session began  
22 at 10:35 a.m. and ended at 12:17 p.m.)

23 (Whereupon, Councilman Macagnone did  
24 not return after the Executive Session.)

25 SUPERVISOR VENDITTO: Ladies and

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

3 Mr. Muscarella, I'll take a motion.

4 COUNCILMAN MUSCARELLA: Supervisor,  
5 I'll make the motion to end the Executive Session.

6 No action was taken.

7 COUNCILMAN COSCHIGNANO: Seconded.

8 SUPERVISOR VENDITTO: All in favor?

9 COUNCILMAN MUSCARELLA: "Aye."

10 COUNCILMAN MACAGNONE: "Aye."

11 COUNCILMAN COSCHIGNANO: "Aye."

12 COUNCILMAN PINTO: "Aye."

13 COUNCILWOMAN ALESIA: "Aye."

14 COUNCILWOMAN JOHNSON: "Aye."

15 ALL: "Aye."

16 SUPERVISOR VENDITTO: Opposed?

17 (No response.)

18 SUPERVISOR VENDITTO: So moved.

19 I'll take the second motion.

20 COUNCILMAN MUSCARELLA: Supervisor,  
21 I'll make a motion to adjourn the meeting.

22 COUNCILMAN COSCHIGNANO: Seconded.

23 SUPERVISOR VENDITTO: All in favor?

24 COUNCILMAN MUSCARELLA: "Aye."

25 COUNCILMAN MACAGNONE: "Aye."

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COUNCILMAN COSCHIGNANO: "Aye."

COUNCILMAN PINTO: "Aye."

COUNCILWOMAN ALESIA: "Aye."

COUNCILWOMAN JOHNSON: "Aye."

SUPERVISOR VENDITTO: Opposed?

(No response.)

SUPERVISOR VENDITTO: So moved.

We stand adjourned and ready to proceed  
with our public comment period.

(Time noted: 12:18 p.m.)