

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
November 19, 2019  
10:33 a.m.

**HEARING - FINANCE**

To consider the application of the Plainview Water District to issue bonds to pay the cost of improvements to said district. (M.D. 10/15/19 #25).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., TOWN CLERK

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would the Town  
2 Clerk please poll the Board?

3 MR. ALTADONNA: Supervisor?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: Here.

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILWOMAN JOHNSON: Here.

11 MR. ALTADONNA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: Present.

13 MR. ALTADONNA: Councilman Hand?

14 COUNCILMAN HAND: Here.

15 MR. ALTADONNA: Councilman Labriola?

16 COUNCILMAN LABRIOLA: Here.

17 MR. ALTADONNA: We need to change that.

18 SUPERVISOR SALADINO: Before we call  
19 the first hearing, I would like to take a moment to  
20 congratulate all of our Council members and those  
21 who were elected this past November 5th. I would  
22 like to take this opportunity to welcome them.

23 I see they are here today.

24 Congratulations to Councilwoman Elect Laura Maier.

25 Please stand up.

1                   Congratulations to Councilwoman Elect  
2 Vickie Walsh.

3                   Congratulations again Steve Labriola.

4                   Congratulations Town Clerk Elect Rich  
5 LaMarca.

6                   Congratulations to our Receiver of  
7 Taxes, Elect Jeff Pavato.

8                   Of course, thank you to all of those  
9 who have been giving such service to our Town  
10 including our Council members.

11                   Thank you, Lou Imbroto, Councilman  
12 Imbroto.

13                   Thank you, Councilman Tony Macagnone.

14                   Thank you, Councilman Joe Muscarella.

15                   Thank Councilman, Michele Johnson.

16                   Thank you Councilman, Tom Hand.

17                   Thank you, Town Clerk Jim Altadonna.

18                   Thank you as well, though he is not  
19 here today, thank you to our Receiver, Jim  
20 Stefanich. Let's give them all a hand.

21                   Town Clerk, please call the first  
22 hearing.

23                   MR. ALTADONNA: Hearing is finance to  
24 consider the application for the Plainview Water  
25 District to issue bonds to pay the cost of

1 improvements of said District.

2 MR. INGHAM: Good morning, Supervisor  
3 Saladino, Members of the Town Board.

4 My name is Mike Ingham. I'm from the  
5 firm, senior partner, Carman Callahan & Ingham,  
6 266 Main Street, Farmingdale, New York.

7 I'm here today as general counsel of  
8 Plainview Water District. Principal speaker for  
9 capital improvement bond to confront the emerging  
10 contaminants of 1,4 Dioxane.

11 With me today in support of the  
12 petition is Commissioner Andy Bader, Commissioner  
13 Amanda Field, Superintendent Steve Moriarty,  
14 Business Manager Dean Scott and two of the top  
15 engineers from H2M James Neri and Sui Leong.

16 A lot has happened in the last three  
17 weeks since the bond hearing on October 29th.

18 As you know, two major issues are  
19 confronting all Long Island water providers at the  
20 beginning of the year. One of the most critical  
21 was the decision by the Second Circuit to  
22 prematurely terminate Bethpage's claim against  
23 Grumman Water District and governing [sic]  
24 industries for pollution to water wells. That  
25 decision was overturned by legislature when

1 Governor Cuomo signed a new law, a new statute of  
2 limitations on November 4th, providing, what looks  
3 to be, the best protection for water providers  
4 anywhere in the country.

5 There is no more statute of limitations  
6 confronting any water providers in New York to  
7 pursue polluters and damages and remediation for  
8 our water wells. We are very, very thrilled about  
9 that.

10 For the record, I once again thank  
11 Supervisor Saladino and this Town Board for passing  
12 the Resolution urging the governor to sign that  
13 bill. You're the leaders in that effort. Many  
14 other Towns followed, and it was a successful  
15 operation getting him to sign that bill.

16 The second issue which is confronting  
17 all of us again, including all the providers in the  
18 State, is a potential new maximum contaminant level  
19 of 1,4 Dioxane and PFOA. It looks like the  
20 Department of Health will be adopting pretty low --  
21 very low actually -- maximum contaminant levels,  
22 either in December or January and that these  
23 maximum contaminant levels will be fully enforced  
24 in 2020.

25 To that end, the Districts that are

1 coming before you will be seeking bond issues to  
2 have treatment for this potential MCL coming down  
3 the road.

4 So turning directly to the bond issue  
5 at hand, for Plainview -- critically, the District  
6 must immediately respond proactively to acquire and  
7 install treatment systems necessary to confront  
8 emerging contaminants of 1,4 Dioxane and the  
9 perfluorinated compound PFOA, both of which have  
10 been detected in the raw water source in several of  
11 the District's wells.

12 The State of New York issued a draft  
13 regulation in July 2019 with a possible compliance  
14 date as early as March 2020.

15 Consequently, the improvements proposed  
16 to be financed by this bond are centered around the  
17 addition of treatment for these emerging  
18 contaminants.

19 As set forth in the engineer's report,  
20 the District proposes to undertake four capital  
21 projects, the total estimated not-to-exceed cost  
22 inclusive of construction, engineering legal and  
23 administration is \$25,824,420.

24 A short description of the District's  
25 distribution system is in order. The District's

1 service area is approximately nine square miles.

2 The Plainview Water District supplies potable water  
3 to an estimated population of 34,000 customers,  
4 through approximately 10,500 metered service  
5 connections.

6 The District serves the Hamlets of  
7 Plainview and Old Bethpage in their entirety.  
8 Portions of Syosset and Woodbury are also served by  
9 the District. The water supply service area  
10 extends north to the Jericho Water District, west  
11 to the Hicksville Water District, east to the South  
12 Huntington Water District and south to the Bethpage  
13 Water District and Bethpage State Park.

14 As discussed in detail last month, and  
15 I will be brief this time, the State Department of  
16 Health is proposing to set very low maximum  
17 contaminant levels for the emerging contaminants of  
18 1,4 Dioxane at one part per billion and for PFOA at  
19 ten parts per trillion.

20 These are extremely low levels and we  
21 are having difficulties in even testing this ten  
22 part per trillion and are developing new mechanisms  
23 to make sure that these tests are accurate.

24 The proposed State standards, if in  
25 effect, will affect 75 of Plainview's wells, 75

1 percent of Plainview's wells for 1,4 Dioxane, and  
2 50 percent of the wells will be directly impacted  
3 by the proposed PFOA MCL.

4 Appropriate treatment technology for  
5 1,4 Dioxane including Advanced Oxidation Processes  
6 or AOP, which include ultraviolet light and  
7 hydrogen peroxide. PFOA can be treated with more  
8 standard Granular Activated Carbon vessels or GAC.

9 Since the AOP treatment is relatively  
10 new for New York State and Long Island, pilot  
11 testing for this process is required. The District  
12 is currently anticipating that it must be prepared  
13 for a Notice of Violation issued by the State in  
14 the Spring of 2020.

15 However, there are over 100 wells in  
16 Nassau County which currently exceed the proposed  
17 MCL for 1,4 Dioxane.

18 Consequently, the Nassau County  
19 Department of Health is on record that it would be  
20 impossible for them to complete the preliminary  
21 pilot tests by this Summer.

22 Then, beyond completion of the pilot  
23 tests themselves, Nassau County Department of  
24 Health must review and approve full scale  
25 engineering plans for the installation of the AOP



1 systems. Thereafter, the District must bid  
2 construction of the facilities under the General  
3 Municipal Law.

4 Finally, actual construction of the  
5 facilities must be accomplished by experienced  
6 municipal contractors for all of the above reasons.  
7 Many Nassau County Water Districts, including  
8 Plainview, estimate that it will take three to four  
9 years to successfully implement all of the required  
10 AOP systems.

11 Is it of grave concern to the District  
12 and all providers on Long Island that the proposed  
13 establishment of MCLs for 1,4 Dioxane and PFOA by  
14 the State will not include a reasonable  
15 implementation period by which public water  
16 suppliers can provide treatment for any or all  
17 wells that are near or exceed the new standards?

18 As stated, it is our current  
19 understanding that after the State completes its  
20 review of the public comments, the new MCLs will go  
21 into effect immediately some time early next year.

22 At that point, any well that exceeds  
23 one part per billion for 1,4 Dioxane or ten parts  
24 per trillion for PFOA will be in violation of the  
25 MCLs and must be taken out of service unless

1 appropriate treatment installed.

2 Based upon the above facts, the  
3 evaluation performed by the engineer, it is  
4 recommended that four major capital improvements be  
5 made to the District's facilities covering Plants  
6 2, 3, 7, and 4.

7 Plant No. 2 is two million gallon per  
8 day well. Preliminary work proposed at Plant No. 2  
9 will focus on installing temporary AOP treatment.

10 The plan includes the use of a  
11 temporary AOP trailer, the addition of hydrogen  
12 peroxide as an oxidant and the installation GAC  
13 vessels.

14 As the interim project will not have an  
15 enclosure for the GAC, it is expected that Plant  
16 No. 2 will be a Summer-only facility for 2020.

17 The interim project will be sited to  
18 allow the permanent construction to progress and  
19 not require moving Well No. 2-1 from service.

20 The ultimate plan is to relocate and  
21 enclose the ultraviolet light system and GAC once  
22 the permanent building is constructed. The  
23 building is expected to be sited in the southeast  
24 corner of the site located at Donna Drive. The  
25 permanent facility will be partially buried to

1 minimize overall building height and will be  
2 designed to be consistent with the existing  
3 structures on that site.

4 The engineer's estimate capital cost  
5 opinion for this project is not-to-exceed amount of  
6 \$6,11,800. These AOP systems are not cheap. They  
7 are expensive. They are new and it is going to be  
8 difficult to put this in play, but that's what we  
9 have to do be in compliance with the State MCLs.

10 Plant No. 3 is also a two million  
11 gallon per day facility. It is located on Orchard  
12 Street in the southwestern portion of the District.

13 Fortunately, Plant No. 3 already has in  
14 place a pair of GAC vessels which are located  
15 outside in a partially submerged concrete  
16 foundation.

17 Consequently, deployment of the AOP  
18 treatment system for 1,4 Dioxane only requires the  
19 addition of UV enclosure and a supplemental  
20 chemical addition to hold the hydrogen peroxide.

21 The interim plan includes the use of a  
22 temporary AOP trailer. As Plant No. 2, the interim  
23 process for Plant 3 is expected to be a Summer-only  
24 facility in 2020. The engineer's estimate capital  
25 cost opinion for this project is a not-to-exceed

1 amount of 4,074,700.

2 The third major project is Plant No. 7.  
3 Plant No. 7 is located of Washington Avenue in the  
4 northern portion of the District. It is twice as  
5 large as Wells 2 and 3 and generates 4 million  
6 gallons a day in water discharge.

7 As with Plants 2 and 3, the interim  
8 treatment plan for Plant No. 7 includes temporary  
9 AOP trailers, the addition of peroxide as an  
10 oxidant and the installation of GAC vessels  
11 above-grade.

12 The Plant No. 7 facility sits on a  
13 larger parcel of land which borders on open space.  
14 This location provides ample room to locate the  
15 necessary process equipment.

16 Again, this interim process is expected  
17 to get Plant 7 up and running in 2020 as a Summer-  
18 only facility.

19 As with Plants 2 and 3, the long-term  
20 solution at this location is to construct a  
21 building addition to permanently house the GAC  
22 vessel and AOP reactor. The engineer's estimated  
23 capital cost opinion for this project is a  
24 not-to-exceed amount of \$8,998,710.

25 The last project is Plant No. 4. Plant

1 No. 4 is located at Southern Parkway in the  
2 southwest portion of the District. The upgrades to  
3 Plant 4 are being included in this capital  
4 improvement bond to allow the District to secure  
5 the necessary capacity that would allow the  
6 conversion of Plant 2, 3, and 7 to permanent  
7 facilities without a reduction in District  
8 capacity.

9 The site is currently in the process of  
10 being upgraded as part of a separate project to add  
11 nitrate/perchlorate treatment.

12 Consequentially, it is not a good  
13 candidate, at this time, for AOP improvements which  
14 must be done eventually. However, it will be  
15 available for AOP treatment improvements in the  
16 future once Plants 2, 3, 7 are operational. The  
17 engineer's estimate capital cost opinion for this  
18 project is not-to-exceed amount \$6,639,210.

19 There is currently no guarantee that  
20 the State will afford a grace period to phase in  
21 the levels of the new MCLs or grant an exemption  
22 from MCLs as authorized under the New York Sanitary  
23 Code. It's not for trying.

24 A present of these codes to the second  
25 in command of New York State Health Department on

1 July 24th. It was the first I've ever seen these  
2 code provisions which provide an extension for one  
3 year for all municipal providers. Precise news to  
4 address this MCL situation. The New York Code is  
5 based on verbatim language out of New York State  
6 EPA Code which also provides for exceptions for new  
7 MCLs.

8 There is another provision in the State  
9 Sanitary Code which authorizes the New York State  
10 Health Department to grant an additional three-year  
11 exemption depending on the particular circumstances  
12 of each District.

13 Fortunately, South Farmingdale only got  
14 one well impacted by 1,4 Dioxane. Many others have  
15 far more impact from this situation.

16 We met again with the Governor's  
17 representatives and with the representatives from  
18 the State Health Department a month ago and pressed  
19 upon them the need to get this exemption done, but  
20 there is no guarantee at this point.

21 Consequently, Plainview has been very  
22 proactive and we estimate the timeline to complete  
23 all these four projects by June 22, 2020.

24 By the grace of God, we can get that  
25 done, but also I think by the grace of God we need

1 these exemptions.

2 In conclusion, for all the above  
3 reasons, the District respectfully requests that  
4 the Town Board adopt an order approving the  
5 issuance of general obligation bonds financing the  
6 District's four projects in the total not-to-exceed  
7 the amount of \$25,824,420.

8 Any questions from the Board?

9 COUNCILMAN HAND: Counselor, followup  
10 similar to what I did with Jericho would be the  
11 potential recovery, One and Two.

12 What is the present indebtedness of the  
13 Plainview Water District?

14 MR. INGHAM: I'll let the second  
15 question be answered by our business manager, Dina  
16 Scott.

17 The first, it piggybacks to a certain  
18 extent the passage of our statute of limitations  
19 bill protecting us.

20 At this juncture, 27 Water Districts  
21 water authorities in villages, Suffolk County Water  
22 Authority, Town of Hempstead Water Department, Town  
23 of Huntington Water Department and 20 Water  
24 Districts have all joined in suit to pursue DOW  
25 Chemical Corporation for the damages that have been

1 incurred on our wells by 1,4 Dioxane.

2 DOW Chemical held the patent for 1,4  
3 Dioxane and they produced 90 percent of 1,4 Dioxane  
4 from the war through 1994 when its production has  
5 stabilizer for degreasers which was banned by the  
6 Montreal Convention.

7 Unfortunately, the use of 1,4 Dioxane  
8 from the '40s through 1994 has left a legacy which  
9 will be with us probably another 50 to 60 years.

10 The treatments will last that long to  
11 make sure we comply with that, one part per billion  
12 level of MCL of 1,4 Dioxane. Discussions that have  
13 taken place with Mr. DeLorenzo and bond counsel for  
14 the Town, indicate that we can keep our bans open  
15 for ten years if we need to do so, and not convert  
16 them to permanent bonds.

17 At that juncture, when we are  
18 successful with our litigation against DOW, we can  
19 pay off those bans and reduce our bond indebtedness  
20 for our taxpayers.

21 The second answer concerning the total  
22 bond indebtedness for this juncture of the District  
23 I turn over to Ms. Scott.

24 MS. SCOTT: Good morning all. Thank  
25 you.



1 To the address, your questions  
2 specifically --

3 SUPERVISOR SALADINO: Could you please  
4 begin by giving us your name and business address?

5 MS. SCOTT: My apologies.

6 Dina Scott, Business Manager of  
7 Plainview Water District, 10 Manetto Hill Road,  
8 Plainview 11803.

9 SUPERVISOR SALADINO: Thank you.

10 MS. SCOTT: Good morning.

11 \$19 million is currently the District's  
12 total outstanding indebtedness.

13 Just for additional informational  
14 purposes, the District is in receipt of grant  
15 awards in excess of \$5 million for multiple water  
16 treatment projects, 2.1 million of which are  
17 specifically allocated to treat AOP for 1,4  
18 Dioxane.

19 Additionally, the District does have an  
20 additional plant, Plant No. 1 that does require  
21 treatment for which we are funding with our  
22 District reserve funds.

23 COUNCILWOMAN JOHNSON: Thank you.

24 SUPERVISOR SALADINO: Any other  
25 questions?

1 MR. INGHAM: Any further questions from  
2 members of the Board?

3 One thing I would like to state for the  
4 record is that a good number of our Districts will  
5 be coming before the Town Board for bonding for  
6 this 1,4 Dioxane, but I would like to reiterate  
7 that each District is primarily independent of the  
8 Town under Article 13 of the Town Law.

9 We come to the Town Board to assist us  
10 in doing the financing as set forth by statute  
11 configuration established back in 1934. The bond  
12 indebtedness is solely the responsibility of  
13 taxpayers of each District. They are the ones who  
14 pay for the bond indebtedness. So, it's not an  
15 obligation of anybody in the general residence of  
16 the Town.

17 COUNCILMAN LABRIOLA: I have a  
18 question. Maybe I should have asked Dina this  
19 question.

20 Is there a calculation as to what kind  
21 of a rate increase this will result in when you're  
22 doubling your indebtedness to have calculated that  
23 for the ratepayers?

24 MS. SMITH: The District that was  
25 intend to conduct with use of third-party

1 professionals, the water rate study, upon approval  
2 of this issuance and better determination as to  
3 what the total impact of our debt service will be,  
4 we do plan to have a water rate study conducted in  
5 2020.

6 COUNCILMAN IMBROTO: What is the impact  
7 of the current debt on the rates?

8 COUNCILMAN MACAGNONE: An estimate.

9 MS. SCOTT: For this particular  
10 issuance, it would increase \$78.26 over the course  
11 of a 30-year bond issuance, interest factors not  
12 included being that they are unknown at the time.

13 So \$78.26 per customer per year, \$19.56  
14 per customer per calendar quarter, which is what we  
15 base our billings on.

16 COUNCILMAN LABRIOLA: Thank you.

17 MS. SCOTT: Any further questions?

18 (No response.)

19 MS. SCOTT: Thank you.

20 SUPERVISOR SALADINO: Thank you.

21 Counsel, you answered most of my  
22 questions, but I do want to point out so that the  
23 public fully understands, your Water District has a  
24 Board of Commissioners. They do a wonderful job.  
25 Wonderful to see you here today and that your

1 expenses -- the expenses of the District are  
2 independently paid by -- only by those who live in  
3 that District and are provided water.

4 MR. INGHAM: That's accurately correct.

5 All the Districts are operated by  
6 independent commissioners elected by the residents.  
7 They are responsible as the District is responsible  
8 for all the bond indebtedness and all expenses.

9 SUPERVISOR SALADINO: The question that  
10 some people still may have in their minds, and we  
11 want to clarify this for them, is why then must you  
12 come before the Town Board to get permission for  
13 something that we are not responsible for paying  
14 back, but instead your Water District is solely  
15 responsible?

16 MR. INGHAM: I can give you an hour  
17 response.

18 SUPERVISOR SALADINO: No, no.

19 MR. INGHAM: However, I will give you a  
20 relatively short response because it's important.

21 In 1932, there were thousands of  
22 special Districts in the State of New York. They  
23 were abolished with the Kirkland Act in 1932, all  
24 bonding capacity.

25 SUPERVISOR SALADINO: Which was a

1 New York State statute.

2 MR. INGHAM: Absolutely correct.

3 And what happened was all the Districts  
4 that were in existence, were folded over into the  
5 towns, especially Upstate New York. But there was  
6 a savings clause or catch-all that permitted  
7 people, especially on Long Island, because they use  
8 it, to come forward in referendum to vote to stay  
9 independent of the Town and establish an  
10 independent commission district in Article 13 of  
11 the Town law.

12 At that point, however, the State  
13 decided, by statute, that it will be easier and  
14 probably cheaper for the towns to land their full  
15 faith credit to the bond indebtedness incurred by  
16 each individual District. The statute framework  
17 says we've got to come through you, but it also  
18 says we are fully responsible for the bond  
19 indebtedness.

20 SUPERVISOR SALADINO: So, in short, we  
21 are mandated by New York State to approve your  
22 borrowing for you and that your independent Board  
23 may not do that -- this themselves?

24 MR. INGHAM: Correct.

25 SUPERVISOR SALADINO: That's why you're

1 here. That's why we are considering this. The  
2 Town of Oyster Bay taxpayer will never be  
3 responsible for this. Only the water ratepayers of  
4 the Plainview Water District will be solely  
5 responsible for this should this pass.

6 MR. INGHAM: Perfectly stated.

7 SUPERVISOR SALADINO: And that you must  
8 do this because of the new New York State mandate  
9 to comply with reducing, if not virtually  
10 eliminating 1,4 Dioxane and these other components  
11 of the water contaminants?

12 MR. INGHAM: That is correct;  
13 otherwise, we can't use the wells.

14 SUPERVISOR SALADINO: One thing I will  
15 state, and because you opened that door and you  
16 gave me an opportunity, when this was first  
17 designed, it was believed that they could get their  
18 best rates by bonding through the larger  
19 municipality of the Town, but at this point, most  
20 of us feel that the best rates would be obtained by  
21 bond through New York State.

22 MR. INGHAM: Obviously, a better  
23 approach, yes.

24 SUPERVISOR SALADINO: We hope New York  
25 State will strongly consider during this new

1 upcoming 2020 session to change the law and amend  
2 it so that Water District and the Special  
3 Districts, the Fire Districts and so forth, can do  
4 their bonding through New York State and save a lot  
5 of money.

6 MR. INGHAM: That would be an excellent  
7 approach.

8 We had occasion to speak to Councilman  
9 Hand briefly before the meeting.

10 As you know, he was Commissioner of  
11 Massapequa Water District, which I also represent.  
12 That was an approach taken by California. I shared  
13 that with Councilman Hand and the Board.

14 SUPERVISOR SALADINO: How many years  
15 ago did that legislation take place?

16 MR. INGHAM: I have to call my --

17 SUPERVISOR SALADINO: Recently?

18 MR. INGHAM: Ten years ago. I have a  
19 copy of the statute I'll share with the Board.

20 SUPERVISOR SALADINO: We're happy to  
21 look at that as well.

22 Thank you for that clarification for  
23 all interested parties.

24 MR. INGHAM: Thank you, Mr. Saladino  
25 and Members of the Town Board.

1 COUNCILMAN LABRIOLA: One last  
2 question, you said that this MCLs take effect early  
3 next year. I think it says in the petition  
4 somewhere March or April.

5 MR. INGHAM: We believe that -- it's a  
6 phase in. You got to go through the -- the  
7 Department of Health has to go through conference  
8 with their comments and requests these exemptions.  
9 We do not know exactly when the Department of  
10 Health will be done with the review of these  
11 comments.

12 Once they're concluded, they will  
13 establish and recommend MCLs to the commission --  
14 the Department of Health.

15 At that point, it will be a first round  
16 of sampling as a base measure for all of our wells  
17 on Long Island. I think it will also be a first  
18 round of sampling for Upstate New York wells as we  
19 discussed at the last bond hearing.

20 There are thousands of Upstate towns  
21 and villages who have not even tested yet for  
22 PFOAs. We wrote to them recently indicating our  
23 experience on Long Island asking them to seek  
24 adjoint exemptions as well from the State.

25 Supervisor Saladino and Ms. Schneider



1 are working together for a letter to support our  
2 application and request to the Upstate towns to  
3 pursue that same type of approach because this is  
4 going to be a real long one Upstate. They did not  
5 test under 3,500 consumers. They were not required  
6 to do testing by the Federal government and they do  
7 not know what's anything coming.

8 After that first round is done, there  
9 will be a second round of confirmatory samples. At  
10 that point, some time in the Spring or early  
11 Summer, there will be a Notice of Violation issued  
12 and wells that don't have treatment on them, the  
13 MCL will be shut down.

14 COUNCILMAN LABRIOLA: That's very  
15 dramatic.

16 MR. INGHAM: You have no idea how  
17 dramatic it is for us.

18 COUNCILMAN LABRIOLA: The State  
19 Commission that recommended this timetable, which  
20 put in place as the mandate on all -- these are  
21 water experts that were commissioned by the  
22 governor?

23 MR. INGHAM: I'm not going to indicate  
24 they were water experts, per se. Drinking water  
25 council, I do know we were represented by two very

1 able people on the drinking water council, but did  
2 not -- two out of ten people.

3 SUPERVISOR SALADINO: One last question  
4 if I may.

5 Should you be successful, should the  
6 District be successful in this lawsuit with DOW  
7 Chemical and have a significant recovery, would  
8 they then consider lowering their rate because if  
9 that pays off most or all of these capital costs?

10 MR. INGHAM: We would pay off the  
11 grants so they wouldn't be there.

12 The rate could be -- depending on the  
13 amount of recovery, we could certainly consider  
14 lowering tax rates.

15 SUPERVISOR SALADINO: Thank you.

16 MR. INGHAM: Thank you, Supervisor  
17 Saladino, for your support.

18 SUPERVISOR SALADINO: Thank you for  
19 coming here.

20 May I have a motion -- is there any  
21 correspondence?

22 MR. ALTADONNA: We have Affidavits of  
23 Postings and Publications.

24 There is no other correspondence.

25 SUPERVISOR SALADINO: Thank you.

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May I have a motion?

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

COUNCILMAN MACAGNONE: Second.

SUPERVISOR SALADINO: All in favor, please signify by saying, "Aye."

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed, "Nay."

(No response.)

SUPERVISOR SALADINO: The "Ayes" have it.

Thank you. Thank you all.

(TIME NOTED: 11:02 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
November 19, 2019  
11:03 a.m.

**HEARING P-9-19**

To consider the application of 27 Carmans, Inc. for a Special Use Permit for premises located at 25-27 Carmans Road, Massapequa, New York. (M.D. 10/8/19 #23).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

- SUPERVISOR JOSEPH S. SALADINO
- COUNCILMAN JOSEPH D. MUSCARELLA
- COUNCILMAN ANTHONY D. MACAGNONE
- COUNCILWOMAN MICHELE M. JOHNSON
- COUNCILMAN LOUIS B. IMBROTO
- COUNCILMAN THOMAS HAND
- COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., TOWN CLERK

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would the Clerk  
2 please call the next hearing?

3 MR. ALTADONNA: Hearing P-9-19 to  
4 consider the application of 27 Carmans, Inc. for a  
5 Special Use Permit for the premises located at  
6 25-27 Carmans Road, Massapequa, New York.

7 MS. SIMONCIC: Good morning,  
8 Supervisor, Members of the Town Board.

9 My name is Judy Simoncic. I'm an  
10 attorney with the firm Forchelli, Deegan, Terrana  
11 with offices at 333 Earle Ovington Boulevard,  
12 Uniondale, appearing on behalf of the applicant  
13 Sunrise Real Estate Enterprises, LLC., the owner  
14 of the premises 27 Carmans, Inc., the lessee of a  
15 portion of the premises.

16 With me today is Wayne Muller, the  
17 applicant's traffic engineer with R&M Engineering.  
18 He'll be addressing the Board momentarily.

19 Also with me today and available for  
20 any questions is Mike Rant. He is the engineer  
21 with North Coast Civil.

22 Also Lou Gileno is present, the  
23 applicant's architect.

24 Finally, Fabrizio Zaino, he is  
25 president of 27 Carmans, Inc. He is the owner/

1 operator of the proposed restaurant.

2 The premises that is the subject of  
3 this application is known as 25 to 27 Carmans Road,  
4 Massapequa. It's on the southeast corner of  
5 Carmans Road and Hemlock Street, directly across  
6 Carmans Road from Westfield Sunrise Mall. It's  
7 zoned Neighborhood Business. It contains a total  
8 lot area of 31,625 square feet.

9 It's presently improved with two  
10 free-standing buildings. One of the building  
11 contains 4,872 square feet. That building is  
12 currently occupied by Sunrise Dental. The other  
13 building, which is vacant, is a 3,353 square feet  
14 building with an existing outdoor patio. That is  
15 the building where the applicant is proposing to  
16 install a restaurant -- occupy a restaurant with an  
17 occupancy of 136 persons which requires a Special  
18 Permit from this Board, because it is greater than  
19 the 75 persons permitted as-of-right.

20 The premises is fully developed with  
21 existing landscaping, lighting, drainage and  
22 parking. There really are no proposed changes to  
23 the site other than some additional perimeter  
24 landscaping as result of comments we received from  
25 the Planning Department and the installation of

1 enclosed trash enclosure which is also a  
2 requirement of the Town code.

3 While the subject building is currently  
4 vacant, the property has been historically used for  
5 restaurant use as far back as 1970. The Department  
6 of Assessment Records indicate that this building  
7 has been used for a restaurant. It was later used  
8 in 1994 as a Chinese Garden Restaurant. More  
9 recently in the last five years, Elaine's  
10 Restaurant was the occupant and became Eats Social  
11 House.

12 I know the Board is very familiar with  
13 the surrounding property in the area near the mall,  
14 but clearly with respect to character, this  
15 property in its proposed use is in character with  
16 the surrounding commercial properties.

17 This property is surrounded entirely by  
18 other commercial uses in the Neighborhood Business  
19 and Light Industrial Zoning District. The closest  
20 single-family dwelling is across Sunrise Highway to  
21 the east about 400 feet away from the property.

22 As indicated, the applicant is seeking  
23 a Special Use Permit and we are also looking for  
24 site plan approval to operate a Mexican restaurant  
25 which is going to be called Jalisco Catina Mexicana

1 and Tequila Bar.

2 The proposed operator is here today,  
3 Fabrizio Zaino. He is a very experienced  
4 restaurateur. He's been in the business over  
5 twenty years. He currently operates a number of  
6 other restaurants in Nassau County. He operates  
7 Cafe Gino's, the Black Label Burgers both located  
8 in Westbury. He just opened Jalisto in Glen Cove.

9 In order to operate this restaurant, we  
10 do require parking variance and Mr. Muller is going  
11 to address the Board in a moment regarding that.  
12 The existing site is approved with 44 parking  
13 stalls. The required parking for both buildings  
14 and their uses is 71 stalls. Therefore, we require  
15 a variance of 27 spaces.

16 At this time, I would like to have  
17 Mr. Muller address the Board regarding parking.  
18 His office did a parking study analysis for the  
19 proposal and his findings will demonstrate that  
20 because the restaurant and the office building  
21 operate at different hours. They really compliment  
22 each other with respect to parking.

23 I'd like to have Wayne address the  
24 Board. He's appeared before the Board before and I  
25 would ask the Board to recognize him as an expert



1 in traffic.

2 SUPERVISOR SALADINO: Thank you.

3 MR. Muller: For the record, Wayne  
4 Muller with the firm Robinson & Muller Engineering.  
5 Our offices are at 50 Elm Street, Huntington,  
6 New York.

7 For the record, I'd like to submit  
8 copies of our parking observations in and around  
9 the subject property (handing).

10 I will briefly describe the information  
11 that's contained in the documents that I submitted.  
12 As Ms. Simoncic has indicated, I'm here today to  
13 speak about the parking and traffic aspects of the  
14 proposed project. As indicated on the plans and as  
15 described by Ms. Simoncic, this is proposed to  
16 occupy the building with 136 occupants.

17 The Town of Oyster Bay Code for  
18 restaurant is one parking space for every three  
19 occupants and that would mean that the restaurant  
20 itself would require 46 parking spaces.

21 Sunrise Dental which shares the  
22 property with the restaurant building is 4,872  
23 square feet requiring 25 parking spaces for a total  
24 of 71 parking spaces; therefore, there is a  
25 shortfall of 27 spaces.

1                   In order to determine the level of  
2                   activity that currently exists on and around the  
3                   site, as indicated in the document that I  
4                   submitted, we performed observations of the parking  
5                   conditions on Friday and Saturday from noon to  
6                   8:00 p.m. that would coincide with the peak times  
7                   associated with the restaurant.

8                   As indicated in the materials, Sunrise  
9                   Dental closes early on Friday. They close at 3:00,  
10                  and on Saturday, they're only open from 9:00 to  
11                  12:00. In certain aspects, the use of the property  
12                  as it stands today with Sunrise Dental having  
13                  limited hours on Friday and Saturday and also  
14                  Tuesday through Thursday, they're only open until  
15                  5:00. It works well with the restaurant because  
16                  their peak time is obviously in the evening from  
17                  5:30 to 8:30 or 9:00 at night.

18                  There is lunch business that is  
19                  probably about one-third of what the dinner  
20                  business would be. If we were to relate that to  
21                  the Town code, essentially at the peak time, there  
22                  would be 46 vehicles that would be parked for  
23                  restaurant, leaving a shortfall of two vehicles,  
24                  which could easily be accommodated on the street.

25                  However, during lunchtime, their

1 activity would translate to roughly 15 vehicles  
2 which works well with Sunrise Dental, where I  
3 believe parked, there was 24. That would be 39  
4 vehicles.

5 As it relates to the quantity of  
6 traffic generated by project, we took a look at the  
7 Town Code in essentially the Zoning category that  
8 this property sits under and what we found was that  
9 the level of traffic generated by 136 occupant  
10 restaurant would be comparable to that which could  
11 be generated by a reoccupation of building as a  
12 bank and/or day care center.

13 So, the amount of traffic that's  
14 anticipated to be generated by the restaurant is  
15 not out of character with other business uses that  
16 could occupy that building without the relief that  
17 we require because we are greater than 75  
18 occupants.

19 Therefore, it is my professional  
20 opinion that there would be adequate parking on  
21 site and in the area surrounding the site and the  
22 traffic generated by the restaurant as proposed by  
23 the applicant will not create any traffic  
24 congestion in the area.

25 Thank you.

1 SUPERVISOR SALADINO: Any questions?

2 COUNCILMAN MACAGNONE: One concern for  
3 argument's sake, the dental place goes out and an  
4 attorney's office goes in or something else that's  
5 going to be open later hours, how would that affect  
6 the parking?

7 MR. MULLER: I think as indicated in  
8 the observations that we performed, that would just  
9 transfer more of the vehicles to available  
10 on-street parking --

11 COUNCILMAN MACAGNONE: Thank you.

12 MR. MULLER: -- which is available on  
13 Sunrise Highway in front of the tire store. Just  
14 shifting more of parking. I don't know that many  
15 lawyers that work well into the evening; although,  
16 there are a few.

17 COUNCILWOMAN JOHNSON: You're speaking  
18 to lawyers.

19 MR. MULLER: Many work from home.

20 COUNCILMAN MACAGNONE: Thank you.

21 COUNCILMAN LABRIOLA: I noticed on the  
22 aerial that you submitted to us is a crosswalk from  
23 the site that goes over to the Westfield Mall  
24 parking lot.

25 MR. MULLER: That's correct.

1 COUNCILMAN LABRIOLA: I see the spaces  
2 at the edge of the perimeter there would most  
3 likely be used by your patrons in the evening I  
4 would imagine if there is overflow that is needed?

5 MR. MULLER: That's a good point.

6 One of the attractions for the  
7 applicant is the hundreds of people who would visit  
8 the mall on a daily basis that would probably be a  
9 patron of the restaurant.

10 In theory, they would just drive across  
11 the parking lot, park in those spaces, which we  
12 observe to be pretty vacant all the time. You just  
13 walk across the street on a crosswalk, so they  
14 wouldn't really need to go to the parking area.  
15 You walk across the street.

16 So, that is one of the things that  
17 makes this site attractive for a restaurant is that  
18 there's all the activity going on at the mall that  
19 would bring people here to the restaurant.

20 COUNCILMAN LABRIOLA: My question  
21 though leads me to ask you whether or not Westfield  
22 would put up some kind of restriction over there  
23 for patrons of the Westfield Mall only subject to  
24 towing.

25 Do you think that you would work that

1 out so that would not happen or -- I mean, those  
2 signs I have seen frequently. Businesses don't  
3 want other patrons parking in their parking lots  
4 without some kind of agreement and usually if  
5 there's no agreement can be had, then there's the  
6 restriction that people will be towed.

7 MR. MULLER: Again --

8 COUNCILWOMAN JOHNSON: As piggyback on  
9 that, is there an agreement in place with the  
10 dental business?

11 MS. SIMONCIC: There is currently no  
12 agreement with the Westfield Mall.

13 COUNCILWOMAN JOHNSON: Or the dental  
14 business that you'll be sharing a lot with?

15 MS. SIMONCIC: Well, they own both  
16 buildings and the entire property, so they're  
17 permitted to use the parking, but --

18 COUNCILWOMAN JOHNSON: Thank you.

19 MS. SIMONCIC: -- we are not planning  
20 on approaching the mall. We believe based upon the  
21 observations made in the field that there is  
22 adequate parking.

23 MR. MULLER: Man, it would be difficult  
24 for the mall to enforce because there are probably  
25 going to be a very large percentage of people who

1 go to the mall go to the restaurant.

2 COUNCILMAN LABRIOLA: I would agree.

3 MR. MULLER: I would be a little upset  
4 if they towed my car and I spent two hours --

5 COUNCILMAN IMBROTO: But they're not  
6 relying on mall parking. They have sufficient  
7 parking. They're going for a variance for the  
8 shortfall. It's not like they're coming here  
9 saying, oh, everyone can park at the mall and walk  
10 across.

11 COUNCILMAN LABRIOLA: No, they require  
12 a variance. They have a shortfall. That's what  
13 I'm saying, there will be an overflow if, in fact,  
14 it has full occupancy based on one space for three  
15 seats.

16 COUNCILMAN IMBROTO: They're not saying  
17 mall parking --

18 MR. MULLER: We're not relying on that  
19 at all.

20 COUNCILMAN LABRIOLA: I understand.

21 COUNCILWOMAN JOHNSON: Cinco De Mayo.

22 MS. SIMONCIC: There's another  
23 mitigating factor on this application, 33 of the  
24 117 seats proposed for the restaurant are outdoor  
25 seats for the patio which are seasonal. So only

1 during the months of, say, May through September  
2 would those seats be occupied, so that's another  
3 mitigating factor to the application.

4 SUPERVISOR SALADINO: How many are  
5 interior only?

6 MS. SIMONCIC: 77 minus...

7 SUPERVISOR SALADINO: 84.

8 MS. SIMONCIC: Interior and 33  
9 exterior.

10 SUPERVISOR SALADINO: How many spots  
11 would you need it if only 84 are being used?

12 MR. MULLER: Approximately 30, probably  
13 29.

14 MS. SIMONCIC: With 44 --

15 SUPERVISOR SALADINO: I'm sorry.  
16 You said approximately how many?

17 MR. MULLER: 28.

18 SUPERVISOR SALADINO: 28 parking spots  
19 for inside alone?

20 MR. MULLER: Yes.

21 SUPERVISOR SALADINO: Including seating  
22 beyond the dining area, bar seating and so forth?

23 MR. MULLER: Correct.

24 MS. SIMONCIC: Yes, total.

25 For the record, too, I want just want



1 to advise the Board of the proposed hours of  
2 operation. They are Monday through Saturday 11:00  
3 to 2:00 a.m. and Sunday 11:00 a.m. to 10:00 p.m.

4 This application also went through  
5 Environmental Review and because of recent State  
6 code amendments and SEQR regulations, the proposed  
7 action is deemed automatically a Type 2 action  
8 which means it will not have any impact on the  
9 environment as a result of that.

10 SUPERVISOR SALADINO: Thank you for  
11 sharing that with us.

12 Are there any other questions from the  
13 Board on this?

14 (No response.)

15 SUPERVISOR SALADINO: Thank you.

16 Is there anyone in the public that  
17 would like to be heard on this application.

18 (No response.)

19 SUPERVISOR SALADINO: Let the record  
20 reflect that no one has come forward to speak on  
21 this application.

22 Is there any correspondence?

23 MR. ALTADONNA: The attorney for the  
24 applicant has filed a Affidavit of Service and  
25 Disclosure.

1           The communications are as follows: We  
2           have memos from the Department of Planning and  
3           Development including a review of the required  
4           off-street parking.

5           The Nassau County land and tax map  
6           indicates the property as Section 53, Block 25,  
7           Lots 304 and 305. According to the Town of Oyster  
8           Bay zoning maps the property is located in the NB,  
9           Neighborhood Business, Zone. There are no  
10          variances or open prior code enforcement cases;  
11          however, the Town Board Resolutions on file. We  
12          have Affidavits of Postings and Publications.  
13          There is no further correspondence.

14                   SUPERVISOR SALADINO: Thank you.

15                   May I have a motion, please?

16                   COUNCILMAN MUSCARELLA: Supervisor, I  
17                   make a motion that this public hearing be closed  
18                   and the decision be reserved.

19                   COUNCILMAN MACAGNONE: Second.

20                   SUPERVISOR SALADINO: All in favor,  
21                   please signify by saying, "Aye."

22                   ALL: "Aye."

23                   SUPERVISOR SALADINO: Those opposed,  
24                   "Nay."

25                   (No response.)

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SUPERVISOR SALADINO: The "Ayes" have  
it.

Thank you.

(TIME NOTED: 11:17 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
November 19, 2019  
11:18 a.m.

**HEARING P-10-19**

To consider the application of 62 South Street Tower, Inc. for a Special Use Permit for premises located at 62 South Street, Oyster Bay, New York. (M.D. 10/8/19 #22).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., TOWN CLERK

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Please call the  
2 next hearing.

3 MR. ALTADONNA: Hearing P-10-19, to  
4 consider the application of 62 South Street Tower,  
5 Inc. for Special Use Permit for premises located at  
6 62 South Street, Oyster Bay, New York.

7 MR. LaMARCA: Good morning, Supervisor  
8 and Members of the Town Board.

9 For the record, my name is Anthony J.  
10 LaMarca. I maintain my law office at 116 Jackson  
11 Avenue in Syosset.

12 I'm appearing before you this morning  
13 on behalf of the applicant seeking a Special Use  
14 Permit to permit to commit the conversion of the  
15 second floor of the subject premises.

16 The subject premises is located on the  
17 easterly end of the municipal parking lot just  
18 outside this building. It is presently improved  
19 with a two-story building.

20 On the first story of that building is  
21 an existing restaurant and a retail use.

22 On second floor, there was an office  
23 use and that office use is presently vacant and has  
24 been vacant for quite some time.

25 This application is brought pursuant to

1 Section 246-5.2 of the Zoning ordinance. The  
2 subject property is situated within the General  
3 Business Zoning District and under that Section  
4 that I cited to you, the proposed conversion of the  
5 second floor from office space to apartments is a  
6 permitted use, provided your Board issued Special  
7 Use Permit, which we are requesting by this  
8 application.

9 If the application is granted, a total  
10 of eight apartments will be provided on the second  
11 story of the existing building in place of the now  
12 present office space.

13 Driving this application is the fact  
14 that there has been no takers for the office space  
15 for the prior three years under the present  
16 ownership and for several years prior to that under  
17 the prior ownership, and this is despite listings  
18 with two commercial brokers and advertising on two  
19 online sites.

20 On the other hand, there does appear to  
21 be a demand for the availability of quality  
22 residential use in this type of an area for spaces  
23 -- for properties in the Downtown areas of the  
24 Hamlet.

25 Moreover, there has been evidence of

1 community support for this type of a conversion. I  
2 won't comment any further on that because I believe  
3 there are one or two residents in the audience who  
4 will address you on that.

5 I wish to stress that this is a  
6 permitted use provided the Special Use Permit is  
7 granted and say to you in that regard that no  
8 changes, absolutely no changes except for the  
9 conversion of the interior space on the second  
10 floor will accompany this application if it is  
11 granted.

12 There is no -- there will be no  
13 difference in the area, no difference in the  
14 setbacks, no difference in the maximum lot  
15 coverage, no difference in the maximum permitted  
16 floor area. All of those things remain the same,  
17 including the off-street parking space.

18 And a word about off-street parking  
19 which you just heard of in the prior application.

20 The current use of the second story for  
21 office space, under your code, requires 30  
22 off-street parking spaces. If the conversion takes  
23 place to eight apartments, only eight off-street  
24 parking spaces are required. So there would  
25 actually be a reduction of required off-street

1 parking spaces in the amount of 22 spaces.

2 So, strictly from an off-street parking  
3 standpoint, we are much better off and much more in  
4 compliance with the Code if the conversion takes  
5 place.

6 And then a final word -- I know you  
7 love to hear that adjective, final -- a final word  
8 about the character of the neighborhood in which  
9 this property is located, a property use map has  
10 been submitted to you with the site plans and that  
11 property use map shows that within the 300-foot  
12 radius of the subject property, there are eight  
13 additional properties that have apartments above  
14 restaurants.

15 So, this application is not introducing  
16 a unique concept into the neighborhood in which it  
17 is located.

18 One thing I did forget to mention was  
19 that because this is a Special Use Permit  
20 application, it has undergone a lengthy and rigid  
21 site review process and an environmental review as  
22 indicated in the prior hearing. This is a Type 2.  
23 It won't have an environmental effect and the  
24 reports of respective Town departments have been  
25 submitted to you as part of this -- lead up to this



1 hearing.

2 So, that's it in a nutshell. I would  
3 be happy to try to answer any questions you may  
4 have.

5 COUNCILMAN IMBROTO: Mr. LaMarca,  
6 there's going to be eight units, and of those how  
7 many are going to be one bedroom, how many are  
8 going to be two bedroom?

9 MR. LaMARCA: What is proposed is to  
10 have six one-bedroom apartments, one of which will  
11 be a studio apartment and the other two will be two  
12 bedroom apartments. All eight of the apartments  
13 will contain only one bathroom.

14 COUNCILMAN IMBROTO: Are there going to  
15 be provisions for the removal of garbage?

16 MR. LaMARCA: Yes. That's all been  
17 taken care of in the site plan review process.  
18 There will be a roll-off container maintained on  
19 the exterior of the property.

20 COUNCILMAN IMBROTO: Is that going to  
21 take up some of the required parking?

22 MR. LaMARCA: No. I believe, it's in a  
23 spot that presently exists for the same purpose.

24 COUNCILMAN IMBROTO: Was there  
25 previously a variance issued for the office space

1 use, a parking variance?

2 MR. LaMARCA: Yes. I believe there  
3 was.

4 SUPERVISOR SALADINO: Counsel, on that  
5 note because we're on the same page, the same  
6 questions as Councilman, counselor in terms of  
7 refuge and pickups, how often will pickups be made?

8 This is one of the concerns in the  
9 neighborhood is that we have to keep things clean  
10 and cleaner.

11 Can you tell us how this will be  
12 addressed and what the residents can expect in  
13 terms of the garbage pickup and removal?

14 MR. LaMARCA: I have not addressed that  
15 with the applicant, but, of course, that will be  
16 based on experience. We will have to do it as  
17 often as is required and certainly would be willing  
18 to submit to a covenant with that effect.

19 SUPERVISOR SALADINO: Would the  
20 applicant consider a decorative refuge container  
21 out front, some kind of garbage pail out front that  
22 is attractive, that is workable that helps to  
23 protect the curb and the sidewalk?

24 MR. LAMARCA: Certainly.

25 COUNCILMAN IMBROTO: The issue that we

1 have in the Downtown area is that a lot of the  
2 apartments above stores use our public garbage  
3 pails to dispose of their waste and it builds up  
4 and it builds up, and it's not what they're for.  
5 We want to make sure that we are providing for a  
6 clean and safe way for them to dispose of the  
7 refuse.

8 MR. LaMARCA: We are willing to accept  
9 any kind of a declaration that might be required in  
10 that regard.

11 These are intended to be quality  
12 apartments. Obviously, we're not going to attract  
13 the tenants we want if we have garbage lying  
14 around.

15 SUPERVISOR SALADINO: So, in terms of  
16 that declaration, the applicant would be amenable  
17 to and agree to the type of container that would be  
18 out front and how often it would be emptied and  
19 would take responsibility for emptying that  
20 container?

21 MR. LAMARCA: Yes.

22 SUPERVISOR SALADINO: In the back as  
23 well as something decorative in the front?

24 MR. LAMARCA: Yes.

25 May I add, this property fronts on both

1 South Street and Hamilton Avenue, and on the  
2 opposite side of Hamilton Avenue is a Light  
3 Industry district. And the space where the  
4 roll-off container will be provided is on the  
5 Hamilton Avenue side of the property.

6 COUNCILMAN HAND: Counsel, just as  
7 followup, if that the applicant could speak to the  
8 open complaint from 2017 regarding litter debris  
9 and the overflowing Dumpster, that would shed some  
10 light on what's going to be done in the future.

11 MR. LaMARCA: I don't think that's an  
12 open complaint anymore. We would never be able to  
13 get to this hearing. I'm not aware about that.

14 COUNCILMAN HAND: My backup has this as  
15 an open complaint.

16 COUNCILMAN IMBROTO: It's currently  
17 open?

18 COUNCILMAN HAND: That's what I have.

19 SUPERVISOR SALADINO: Commissioner,  
20 please step forward.

21 COMMISSIONER MACCARONE: Good morning.

22 Elizabeth Maccarone Commissioner of  
23 Planning and Development.

24 There is still currently an open case  
25 with Code Compliance from 2017.

1           At the time, there was a complaint for  
2 overflowing garbage and so forth. As Mr. LaMarca  
3 indicated, he is not familiar. It is an open case  
4 that's been open for two years that we do keep  
5 certain cases open for monitoring.

6           Mr. Esposito was not in today, but I  
7 did speak with Scott Burn who has been at that site  
8 during the planning process and he indicated that  
9 he had not seen any issues currently with this  
10 Dumpster.

11           The Dumpster in question is, as  
12 Mr. LaMarca indicated, at the rear of the property  
13 that abuts -- you come around Hamilton Avenue and  
14 as part of this site plan approval process, if the  
15 Board were to look favorable upon it or regardless,  
16 the Dumpster will have the required screening, the  
17 fencing with the gates and so forth.

18           The other thing I wanted to mention,  
19 the apartments, I believe you enter and exit the  
20 apartments from that parking lot in the rear. So  
21 that's where the refuse container is going be for  
22 those apartments.

23           Our department, we went through the  
24 process of the Dumpster very extensively to the  
25 point where we even had met with not only the owner

1 of property, as well as his design professionals.  
2 At one point, they were going to do refuse within  
3 the building and not have a Dumpster outside and we  
4 were going back and forth with that.

5 So, ultimately, the plan came before  
6 you with the Dumpster located in the rear.

7 COUNCILMAN IMBROTO: But they're  
8 exiting on the side where the Dumpster is?

9 COMMISSIONER MACCARONE: That's  
10 correct.

11 COUNCILMAN IMBROTO: Not where the  
12 containers are?

13 COMMISSIONER MACCARONE: Right.

14 SUPERVISOR SALADINO: Commissioner, do  
15 you feel, if we were to look favorable on this and  
16 then we have the potential of eight more  
17 individuals or eight more families that the size of  
18 the Dumpster should be increased and the frequency  
19 by which it is emptied should be increased?

20 COMMISSIONER MACCARONE: I definitely  
21 think the frequency should be increased and that's  
22 something we can work out with covenants through  
23 the Town Attorney's office and with Mr. LaMarca.

24 COUNCILMAN IMBROTO: And through very  
25 close monitoring.

1 COMMISSIONER MACCARONE: Right.

2 Absolutely, 100 percent. It shouldn't  
3 just be emptied once every few days, if need be.

4 SUPERVISOR SALADINO: Could be daily.

5 COMMISSIONER MACCARONE: Or every other  
6 night, absolutely.

7 SUPERVISOR SALADINO: Any other  
8 questions for the Commissioner?

9 (No response.)

10 SUPERVISOR SALADINO: Thank you,  
11 Commissioner.

12 COUNCILMAN IMBROTO: I have a question  
13 for the Commissioner.

14 Would this be subject to inspection by  
15 our multiple-dwelling inspectors?

16 COMMISSIONER MACCARONE: Yes, it will  
17 be, and there was a previous --

18 COUNCILMAN IMBROTO: Could you explain  
19 what that means?

20 COMMISSIONER MACCARONE: Because it's  
21 more than three or more units, this will require a  
22 yearly multiple residence inspection and license  
23 that the owner will be required to do when we a  
24 yearly inspection and working with Councilman  
25 Imbroto, we are revamping and going to be rolling

1 out a new process for multiple residents in 2020.

2 COUNCILMAN IMBROTO: Designed to  
3 prevent overcrowding, and some of these issues that  
4 we have been experiencing.

5 COMMISSIONER MACCARONE: Overcrowding  
6 and so forth. Issues we're having here in Oyster  
7 Bay and rolling it out town wide.

8 I did want to mention there was a  
9 previous variance for the parking when it was for  
10 offices and the offices did require additional  
11 parking.

12 The apartments only require 8 spaces,  
13 whereas the offices needed 16. So, by putting in  
14 the apartments, they are reducing the required  
15 number of parking that's required on the site.

16 COUNCILMAN IMBROTO: So, they're  
17 reducing the amount of parking for which they've  
18 been issued a variance for?

19 COMMISSIONER MACCARONE: Correct.

20 COUNCILMAN LABRIOLA: That leads me to  
21 question, in light of what has been happening in  
22 some parts of the hamlet, is there a way to  
23 covenant and restrict the amount of unrelated  
24 people that reside in a one-bedroom unit?

25 COMMISSIONER MACCARONE: I don't



1 believe we can. I refer to the Town Attorney's  
2 office, but there was a famous case that you can --  
3 regardless of the relationships, you cannot require  
4 it be a family -- if four people want to live  
5 together as a family unit with a one kitchen as a  
6 one family, no municipality can restrict that.

7 COUNCILMAN IMBROTO: But they have to  
8 abide by the code as far as the total amount of  
9 people.

10 COMMISSIONER MACCARONE: That's right  
11 and that's what we are working on right now is  
12 looking at in terms of the State Code and the  
13 required number of people permitted to occupy the  
14 apartment based upon the bedrooms and the square  
15 footage within the bedrooms.

16 COUNCILMAN LABRIOLA: And that will  
17 require that you get access upon demand?

18 COMMISSIONER MACCARONE: Absolutely --  
19 well, it won't be on demand because in this  
20 instance, we have to do the inspection every year.  
21 They cannot deny us access when it's a multifamily.  
22 When it's a single family home or two-family home,  
23 that's a different story, but we have other avenues  
24 that we go down to obtain access.

25 COUNCILMAN LABRIOLA: Thank you.

1 SUPERVISOR SALADINO: No other  
2 questions for the Commissioner?

3 (No response.)

4 SUPERVISOR SALADINO: Thank you,  
5 Commissioner.

6 So, Counselor, your heard the concerns,  
7 and I will ask again just so we are absolutely  
8 clear, would the applicant agree to covenants and  
9 restrictions regarding these limitations as it  
10 relates to occupancy and for the size and frequency  
11 of the Dumpster in the back and a decorative  
12 container --

13 MR. LaMARCA: Enclosure.

14 SUPERVISOR SALADINO: -- in the front  
15 that the Town would have to give approval for?

16 MR. LaMARCA: Absolutely.

17 SUPERVISOR SALADINO: And that the  
18 applicant would be responsible for emptying?

19 MR. LaMARCA: Correct.

20 As the Commissioner stated, it's  
21 subject to annual inspection and, of course, if any  
22 issues are turned up as a result of those  
23 inspections, they have to be dealt with. Fully  
24 understood.

25 COUNCILMAN IMBROTO: And the owner is

1 on notice and fully understands that we are taking  
2 this seriously, and we have been closely monitoring  
3 all activity in the Downtown areas.

4 MR. LaMARCA: Yes.

5 COUNCILMAN IMBROTO: And we continue to  
6 do so.

7 MR. LaMARCA: Both I and the owner are  
8 aware of the case the Town had a month or so ago.  
9 You know, that's just such a shame. We're  
10 certainly not looking for that. We have vacant  
11 office space. We are trying to convert into the  
12 apartments, so that we can perhaps turn around the  
13 economic situation of the property. So, we're not  
14 looking to have a situation that's going to make  
15 the property deteriorate.

16 SUPERVISOR SALADINO: Any other  
17 questions?

18 COUNCILMAN LABRIOLA: One final  
19 question, Counsel. I'm not sure you could answer.

20 If the Board were to review this  
21 favorably and grant the application, do you know  
22 what the impact upon the assessment will be, your  
23 level of assessment?

24 MR. LaMARCA: No. I have to say, I  
25 haven't looked into that.

1 COUNCILMAN LABRIOLA: Perhaps the  
2 Receiver or the County Assessor can help us with  
3 that question as we deliberate to see what kind of  
4 an impact it has on the taxable value of the  
5 property.

6 MR. LaMARCA: I would assume with the  
7 additional bathrooms and improvements on the second  
8 floor, the assessment would have to increase  
9 somewhat.

10 COUNCILWOMAN JOHNSON: Only the  
11 Assessor can make that determination.

12 SUPERVISOR SALADINO: Questions  
13 answered?

14 If there are no other questions, I have  
15 just one last question, because I'm a history buff.

16 Can you please tell us the historical  
17 significance of this property?

18 MR. LaMARCA: I'm sorry?

19 SUPERVISOR SALADINO: Can you please  
20 mention the historical significance of this  
21 building?

22 I think it's important moving forward  
23 as we revive all of the historical significance of  
24 Downtown Oyster Bay.

25 MR. LaMARCA: You may have this

1 confused with another building in Town. I don't  
2 think this one has much historical significance  
3 because I don't believe it's more than 25 or 30  
4 years of age.

5 SUPERVISOR SALADINO: Thank you.

6 MR. LaMARCA: I'm sorry.

7 COUNCILMAN MACAGNONE: Mr. LaMarca,  
8 with eight apartments, multiple residents, it can  
9 only help the Downtown economy, correct?

10 MR. LaMARCA: I would think so.

11 COUNCILMAN MACAGNONE: I just want to  
12 put a positive light on it.

13 MR. LaMARCA: I think there are some  
14 speakers that want to address it that might  
15 elaborate on that somewhat.

16 COUNCILMAN MACAGNONE: Thank you.

17 SUPERVISOR SALADINO: Thank you.

18 MR. LaMARCA: Thank you for your  
19 attention.

20 SUPERVISOR SALADINO: Okay. We have --  
21 I have a listed, there are two speakers on this  
22 issue.

23 First is Meredith Maus.

24 MS. MAUS: Meredith Maus. I'm here  
25 representing the Oyster Bay Main Street Association

1 that have their offices at 19 Spring Street,  
2 Oyster Bay, New York.

3 First of all, thank you for the  
4 opportunity to speak.

5 As I said, my name is Meredith Maus.  
6 I'm the director of the Oyster Bay Main Street  
7 Association. I'm here to speak on behalf of my  
8 Board in support of this Special Use Permit.

9 As an organization, we work closely  
10 over the past couple of years with the Town of  
11 Oyster Bay Building Department to bring in many new  
12 retail, restaurants to the Downtown which has  
13 resulted in some of the lowest vacancy rates we've  
14 seen in Downtown in quite a few years.

15 In order support the economic  
16 development that we've had in the Downtown, it  
17 would be incredibly beneficial to bring more  
18 residential to the Downtown as well. We are very  
19 much in support of responsible mixed use  
20 development specially in the confines of our  
21 existing stock.

22 As was mentioned in the presentation,  
23 the switchover from office space to residential  
24 would actually be less of an impact on our existing  
25 parking which is an issue in the Downtown. It

1 would free up a lot of daytime parking. It would  
2 also bring a lot of people and spending money to  
3 the Downtown that we really feel our General  
4 Business District would really benefit from.

5 Something also that was brought up was  
6 the discussion of garbage and the Main Street  
7 Association is very much involved in a lot of those  
8 discussions.

9 I want to personally thank you for  
10 bringing that up and making a point of referencing  
11 it. I also wanted to mention that Mr. Fazif  
12 (phonetic) is someone we have worked with close  
13 over the year and he has always been very receptive  
14 to complaints of that nature and very quick to  
15 address them.

16 When the particular instance with the  
17 Dumpster was brought up, he immediately moved it to  
18 the other parking lot to address the issue and  
19 cleaned up the area as much as he could and as much  
20 as was his responsibility.

21 So, we just wanted to be here as a  
22 community partner and somebody that we work closely  
23 with to support this initiative in the Downtown.

24 SUPERVISOR SALADINO: Are you and the  
25 Oyster Bay Main Street Association in favor of this

1 application being granted?

2 MS. MAUS: Yes, very much so.

3 SUPERVISOR SALADINO: Thank you.

4 Our next speaker is Rob. Come on up  
5 Rob.

6 MR. BRUSCA: Good morning, everyone.

7 Rob Brusca. I reside at 15 Demonshire  
8 Drive, East Norwich, New York.

9 I have an office here in Oyster Bay.  
10 I'm an active member of a number of local Oyster  
11 Bay East Norwich Community Organizations.

12 In that regard, several of the  
13 organizations wanted to -- signed off on a letter  
14 in support of this application granting the  
15 applicant Special Use Permit, including the Oyster  
16 Bay East Norwich Chamber of Commerce, Oyster Bay  
17 Civic Association, Oyster Bay Main Street  
18 Association, Oyster Bay East Norwich Youth Athletic  
19 Association, Oyster Bay Railroad Museum and the  
20 Italian American Citizens Club of Oyster Bay.

21 I would just echo what Meredith had  
22 indicated. This particular applicant has been  
23 receptive in his ownership of this property over  
24 the last many years to any number of Downtown  
25 issues including the Sanitation issue.



1                   So, between the applicant and  
2                   applicant's counsel, I think the community groups  
3                   and representatives are confident that the issues  
4                   you have raised would be responsibly addressed.

5                   Along those lines, I generally thank  
6                   you for raising issues that probably have not been  
7                   before this Board of importance to this Board  
8                   previously because they just haven't been on the  
9                   radar and haven't been issues including the  
10                  Sanitation issue, including the multiple housing  
11                  issue that Commission MacCarone and Councilman  
12                  Imbroto referenced earlier and the historical  
13                  sensitivity to any number of buildings downtown.

14                  So, we appreciate that those three  
15                  things are on the forefront of everyone's mind  
16                  Downtown for any development. We are confident  
17                  that this application will address or has addressed  
18                  all of those issues.

19                  With regard to the specifics of this  
20                  application, we do think it would be a positive  
21                  impact to the Downtown business community, as well  
22                  as to our local residents. It's a responsible and  
23                  appropriately sized improvement for the Downtown.

24                  So, in total, we would urge your  
25                  support of this particular application.

1 I also would just like to -- I don't  
2 apologize, but off the mark a little bit, I want to  
3 thank Supervisor -- I'm sorry, Commissioner  
4 Maccarone, Tim Zike, Mike Esposito, Rob Mangano,  
5 Frank Scelaro, Rich LaMarca and any number of  
6 representatives from the Town Attorney's office, as  
7 well as Councilman Imbroto with regard to the  
8 recent focus on the unsafe housing in the hamlet  
9 here and anywhere else in the Township of Oyster  
10 Bay. They have been fantastic as they have been in  
11 all other similar instances, and we thank you for  
12 your focus in regards to that.

13 SUPERVISOR SALADINO: We recognize  
14 that's a very, very important issue and it's  
15 getting the highest priority in our Town.

16 MR. BRUSCA: Thank you, Supervisor.

17 Congratulations to you Supervisor,  
18 Councilman Labriola and the newly electeds and  
19 Councilman Muscarella, Councilman Macagnone.

20 Town Clerk Altadonna, Receiver  
21 Stefanich, thank you for your service.

22 Whatever anyone's politics or positions  
23 have been over time and we all have different ones,  
24 the only thing that the public can hope for and ask  
25 for is that you have good and decent

1 representatives.

2 I would very much count all of you in  
3 that regard. So, thank you for your service, and I  
4 wish you all well.

5 COUNCILMAN MUSCARELLA: That's very nice  
6 of you.

7 COUNCILMAN MACAGNONE: Thank you.

8 SUPERVISOR SALADINO: Is there anyone  
9 else who would like to speak on this application?

10 (No response.)

11 SUPERVISOR SALADINO: Please let the  
12 record reflect no one has indicated they would like  
13 to speak.

14 Any other questions from the Town  
15 Board?

16 (No response.)

17 SUPERVISOR SALADINO: Any  
18 correspondence, please?

19 MR. ALTADONNA: The attorneys for the  
20 application has filed his Affidavit of Service and  
21 Disclosure.

22 The communications are as follows: We  
23 have memos from the Department of Planning and  
24 Development including a review of the required  
25 off-street parking.

1                   The Nassau County Land and Tax Map  
2                   indicates the property is Section 27, Block 42,  
3                   Lots 572, 576 and 583.

4                   According to the Town of Oyster Bay  
5                   Zoning Maps, the property is located within the GB,  
6                   General Business Zone. There is an open code  
7                   compliance case as well as variances on file.

8                   We have Affidavits of Postings and  
9                   Publications.

10                   There is no further correspondence.

11                   SUPERVISOR SALADINO: May I please have  
12                   a motion?

13                   COUNCILMAN MUSCARELLA: Supervisor, I  
14                   make a motion that this public hearing be closed  
15                   and the decision be reserved.

16                   COUNCILMAN MACAGNONE: Second.

17                   SUPERVISOR SALADINO: All in favor  
18                   please signify by saying "Aye."

19                   ALL: "Aye."

20                   SUPERVISOR SALADINO: Those opposed,  
21                   "Nay."

22                   (No response.)

23                   SUPERVISOR SALADINO: The "Ayes" have  
24                   it.

25                   Thank you.

1                   At this time, we are going to give our  
2 stenographer a five-minutes or so break, and we  
3 will return very shortly.

4                   (TIME NOTED: 11:44 A.M.)

5                   (Whereupon, a recess was taken at this  
6 time.)

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TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
November 19, 2019  
11:54 a.m.

**HEARING P-11-19**

To consider the application of Beechwood PV Retail LLC, fee owner, and CR Fitness Venture, Inc., lessee, for a Special Use Permit for premises located at Old Country Road and Round Swamp Road, Plainview, New York. (M.D. 10/15/19 #16).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., TOWN CLERK

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Town Clerk,  
2 please call the next hearing.

3 MR. ALTADONNA: The next hearing is  
4 P-11-19, to consider the application of Beechwood  
5 PV Retail LLC, Inc., fee owner, and CR Fitness  
6 Venture, Inc., lessee, for a Special Use Permit for  
7 the premises at Old Country Road and Round Swamp  
8 Road, Plainview, New York.

9 SUPERVISOR SALADINO: Good afternoon.  
10 No still morning.

11 MS. GIANPIETRO: Is it morning still?  
12 Good morning, Mr. Supervisor, Council  
13 members.

14 My name is Paulina Gianpietro. I am  
15 with the law office Vincent J. Pizzulli, Jr., P.C.  
16 with offices at 200 Robbins Lane, Suite D1,  
17 Jericho, New York 11753. I am representing  
18 Beechwood PV Retail, LLC and CR Fitness Venture,  
19 Incorporated.

20 Beechwood is the owner of the subject  
21 premises and CR Fitness Venture is the lessee.

22 As a matter of interest, this  
23 application is virtually identical to the Country  
24 Pointe SLT application that was brought in front of  
25 the Board back in 2018 and approved in July of

1 2018.

2 The subject premises is Building C of  
3 the Country Pointe Shops. The Center located near  
4 the southwest corner of Old Country Road and Round  
5 Swamp Road in Plainview. The shopping center  
6 consists of two tax lots. Building C is situated  
7 on Section 47, Block E, Lot 759.

8 Tax Lot 759 contains 9.063 acres and is  
9 zoned General Business District. To the north of  
10 the subject premises is an industrial park with  
11 property zoned Light Industrial. To the south of  
12 the subject premises is Country Pointe Condominium  
13 Development which is zoned RMF16. To the west is  
14 Shop Rite which is General Business and Future  
15 Golden Age residential property is located to the  
16 east.

17 Country Pointe Shopping Center has been  
18 completed and all but one tenant space is currently  
19 spoken for.

20 As you know, Shop Rite has been open  
21 since 2017 and is doing very well. Trio Hardware  
22 and Eastern Point Nail Salon is located in Building  
23 F and Chase Bank in Building E have opened.  
24 Buildings A through D are complete and have been  
25 leased. Among those tenants, there is an Italian



1 restaurant located in Building A. Fidelity  
2 Investments located in Building B. A Quick Service  
3 Restaurant, a Pilates studio and wellness lounge  
4 and a wine store are located in Building C.  
5 Starbucks, a confectionary store and a salon and an  
6 eyewear store are located in Building D.

7 The subject application concerns  
8 Building C in which 1,864 square feet of the  
9 building has been leased to CR Fitness Venture,  
10 Incorporated. We are requesting a Special Use  
11 Permit for the Fitness Center in excess of 1,500  
12 square feet.

13 The proposed Fitness Center is a rowing  
14 machine based fitness studio. Rowing is a form of  
15 low impact aerobic exercise which provides a total  
16 body workout. Some of the benefits of a rowing  
17 machine workout are increased strength and  
18 endurance, improved heart and lung function,  
19 improve posture and has low risk of exercise-  
20 related injuries.

21 In addition to the use of the rowers,  
22 stretching and light calisthenics will be  
23 incorporated into each of the class. All ages and  
24 fitness levels can participate in these classes and  
25 obtain benefits from rowing based workouts.

1           The classes are scheduled every hour on  
2           the hour and the studio will be open at 6:00 a.m.  
3           in order to train students who will need to  
4           schedule classes before their workday begins.

5           Initially the proposed schedule will be  
6           Monday through Friday, 6:00 a.m. to noon and then  
7           evening session will begin at 5:00 p.m. running  
8           until about 8:00. Saturday and Sunday classes will  
9           begin at 6:00 a.m. and run until noon. Students  
10          generally will be scheduling their classes prior to  
11          class time, but walk-ins will be allowed if there  
12          are any available stations.

13          Please note the schedule of hours of  
14          operation are subject to change based upon the  
15          consumer needs and demands, but on any given day  
16          the studio will never open before 6:00 or close  
17          after 10:00.

18          City Row will have 18 rowing machines.  
19          It will employ one studio manager, two sales/site  
20          reception personnel and six trainers, but there  
21          will be no more than three employees on site at any  
22          given one time.

23          One instructor, one sales or site rep  
24          and occasionally there will be a studio manager.  
25          Each class will have a maximum of 17 students.

1 Each session is 50 minutes. The students will  
2 leave and arrive during the ten-minute breaks  
3 between each session.

4 There are 25 parking spaces required by  
5 code. One space per 75 feet of gross floor area.  
6 The code requirement exceeds the number of maximum  
7 individuals that could be at the studio at any  
8 given time by five spaces.

9 Since the rowing studio will share  
10 off-street parking spaces provided by the entire  
11 Country PointE Shopping Center, there will be more  
12 than enough off-street parking available.

13 In fact, when taken together with all  
14 other approved and permitted uses as depicted on  
15 the site plan, a total of 614 parking spaces are  
16 required and 743 parking spaces are provided. SO,  
17 the shopping center has a surplus of 129 spaces.

18 City Row is the first fitness studio to  
19 focus on a rowing machine as a primary fitness.  
20 The franchise opened in 2014 in New York City and  
21 there are currently two studios in New York City,  
22 two studios in Michigan, one in Oregon and they are  
23 going to be opening new studios in California,  
24 Colorado, Florida, Georgia, Texas, in addition to  
25 Plainview.

1           Bottled water and City Row apparel will  
2           be available for sale and music will be played  
3           during the classes. I have City Row Fitness  
4           Venture representative Donna Scalfano available  
5           here for any questions you may have.

6           The requested Special Use Permit  
7           conforms with all the applicable zoning regulations  
8           of the General Business District.

9           The requested Special Permit will also  
10          comply with the applicable Special Permit criteria  
11          set forth in Section 246.9.4 of the Town code and  
12          perform at standards set forth in 246-10.3.

13          Are there any questions?

14          SUPERVISOR SALADINO: Not at this time.

15          Well, one quick question, have you  
16          heard from anyone in the community about this for  
17          or against this application?

18          MS. GIANPIETRO: When speaking with  
19          Donna who will be opening the studio, she said  
20          there is a lot of interest and there are a lot of  
21          people that are excited for this to open up, and  
22          they don't have to travel to the city to come here  
23          or from the city if they live here. They have this  
24          class here instead of having to go to the city for  
25          it, so there is interest.

1 SUPERVISOR SALADINO: Thank you.

2 Any other questions?

3 (No response.)

4 SUPERVISOR SALADINO: There being no  
5 questions, is there any correspondence?

6 MR. ALTADONNA: Attorney for the --

7 SUPERVISOR SALADINO: Actually, is  
8 there anyone who would like to be heard on this  
9 application?

10 (No response.)

11 SUPERVISOR SALADINO: Please let the  
12 record reflect that no one has indicated that  
13 they'd like to be heard.

14 MR. ALTADONNA: The attorney for the  
15 application has filed his Affidavit of Services and  
16 Disclosures.

17 The communications are as follows: We  
18 have Memos from the Department of Planning and  
19 Development including a review of the required  
20 off-street parking.

21 Nassau County Land and Tax Map  
22 indicates that the property is Section 47, Block E,  
23 Lot 759.

24 According to Town of Oyster Bay Zoning  
25 Maps, the property is located within the GB,

1 General Business Zone. There are no open code  
2 compliance cases. However, there are variances and  
3 Town Board Resolutions on file. We have Affidavits  
4 of Postings and Publications.

5 There is no further correspondence.

6 SUPERVISOR SALADINO: Thank you very  
7 much.

8 May I have a motion?

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

12 COUNCILMAN MACAGNONE: Second.

13 SUPERVISOR SALADINO: All in favor,  
14 please signify by saying, "Aye."

15 ALL: "Aye."

16 SUPERVISOR SALADINO: Those opposed,  
17 "Nay."

18 (No response.)

19 SUPERVISOR SALADINO: The "Ayes" have  
20 it.

21 (TIME NOTED: 12:02 P.M.)

22

23

24

25

TOWN BOARD  
TOWN OF OYSTER BAY  
ACTION CALENDAR  
November 19, 2019  
12:03 p.m.

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., TOWN CLERK

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: At this time,  
2 we'd like to call our regular Action Calendar by  
3 the Clerk.

4 Jim, would you please call that  
5 calendar?

6 MR. ALTADONNA: Thank you.

7 SUPERVISOR SALADINO: You're very  
8 welcome.

9 MR. ALTADONNA: May I have a motion to  
10 table Resolution No. 730?

11 On the motion?

12 COUNCILMAN MUSCARELLA: So moved.

13 COUNCILMAN MACAGNONE: Second.

14 MR. ALTADONNA: A motion was made by  
15 Councilman Muscarella, second by Councilman  
16 Macagnone.

17 Now, we're also going to remove from  
18 the table -- may I have a motion to remove from the  
19 table Resolutions Nos. 457, 675A, and 675B which  
20 were tabled on July 10th, October 29th and  
21 October 29th respectfully?

22 On the motion?

23 COUNCILMAN MUSCARELLA: So moved.

24 COUNCILMAN MACAGNONE: Second.

25 MR. ALTADONNA: A motion was made by



1 Councilman Muscarella, second by Councilman  
2 Macagnone.

3 Now, may I have a motion to suspend the  
4 rules and add the following Walk-on Resolutions?

5 They would be 733, 734A, 734B and 735.

6 Now, I will read 733.

7 733 is a Resolution directing the Town  
8 Clerk to advertise for a Notice of Hearing  
9 pertaining to hydrant rental for New York American  
10 Water for the year 2019.

11 734A is a Resolution/Order pertaining  
12 to the decision on the application of the Plainview  
13 Water District to issue bonds to pay for costs of  
14 improvements of said District. Hearing held  
15 November 19, 2019.

16 743B is a Resolution authorizing  
17 issuance of bonds to pay the cost of improvements  
18 to Plainview Water District. Hearing held  
19 November 19, 2019.

20 And the final one is 733 which is  
21 Resolved that the Town Clerk is authorized and  
22 directed to advertised for Notice of Hearing on the  
23 proposed rental of hydrants for the period  
24 January 1, 2019 through December 31, 2019 by the  
25 Town of Oyster Bay acting on behalf of

1 Glenwood-Glen Head Fire Protection District and  
2 New York American Water Company, Inc. Said hearing  
3 to be held in the Hearing Room, Town Hall, East  
4 Building, 54 Audrey Avenue, Oyster Bay, New York on  
5 December 10, 2019 at 10:00 a.m. prevailing time,  
6 said Notice to be advertised in newspapers of  
7 general circulation of the Town of Oyster Bay  
8 pursuant the provisions of law.

9 735 which is "Whereas, the Town of  
10 Oyster Bay is engaged in litigation with the United  
11 States Government and the State of New York in  
12 connection with the Town's Golden Age and Next  
13 Generation housing program and is represented by  
14 outside counsel in those matters:

15 "Whereas Joseph Nocella, Town Attorney,  
16 and Matthew Rozea, Deputy Town Attorney, by  
17 Memorandum dated November 19, 2019, advised that in  
18 an effort to achieve cost savings, the Town  
19 released a request for proposals that solicited  
20 responses from litigation firms that could serve as  
21 counsel;

22 "Whereas, all submitted proposals were  
23 reviewed in accordance with all applicable  
24 provisions of the Procurement Policy and;

25 "Whereas, Nocella and Rozea recommended

1 that the Town Board authorize the retention of  
2 Sokoloff Stern LLP, 179 Westbury Avenue, Carle  
3 Place, New York in the amount not to exceed  
4 \$35,000, with funds to be drawn from Account No.  
5 TWN OTAA 1420 44110 000 0000.

6 "Now, therefore, be it resolved that  
7 the recommendation as hereinabove set forth  
8 accepted with the approval of the firm Sokoloff  
9 Stern LLP, 179 Westbury Avenue, Carle Place,  
10 New York, is hereby retained for the purpose of  
11 representing the Town in connection with housing  
12 litigation.

13 "And be it further, Resolved, that the  
14 Comptroller hereby authorized and directed to make  
15 payment, in an amount not to exceed \$35,000 with  
16 funds to be drawn from Account No. OTAA 1420 44110  
17 000 0000, upon submission of a duly certified  
18 claims and audit."

19 On the motion?

20 COUNCILMAN MUSCARELLA: So moved.

21 COUNCILMAN MACAGNONE: Before -- I  
22 don't have a copy of 734.

23 COUNCILMAN IMBROTO: Neither do I.  
24 Neither does Councilman Labriola.

25 MR. ALTADONNA: Okay. I have 733 and

1 735. I don't have 734.

2 COUNCILMAN MACAGNONE: Check the backup  
3 of 733.

4 MR. ALTADONNA: 733 --

5 COUNCILMAN MACAGNONE: Thank you, Matt.

6 MR. ALTADONNA: This is just to add it  
7 to the regular Action Calendar.

8 COUNCILMAN MACAGNONE: I wanted to see  
9 it before voting on it.

10 Thank you.

11 MR. ALTADONNA: On the motion?

12 COUNCILMAN MUSCARELLA: So moved.

13 COUNCILMAN MACAGNONE: Second.

14 MR. ALTADONNA: A motion was made by  
15 Councilman Muscarella, second by Councilman  
16 Macagnone.

17 (Whereupon, a discussion was held off  
18 the record.)

19 MR. ALTADONNA: On the motion to table,  
20 you need to vote on the motion to table.

21 COUNCILMAN MUSCARELLA: We should vote.  
22 Right now we have something in front of  
23 us we should --

24 MS. FAUGHNAN: You've done it on three  
25 motions.

1 MR. ALTADONNA: That's all the regular  
2 Action Calendar.

3 Now on motion to table, we had a first  
4 and second. Let me vote on the 730.

5 Supervisor, this is a motion to table  
6 730.

7 Supervisor?

8 SUPERVISOR SALADINO: "Aye."

9 MR. ALTADONNA: Councilman Muscarella?

10 COUNCILMAN MUSCARELLA: "Aye."

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: "Aye."

13 MR. ALTADONNA: Councilwoman Johnson?

14 COUNCILWOMAN JOHNSON: "Aye."

15 MR. ALTADONNA: Councilman Imbroto?

16 COUNCILMAN IMBROTO: "Aye."

17 MR. ALTADONNA: Councilman Hand?

18 COUNCILMAN HAND: "Aye."

19 MR. ALTADONNA: Councilman Labriola?

20 COUNCILMAN LABRIOLA: "Aye."

21 MR. ALTADONNA: Motion to table

22 Resolution No. 730 passes with seven "Ayes."

23 (Whereupon, a discussion was held off  
24 the record.)

25 MR. ALTADONNA: To remove from table,

1 457, 675A, 675B, we voted to add it.

2 Now, we have to take the vote.

3 Supervisor Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: "Aye."

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILWOMAN JOHNSON: "Aye."

11 MR. ALTADONNA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: "Aye."

13 MR. ALTADONNA: Councilman Hand?

14 COUNCILMAN HAND: "Aye."

15 MR. ALTADONNA: Councilman Labriola?

16 COUNCILMAN LABRIOLA: "Aye."

17 MR. ALTADONNA: Motion to remove from  
18 the table and add Resolutions 457, 675A, 675B  
19 passes with seven "Ayes."

20 Then the suspends on 727, 728, 729,  
21 730, 731, 732.

22 COUNCILMAN MACAGNONE: 730 was tabled.

23 MR. ALTADONNA: 730, we tabled.

24 731, 732.

25 May I have a motion to add to the

1 regular Action Calendar?

2 COUNCILMAN MUSCARELLA: So moved.

3 COUNCILMAN MACAGNONE: Second.

4 MR. ALTADONNA: A motion was made by  
5 Councilman Muscarella, second by Councilman  
6 Macagnone.

7 On the vote:

8 Supervisor?

9 SUPERVISOR SALADINO: "Aye."

10 MR. ALTADONNA: Councilman Muscarella?

11 COUNCILMAN MUSCARELLA: "Aye."

12 MR. ALTADONNA: Councilman Macagnone?

13 COUNCILMAN MACAGNONE: "Aye."

14 MR. ALTADONNA: Councilwoman Johnson?

15 COUNCILWOMAN JOHNSON: "Aye."

16 MR. ALTADONNA: Councilman Imbroto?

17 COUNCILMAN MACAGNONE: He's in the  
18 affirmative.

19 MR. ALTADONNA: He did? I'm sorry.

20 COUNCILMAN IMBROTO: You didn't hear  
21 me?

22 "Aye," Jim.

23 MR. ALTADONNA: Councilman Hand?

24 COUNCILMAN HAND: "Aye."

25 MR. ALTADONNA: Councilman Labriola?

1 COUNCILMAN LABRIOLA: "Aye."

2 MR. ALTADONNA: Motion to add to the  
3 regular Action Calendar, 727, 728, 729, noting that  
4 730 was tabled, 731, 732 passes with seven "Ayes."

5 SUPERVISOR SALADINO: Thank you.

6 MR. ALTADONNA: Now, you're ready.

7 (Whereupon, a discussion was held off  
8 the record.)

9 MR. ALTADONNA: We made the motion, but  
10 we have to vote on it.

11 733, 734A, 734B and 735.

12 On the vote:

13 Supervisor?

14 SUPERVISOR SALADINO: "Aye."

15 MR. ALTADONNA: Councilman Muscarella?

16 COUNCILMAN MUSCARELLA: "Aye."

17 MR. ALTADONNA: Councilman Macagnone?

18 COUNCILMAN MACAGNONE: "Aye."

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: "Aye."

21 MR. ALTADONNA: Councilman Imbroto?

22 COUNCILMAN IMBROTO: "Aye."

23 MR. ALTADONNA: Gotcha.

24 Councilman Hand?

25 COUNCILMAN HAND: "Aye."



1 MR. ALTADONNA: Councilman Labriola?

2 COUNCILMAN LABRIOLA: "Aye."

3 MR. ALTADONNA: Motion to resuspend the  
4 rules and add 733, 734A, 734B, 735 passes with  
5 seven "Ayes."

6 Now the regular Action Calendar is  
7 ready to go.

8 SUPERVISOR SALADINO: So, at this time,  
9 we have to take some time for Executive Session.

10 Councilman, if you would please.

11 COUNCILMAN MUSCARELLA: Supervisor, I  
12 make a motion that this Town Board go into  
13 Executive Session for the purposes of discussions  
14 regarding proposed, pending or current litigation.

15 COUNCILMAN MACAGNONE: Second.

16 SUPERVISOR SALADINO: All in favor,  
17 please signify by saying, "Aye."

18 ALL: "Aye."

19 SUPERVISOR SALADINO: Those opposed,  
20 "Nay."

21 (No response.)

22 SUPERVISOR SALADINO: The "Ayes" have  
23 it. So, we will be back as quickly as possible.

24 We'll give our stenographer now a more  
25 lengthy break. Thank you.

1                   But I would like to take a moment of  
2                   personal privilege to say to you, Jim Altadonna, I  
3                   wish you all the best of good health, happiness to  
4                   your entire family and all of God's blessings.

5                   MR. ALTADONNA: Thank you.

6                   (Whereupon, the Executive Session began  
7                   at 12:15 p.m. and the proceedings resumed at  
8                   1:12 p.m. with Raymond Spagnuolo as sitting Town  
9                   Clerk as follows:)

10                  SUPERVISOR SALADINO: We are waiting  
11                  for Councilman Muscarella who will be out in just a  
12                  moment. We appreciate everyone's patience.

13                  Councilman Muscarella?

14                  COUNCILMAN MUSCARELLA: I would like to  
15                  close the Executive Session.

16                  No action has been taken by the Board.

17                  COUNCILMAN MACAGNONE: Second.

18                  SUPERVISOR SALADINO: All in favor,  
19                  please signify by saying, "Aye."

20                  ALL: "Aye."

21                  SUPERVISOR SALADINO: Those opposed,  
22                  "Nay."

23                  (No response.)

24                  SUPERVISOR SALADINO: The "Ayes" have  
25                  it.

1 Please proceed.

2 MR. SPAGNUOLO: May I have motion to  
3 document Resolutions No. 457, 675A, 675B, P-16-19,  
4 TF-19-19, noting Resolution 730 has been tabled and  
5 that is through 735.

6 **PERSONNEL RESOLUTION NO. P-16-19;**

7 Resolution pertaining to personnel of various  
8 departments within the Town of Oyster Bay.

9 **TRANSFER OF FUNDS RESOLUTION NO.**

10 **TF-19-19;** Resolution pertaining to Transfer of  
11 Funds within various departments' accounts for the  
12 Year 2019.

13 **RESOLUTION NO. 676-2019;** Resolution  
14 granting request from the Nassau County Police  
15 Marine Bureau to berth one marine enforcement boat  
16 at both Harry Tappen Marina and Theodore Roosevelt  
17 Marina for the 2019-2020 Winter season with fees  
18 waived. (M.D. 10/22/19 #5).

19 **RESOLUTION NO. 677-2019;** Resolution  
20 authorizing implementation of the Harry Tappen/  
21 Theodore Roosevelt Marinas Spring, Summer and Fall  
22 fee schedule for the 2020 season. (M.D. 10/22/19  
23 #6).

24 **RESOLUTION NO. 678-2019;** Resolution  
25 authorizing the Comptroller to refund premium

1 contributions in connection with the Flexible  
2 Spending Plan. Account No. TWN TA 0000 00020 400  
3 0000. (M.D. 10/22/19 #9).

4 **RESOLUTION NO. 679-2019;** Resolution  
5 authorizing award of Construction Contract No. DP  
6 19-200, Littauer Estate Roof Replacement located in  
7 Syosset. Account No. DGS H 1997 20000 000 1401 001.  
8 (M.D. 10/22/19 #13).

9 **RESOLUTION NO. 680-2019;** Resolution  
10 authorizing rejection of bids and permission to  
11 rebid, Contract No. DPW19-185, Lake Avenue C.V.M.  
12 Building Extension, because the bid price was  
13 beyond the budgeted amount. (M.D. 10/22/19 #15).

14 **RESOLUTION NO. 681-2019;** Resolution  
15 authorizing an Inter-Municipal Agreement with the  
16 Incorporated Village of Farmingdale to maintain the  
17 street lighting system for the period December 1,  
18 2019 through November 30, 2021. (M.D. 10/22/19  
19 #17).

20 **RESOLUTION NO. 682-2019;** Resolution  
21 amending Resolution Nos. 183-2019 and 410-2019 in  
22 connection with Hicksville Athletic Facility  
23 Instructor fees. Account No. PKS A 7110 47660 000  
24 0000. (M.D. 10/29/19 #5).

25 **RESOLUTION NO. 683-2019;** Resolution to

1 establish fees for the Town of Oyster Bay sponsored  
2 Co-Ed Adult Sports and Fitness Programs and to  
3 allow the Commissioner of Parks to adjust the fees  
4 of the program at their discretion if needed. (M.D.  
5 10/29/19 #8).

6 **RESOLUTION NO. 684-2019;** Resolution  
7 authorizing issuance of a refund of a building  
8 permit fee to V. Keehner. Account No. PAD B 0001  
9 02555 000 0000. (M.D. 10/29/19 #13).

10 **RESOLUTION NO. 685-2019;** Resolution  
11 authorizing extension for Contract No. HVR 17-156,  
12 Cleaning and Inspection of Storm Drainage Systems,  
13 for the period November 14, 2019 through  
14 November 13, 2020. (M.D. 10/29/19 #15).

15 **RESOLUTION NO. 686-2019;** Resolution  
16 pertaining to the Dock Application of Michael  
17 Starito, 331 Sunset Boulevard, Massapequa, NY.  
18 (M.D. 10/29/19 #20).

19 **RESOLUTION NO. 687-2019;** Resolution  
20 pertaining to the Dock Application of Donald  
21 Signorelli, 101 West Shore Drive, Massapequa, NY.  
22 (M.D. 10/29/19 #21).

23 **RESOLUTION NO. 688-2019;** Resolution  
24 authorizing employment of services of various  
25 performers for the 2019-2020 Distinguished Artists

1 Concert Series and authorizing the Supervisor, his  
2 designee or the Commissioner of Community and Youth  
3 Services to execute agreements for these events.

4 Account No. CYS A 7020 47660 000 0000. (M.D.  
5 11/5/19 #4).

6 **RESOLUTION NO. 689-2019;** Resolution  
7 authorizing an agreement for professional lighting  
8 equipment and services used during the *Music Under*  
9 *the Stars* concerts and various other special events  
10 for the period January 1, 2020 through December 31,  
11 2020, and for the Supervisor, his designee or the  
12 Commissioner of Community and Youth Services to  
13 execute said agreement. Account No. CYS A 7020  
14 47660 000 0000. (M.D. 11/5/19 #5).

15 **RESOLUTION NO. 690-2019;** Resolution  
16 authorizing an agreement for professional sound  
17 equipment and services used during the *Music Under*  
18 *the Stars* concerts and various other special events  
19 for the period January 1, 2020 through December 31,  
20 2020, and for the Supervisor, his designee or the  
21 Commissioner of Community and Youth Services to  
22 execute said agreement. Account No. CYS A 7020  
23 47660 000 0000. (M.D. 11/5/19 #6).

24 **RESOLUTION NO. 691-2019;** Resolution  
25 authorizing an agreement for an art instructor for

1 the Senior Citizens Services Program for the period  
2 January 1, 2020 through December 31, 2020, and for  
3 the Supervisor, his designee or the Commissioner of  
4 Community and Youth Services to execute said  
5 agreement. Account No. CYS A 7020 47660 000 0000.  
6 (M.D. 11/5/19 #7).

7 **RESOLUTION NO. 692-2019;** Resolution  
8 authorizing renewal of a performance license with  
9 American Society of Composers, Authors and  
10 Publishers to cover all Town sponsored performances  
11 and events for the period January 1, 2020 through  
12 December 31, 2020. Account No. CYS A 7020 47660 000  
13 0000. (M.D. 11/5/19 #8).

14 **RESOLUTION NO. 693-2019;** Resolution  
15 authorizing renewal of a performance license with  
16 Society of European Stage Authors & Composers, Inc.  
17 To cover all Town sponsored performances and events  
18 for the period January 1, 2020 through December 31,  
19 2020. Account No. CYS A 7020 47660 000 0000. (M.D.  
20 11/5/19 #9).

21 **RESOLUTION NO. 694-2019;** Resolution  
22 authorizing renewal of a performance license with  
23 Broadcast Music, Incorporated to cover all Town  
24 sponsored performances and events for the period  
25 December 1, 2019 through November 30, 2020. Account

1 No. CYS A 7020 47660 000 0000. (M.D. 11/5/19 #10).

2 **RESOLUTION NO. 695-2019;** Resolution  
3 authorizing videotaping, editing and purchase of  
4 DVD's for the Department's special events for the  
5 period covering January 1, 2020 through  
6 December 31, 2020. Account No. CYS A 7020 47660 000  
7 0000. (M.D. 11/5/19 #11).

8 **RESOLUTION NO. 696-2019;** Resolution  
9 granting request of Dori Yakuel to donate a  
10 memorial plaque and bench to be placed in Merry  
11 Lane Park (J2) in memory of Shlomo Grand. (M.D.  
12 11/5/19 #12).

13 **RESOLUTION NO. 697-2019;** Resolution  
14 authorizing Colin Bell, Deputy Commissioner,  
15 Intergovernmental Affairs to grant permission to  
16 Locust Valley Fire District to utilize the DUNS  
17 Number assigned to "Town of Oyster Bay, Doing  
18 Business as Locust Valley Fire District" for the  
19 purpose of LVFD to create a federal System for  
20 Award Management account in order for LVFD to apply  
21 for federal funding through the FEMA Assistance to  
22 Firefighters Grant Program. (M.D. 11/5/19 #14).

23 **RESOLUTION NO. 698-2019;** Resolution  
24 authorizing issuance of a refund of a building  
25 permit extension of time fee to M. Falcetta.



1 Account No. PAD B 0001 02555 000 0000. (M.D.  
2 11/5/19 #17).

3 **RESOLUTION NO. 699-2019;** Resolution  
4 pertaining to amended site plan and amended  
5 Landscape Plan approval for 900 Woodbury Road,  
6 Woodbury, New York. (M.D. 11/5/19 #19).

7 **RESOLUTION NO. 700-2019;** Resolution  
8 pertaining to amended site plan approval for Meadow  
9 Brook Country Club, 500 Cedar Swamp Road, Jericho,  
10 New York. (M.D. 11/5/19 #20).

11 **RESOLUTION NO. 701-2019;** Resolution  
12 authorizing renewal of the Town of Oyster Bay  
13 Dental Plan agreement for the period January 1,  
14 2020 through December 31, 2020 and for the  
15 Comptroller to issue payment. Account No. TWN AMM  
16 9060 80000 000 0000 000. (M.D. 11/5/19 #21).

17 **RESOLUTION NO. 702-2019;** Resolution  
18 directing the Town Clerk to advertise a Notice of  
19 Hearing in connection with the application of Joel  
20 and Randy Sporn, for a Special Use Permit for the  
21 conversion of commercial space to allow the  
22 operation of an auxiliary automobile center for  
23 premises located at 299 Duffy Avenue, Hicksville,  
24 New York. Hearing Date: December 10, 2019. (M.D.  
25 11/5/19 #29).

1                   **RESOLUTION NO. 703-2019;** Resolution  
2           directing the Town Clerk to advertise a Notice of  
3           Hearing in connection with the application of  
4           Massapequa Plaza Associates, Owner and  
5           Massapequa FBBC, LLC d/b/a Fit Body Boot Camp,  
6           Tenant, for a Special Use Permit to allow the  
7           operation of a fitness facility for premises  
8           located at 5117-5167 Merrick Road, Massapequa,  
9           New York. Hearing Date: December 10, 2019. (M.D.  
10          11/5/19 #30).

11                   **RESOLUTION NO. 704-2019;** Resolution to  
12          schedule a presentation of the Town of Oyster Bay  
13          Solid Waste Disposal District at the Town Board  
14          meeting of December 10, 2019 and to direct the Town  
15          Clerk to publish a public notice for this purpose.  
16          (M.D. 11/5/19 #34).

17                   **RESOLUTION NO. 705-2019;** Resolution  
18          granting request from the Locust Valley Chamber of  
19          Commerce, for Town assistance in conducting their  
20          Annual Tree Lighting Ceremony on December 3, 2019,  
21          and use various Town equipment for the event. (M.D.  
22          11/5/19 #36).

23                   **RESOLUTION NO. 706-2019;** Resolution  
24          pertaining to payment of a Satisfaction of  
25          Judgement. Account No. OTA A 1420 44110 000 0000.

1 (M.D. 11/5/19 #39).

2 **RESOLUTION NO. 707-2019;** Resolution  
3 authorizing the Supervisor to execute a License  
4 Agreement with the American Red Cross to use and  
5 occupy a 2,250 square foot portion of land at the  
6 Department of Public Works facility located at 150  
7 Miller Place, Syosset for the storage of three  
8 trailers and two trucks. (M.D. 11/5/19 #41).

9 **RESOLUTION NO. 708-2019;** Resolution  
10 authorizing an agreement for the provision of Staff  
11 Support/Leasing Services for the period January 1,  
12 2020 through December 31, 2020 and authorizing the  
13 Supervisor or his designee to execute said  
14 agreement. Account Nos. IGA CD 6293 480880 000 CW  
15 19, IGA CD 6293 48080 000 CW20, IGA CD 6293 47850  
16 000 CW20 and CMP A 1315 48080 000 0000. (M.D.  
17 11/5/19 #15 & 11/12/19 #10).

18 **RESOLUTION NO. 709-2019;** Resolution  
19 authorizing payment to satisfy final outstanding  
20 Workers Compensation Insurance balance for the 2018  
21 Summer Youth Employment and Training Program funded  
22 through the Workforce Innovation and Opportunity  
23 Act at no expense to the Town of Oyster Bay.  
24 Account No. IGA CD 6293 43000 000 CW19. (M.D.  
25 11/5/19 #16 & 11/12/19 #9).

1                   **RESOLUTION NO. 710-2019;** Resolution  
2                   pertaining to amended site plan approval for Nassau  
3                   Candy, 300 Duffy Avenue, Hicksville, New York  
4                   (M.D. 11/5/19 #18 & 11/12/19 #16).

5                   **RESOLUTION NO. 711-2019;** Resolution  
6                   authorizing an engagement for Workers' Compensation  
7                   Liability Actuarial Consultant Services from  
8                   December 1, 2019 through November 30, 2020, with  
9                   the provision of two (2) one-year extension options  
10                  and authorizing the Supervisor or his designee  
11                  and/or the Comptroller to execute said engagement.  
12                  Account No. CMP A 1315 44800 000 0000 (M.D. 11/5/19  
13                  #22 & 11/12/19 #20).

14                  **RESOLUTION NO. 712-2019;** Resolution  
15                  authorizing an engagement for Other Post Employment  
16                  Benefit Actuarial Consultant Services from  
17                  December 1, 2019 through November 30, 2020 with the  
18                  provision of two (2) one-year extension options and  
19                  authorizing the Supervisor or his designee and/or  
20                  the Comptroller to execute said engagement. Account  
21                  No. CMP A 1315 44800 000 0000. (M.D. 11/5/19 #23 &  
22                  11/12/19 #21).

23                  **RESOLUTION NO. 713-2019;** Resolution  
24                  authorizing an engagement for Professional Auditing  
25                  Services from December 1, 2019 through November 30,

1 2020, with the provision of two (2) one-year  
2 extension options and authorizing the Supervisor or  
3 his designee and/or the Comptroller to execute said  
4 engagement. Account No. TWN A 1989 44810 000 0000.  
5 (M.D. 11/5/19 #24 & 11/12/19 #22).

6 **RESOLUTION NO. 714-2019;** Resolution  
7 authorizing an engagement for On-Call Accounting  
8 Services from December 1, 2019 through November 30,  
9 2020, with the provision of two (2) one-year  
10 extension options and authorizing the Supervisor or  
11 his designee and/or the Comptroller to execute said  
12 engagement. Account No. CMP A 1315 44800 000 0000.  
13 (M.D. 11/5/19 #25 & 11/12/19 #23).

14 **RESOLUTION NO. 715-2019;** Resolution to  
15 schedule the Town Board Meeting dates for 2020.  
16 (M.D. 11/5/19 #26 & 11/12/19 #24).

17 **RESOLUTION NO. 716-2019;** Resolution  
18 authorizing payment of Independent Medical  
19 Examination in connection with Serpe v. Town of  
20 Oyster Bay. (M.D. 11/5/19 #27 & 11/12/19 #34).

21 **RESOLUTION NO. 717-2019;** Resolution  
22 pertaining to On-Call Technical Assistance for  
23 Contract No. PWC31- 18 relative to Operation and  
24 Development of the Old Bethpage Solid Waste  
25 Disposal Complex. (LKB) Account No. DER SR05 8160

1 44800 000 0000. (M.D. 11/5/19 #31 & 11/12/19 #28).

2 **RESOLUTION NO. 718-2019;** Resolution  
3 pertaining to On-Call Engineering Services for  
4 Contract No. PWC31-18 relative to Operation and  
5 Development of the Old Bethpage Solid Waste  
6 Disposal Complex and use of sub-consultant services  
7 for legal assistance with solid waste issues  
8 relative to the development of the solid waste RFP.  
9 (CA) Account No. DER SR05 8160 44800 000 0000.  
10 (M.D. 11/5/19 #32 & 11/12/19 #26).

11 **RESOLUTION NO. 719-2019;** Resolution  
12 pertaining to Quantity Increase/Decrease &  
13 Extension of Time for Contract No. DP17-167-PH2,  
14 Expansion of Ellsworth W. Allen Town Park, Phase 2.  
15 (M.D. 11/5/19 #33 & 11/12/19 #25).

16 **RESOLUTION NO. 720-2019;** Resolution  
17 granting request from Nassau Shores Civic  
18 Association for Town assistance in conducting their  
19 Annual Tree Lighting Event to be held November 29,  
20 2019, to use various equipment and to have Town  
21 Ordinance Chapter 82-3, waived for the event. (M.D.  
22 11/5/19 #37 & 11/12/19 #31).

23 **RESOLUTION NO. 721-2019;** Resolution  
24 amending Resolution No. 24-2019 in connection with  
25 Sports and Family Event Programs additional

1       unscheduled Town sponsored events within 2019 and  
2       for additional community event expenses related to  
3       the Town of Oyster Bay Waterfront Festival and  
4       Marine Expo held on September 14, 2019 at TOBAY  
5       Beach Marina. (M.D. 11/5/19 #38 & 11/12/19 #6).

6               **RESOLUTION NO. 722-2019;** Resolution  
7       pertaining to an increase for Resolution No.  
8       481-2018, additional Planning Services in order to  
9       complete the draft code modifications for  
10       presentation to the Town Board. Account No. PAD B  
11       8020 44800 000 0000. (M.D. 11/5/19 #40 & 11/12/19  
12       #14).

13               **RESOLUTION NO. 723-2019;** Resolution  
14       pertaining to Contract No. PWC31-18, On-Call  
15       Engineering Services relative to Operation and  
16       Development of the Old Bethpage Solid Waste  
17       Disposal Complex. Account No. DER SR05 8160 44800  
18       000 0000. (M.D. 11/5/19 #35 and 11/12/19 #27).

19               **RESOLUTION NO. 724-2019;** Resolution  
20       pertaining to the decision on the application of  
21       KRE Broadway Owner, LLC, for a Special Use Permit  
22       to permit the construction and operation of a motor  
23       vehicle rental facility, on premises known as the  
24       Broadway Mall Shopping Center, located on the west  
25       side of Broadway, Hicksville, New York. Hearing

1 held: September 17, 2019. (M.D. 9/17/19 #6).

2 **RESOLUTION NO. 725-2019;** Resolution  
3 pertaining to the decision on the application of  
4 KRE Broadway Owner, LLC, for a Special Use Permit  
5 to permit the expansion of an active recreation use  
6 with game room, on premises known as the Broadway  
7 Mall Shopping Center, located on the west side of  
8 Broadway, Hicksville, New York. Hearing held:  
9 September 17, 2019 (M.D. 9/17/19 #7).

10 **RESOLUTION NO. 726-2019;** Resolution  
11 pertaining to the decision on the application of  
12 KRE Broadway Owner, LLC, for a Special Use Permit  
13 to permit the construction and operation of a  
14 fitness center on premises known as the Broadway  
15 Mall Shopping Center, located on the west side of  
16 Broadway, Hicksville, New York. Hearing held:  
17 September 17, 2019 (M.D. 9/17/19 #8).

18 **RESOLUTION NO. 727-2019;** Resolution  
19 authorizing Colin Bell, Deputy Commissioner,  
20 Department of Intergovernmental Affairs, to execute  
21 a New York State Department of Transportation  
22 Equitable Business Opportunity System User  
23 Agreement and to serve as the Town's Primary Log-In  
24 Holder to the New York State Department of  
25 Transportation's Equitable Opportunities System.



1 (M.D. 11/12/19 #11).

2 **RESOLUTION NO. 728-2019;** Resolution  
3 authorizing a No Cost Time Extension of Local/  
4 Miscellaneous Contract relative to the Syosset  
5 Streetscape and Walkability Enhancement Project  
6 through December 2024 and for the Supervisor and/or  
7 his designee to execute said extension. (M.D.  
8 11/12/19 #12).

9 **RESOLUTION NO. 729-2019;** Resolution  
10 pertaining to funds for Nassau County Contract  
11 General Requirements Contract No. H66302V, in  
12 connection with the replacement of the back  
13 softball artificial turf at John J. Burns Park.  
14 Account No. PKS H 7197 20000 000 1902 001. (M.D.  
15 11/12/19 #32).

16 **RESOLUTION NO. 731-2019;** Resolution  
17 amending Resolution No. 69-2016 to provide an  
18 additional amount to satisfy 2018 invoices in  
19 connection with labor counsel services. Account No.  
20 TWN AMW 9040 84040 000 0000 000. (M.D. 11/12/19  
21 #36).

22 **RESOLUTION NO. 732-2019;** Resolution  
23 authorizing an Inter-Municipal Agreement with the  
24 Incorporated Village of Mill Neck under which the  
25 Town will provide sand and salt to said Village,

1 effective November 19, 2019 through April 30, 2020.  
2 (M.D. 11/12/19 #37).

3 On the motion?

4 COUNCILMAN MUSCARELLA: So moved.

5 COUNCILMAN MACAGNONE: Second.

6 MR. SPAGNUOLO: A motion was made by  
7 Councilman Muscarella, second by Councilman  
8 Macagnone.

9 On the vote:

10 Supervisor?

11 SUPERVISOR SALADINO: We have a  
12 speaker.

13 I'd like to call Arthur Adelman to the  
14 podium.

15 How many Resolutions will you be  
16 speaking on? It looks like it says one, two,  
17 three.

18 MR. ADELMAN: Arthur Adelman,  
19 110 Dubois Avenue, Sea Cliff, New York.

20 Hello. I was going to speak on four,  
21 but I'm down to three. This will be over quick.

22 SUPERVISOR SALADINO: How are you,  
23 Arthur?

24 MR. ADELMAN: I want to welcome  
25 everybody back from that Executive Session. You

1 might not have accomplished anything there, but I  
2 did accomplish out here by getting some questions  
3 answered.

4 SUPERVISOR SALADINO: Arthur, just so  
5 you and everyone is aware, first of all, this is  
6 following law as it relates to listening to  
7 counsel, but we never said we didn't accomplish  
8 anything. We didn't make any decision. We didn't  
9 vote on anything. It was information gathering  
10 from our counsel.

11 MR. ADELMAN: I'm sorry.

12 SUPERVISOR SALADINO: Which is  
13 important -- it's okay but we want you to be aware  
14 -- we want everybody to be aware.

15 COUNCILMAN MACAGNONE: For items on  
16 this calendar.

17 MR. ADELMAN: Right.

18 I was going to talk about some transfer  
19 of funds items, but during that time, I --

20 SUPERVISOR SALADINO: Got your answers?

21 MR. ADELMAN: -- was approached by  
22 certain -- your --

23 SUPERVISOR SALADINO: Personnel.

24 MR. ADELMAN: Heads of department, yes,  
25 and had all the questions answered.

1                   So now I come down to --

2                   SUPERVISOR SALADINO: Just so you know,  
3 Arthur, when you come to Board meetings, and we  
4 appreciate you being here as many times as you do  
5 attend, you can do that right off the bat, as  
6 they're sitting here waiting for us to get going,  
7 that might be efficient for your time because  
8 they're here to answer your questions and everyone  
9 else's questions.

10                  MR. ADELMAN: Right, and there are  
11 certain questions that they gave me answers to, but  
12 I think it's more important that we address the  
13 questions in the public form, which is what I'm  
14 doing now with regard to Resolutions 717, 718 and  
15 723, all which refer to the Old Bethpage Solid  
16 Waste Disposal Complex.

17                  I am not aware of what is the Town  
18 plans to do with the complex because it must be a  
19 very, very involved project, seeing that there are  
20 two engineering companies being retained to do  
21 studies and one technical company, I guess, are an  
22 engineering firm as well to do a technical package,  
23 which I think is for the RFP to do the work that  
24 the Town plans to do on the complex.

25                  The way it appears to me from just the

1 engineering studies, we've hired three companies  
2 Lockwood, Cashin and D&B and we're budgeting close  
3 to \$175,000 for these companies.

4 That's the way I read the Resolutions  
5 and the draft Resolutions. So, I'd just like the  
6 comments from your solid waste people to tell me  
7 and maybe all of you what is planned for that Old  
8 Bethpage site.

9 SUPERVISOR SALADINO: In short, we are  
10 examining different options to bring about a new  
11 way to deal with Sanitation in the Town of Oyster  
12 Bay and an RFP, and preparing that RFP, would be  
13 one of the steps in order to further our goal of  
14 coming up with a more efficient and far better of  
15 method dealing with solid waste in the Town.

16 MR. ADELMAN: What is wrong with what  
17 we are doing today? I'm just curious.

18 The engineering studies for each of  
19 these companies are over like 40,000 for -- I think  
20 it's called Lockwood, 105 for Cashin and 38 for  
21 D&B. These are just engineering.

22 SUPERVISOR SALADINO: Just so you know,  
23 that means up to.

24 MR. ADELMAN: Right up to.

25 SUPERVISOR SALADINO: We're not fully

1 clear of the total scope of this, but we would like  
2 to examine putting out RFP to change our operation  
3 and have a far more efficient way of dealing with  
4 both solid waste, municipal solid waste, as well as  
5 recyclable, and the economics have changed since we  
6 entered into contracts in the past, you know,  
7 you've been sitting here, as well as the  
8 technologies have changed. So, we are examining  
9 newer state of the art technologies.

10 MR. ADELMAN: You mean they might come  
11 back that we should retain a biofuel company  
12 because there are -- is a company in California, I  
13 know today, is taking solid waste from the  
14 restaurant and supermarket stream and utilizing  
15 those food stuffs to generate biofuel. So, there's  
16 a company doing that, so I assume --

17 SUPERVISOR SALADINO: Part of the  
18 process -- it would be way too premature to make a  
19 public announcement at this stage. We are  
20 examining all of the high technologies, the cutting  
21 edge technologies. We are examining all the  
22 different options to determine what is the economic  
23 best choice for our future, as well as the best  
24 environmental choices.

25 MR. ADELMAN: With this amount of money

1 that's being expended --

2 SUPERVISOR SALADINO: Up to.

3 MR. ADELMAN: Up to.

4 SUPERVISOR SALADINO: It makes a big  
5 difference because we're not --

6 MR. ADELMAN: I'm sorry.

7 SUPERVISOR SALADINO: -- we're not  
8 specifically looking to expend that kind -- those  
9 exact numbers.

10 MR. ADELMAN: Does the Inspector  
11 General get involved with looking at --

12 SUPERVISOR SALADINO: Any contract,  
13 absolutely. Any contract, any vendor. If we  
14 choose to go that route, all vendors would have to  
15 go through the rigorous processes that we put in  
16 place.

17 MR. ADELMAN: Because then that brings  
18 me to one last question regarding the roof  
19 construction on the Littauer Estate. We have an  
20 issue in a contract for up to 435,000 to do the  
21 roof with DME Construction.

22 I'm just curious if they went through a  
23 rigorous review by the Inspector General and the  
24 Ethics Board because that company is a very big  
25 political donator and it just gets me nervous

1 sometimes.

2 SUPERVISOR SALADINO: I'll ask you to  
3 take your seat, and we'll bring up the experts who  
4 I think will be able to assure you that this is a  
5 very important expenditure.

6 We've gone through the whole process  
7 and have revisited this many, many times, but we  
8 are more than happy to bring our experts up, if you  
9 would kindly take your seat.

10 Are there any other questions?

11 MR. ADELMAN: Just congratulations on a  
12 nice victory. Congratulations. See you in a  
13 couple of weeks.

14 SUPERVISOR SALADINO: Thank you very  
15 much, Arthur.

16 John Tassone, would you please step  
17 forward?

18 A question has come up regarding  
19 Resolutions No. 679.

20 First of all, would you state your  
21 presence?

22 DEPUTY COMMISSIONER TASSONE: Sure.

23 John Tassone Deputy Commissioner for  
24 the Department of Public Works, Division of  
25 Engineering.



1 SUPERVISOR SALADINO: Have you spent  
2 exhaustive hours in researching the different  
3 options in preserving the roof at the Littauer  
4 Estate?

5 DEPUTY COMMISSIONER TASSONE: Absolutely.  
6 The roof at the Littauer Estate has  
7 been in disarray for a couples of years. We looked  
8 for many options. The best option right now is to  
9 replace that roof completely because it's  
10 deteriorating.

11 SUPERVISOR SALADINO: I know the answer  
12 to this, because we've discussed this, but we  
13 talked about patches and temporary fixes in this  
14 process.

15 Can you just speak to that? We want to  
16 assure Mr. Adelman, as well as all the public, of  
17 the different steps we have taken to consider every  
18 option.

19 DEPUTY COMMISSIONER TASSONE: Sure.

20 Since we acquired the Littauer Estate,  
21 we've made numerous patches to the roof. We've  
22 also made numerous patches to the fascia, to the  
23 soffit. Water is getting in there. It's rotting  
24 the system. Birds are getting in there. They're  
25 going to the bathroom in there. That is also toxic

1 and it's rotting from the inside out.

2 We did an extensive study out there.  
3 We did bring in a professional to design this roof.  
4 This roof is not your typical conventional roof.  
5 The roof trusts are about 20 inches on center, not  
6 16 on center. It's fine. It works, but it is  
7 taking a little more finesse and expertise. It's  
8 not typical as if it was a residential roof. So we  
9 are replacing it. Three-quarter-inch plywood. It  
10 will be tongue and groove. It will be nailed. It  
11 will be screwed. All the fascia is coming off.  
12 All the soffits are coming off. And you will have  
13 a completely tight roof system so we can avoid any  
14 further deterioration to the Littauer Estate.

15 SUPERVISOR SALADINO: If we didn't make  
16 this full replacement of the roof, what would  
17 happen to the structure?

18 DEPUTY COMMISSIONER TASSONE:  
19 Eventually it would fail and a patch is simply a  
20 patch. A patch is sometimes worse than a hole  
21 because when you patch something, you have multiple  
22 areas like a patch in the road. When you put  
23 asphalt down, the minute you cut in a patch, you  
24 have four areas, four cuts where things can  
25 deteriorate. Same thing on a patch on a roof. It

1 needs to be replaced. It's probably close to  
2 original and you would get tremendous failure on  
3 the roof. You get sag -- it would cost us even  
4 more in the long run to wait.

5 SUPERVISOR SALADINO: That's an  
6 important issue because I had asked you that  
7 question, and we went through a very thorough  
8 analysis.

9 Can you speak to the issue that we  
10 spoke about?

11 You gave me an answer basically saying  
12 that the multitude of patches needed would closely  
13 come to the same number as getting a brand-new roof  
14 in there.

15 DEPUTY COMMISSIONER TASSONE: Absolutely.

16 SUPERVISOR SALADINO: When you consider  
17 the patches, the soffits, the many, many aspects of  
18 the sheathing that needs to be replaced.

19 DEPUTY COMMISSIONER TASSONE: Right.

20 You would be close to 70 percent of the  
21 roof would be new if you were to patch every bad  
22 area that was in that roof.

23 SUPERVISOR SALADINO: And that doesn't  
24 include all the soffits?

25 DEPUTY COMMISSIONER TASSONE: It

1 doesn't include the soffits. It doesn't include  
2 the fascia. It doesn't include how many times I  
3 have to mobilize to bring a contractor in there to  
4 do the repairs.

5 It is in the best interest, in my  
6 professional opinion, from Public Works, that we go  
7 in there and we bid this out. It's a publicly bid  
8 job.

9 The job was bid on September 30th. We  
10 did not act quickly just award to the lowest  
11 bidder. We did bring him in. We have worked with  
12 him in the past. It doesn't mean it's a rubber  
13 stamp. We brought him in. We sat with him. We  
14 went over it. Told him the urgency of it. Made  
15 sure his company was going to be able to do this  
16 project and here we are making the recommendation  
17 to you and the Board.

18 COUNCILMAN MACAGNONE: John, what's the  
19 estimated change orders and overage?

20 DEPUTY COMMISSIONER TASSONE: Right now  
21 we have no estimated change order overage. What we  
22 do have is we have a 5 percent what we call  
23 potential quantity increase which is 5 percent of  
24 the bid price because we can't really see through  
25 the roof.

1 COUNCILMAN MACAGNONE: Without a doubt.

2 DEPUTY COMMISSIONER TASSONE: And we  
3 can't get into the attic completely to see any  
4 deterioration. So, we designed this to the best of  
5 our ability and, like I said, we can't see through  
6 it, but we do have a 5 percent contingency. We  
7 will be on the job full time, and we will make sure  
8 that we only replace what is necessary.

9 COUNCILMAN MACAGNONE: Also, John, is  
10 there any part of that building that is ADA  
11 compliant for the public to get into and use?

12 DEPUTY COMMISSIONER TASSONE: The  
13 building itself?

14 COUNCILMAN MACAGNONE: Yes.

15 DEPUTY COMMISSIONER TASSONE: I can't  
16 answer that for you, Councilman. I'm not prepared  
17 for that. I don't really remember.

18 SUPERVISOR SALADINO: Can you give us a  
19 sense, please, of how many square feet of roof we  
20 are talking about?

21 DEPUTY COMMISSIONER TASSONE: About  
22 12,000.

23 SUPERVISOR SALADINO: 12,000 square  
24 feet.

25 DEPUTY COMMISSIONER TASSONE: Just shy.

1 SUPERVISOR SALADINO: With lots of  
2 turns, lots of places where different heights are  
3 joined, lots of places water can get in.

4 DEPUTY COMMISSIONER TASSONE: Yes.  
5 There's multiple caps. Multiple valleys. It's a  
6 labor intensive project.

7 SUPERVISOR SALADINO: One of the things  
8 we talked about is if we went and made those  
9 repairs, you said some 70 percent of the roof would  
10 have to be replaced and that doesn't include the  
11 soffits, the fascias. The other things that we'll  
12 find when things are opened up -- it's a very old  
13 building, approximately 100 years old.

14 DEPUTY COMMISSIONER TASSONE: Correct.

15 SUPERVISOR SALADINO: And one of  
16 questions I had for you is, can we be fully  
17 guaranteed -- if we went the patch route, can we be  
18 fully guaranteed that there will be no more  
19 penetration anywhere on that roof? Do you recall  
20 your answer to me?

21 DEPUTY COMMISSIONER TASSONE: Absolutely  
22 not. -- I recall my answer. Absolutely not.

23 I can only guarantee -- a contractor  
24 can only guarantee what he fixes. So, in a week or  
25 six months or a year, what we have not touched,

1 could fail and we could have another leak.

2 SUPERVISOR SALADINO: And that price  
3 could be upwards of 70 percent of the expenditure  
4 that's being asked for a total new roof?

5 DEPUTY COMMISSIONER TASSONE: At least.

6 SUPERVISOR SALADINO: At least.

7 So, we could spend more than 70 percent  
8 of the cost being -- that was bid and still not be  
9 guaranteed of an end to penetration moisture and  
10 the other elements that are deteriorating the  
11 facility?

12 DEPUTY COMMISSIONER TASSONE: Yes.

13 That's my professional opinion.

14 The work to do a patch is more labor  
15 intensive than to rip off the entire roof and redo  
16 the roof.

17 COUNCILMAN MACAGNONE: Without a doubt,  
18 100 percent.

19 Now, are we putting cedar back on and  
20 keeping it authentic?

21 DEPUTY COMMISSIONER TASSONE: Yes.

22 COUNCILMAN MACAGNONE: Using wood  
23 fascia and soffits?

24 DEPUTY COMMISSIONER TASSONE: Wood  
25 fascia and soffits.

1 SUPERVISOR SALADINO: And we'll get  
2 multiple coats of paint to ensure that they'll have  
3 as long a life as possible?

4 DEPUTY COMMISSIONER TASSONE: To start,  
5 yes, and then we'll stay on the maintenance part of  
6 it.

7 COUNCILMAN MACAGNONE: We're good at  
8 that.

9 COUNCILWOMAN JOHNSON: If approved,  
10 when would they start working? Would they get in  
11 before the Winter?

12 DEPUTY COMMISSIONER TASSONE: You know,  
13 Councilwoman, if this was 2018 going into '19, I  
14 would be confident to say that we could, but I'm  
15 not confident that we are going get the same Winter  
16 that we had last year where it was warm and very  
17 little snow, and it's a dangerous thing. I --

18 COUNCILMAN MACAGNONE: It's a high roof  
19 with a C-pitch.

20 DEPUTY COMMISSIONER TASSONE: Yes.

21 My professional opinion, I would hold  
22 off until April. Let's make the necessary -- we'll  
23 cover it the best we can with tarps to not --  
24 hopefully, not get any further deterioration, but  
25 my professional opinion is we keep them off the



1 roof until the Spring.

2 SUPERVISOR SALADINO: While this may  
3 not be in your -- if we pass this and enter into a  
4 contract, would that contractor go through all the  
5 processes including the full involvement of our  
6 Inspector General?

7 DEPUTY COMMISSIONER TASSONE: That part  
8 has already happened prior to this. His disclosure  
9 and questionnaire has been submitted as part of his  
10 package. I believe the Inspector General sees this  
11 entire package prior to it getting to this point.  
12 But the Inspector General and the Department of  
13 Public works stay in constant contact.

14 COUNCILMAN MACAGNONE: We have somebody  
15 checking certified payroll either on a daily or  
16 weekly basis?

17 DEPUTY COMMISSIONER TASSONE: Absolutely.

18 COUNCILMAN MACAGNONE: Make sure he's  
19 paid and counting properly.

20 DEPUTY COMMISSIONER TASSONE: Yes. We  
21 have -- we are going to have --

22 COUNCILMAN MACAGNONE: Clerk works --  
23 old days --

24 DEPUTY COMMISSIONER TASSONE: Correct.  
25 And we have my office. We have

1 Department of Public Works Engineering Division  
2 that does review it.

3 COUNCILMAN MACAGNONE: I feel better  
4 now.

5 COUNCILMAN LABRIOLA: What is the life  
6 expectancy of the roof?

7 DEPUTY COMMISSIONER TASSONE: I don't  
8 have it in front of me, but I believe it's a  
9 25-year warrantee on the actual roofing material.

10 The contractor has to give us -- with  
11 all our contracts, a one-year maintenance bond.  
12 So, from the date that this Board deems this  
13 project final, he has to come in.

14 If there's any construction defects in  
15 that first year, completely on him. If there are  
16 warrantee issues, if something fails with the roof  
17 material, that's a different story. We would have  
18 to capitalize on the warrantee. So the material is  
19 a 25-year warrantee, the labor is one year from the  
20 date that you this Board accepts it. That's our  
21 standard one-year maintenance on contracts.

22 COUNCILMAN LABRIOLA: Thank you.

23 SUPERVISOR SALADINO: Arthur, does that  
24 answer all your questions?

25 MR. ADELMAN: Yes.

1                   The only thing if I wish to I can FOIL  
2 the disclosure forms BRE submitted?

3                   SUPERVISOR SALADINO: I believe so.

4                   The answer from our Town Attorney's  
5 office is yes.

6                   MR. ADELMAN: Thank you.

7                   SUPERVISOR SALADINO: Thank you.

8                   I appreciate that and, you know, it's a  
9 big number, but we also understand that this  
10 happens to everyone. If you don't maintain your  
11 house, it's going to fall apart.

12                   Thank you.

13                   Is there would anyone else who would  
14 like to be heard on any of our Resolutions?

15                   (No response.)

16                   SUPERVISOR SALADINO: Let the record  
17 reflect no one has indicated they'd like to be  
18 heard.

19                   May we have a vote? Is there any  
20 correspondence on any of this?

21                   MR. SPAGNUOLO: No correspondence.

22                   SUPERVISOR SALADINO: Thank you.

23                   MR. SPAGNUOLO: We have a motion on  
24 Resolutions 457 through 735.

25                   Motion was made by a motion was made by

1 Councilman Muscarella, seconded by Councilman  
2 Macagnone.

3 On the vote:

4 Supervisor Saladino?

5 SUPERVISOR SALADINO: "Aye."

6 MR. SPAGNUOLO: Councilman Muscarella?

7 COUNCILMAN MUSCARELLA: This is the  
8 entire calendar; is that correct?

9 MR. SPAGNUOLO: Resolution 730 was  
10 tabled.

11 COUNCILMAN MUSCARELLA: "Aye" on all.

12 MR. SPAGNUOLO: Councilman Macagnone?

13 COUNCILMAN MACAGNONE: No on P-16.  
14 No on 679.

15 MS. FAUGHNAN: "Aye" on the rest?

16 COUNCILMAN MACAGNONE: "Aye" on the  
17 rest.

18 Thank you, Counselor.

19 MR. SPAGNUOLO: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: "Aye" on all.

21 MR. SPAGNUOLO: Councilman Imbroto?

22 COUNCILMAN IMBROTO: "Aye" on all.

23 MR. SPAGNUOLO: Councilman Hand?

24 COUNCILMAN HAND: "Aye" on all.

25 MR. SPAGNUOLO: Councilman Labriola?

1 COUNCILMAN LABRIOLA: "Aye" on all, but  
2 I want to explain my vote on 765A and B and 734A  
3 and B, in light of the dramatic news that we heard  
4 and the testimony from the attorney for the Water  
5 District and for the prior Water District, I  
6 reluctantly vote yes, because I feel that we have  
7 no options. These Water Districts have no options.

8 The State deadline seems to be an  
9 impossibility in many cases to even meet the State  
10 MCL deadline which is going to take affect early  
11 next year.

12 So, I'm reluctantly voting yes, because  
13 I don't believe these Water Districts have any  
14 options. I think they have their hands tied.

15 I vote "Aye" on all.

16 MR. SPAGNUOLO: Councilman Macagnone,  
17 you voted "no" on TF?

18 COUNCILMAN MACAGNONE: P-16.

19 MR. SPAGNUOLO: P-16-19, Okay.

20 COUNCILMAN MACAGNONE: Yes.

21 MR. SPAGNUOLO: We have a vote on 457,  
22 675A, 675B, seven "Ayes."

23 We have P-11-19, six "Ayes," one "Nay."

24 MS. FAUGHNAN: P-16.

25 MR. SPAGNUOLO: P-16-19, six "Ayes,"

1 one "Nay."

2 676, 677, 678, seven "Ayes."

3 679, six "Ayes," one "Nay."

4 680 through 735, noting 730 was tabled,  
5 seven "Ayes."

6 Calendar is complete.

7 SUPERVISOR SALADINO: Thank you.

8 COUNCILMAN MUSCARELLA: Supervisor, I  
9 make a motion to close the meeting.

10 COUNCILMAN MACAGNONE: Second.

11 SUPERVISOR SALADINO: All in favor,  
12 please signify by saying, "Aye."

13 ALL: "Aye."

14 SUPERVISOR SALADINO: Those opposed,  
15 "Nay."

16 (No response.)

17 SUPERVISOR SALADINO: The "Ayes" have  
18 it.

19 Thank you very much.

20 (TIME NOTED: 1:35 P.M.)

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