

TOWN BOARD  
TOWN OF OYSTER BAY  
SPECIAL PRESENTATION  
MARCH 13, 2018  
10:28 A.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 REBECCA M. ALESIA  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND

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

JAMES ALTADONNA JR., TOWN CLERK  
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good morning,  
2 ladies and gentlemen, and welcome to our Town Board  
3 meeting of Tuesday, March 13, 2018.

4 This morning's prayer will be led by  
5 Pastor John Yenchko of North Shore Community Church  
6 in Oyster Bay. The church's mission is to  
7 celebrate, communicate and cultivate the glory and  
8 love of God in the North Shore communities.

9 Under the direction of this wonderful  
10 pastor, the parish has been open to all people and  
11 has embodied God's love by words and actions toward  
12 one another.

13 Pastor Yenchko, we welcome you.

14 By the way, those are wonderful words  
15 to live by.

16 (Whereupon, a prayer was recited by  
17 Pastor John Yenchk.)

18 SUPERVISOR SALADINO: Thank you.

19 Thank you very much, Pastor Yenchko.

20 This morning, our Pledge of Allegiance  
21 will be led by Oyster Bay High School senior, Keith  
22 Cassar.

23 (Whereupon, the Pledge of Allegiance  
24 was recited and led by Keith Cassar.)

25 SUPERVISOR SALADINO: Thank you so

1 much.

2 Thank you, Keith.

3 This morning, our Town Board takes  
4 special pleasure in recognizing you for your  
5 accomplishments as the Nassau County Wrestling  
6 Champion.

7 (Applause.)

8 SUPERVISOR SALADINO: Keith is a senior  
9 and he had an amazing third consecutive County  
10 title by defeating an accomplished Locust Valley  
11 High School wrestler at the Division 2 finals  
12 recently held in Cold Spring Harbor.

13 COUNCILWOMAN JOHNSON: What weight  
14 class?

15 MR. CASSAR: 120.

16 SUPERVISOR SALADINO: I remember when I  
17 was 120, barely.

18 You're remarkable accomplishment is a  
19 testament to your years of dedication and inspired  
20 leadership of your coaches and your family, because  
21 remember, behind every great young athlete are  
22 parents who sacrifice, who work as taxi drivers,  
23 who schedule meals around practice and tournaments,  
24 and constantly make sure that we are able to pursue  
25 our passions.

1                   So your mom and family deserve a round  
2 of applause as well.

3                   (Applause.)

4                   SUPERVISOR SALADINO: Your  
5 accomplishment is a remarkable accomplishment and a  
6 testament of your years of dedication and your  
7 determination to be the best of the best.

8                   My colleagues in the Oyster Bay Town  
9 Board join in commending you, a resident of the  
10 Town of Oyster Bay who has made us very proud on  
11 winning your third Nassau County title.

12                   Congratulations.

13                   (Applause.)

14                   COUNCILMAN MACAGNONE: Keith, where are  
15 you going to college?

16                   MR. CASSAR: I'm not sure yet.

17                   COUNCILMAN MACAGNONE: I went there  
18 myself.

19                   SUPERVISOR SALADINO: How many years  
20 did it take you to graduate from, I'm not sure?

21                   COUNCILMAN MACAGNONE: Let's not go  
22 there.

23                   SUPERVISOR SALADINO: I am going to ask  
24 our Town Councilwoman Michelle Johnson, who is also  
25 an alumni of your high school, to join us by

1 presenting you with a Town of Oyster Bay citation  
2 recognizing your accomplishment.

3 COUNCILWOMAN JOHNSON: And I may add, a  
4 mother of a son on the varsity team on Locust  
5 Valley.

6 SUPERVISOR SALADINO: Great. So let's  
7 join in front.

8 (Whereupon, a Town Citation was  
9 presented to Keith Cassar by Councilwoman Johnson.)

10 SUPERVISOR SALADINO: You must be so  
11 proud. We are, too. Congratulations. Good work.

12 Friends, from the beginning of this  
13 month, we have seen the challenges of Mother  
14 Nature. The third Nor'easter hits the 13th, so in  
15 less than two weeks, but I want to continue to  
16 thank and recognize, join with all of my colleagues  
17 on the Town Board, our Town Clerk and our Receiver  
18 in thanking the men and women of our Town of Oyster  
19 Bay work force for doing an amazing job responding  
20 in such an exceptional way for our residents  
21 throughout the Town.

22 It is not easy work to be out there for  
23 very long hours plowing snow in the cold. It's  
24 exhausting, and they've done it with tremendous  
25 dedication and professionalism, and, quite frankly,

1 thrilled to have accomplished this without any  
2 accidents and have really done a fabulous job, as  
3 well as those who work behind the scenes working  
4 the telephones when our residents call, getting out  
5 to the low-lying areas with pumps and taking care  
6 of flooding.

7 And then there's always the folks in  
8 CVM, Central Vehicle Maintenance, who do a yeoman's  
9 effort to fix and make all of those repairs and get  
10 them right back on the road again, so let's have a  
11 big thank you to everyone in Public Works,  
12 Sanitation, Highway, Central Vehicle Maintenance,  
13 Public Information, what a fabulous job and we're  
14 very, very proud of all of you.

15 (Applause.)

16 SUPERVISOR SALADINO: Just a reminder  
17 for those watching at home, if someone has a  
18 problem, a tree limb down, a tree down, any kind of  
19 an issue, or if they're stranded on the water  
20 because Public Safety too has done a wonderful job  
21 in preparing for rescues, anyone who has any issue  
22 can contact the Town at 677-5757.

23 Now, as Winter comes to an end, we are  
24 recognizing all of the -- if Winter will finally  
25 come to an end -- we're recognizing that every

1 municipality across our state, across Long Island,  
2 suffers from the sand, the salt, and the freezing  
3 temperatures to our roadways, and we are currently  
4 getting our process going to get out and fix the  
5 pot holes and then follow up by our road paving  
6 operation. Residents can report potholes to our  
7 Highway Department at 516-677-5757.

8 As the weather gets warmer, people will  
9 be hitting our waterways, looking forward to being  
10 out on the water, and we remind people and invite  
11 our residents to take advantage of a free safe  
12 boating course which will be offered at Town  
13 community centers by the Department of Public  
14 Safety and our Bay Constables unit.

15 These courses are available in two  
16 sessions beginning later this month, and offer  
17 participants all of the fundamentals of safe  
18 boating operation and provide the prerequisites for  
19 the safe boating license, and all operators of  
20 personal watercraft are required to be licensed in  
21 New York State.

22 You can get more information about this  
23 by visiting our website [oysterbaytown.com](http://oysterbaytown.com) or  
24 calling 677-5350.

25 We'd also like to commend the

1 Department of Public Safety and the Nassau County  
2 Police Department for hosting a situational  
3 awareness lecture to our residents last week, and  
4 you all know why it's so important that we're  
5 providing this information. We will have a second  
6 opportunity for residents to come out and to learn  
7 about what to do in terms of proactive survival  
8 strategies and we will hold this free lecture  
9 Thursday, March 22nd at 7:00 p.m. We held first  
10 one here at Town Hall North. Now, we're going down  
11 to the southern end of town at Marjorie Post Park  
12 in the community center. That date again,  
13 Thursday, March 22nd at 7:00 p.m.

14 Now, for a little fun news and it's  
15 wonderful to think about last weekend here, last  
16 Saturday morning during a snowstorm, but this past  
17 Saturday, I joined with my colleagues, including  
18 Councilman Hand and a very brave Councilman Lou  
19 Imbroto for Freezing for a Reason, and that was a  
20 Polar Plunge at Tobay Beach and it was benefiting  
21 the Special Olympics. We were happy to join with  
22 the Special Olympics and I'd like to give kudos to  
23 both of the Councilmen who joined me, even though  
24 only one of them was brave enough to go in the  
25 water.



1                   Maybe the other one was smart enough  
2                   not to go in the water, but we led the troops into  
3                   the water, carrying the torch of the Special  
4                   Olympics to bring more attention to such a  
5                   wonderful cause and I thank you all for taking  
6                   part.

7                   Lou, it wasn't too cold, right.

8                   COUNCILMAN IMBROTO: No. It wasn't  
9                   cold at all.

10                  COUNCILWOMAN ALESIA: Supervisor, I  
11                  know how much you and Councilman Imbroto love to  
12                  participate in these awareness things, and did you  
13                  know that today is St. Baldrick's Day?

14                  SUPERVISOR SALADINO: Yes.

15                  COUNCILWOMAN ALESIA: And there's a  
16                  challenge to shave your head for St. Baldrick's Day  
17                  in support of --

18                  COUNCILMAN IMBROTO: I'll follow your  
19                  lead, Councilwoman.

20                  SUPERVISOR SALADINO: So who would like  
21                  to volunteer to start off? I'm trying to keep --  
22                  hang onto every last follicle I have quite frankly.

23                  COUNCILWOMAN ALESIA: I would  
24                  definitely rather do the Polar Plunge.

25                  SUPERVISOR SALADINO: Me, too. We have

1 another Polar Plunge coming up and this one is for  
2 to benefit the Cerebral Palsy Association of Nassau  
3 County. It takes place Sunday, March 18th. The  
4 festivities are slated to begin at 1:00 p.m. and  
5 the plunge at 2:00 p.m. On Wednesday, we have a  
6 free blood pressure screening and that's being  
7 offered by St. Francis Hospital. We're holding it  
8 at Syosset Woodbury Community Park beginning at  
9 10:00 a.m.

10 And we're all environmentalists in this  
11 Town. We love protecting our environment and we'll  
12 have the opportunity to do that and we hope the  
13 public joins with us on Saturday, March 24th,  
14 because that is Tobay Beach Dune Day. That starts  
15 at 10:00 a.m. Saturday, March 24th.

16 Residents of all ages are invited to  
17 help come down to plant dune grass at Tobay Beach  
18 and it is a wonderful day with lasting memories.

19 So far, the weather has been pretty  
20 good. Last year, we were joined by Mr. Long  
21 Island, New York Islander great, Bob Nystrom.  
22 We've invited him again and we'll see who's able to  
23 make it but we always have celebrities of all ages  
24 from all walks of life like to join us.

25 And lastly, we'd like to remind

1 everyone that we continue to hold a pet food  
2 collection drive now through March 30th. Long  
3 Island Cares has collection boxes located at our  
4 Town Animal Shelter, Town Hall North, Town Hall  
5 South, Hicksville Athletic Center, and the ice  
6 skating rink at Bethpage, and your donations are to  
7 help animals stay with their families.

8 Some families are struggling and we  
9 recognize that and this is a good way to help those  
10 animals stay in their forever homes.

11 (TIME NOTED: 10:44 A.M.)

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TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
MARCH 13, 2018  
10:45 A.M.

**HEARING - LOCAL LAW**

To consider a Local Law to authorize a Voluntary Separation Incentive Program for the Eligible Employees of the Town of Oyster Bay. (M.D. 2/13/18 #18 & 2/20/18 #13).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

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

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KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Now, let's poll  
2 the Board and move forward with the business of the  
3 day.

4 If our Town Clerk James Altadonna Jr.  
5 would please poll the Board?

6 MR. ALTADONNA: Supervisor Saladino?

7 SUPERVISOR SALADINO: Present.

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: Here.

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: I'm in  
12 attendance, Clerk Altadonna.

13 MR. ALTADONNA: Thank you.

14 Councilwoman Alesia?

15 COUNCILWOMAN ALESIA: I'm here.

16 Good morning, Jim.

17 MR. ALTADONNA: Good morning.

18 Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: Here.

20 MR. ALTADONNA: Councilman Imbroto?

21 COUNCILMAN IMBROTO: Present.

22 MR. ALTADONNA: Councilman Hand?

23 COUNCILMAN HAND: Here.

24 SUPERVISOR SALADINO: Would the Town  
25 Clerk please call the first hearing?

1 MR. ALTADONNA: Sure.

2 Local Law to consider a Local Law to  
3 authorize voluntary separation incentive program  
4 for the eligible employees of the Town of Oyster  
5 Bay.

6 SUPERVISOR SALADINO: Would you please  
7 state your presence, sir?

8 MR. SCALERA: Good morning, Supervisor,  
9 Members of the Town Board.

10 Frank M. Scalera, Chief Deputy Town  
11 Attorney, Town of Oyster Bay.

12 On the first hearing is a Local Law --  
13 to consider a Local Law authorizing the voluntary  
14 separation incentive program for the eligible  
15 employees of the Town of Oyster Bay.

16 That the intent on the legislative  
17 findings be proposed for that law is for -- you  
18 know, to pursuant to a cheap cost savings for the  
19 Town.

20 Eligible employees would be full-time  
21 employees of the Town who have been working  
22 continuously, no later than January 1, 2016, so  
23 those people up and to that point in time who have  
24 been working continuously can take advantage of  
25 this voluntary separation incentive.

1           If they were to do so, they'd have  
2           to -- if this Local Law is passed, they would have  
3           to apply for this to the Department of Human  
4           Resources no later than June 30, 2018, and they  
5           would have to be off the payroll. I believe it  
6           says no later than July 31, 2019, so their first  
7           day -- their last day would be July 31, 2018.

8           Simply, this is a -- simply -- the  
9           simple incentive program is basically \$1,000 a year  
10          of an incentive for each year they worked in the  
11          Town of Oyster Bay and they can receive that sum in  
12          one lump sum within 75 days of their last day of  
13          employment or they can choose to get it in three  
14          equal installments, the first one being 75 days  
15          after and then two equal installments a year --  
16          each year thereafter of their anniversary date of  
17          retirement -- excuse me, of the separation.

18          SUPERVISOR SALADINO: So the whole  
19          motivation is to right size our Town workforce,  
20          save money for our taxpayers, provide a motivation  
21          for people who have been here a long time and might  
22          be at a higher salary to then leave -- break with  
23          service so that they come off of the payroll, and  
24          as we move forward, we're looking forward to or  
25          continuing to reorganize the Town, have the right

1 number of employees, and save the taxpayers money.

2 Is that true?

3 MR. SCALERA: Sure.

4 Yeah, and if it's -- and if you have a  
5 person who is making a higher salary, but is not  
6 eligible to retire or eligible for any retirement  
7 program we have, it's the ability to get those  
8 folks off the payroll and to, of course, cost  
9 savings, that's the key.

10 SUPERVISOR SALADINO: So it's all about  
11 cost savings, reorganization, and thinning the  
12 needs of providing high quality services while  
13 keeping a very close watch on costs.

14 MR. SCALERA: Correct.

15 SUPERVISOR SALADINO: Thank you.

16 MR. SCALERA: And I'll -- in terms of  
17 housekeeping, I understand that prior meetings, a  
18 Resolution for public notice of this meeting is in  
19 the record, just for purposes of procedure, and  
20 then that's what we're here today on, based upon  
21 that past Resolution.

22 SUPERVISOR SALADINO: Board members  
23 have some questions.

24 COUNCILMAN MACAGNONE: On the meeting  
25 of November 28th of last year, I questioned your



1 colleague, Mr. Rozea, that we are not going to come  
2 back another six months and do this again. I'm  
3 surprised it's three months.

4 What's the great cost savings that we  
5 got to do it every three months?

6 MR. SCALERA: Are we talking about the  
7 voluntary separation or are we talking about the  
8 retirement incentive?

9 COUNCILMAN MACAGNONE: Retirement  
10 incentive.

11 MR. SCALERA: It's -- my understanding  
12 is we started the voluntary separation just  
13 recently, isn't that right, as opposed to the  
14 retirement incentive? That's the next hearing.

15 COUNCILMAN MACAGNONE: Okay.

16 MR. SCALERA: So you're saying if it  
17 was done some time ago, what caused this to be  
18 posed again?

19 COUNCILMAN MACAGNONE: Yes.

20 MR. SCALERA: Well, although I'm not  
21 the sponsor of legislation, I can say that  
22 continuing cost savings is always something that  
23 you would like to pursue.

24 I mean, I don't know why we wouldn't  
25 stop that if it is working and getting some people

1 off the payroll, allowing us to hire lower paying  
2 employees, I don't -- again, that's a personal  
3 opinion. I'm the attorney for that Town. I don't  
4 make that final decision. But if it's working and  
5 it's reducing the workforce. As we know, We've had  
6 over 1,200 employees three years ago and I think  
7 we're down to about -- under 1,000, 900 and change,  
8 so it has been -- it has been between the last  
9 couple of retirement incentives, just from  
10 observing, I've noticed a reduction in that  
11 workforce.

12 COUNCILMAN MACAGNONE: But we don't  
13 have clear facts of how many people eligible for  
14 the cost savings would be?

15 MR. SCALERA: I don't have them -- I  
16 don't have them with me standing here, but I think  
17 we can either try to get them in the next five  
18 minutes or the next couple days.

19 COUNCILMAN MACAGNONE: Thank you.

20 Appreciate it.

21 Also, under Section 7, waiver, it says  
22 the sole discretion of the supervisor. I think  
23 that should be discretion of the Town Board. We go  
24 into a work session. We don't have to have the  
25 names of the person. You can have the initials. I

1 sit on the \$5 billion health fund and when there's  
2 an appeal, we don't get the name. We get the  
3 initials of the person and the Board of Trustees  
4 decides, not just one person. I'd like to see  
5 Section 7, the waiver changed to be brought up  
6 before the Town Board, even in Executive Session,  
7 let's do personnel, not sole supervisor.

8 MR. SCALERA: Not to -- I just want to  
9 interrupt for a specific reason.

10 You're referring to Section 7. I think  
11 that's the --

12 COUNCILMAN MACAGNONE: I asked for  
13 backup. All I got was this. I didn't have nothing  
14 on the first one. I didn't have it on the second  
15 one. I'm going to assume that it is probably the  
16 same for both.

17 MR. SCALERA: No.

18 Section 7 you're referring to about the  
19 waiver is in the retirement incentive, which is our  
20 next hearing; however, looking at the voluntary  
21 separation incentive --

22 COUNCILMAN MACAGNONE: I don't have a  
23 copy of that. I didn't receive one.

24 MR. SCALERA: You didn't receive?

25 COUNCILMAN MACAGNONE: Obviously not.

1 MR. SCALERA: Okay. That particular  
2 law talks about -- Section 5 talks about a deferral  
3 of participation, which means basically that a  
4 person who is supposed to -- wants to take  
5 advantage of this particular voluntary separation,  
6 has to apply to the Human Resources by June 30th,  
7 like I mentioned before; however, they can also  
8 apply to Human Resources if they want to get that  
9 deferred and this Local Law would allow that person  
10 to exercise voluntary separation up to June 30,  
11 2019, at the discretion of the Town Supervisor, but  
12 solely if the employee's absence will hinder the  
13 performance of government functions.

14 So if there's an employee -- if there  
15 is a safety sensitive employee that the Town  
16 Supervisor deems that is required --

17 COUNCILMAN MACAGNONE: I understand  
18 that.

19 MR. SCALERA: Sure.

20 COUNCILMAN MACAGNONE: And I think it  
21 should be the Board's decision, nothing against the  
22 Supervisor, but we've seen these things in the  
23 past, we've seen things on Long Island. I think  
24 it's the Board's responsibility to make this  
25 decision, not just the Supervisor.

1 COUNCILWOMAN ALESIA: Mr. Scalera, did  
2 we have clauses similar to this in our previous  
3 retirement incentives and separation incentives or  
4 is this new?

5 MR. SCALERA: Yes.

6 COUNCILWOMAN ALESIA: And they were  
7 always in the Supervisor's sole discretion?

8 MR. SCALERA: Yes.

9 I would say, not going back to the -- I  
10 don't want to say the original ones, the ones that  
11 we did a few years ago, I'd have to check. I don't  
12 believe we did that, but we wanted -- because we  
13 were cutting the workforce down substantially -- I  
14 think there is something to be said if there's a  
15 person, whether it be a high-level person or a  
16 Commissioner or down the line to a laborer, if that  
17 was found in the discretion of the -- I guess we  
18 could say, the Chief Operating Officers would find  
19 that that person's important, we allowed that  
20 person to stay.

21 COUNCILMAN MACAGNONE: I'm not  
22 discrediting that. I just think that it should be  
23 a Board decision, not just the Supervisor.

24 MR. SCALERA: I understand that.

25 I'm not disputing or --

1 COUNCILMAN MACAGNONE: I'd like to see  
2 that change before we vote on it.

3 COUNCILMAN MUSCARELLA: Yeah. Let's  
4 hear the Deputy.

5 Could you just come up to the thing and  
6 just state your name?

7 COUNCILWOMAN ALESIA: It only began in  
8 the last incentive.

9 MS. SPINELLI: Vickie Spinelli, Deputy  
10 Commissioner, Human Resources for Town of Oyster  
11 Bay.

12 The waiver situation only began with  
13 the previous incentive that we had.

14 COUNCILWOMAN ALESIA: So can you  
15 just -- again, because I don't have specific  
16 experience in HR, you know -- what are the  
17 circumstances under which somebody would ask for  
18 this waiver? What are we talking about? Why would  
19 this happen?

20 MS. SPINELLI: Why -- why we would  
21 allow it is if they are hitting a -- this is now on  
22 the retirement incentive -- if they're hitting a  
23 retirement milestone, they're hitting their 30  
24 years, so leaving six months early would be a great  
25 penalty to them. We don't want to hurt people. We

1 don't want to harm people in their retirement, they  
2 worked here a long time, so we will allow them to  
3 stay until they hit that milestone and allow them  
4 then to retire under the incentive. That's what  
5 the purpose of that was for.

6 COUNCILMAN MACAGNONE: I think there's  
7 no problem with that.

8 My only problem is giving the sole  
9 authority to one person when there's seven of us up  
10 here.

11 MS. SPINELLI: That's -- you know,  
12 that's up to you guys. I just wanted to clarify  
13 her point.

14 SUPERVISOR SALADINO: Can you tell me  
15 if there are clauses like this in other places in  
16 Town law?

17 MR. SCALERA: In other places that --

18 SUPERVISOR SALADINO: In Town law,  
19 throughout the Town Code, there are --

20 MR. SCALERA: Throughout the Town Code,  
21 I can't --

22 SUPERVISOR SALADINO: Are there many  
23 instances where the Town Board votes on something,  
24 therefore has their say, and then the Supervisor is  
25 given the authority to run the day-to-day

1 operations?

2 MR. SCALERA: Generally speaking, yeah.

3 I mean, New York State Town Law, which  
4 dictates how a town operates, obviously designates  
5 the Supervisor as the Chief Executive Officer for  
6 the day-to-day, the operations of a Town, so I  
7 can't cite specific in the town -- in our own Town  
8 Code. I can get that. I'm sure there's --

9 COUNCILMAN MACAGNONE: That being said,  
10 why would we be voting on the personnel resolutions  
11 every month? Why would they need us? The  
12 Supervisor just said the salaries and the hires  
13 that he likes?

14 SUPERVISOR SALADINO: Doesn't it call  
15 for that in the Town Code?

16 MR. SCALERA: Well, the Town Laws and  
17 the Town Code allows for certain administrative  
18 housekeeping functions.

19 I mean, you know, we can go into a  
20 whole thing with this. There is something to be  
21 said about existing slots for hirees that have a  
22 certain --

23 SUPERVISOR SALADINO: You know what?

24 I want to make it clear. I have no  
25 issue with the Town Board signing off on these



1 things. It's not something that I'm pushing for.  
2 It's just like every -- so many other aspects of  
3 assigning a person to make the decision for  
4 these -- and the workforce is behind this and the  
5 Union is behind this, in agreement with us.

6 COUNCILMAN MACAGNONE: I'd be more  
7 secure if it was the head of Human Resources that  
8 made this decision, other than one elected  
9 official.

10 MR. SCALERA: Well, Human Resources  
11 gets the application and the request from the  
12 employee. Vickie Spinelli, John Cannon, the  
13 Commissioner vets it out and then would send it to  
14 the Supervisor for the final sign off.

15 However, if your suggestion is you want  
16 the Town Board to do it as a whole...

17 SUPERVISOR SALADINO: I would be fine  
18 with head of Human Resources signing off on these  
19 things. They're working with them each and every  
20 day and it certainly wouldn't bother me. The  
21 importance is we're working within the Town Code,  
22 we are working with our Union, who is in favor of  
23 this, and our workforce who's in favor of this. I  
24 have no problem with an amendment if the --

25 MR. SCALERA: We can modify it to just

1 say the Department of Human Resources and/or his  
2 designee would decide the -- whether the person  
3 gets a defer -- let's talk about the voluntary  
4 separation first, that's called the deferral of it,  
5 and, of course, when we get to the next hearing,  
6 we'll just put it back on the record and we'll say  
7 the same.

8 Is that okay.

9 COUNCILMAN MACAGNONE: Yes. Thank you  
10 very much.

11 Supervisor, thank you.

12 SUPERVISOR SALADINO: No problem. And  
13 if the Town Board would have to be in favor of that  
14 change too, I would have no problem with making the  
15 designee have the ability to sign.

16 MR. SCALERA: Sure. Sure.

17 I have nothing further on the voluntary  
18 separation incentive.

19 SUPERVISOR SALADINO: Any other  
20 questions?

21 COUNCILMAN MUSCARELLA: No.

22 SUPERVISOR SALADINO: All right.

23 May we have a motion?

24 I'm sorry.

25 Is there correspondence on this, of

1 course?

2 MR. ALTADONNA: We have affidavits of  
3 postings and publications.

4 There is no other correspondence.

5 SUPERVISOR SALADINO: Okay.

6 Would anyone in the public like to  
7 speak on this hearing?

8 (No verbal response given.)

9 SUPERVISOR SALADINO: Seeing that there  
10 are none, may I have a motion?

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

14 COUNCILMAN MACAGNONE: Second.

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

17 ALL: "Aye."

18 SUPERVISOR SALADINO: Opposed, "Nay."

19 COUNCILMAN MACAGNONE: No.

20 SUPERVISOR SALADINO: Okay.

21 COUNCILMAN MACAGNONE: "Nay."

22 SUPERVISOR SALADINO: Would you please  
23 count the vote?

24 COUNCILWOMAN ALESIA: Can I have a  
25 point for clarification, Supervisor?

1 SUPERVISOR SALADINO: Yes.

2 COUNCILWOMAN ALESIA: Councilman, if  
3 that change was made to it, would you be okay with  
4 voting on it today?

5 COUNCILMAN MACAGNONE: Actually not.

6 I'm tired of something I had said I  
7 don't want to see every six months come back in  
8 three months, to be quite honest with you.

9 SUPERVISOR SALADINO: Even though our  
10 workforce and the Union is 100 percent in favor and  
11 this is helpful to our workforce? It provides a  
12 benefit to the workers.

13 COUNCILMAN MACAGNONE: Then we should  
14 do it every six months and not every three months,  
15 or set it for every three months we do this.

16 I said specifically, I have the minutes  
17 right here if you want to read them, Supervisor, we  
18 are not going to see it again for another six  
19 months. They said, no, we'll not see it again for  
20 another year, I was told by our Town Attorney.

21 SUPERVISOR SALADINO: I don't know who  
22 said that at that point, but the worker --

23 COUNCILMAN MACAGNONE: It's right here,  
24 Supervisor.

25 SUPERVISOR SALADINO: Okay. Okay. The

1 workers have asked for this and we're complying  
2 with them and this is in the best interest of --  
3 I'm just giving you all the facts as you make your  
4 decision.

5 COUNCILMAN MACAGNONE: Okay.

6 SUPERVISOR SALADINO: It is in the best  
7 interest of the taxpayers as we bring down the cost  
8 and make our workforce more efficient, but if  
9 you're opposed to that, you have every right to  
10 voice your opinions.

11 COUNCILMAN MACAGNONE: Thank you,  
12 Supervisor.

13 SUPERVISOR SALADINO: And we should  
14 look into going forward on an amendment that would  
15 give the designee the right to sign off.

16 I have no problem with that.

17 Vickie, would you like to add to this?

18 COUNCILMAN MUSCARELLA: Let's get a  
19 formal vote for the record.

20 COUNCILMAN MACAGNONE: Absolutely.

21 We call for a vote because anymore  
22 input, we might have to wait for the next hearing,  
23 unless you want to --

24 SUPERVISOR SALADINO: That's fine.

25 Go ahead. Go ahead.

1 MR. SCALERA: What I wanted to add --

2 SUPERVISOR SALADINO: Listen to the  
3 Clerk.

4 MR. ALTADONNA: Councilman, this is not  
5 on the retirement. This is just on the voluntary  
6 separation.

7 MR. SCALERA: Mr. Altadonna, just for  
8 purposes of the vote, this is necessary to be said,  
9 the only change would be in the Section 5, that  
10 instead of the Town Supervisor may, in his  
11 discretion, defer said employee's participation,  
12 the word Town Supervisor would be struck and it  
13 would be the Commissioner of the Department of  
14 Human Resources and/or his designee.

15 SUPERVISOR SALADINO: Do we have to  
16 vote to make that amendment?

17 MR. SCALERA: You're voting for the  
18 Local Law with the amendment I'm stating now.

19 SUPERVISOR SALADINO: So we are  
20 embracing the change that Councilman Macagnone had  
21 asked for?

22 MR. SCALERA: Correct.

23 So it would be the Commissioner of the  
24 Human Resources and/or his designee -- his or her  
25 designee in his or her sole discretion, that would

1 be the replacement instead of the Town Supervisor  
2 title.

3 SUPERVISOR SALADINO: So we're doing it  
4 in a way that the workforce has asked for, that the  
5 Union complies with, and adding the amendment that  
6 Councilman Macagnone has asked for.

7 COUNCILMAN MACAGNONE: Supervisor, for  
8 some reason, I don't have any of this language in  
9 my packet.

10 I asked for copies of it.

11 SUPERVISOR SALADINO: Yeah, we need to  
12 make sure that we --

13 COUNCILMAN MACAGNONE: I just got a  
14 copy of the retirement incentive. I didn't get  
15 anything about this early retirement incentive  
16 or --

17 SUPERVISOR SALADINO: Separation.

18 COUNCILMAN MACAGNONE: -- separation.  
19 Thank you for correcting me.

20 SUPERVISOR SALADINO: No problem.

21 Okay.

22 Let's make sure that our Town Board  
23 receives all of the documentation without any lapse  
24 in the full documentation. That's obviously very  
25 important.

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MR. ALTADONNA: Ready to vote?  
SUPERVISOR SALADINO: Yes, please.  
MR. ALTADONNA: Supervisor Saladino?  
SUPERVISOR SALADINO: "Aye."  
MR. ALTADONNA: Councilman Muscarella?  
COUNCILMAN MUSCARELLA: "Aye."  
MR. ALTADONNA: Councilman Macagnone?  
COUNCILMAN MACAGNONE: No.  
MR. ALTADONNA: Councilwoman Alesia?  
COUNCILWOMAN ALESIA: "Aye."  
MR. ALTADONNA: Councilwoman Johnson?  
COUNCILWOMAN JOHNSON: "Aye."  
MR. ALTADONNA: Councilman Imbroto?  
COUNCILMAN IMBROTO: "Aye."  
MR. ALTADONNA: Councilman Hand?  
COUNCILMAN HAND: "Aye."  
MR. ALTADONNA: Motion carries 6 to 1.  
SUPERVISOR SALADINO: Thank you.  
(TIME NOTED: 11:00 A.M.)



TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
MARCH 13, 2018  
11:01 A.M.

**HEARING - LOCAL LAW**

To consider an amendment to Local Law No. 11-2017 and to authorize a Local Retirement Incentive Program for the Eligible Employees of the Town of Oyster Bay. (M.D. 2/13/18 #19 & 2/20/18 #14).

**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 REBECCA M. ALESIA  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND

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

JAMES ALTADONNA JR., TOWN CLERK  
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

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

3 MR. ALTADONNA: Local Law to consider  
4 the amendment to the Local Law No. 11-2017 and to  
5 authorize a local retirement incentive program for  
6 eligible employees of the Town of Oyster Bay.

7 MR. SCALERA: Okay.

8 Same appearance, Frank M. Scalera,  
9 Chief Deputy Town Attorney, Town of Oyster Bay.

10 This is a Local Law to consider, first,  
11 an amendment to the previous retirement incentive,  
12 a law from 2017 and authorizing a local retirement  
13 incentive program for eligible employees.

14 As it concerns the amendment -- well,  
15 first, again, the legislative intent and findings  
16 proposed under this Law is, once again, to achieve  
17 cost savings for the Town, as I said moments ago  
18 with the other public hearing.

19 As far as the amendment --

20 SUPERVISOR SALADINO: And to protect  
21 our taxpayers and provide the highest level of  
22 services as we continue to reorganize the Town.

23 MR. SCALERA: Correct.

24 As we all we all mentioned before, yes,  
25 we could adopt that same for this particular

1 retirement incentive.

2 Now, the last incentive from --  
3 retirement incentive from last year omitted the  
4 2 percent concession salary that the employees gave  
5 back, so in calculating the -- I guess, the  
6 separation pay when somebody exercised their  
7 retirement incentive, the Town proposed to add that  
8 back into folks who did not receive that in 2017.

9 The ones that retired in 2017 up until  
10 the end of last year, so those folks are going to  
11 be given back 2 percent in their salary, bringing  
12 them back to their original salary in calculating  
13 their salary and payout and the such.

14 COUNCILWOMAN ALESIA: Mr. Scalera --  
15 oh, I'm sorry, Supervisor.

16 Is that in calculation alone or  
17 absolutely giving them back the money for the year?

18 MR. SCALERA: It would -- well, if  
19 it -- there would be there a, like I say, small  
20 refund to them or payback to them because the  
21 2 percent was not included in that calculation last  
22 year.

23 So when you retired last year, you  
24 retired at a salary that was 2 percent lower  
25 because of the concession from the Union -- from

1 the Collective Bargaining Agreement.

2 COUNCILWOMAN ALESIA: Right.

3 But we budgeted for that money. We  
4 budgeted for that money. So I don't have a problem  
5 with using that for their calculations that they're  
6 getting paid out of their pension for the amount  
7 that they should have made, but I don't know that  
8 I'm comfortable with giving people back the money  
9 that we budgeted -- that was how we balanced the  
10 budget that year.

11 COUNCILMAN MACAGNONE: Agreed, and  
12 honestly, unless we took care of the entire  
13 workforce and gave the entire workforce back  
14 2 percent, there's something wrong here.

15 COUNCILWOMAN ALESIA: That's not right  
16 either. A lot of people then took a penalty just  
17 because they weren't eligible to retire.

18 What about our younger workers?

19 MR. SCALERA: I don't know about the  
20 younger workers, but --

21 COUNCILMAN IMBROTO: Frank, I think  
22 there's a confusion, are they getting -- are they  
23 actually getting money, 2 percent back, or are they  
24 just being calculated at --

25 COUNCILMAN MUSCARELLA: We're under

1 higher premium. There's a big difference here.

2 SUPERVISOR SALADINO: Let's bring  
3 Vickie up if you don't mind, please.

4 MR. SCALERA: For pension purposes,  
5 that's one thing, but you want to know for sick  
6 days and vacation days.

7 COUNCILMAN IMBROTO: She's asking you  
8 if they're actually receiving 2 percent of their  
9 salary.

10 COUNCILWOMAN ALESIA: -- present that.

11 SUPERVISOR SALADINO: Vickie, would you  
12 please state your presence?

13 MS. SPINELLI: Vickie Spinelli, Deputy  
14 Commissioner of Human Resources.

15 They would be getting back the 2  
16 percent for the year in which they retire.

17 COUNCILWOMAN JOHNSON: For the one  
18 year?

19 MS. SPINELLI: One year or one month,  
20 depending on when it is that they actually retired.

21 COUNCILWOMAN ALESIA: Say it again.  
22 I'm sorry.

23 MS. SPINELLI: They get the 2 percent  
24 back that they paid.

25 COUNCILMAN MACAGNONE: As salary.

1 MS. SPINELLI: The salary that they  
2 paid, they will get back for the year in which they  
3 retire. So if someone retires in 2018, they're not  
4 getting back 2017, just the money in 2018 because  
5 everybody is getting it back.

6 COUNCILMAN MACAGNONE: Why does it say  
7 2016?

8 MR. SCALERA: Well, it would be the  
9 2 percent.

10 MS. SPINELLI: Well, that's the base  
11 salary, the 2 percent of the 2016 is what they're  
12 being paid now.

13 SUPERVISOR SALADINO: But they're not  
14 getting back 2016 or 2017 money; it's just the  
15 portion of 2018, post July 1st.

16 MS. SPINELLI: The new one says --

17 COUNCILMAN MACAGNONE: That clears up  
18 it quite a bit.

19 MS. SPINELLI: But it would be for the  
20 year in which they retired.

21 SUPERVISOR SALADINO: Thank you so  
22 much.

23 And thank you for asking the question  
24 so we can bring clarity.

25 MS. SPINELLI: Could I just make one

1 more mention?

2 COUNCILMAN MACAGNONE: Go ahead.

3 MS. SPINELLI: The employees -- the  
4 feedback that we got regarding these incentives  
5 from the employees in the previous incentive was  
6 there wasn't enough time. It was a very short  
7 window.

8 COUNCILMAN MACAGNONE: Oh, I agree.

9 MS. SPINELLI: And it was during the  
10 holidays and the feedback was it just wasn't enough  
11 time for them to really consider it.

12 COUNCILMAN MACAGNONE: That's a good  
13 reason.

14 Thank you.

15 MS. SPINELLI: And that was the reason  
16 that we decided to give it six months.

17 COUNCILMAN MACAGNONE: I've asked quite  
18 a few people over the last couple of weeks, that's  
19 the best answer I got.

20 Thank you.

21 COUNCILMAN MUSCARELLA: Vickie, how  
22 many people do you estimate, how many people show  
23 an interest in retiring for the early retirement?

24 MS. SPINELLI: Councilman, I don't  
25 know.

1 COUNCILMAN MUSCARELLA: Ballpark, you  
2 can't give 10, 20, 30.

3 MS. SPINELLI: Probably between 20 and  
4 30.

5 COUNCILWOMAN ALESIA: And is this going  
6 to have that same language for the waiver in it?

7 MS. SPINELLI: Yes.

8 MR. SCALERA: We're going to get -- let  
9 me get to the rest of it and we'll get to the  
10 waiver.

11 COUNCILWOMAN ALESIA: That's fine. I  
12 feel like I got a little bit lost on the last one.  
13 I know we already voted on it.

14 Did we say that it's just now the Human  
15 Resources Commissioner or is it the Human Resources  
16 Commissioner together with the Supervisor for  
17 waivers?

18 MR. SCALERA: No. We --

19 SUPERVISOR SALADINO: The designee  
20 only.

21 MR. SCALERA: We replaced Town  
22 Supervisor. We amended -- we deleted and we added  
23 the Commissioner or his designee of the Department  
24 of Human Resources.

25 COUNCILWOMAN ALESIA: So now there's no



1 elected official involved in the process at all?

2 MR. SCALERA: That's what I understood  
3 it to be. That's what we just said here on the  
4 first one.

5 SUPERVISOR SALADINO: That's what was  
6 discussed and asked by the Board.

7 MR. SCALERA: So now getting to the  
8 nuts and bolts of this retirement incentive,  
9 similar to the past, it would be \$1,000 a year.  
10 For people who are eligible to retire, they'll get  
11 \$1,000 a year multiplied by the number of years of  
12 retirement service credit they have.

13 Also, if they retire between  
14 January 1st of this year and June 30th of this  
15 year, 2018, the -- also allows for health insurance  
16 for life at no cost to those eligible.

17 For people who were eligible  
18 previously, but did not exercise or take advantage  
19 of the retirement incentive, they'll get five -- if  
20 they choose, they'll get \$500 per year, multiplied  
21 by the time -- years of retirement service credit  
22 and also the health insurance for life.

23 SUPERVISOR SALADINO: So, to bring  
24 clarity, this is no different than someone who  
25 works for the Town, retires at the normal -- during

1 the normal --

2 MR. SCALERA: Right.

3 SUPERVISOR SALADINO: -- process, they  
4 would get the exact same thing, which shifts most  
5 of these costs to New York State and takes the cost  
6 away from Town of Oyster Bay taxpayers?

7 MR. SCALERA: Correct.

8 And for the folks --

9 SUPERVISOR SALADINO: While saving  
10 money because that person is no longer on the  
11 payroll.

12 MR. SCALERA: Correct and --

13 SUPERVISOR SALADINO: And we are no  
14 longer paying for the retirement payments for  
15 someone who has broken off services. No more  
16 health care costs, there is no more retirement  
17 costs, and we no longer have that salary on the  
18 payroll, so there's appreciable savings to our  
19 taxpayer with every person who takes advantage of  
20 this.

21 MR. SCALERA: And typical of most  
22 retirement incentives, this is the incentive  
23 program where you have the people with many years  
24 of service and at a higher salary, and this is  
25 where you really see --

1 SUPERVISOR SALADINO: So there will  
2 be --

3 MR. SCALERA: Bang for buck, as they  
4 say in this one.

5 SUPERVISOR SALADINO: Right.

6 MR. SCALERA: And, of course, as you  
7 heard, Mr. Darienzo say we have -- they figure 20  
8 to 30 people is the target of this retirement  
9 incentive.

10 One of the points that was brought up  
11 in the last hearing, which Councilwoman Alesia  
12 brought up, there is a waiver provision in here.

13 If somebody becomes eligible, but wants  
14 to exercise this after June 30th of 2018, there is  
15 a waiver provision that allows the Town Supervisor  
16 to allow waiver of and allowing a person to enter  
17 into this program after June 30th.

18 SUPERVISOR SALADINO: And now we want  
19 to amend that.

20 MR. SCALERA: After June 30th, so it  
21 will be July 1st of this year, to June 30th of  
22 2019, so it keeps it open for a year, at the  
23 discretion, in this provision, of the Town  
24 Supervisor, if you deem waiver.

25 COUNCILMAN MACAGNONE: More than likely

1 based on previous practice, we will see this again,  
2 hopefully in November or so for a group that turns  
3 55 next year?

4 MR. SCALERA: Oh, I don't know that.

5 COUNCILMAN MACAGNONE: Obviously not,  
6 because Mr. Rozea said we wouldn't need to see this  
7 again until next year.

8 MR. SCALERA: I understand your point,  
9 Councilman Macagnone, but again, I mean, I don't --  
10 I don't mean to say it's not in my purview, but  
11 it's -- it's not in my purview to sponsor the  
12 legislation.

13 I don't want to pass it but, again, if  
14 these if these incentives, for some reason,  
15 whatever may happen next year, if there's something  
16 that happens in the retirement system that's beyond  
17 our control, that allows us to -- allows us to  
18 propose another incentive that will save us a lot  
19 of money or save us a lot of expenses, I think  
20 would be -- I mean, derelict on my part and our  
21 office to not bring it to your attention.

22 I mean, I don't want to -- you know, we  
23 don't know. We don't know what next year brings  
24 but I can tell you, it would be -- it would be, I  
25 guess, responsible of us to tell you if there's

1 something out there.

2 SUPERVISOR SALADINO: And it would be  
3 responsible of us to consider this and take into  
4 consideration the needs of our taxpayers, the  
5 public, take into consideration of the workforce,  
6 and I'll point out again, that this comes with the  
7 ask and the cooperation of all our employees who  
8 want this. This is pro workforce legislation, pro  
9 taxpayer legislation, and quite frankly, a win/win  
10 all around.

11 MR. SCALERA: I would adopt that.

12 It is a win/win because the workforce,  
13 of course, gets the incentive, and, of course, the  
14 Town taxpayer gets the opportunity --

15 SUPERVISOR SALADINO: The savings.

16 COUNCILMAN MACAGNONE: Until we fill  
17 the spot.

18 SUPERVISOR SALADINO: If it is filled,  
19 it would be filled at a lower, in most cases --

20 COUNCILMAN MACAGNONE: That's not  
21 necessarily always the case.

22 SUPERVISOR SALADINO: Well, we are  
23 proving by reducing the number of employees, we're  
24 proving by cutting taxes, that we are continuing to  
25 keep the taxpayer and the quality of services in

1 the forefront.

2 MR. SCALERA: Now, I understand from  
3 the last hearing, I guess we are going to consider  
4 for this Board --

5 COUNCILWOMAN JOHNSON: Can we go into  
6 Executive Session to talk about all this? I'm  
7 getting confused and I have a couple of questions.

8 SUPERVISOR SALADINO: It is pretty  
9 simple.

10 COUNCILWOMAN ALESIA: I want to follow  
11 up on what the Councilwoman is saying because I  
12 don't know whether Executive Session is appropriate  
13 or not but it used to be that if we made a change  
14 to a Resolution, that we would have it printed up  
15 and given to us to read and we are making a change  
16 now to how things are being --

17 COUNCILWOMAN JOHNSON: '18, '19, what  
18 year we are you talking about?

19 MR. SCALERA: This is this year, from  
20 January 1st of this year to June 30, 2018, you have  
21 to apply for the incentive, but it does allow, in  
22 Section 7, as Councilman Macagnone brought out, if  
23 deemed at the discretion of the Town Supervisor, if  
24 the person wants to opt into this after June 30th  
25 of 2018 and we allow an opt-in period of one year

1 thereafter, so it will be July 1st of 2018 to June  
2 30th of 2019 if a waiver is granted for  
3 that employee to opt into this program, otherwise,  
4 without such waiver, is from anybody eligible from  
5 January 1st to June 30th that would like to  
6 participate in this incentive program.

7 COUNCILWOMAN JOHNSON: Could you answer  
8 about this question?

9 COUNCILMAN MUSCARELLA: Well, the  
10 Councilman wants to know if the Town Board could be  
11 inserted in that instead of the Supervisor.

12 MR. SCALERA: In terms of procedurally?

13 SUPERVISOR SALADINO: I thought we  
14 changed it.

15 COUNCILMAN MUSCARELLA: We changed it?  
16 Tony, are you happy with that?

17 COUNCILMAN MACAGNONE: I'm happy to  
18 have Human Resources because we can dismiss them.  
19 We can't dismiss the Supervisor until his term's  
20 up.

21 SUPERVISOR SALADINO: Thank you for --

22 COUNCILMAN IMBROTO: I think the  
23 Supervisor is better equipped to make a decision  
24 since he oversees all the Town departments. He  
25 would know whether a person's essential or not in a

1 way that the Human Resources Director might not.

2 COUNCILMAN MACAGNONE: And you don't  
3 think you have the right opinion to make that  
4 decision?

5 COUNCILMAN IMBROTO: You're talking  
6 about designating the Human Resources Director.

7 COUNCILMAN MACAGNONE: In light of  
8 having the whole Town Board do this, can we have  
9 Human Resources? I prefer to have the Human  
10 Resources Director do it.

11 COUNCILMAN IMBROTO: I don't think the  
12 Human Resources Director is as well equipped as the  
13 Supervisor or the Deputy Supervisor to make that  
14 decision.

15 COUNCILMAN MACAGNONE: And you're  
16 saying you wouldn't be?

17 COUNCILMAN IMBROTO: No. I'm not  
18 saying that. I'm saying that the Human Resources  
19 Director is not as well equipped as the Supervisor.

20 COUNCILMAN MACAGNONE: I think she's  
21 very well equipped. I put a lot of faith in  
22 Vickie.

23 COUNCILMAN IMBROTO: She's very well  
24 equipped to do a lot of things, but the Supervisor  
25 oversees every department.



1 COUNCILMAN MACAGNONE: And so do you.

2 COUNCILMAN IMBROTO: Okay.

3 COUNCILWOMAN ALESIA: I agree, Tony.

4 That's why I'm saying I really wish that that  
5 change had been made in writing and we had been  
6 given an opportunity to review it on the last  
7 hearing, and I'm asking that if we're making a  
8 change to this language, that I would like to see  
9 it in writing before I vote on it.

10 MR. SCALERA: Well, it's --

11 COUNCILWOMAN ALESIA: Vote on it at the  
12 end of the meeting. I just would just like to see  
13 it in writing.

14 MR. SCALERA: It's simply -- it's  
15 simply going upstairs on my computer --

16 SUPERVISOR SALADINO: So why don't we  
17 do that?

18 MR. SCALERA: And changing it from Town  
19 Supervisor to Commissioner of the Department of  
20 Human Resources. That's all.

21 SUPERVISOR SALADINO: Or designee.

22 MR. SCALERA: Yeah, or his designee,  
23 that's it.

24 I mean, I don't -- legally,  
25 procedurally, I don't have a problem doing that

1 change here because I would -- you know, would hope  
2 you allow me to go upstairs, change it, and give it  
3 back you, but if you want to defer a decision on  
4 this until a few minutes from now, that's fine.

5 COUNCILWOMAN ALESIA: How often do we  
6 expect this to be happening that there are waivers  
7 that are going to be -- I mean, is this something  
8 that's going to be happening frequently? Would it  
9 be an imposition on the Board to make a decision on  
10 it?

11 COUNCILMAN MUSCARELLA: Well, I think  
12 it should come back to the Board.

13 MR. ALTADONNA: We vote on personnel.  
14 This is a personnel action, it seems to me.

15 COUNCILMAN MACAGNONE: That's my  
16 argument, but to make things move along, I said I'd  
17 be happy with Human Resources.

18 COUNCILWOMAN JOHNSON: We don't have to  
19 make it move along.

20 COUNCILMAN MUSCARELLA: Well, no, we'll  
21 make a waiver as people come up.

22 COUNCILMAN MACAGNONE: I honestly  
23 think that the Board should make it.

24 MR. SCALERA: Again, we don't have to  
25 belabor the point.

1 SUPERVISOR SALADINO: Just want to make  
2 sure that we're protecting the privacy of the  
3 worker.

4 MR. SCALERA: Of course, and that would  
5 be in Executive Session, Supervisor.

6 But, again, it really depend -- all I  
7 have to do is change a word in here from either  
8 Town Supervisor or Commissioner of Human Resources  
9 or recommendation of Commissioner of Human  
10 Resources and final -- and Town Board discretion.  
11 That's all it takes. We can defer a half hour. I  
12 can change it and bring it back. It's up to you.  
13 As a Board, you decide what you'd like to do.

14 SUPERVISOR SALADINO: I have no issue  
15 with this.

16 COUNCILMAN MUSCARELLA: Tony, would you  
17 like it Town Board?

18 COUNCILMAN MACAGNONE: Honestly, I'd  
19 prefer Town Board --

20 COUNCILMAN MUSCARELLA: Okay. So let's  
21 change it.

22 COUNCILMAN MACAGNONE: -- because  
23 that's our responsibility.

24 COUNCILWOMAN JOHNSON: When you say  
25 Board designee, the designee could be the

1 Supervisor.

2 MR. SCALERA: Well, it would be the  
3 designee under the jurisdiction of that  
4 Commissioner, department head, so in the regular  
5 language, it would be a Deputy Commissioner.

6 SUPERVISOR SALADINO: It would be the  
7 Deputy Commissioner or the Commissioner. I think  
8 that's really what the spirit of this is, so that  
9 one or the other has the ability to sign.

10 And, remember, these are people who  
11 could have any issue. Maybe they have an illness,  
12 maybe they have a family crisis, or maybe they are  
13 moving on, maybe somebody wants to go back to  
14 college. There's so many reasons why someone want  
15 might want to have a break of service and we're  
16 providing for that on legislation.

17 Just so this is clear, this legislation  
18 is in conformity with the will of the workforce,  
19 the Union and the public. This saves the public  
20 money. This is responsible governing in the Town  
21 of Oyster Bay as we move forward to save money,  
22 reorganize, and to provide the high quality service  
23 at less of a cost.

24 COUNCILWOMAN ALESIA: I don't think any  
25 of us are disputing that at all, Supervisor.

1 Please don't misunderstand. I think everyone is in  
2 support of the retirement incentive. It's just  
3 that we want to make sure that everyone receives  
4 equal treatment under the waiver system.

5 SUPERVISOR SALADINO: The issue then  
6 we'd have look at because does this usurp the power  
7 of the Supervisor as per State constitution and the  
8 bylaws of the Town of Oyster Bay?

9 COUNCILMAN MACAGNONE: But if we vote  
10 on personnel, we're -- and this is a personnel  
11 issue. We vote on hiring most of the personnel. I  
12 understand there's people hired that we don't vote  
13 on.

14 SUPERVISOR SALADINO: I'm not arguing  
15 with any of that. I'm not arguing with any of  
16 that. We continue to follow the rules, we continue  
17 to follow state laws. It's just been done to make  
18 for a system that follows -- that adheres to our  
19 Town Codes, State law, and that makes the system --  
20 remember, this isn't bringing people in. This is  
21 breaking service with them to save money so we're  
22 no longer paying pension benefits. We're no longer  
23 paying the health benefits. We take them off the  
24 payroll and to protect the personal information of  
25 an employee who might want to break with service.

1 MR. SCALERA: I don't want to throw  
2 a -- you know, a kink in this, but the Town Board  
3 meets every two weeks and, inevitably, for the  
4 folks like us who do the day-to-day operations,  
5 it's going to happen where somebody is going to be  
6 requesting a waiver and it's going to be on a date  
7 where you already met and you're not meeting again  
8 until after the period expires.

9 It inevitably happens to us and what's  
10 going to happen is that you have to -- the only  
11 other -- the only way around it is to call a  
12 special Town Board meeting.

13 COUNCILWOMAN ALESIA: Now, I have to  
14 return to my question from before. Now I'm really  
15 not understanding it.

16 Can you -- give me a real life  
17 situation where someone needs to take --

18 COUNCILMAN IMBROTO: Can I ask, has  
19 there been a situation where you feel that the  
20 Supervisor has not properly exercised his  
21 authority? I mean --

22 COUNCILWOMAN ALESIA: I don't  
23 understand what --

24 COUNCILMAN IMBROTO: Why is this coming  
25 up all of the sudden? It was good enough for the

1 last incentive.

2 COUNCILMAN MUSCARELLA: Because Tony  
3 Macagnone wants to change it, but he's not going to  
4 vote for it anyway. Let's be honest.

5 COUNCILMAN MACAGNONE: This one, I'll  
6 vote for, because I had a copy of it.

7 The other one, I did not have a copy  
8 of. I was not provided --

9 SUPERVISOR SALADINO: We are all  
10 professionals.

11 COUNCILMAN MUSCARELLA: Okay. That's  
12 fair.

13 COUNCILMAN MACAGNONE: I was not  
14 provided with a copy.

15 COUNCILMAN MUSCARELLA: That's fair.  
16 I personally agree with you. It should  
17 be the Town Board, so let's take a vote on that.

18 MR. SCALERA: If somebody has until  
19 June 30, 2018 to apply for a waiver and your Town  
20 Board meeting is on June 28th and the person  
21 requests the waiver on June 29th and the last day  
22 is June 30th, you don't meet again so we could have  
23 a situation where that employee -- and this is an  
24 employee that's already working for us. This is an  
25 employee --

1 COUNCILWOMAN ALESIA: Frank, what is  
2 the waive -- so they want to retire.

3 MR. SCALERA: They want to retire.

4 COUNCILWOMAN ALESIA: But they're not  
5 going to turn of age during the period.

6 MR. SCALERA: Or they wanted -- right.  
7 They are not going to turn of age for the period,  
8 they don't meet the qualifications for the  
9 incentive until after June 30, 2018.

10 SUPERVISOR SALADINO: Or a family  
11 circumstances --

12 MR. SCALERA: Whatever.

13 SUPERVISOR SALADINO: -- might affect  
14 their decisionmaking --

15 MR. SCALERA: Could be anything,  
16 they're out of the country, this person's sick and  
17 she can't make the decision.

18 Decides on June --

19 COUNCILMAN IMBROTO: As the Town might  
20 require their services for a longer period of time.

21 MR. SCALERA: That could be too, but  
22 again, let's go to the -- remember, this is an  
23 employee already working for us.

24 It's June 29th, 2018. They want to put  
25 a request in. If they put their request to the



1 Town Supervisor or they put the request into the  
2 Department of Human Resources, they can get the  
3 answer the same day.

4 They can get that waiver or not get the  
5 waiver; however, if you met on -- if Tuesday  
6 happens -- if June 28th falls on a Tuesday -- I  
7 don't know the calendar -- and this person asks on  
8 the next day, and we need Town Board approval of  
9 that waiver and you don't meet again until July,  
10 that person is going to miss it.

11 COUNCILWOMAN ALESIA: And, again, the  
12 waiver is saying that even though they didn't  
13 qualify within the period, they can still take the  
14 incentive even though it was after the period?

15 MR. SCALERA: Incentive after June 30th.

16 COUNCILWOMAN ALESIA: Is there any time  
17 limit on the waiver itself or that could go on  
18 ad infinitum forever, so if they put it in on  
19 June 29th and the incentive ends June 30th, they  
20 can ask for a year or they could ask for five  
21 years?

22 MR. SCALERA: No. It could only go  
23 through June 30th of 2019. It's a one-year window  
24 that we're keeping open.

25 COUNCILMAN MACAGNONE: So you're going

1 to tell me that we're never going vote on something  
2 after it already happened again? We're never going  
3 to do that again?

4 COUNCILMAN MUSCARELLA: But you can  
5 get --

6 MR. SCALERA: I'm not saying you can't  
7 do that, but you're asking me what is the most  
8 efficient, the most proper way of doing it.

9 COUNCILMAN MACAGNONE: I don't think I  
10 asked you that.

11 MR. SCALERA: Well, if the person asks  
12 on June 29th and you don't meet until after  
13 June 30th, that person --

14 COUNCILMAN MACAGNONE: Could wait  
15 two weeks.

16 MR. SCALERA: And we would need to do a  
17 special meeting which is 72 hours notice, so we  
18 couldn't even do a special meeting.

19 COUNCILMAN MACAGNONE: Or they could  
20 wait two weeks.

21 COUNCILMAN MUSCARELLA: Or you could  
22 call the Board and we would sign off on it? Why  
23 don't you get a resolution or something we could  
24 sign off? Every Town Board member can easily sign  
25 off.

1 Can give you an e-mail I'm approving  
2 it? That's a way.

3 SUPERVISOR SALADINO: Would there be an  
4 instance -- because we're trying to do everything  
5 with total transparency here, as always -- would  
6 there be an instance where this service could be  
7 replaced by someone else's efforts and this is  
8 helpful to the employee where the Board would say  
9 no? Would you deny someone's right to retire?

10 COUNCILWOMAN ALESIA: No.

11 I think I did not have a clear  
12 understanding of it. I now have a clear  
13 understanding of it and I thank you and I'm  
14 prepared to vote for it as it is. I didn't  
15 understand it. It's very helpful to have these  
16 things explained.

17 SUPERVISOR SALADINO: Certainly.

18 COUNCILWOMAN JOHNSON: As it is with HR  
19 or the Supervisor, the new clause --

20 COUNCILMAN MUSCARELLA: No. We're  
21 going to keep it as it is she's saying.

22 COUNCILWOMAN ALESIA: Frankly, I'm  
23 comfortable with the discretion of the Supervisor  
24 or with the discretion of the Commissioner. I'm  
25 comfortable with either one and I will defer to my

1 colleagues on the Board on that.

2 SUPERVISOR SALADINO: I'm comfortable  
3 either way.

4 MR. SCALERA: So if you want to keep it  
5 consistent with the other Local Law we just passed,  
6 we could make it the Commissioner of Human  
7 Resources or --

8 SUPERVISOR SALADINO: Or their  
9 designee.

10 MR. SCALERA: -- or their designee.

11 SUPERVISOR SALADINO: In the case of  
12 the Deputy Commissioner.

13 COUNCILMAN MACAGNONE: Honestly, in  
14 this case, I'd rather see the Deputy Commissioner  
15 make that decision.

16 MR. SCALERA: Well, we can't.

17 COUNCILMAN MUSCARELLA: It's prudent  
18 legally to do it the way it is right now.

19 MR. SCALERA: The designee language  
20 allows for the Deputy Commissioner, whether there  
21 be one or two of them to take that role. That's  
22 why I think it's a good idea to put the designee in  
23 case the Commissioner is not available to make that  
24 decision.

25 SUPERVISOR SALADINO: I'm comfortable.

1 I'm ready to take a vote.

2 I want to be respectful of the feelings  
3 of all the Board members. You've expressed that  
4 you're comfortable --

5 COUNCILMAN MUSCARELLA: Correspondence?

6 SUPERVISOR SALADINO: -- to take the  
7 vote?

8 MR. ALTADONNA: We have to --

9 COUNCILMAN MUSCARELLA: One last thing.

10 SUPERVISOR SALADINO: Yes. Yes.

11 MS. SPINELLI: Clarification of one  
12 thing.

13 Supervisor, you said that this would be  
14 saving health costs and the retirement incentive  
15 includes the health insurance so it won't be saving  
16 health insurance costs.

17 SUPERVISOR SALADINO: A portion of the  
18 health insurance. The State pays for a portion.

19 MS. SPINELLI: No. Health insurance is  
20 just on us.

21 SUPERVISOR SALADINO: The retirement we  
22 save because we're no longer making the pension.

23 MS. SPINELLI: The salary we don't  
24 have.

25 SUPERVISOR SALADINO: Or the salary.

1 Okay.

2 Thank you for the correction.

3 COUNCILMAN MACAGNONE: What percentage  
4 of the salaries go to pension?

5 MS. SPINELLI: You know what? It  
6 depends on the tier they're in.

7 COUNCILMAN MACAGNONE: Okay.

8 MR. DARIENZO: Roughly 20 percent?

9 MS. SPINELLI: Roughly 20 percent.

10 COUNCILMAN MACAGNONE: All right.

11 Thank you.

12 MR. DARIENZO: And 7.65 percent of the  
13 FICA.

14 COUNCILMAN MACAGNONE: Okay.

15 Thank you, Rob.

16 SUPERVISOR SALADINO: Yes.

17 MR. ALTADONNA: We have affidavits of  
18 postings and publications.

19 There is no other correspondence.

20 Would you like me to call for a vote,  
21 Supervisor?

22 SUPERVISOR SALADINO: Yes.

23 I just want to make sure, are there any  
24 speakers on this?

25 MR. ALTADONNA: We need a motion on

1 this first.

2 COUNCILMAN MUSCARELLA: I'll make a  
3 motion.

4 Supervisor, I'll make a motion that  
5 this public hearing be closed and the decision be  
6 voted on today.

7 COUNCILMAN MACAGNONE: Second.

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

10 ALL: "Aye."

11 SUPERVISOR SALADINO: Opposed, "Nay."  
12 (No verbal response given.)

13 SUPERVISOR SALADINO: The "Ayes" have  
14 it.

15 Could you please call for the vote?

16 MR. ALTADONNA: Supervisor Saladino?

17 SUPERVISOR SALADINO: "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 COUNCILMAN MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilwoman Alesia?

23 COUNCILWOMAN ALESIA: "Aye."

24 MR. ALTADONNA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."

1 MR. ALTADONNA: Councilman Imbroto?

2 COUNCILMAN IMBROTO: "Aye."

3 MR. ALTADONNA: Councilman Hand?

4 COUNCILMAN HAND: "Aye."

5 MR. ALTADONNA: Local Law passes with  
6 seven "Ayes."

7 MR. SCALERA: Great. Thank you.

8 SUPERVISOR SALADINO: Thank you so  
9 much.

10 And by the way, I want to thank all the  
11 Board members. We do business in front of the  
12 public, in front of the media, in front of those  
13 watching from home on their computers and we  
14 continue to show that we're happy to work things  
15 out and provide more information, more sunlight,  
16 more transparency publicly as we did not take a  
17 break and meet in Executive Session.

18 I want to thank all the Board members  
19 for their professionalism.

20 (TIME NOTED: 11:24 A.M.)

21

22

23

24

25



TOWN BOARD  
TOWN OF OYSTER BAY  
ACTION CALENDAR  
MARCH 13, 2018  
11:25 A.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 REBECCA M. ALESIA  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND

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

JAMES ALTADONNA JR., TOWN CLERK  
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Go ahead, please,  
2 Mr. Altadonna.

3 Would the Town Clerk please call the  
4 regular Action Calendar?

5 MR. ALTADONNA: Sure.

6 MR. ALTADONNA: Yes. I am going to  
7 suspend the rules and then we're going to do the  
8 regular Action Calendar, then I will resuspend the  
9 rules and do the personnel action.

10 May I have to motion to suspend the  
11 rules and add Resolution No. 177-2018?

12 Resolution No. 177-2018; Resolution  
13 recommending Settlement of Negligence Claim;  
14 Caltaldo v Town of Oyster Bay, Claimant. Account  
15 No. TWN AMS 1910 43010 602 0000 000. (M.D. 3/6/18  
16 #17).

17 On the motion?

18 COUNCILMAN MUSCARELLA: So moved.

19 COUNCILMAN MACAGNONE: Second.

20 MR. ALTADONNA: Motion made by  
21 Councilman Muscarella, seconded by Councilman  
22 Macagnone.

23 On the vote:

24 Supervisor Saladino?

25 SUPERVISOR SALADINO: "Aye."

1 MR. ALTADONNA: Councilman Muscarella?

2 COUNCILMAN MUSCARELLA: "Aye."

3 MR. ALTADONNA: Councilman Macagnone?

4 COUNCILMAN MACAGNONE: "Aye."

5 MR. ALTADONNA: Councilwoman Alesia?

6 COUNCILWOMAN ALESIA: "Aye."

7 MR. ALTADONNA: Councilwoman Johnson?

8 COUNCILWOMAN JOHNSON: "Aye."

9 MR. ALTADONNA: Councilman Imbroto?

10 COUNCILMAN IMBROTO: "Aye."

11 MR. ALTADONNA: Councilman Hand?

12 COUNCILMAN HAND: "Aye."

13 MR. ALTADONNA: Motion carries with  
14 seven "Ayes."

15 Now, I'm going to go to the regular  
16 Action Calendar.

17 May I have a motion to adopt  
18 Resolutions No. 133 through 177-2018?

19 Resolution No. 133-2018; Resolution  
20 authorizing the sponsorship of the 2018 Annual  
21 Spring Festival on April 28, 2018 at Syosset-  
22 Woodbury Community Park which will be supplemented  
23 from the Friends of the Community Service  
24 Department, Inc. Account No. CYS A 7020 47660 000  
25 0000. (M.D. 2/20/18 #4).

1 Resolution No. 134-018; Resolution  
2 authorizing the issuance of a resident refund for a  
3 building permit renewed in error to C. & C. Layer.  
4 Account No. PAD B 0001 02555 000 0000. (M.D.  
5 2/20/18 #5).

6 Resolution No. 135-2018; Resolution  
7 authorizing the issuance of a resident refund for a  
8 building permit extension of time fee to J. Cascio.  
9 Account No. PAD B 0001 02555 000 0000. (M.D.  
10 2/20/18 #6).

11 Resolution No. 136-2018; Resolution  
12 authorizing the issuance of a refund for a plumbing  
13 permit fee to Mr. Faucet Services Co., Inc. Account  
14 No. PAD B 0001 02555 000 0000. (M.D. 2/20/18 #7).

15 Resolution No. 137-2018; Resolution  
16 authorizing the issuance of a resident refund for a  
17 building permit fee to P. Capucciati. Account No.  
18 PAD B 0001 02555 000 0000. (M.D. 2/20/18 #8).

19 Resolution No. 138-2018; Resolution  
20 authorizing the issuance of a resident refund for a  
21 building permit renewed in error to J. Deutsch.  
22 Account No. PAD B 0001 02555 000 0000. (M.D.  
23 2/20/18 #9).

24 Resolution No. 139-2018; Resolution  
25 pertaining to expenditures for legal services to

1 the Zoning Board of Appeals from January 1, 2015  
2 through May 25, 2015 for zoning and land use  
3 litigation. Account No. PAD B 8010 44800 000 0000.  
4 (M.D. 2/20/18 #10).

5 Resolution No. 140-2018; Resolution  
6 pertaining to amended site plan approval for the  
7 application of Country Pointe at Plainview, Old  
8 Country Road, Plainview, New York. (M.D. 2/20/18  
9 #11).

10 Resolution No. 141-2018; Resolution  
11 authorizing the renewal of various Town memberships  
12 including the Association of Towns of the State of  
13 New York, New York State Town Clerk's Association  
14 and the Nassau/Suffolk Town Clerk's Association.  
15 Account No. OTC A 1410 47900 000 0000. (M.D.  
16 2/20/18 #16).

17 Resolution No. 142-2018; Resolution  
18 pertaining to Contract No. PWC 18-18, On-Call  
19 Engineering Services relative to Electrical  
20 Engineering in connection with construction  
21 inspection services for the parking lot lighting at  
22 Syosset-Woodbury and Plainview-Old Bethpage  
23 Community Parks. Account No. PKS H 7197 20000 000  
24 1504 013. (M.D. 2/20/18 #17).

25 Resolution No. 143-2018; Resolution

1 authorizing Senior Trips for May and June 2018 and  
2 for the Department Commissioner to make adjustments  
3 as needed. (M.D. 2/27/18 #4).

4 Resolution No. 144-2018; Resolution  
5 authorizing employment of the services of a  
6 musician to provide entertainment for a seniors  
7 luncheon scheduled to be held May 3, 2018 at the  
8 Crest Hollow Country Club and for the Supervisor or  
9 his designee to execute an agreement for said  
10 services. (M.D. 2/27/18 #5).

11 Resolution No. 145-2018; Resolution  
12 authorizing employment of entertainment services  
13 for the Group Activities Program on April 20, 2018  
14 at Syosset-Woodbury Community Center and on May 15,  
15 2018 at Hicksville Community Center; and for the  
16 Supervisor or his designee to execute an agreement  
17 for said services. (M.D. 2/27/18 #6).

18 Resolution No. 146-2018; Resolution  
19 authorizing employment of the services of various  
20 performers for the GAP Program participants on  
21 various dates and locations; and for the Supervisor  
22 or his designee to execute an agreement for said  
23 services; Account No. CYS A 7020 47660 000 0000.  
24 (M.D. 2/27/18 #7).

25 Resolution No. 147-2018; Resolution

1 granting request from St. Boniface Martyr R.C.  
2 Church in Sea Cliff for the use of Tappan Beach to  
3 hold their seventh Annual Feast by the Shore from  
4 May 13 through May 21, 2018; for a waiver of Town  
5 Ordinances 168-5B and 168-22, and for the use of  
6 various Town equipment for the event. (M.D.  
7 2/27/18 #8).

8 Resolution No. 148-2018; Resolution  
9 authorizing the award of Contract No. SE 010-18,  
10 Surplus Miscellaneous Office Equipment; Opening  
11 Date February 14, 2018, Contract period March 14,  
12 2018. (M.D. 2/27/18 #13).

13 Resolution No. 149-2018; Resolution  
14 authorizing the execution of a Stipulation of  
15 Settlement in connection with an employee  
16 disciplinary proceeding. (M.D. 2/27/18 #14).

17 Resolution No. 150-2018; Resolution  
18 pertaining to settlement of negligence claim;  
19 Claimant: Richard Donohue v. Town of Oyster Bay.  
20 Account No. TWN AMS 1910 43020 602 0000 000.  
21 (M.D. 2/27/18 #15).

22 Resolution No. 151-2018; Resolution  
23 authorizing the commencement of legal proceedings;  
24 Town of Oyster Bay v. Hamza Madina Corp., et al.  
25 (M.D. 2/27/18 #19).

1                   Resolution No. 152-2018; Resolution  
2                   authorizing the property cleanup assessment of  
3                   2 Robin Court, Farmingdale, New York, be referred  
4                   to the County of Nassau for placement on the Nassau  
5                   County Tax Assessment Rolls. (M.D. 2/27/18 #20).

6                   Resolution No. 153-2018; Resolution  
7                   authorizing the property cleanup assessment of  
8                   53 Carmans Road, Farmingdale, New York, be referred  
9                   to the County of Nassau for placement on the Nassau  
10                  County Tax Assessment Rolls. (M.D. 2/27/18 #21).

11                  Resolution No. 154-2018; Resolution  
12                  authorizing the property cleanup assessment of  
13                  12 Spruce Avenue Bethpage, New York, be referred to  
14                  the County of Nassau for placement on the Nassau  
15                  County Tax Assessment Rolls. (M.D. 2/27/18 #22).

16                  Resolution No. 155-2018; Resolution  
17                  authorizing the property cleanup assessment of  
18                  91 Dover Street, Massapequa, New York, be referred  
19                  to the County of Nassau for placement on the Nassau  
20                  County Tax Assessment Rolls. (M.D. 2/27/18 #23).

21                  Resolution No. 156-2018; Resolution  
22                  authorizing the property cleanup assessment of  
23                  145 Greenwood Drive, Massapequa, New York, be  
24                  referred to the County of Nassau for placement on  
25                  the Nassau County Tax Assessment Rolls. (M.D.



1 2/27/18 #24).

2 Resolution No. 157-2018; Resolution  
3 authorizing the property cleanup assessment of  
4 34 Bloomingdale Road, Hicksville, New York, be  
5 referred to the County of Nassau for placement on  
6 the Nassau County Tax Assessment Rolls. (M.D.  
7 2/27/18 #25).

8 Resolution No. 158-2018; Resolution  
9 authorizing the property cleanup assessment of  
10 2 Colonial Gate, Plainview, New York, be referred  
11 to the County of Nassau for placement on the Nassau  
12 County Tax Assessment Rolls. (M.D. 2/27/18 #26).

13 Resolution No. 159-2018; Resolution  
14 authorizing the acceptance of Design and Request to  
15 enter Bid & Construction Phases for Contract No.  
16 H17-159, Repairs to the Hicksville Parking  
17 Facility. (M.D. 2/27/18 #29).

18 Resolution No. 160-2018; Resolution  
19 authorizing a fourth and final one-year extension  
20 of Contract No. PRE13-109, Requirements Contract  
21 for Parks Electrical Services throughout the Town  
22 of Oyster Bay for the period March 11, 2018 through  
23 March 10, 2019. (M.D. 2/27/18 #30).

24 Resolution No. 161-2018; Resolution  
25 authorizing award of Construction Contract No.

1 HTP17-164- Requirements Contract for Tree Planting  
2 throughout the Town of Oyster Bay. (M.D. 2/27/18  
3 #31).

4 Resolution No. 162-2018; Resolution  
5 authorizing award of Construction Contract No.  
6 HTR17-163, Requirements Contract for Tree Trimming  
7 and Tree Removal throughout the Town of Oyster Bay.  
8 (M.D. 2/27/18 #32).

9 Resolution No. 163-2018; Resolution  
10 authorizing a site access agreement for Northrop  
11 Grumman Systems Corporation for the Construction  
12 and Operation of a Groundwater Treatment Facility  
13 located in Bethpage, NY. (M.D. 2/27/18 #35).

14 Resolution No. 164-2018; Resolution  
15 pertaining to encumbrance of funds for Contract No.  
16 PWC07-18, On-Call Engineering Services Relative to  
17 Civil Engineering Improvements to William Street  
18 Area, Glen Head; Account No. HWY H 5197 20000 000  
19 1503 008. (M.D. 2/27/18 #36).

20 Resolution No. 165-2018; Resolution  
21 authorizing the co-sponsorship of the Annual Spring  
22 Oyster Bay Harbor and Beach Cleanup on April 21,  
23 2018, in conjunction with the North Oyster Bay  
24 Baymen's Association, the Friends of the Bay, and  
25 the public at Theodore Roosevelt Memorial Park,

1 Western Waterfront, Beekman Beach, Centre Island  
2 Beach and Stehli Beach. (M.D. 2/27/18 #37).

3 Resolution No. 166-2018; Resolution  
4 authorizing and directing the Town Clerk to publish  
5 a Notice of Application for George Poll, to erect,  
6 maintain, improve and/or repair a dock, float,  
7 bulkhead or other mooring at 1458 Ridge Road,  
8 Laurel Hollow, NY. (M.D. 2/27/18 #43).

9 Resolution No. 167-2018; Resolution  
10 directing the Town Clerk to advertise a Notice of  
11 Hearing in connection with an application to revoke  
12 a Declaration of Restrictive Covenants for Hindu  
13 Welfare Association of New York, Inc., Bethpage,  
14 New York. Hearing Date: March 27, 2018. (M.D.  
15 2/27/18 #41).

16 Resolution No. 168-2018; Resolution  
17 authorizing the bid and construction phases for  
18 Contract No. HGR 17-162, Requirements Contract for  
19 General reconstruction throughout the Town of  
20 Oyster Bay. (M.D. 2/27/18 #42).

21 Resolution No. 169-2018; Resolution  
22 authorizing a publication of a public notice in  
23 connection with Massapequa Drainage: Flood  
24 Diversion and Control Applications for Funding and  
25 Request for Proposals and directing the Town Clerk

1 to advertise public notices for these purposes.

2 (M.D. 2/27/18 #9 & 3/6/18 #7).

3 Resolution No. 170-2018; Resolution  
4 authorizing a Town of Oyster Bay "Spring Dust Off"  
5 car show at Tobay Beach on April 28, 2018, to  
6 accept sponsors, vendors and exhibitors at a fee to  
7 be collected by the Parks Department. (M.D. 2/27/18  
8 #39 & 3/6/18 #4).

9 Resolution No. 171-2018; Resolution  
10 authorizing the acceptance of a feasibility study  
11 for a Project Labor Agreement for Repairs to the  
12 Hicksville Parking Facility in connection with  
13 Contract No. H17-170 and enter into negotiations  
14 for said agreement. (M.D. 2/27/18 #28 & 3/6/18  
15 #11).

16 Resolution No. 172-2018; Resolution  
17 authorizing the acceptance of the Design and  
18 Request to enter Bid & Construction Phases of  
19 Contract No. DP18-173, Expansion of Ellsworth W.  
20 Allen Town Park Replacement of Existing Synthetic  
21 Turf Field. (M.D. 2/27/18 #33 & 3/6/18 #16).

22 Resolution No. 173-2018; Resolution  
23 authorizing the acceptance of the Design and  
24 Request to enter Bid & Construction Phases of  
25 Contract No. DP17-167-PH1, Expansion of

1 Ellsworth W. Allen Town Park, Phase 1. (M.D.  
2 2/27/18 #34 & 3/6/18 #12).

3 Resolution No. 174-2018; Resolution  
4 authorizing the re-naming and dedication of the  
5 pier at the Western Waterfront as the "Sgt. James A.  
6 Harrington, Jr. Memorial Pier" and to place a  
7 plaque and memorial space at the facility in honor  
8 of Sgt. Harrington. (M.D. 2/27/18 #38 & 3/6/18  
9 #15).

10 Resolution No. 175-2018; Resolution  
11 pertaining to the decision for a Local Law to  
12 authorize a Voluntary Separation Incentive Program  
13 for the Eligible Employees of the Town of Oyster  
14 Bay. Hearing held: March 13, 2018. (M.D. 2/13/18  
15 #18 & 2/20/18 #13).

16 Resolution No. 176-2018; Resolution  
17 pertaining to the decision for an amendment to  
18 Local Law No. 11-2017 and to authorize a Local  
19 Retirement Incentive Program for the Eligible  
20 Employees of the Town of Oyster Bay. Hearing held:  
21 March 13, 2018. (M.D. 2/13/18 #19 & 2/20/18 #14).

22 Resolution No. 177-2018; Resolution  
23 recommending Settlement of Negligence Claim;  
24 Caltaldo v Town of Oyster Bay, Claimant. Account  
25 No. TWN AMS 1910 43010 602 0000 000. (M.D. 3/6/18

1 #17).

2 On the motion?

3 COUNCILMAN MUSCARELLA: So moved.

4 COUNCILMAN MACAGNONE: Second.

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

8 I have no speakers listed.

9 SUPERVISOR SALADINO: Just to double  
10 check, are there any speakers?

11 (No verbal response given.)

12 SUPERVISOR SALADINO: Being none,  
13 please proceed.

14 MR. ALTADONNA: Okay.

15 On the vote:

16 Supervisor Saladino?

17 SUPERVISOR SALADINO: "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 COUNCILMAN MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilwoman Alesia?

23 COUNCILWOMAN ALESIA: "Aye."

24 MR. ALTADONNA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."

1 MR. ALTADONNA: Councilman Imbroto?

2 COUNCILMAN IMBROTO: "Aye."

3 MR. ALTADONNA: Councilman Hand?

4 COUNCILMAN HAND: "Aye."

5 MR. ALTADONNA: Motion to adopt  
6 Resolutions No. 133 through 177-2018 passes with  
7 seven "Ayes."

8 May I have a motion to resuspend the  
9 rules and add the follow Walk-On Resolution No.  
10 P-6-18?

11 On the motion?

12 COUNCILMAN MUSCARELLA: So moved.

13 COUNCILMAN MACAGNONE: Second.

14 MR. ALTADONNA: Motion made by  
15 Councilman Muscarella, seconded by Councilman  
16 Macagnone.

17 Again, we have no speakers on this one.

18 SUPERVISOR SALADINO: Just to double  
19 check, are there any speakers?

20 (No verbal response given.)

21 SUPERVISOR SALADINO: Having no one  
22 raise their hand, please proceed.

23 MR. ALTADONNA: Okay.

24 Now, we're going to -- on the vote:

25 Supervisor Saladino?

1 SUPERVISOR SALADINO: "Aye."  
2 COUNCILMAN MACAGNONE: This is to walk  
3 it on?  
4 MR. ALTADONNA: This is to walk it on.  
5 COUNCILMAN MACAGNONE: Okay.  
6 Thank you.  
7 MR. ALTADONNA: Councilman Muscarella?  
8 COUNCILMAN MUSCARELLA: "Aye."  
9 MR. ALTADONNA: Councilman Macagnone?  
10 COUNCILMAN MACAGNONE: "Aye."  
11 MR. ALTADONNA: Councilwoman Alesia?  
12 COUNCILWOMAN ALESIA: No.  
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: Motion to resuspend the  
20 rules and add the following Walk-On Resolution  
21 P-6-18 carries with six "Ayes" and one ""Nay.""  
22 May I have motion to adopt Resolution  
23 No. P-6-18?  
24 On the motion?  
25 COUNCILMAN MUSCARELLA: So moved.



1 COUNCILMAN MACAGNONE: Second.

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

5 If you want to ask people if there's  
6 any --

7 SUPERVISOR SALADINO: Again, there are  
8 no -- no one has put in a form to speak on this?

9 MR. ALTADONNA: I have nothing.

10 SUPERVISOR SALADINO: Are there any  
11 speakers on this?

12 (No verbal response given.)

13 SUPERVISOR SALADINO: Having no one --  
14 yes, sir.

15 MR. ADLEMAN: What is P-6-18?

16 MR. ALTADONNA: It is a personnel  
17 Resolution. I could see if I have something.

18 Meeting of March 13, 2018:

19 "WHEREAS, the 2018 budget adopted  
20 October 24, 2017 established the titles and  
21 salaries of offices of employees of the Town of  
22 Oyster Bay pursuant to Section 27 of Town Law and  
23 other Local Laws relating to the establishment of  
24 the Town of Oyster Bay and rules and regulations  
25 governing appointments, et cetera, of employees;

1 and

2 "WHEREAS, the adoption of the said 2018  
3 budget on October 24, 2017 was by a Resolution of  
4 the Town Board; and

5 "WHEREAS, Resolution P-1063 dated  
6 December 12, 1972 provides a procedure for an  
7 amendment of the Resolution establishing grades,  
8 salaries, titles, and as required and requested by  
9 the department heads.

10 "NOW, THEREFORE BE IT RESOLVED, that  
11 the budget as adopted by and hereby is amended to  
12 reflect the approval, additions and deletions as  
13 indicated by the attached."

14 That's what that is, sir.

15 MR. ADLEMAN: I'd like to speak on  
16 that.

17 SUPERVISOR SALADINO: You would? Okay.  
18 Please come forward.

19 While he's speaking, I have to take a  
20 quick break. I'll be right back.

21 MR. ADLEMAN: Arthur Adleman,  
22 110 Dubois Avenue, Sea Cliff, New York.

23 According to Town Clerk Altadonna's  
24 description of P-6-18, we are now going to -- you  
25 are now going to vote on an adjustment of wages

1 based on rate -- wages and the community, the  
2 people, have not had an opportunity to see what  
3 this is all about. This is an --

4 COUNCILMAN MACAGNONE: We only found  
5 out about it this morning.

6 COUNCILMAN MUSCARELLA: This morning.

7 MR. ADLEMAN: We're just going to vote  
8 on it and pass it?

9 COUNCILMAN MUSCARELLA: You'll see  
10 thereafter --

11 MR. ADLEMAN: What?

12 COUNCILMAN MUSCARELLA: After we vote  
13 on it, obviously. You'll see there after, Arthur,  
14 once we vote on it, it might be for or against, but  
15 we'll see what the vote --

16 MR. ADLEMAN: I don't understand  
17 what -- how we can be voting on altering budgeted  
18 salaries and then you're going to tell us what they  
19 are.

20 I'm a little confused about the  
21 procedure of -- and maybe that's because I'm not on  
22 the Board, but the procedure, it just doesn't seem  
23 logical to me.

24 COUNCILMAN MUSCARELLA: Every Town  
25 Board meeting, we usually go through personnel.

1 Some people have to be put -- they're out of class  
2 or have to be put into this specific slot.

3 COUNCILMAN MACAGNONE: Well, like  
4 today, we have \$150,000 for vacant spots.

5 COUNCILMAN MUSCARELLA: For certain  
6 jobs that have to be filled. Obviously, we are  
7 losing certain people. We have to fill certain  
8 people. Some people are taking on more  
9 responsibility. Some people are out of title, so  
10 they have to be moved from the Parks Department to  
11 the Highway, whatever. So, that's what the  
12 determination is right here with this Town Board.

13 MR. ADLEMAN: Okay.

14 So what is P-6-18 in laymen's terms?

15 COUNCILMAN MUSCARELLA: It gives us a  
16 list of probably about 15, would you say?

17 COUNCILMAN MACAGNONE: I'm going to say  
18 more than that. I'm going to say close to 40, 35  
19 to 40.

20 COUNCILMAN MUSCARELLA: Some people are  
21 out of title. Some people will get an adjustment  
22 on their salary.

23 COUNCILMAN MACAGNONE: Out of that,  
24 there's only --

25 COUNCILMAN MUSCARELLA: And there's two

1 jobs, I think.

2 COUNCILMAN MACAGNONE: Three jobs.  
3 There's only two people that are not getting  
4 increases listed on this.

5 COUNCILMAN MUSCARELLA: Okay.

6 MR. ADLEMAN: Two people not getting  
7 increases.

8 COUNCILMAN MACAGNONE: Right. They're  
9 just getting a different title.

10 MR. ADLEMAN: On this list of all these  
11 people, are any of them -- will then any of them  
12 become now eligible for this new retirement  
13 incentive plant?

14 COUNCILMAN MACAGNONE: We don't know.  
15 Obviously, we don't know who's on it. I'm sure  
16 people are eligible. We don't know if they're  
17 going to take it or not.

18 MR. ADLEMAN: Right.

19 I don't know. It just seems to me -- I  
20 don't like to use the term ass backward, but we're  
21 approving something and then we're going to look at  
22 it.

23 I would hope that the Board would  
24 peruse the salary changes and question HR if there  
25 were any that need to be addressed or not just

1 accept everything carte blanche.

2 I mean, we're budgeted in October,  
3 November for the full year and now we're making  
4 changes. I mean, I know we've decreased the  
5 workforce by 20 to 30 personnel, but I don't see  
6 the reason to spend the money just because it's  
7 there.

8 COUNCILMAN MACAGNONE: You're not the  
9 only one.

10 MR. ADLEMAN: All right. That's it.

11 COUNCILMAN MUSCARELLA: Thank you,  
12 Arthur. I appreciate your time.

13 MR. ADLEMAN: My times up. Thank you.

14 COUNCILMAN MUSCARELLA: All right.

15 I would assume we have to wait for the  
16 Supervisor to come back to get a full vote on the  
17 Board so maybe we should take a five-minute break?

18 Is that okay?

19 COUNCILWOMAN ALESIA: We can just break  
20 in place. I mean, hopefully he'll come back out in  
21 a minute.

22 COUNCILMAN MUSCARELLA: Okay.

23 (Whereupon, a break was taken from  
24 11:33 a.m. to 11:41 a.m.)

25 SUPERVISOR SALADINO: Thank you.

1 Thank you for your patience.

2 News 12 needed updates live on the air  
3 and we had the arranged for this before the Town  
4 Board meeting started, as well as updates on the  
5 storm that we're managing while we're holding our  
6 Town Board meeting, so we're doing it all, and the  
7 good news for our residents is that on the North  
8 and South Shores where we have been hit the hardest  
9 with previous storms, we lucked out in terms of  
10 less of a snowfall.

11 The middle portion of the Island,  
12 though, did receive substantial snow. Woodbury and  
13 Plainview, six and a half inches. Hicksville, four  
14 inches. We have not gotten the reports of as many  
15 power outages. We've been on the phone with PSE&G.  
16 Luckily, we've been spared a lot of power outages  
17 and they're working diligently to get any Town of  
18 Oyster Bay resident who has lost power, to get them  
19 back up and running.

20 And, once again, thank you to our  
21 crews, but for all watching from home on their  
22 computers, please proceed carefully. It's going to  
23 be a slippery commute home and we'd like to get  
24 through this without any accidents, and, obviously,  
25 the safety of our residents is paramount.

1                   So thank you to our crews. Thank you  
2 to our -- all the employees who have helped out.  
3 We're not done yet, but so far, the outcome is not  
4 as bad as the previous storms.

5                   So thanks for your patience, and  
6 please, let's continue.

7                   MR. ALTADONNA: Just to recap, we're  
8 going to call for the vote now on P-6-18.

9                   May -- I'm sorry?

10                  SUPERVISOR SALADINO: Please proceed.

11                  MR. ALTADONNA: May I have a motion to  
12 adopt Resolution No. P-6-18?

13                  On the motion?

14                  COUNCILMAN MUSCARELLA: So moved.

15                  COUNCILMAN MACAGNONE: Second.

16                  MR. ALTADONNA: On the vote:

17                  Supervisor Saladino?

18                  SUPERVISOR SALADINO: "Aye."

19                  MR. ALTADONNA: Councilman Muscarella?

20                  COUNCILMAN MUSCARELLA: "Aye."

21                  MR. ALTADONNA: Councilman Macagnone?

22                  COUNCILMAN MACAGNONE: Can I just talk  
23 to the Town Attorney a second, please?

24                  Right here is fine. Thank you.

25                  (Whereupon, a discussion was held off



1 the record between the Town attorney and Councilman  
2 Macagnone.

3 COUNCILMAN MACAGNONE: I'm going to  
4 recuse myself from that vote.

5 MR. ALTADONNA: Councilwoman Alesia?

6 COUNCILWOMAN ALESIA: Abstain.

7 MR. ALTADONNA: Councilwoman Johnson?

8 COUNCILWOMAN JOHNSON: I vote "Aye."

9 MR. ALTADONNA: Councilman Imbroto?

10 COUNCILMAN IMBROTO: I vote "Aye."

11 COUNCILWOMAN JOHNSON: I'd like to just  
12 clarify something for Mr. Adleman, that these  
13 things were things that were gone over on a  
14 department level. It's not something that was just  
15 put together this morning and something that was  
16 ongoing, so I don't want you to think that --

17 COUNCILWOMAN ALESIA: I have to  
18 disagree, Councilwoman.

19 I received this e-mail at 9:00 - 10:00  
20 this morning when I was in the car.

21 COUNCILWOMAN JOHNSON: I'm not saying I  
22 didn't receive this e-mail.

23 COUNCILMAN MUSCARELLA: Yes, but the  
24 Union President, obviously, the Union is involved.

25 COUNCILWOMAN JOHNSON -- the departments

1 and that has been discussed previously.

2 Mr. Adleman is wondering why.

3 SUPERVISOR SALADINO: Can we just  
4 finish up with the vote, please?

5 COUNCILMAN MUSCARELLA: Finish the  
6 vote.

7 SUPERVISOR SALADINO: So we don't get  
8 sidetracked.

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 COUNCILMAN MACAGNONE: I will say that  
12 I did find out that there's some circumstances why  
13 we didn't get notified yesterday and I'm in favor  
14 of those circumstances and I understand them.

15 MR. ALTADONNA: Motion carries with  
16 five "Ayes," and two Abstentions.

17 COUNCILWOMAN JOHNSON: One abstention,  
18 one recusal.

19 MR. ALTADONNA: Is that the same, a  
20 recusal and an abstention?

21 COUNCILWOMAN JOHNSON: No, it's not.

22 COUNCILMAN MUSCARELLA: No.

23 MR. ALTADONNA: Okay.

24 One abstention, and one recusal on  
25 Councilman Macagnone.

1 Okay. The calendar is complete.

2 SUPERVISOR SALADINO: Okay.

3 Any other Town business.

4 MR. ALTADONNA: No. We're done.

5 SUPERVISOR SALADINO: Has anyone put in  
6 a slip to speak?

7 MR. ALTADONNA: No public comment.

8 SUPERVISOR SALADINO: No public  
9 comment.

10 COUNCILMAN MUSCARELLA: Supervisor,  
11 I'll make a motion to close the meeting.

12 COUNCILMAN MACAGNONE: Second.

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

15 ALL: "Aye."

16 SUPERVISOR SALADINO: Opposed, "Nay."  
17 (No verbal response given.)

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

20 Thank you very much, ladies and  
21 gentlemen.

22 Congratulations to our All County  
23 Championship wrestler.

24 (TIME NOTED: 11:45 A.M.)

25