

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
MAY 9, 2017
10:20 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
COUNCILMAN CHRIS COSCHIGNANO
COUNCILMAN LOUIS B. IMBROTO
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
TOWN CLERK JAMES ALTADONNA JR.

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

JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, if I can have your attention, please.

3 Welcome to the Town of Oyster Bay
4 May 9, 2017 Town Board meeting.

5 To lead us in prayer today, please
6 welcome Reverend Gunshik Shim of the Farmingdale
7 United Methodist Church.

8 This year marks the 175th anniversary
9 of the Farmingdale United Methodist Church.
10 Congregants will be celebrating the important
11 spiritual role of this active and vibrant and
12 socially engaged church, which has played such an
13 important role in the community for so many years.

14 Please lead us.

15 (Whereupon, a prayer was recited by
16 Reverend Gunshik Shim.)

17 SUPERVISOR SALADINO: Thank you,
18 Reverend. It is such blessing to begin the day
19 with prayer on such a beautiful gift on this
20 gorgeous spring day.

21 Thank you.

22 While we're all still rising our Pledge
23 of Allegiance will be lead by Larry Sklar.

24 (Whereupon, the Pledge of Allegiance
25 was recited and led By Larry Sklar.)

1 SUPERVISOR SALADINO: Thank you, Larry.
2 The Town Clerk will now poll the Board.
3 MR. ALTADONNA: Supervisor Saladino?
4 SUPERVISOR SALADINO: Present.
5 MR. ALTADONNA: Councilman Muscarella?
6 COUNCILMAN MUSCARELLA: Here.
7 MR. ALTADONNA: Councilman Macagnone?
8 COUNCILMAN MACAGNONE: Here.
9 MR. ALTADONNA: Councilman Coschignano?
10 COUNCILMAN COSCHIGNANO: Here.
11 MR. ALTADONNA: Councilwoman Alesia?
12 COUNCILWOMAN ALESIA: Present.
13 Good morning, Jim.
14 MR. ALTADONNA: Good morning.
15 Councilwoman Johnson?
16 COUNCILWOMAN JOHNSON: Here.
17 MR. ALTADONNA: Councilman Imbroto?
18 COUNCILMAN IMBROTO: Present.
19 SUPERVISOR SALADINO: Thank you.
20 This morning, ladies gentleman, we
21 welcome our good friend from the Special Olympics
22 New York, Long Island Region Associate Director of
23 Development Jennifer Cantone.
24 The Town of Oyster Bay has partnered
25 with the Bethpage School District to host this

1 prestigious Special Olympic Springs Games, coming
2 up next at Bethpage High School on Saturday,
3 May 20th. The day-long event will feature
4 approximately 600 competing athletes supported by
5 over 300 coaches and hundreds of additional
6 volunteers.

7 These games present -- represent months
8 of training in Olympic-style competition by
9 individual athletes with developmental or physical
10 disabilities. God given children and adults, every
11 single one of them.

12 The Special Olympic games are an
13 opportunity to showcase the talents and
14 achievements of the participants while also
15 breaking down social barriers and stereotypes. I
16 will tell you that we believe that it would
17 difficult to find a more exciting, a more positive,
18 or inspirational event for our Town to rally behind
19 than the Special Olympics.

20 And I'll call up now Special Olympics
21 Jen Cantone of the Special Olympics New York.

22 (Applause.)

23 MS. CANTONE: Thank you, Supervisor.
24 Thank you, everybody.

25 We -- the games that are happening on

1 Saturday, May 20th, is our biggest competition. We
2 have m over 600 athletes and they will competing in
3 any one of these sports. We've got track and
4 field, tennis, aquatics and power lifting.

5 If you have not seen what these
6 athletes can dead lift it is pretty, pretty
7 incredible. We are so eternally grateful to the
8 Town for embracing us and embracing our
9 organization and with your support to put on these
10 games. It is a huge undertaking for us, and
11 without your support and the support of Bethpage's
12 school district, who is their first year hosting
13 with us, we would not be able to do it.

14 So, our partnership with you guys is
15 one that we are eternally grateful for and I hope
16 that everybody is able to come out and see our
17 amazing athletes.

18 Their oath is, "Let me win, but if I
19 cannot win, let me be brave in the attempt." They
20 are all very brave. They've been practicing for
21 about three months now. They all want to win the
22 gold medal and to see them cross the finish line
23 and to stand on the medal stand and receive their
24 medals, they have their arms in the air, they are
25 ecstatic and they are eternally grateful that they

1 are able to participate with us, because by
2 participating with us, they grow and they're able
3 to go out in the community and some of them do
4 indeed work.

5 And, like I said, we are just very,
6 very thank you to you, Supervisor, your entire
7 staff, the entire Town Board, and all of you for
8 your support.

9 I hope everybody can come out for at
10 least part of the day. Opening ceremony starts at
11 9:30. The athletes will parade in and then the
12 competition will start at 10:15 and we hope that
13 you're able to join us.

14 Thank you, again.

15 SUPERVISOR SALADINO: The Town is very
16 privileged to support the event. The Town Board
17 members are very privileged to support the athletes
18 and be part of this and recognize the athletes,
19 recognize your work, thank all of the volunteers.

20 Just so the public gets a sense of what
21 to expect, talk to us about some of the events that
22 we'll be hosting.

23 MS. CANTONE: Well, with Bethpage
24 having a pool, they will have anywhere from any one
25 of the relays, they'll have -- they can do

1 freestyle, they'll do breast stroke, they'll do
2 back stoke. So, you can start off there and then
3 you can go and watch our power lifting team. They
4 do bench press and then they weight and they do the
5 dead lift. Then tennis will be on the tennis
6 courts and then our track and field will do -- we
7 have 50-meter runs, 50-meter walks, 100-meter
8 walks, 100-meter dashes. We've got relays. We
9 have on our field portion, instead of a javelin
10 that you would see in a typical Olympics, it's
11 modified a little bit so it is a modified javelin.
12 We've got softball throw. It's just -- it's going
13 to be incredible and the events are going to be on
14 continuously starting at 10:15.

15 SUPERVISOR SALADINO: That's wonderful.

16 MS. CANTONE: And just be prepared for
17 lots and lots of hugs.

18 SUPERVISOR SALADINO: Many different
19 track events?

20 MS. CANTONE: Many different track
21 events, they run continuously so they'll start --
22 we actually have them going on both sides of the
23 track so one will go and then as soon as they race,
24 they go and they medal.

25 SUPERVISOR SALADINO: We are talking

1 cherished moments. These are cherished moments for
2 the athletes as well as for us to be a part of it,
3 to partner with you, to support the athletes, we
4 are very privileged to do so.

5 MS. CANTONE: And we are grateful to
6 you for your support.

7 SUPERVISOR SALADINO: May we have a
8 photo with your staff members to help promote the
9 event to let the public know, so we are out there
10 on our website and out on the Internet and
11 everywhere else to let the public know about this?

12 MS. CANTONE: Yes. Absolutely.

13 SUPERVISOR SALADINO: Let's all join
14 her.

15 (Whereupon, the Town Board members took
16 a photo with Jennifer Cantone.)

17 SUPERVISOR SALADINO: Ladies and
18 gentlemen, for our second presentation this morning
19 we take tremendous pride in commending a former
20 Oyster Bay Town Councilman, an employee of the Town
21 of Oyster Bay's Department of the Public Safety,
22 Leonard B. Symons.

23 Leonard was recently the recipient of
24 the prestigious National Hurricane Conference
25 Distinguished Service Award. This award recognizes

1 his nearly three decades of increasing public
2 education and awareness of hurricane hazards and
3 teaching emergency preparedness here on Long
4 Island.

5 In addition to his vast professional
6 experience, Lenny has maintained a passion for
7 studying meteorology and sharing the information he
8 learns about this science with our residents.

9 Over the years, he has orchestrated
10 many public hurricane and weather safety seminars
11 throughout the Town of Oyster Bay. Thanks to
12 Lenny's dedicated efforts, hurricane seminars in
13 the Town of Oyster Bay have always been extremely
14 informative, comprehensive and educational over the
15 years.

16 This honor recognizing his many years
17 of assisting the National Weather Service in its
18 mission to inform and educate the public and
19 facilitate weather-related preparedness. His
20 tireless dedication to the pursuits, he has likely
21 saved the lives of many, he has certainly saved
22 property and homes and resulted in better prepared
23 residents and more resilient communities in the
24 Town of Oyster Bay and on Long Island.

25 Lenny has just done an amazing job.

1 Where is he? Lenny? Come on up.

2 (Applause.)

3 SUPERVISOR SALADINO: I'll ask
4 Councilman Joseph Muscarella, who was with us
5 honoring Lenny yesterday at the airport with the
6 National Hurricane Service, the Hurricane Hunters,
7 and that amazing aircraft, it was really something
8 to see and be part of it.

9 Lenny we're so proud of you.

10 Would you like to say a brief comment.

11 MR. SYMONS: I do.

12 I went down to the National Hurricane
13 Center Conference in New Orleans. The conference
14 takes place around the country once a year. I've
15 been to as far west as Texas, Florida and other
16 places with the hurricane center. I really
17 developed a very close relationship with the
18 current director, past directors, the hurricane
19 specialists, and these conferences are serious
20 conferences. They begin at 8:30 in the morning.
21 If get there at 8:31, you've missed the first
22 minute. They go to 5:00 in the afternoon. It is
23 educational. I bring back lessons to our residents
24 here in the Town of Oyster Bay that I am delighted
25 to share and I will continue to offer my team and I

1 don't do it alone, I do it now with the Public
2 Safety Department, with members of the Board, to go
3 around in the Town of Oyster Bay and to offer
4 lessons about preparation and awareness, which are
5 really the common threats of all hurricane
6 disasters.

7 So, I was certainly honored down at the
8 National Hurricane Center Conference. I did a
9 workshop for 45 minutes on meteorology for first
10 responders and I looked out in the audience and, of
11 course, there's a lot of unfamiliar faces, needless
12 to say, and lo and behold, there is Councilman
13 Muscarella.

14 So, it was really -- it was really
15 comforting to know that at least I had one fan in
16 the audience, and believe it or not I, know the
17 Board members who know me well enough will find it
18 hard to believe I had 45 minutes and I ran out of
19 time, but it was good. The whole -- the whole --

20 SUPERVISOR SALADINO: As you're about
21 to do, again, I believe.

22 (Laughter.)

23 COUNCILMAN MUSCARELLA: I thought it
24 was an hour and a half.

25 MR. SYMONS: I have to share -- I do

1 have to share one story and I'll turn the clock way
2 back.

3 Everyone knows I take it -- my
4 meteorology very, very seriously. And when I first
5 went out doing road trips around the Town of Oyster
6 Bay, I've always needed a partner. I never really
7 did it alone. At that time, I looked around and I
8 wanted to choose somebody who was not going to just
9 pay lip service. I wanted to choose somebody who
10 was a believer in the mission. And mission the
11 ultimately is to protect property and save lives.
12 And I don't think many of you know but my first
13 partner was Joe Saladino. And we went around the
14 Town, we went from place to place, and we made
15 presentations together. So I know that I have a
16 partner and the Town has a partner in terms of your
17 commitment to emergency management and, ultimately,
18 the safety, health and welfare of our residents,
19 and I thank you.

20 SUPERVISOR SALADINO: Thank you so
21 much, Len.

22 (Applause.)

23 SUPERVISOR SALADINO: An additional
24 piece of information, these conferences that you've
25 traveled to, you've always done it on your vacation

1 time at your own expense?

2 MR. SYMONS: Absolutely. There has not
3 been a single penny of taxpayer money that has ever
4 been involved. I have funded all of these trips
5 myself and I am going to continue to do that, and
6 I'm available for anyone who wants to listen to me
7 talk, along with my team.

8 (Applause.)

9 SUPERVISOR SALADINO: Congratulations
10 to you and to Carol. Thank you.

11 Councilman Muscarella?

12 COUNCILMAN MUSCARELLA: First of all,
13 if I would have known you were going to be honored
14 yesterday at MacArthur Airport, I wouldn't have
15 flown down to New Orleans.

16 (Laughter.)

17 COUNCILMAN MUSCARELLA: Since you
18 started with the stories, first of all, you have a
19 passion no matter what you do, talented, gifted,
20 unbelievable. You are probably the -- we are very
21 proud, the Board, to have you within the Town of
22 Oyster Bay.

23 So, you know, the toughest part of
24 going down to New Orleans was to convince my wife
25 to attend, so she came with me. We came on the

1 Wednesday night, I guess you got the presentation
2 -- the second highest award of National Hurricane
3 Prevention -- which is very impressive.

4 When I grow up, I think I want to be
5 you, Lenny, because there is a lot of people who
6 are in the weather, who love it, it's a hobby and
7 everything else. So when we got down there, we
8 went to your presentation. My wife's in the
9 education field, she thought you were outstanding.
10 You were riveting. You were right on target. You
11 had the bullets on the presentation. You went
12 through a few of them, you were -- everything was
13 going well. You came up with spaghetti lines. You
14 did third out of the cycle. You said something
15 like, "Hide from the wind. Run from the water."

16 Am I right?

17 MR. SYMONS: That's correct.

18 COUNCILMAN MUSCARELLA: I was listening
19 that day. I was listening to everything you said.

20 It was at my expense, my wife's
21 expense, not the taxpayer. We went down there.
22 It's sad that we don't pay every year for you to
23 go, but at the end of this spectacular
24 presentation, which I was a part of, someone, if
25 you remember, it was the Q and A, question and

1 answer, stood up, raised their hand and said, you
2 know, after all our planning -- I think it was a
3 safety guy from Arkansas who stood up and said,
4 after all these planning that we do -- after all
5 the planning, at the end, just when we are ready to
6 implement it, a politician comes along and changes
7 it.

8 Remember this?

9 MR. SYMONS: That's correct.

10 COUNCILMAN MUSCARELLA: And your
11 response was, "We don't even tell the politicians
12 in the Town of Oyster Bay what we're doing,"
13 correct?

14 MR. SYMONS: That's correct.

15 COUNCILMAN MUSCARELLA: Can you
16 explain -- no actually -- actually, during
17 Hurricane Sandy you had multiple meetings. You
18 were the lead and you told us exactly what was
19 going to happen, the magnitude of the storm, where
20 it was going to go, and I'm telling you it helped
21 us respond. We were second to none. Our at
22 workforce handled, you know, every obstacle that
23 came along, and that's a tribute to and to your
24 staff.

25 So, I was honored to fly down there

1 with my wife. Sadly, for some of you, it probably
2 was the highlight of our year -- the rest of the
3 year, but we enjoyed it. I think you're a true
4 professional. I just want to say that.

5 So, on behalf of the Town Board, I'm
6 going to present this citation to you.

7 MR. SYMONS: Thank you.

8 COUNCILMAN MUSCARELLA: But -- but
9 behind every great man is a woman that's rolling
10 her eyes, letting you take the credit.

11 And I know your wife and you could not
12 do it after -- what 42 years of marriage?

13 MR. SYMONS: July 1st, 50.

14 COUNCILMAN MUSCARELLA: Congratulations.

15 (Applause.)

16 COUNCILMAN MUSCARELLA: I think I'm
17 going to start -- I'll be the President and the
18 only fan in your fan club.

19 (Whereupon, the Town Citation was
20 presented to Lenny B. Symons by Councilman
21 Muscarella and a photo session ensued.)

22 COUNCILMAN MACAGNONE: Lenny, would you
23 like the envelope?

24 MR. SYMONS: Yeah.

25 SUPERVISOR SALADINO: Thank you,

1 Councilman.

2 Thank you, Len.

3 Thank you on behalf of the Town
4 residents and, quite frankly, all of us who have
5 survived Superstorm Sandy.

6 The Town was Ground Zero, one of the
7 worst hit, the southern end of the town, as well as
8 sections on the North Shore -- among the worst hit
9 anywhere in the United States on the largest
10 natural event to ever hit America.

11 So protecting our residents, building
12 stronger, providing generators and energy and all
13 of the necessities of survival and life are some of
14 the things the Town has been working on, and in the
15 coming weeks, will continue to more announcements
16 to let the public know how we are creating more
17 resiliency and protecting our residents from a
18 future storm and flooding.

19 And now perhaps the most exciting news
20 of all. We'd like to bring the public up to speed
21 on some very positive progress we have made in our
22 continuing efforts to open the doors of government
23 and ensure complete transparency for our residents.

24 It's been very important for us to turn
25 around the Town of Oyster Bay, create a new day, be

1 progressive in your efforts for transparency and
2 ethics reform and we've been delivering.

3 And today, once again, proof of that.

4 It was just last week that the Town of Oyster Bay
5 had the honor of becoming the first municipality in
6 New York State to work directly with Reclaim
7 New York and create the height of transparency.

8 (Applause.)

9 SUPERVISOR SALADINO: Thank you very
10 much.

11 This is a lot to be proud of. A fully
12 independent and nonpartisan, a nonprofit
13 organization that is comitted to government reform
14 and accountability that evaluates every
15 municipality and is working towards getting to
16 every municipality in evaluating them and
17 motivating municipalities to reach the height of
18 transparency.

19 Reclaim New York's transparency project
20 is a new initiative aimed at reviewing, evaluating
21 and increasing online transparency from local
22 governments throughout New York State.

23 When Reclaim New York approached the
24 Town about this transparency initiative, I viewed
25 it as a perfect opportunity to show just how

1 serious we are about transparency and ethic reform,
2 sweeping reforms in the Town of Oyster Bay.

3 (Applause.)

4 SUPERVISOR SALADINO: The Town is not
5 only -- thank you. We are working very hard at
6 that and taking it very seriously.

7 The Town was not only the first to
8 submit to an evaluation by Reclaim New York, but
9 also the first to commit to adopting standards that
10 have been identified to create the most transparent
11 Town government to our residents, the most
12 transparent Town to our residents.

13 No other local government has been
14 focused on this and has been as proactive as the
15 Town of Oyster Bay, and as a result, the Town of
16 Oyster Bay has become the new standard bearer for
17 transparency in New York State.

18 Evaluation markers such as municipal
19 transparency, access to information, fiscal
20 transparency, contracts, RFPs, much of the
21 information so many items are now -- were reviewed
22 and evaluated and now are available online for the
23 public to see.

24 These are just some of the standards
25 that the Town was evaluated on, and we are very

1 happy to report that the Town of Oyster Bay is off
2 to a very impressive start.

3 We have reached a grade of nearly 80
4 percent overall, with some categories as high as
5 100 percent, making the Town -- at this point --
6 our town is Number 1 in the State. What's so
7 important about this is these categories aren't pie
8 in the sky. They are not something that was
9 created by this organization. These are real
10 items, and as you go down the list, these items are
11 now on the Internet. They can be viewed by
12 everyone -- everyone who owns a computer or has
13 access to the Internet can go to the Town's website
14 and find all of these items.

15 So it's not a claim. This is all
16 verifiable and these are all things that we're very
17 proud of as we open the doors of Town government to
18 this very high level of transparency.

19 Some other municipalities are on the
20 list here on Long Island. The Town of North
21 Hempstead is not far behind us on that list and we
22 challenge all governments in New York State to
23 reach the Town of Oyster Bay's level as we all try
24 to strive to be the most transparent.

25 It's a big, big deal. It proves our

1 commitment, but it proves that we are changing the
2 Town of Oyster Bay with actions and positive deeds
3 and reforms, not words and claims. We are making
4 this difference for our residents. I know this is
5 the right thing to do, the Town Board knows this is
6 the right thing to do, and Reclaim New York is just
7 one of many organizations seeing how transparent
8 the Town is becoming and seeing the ethic reforms
9 we are putting in place each and every day to
10 improve our Town and to make it the leader, a Town
11 where we are building trust and we are rebuilding
12 transparency for our residents.

13 We look forward to working closely with
14 Reclaim New York and utilizing not only their
15 effective tools, practices and protocols, but also
16 the vision and their guidance in moving forward
17 with this worthwhile and important project.

18 And, quite frankly, it feels very good
19 to be the model of transparency for the rest of the
20 State right here in the Town of Oyster Bay as we
21 have quickly turned our Town around and we will
22 continue to make the Town of Oyster Bay the very
23 best.

24 Thank you.

25 (TIME NOTED: 10:47 A.M.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
MAY 9, 2017
10:48 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
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A L S O P R E S E N T:

JAMES STEFANICH, RECEIVER OF TAXES

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Reporter/Notary

1 SUPERVISOR SALADINO: Now, the Town
2 Clerk will call our first hearing.

3 MR. ALTADONNA: Are you doing the work
4 session first?

5 SUPERVISOR SALADINO: Actually, you
6 know what?

7 I think we will do the work session --
8 we will do our work session after we are done with
9 the calendar.

10 We have a very important work session.
11 Many of the public know that we put in place many
12 new reforms to push transparency, to let the public
13 know what we're doing, how we're doing it and why
14 we're doing it. And, quite frankly, we are very
15 proud of that, and we know every resident who looks
16 at things with balance is thrilled at the changes
17 we're making.

18 The Town of Oyster Bay created an
19 entirely new process to evaluate and choose
20 concessionaires. Those entities, those businesses
21 that wish to do work with the Town, we sent out
22 requests for proposals and over a two-day, 18-hour
23 marathon sessions of work sessions, we vetted and
24 listened to the proposals of everyone who answered
25 our RFP.

1 We broke it into different categories,
2 so it wasn't one entity having the concessions for
3 all of our venues. And in that process, we chose
4 some very excellent, very forthcoming and very
5 professional and ethical partners here in the Town
6 of Oyster Bay.

7 The Town will -- the taxpayers will not
8 be spending tax dollars to retrofit and rebuild our
9 facilities. The concessionaires will be spending
10 their own money and we're also very proud of the
11 fact of our choices which we deliberated publicly,
12 we made our decisions publicly for all of the
13 public to see, for the media to see and all of
14 those watching on the Internet.

15 The end result is not only will these
16 concessionaires be providing all of the money on
17 their own to retrofit our facilities, but the total
18 Town -- the total rent the Town will be receiving
19 is upwards of five times the total it had received
20 in the past.

21 One of the concessionaires that we
22 chose told us that after crunching their numbers,
23 they were not able to continue on and go into
24 contract with the Town.

25 The fact that we are here again today

1 to listen to the proposals of those who responded
2 shows that the process works, that the process
3 works in all scenarios and a great sign of its
4 ethics and its design is that it keeps working
5 going forward.

6 So we are very proud of that fact and
7 after our regular Town Board meeting, after we vote
8 on our Resolutions, we will be listening to the
9 responses for our RFPs at Tappen Beach to choose a
10 new concessionaire.

11 So the Town Clerk will now --

12 MR. ALTADONNA: Okay, Supervisor.

13 We have a table, a remove from the
14 table, and a Walk-On.

15 I'd like to start with those, so then
16 we can call the regular Action Calendar all at
17 once.

18 May have a motion to table Resolution
19 No. 237?

20 On the motion?

21 COUNCILMAN MUSCARELLA: So moved.

22 COUNCILMAN MACAGNONE: Second.

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

1 On the vote, Supervisor Saladino?
2 SUPERVISOR SALADINO: "Aye."
3 MR. ALTADONNA: Councilman Muscarella?
4 COUNCILMAN MUSCARELLA: "Aye."
5 MR. ALTADONNA: Councilman Macagnone?
6 COUNCILMAN MACAGNONE: "Aye."
7 MR. ALTADONNA: Councilman Coschignano?
8 COUNCILMAN COSCHIGNANO: "Aye."
9 MR. ALTADONNA: Councilwoman Alesia?
10 COUNCILWOMAN ALESIA: "Aye."
11 MR. ALTADONNA: Sorry?
12 COUNCILWOMAN ALESIA: "Aye."
13 MR. ALTADONNA: Councilwoman Johnson?
14 COUNCILWOMAN JOHNSON: "Aye."
15 MR. ALTADONNA: Councilman Imbroto?
16 COUNCILMAN IMBROTO: "Aye."
17 MR. ALTADONNA: Motion to table
18 Resolution No. 237 passes with seven "Ayes."
19 May I have motion to remove from the
20 table and add Resolutions Nos. 126 and 130 from the
21 table, which was table on March 21, 2017?
22 On the motion?
23 COUNCILMAN MUSCARELLA: So moved.
24 COUNCILMAN MACAGNONE: Second.
25 MR. ALTADONNA: Motion made by

1 Councilman Muscarella, seconded by Councilman
2 Macagnone.

3 On the vote, Supervisor Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: "Aye."

9 MR. ALTADONNA: Councilman Coschignano?

10 COUNCILMAN COSCHIGNANO: "Aye."

11 MR. ALTADONNA: Councilwoman Alesia?

12 COUNCILWOMAN ALESIA: "Aye."

13 MR. ALTADONNA: Councilwoman Johnson?

14 COUNCILWOMAN JOHNSON: "Aye."

15 MR. ALTADONNA: Councilman Imbroto?

16 COUNCILMAN IMBROTO: "Aye."

17 MR. ALTADONNA: Motion to remove from
18 the table and add Resolutions 126 and 130 passes
19 with seven "Ayes."

20 May I have a motion to suspend the
21 rules and add the following Walk-On Resolution No.
22 254, which is a Resolution relating to the
23 retention of counsel in connection with the Town of
24 Oyster Bay parking garage? And I'll read it.

25 "WHEREAS, in the connection with

1 Supervisor Joseph S. Saladino's directive to
2 determine the causes of the remedies for
3 deficiencies in the design, construction,
4 inspection and remedial work of the Town of Oyster
5 Bay garage, located at Hicksville, New York, this
6 office issued a request for proposals for special
7 counsel services in connection with anticipated
8 construction litigation; and whereas, Joseph
9 Nocella, Town Attorney, and Matthew M. Rozea,
10 Deputy Town Attorney, by memorandum dated May 9,
11 2017, have advised that the Office of the Town
12 Attorney received five responses, each of which was
13 evaluated according to the criteria set forth in
14 the Town's procurement policy and in accordance
15 with Guideline 9 thereof; and.

16 "WHEREAS, following such review, it was
17 recommend that the Town Board of the Town of Oyster
18 Bay, the Town Board, authorize the retention of
19 Kushnick Pallaci, PLLC, 630 Johnson Avenue, Suite
20 201, Bohemia, New York 11716, to serve as special
21 counsel to the office of the Town Attorney in
22 connection with certain construction related
23 litigation; and.

24 "WHEREAS, Joseph Nocella, Town
25 Attorney, and Matthew M. Rozea, Deputy Town

1 Attorney, by the aforementioned memorandum
2 recommend that the Town Board authorize that
3 Kushnick Pallaci, PLLC be retained for the amount
4 not to exceed \$35,000 with funds to be drawn on
5 account no. OTAA1420441100000000, and that the
6 office of the Town Attorney, aided by Kushnick
7 Pallaci, PLLC be authorized to commence litigation
8 against all parties that are deemed to be
9 responsible for damages sustained by the Town and
10 its residents in connection with the design,
11 construction, inspection and remedial work of the
12 Town of Oyster Bay garage, located at Hicksville,
13 New York.

14 "Now, therefore, be it resolved, that
15 the recommendations as hereinabove set forth are
16 accepted, and the office of the Town Attorney is
17 hereby authorized to retain Kushnick Pallaci, PLLC,
18 630 Johnson Avenue, Suite 201, Bohemia, New York
19 11716 for the purpose of commencing litigation
20 against any and all parties deemed responsible for
21 deficiencies in the design, construction,
22 inspection, and remedial work of the Town of Oyster
23 Bay garage, and

24 "BE IT FURTHER RESOLVED that the office
25 of the Town Attorney, aided by Kushnick Pallaci,

1 PLLC, 630 Johnson Avenue, Suite 201, Bohemia,
2 New York 11716 is hereby authorized to commence
3 such litigation, and.

4 "BE IT FURTHER RESOLVED that the
5 Comptroller is hereby authorized and directed to
6 make payment in an amount not to exceed \$35,000,
7 with funds to be drawn from Account No.
8 OTAA1420441100000000, upon submission of a duly
9 certified claims, after audit."

10 On the motion?

11 COUNCILMAN MUSCARELLA: So moved.

12 COUNCILMAN MACAGNONE: Second.

13 MR. ALTADONNA: On the vote, Supervisor
14 Saladino?

15 SUPERVISOR SALADINO: "Aye."

16 MR. ALTADONNA: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: "Aye."

18 MR. ALTADONNA: Councilman Macagnone?

19 COUNCILMAN MACAGNONE: No.

20 MR. ALTADONNA: Councilman Coschignano?

21 COUNCILMAN COSCHIGNANO: "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: Just for the record,
4 motion was made by Councilman Muscarella, seconded
5 by Councilman Macagnone.

6 The vote was six "Ayes" and one "Nay."

7 MR. RIPP: (Inaudible.)

8 MR. ALTADONNA: I'm sorry?

9 MR. RIPP: Just introduced --

10 MR. ALTADONNA: Just introduced.

11 Now, we are going to do the whole
12 Action Calendar.

13 MR. RIPP: Thank you very much.

14 Sorry.

15 MR. ALTADONNA: Now, may I have a
16 motion to adopt Resolutions No. P11-17 through
17 Resolution No. 254, noting that Resolution No. 237
18 was tabled?

19 Personnel Resolution No. P-11-17;
20 Resolution pertaining to personnel of various
21 departments within the Town of Oyster Bay.

22 Transfer of Funds Resolution No.
23 TF-6-17; Resolution pertaining to Transfer of Funds
24 within various departments accounts for the Year
25 2017.

1 Resolution No. 229-2017; Resolution
2 authorizing Aquatic Classes for Senior Citizens
3 from July 6 through September 1, 2017. (M.D.
4 4/18/17 #4).

5 Resolution No. 230-2017; Resolution
6 pertaining to the filing of the Town of Oyster Bay
7 External Audit Report Office of the Receiver of
8 Taxes for the period ended September 30, 2016 and
9 publication of the required notice of said report.
10 (M.D. 4/18/17 #11).

11 Resolution No. 231-2017; Resolution
12 granting request from North Shore Synagogue, Inc.,
13 for Town assistance at their Annual Truck Day event
14 on May 16, 2017 by providing trucks and operators.
15 (M.D. 4/18/17 #13).

16 Resolution No. 232-2017; Resolution
17 granting request from the Woodbury Jewish Center,
18 Inc., for Town assistance at their Annual Truck Day
19 event on May 15, 2017 by providing trucks and
20 operators. (M.D. 4/18/17 #14).

21 Resolution No. 233-2017; Resolution
22 granting request from LI 2Day Hope Runs Here 5K
23 Run/Walk for Town assistance as well as the use of
24 Town equipment on August 19, 2017. (M.D. 4/18/17
25 #15).

1 Resolution No. 234-2017; Resolution
2 authorizing the Department of Environmental
3 Resources to accept the donation of a dog house
4 presented by The Long Island Builders Institute,
5 constructed by The Engel Burman Group. (M.D.
6 4/18/17 #16).

7 Resolution No. 235-2017; Resolution
8 granting request from the Church of St. Gertrude's
9 in Bayville to use Centre Island Beach for their
10 Annual Feast from June 15-18, 2017, to have Town
11 code Sections, 168-3, 168-5B, 168-20 and 168-24
12 waived and to use Town equipment for the event.
13 (M.D. 4/25/17 #6).

14 Resolution No. 236-2017; Resolution
15 authorizing payment of Professional and General
16 Liability Insurance renewal effective May 1, 2017
17 to May 1, 2018. Account No. IGA CD 6293 43000 000
18 CW16. (M.D. 4/25/17 #10).

19 Resolution No. 238-2017; Resolution
20 authorizing reimbursement to a Code Enforcement
21 Inspector for costs of retrieving copies of
22 property deeds needed for processing complaints.
23 Account No. PAD B 3620 47900 000 0000. (M.D.
24 4/25/17 #12).

25 Resolution No. 239-2017; Resolution

1 authorizing payment of dues for each of the
2 Department's Code Enforcement Officials in the
3 Building Inspectors Association of Nassau County
4 (BIANCO) for the period May 1, 2017 to April 30,
5 2018. Account No. PAD B 3620 47900 000 0000.
6 (M.D. 4/25/17 #13).

7 Resolution No. 240-2017; Resolution
8 directing the Town Clerk to advertise a Notice of
9 Hearing for the application of Sunrise Mall, LLC,
10 for a Special Use Permit to allow the establishment
11 of a two-level restaurant and public assembly use
12 on premises located at One Sunrise Mall,
13 Massapequa, NY. Hearing date: May 23, 2017.
14 (M.D. 4/25/17 #14).

15 Resolution No. 241-2017; Resolution
16 directing the Town Clerk to advertise a Notice of
17 Hearing for the application of Adults and Children
18 with Learning and Developmental Disabilities, Inc.,
19 for a Special Use Permit to construct a
20 three-story, 48 unit, congregate care facility
21 located in a Light Industry Zone on premises
22 located at 857-857A South Oyster Bay Road,
23 Bethpage, NY. Hearing date: May 23, 2017. (M.D.
24 4/25/17 #15).

25 Resolution No. 242-2017; Resolution

1 directing the Town Clerk to advertise a Notice of
2 Hearing for the application of Taco Bell of
3 America, LLC, for a Special Use Permit and Site
4 Plan Approval to construct and operate a restaurant
5 to be utilized for a new Taco bell restaurant on
6 premises located at 424 Jericho Turnpike, Syosset,
7 NY. Hearing date: June 6, 2017. (M.D. 4/25/17
8 #16).

9 Resolution No. 243-2017; Resolution
10 directing the Town Clerk to advertise a Notice of
11 Hearing for the application of 4000 Hempstead
12 Turnpike, LLC, for a Special Use Permit to operate
13 a 246 square foot convenience store together with
14 existing gasoline service station on premised
15 located at 4000 Hempstead Turnpike, Bethpage, NY
16 Hearing date: June 6, 2017. (M.D. 4/25/17 #17).

17 Resolution No. 244-2017; Resolution
18 pertaining to licensing and long-term contractual
19 drafting/review services for Concessionaire and
20 Request for Proposals. Account No. OTA A 1420
21 44110 000 0000. (M.D. 4/25/17 #19).

22 Resolution No. 245-2017; Resolution
23 granting request from the Brooke Jackman Foundation
24 for Town assistance on May 20, 2017 for their 12th
25 Annual Brook Jackman Race for Literacy as well as

1 the use of Town equipment for the event. (M.D.
2 4/25/17 #20).

3 Resolution No. 246-2017; Resolution
4 authorizing a third one-year extension of contract
5 No. PRE13-109, Requirements Contract for Parks
6 Electrical Service throughout the Town of Oyster
7 Bay, from March 11, 2017 through March 10, 2018.
8 (M.D. 4/25/18 #22).

9 Resolution No. 247-2017; Resolution
10 authorizing engineering services and the use of a
11 sub-consultant for On-Call Contract No. PWC08-16,
12 relative to mechanical engineering, including
13 evaluating the Hicksville Parking Facility's
14 Mechanical Systems. Account No. HWY H 5997 20000
15 000 0811 016. (M.D. 4/25/17 #23).

16 Resolution No. 248-2017; Resolution
17 authorizing entrance into the bid and construction
18 phases for Contract No. DPW 17-148, Reconstruction
19 of North Massapequa Community Center, North
20 Massapequa. (M.D. 4/25/17 #21 & 5/2/17 #16).

21 Resolution No. 249-2017; Resolution
22 recommending an extension of Bond Counsel Agreement
23 for a final two-year agreement commencing on May
24 23, 2017 and concluding on May 22, 2019. (M.D.
25 4/25/17 #25).

1 Resolution No. 250-2017; Resolution
2 recommending a settlement of litigation; Newsday,
3 LLC v. Town of Oyster Bay, et al; Account No. OTA A
4 1420 44110 000 0000. (M.D. 4/25/17 #26).

5 Resolution No. 251-2017; Resolution
6 authorizing the award of Construction Contract
7 Concrete Replacement throughout the Town of Oyster
8 Bay, Contract No. H16-146; Account No. HWY H 5197
9 20000 000 1503 008. (M.D. 4/25/17 #27).

10 Resolution No. 252-2017; Resolution
11 granting request from of East Woods School, Inc.,
12 for Town assistance in conducting their annual
13 Spring Fair on May 20 and 21, 2017 and for the use
14 of various Town equipment for the event. (M.D.
15 4/25/17 #28).

16 Resolution No. 253-2017; Resolution
17 pertaining to the decision for amendments to the
18 Code of the Town of Oyster Bay, New York, amending
19 Chapter 233, of the said code pertaining to
20 parking, stopping, crossing, loading zones, thru
21 traffic, trucking operations and other traffic
22 regulations. Hearing held: April 25, 2017. (M.D.
23 4/25/17 #5).

24 Resolution No. 126-2017; Resolution
25 authorizing the retention of professional services

1 of various instructors for the Town of Oyster Bay
2 Fitness Workshops at the Hicksville Athletic Center
3 from January 1, 2017 through December 31, 2017.
4 Account No. PKS A 7110 47660 000 0000. (M.D.
5 2/28/17 #4).

6 Resolution No. 130-2017; Resolution
7 authorizing the Adult Co-Ed Zumba Fitness, Yoga and
8 Cardio Kickboxing programs at the Hicksville
9 Athletic Center from January 1, 2017 through
10 December 31, 2017, and for the Commissioner of the
11 Department of Parks to process any necessary
12 refunds. (M.D. 2/28/17 #8).

13 On the motion?

14 COUNCILMAN MUSCARELLA: So moved.

15 COUNCILMAN MACAGNONE: Second.

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

19 Supervisor, you have various speakers
20 on all of these Resolutions.

21 SUPERVISOR SALADINO: Our first speaker
22 on the Resolutions will be Bob Frier.

23 Good morning.

24 MR. FRIER: Good morning.

25 SUPERVISOR SALADINO: How are you

1 today?

2 MR. FRIER: I am fine.

3 Thank you.

4 SUPERVISOR SALADINO: It is beautiful
5 weather today.

6 Isn't it gorgeous?

7 MR. FRIER: It's gorgeous out.

8 Thank you.

9 Couple of questions on today's
10 Resolutions.

11 Again, I'm Bob Frier from Woodbury,
12 New York.

13 On the Personnel Resolutions, you know,
14 I guess after you vote, if you would be so kind to
15 let us know what positions, which people, and what
16 salaries, and if they are existing employees, you
17 know, differences in salaries.

18 Second question is Resolution 230 and
19 this is pertaining to the external audit report
20 from September 30, 2006 -- 2016. I'm sorry.

21 Was that -- is that past due for filing
22 or is that on time still?

23 SUPERVISOR SALADINO: Let's ask.

24 Would you step forward, please?

25 Christine, would you please step

1 forward?

2 Just to start this off, this is a State
3 mandate.

4 MR. FRIER: I'm aware of that.

5 SUPERVISOR SALADINO: Yes.

6 So we're complying with the State
7 mandate on this and the State Comptroller has
8 already written an opinion in the past in relation
9 to our Town that we are in compliance.

10 Is this late?

11 MS. WISS: This is not late.

12 The receiver fiscal year ends on
13 9/30/2016, and this filing is on time.

14 SUPERVISOR SALADINO: This filing is
15 entirely on time.

16 MR. FRIER: Thank you.

17 SUPERVISOR SALADINO: Thank you for
18 your question.

19 MR. FRIER: Resolution 236, and this is
20 more of a -- just kind of a point of information
21 question. I noticed on almost all policies,
22 regardless of what kind of insurance it is, you
23 seem to go through the same Salerno Brokerage. And
24 I know they are just basically selling the policies
25 for the other companies.

1 I'm curious, has the Town gone out and
2 solicited pricing from other brokerages just to
3 make sure because, you know, insurance is --

4 SUPERVISOR SALADINO: Let's get you --

5 MR. FRIER: -- prices can vary.

6 SUPERVISOR SALADINO: Let's get this
7 confirmed.

8 Is Commissioner Sammartano here? Would
9 you please step -- step --

10 (Inaudible chatter.)

11 SUPERVISOR SALADINO: Good morning,
12 Mr. Bell.

13 How are you?

14 Would you please step up?

15 MR. BELL: Doing well. Yes.

16 SUPERVISOR SALADINO: So a question has
17 been asked in regard to the policy -- by the way,
18 this is the general liability insurance --

19 MR. FRIER: (Inaudible.)

20 SUPERVISOR SALADINO: So, you know, so
21 just so we are giving the transparency and the
22 facts to the public.

23 MR. FRIER: I'm not asking just specific
24 about this policy. I'm asking all the policies.

25 SUPERVISOR SALADINO: Yes. Of course.

1 MR. FRIER: I'd appreciate if you
2 wouldn't talk over me.

3 SUPERVISOR SALADINO: I'd appreciate it
4 back.

5 Thank you.

6 So this is paid for by a Federal grant
7 at no cost to the Town for the purposes of clarity.

8 Now, what process do we use to
9 determine who gets this work?

10 MR. BELL: In this case, we are using
11 Salerno Brokerage because we have -- the Board has
12 used them in the past and we've been satisfied with
13 their service.

14 So to answer your question in this
15 case, no, we did not approach another brokerage
16 firm because we've been satisfied with Salerno.

17 Again, Salerno is charged with the
18 responsibility of finding policies for us from
19 which we choose the most cost effective policy.

20 SUPERVISOR SALADINO: Have they done
21 the best job in the Town's experience in getting us
22 the best value and at the lowest cost?

23 MR. BELL: In our experience, we've
24 been very satisfied.

25 SUPERVISOR SALADINO: Thank you very

1 much.

2 COUNCILMAN MACAGNONE: Mr. Bell, I
3 noticed the backup, we didn't -- there's not a list
4 of other prices, just the price that you recommend
5 we have taken.

6 MR. BELL: I believe there is.

7 COUNCILMAN MACAGNONE: Is there?

8 MR. BELL: Yeah.

9 It is general liabilities in the amount
10 of \$17,000 and the professional liabilities in the
11 amount of \$3,000 and change.

12 I believe it is there, Councilman.

13 COUNCILMAN MACAGNONE: Okay. I was
14 looking for it last night. I was looking for other
15 the other companies that might have bid to them and
16 I noticed a lot of backups, I don't see other
17 companies bidding. This is just for, in general, I
18 want to see backup, I want to see bids, I want to
19 see comparisons.

20 MR. NOCELLA: Councilman, the Deputy
21 Town Attorney, Donna Swanson, may be able to
22 provide some information with respect to this and
23 the process by which it was done.

24 SUPERVISOR SALADINO: Yes, Donna.

25 MS. SWANSON: Hi.

1 We do go out for RFP to various
2 agencies in -- not only here in -- on Long Island
3 and in Oyster Bay, but to Westchester as well.

4 At this point in time, we get the
5 responses from those various agencies, and at this
6 point, I did not work on the one for you, but our
7 general liabilities, all of our policies, they are
8 all RFPs to other agencies out there, whichever
9 agency can get us the best price is who we go to.

10 And that's the answer. Yes, we do.

11 SUPERVISOR SALADINO: Can you provide
12 documentation of that fact?

13 MS. SWANSON: Absolutely.

14 SUPERVISOR SALADINO: Thank you very
15 much.

16 MS. SWANSON: Would you like that now
17 or --

18 SUPERVISOR SALADINO: You can provide
19 that later today.

20 What's your next question?

21 MR. FRIER: Item No. 246, this is a
22 third one-year extension on a requirements contract
23 for Park Electrical, I guess \$500,000 a year, so
24 this would be the third year, so it's basically
25 \$1.5 million.

1 SUPERVISOR SALADINO: Actually, it's
2 not. No.

3 MR. FRIER: Would you -- can you
4 explain that?

5 SUPERVISOR SALADINO: Sure.

6 What happens is we have very large
7 equipment in the operation -- in the proper
8 operation of our municipal services, we have to
9 deal with some very heavy equipment -- electrical
10 equipment.

11 One example is at the ice skating rink
12 where it's a -- it's a very technical process. So
13 we have on-call for services when these go down,
14 whether it's in the middle of the night or during a
15 hockey game or at other facilities that have this
16 type of heavy equipment for lighting, we have
17 companies that bid through a bidding process, we
18 choose a company and they are on call. The amount
19 is a not to exceed, but we don't spend that much.
20 But in an emergency situation where you need a very
21 specialized electrical contractor to do very heavy
22 duty municipal work, they're on call for that.

23 MR. FRIER: However, this was a
24 requirements contract, so you didn't have to go out
25 for bid again, you just renewed it from a

1 previous --

2 SUPERVISOR SALADINO: Let's get the
3 full information on that.

4 Is Mr. Pinto here? Commissioner?

5 COMMISSIONER PINTO: This could fall
6 into the Parks requirement contract but this one
7 for the Engineering Department, Commissioner Lenz.

8 SUPERVISOR SALADINO: Commissioner
9 Lenz, would you please step forward so we can set
10 the record straight and get the facts out to this
11 resident?

12 COMMISSIONER LENZ: Sure.

13 We did rebid this. This is was an
14 extension of an original contract.

15 SUPERVISOR SALADINO: Which was bid in
16 the beginning?

17 COMMISSIONER LENZ: It was bid in the
18 beginning, absolutely.

19 What we're doing is, in talking with
20 Parks, we need an electrician to help us with the
21 Musco lighting, to install Musco lighting at all
22 the ball fields. We have several lights that are
23 out. Our Highway and Parks people are not capable
24 right now of repairing them. Some of them have to
25 be replaced, so that's why we wanted to get an

1 electrician.

2 SUPERVISOR SALADINO: This is for the
3 electrical services with very expensive parts
4 involved?

5 COMMISSIONER LENZ: Absolutely. Yes.

6 Some of the street lighting, we also --
7 we also need additional repairs at the Hicksville
8 garage for their lighting system, so that's why we
9 wanted to have a guy on board.

10 SUPERVISOR SALADINO: This is for our
11 high tech electrical components?

12 COMMISSIONER LENZ: Yes. Absolutely.

13 SUPERVISOR SALADINO: Thank you very
14 much.

15 What your next question?

16 MR. FRIER: I'm not done with this
17 question.

18 Can I just ask, when was that contract
19 originally bid?

20 COMMISSIONER LENZ: 2014.

21 MR. FRIER: Thank you.

22 SUPERVISOR SALADINO: How are we doing
23 on time?

24 MR. ALTADONNA: 3:10 -- three minutes
25 and ten seconds.

1 MR. FRIER: Resolution 250, this is the
2 settlement with Newsday.

3 So, could you just clarify, the Town
4 is paying Newsday \$57,500 but the judge had awarded
5 Newsday \$71,985? So, was that a negotiation to try
6 and get the price down or how did that --

7 SUPERVISOR SALADINO: I'm told that --
8 let's ask our Town Attorney.

9 MR. NOCELLA: Yes, Supervisor, the
10 judge had set it down for a prehearing and
11 Newsday's attorneys had a requested a sum far in
12 excess of what we ultimately settled with them.
13 The alternative to going through a fee dispute, we
14 negotiated with their attorneys for an amount that
15 both sides agreed was reasonable.

16 SUPERVISOR SALADINO: And this is for
17 actions taken long before I was on the Board?

18 MR. NOCELLA: Before any of your
19 initiatives about transparency and open government
20 were enacted, that's correct.

21 SUPERVISOR SALADINO: Thank you very
22 much.

23 You'll have to take up the rest of that
24 with a representative of Newsday, why they would
25 ask for that much money.

1 MR. FRIER: Okay.

2 And just --

3 SUPERVISOR SALADINO: But I know that
4 you have a good relationship with --

5 MR. FRIER: I know you weren't on this
6 Board, but the history of what was the award for?
7 Can you explain?

8 SUPERVISOR SALADINO: It was obviously
9 the result of a judge's decision.

10 MR. FRIER: For what?

11 SUPERVISOR SALADINO: For a case that
12 the Town had with Newsday.

13 MR. FRIER: About?

14 MR. NOCELLA: Supervisor, I can shed a
15 little bit more light on it.

16 Again, this is before for initiatives
17 for transparency in local government.

18 At that time, the prior administration
19 withheld documents, I assume in good faith.
20 Newsday appealed the denial of the FOIL request and
21 succeeded.

22 SUPERVISOR SALADINO: Thank you. Thank
23 you very much.

24 This is why it is so important for the
25 transparency initiatives that we are undergoing and

1 we are very proud of the fact that we have made so
2 many changes that we are above any other
3 municipality including the Town of North Hempstead
4 right next door.

5 We are very proud of the fact that we
6 have been rated Number 1 as the leader because of
7 this administration and the tremendous changes that
8 we're making. I hope all positive thinking and
9 level headed residents would agree and embrace that
10 these are the right changes to be making. The
11 response we're getting from the public has been
12 excellent. They agree that these are the changes
13 that they want to see. They are very happy with
14 the changes --

15 MR. FRIER: From Reclaim New York
16 you're talking about?

17 SUPERVISOR SALADINO: No.

18 All residents from all over the Town
19 have been responding in a very positive way for the
20 changes that we've been marking online, when it
21 relates to our FOILs, when it relates to putting
22 contracts online, when it relates to so many, the
23 RFPs.

24 The RFP process that we are going to
25 see today is but another example of my commitment

1 to reform the Ethics of the Town of Oyster Bay to
2 create sunlight on all we do to ensure that the
3 public is coming first.

4 MR. FRIER: Thank you.

5 SUPERVISOR SALADINO: Thank you.

6 Our next speaker is Mr. Kevin McKenna.

7 MR. McKENNA: Hi. Good morning.

8 Kevin McKenna from Syosset, New York.

9 The Walk-On, can we comment on that now
10 or is that later?

11 MR. COSCHIGNANO: Now, you can.

12 MR. McKENNA: Good.

13 I just lost my train of thought.

14 SUPERVISOR SALADINO: Take your time.

15 It's all good.

16 MR. McKENNA: Before I go to that, just
17 a point of information, the Resolution 236, the
18 Salerno Brokerage, that was actually brought up
19 meetings ago. It might have been prior to you,
20 Mr. Interim Supervisor, being here, but the people
21 in the back did at that time say that they were
22 going to prepare -- I think Bob Frier brought it up
23 meetings ago and the meeting was told, I forget by
24 who that -- that you were going to compare other
25 insurance agencies to Salerno Brokerage. And the

1 comment that I heard initially didn't indicate
2 that.

3 SUPERVISOR SALADINO: What happened was
4 that they made a comparison, where they went out
5 and checked many different insurance companies --
6 didn't you tell me you worked in insurance? No.
7 You have no background in this whatsoever? Okay.

8 So the broker goes out and seeks the
9 best price, the best companies, they look for
10 companies with very high ratings, they look to see
11 what they provide, they read over the contract,
12 they know the companies, and through this process,
13 they help the Town find the best price. They help
14 the Town find value.

15 Some of the items that we are insured
16 for we are self-insured. In this case, this
17 general liabilities paid for with a Federal grant
18 that is provided us for the entire program, no cost
19 to the property taxpayers of our Town.

20 Now, we wouldn't go out and go get the
21 most expensive insurance. We are looking for the
22 lower cost to save money, to do it properly, but
23 also to appropriately protect the Town, protect the
24 taxpayers. If someone falls and gets hurt there,
25 we can be sued and we are going to continue to

1 ensure that we getting the best coverage, and one
2 of the things that this company does is goes out
3 and looks at many, many different insurance
4 companies to determine what is the best value at
5 the best price that suitably protects the Town.

6 MR. MCKENNA: I understand.

7 They are an agent and that's what they
8 do, but do we -- have we compared any other agents
9 to see if they can get us better prices? That was
10 something that you said you were going to do in the
11 past. I was wondering if --

12 SUPERVISOR SALADINO: Donna, have we --
13 let's take a look at that.

14 MS. SWANSON: Absolutely.

15 When we went out to bid for general
16 liability automotive, we happen to have had a
17 meeting with a firm here on Long Island that had a
18 specialized municipal group or branch.

19 And as we were comparing the prices
20 that gentleman looked at us and basically said, if
21 you can get this price out of, I believe it was
22 Alliance at this point, you need to take that
23 price. That price happened to have come from
24 Salerno, but we are very active in soliciting
25 various agencies.

1 Like I said, not only on Long Island,
2 in Oyster Bay, but also in Westchester County. And
3 the man looked at us and said you need to go with
4 Salerno. I cannot even come close.

5 MR. McKENNA: I appreciate what you
6 just said --

7 SUPERVISOR SALADINO: Was this company
8 a company that has a vast amount of experience,
9 years of experience?

10 MS. SWANSON: Vast. I'm trying to
11 remember the name. I'm sorry.

12 SUPERVISOR SALADINO: We can find that
13 out. You can get back to me later today.

14 MR. McKENNA: I appreciate what you
15 said --

16 SUPERVISOR SALADINO: And if they have
17 the ability --

18 MR. McKENNA: -- on that specific
19 situation, but as Bob Frier said, you do give lots
20 of different policies on lots of different
21 resolutions to Salerno and, obviously, you don't
22 have time to compare each one --

23 MS. SWANSON: Absolutely, we do.
24 Absolutely, we do.

25 MR. McKENNA: Okay.

1 MS. SWANSON: I don't see why you would
2 say that. We send out between five or seven --

3 MR. McKENNA: How come -- then how come
4 it's not in the backup? How come the comparisons
5 are not in the backup?

6 MS. SWANSON: Because at times the
7 other brokers won't give us those because --

8 SUPERVISOR SALADINO: MR. McKenna, we
9 will take that under advisement.

10 MR. McKENNA: Take it under advisement.
11 We give a lot of business to Salerno --

12 MS. SWANSON: Decline to bid was the
13 words I was looking for.

14 SUPERVISOR SALADINO: We will take this
15 under advisement.

16 COUNCILMAN COSCHIGNANO: Supervisor, I
17 just want to point out like Councilman Macagnone
18 did before, I do think it would helpful if that
19 backup was more available and we could have those
20 comparisons. I don't want to put Ms. Swanson on
21 the spot nowk but --

22 MS. SWANSON: I have no problem.

23 COUNCILMAN COSCHIGNANO: -- I'd like to
24 see the backup just like Council Macagnone would.

25 SUPERVISOR SALADINO: Certainly.

1 MS. SWANSON: Absolutely.

2 MR. McKENNA: Thank you.

3 SUPERVISOR SALADINO: How much time is
4 left?

5 MR. ALTADONNA: Six minutes.

6 SUPERVISOR SALADINO: Is that --

7 MR. ALTADONNA: No. I stopped when
8 the --

9 SUPERVISOR SALADINO: What are we at
10 now?

11 MR. ALTADONNA: Six minutes.

12 MR. McKENNA: Skipping over to
13 Resolution 247, which ties into the Walk-On, which
14 has to do with the Hicksville garage.

15 SUPERVISOR SALADINO: Yes.

16 MR. McKENNA: I understand the concerns
17 about the garage and as you had said going after
18 the responsible parties that created the problem
19 that the garage has, this Resolution 247, which is
20 giving \$34,000 to Lizardo's Engineering to evaluate
21 different areas of the garage, mainly mechanical
22 systems, not having -- not having this information
23 from Lizardo's, not having the evaluation and
24 having just received the Hirani Engineering report
25 from Hirani, which was for the structural piece,

1 how could you go ahead and feel confident that you
2 should go ahead and start spending legal fees when
3 you haven't even gotten any type of evidence or
4 results about the garage or -- or have you already
5 started because when I look at the backup on
6 Lizardo's Engineering, even though you're bringing
7 it for a vote today to the Board, the date of the
8 approval of the \$34,100 signed by Commissioner Lenz
9 was April 21st.

10 So, did you already do this without a
11 vote or are you just going to start this, and if
12 that's the case, how could you go ahead and make a
13 decision to sue when we don't have the information
14 from the experts?

15 SUPERVISOR SALADINO: MR. McKenna, I
16 know you're not an attorney and you're not versed
17 in the law, but these are all actions that a
18 responsible public official must take to protect
19 the rights of the taxpayers and the Town.

20 MR. McKENNA: I understand that, but
21 that's not my question.

22 My question is --

23 SUPERVISOR SALADINO: You're asking why
24 are we hiring an attorney?

25 MR. McKENNA: No.

1 I'm asking you on this Resolution 247,
2 if it was started back in April without a vote or
3 are you going to just start with Lizardo's today --

4 SUPERVISOR SALADINO: Let's go right to
5 the Town Attorney and get your question answer so
6 the public will know that the Town is taking every
7 measure to act responsibly and appropriately in
8 this case to protect the rights and --

9 MR. McKENNA: And -- and if I could
10 also add in --

11 SUPERVISOR SALADINO: Sure.

12 MR. McKENNA: This ties into the
13 garage.

14 I met with Mr. Lenz -- actually myself
15 and another resident, a few weeks ago. And
16 Mr. Lenz, with the project manager, Daniel
17 Midgette, who was the original project manager on
18 the garage, Mr. Lenz was very, very forthcoming and
19 said that he was going to be providing my FOIL,
20 again, transparency, I had three FOILs into the
21 garage, and one of them was for the maintenance
22 records of the garage. And Mr. Lenz looked at
23 Mr. Midgette at the meeting and said, "How are you
24 doing on getting the maintenance records to
25 Mr. McKenna?" And he said, you know, "I'm working

1 on it," and we agreed that I would get those
2 records within three days of that meeting.

3 And subsequent -- and he did say on the
4 way out that it just had to be reviewed by the Town
5 Attorney's office.

6 COUNCILMAN MACAGNONE: Mr. McKenna,
7 it's funny because I sent in a memo over a month
8 ago asking for the maintenance records on the
9 garage and I have not received them as of yet
10 either, which I find completely irresponsible.

11 MR. McKENNA: I was told that I would
12 have the maintenance records within three days of
13 my meeting almost a week and a half, two weeks ago.

14 SUPERVISOR SALADINO: Let's --

15 MR. McKENNA: Let me just -- let me
16 just for the record --

17 SUPERVISOR SALADINO: For the record --

18 MR. McKENNA: For the record, after
19 apparently the Town Attorney's office reviewed my
20 FOIL and reviewed what Mr. Lenz was very willing to
21 give me, I got a letter from the Town Clerk's
22 office stating that due to the complexity of the
23 time needed to get the records, that I wouldn't
24 have them until any sooner than July the 18th.

25 So, again, how could you go ahead and

1 decide to sue when you haven't even seen the
2 maintenance records yet because you're still
3 looking for them?

4 SUPERVISOR SALADINO: Let's get you
5 some answers so that the public will know the
6 truth.

7 Mr. Nocella?

8 MR. NOCELLA: Yes.

9 SUPERVISOR SALADINO: Can you talk to
10 us about the need for hiring this law firm to
11 protect --

12 MR. McKENNA: It's not about the law
13 firm. That's not my question.

14 SUPERVISOR SALADINO: That was one of
15 your questions, but maybe you forgot that in the
16 rest of your question.

17 MR. McKENNA: No. I didn't forget. I
18 asked about 247 --

19 SUPERVISOR SALADINO: MR. McKenna --

20 MR. McKENNA: 247.

21 SUPERVISOR SALADINO: MR. McKenna,
22 let's get the information across to the public.

23 MR. McKENNA: You're trying to change
24 the subject.

25 MR. NOCELLA: Supervisor, there's a

1 concept in the law, it is not perfectly applicable,
2 but it's a great analogy, it is called -- it uses a
3 Latin term, "res ipsa loquitur," things speak for
4 itself.

5 At a certain point you don't need to
6 look at all of the maintenance records or to have a
7 full, detailed, comprehensive, forensic engineering
8 report on a structure to know there is a problem
9 with it and you need to take action against the
10 responsible parties. You may not be certain
11 exactly who all of the responsible parties are. It
12 might have been the architect, it might have been
13 the contracting firm, the construction firm, it may
14 have been people who provided remediation or a
15 service --

16 MR. McKENNA: I understand all that.
17 That's not my question.

18 MR. NOCELLA: I'm going to get to your
19 question --

20 MR. McKENNA: All I want to know about
21 is 247.

22 MR. NOCELLA: Please let me finish,
23 sir.

24 MR. McKENNA: Sure.

25 MR. NOCELLA: As a consequence, you

1 retain legal counsel to evaluate and initiate a
2 lawsuit.

3 Oftentimes what will happen is, as they
4 determine what parties ought to be sued those
5 parties will implead all the other parties so that
6 every potentially responsible party will become a
7 defendant in the lawsuit.

8 The reason for that is the attorneys my
9 initially sue Defendant A and Defendant A's
10 response is, we're not responsible, we didn't
11 commit any negligence, there was no negligence or
12 if there was negligence or defects in the
13 construction, it should have been the other party's
14 responsibility.

15 With respect to the other Resolution
16 that Mr. McKenna's referring to, 247, this is to
17 provide on-call engineering services at the moment,
18 right now, separate and apart from the lawsuit
19 itself. Those engineering services depending upon
20 what actually is done and what needs to be done,
21 may ultimately become part or parcel of what we are
22 suing about and what we may choose to sue about
23 what the claims are that the attorneys cite, but
24 the engineering services provided in 247 are to
25 provide the services right now, separate and apart

1 from the lawsuit itself.

2 MR. McKENNA: Just to be clear, they
3 are not services. This Resolution is to evaluate
4 four or five different areas. It's not for -- it
5 is not to go and fix something. It is to evaluate
6 to let you know whether or not, for instance, the
7 electrical system is being affected by water
8 seeping into the cement. It is clearly for
9 evaluation purposes to let you know what's wrong
10 with the garage. That's what this is for.

11 MR. NOCELLA: I understand your
12 distinction, but the evaluation is itself a
13 service.

14 MR. McKENNA: Okay.

15 SUPERVISOR SALADINO: Mr. McKenna, I'm
16 not clear on something.

17 We are taking the responsible steps
18 and, Mr. Nocella, are these the responsible steps
19 that all municipalities facing this
20 situation should --

21 MR. McKENNA: I'm not disagreeing with
22 the lawsuit.

23 MR. NOCELLA: Absolutely. There is no
24 question.

25 SUPERVISOR SALADINO: And if we didn't

1 take these steps, could we be seen as being
2 irresponsible?

3 MR. NOCELLA: Absolutely.

4 MR. McKENNA: Can I -- I'm not
5 disagreeing. I just want to be clear. I'm not
6 disagreeing with the lawsuit --

7 SUPERVISOR SALADINO: Mr. McKenna --

8 MR. McKENNA: -- I'm just disagreeing
9 with the fact that a lot of information, such as
10 the maintenance records, has not been provided and
11 that will tell a lot of the story and apparently
12 I'm not the only one whose been trying to get a
13 copy of that.

14 SUPERVISOR SALADINO: Which will all
15 come out through the process, and we will ask the
16 Commissioner next, but am I to understand that you
17 wouldn't have -- you wouldn't have the Town take
18 action to protect the taxpayers, to make sure that
19 we reach our --

20 MR. McKENNA: Again, I'm not
21 disagreeing with the lawsuit.

22 I'm just saying that you might be
23 putting the cart before the horse.

24 SUPERVISOR SALADINO: So you're in
25 favor of us reaching the goals of this and meeting

1 the deadlines?

2 MR. McKENNA: Can I ask you a question?

3 Who is it that you're considering suing
4 because there is multiple parties?

5 SUPERVISOR SALADINO: That's why we are
6 hiring the specialist --

7 MR. McKENNA: Do you want me to tell
8 you from the FOILs that I've received?

9 SUPERVISOR SALADINO: I don't know if
10 -- let's find out more information about the FOILs.

11 MR. McKENNA: Can I just throw out one
12 point of information for the public and the Board,
13 in case you don't know?

14 SUPERVISOR SALADINO: So long as it's
15 factual.

16 MR. McKENNA: It's factual.

17 I read in one FOIL that I got, which
18 the Town should be concerned about this, that
19 Scalamandre and Sons or whatever from Freeport,
20 which was a main general contractor as well as
21 Sydney Bowne. And Sydney Bowne hired a
22 subconsultant, which was the primary consultant,
23 Intercounty something or other, and they made a
24 recommendation to Sydney Bowne and Scalamandre.
25 The initial specs called for 5000 pounds per square

1 inch of cement product, and this company, some sub
2 of Sydney Bowne and Scalamandre recommend that you
3 can go down to 4000 PSIs and still meet the bid
4 specs and the structural integrity. Sydney Bowne
5 approved it, Scalamandre approved it, and Richard
6 Betz signed the paperwork and the Town of Oyster
7 Bay approved that.

8 And that -- I'm no expert -- but that
9 is -- is certainly an area that probably has a lot
10 to do with the quality of the cement.

11 And all I'm saying to you is, is that
12 the Town of Oyster Bay signed off on that
13 recommendation.

14 SUPERVISOR SALADINO: I appreciate you
15 pointing these things out. I can assure you that
16 this administration is going to get to the bottom
17 of this. The previous Commissioner that you
18 mentioned no longer works for this Town. I have
19 replaced that person with Mr. Lenz.

20 MR. McKENNA: He doesn't work for the
21 Town? I thought he was transferred to Planning and
22 Development?

23 SUPERVISOR SALADINO: No, no. He does
24 not work for the Town.

25 MR. McKENNA: He's since been -- he

1 doesn't work?

2 SUPERVISOR SALADINO: That's correct.

3 And I have replaced him with Mr. Lenz
4 who is a PE, Professional Engineer is what that
5 means, with many years and decades of experience in
6 Municipal Engineering as well as in the private
7 sector.

8 Quite frankly, he was a great find, and
9 on the financial side, we are not responsible --
10 because we adhere to Civil Service Law -- we are
11 not responsible for paying his healthcare and his
12 -- and there are no pension credits because the
13 State takes care of all this. So this is win/win
14 for all of us. I --

15 MR. McKENNA: Again, I agree with the
16 lawsuit.

17 SUPERVISOR SALADINO: Good.

18 MR. McKENNA: I just think that maybe
19 you should wait to get all the information --

20 SUPERVISOR SALADINO: Well, we are
21 going to --

22 MR. McKENNA: -- head start.

23 SUPERVISOR SALADINO: -- ensure that
24 we --

25 MR. McKENNA: You didn't answer my

1 question about 247.

2 Did you start this work --

3 SUPERVISOR SALADINO: Just before we
4 move on --

5 MR. McKENNA: April 21st, did you start
6 this or are you going to start it now?

7 SUPERVISOR SALADINO: Mr. McKenna, we
8 are going to assure the taxpayers, the residents,
9 and the public that we are not going to miss legal
10 deadlines, that we are going to do this thoroughly
11 and properly.

12 You know I wasn't here through any of
13 the process with this garage --

14 MR. McKENNA: I understand all of that.
15 I am just asking you a simple question.

16 SUPERVISOR SALADINO: But this is the
17 reason why --

18 MR. McKENNA: You're voting on 247
19 today to give \$34,000 to Lizardo's.

20 Did they already start doing this work
21 back in April or are they going to start doing this
22 after you vote on it today?

23 SUPERVISOR SALADINO: After we vote.

24 MR. McKENNA: What's that?

25 SUPERVISOR SALADINO: After we vote.

1 MR. McKENNA: You sure about that?

2 SUPERVISOR SALADINO: How much time is
3 left on this?

4 MR. McKENNA: If you just answer the
5 question, I'll walk away.

6 SUPERVISOR SALADINO: Sir, we are not
7 going to get -- we are not going to get into this
8 back and forth. We are appreciative that you come
9 up here --

10 MR. McKENNA: I can ask the Town Board
11 before you vote on this to find out if this work
12 has already been started a month ago and you're just
13 rubber stamping something that's already been
14 started.

15 What's the purpose of a vote if you
16 already started the work?

17 Thank you very much.

18 COUNCILMAN COSCHIGNANO: Supervisor, I
19 think Commission Lenz has his hand up.

20 COUNCILMAN MACAGNONE: Yes.

21 I'd like Commissioner to clarify --

22 SUPERVISOR SALADINO: Commissioner,
23 would you please step forward so we can get this
24 clarified?

25 Accusations were hoisted upon the Town,

1 obviously, by someone who admitted that they don't
2 have any kind of an expertise in this field.

3 Can you speak to us about this?

4 COUNCILMAN COSCHIGNANO: Would you mind,
5 Commissioner, going to the podium?

6 SUPERVISOR SALADINO: Commissioner
7 Richard Lenz, Department of Public Works.

8 COMMISSIONER LENZ: The work for this
9 Resolution has not started.

10 The only thing that they have done is
11 they have gone out into the field -- this is
12 Lizardo's -- and we also gave them some
13 documentation on the reason why they are going to
14 be looking into it is for the mechanical systems,
15 which includes the fans, the elevator, and also the
16 lighting system.

17 COUNCILMAN COSCHIGNANO: Based on what
18 authority did they go out and start?

19 COMMISSIONER LENZ: I asked them just
20 to come out and take a look. That's all it was.
21 They didn't start any other work. They didn't do
22 anything else. That's all they did is come out.

23 COUNCILMAN COSCHIGNANO: What's the
24 April 21st date that's on the document that
25 Mr. McKenna is being referred to?

1 COMMISSIONER LENZ: This is the date --
2 you know that everything has to be submitted
3 two weeks before the Town Board meeting and all of
4 that, so that's where these dates are all coming
5 from. These were all submitted earlier and --

6 COUNCILMAN COSCHIGNANO: Is that a
7 docket request?

8 COMMISSIONER LENZ: Yes. It's a
9 docket --

10 COUNCILMAN COSCHIGNANO: Can you
11 explain it so the average person, which I consider
12 myself --

13 COMMISSIONER LENZ: Sure. A docket --

14 COUNCILMAN COSCHIGNANO: -- hopefully,
15 some days are better than others. I'd like to
16 understand it as well.

17 And if I could understand it, perhaps
18 those in the audience could understand.

19 COMMISSIONER LENZ: The docket
20 requirement is that two weeks before a Town Board
21 meeting everything has to be submitted to the Town
22 Board for their review so that they have two weeks'
23 time to review all your documentation and that's
24 what this is. That's why these dates.

25 Now, as I said in the past, normally,

1 we don't have anybody out. I just wanted to at
2 least show Lizardo's, is this something that you --
3 that we can move along and take care of and they
4 said yes.

5 COUNCILMAN MACAGNONE: You gave copies
6 of documentation to Lizardo's without getting the
7 Town Board approval?

8 COMMISSIONER LENZ: What I did was,
9 there was one documentation for the mechanical room
10 that I gave them. I did do that. I'm telling you
11 up front right now.

12 COUNCILMAN MACAGNONE: I appreciate the
13 honesty.

14 COMMISSIONER LENZ: The other thing too
15 is I do apologize --

16 SUPERVISOR SALADINO: Is that helpful
17 in the process -- is this a process that has been
18 conducted in the past?

19 COMMISSIONER LENZ: No. I don't
20 normally do this.

21 SUPERVISOR SALADINO: Does it help them
22 to --

23 COMMISSIONER LENZ: Yes.

24 SUPERVISOR SALADINO: -- give us a
25 scope of --

1 COMMISSIONER LENZ: Well, that's what I
2 was just going to say. Thank you very much.

3 It was so that they could then give us
4 the scope of work for the costing. Without that, I
5 don't think they could cost things properly. So it
6 was one piece of document that showed the garage,
7 showed the mechanical room, the electric, and the
8 elevator room so that they can then do the proper
9 costing of the work that needs to be done.

10 COUNCILMAN COSCHIGNANO: Isn't it a
11 public document?

12 COMMISSIONER LENZ: Yes.

13 COUNCILMAN COSCHIGNANO: Couldn't
14 somebody FOIL it?

15 COMMISSIONER LENZ: Yes.

16 SUPERVISOR SALADINO: This is similar
17 to any other RFP where we provide information to
18 the consultants in case so they can give us an
19 accurate cost?

20 COUNCILMAN MACAGNONE: It is not like
21 any other RFP because the garage is in question,
22 the structural integrity is in question, and the
23 process that we follow is in question, so it is
24 really not like any other RFP.

25 COUNCILMAN COSCHIGNANO: The

1 Commissioner's admission that he showed them the
2 document, that was the purpose of my question.

3 COUNCILMAN MACAGNONE: Okay.

4 COUNCILMAN COSCHIGNANO: If they could
5 have got, you know, subject to FOIL, it's not a
6 sensitive document.

7 SUPERVISOR SALADINO: It's a FOILable
8 document.

9 COUNCILMAN COSCHIGNANO: I just wanted
10 you to feel better about showing them the document.
11 I don't see a problem with showing them the
12 document.

13 COMMISSIONER LENZ: No, no, I
14 understand.

15 Normally, we don't. As I said, it is
16 just that in the -- in when you're trying to do a
17 cost estimate, they need something to work off and
18 that's what it was.

19 They had to come out to the field to
20 see it and then I also gave them, as I said, one
21 piece of document so that they can then give us the
22 proper cost and that's where you got cost estimate
23 of \$34,100.

24 COUNCILMAN MACAGNONE: Did we also
25 offer it to other firms looking to bid on this or

1 is this the only one we are going with?

2 COMMISSIONER LENZ: At this time,
3 you're right, no, I did not offer it to others.
4 The reason being is I wanted to move this project
5 along because of knowing what the other outcome is
6 going to be where we are suing.

7 COUNCILWOMAN ALESIA: On that subject,
8 and this is really question I think for
9 Mr. Nocella, since we're talking about it, I'd like
10 a little bit more information about the RFP process
11 on 254, the other firms that were considered.

12 COUNCILMAN COSCHIGNANO: Could we just
13 stick on this for a second?

14 COUNCILMAN IMBROTO: It seems like,
15 generally, if we had a better procurement narrative
16 in the backup for everything that we do, it would
17 maybe alleviate the need for some of these
18 questions and some of this back and forth.

19 COUNCILMAN MACAGNONE: Agreed.

20 COUNCILMAN COSCHIGNANO: But that's a
21 general topic, but before we move on from this
22 particular item, I still had a question.

23 I don't know if Councilman Macagnone
24 has that question on the maintenance records.

25 I just wanted maintenance records. I

1 just wanted to clarify that subject.

2 What is the issue with these things?
3 What is the problem with a Town Board member
4 getting them? What is the problem with being
5 subject to FOIL? What is July 18th? I don't know.
6 I can't even think that far out. What's the story?

7 COMMISSIONER LENZ: There -- it's my
8 fault.

9 I'm now the Commissioner of Highways.
10 At the time the request came in, I was just DPW,
11 not making any excuses for Highways. We should
12 have gotten it to the Councilman and also to the
13 resident. It was just an oversight.

14 SUPERVISOR SALADINO: We would like a
15 commitment that going forward --

16 COMMISSIONER LENZ: Absolutely.

17 SUPERVISOR SALADINO: -- there will be
18 much more thorough documentation on the backup?

19 COMMISSIONER LENZ: Absolutely.

20 COUNCILMAN COSCHIGNANO: What is the
21 true timeframe for Councilman Macagnone to see the
22 maintenance records and the --

23 COMMISSIONER LENZ: What happened is --

24 COUNCILMAN COSCHIGNANO: Excuse me one
25 second.

1 -- and the FOIL request being complied
2 with, just so we can wrap that up into a neat
3 little bow?

4 COMMISSIONER LENZ: I will commit this
5 to myself to take care of that within the week.

6 COUNCILMAN MACAGNONE: Thank you.

7 COMMISSIONER LENZ: The reason being is
8 as I said we didn't have it within DPW. It was a
9 Highway thing, and it was a matter of combing
10 through documentation. It's not -- it's not a
11 specific area that says, okay this is the garage,
12 this is this. So, we had to go through all of the
13 documentation and I just lost oversight on that.

14 COUNCILMAN COSCHIGNANO: I don't want
15 you to feel bad, Commissioner. I just, you know --

16 COMMISSIONER LENZ: I do feel bad for
17 the Councilman.

18 COUNCILMAN COSCHIGNANO: It is not my
19 purpose to make you feel bad.

20 COUNCILMAN MACAGNONE: Commissioner,
21 relax. You're not the first Commissioner not to
22 answer one of my requests for information.

23 COMMISSIONER LENZ: Well, that's what
24 I'm saying.

25 COUNCILMAN MACAGNONE: And you probably

1 won't be the last.

2 COMMISSIONER LENZ: I take it to heart
3 and I feel really bad that I completely missed this
4 one, and I'm sorry.

5 SUPERVISOR SALADINO: Thank you,
6 Commissioner.

7 MR. McKENNA: Can I just make one
8 comment for the record?

9 SUPERVISOR SALADINO: I don't know if
10 you have time, but we'll find out if you have time
11 and, obviously, you'll be able to come during the
12 public --

13 MR. McKENNA: If Commissioner Lenz is
14 going to now all of a sudden be able to provide the
15 maintenance records, will that also move up my
16 FOIL?

17 SUPERVISOR SALADINO: Nothing to stress
18 out about.

19 Mr. McKenna, just come back at the end
20 during the public comments.

21 MR. McKENNA: This is the time to talk
22 about it.

23 COUCILWOMAN ALESIA: Supervisor, could
24 we get some information on --

25 COUNCILMAN COSCHIGNANO: I think

1 Commissioner Lenz did answer that when I asked him.
2 I think his intention was to make it available both
3 for Councilman Macagnone and for FOIL purposes and
4 he did say yes and I see the Town Clerk nodding, so
5 we can resolve all these issues.

6 COMMISSIONER LENZ: Sorry to come back,
7 but I just see that there seems to be some
8 confusion on the on-call and bidding projects.

9 If we go out to an RFP, a normal RFP,
10 we have to write it up, tell them what work they
11 want done -- what work we want done, they usually
12 have to come to the facility, take a look, you
13 know, within a week or two of looking at the
14 facility, then it usually takes about three weeks
15 for them to put their proposal together, with their
16 staffing and costing and everything. Then we then
17 have to have a team rates for them and come up with
18 a rating system. Then we have to go two weeks
19 before to the Town Board and explain to the Town
20 Board what we are doing and why we are doing it.

21 So you can see this takes several
22 months. Now, the only reason why I was going
23 requirements contract is we could pick a guy who
24 was already RFPed, who already gave you all his
25 requirements and recommendations for his work as

1 far as mechanical or structural, whatever, that
2 this would shorten our time so we could get
3 somebody on board right away.

4 That was the only reason why we used an
5 on-call.

6 COUNCILMAN IMBROTO: Commissioner, it
7 seemed to me when the question was asked, was this
8 RFPed, the answer is yes it was, not specifically
9 for this situation, but in the past it was RFPed --

10 COMMISSIONER LENZ: Absolutely.

11 COUNCILMAN IMBROTO: -- there were
12 retained for on-all services and you chose to use
13 those on-call services in this situation?

14 COMMISSIONER LENZ: Yes, I did.

15 COUNCILMAN IMBROTO: People might have
16 gotten the impression that you just went out and
17 hired someone when that's not what happened.

18 COMMISSIONER LENZ: No.

19 And we are also using my professional
20 opinion. That's what I was hired for.

21 I'm a professional engineer using my
22 professional opinion for certain engineering firms,
23 just like doctors, certain engineering firms have
24 certain expertise that you will go to.

25 SUPERVISOR SALADINO: Councilwoman, did

1 you get your information or would you like more--

2 COUNCILWOMAN ALESIA: No. I did say
3 before I just want to get a little information
4 because I think --

5 COUNCILMAN IMBROTO: Commissioner, I
6 just want to say what a good job I think you're
7 doing so far. You've been coming into this, you're
8 brand-new and you've had so many things that you've
9 had to handle, just things with me personally that
10 I've asked you for, everything has been great.
11 You've been professional. You're an expert on so
12 many issues, and I think you're doing a great job
13 even if get beat up a little bit up here.

14 COMMISSIONER LENZ: Thank you.

15 SUPERVISOR SALADINO: We have a
16 question for our Town Attorney.

17 Would you please step forward,
18 Mr. Nocella?

19 COUNCILWOMAN ALESIA: Thanks,
20 Counselor.

21 Just because this was walked on, I was
22 wondering if you could flush it out for me a little
23 bit.

24 MR. NOCELLA: Yes.

25 The last week of April, we sent out a

1 RFP for firms that had construction defect
2 expertise. That is a highly specialized field of
3 law. It is, by the way, one is that common on Long
4 Island. There are firms that specialize in
5 construction defect litigation on Long Island.

6 There's a great deal of construction
7 here and naturally sometimes results in litigation.
8 The RFP was done on short order because there are
9 time sensitivity issues with respect to any claims
10 that we may bring.

11 We received back five responses. My
12 staff and I evaluated them. We selected this
13 particular firm as one Long Island based firm in
14 Bohemia, New York, Kushnick and Pallaci. 90
15 percent of the work that they do relates to
16 construction defects and, therefore, in our
17 judgment, based upon that and criteria, not only
18 their expertise, but the cost effectiveness of the
19 representation they could provide, these were the
20 ones that in our evaluation had the best proposal.

21 COUNCILMAN COSCHIGNANO: Mr. Nocella,
22 did they confirm to your office that they have no
23 conflicts with any of the potential parties?

24 MR. NOCELLA: Yes, they did.

25 As a matter of fact, there were others

1 -- other firms that responded to the RFP with the
2 courtesy simply stating that they would really
3 appreciate the privilege of representing the Town
4 of Oyster Bay, but there were conflicts, they
5 acknowledged those and explained that's why they
6 would not be responding.

7 COUNCILMAN COSCHIGNANO: Thank you.

8 COUNCILMAN MACAGNONE: Mr. Nocella?

9 MR. NOCELLA: Yes, sir.

10 COUNCILMAN MACAGNONE: In the future
11 can we get more of a backup than just one page?
12 I'm done voting on one-page items that cost money.
13 I want -- I'd like to see backup. I'd like to see
14 comparisons. It's just in our new open and
15 transparent world we are in, in the Town of Oyster
16 Bay, I think it is necessary.

17 MR. NOCELLA: Yes. The simple answer
18 to your question is yes.

19 MR. NOCELLA: And I certainly think
20 more can be done.

21 COUNCILMAN MACAGNONE: Thank you.

22 COUNCILMAN COSCHIGNANO: The more we
23 get, possibly the more we can put online so that
24 others can see it too would be very helpful.

25 Whatever I get, assuming it's not

1 sensitive, I'd like everybody else to get.

2 MR. NOCELLA: Except for something like
3 proprietary information --

4 COUNCILMAN COSCHIGNANO: Everything
5 else should be fair game.

6 MR. NOCELLA: I think that's consistent
7 with that Supervisor Saladino's been trying to
8 accomplish, and I think we can do that.

9 SUPERVISOR SALADINO: I concur with the
10 Town Board, we need far more backup on all of these
11 Resolutions.

12 MR. NOCELLA: Yes. Okay.

13 COUNCILMAN IMBROTO: Mr. Town Attorney,
14 I just want to address one other thing.

15 There was a question from a resident
16 before saying, how could you go and sue people when
17 you don't know who's responsible.

18 Isn't that entire purpose of
19 litigation?

20 MR. NOCELLA: Precisely.

21 Nobody is going to come forward and
22 say, yeah, I was at fault, here's a check, nor
23 would they -- if they have insurance for example,
24 professional insurance, liability insurance would
25 their insurance carrier be too pleased if they came

1 forward and did that.

2 The phrase I used before, *res ipsa*
3 *loquitur*, it speaks for itself. It speaks for
4 itself. We know there's a problem at the garage.
5 We, ourselves, might have strong opinions as to who
6 are the responsible parties and who should make
7 good on that. But even we, ourselves, might have a
8 bias or misinformation or only partial information
9 and competition among the partially informed is
10 much a shorted path to the truth than simply
11 collusion or a quick determination by a single
12 party.

13 COUNCILMAN IMBROTO: Is it fair to say,
14 it is completely backwards to try to be able to
15 determine who is responsible at the beginning of
16 litigation versus at the end?

17 MR. NOCELLA: It's not only backwards;
18 it's arguably impossible.

19 SUPERVISOR SALADINO: Thank you very
20 much.

21 Just so we're -- everyone is clear on
22 what's going on, this is a public hearing and we
23 are here to vote on these Resolutions, but before
24 we vote on them, to hear and listen to public
25 comment.

1 What I want to stress is this is not
2 the forum for the back and forth or anyone being
3 argumentative or challenging and certainly -- we
4 are certainly not going to tolerate any attacks on
5 either elected officials or residents, other
6 residents or the employees of our Town.

7 There are ten minutes allotted in total
8 to speak on multiple Resolutions and we here to
9 listen to the public. And listen, that's one of
10 the main purposes of this portion of the hearing.

11 So our next speaker, let's see, Robert
12 Ripp from Massapequa.

13 MR. RIPP: Hello. My name is Robert
14 Ripp. I live in Massapequa, New York, 77 Sunset
15 Road.

16 I have a couple of things to speak
17 about. I'd like to ask that you allow me to speak
18 unimpeded because you only give me ten minutes.

19 Just in relation to Mr. Lenz, in my
20 opinion, he just went on the record admitting that
21 he violated the Ethics Code. It doesn't matter if
22 the material is FOILable or not. You just paid
23 Newsday \$57,000 because you fought for material
24 that they had to get. The Town code is specific,
25 no one can release Town information without the

1 approval of the Town Board and that's why you
2 terminated Alex Vansantvoord, right, the IT guy
3 that was recording or working with the phone system
4 that you had? So that's something that I'm going
5 to address.

6 In Resolution 254, I commend
7 Mr. Macagnone for not voting on it. This a Walk-On
8 Resolution and, yes, you dotted your Is or --
9 dotted your Is and crossed your Ts. You walked it
10 on. You followed the letter of the law.
11 Evidently, Mr. Rozea wrote a memo docket on today's
12 date. But who in their right mind would believe
13 that you just -- you're going to vote to hire these
14 attorneys and you don't know anything about it.

15 So what you're doing is, you're
16 circumventing the open meetings law by walking on
17 this Resolution and you're trying to make it look
18 like you're following the rules and, technically,
19 you are following the rules, because the memo
20 docket Matt wrote is dated today, but, again,
21 everybody knows that you already knew what you were
22 doing here. So this is -- this is not a perception
23 of transparency; this is a perception of deception,
24 that you are not transparent or anything but.

25 To go into Resolution 251, this is

1 actually -- this is a redo of Resolution 94, which
2 -- which if you've been following along I have a
3 restraining order against the Town because -- not
4 because the Resolution was wrong or what you wanted
5 to do was wrong, but because the way that you
6 presented it was wrong. And I want to touch base
7 on that because it's a really remarkable story.

8 Back -- back before the meeting on
9 March 21st, the Town posted your -- your Action
10 Calender, and in regards to Resolution 94, the only
11 information you gave was resolution pertaining to
12 the water construction contract H16146 concrete
13 replacement throughout the Town of Oyster Bay.

14 Now, I objected to it, and I sued the
15 Town based on your violation of open meeting law,
16 but what happened that day -- I had no idea that
17 this was a sidewalk contract repair contract, but
18 what's amazing is you had a speaker that day. No
19 one could understand that day what you were
20 speaking about because you didn't release any --
21 any draft Resolution and you haven't even posted
22 the adopted Resolution of 94. You haven't released
23 any information on Resolution 94 besides what you
24 did in the Action Calendar then and you repeated it
25 today. But yet that same day Mr. Molinari was able

1 to come up here and -- and I have his testimony
2 from that day.

3 He said, "Good evening. I'm in favor
4 of this going forward with this contract regarding
5 the Town's commitment to the residents who had
6 signed up for sidewalk repair replacement; however,
7 when I looked, if I recall correctly, it's almost
8 \$4,000,000, and you know, I'm in favor of this, but
9 I went into the budget -- this is a more of
10 criticism on the budget -- I could not -- I went
11 through the whole 190 pages again, I couldn't
12 locate this item, and I just want to make that
13 point, that the budget has to be a lot clearer on
14 how it's done.

15 "Also, I want to raise the question on
16 this since this is a \$4,000,000 contract, what does
17 the Town expect to receive back on revenue from the
18 residents? You know, the residents are paying \$100
19 a square, so I'm just interested in that, how much
20 the residents -- how much is the Town going to pay:

21 And then Ms. -- Councilman Alesia, she
22 has full knowledge of what's going on, because she
23 replies back to Mr. Molinari, "I just want to echo,
24 it's funny that Mr. Molinari said what he did. I
25 really want to echo his sentiment. I was

1 struggling with this. It's just that it's an awful
2 lot of money --"

3 MR. ALTADONNA: Mr. Ripp -- Mr. Ripp,
4 can you just please slow down a little bit?

5 MR. RIPP: I'm trying to, but I have a
6 lot to say and -- I apologize. I apologize.

7 "I think it's an awful lot a money
8 after everything that we've gone through, on the
9 other hand, not a day goes by that in my office we
10 don't receive a call from someone who is waiting
11 for their sidewalk repair."

12 Now, the sidewalk repair that we're
13 talking about -- first of all, I have no idea how
14 Mr. Molinari could know anything, okay. To me, I
15 think that he had to be speaking with somebody.

16 SUPERVISOR SALADINO: Mr. Ripp, you
17 mentioned your office.

18 Did you give us the --

19 MR. RIPP: Excuse me, you're impeding
20 on my time. You can speak to me later.

21 SUPERVISOR SALADINO: You mentioned an
22 office --

23 MR. RIPP: So --

24 SUPERVISOR SALADINO: I just wanted
25 to ask you --

1 MR. RIPP: I'm sorry. I'm sorry.

2 So Oyster -- rather Newsday did a story
3 on this newspaper article -- rather on the sidewalk
4 repair. What was going is, the Town was charging
5 residents \$100 and they were -- they were paying
6 the contractors \$400 for the same amount of work.

7 Mr. Pinto went on record here saying
8 that the Town was actually borrowing money to do
9 the sidewalk repair. Now, I have a letter from a
10 resident, from the Town to a resident. This is a
11 complaint letter regarding sidewalk repair.

12 This says, "The Department of Highways
13 is in receipt of a complaint noticed to have Zero
14 trees removed and sidewalk replaced at your
15 address. An inspection was conducted and it was
16 determined that a hazardous condition does exist.

17 "We take this opportunity to call your
18 attention to Chapter 205 of the Oyster Bay Town
19 Code. Based on this complaint, one tree would need
20 to be removed in order for the Town to correct the
21 hazardous sidewalk condition.

22 "In addition, the Town has determined
23 that 142 square feet of sidewalk at a cost of \$6.25
24 per square foot will be needed to replace the
25 correct hazard. Upon completion of the sidewalk

1 replacement, the Town will bill you \$887 or you
2 have 90 days to make full payment or establish --
3 or establish a plan with the Town wherein payments
4 could be made over a period of one year. Failure
5 to comply with the foregoing will result in the
6 cost which may exceed the original estimate --"
7 that's a threat -- "being forwarded to the tax
8 assessor's office for reimbursement purposes to the
9 Town. If you choose not to have the trees removed,
10 you will be responsible to replace 142 square feet
11 of sidewalk with a private contractor no later than
12 90 days from the date of this letter."

13 So this is what's going on with this
14 sidewalk thing. It's a big scam. It's a big scam,
15 it all is. You set up this plan so that these
16 contractors can make this money and now -- yes, I
17 objected to you putting Resolution 94 through
18 because you violated the open meetings law. And I
19 was in court Monday, May 1st, the Town Attorney
20 Frank Scalera was there and we discussed with the
21 judge that there would be nothing from preventing
22 the Town from reproducing the Resolution and
23 following the open meetings law while doing so and
24 that's what you've done today.

25 So this is what you're voting on and I

1 don't think you should go through with it.

2 To get into Resolution -- sorry -- 250,
3 this is the payment for the \$57,000 the Newsday.
4 There are multiple issues with the Town of Oyster
5 Bay and transparency.

6 Recently, I came up and -- I attended a
7 Nassau Shores Civic Association meeting and
8 Ms. Maccarone, the Commissioner of Planning and
9 Development, was there and there's a project going
10 on and she invited all the residents in the
11 neighborhood to come up and review -- it's a gas
12 station -- to review the documents if they wanted.
13 And I also spoke about the Ship's Point replacement
14 that we have going on.

15 Now, I don't know, I just want to see
16 -- I just want to see the documents, you know, I
17 just want to see the building file. I think
18 everybody should be able to see it. I was invited
19 to see it, but yet you want to make it a FOIL
20 issue. Okay. I've been instructed to -- to submit
21 more FOILs. All right.

22 In regards to the Newsday -- the
23 Newsday payment, I want to bring your attention to
24 the judge's decision there. This was Judge
25 Steinman, which you should all be aware, he wrote,

1 "The Town again relies on its now losing argument
2 that these types of documents can somehow be exempt
3 from disclosure under the law enforcement
4 exemption. It is irrelevant that contents of the
5 requested documents might prove to be bad news for
6 the Town. The public has a right to see the
7 contracts entered into by the Town and documents
8 concerning performing under these contracts. The
9 town makes -- and I want to bring your attention to
10 this because this has to do with all the
11 Resolutions, all the millions of dollars that you
12 are spending on outside counsel that nobody knows
13 what we are spending. Okay. The Town makes one
14 additional argument in support of withholding the
15 documents called for by request numbers 11-13: the
16 possibility of significant litigation and the need
17 to preserve the Town's position in any such
18 litigation. Respondents' memorandum of law, again,
19 no case law is advanced to support this argument.
20 That is -- that is likely because such a defense
21 would not fly even if the Town were smack in the
22 middle of a significant litigation and the
23 documents were subject of a FOIL request by its
24 adversary.

25 As held by the Court of Appeals over

1 twenty years ago, access to records of a government
2 agency under the Freedom of Information Law are not
3 affected by the fact that there is pending or
4 potential litigation between the person making the
5 request and the agency.

6 So when Mr. Nocella or any other Town
7 official comments that you can't explain to the
8 Town -- to the residents why we are footing the
9 bill for millions of dollars in outside counsel,
10 there's no reason you can't explain it. You just
11 don't want to explain it. There's no reason that
12 you're not providing the FOIL matter. You just
13 don't want to provide the FOIL material.

14 I wanted to speak on one more
15 Resolution here. I want to speak on the -- the --
16 sorry -- oh, 247. This is the garage. Again,
17 you're talking about transparency. I think what
18 Mr. McKenna was trying to say is -- I have a FOIL
19 request in to see, first of all, we are hiring
20 additional -- additional -- we are hiring
21 additional contractors here to do another
22 evaluation.

23 I want to correct Mr. Imbroto because
24 those contractors that are hired here, there is no
25 RFP. These are done on one of the open -- open-end

1 agreement, open-call contracts. There was no --
2 there was no bid for these people to come in and do
3 this additional evaluation.

4 I'd just like to say in case you would
5 like to shut me off, I have some FOIL requests in
6 and like I was saying with Mr. McKenna, it is about
7 transparency. You claim to be transparent. We are
8 not saying that -- or I'm not saying that the Town
9 is acting irresponsible in regards to the
10 Hicksville garage, but I would be able to make a
11 determination if you would release the information.

12 I mean, I FOIled -- I FOIled the original
13 contracts. You refused to give them to me. I
14 FOIled Sydney Bowne's evaluation, which was --
15 allegedly already covered all this, so we're like
16 double evaluation. You refused to give it to me.

17 The bottom line is, that's why you're
18 paying Newsday \$57,000 because you're not
19 transparent.

20 Thank you.

21 SUPERVISOR SALADINO: Our next speaker
22 will be Shinu Chacko.

23 Thank you.

24 MR. CHACKO: Hello.

25 SUPERVISOR SALADINO: How are you

1 today?

2 MR. CHACKO: I'm doing good.

3 Thank you, Supervisor.

4 SUPERVISOR SALADINO: Are you enjoying
5 our Town Board meeting thus far?

6 MR. CHACKO: No, I'm not because it is
7 extremely cold in here.

8 SUPERVISOR SALADINO: It's very cold?

9 MR. CHACKO: Yes. I think the
10 mechanical systems here should be checked here
11 honestly.

12 I don't know where to begin.

13 COUNCILMAN COSCHIGNANO: Don't worry.
14 We asked about an hour ago if someone could please
15 do something about it and we haven't had any
16 success either.

17 MR. CHACKO: Gotcha.

18 Anyways, I'm here to talk about
19 Resolution 247. I mean, I don't know where to
20 begin with this Resolution. I'm thoroughly upset
21 with the condition of the garage, the status that
22 this Town Board has taken to address the issue.

23 Number one, last meeting, I was -- two
24 meetings ago, I believe, I was here and I discussed
25 the garage and I said we should go back after the

1 original contractors.

2 Did any of us or did Mr. Lenz ask the
3 original contractors --

4 SUPERVISOR SALADINO: I'm sorry.

5 You said that the Town should go after
6 the contractors?

7 MR. Chacko: Yes. Correct.

8 SUPERVISOR SALADINO: You realize that
9 involves --

10 MR. CHACKO: No. Stop. Hold on a
11 second. Hold on.

12 SUPERVISOR SALADINO: You realize that
13 involves court, that involves preparing a case.
14 That's what we're doing.

15 MR. CHACKO: No, it doesn't. All you
16 have to do is pick up the phone and call them and
17 ask them, come back to garage, see what you did
18 wrong in this garage. That's all it takes. If one
19 of my contracts -- wait -- messed up my house, I'd
20 pick up the phone, tell them to come back.

21 SUPERVISOR SALADINO: Mr. Chacko, I
22 understand your emotions. I understand that you're
23 very upset. You've admitted that you've come up
24 here very upset.

25 MR. CHACKO: I am.

1 SUPERVISOR SALADINO: Please tell us
2 what you'd like to tell us and we are here to
3 listen.

4 MR. CHACKO: No problem.

5 SUPERVISOR SALADINO: But in the
6 meantime, the Town is going to continue to take a
7 very responsible approach to provide for the
8 residents to make sure that we have the proper
9 counsel in place, that we don't miss deadlines,
10 that we're preparing the case because I don't know
11 if you've worked in this field, perhaps you have.

12 MR. CHACKO: I have.

13 SUPERVISOR SALADINO: Okay.

14 So then you know that the process is to
15 get as much information, to protect the deadlines,
16 to protect the public, and then you reach out to
17 the perceived responsible parties to start to sort
18 this out.

19 MR. CHACKO: Did we reach back to the
20 original engineers? That's my question, and ask
21 them to come down and see what was wrong with this
22 garage? Did we do that? That's number one.

23 SUPERVISOR SALADINO: I believe that to
24 be the case. I was not here in the previous years
25 that the Town has been dealing with that, but I

1 believe that is the case. And we have continued to
2 give this a lot of attention. When I say I'm going
3 to get to the bottom of this, it's not just words.

4 MR. CHACKO: Okay.

5 SUPERVISOR SALADINO: I am very serious
6 about that. We are getting all the information.
7 In the meanwhile, we assuring the public is safe.
8 We are dealing with this by putting up netting so
9 that the small particles that have been falling --
10 remember, as you know, you said you worked in this
11 field, expansion and contraction is going to be one
12 of the issues, right?

13 MR. CHACKO: No problem. I understand.

14 SUPERVISOR SALADINO: And in order to
15 have a successful case you have to start preparing
16 that responsibility from the beginning.

17 Do you agree with that?

18 MR. CHACKO: I agree with that.

19 SUPERVISOR SALADINO: And that's what
20 we are doing. I'm telling you this because you're
21 clearly upset and I want to allay some of your
22 concerns that the Town is acquiring all of the
23 information necessary so that the Town has all of
24 the options, whether it is going to court or
25 getting a settlement or getting the responsible

1 party identified.

2 MR. CHACKO: I know. That's what I'm
3 saying. That's fine.

4 Now, the next item that I want to talk
5 about is the status of the Hirani Engineering
6 reports. We spent \$50,000 for Hirani Engineering
7 to evaluate the condition of the garage.

8 (Inaudible crosstalk.)

9 SUPERVISOR SALADINO: Thank you for
10 your --

11 MR. CHACKO: I spent time with
12 Commissioner Lenz in regards to the Hirani
13 Engineering report. I put in a FOIL for that.
14 They said the report was ready. I want to get that
15 copy of that report.

16 Can I get a copy of that report today?

17 SUPERVISOR SALADINO: Let's ask
18 Mr. Lenz up and let's find out that information for
19 you. Let's get your question answered.

20 MR. CHACKO: Thank you.

21 SUPERVISOR SALADINO: Commissioner
22 Lenz, the report that has been described, is that
23 fully prepared and ready to be released to the
24 public yet?

25 COMMISSIONER LENZ: It hasn't been

1 fully prepared. It is -- there's been several
2 submissions of it because each time we review it,
3 there is additional information that we want added
4 to it.

5 The other thing too is also we talked
6 to the Town Attorney's office, this is not going to
7 be a FOILable item because of the litigation.

8 SUPERVISOR SALADINO: Can we at least
9 provide the resident with some of the information
10 so that they -- he's visibly shaken and upset by
11 this and we should provide him with some of the
12 information that's FOILable.

13 COMMISSIONER LENZ: We certainly could,
14 but what the problem is is and I'll be more than
15 happy to --

16 SUPERVISOR SALADINO: Do you park in
17 this facility?

18 MR. CHACKO: No, I don't.

19 SUPERVISOR SALADINO: So your car is
20 never in there?

21 MR. CHACKO: I wouldn't put my car in
22 there.

23 UNKNOWN SPEAKER: He had in the past.

24 COMMISSIONER LENZ: And the problem is
25 that some of these people are asking for some of

1 these documentation don't really know what they're
2 reading. And he's going to tell you he's an
3 engineer, but he's an electrical engineer. That's
4 just like me going to a heart doctor for my foot.
5 It is not the same thing.

6 SUPERVISOR SALADINO: Commissioner, he
7 is still a resident.

8 MR. CHACKO: Excuse me, I've been in
9 this industry for quite a while now.

10 COMMISSIONER LENZ: It is not the same
11 thing. It is not the same thing.

12 SUPERVISOR SALADINO: Sir, let's not go
13 back and forth.

14 MR. CHACKO: Okay.

15 SUPERVISOR SALADINO: Commissioner,
16 he's still a resident asking for information so I'd
17 like to meet with you and the Town Attorney this
18 afternoon after the Town Board meeting to discuss
19 this, to determine if it is FOILable or not, and if
20 it's FOILable my, feeling is we should provide the
21 information to --

22 COUNCILMAN MACAGNONE: Commissioner,
23 can the Board be provided with that information?

24 COMMISSIONER LENZ: Absolutely.

25 COUNCILMAN MACAGNONE: I'd like to get

1 provided with it, because I have built parking
2 garages and they are still standing and doing well.

3 COMMISSIONER LENZ: Of course.

4 The -- the -- the actual information
5 should come in another week with everything pulled
6 together. What we had asked is --

7 COUNCILMAN MACAGNONE: I'll sit in your
8 office and read it and leave it there.

9 COMMISSIONER LENZ: Just so you know,
10 what happens is -- is as we have done this whole --
11 on this whole Hicksville garage, we have done steps
12 by steps. We don't go in there and say, do all of
13 this, because you're not going to get the right
14 product. So we are doing everything step-by-step.
15 So they've submitted a report. It didn't -- we
16 needed some additional information so they are
17 submitting it and submitting it. So this will be
18 done in another week. We will have everything
19 taken care of.

20 I can give you what I have now.

21 Absolutely.

22 COUNCILMAN MACAGNONE: I'll tell you
23 what, I'll go sit in your conference room with a
24 cup of coffee, and I'll read it.

25 COMMISSIONER LENZ: I've also had this

1 resident in my office showing the documentation of
2 everything else. I gave him boxes of stuff to look
3 through. He wanted this particular report, that I
4 said at the time I didn't know if I could give it
5 out and then we checked with the Town Attorney's
6 office and now since we're suing, I'm told that
7 that is a work product of the suit.

8 SUPERVISOR SALADINO: Thank you,
9 Commissioner.

10 Mr. Chacko, is this true?

11 MR. CHACKO: Yes, it is true.

12 I told you that.

13 SUPERVISOR SALADINO: You have sat in
14 his office and he --

15 MR. CHACKO: I just told you that.

16 SUPERVISOR SALADINO: Sir, sir. He has
17 proved you information in depth on the parking
18 garage?

19 MR. CHACKO: He has provided me with
20 the documentation I requested.

21 Now --

22 SUPERVISOR SALADINO: Thank you.

23 MR. CHACKO: -- the last question I
24 want to bring up, is the parking garage safe for
25 public use?

1 SUPERVISOR SALADINO: Yes.

2 MR. CHACKO: In this -- No. Wait a
3 minute. Stop. You're just saying that.

4 In this document that you provide in
5 regard to Lizardo's, we have electrical issues, we
6 have carbon monoxide issues. It states that the
7 carbon monoxide detectors have to be replaced in
8 five years in this Lizardo's RFP.

9 Have we done that? We have right now
10 -- I'm an electrical engineer, right?

11 SUPERVISOR SALADINO: I don't know, but
12 you are tell me you are.

13 MR. CHACKO: Recently in New York City,
14 someone died because of stray electrical currents
15 touching a grate and that individual got
16 electrocuted and died.

17 We have water infiltrating electrical
18 conduits in there. Is it safe? Is someone going
19 to get electrocuted and die there? This is a
20 public safety concern, which you should be
21 addressing and the Commissioner and the Building
22 Commissioner --

23 SUPERVISOR SALADINO: Mr. --

24 MR. CHACKO: -- should be addressing
25 this as soon as possible.

1 SUPERVISOR SALADINO: Mr. Chacko --

2 MR. CHACKO: My last thing is --

3 SUPERVISOR SALADINO: Mr. Chacko, we
4 are addressing the safety issues.

5 MR. CHACKO: I don't believe so.

6 SUPERVISOR SALADINO: I understand you
7 have strong opinions. I don't know if they're
8 political in nature, but I do know that it's safe.

9 Mr. Chacko is a member of -- and a
10 political activist.

11 UNKNOWN SPEAKER: Everybody is a member
12 of a party. That's ridiculous.

13 MR. CHACKO: My last --

14 SUPERVISOR SALADINO: Excuse me, we
15 will have order in this room.

16 MR. CHACKO: My last request is as a
17 taxpayer --

18 SUPERVISOR SALADINO: But the answer to
19 your question because when you present an idea out
20 there to the public, there's a certain level of
21 responsibility that has to follow it.

22 MR. CHACKO: There is, public safety.

23 SUPERVISOR SALADINO: And we are taking
24 that very seriously.

25 The parking garage is safe for the

1 public to be walking and parking in it at this
2 time. We are continuing to work on this, to
3 protect the taxpayers. The structural integrity
4 has been proven to be safe. It is --

5 MR. CHACKO: The structural integrity,
6 yes. But I'm talking about other --

7 SUPERVISOR SALADINO: It is --

8 MR. CHACKO: I am talking about other
9 systems, Supervisor.

10 The carbon monoxide detection system
11 hasn't been changed. It says so in this RFP,
12 five years for one detector.

13 Have those detectors been changed?

14 SUPERVISOR SALADINO: Let's ask the
15 Commissioner to come up --

16 MR. CHACKO: I'm going to --

17 SUPERVISOR SALADINO: Just a moment.

18 Since you've made accusations --
19 serious accusations.

20 MR. CHACKO: Yes.

21 SUPERVISOR SALADINO: You have told us
22 you're a professional and professionals have a --

23 MR. CHACKO: Obligated duty,
24 absolutely.

25 SUPERVISOR SALADINO: -- obligation to

1 tell the truth, so let's get that question answered
2 once and for all.

3 Commissioner, the carbon monoxide
4 detectors, are they checked? Are they reliable?
5 Is the public safe from carbon monoxide poisoning?

6 MR. CHACKO: Have they been changed?

7 COMMISSIONER LENZ: They have been
8 checked. They do go off every once in awhile. We
9 do recheck them again and reset them and then also
10 we have changed several of them.

11 SUPERVISOR SALADINO: Under your
12 professional opinion, are they operating and can
13 the public be assured --

14 COMMISSIONER LENZ: Absolutely.

15 SUPERVISOR SALADINO: -- of a high
16 level of safety from carbon monoxide poisoning?

17 COMMISSIONER LENZ: Yes, they can.

18 SUPERVISOR SALADINO: Thank you,
19 Commissioner.

20 COMMISSIONER LENZ: We will -- and this
21 is going to just check the system in the future so
22 that we have a better -- might have a better
23 system.

24 SUPERVISOR SALADINO: Thank you,
25 Commissioner.

1 MR. CHACKO: My last thing is, we
2 should make a Walk-On Resolution right now and the
3 Town Clerk should vote on this, is that we should
4 not allow any of those contractors that worked on
5 this garage to work on anything the Town has to
6 offer in the future. This includes all the
7 engineers, all the contractors. We should do that
8 right now.

9 Can we have that?

10 (Applause.)

11 COUNCILMAN MACAGNONE: Why don't we
12 wait 'til we find the result of this investigation
13 out and find out who's at fault before we make such
14 a broad statement?

15 MR. CHACKO: You said you were going
16 after everybody before. We had a Walk-On
17 Resolution to go after everybody.

18 COUNCILMAN IMBROTO: We said before
19 that the litigation would determine who's
20 responsible.

21 At that point --

22 SUPERVISOR SALADINO: Mr. Chacko, as I
23 mentioned at the beginning, this is a public
24 hearing. It is for us to listen, not a back and
25 forth with accusations.

1 MR. CHACKO: I understand. No problem.

2 SUPERVISOR SALADINO: Provide
3 information and we are very happy to listen it
4 within the designated amount of time.

5 MR. CHACKO: Got it. That's it.

6 SUPERVISOR SALADINO: Thank you.

7 Our next speaker will be Paul Molinari
8 of Hicksville.

9 Mr. Molinari, how are you today?

10 MR. MOLINARI: I am well, Supervisor.

11 SUPERVISOR SALADINO: How's that arm?
12 Is it feeling better?

13 MR. MOLINARI: Yup. The cast comes off
14 tomorrow.

15 SUPERVISOR SALADINO: Tomorrow, good
16 luck. I hope you have 100 percent back very, very
17 soon.

18 MR. MOLINARI: Thank you.

19 I only put down one Resolution, but I
20 want to address the parking garage and the sidewalk
21 replacement.

22 SUPERVISOR SALADINO: Certainly.

23 MR. MOLINARI: Many of you Board
24 Members have heard this before, but I would like to
25 state it.

1 I'm a licensed professional engineer in
2 the State of New York since 1976. I graduated
3 Stony Brook University with honors. I graduated
4 Cornell University for a Master's Degree in
5 Environmental Engineering with honors.

6 So I just wanted -- the Board Members
7 have heard that, you may have not. I've been
8 attending this Board meeting, I don't know, for
9 four or five years.

10 So I'd like to first address the
11 sidewalk Resolution. The statement was made, how
12 do I know about this information? We'll, I've been
13 attending these meeting for four or five years.

14 The sidewalk replacement was an issue
15 that the Town had a program on the books for many
16 years. Last year, the Town decided to eliminate
17 that as a cost saving measure. So I was here at
18 those hearings. I heard that information. I
19 recall that information. So I came up before the
20 Board, and at that time, I had asked them voting on
21 changing the program, eliminating the subsidized
22 sidewalk replacement program, I had asked at that
23 time was the Board going to honor their commitments
24 that they made to the citizens who already signed
25 up for sidewalk replacement. And the answer was

1 from everybody, yes.

2 So I recall all that information so
3 when the Board -- when that Resolution came up in
4 March, whenever it was, I raised the same question
5 saying I supported it because I had knew about -- I
6 had recalled that information because I had
7 inquired about it in the past.

8 As for the parking garage, back in
9 September, when the Board -- I think it was in
10 September -- when the Board authorized the
11 evaluation of the parking garage, at that time I
12 think I made a statement. I said it had to go
13 forward, but I actually thought it would be more
14 prudent that an independent engineer evaluate the
15 parking garage.

16 Now, I have worked for engineering
17 firms. I worked for the Federal government. I
18 worked in the construction industry. I'm not an
19 expert in construction because my background is in
20 environmental engineering.

21 So, you know, I have a little bit of
22 experience doing -- I did inspections of Federal
23 construction projects, multimillion projects --
24 Southwest Sewer District, I was the Federal
25 inspector on it for many years. I was the Federal

1 inspector on Nassau County treatment plants. So I
2 do know a little about concrete and I will not
3 really express an opinion on that. That's why I
4 had back then in September had said that we should
5 have an independent engineer.

6 I support the Town Board by the way
7 it's proceeding that it has hired an independent
8 engineer, and you have to hire --

9 (Inaudible chatter.)

10 SUPERVISOR SALADINO: Excuse me.

11 MR. MOLINARI: I have two and a half
12 minutes left.

13 SUPERVISOR SALADINO: Mr. Molinari is
14 speaking.

15 Go ahead, Mr. Molinari.

16 MR. MOLINARI: I was involved in
17 Federal construction claims when I was in the
18 construction program.

19 Yes, you do need an expert lawyer in
20 that area --

21 SUPERVISOR SALADINO: Thank you,
22 Mr. Molinari.

23 MR. MOLINARI: -- to help you evaluate
24 to find out who's the responsible party and whether
25 they should be held accountable.

1 Thank you.

2 (Applause.)

3 SUPERVISOR SALADINO: Thank you, sir.

4 We really appreciate your support of
5 our initiatives.

6 Thank you.

7 Okay. That's all of our speakers on
8 the Resolutions. If there are no others, I believe
9 we are ready to take a vote.

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

13 On the vote, Supervisor Saladino?

14 SUPERVISOR SALADINO: "Aye."

15 MR. ALTADONNA: Councilman Muscarella?

16 COUNCILMAN MUSCARELLA: "Aye."

17 MR. ALTADONNA: Please talk slow.

18 Councilman Macagnone?

19 COUNCILMAN MACAGNONE: No on P-11.

20 On PF-6, No.

21 No on 229. There's no backup. There
22 was no cost in the Resolution.

23 No on 244.

24 No on 249.

25 And for the same reason, no, on 254.

1 There was no backup in the Resolution. I'm not
2 voting on one-page Resolutions any longer that cost
3 money.

4 (Applause.)

5 "Aye" on the rest.

6 MR. ALTADONNA: Thank you.

7 Councilman Coschignano?

8 COUNCILMAN COSCHIGNANO: I'm sorry.

9 I'm just looking for one Reso.

10 MR. ALTADONNA: That's okay.

11 COUNCILMAN COSCHIGNANO: Bear with me
12 one second.

13 MR. ALTADONNA: Take your time.

14 COUNCILMAN COSCHIGNANO: I know I'm out
15 of time. Bear with me.

16 Councilwoman Johnson is trying to help
17 me. I'm beyond help.

18 Mr. Nocella, do you have a moment?

19 MR. NOCELLA: Yes.

20 Can I approach?

21 COUNCILMAN COSCHIGNANO: Yes, please.

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

24 COUNCILMAN COSCHIGNANO: Okay. I'm
25 ready. I'm sorry. I got it confused with another

1 Reso.

2 No on 251.

3 "Aye" on all the rest.

4 Thank you.

5 Sorry for the delay.

6 MR. ALTADONNA: Councilwoman Alesia?

7 COUNCILWOMAN ALESIA: No on 244.

8 "Aye" on the rest.

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILWOMAN JOHNSON: "Aye."

11 MR. ALTADONNA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: "Aye" on all.

13 MR. ALTADONNA: Bear with me.

14 Motion to adopt Resolution P11-17

15 passes with five "Ayes" and one "Nay."

16 TF6-17 passes with six "Ayes" and one

17 "Nay."

18 229 passes with six "Ayes" and one

19 "Nay."

20 230 to 236 passes with seven "Ayes."

21 237 was tabled.

22 238 to 243 passes with seven "Ayes."

23 244 passes with five "Ayes" and two

24 "Nays."

25 245 through 248 passes with seven

1 "Ayes."

2 249 passes with six "Ayes" and one

3 "Nay."

4 250 passes with seven "Ayes."

5 251, six "Ayes" and one "Nay."

6 252 and 253 with seven "Ayes."

7 254 passes with six "Ayes" and one

8 "Nay."

9 And to go back, 229 passes with six

10 "Ayes" and one "Nay."

11 Supervisor, the Action Calendar is

12 complete.

13 COUNCILWOMAN JOHNSON: You forgot 126

14 and 130.

15 MR. ALTADONNA: Okay. Yes. Thank you.

16 126 and 130 passes with seven "Ayes."

17 Now, the Action Calendar is complete.

18 MR. FRIER: Now, can you say the names

19 or the personnel and the positions, please?

20 SUPERVISOR SALADINO: Sure.

21 Can we ask Vicki to come forward,

22 please?

23 Could you please provide the public

24 with position, change and the name?

25 It is important to point out that the

1 Town had reduced its work force over the course of
2 time by about 200 positions, so what the Town has
3 been doing is moving people around and changing
4 some of their responsibilities to cover the
5 responsibilities of those who have been moved out
6 or have retired.

7 In that process, we must adhere to
8 Civil Service Law so that our employees are working
9 under titles that reflect their responsibilities.

10 The vast majority of these movements
11 are because we are complying with Civil Service
12 Law, complying with our union contract, and are
13 ensuring that the responsibilities match the titles
14 of our employment -- of our employees, which is our
15 responsibility to comply with.

16 Could you just give us a list of the
17 names and the title change?

18 MR. FRIER: And the salary.

19 MS. SPINELLI: And the salary increase?

20 SUPERVISOR SALADINO: Is that public
21 information?

22 UNKNOWN SPEAKER: (Inaudible) should be
23 transparent.

24 SUPERVISOR SALADINO: Thank you.

25 Go ahead.

1 MS. SPINELLI: So you want the name,
2 the new title and the amount of the increase?

3 SUPERVISOR SALADINO: Yes.

4 MS. SPINELLI: Anthony Antonucci,
5 Equipment Operator III, an increase of \$1,892.

6 James Denucci, Equipment Operator II,
7 an increase of \$988.

8 David Donnarumma, Equipment Operator
9 II, \$1,018.

10 Jayson Fazin, Equipment Operator II,
11 \$1,018.

12 J. Ferreri -- I don't recall his first
13 name -- Equipment Operator II, \$1,077.

14 Daniel Foy, Maintenance Mechanic II, an
15 increase of \$1,131.

16 Marie Gambino, Clerk II, \$1,234.

17 P.J. Guardino, no increase, just a
18 title change.

19 Greg Mangino, Administrative Assistant
20 to the Town Supervisor, \$9,000.

21 Kim Melworm, Clerk Typist III, \$1,139.

22 Darren Munson, Groundskeeper II, \$707.

23 Christopher Olton, Equipment Operator
24 I, \$889.

25 Michael Papa is a new hire for a

1 \$40,000 salary.

2 Sheri Porter, Clerk II, \$1,616.

3 Steven Reddington, Maintenance

4 Carpenter, \$5,894. For the record, he was a

5 laborer previously and now he is going into a

6 specified title of a carpenter.

7 Angela Ricciardi, no salary change,

8 just a change in title putting her back in her

9 original title.

10 James Swinick, Maintenance Mechanic II,

11 \$287.

12 Joseph Rondinelli, Messenger, increase

13 of \$511.

14 Brian Zanetti, department transfer,

15 decrease from Equipment Operator I to a Laborer II

16 with a decrease of \$1,371.

17 SUPERVISOR SALADINO: Thank you very

18 much, Vicki.

19 MS. SPINELLI: Thank you.

20 SUPERVISOR SALADINO: All right.

21 We are going to provide you with a

22 break now as we are done with the Action Calendar.

23 The stenographer clearly needs a break at this time

24 and we will have you come back for the work

25 session.

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(Whereupon, public comment was held off
the record from 12:17 p.m. to 2:21 p.m.)

TOWN BOARD
TOWN OF OYSTER BAY
WORK SESSION
MAY 9, 2017
2:22 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILMAN CHRIS COSCHIGNANO
COUNCILMAN LOUIS B. IMBROTO
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
TOWN CLERK JAMES ALTADONNA JR.

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

JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 COUNCILMAN MUSCARELLA: Supervisor, I
2 move that we go into a work session at this point.

3 COUNCILWOMAN ALESIA: Second.

4 COUNCILMAN MUSCARELLA: All in favor?

5 ALL: "Aye."

6 COUNCILMAN MUSCARELLA: Any nays?

7 (No response.)

8 COUNCILMAN MUSCARELLA: "Ayes" have it.

9 SUPERVISOR SALADINO: The order of our
10 -- we have two presenters today who have responded
11 to our RFPs for a concessionaire -- to choose a
12 concessionaire and to listen to the presentations
13 for Tappen Beach. The order was chosen randomly.

14 I'd like the order -- Mr. Nocella?

15 MR. NOCELLA: Yes.

16 SUPERVISOR SALADINO: Or Matt -- do you
17 know the order that was chosen randomly?

18 MR. NOCELLA: Yes.

19 The random selection resulted in
20 Carlyle Catering being the first to present
21 followed by Soundview Catering.

22 SUPERVISOR SALADINO: Then I would ask
23 that representatives of Carlyle Catering to come
24 forward to make your presentation.

25 Ladies and gentlemen, this is a system

1 that we used for the first time in the Town of
2 Oyster Bay in choosing our concessionaires. We are
3 very proud of the tremendous transparency and the
4 unprecedented process that the Town is now
5 utilizing to chose concessionaires and those who
6 respond to RFPs.

7 We had an 18-hour session over two days
8 last time, listening to not some, but every single
9 entity that responded to our RFPs. We made some --
10 I believe some very good decisions and the Town is
11 now receiving many times the amount of rent we have
12 received in the past and the vendors themselves are
13 spending considerable amounts of money -- millions
14 of dollars -- to retrofit our Town facilities
15 without expense to our taxpayers. I'm very proud
16 of the process.

17 One of the winning vendors had looked
18 at his numbers and crunched the numbers and decided
19 that they would not follow through before they
20 began to work on their contract. So we are going
21 to -- so we went back out to RFP, contacted
22 everyone, let them respond. We had two groups
23 respond. It shows the system is not only very
24 transparent and ethical, but it also shows a system
25 that's boilerplate because, perfect example,

1 someone left and it enables us to go right back to
2 the transparency by contacting everyone and then
3 vetting anyone who responded in a public manner in
4 front of the public, in front of the media, and
5 broadcast on the web on our Town website for all to
6 watch.

7 We are very, very proud of this
8 unprecedented process, which will again continue
9 today and our first presenter for the process of
10 choosing a concessionaire at Tappen Beach in the
11 Town of Oyster Bay is the Carlyle Group.

12 MR. CARL: Thank you.

13 SUPERVISOR SALADINO: Good afternoon.

14 MR. CARL: So my name is Steve Carl. I
15 know I was here last time and I have a little
16 practice on this. But we are here to present for
17 Tappen Beach.

18 We were actually concessionaire there
19 last year at Tappen. When we were chosen, we were
20 chosen on an emergency RFP similar what was -- what
21 you are doing today, an emergency RFP for a short
22 period -- for a one-year period.

23 With that being said, we came in there
24 three days before opening day and had to turn it
25 around to open up and get everything done.

1 Miraculously, not only did we make it,
2 but the place was clean, neat, and from Day One the
3 neighbors embraced us. The only thing they didn't
4 embrace was the fact that we had to apply for a
5 liquor license.

6 We learned some lessons last season in
7 applying for a liquor license. When you apply for
8 a liquor license within 30 days of the Memorial
9 Day, it takes approximately 60 days to get the
10 liquor license. We went about whatever we could do
11 to pay to have it expedited. We still opened up
12 and got lucky to get it done by July 4th.

13 So with that being said since we were
14 the concessionaire there last year, in knowing that
15 we were bidding this at this point, we got in touch
16 with the liquor authority and one of the great
17 things I was told was that since we would only have
18 to have a renewal, it takes ten days. So we could
19 actually be open in time for Memorial Day from the
20 same liquor authority that gave us the permit in
21 almost 45 days last year.

22 So this season one of the things we
23 took into account was actually what the results
24 were last season. When we had come from the
25 original walk-thru on the original RFP, there had

1 been some very high numbers and told this is what
2 we could potentially do.

3 Well, I learned the difference between
4 what was mentioned and reality. We are limited at
5 Tappen Beach to 80 seats. The reason for this is
6 that the septic system is tied in with the
7 bathrooms, and because of that, the Health
8 Department won't allow you to have more than 80
9 seats at a time.

10 And because they had had problems with
11 the previous operator to us, they come there to
12 check. So we found out very quickly that we had to
13 adhere to that, which is what we did. So because
14 of that, it is a very limited facility.

15 What we did though last year was once
16 we opened, since we had opened late, you had the
17 neighbors who were a little bit up in arms because
18 they were all waiting for liquor. So we did serve
19 food but a lot of people didn't want to go there
20 and not have liquor. So once we had the
21 opportunity to open, anybody that came through, we
22 not only invited them to come back, but we also
23 comp'd a bottle to wine for everybody that did come
24 back. We also got onto their -- their forum. The
25 neighborhood there is a very -- it is a North Shore

1 group of people that all speaks to each other. So
2 there is a forum that they are all subscribe to and
3 we actually are on that.

4 My manager, who is actually with me
5 today, Tom Moran, ran the facility last year and he
6 was in contact with most of the people telling them
7 updates when we would get our liquor license, when
8 we would be able to give them the type of facility
9 that they wanted, and we were able to, at the end
10 of the Summer, bring back almost everyone that had
11 complained at the beginning that we couldn't serve
12 liquor.

13 We had a couple a challenges when we
14 came in there last season which allowed us to
15 understand this season, why what we bid might be a
16 little different than what we bid last season.

17 Number one was the fact that we didn't
18 have a microsystem there. We thought that that was
19 part of what was left by the previous group, but we
20 found that to be gone and we had to invest and
21 that's not a couple of dollars.

22 Actually, Steve -- Steve Squitiro is my
23 GM.

24 Do you want to come up and talk to that
25 as to what we encountered last year? So we can

1 give you a full overview of really what is dealt
2 with over here.

3 MR. SQUITIRO: Hi. How are you?

4 SUPERVISOR SALADINO: Could you give us
5 your full name?

6 MR. SQUITIRO: Steve Squitiro. I'm the
7 General Manager of Carlyle Catering.

8 SUPERVISOR SALADINO: Thank you.

9 MR. SQUITIRO: As Steve stated that
10 we've put the time and the effort in, the financial
11 investment into the infrastructure of the property,
12 cleaned it as well as put the point of sale system
13 that Steve's speaking of. So we have all that
14 equipment ready to go and would be up and running
15 within a few days and liquor within two weeks.

16 We are all set.

17 MR. CARL: Let me take back over. I
18 just figured I'd introduce you to Steve since he
19 was there at the beginning.

20 We also had some situations that we had
21 to go and to get the Health Department to -- to
22 come in and they had found some violations which we
23 wound up doing the repairs to, including bringing
24 in the engineer so that we could operate and do
25 everything right on time.

1 So with that, what we propose this year
2 was to give you an 8 percent of sales against a
3 minimum of \$35,000 guarantee. So after we figured
4 out what we did last year and figured out our
5 expenses, we really -- by the time we got done, we
6 put pencil to paper at best we would break even,
7 might have lost a couple of dollars.

8 We felt that this was another
9 opportunity for us this year to see how it gets run
10 from Day One hopefully making some money for both
11 the Town and for us and running it in the proper
12 manner.

13 We believe that what we did last year
14 was not only what the residents wanted, but what
15 they embraced. We also did a couple of other
16 things and asked the people when they came in what
17 else they would like to see. So a couple of the
18 things, we would like to implement this year. One
19 is besides having a seafood shack that dealt
20 heavily on seafood as well as having the staples
21 that are needed such as steak and chicken fingers
22 for the kids and everything else, we decided that
23 we would like to implement sushi. For the simple
24 reason that a lot of the people up there were
25 looking for a place to go for sushi that was

1 closeby because there are none. The closest one
2 being in Roslyn.

3 On top of that last year, the constant
4 ask was, are we going to do any entertainment? The
5 problem with the fact that the neighborhood -- that
6 the residents are right closeby makes it difficult
7 to do anything of any kind of large scale and the
8 fact that we are limited by what -- how many people
9 we can serve at a time is limiting.

10 So this year, what we were hoping to
11 do, was to add some light music, maybe a one piece
12 or two piece that can play background music, that
13 can give them that type of dining experience.

14 We really wanted to see if we could
15 take what we did last year, what we got started
16 with, cultivate it this year, and hope that maybe
17 in the next RFP that comes out have an opportunity
18 to, should the Town do it or should we be part of
19 it, do the work that needs to be done to expand the
20 potential to bring in double the amount of people,
21 which the deck and the facility can handle, but the
22 septic system can't.

23 One of the -- the biggest problem is
24 through the years the septic system backed up.
25 That's why they have all these problems. When the

1 previous operator was there, for some reason, they
2 had it every week and they attributed that to the
3 fact that he wasn't adhering to the amount of
4 people that were there, so on top of the Health
5 Department coming in to check, we also have the
6 local people over there walking in, checking on us
7 and doing a head count.

8 Also, one other -- one other thing to
9 mention to you is, the majority of the business
10 that's done at Tappen is not done during the day.
11 Even though it's a beach, a lot of the people come
12 to the beach, they will spend time there, but a lot
13 of them will come for an hour, two hours, not a lot
14 of bathers and especially this year since we went
15 down, there a lot of the beach is gone as compared
16 with last year, so what people buy during the day
17 -- a lot of them bring their own food, but on top
18 of that, because there's another contact for the
19 facility that allows trucks -- food trucks, the
20 food truck is actually our competition.

21 So during the day, even though we could
22 serve liquor getting a bottle of water for I guess
23 a dollar or a dollar and change is pretty
24 attractive from a food truck.

25 So you might want to take note of that

1 in future years that you've almost created -- it
2 has almost created through the years a conflict on
3 the facility. We would be glad to do that, but not
4 always have food right outside of the restaurant.
5 There are other -- if you are familiar with Tappen,
6 there are other parts. You have the marina side,
7 which has to be serviced; you have the pool side.
8 There is great opportunity to service those other
9 areas. You know, it might be in future times
10 brought in and put into that contract because the
11 facility should be looked at as a whole.

12 Tom Moran, do you want to come up and
13 just a few words?

14 Tom was our manager there last year, so
15 he can tell you about the people and what we
16 served.

17 MR. MORAN: Yeah, I managed the
18 building when we took over. We took over on
19 Wednesday two days before Memorial Day, and we were
20 able to get it up and running.

21 It's a very tight community in the
22 area. Everybody that comes down is usually right
23 around the block. They loved it in the beginning.
24 They, you know, they just really pushed for us to
25 have a liquor license from the beginning. Most

1 people who like to dine al fresco and especially on
2 the water, that was a big thing for them. You
3 know, when we brought them back, we got our license
4 back we were able to, you know, keep bringing them
5 back.

6 Last year, we did two high school
7 reunions of North Shore High School, a 30-year and
8 a 50-year both came down. It was the first time
9 they've had it there. So, I mean, the reception of
10 the community was great. I mean, they really loved
11 what we did.

12 We have a higher emphasis on the
13 product that we put out than the previous
14 restaurant group so they were very happy to see all
15 the changes that were made, between staffing, more
16 staff on, the higher quality of food that was done
17 previous -- I mean from us to the previous
18 restaurant group. I mean, it was just a great
19 opportunity for us to reach out up to the North
20 Shore and to really show them what the Carlyle is
21 all about. And to really help, you know, bring
22 something to the local community.

23 MR. CARL: So we really feel like we
24 have a handle on it having done it last year. We
25 really know the community. Like I've said, we've

1 gone to social media.

2 One of the things we'd love to do is
3 actually tell people that we are there, not just
4 through social media, but because we are doing
5 another facility for Town of Oyster Bay, we can --
6 we would be able to do co-opting advertising in
7 Newsday. We really want people to understand that
8 we are there for what they want, not for what we
9 want to put out.

10 Previous operators have had a lot of
11 skepticism. We feel like we've gotten past that
12 and we feel like by having a liquor license, by
13 having a continuity of staff, by putting out a
14 great product, we represent the Town the right way
15 and our brand can be expanded in terms of what we
16 can do in terms of having that beach.

17 We'd love to be your -- we'd love to be
18 there this year. We'd love to be there in the
19 future. And we think that because of what we did
20 last year, we should at least be given the shot,
21 seeing that we really didn't make out last year,
22 but we put the time and the effort and we've gotten
23 to this point and I feel like it's -- it's like
24 we've gotten to this point, we'd like to take it to
25 the next step, and finally this year, make money

1 for the town and make money for us.

2 We have an 8 percent return, as I said
3 before, with a guarantee of \$35,000. The
4 8 percent, obviously, if we can raise those number
5 by having liquor, we would hope that we can get
6 much more, hopefully \$700,000 to \$800,000 this
7 year. And by getting us to \$700,000, \$800,000,
8 your return is more than we gave you last year.

9 What we did find last year though was
10 because of the infrastructure that we needed just
11 for Tappen, that we spent every dollar that we
12 could make because we needed separate dedicated
13 managers and we will have a dedicated for the
14 group, but because we have another -- because we
15 have Tobay, it allows us to have certain -- it
16 allows us to make certain things happen without
17 double cost.

18 So with that, do you have questions?

19 COUNCILMAN IMBROTO: You're projecting
20 \$700,000 to \$800,000 with your liquor license with
21 everything being in place?

22 MR. CARL: Correct.

23 COUNCILMAN IMBROTO: What did you do
24 last year?

25 MR. CARL: \$411,000.

1 COUNCILMAN IMBROTO: You did \$411,000,
2 and the \$35,000 that's based on about \$435,000 we'd
3 need to make the \$35,000?

4 MR. CARL: I'd --

5 COUNCILMAN IMBROTO: It was \$411,000
6 without a liquor license until July.

7 MR. CARL: Right. So therefore you
8 have a month and a half of liquor license, but
9 besides that, the other problem was in order to get
10 the people back once we had the liquor license, you
11 didn't get a lot of them back until August because
12 a lot of them didn't catch up.

13 And don't forget you're limited. You
14 can only put 80 people there. If you go above 80
15 people -- the best you're going to do on a Saturday
16 night is two turns. The best you're going to do on
17 a Friday night is two turns. If I did a performer
18 for you, you'd understand that it's not because we
19 aren't great operators, it's because the limitation
20 of the space based on the problem with the septic
21 system. So I don't care who the operator would be,
22 if they could max out everything, they couldn't get
23 much more than we got last year because without --
24 you're not going to get a liquor license for close
25 to eight weeks at this given time, and we've

1 confirmed that with our liquor lawyers, so if it
2 was someone else coming in to operate you'd have a
3 duplication of what we had to deal with last year,
4 which to be honest with you if I were coming in, I
5 wouldn't want to do that again, but when we make a
6 commitment to something, we make a commitment.

7 So that's why I really felt that having
8 this opportunity arise again and having the ability
9 for us to start off from Square One really would be
10 great to finally make some money and the continuity
11 of service, the continuity of what we did was
12 embraced by the people that were there.

13 COUNCILMAN IMBROTO: Okay. So you did
14 \$411,000 -- again, just to get this clear. You did
15 \$411,000 last year, but you didn't start selling
16 liquor until July 4th?

17 MR. CARL: It was actually the day
18 before we got --

19 COUNCILMAN IMBROTO: July 3rd?

20 MR. CARL: Yes.

21 COUNCILMAN IMBROTO: Okay. So you
22 started selling liquor July 3rd and you still made
23 \$411,000?

24 If you made above \$435,000, \$440,000
25 you'd already start exceeding the \$35,000 and

1 you're projecting --

2 MR. CARL: At 8 percent. So, if you
3 took the 8 percent, you could be getting -- I don't
4 know -- \$65,000, \$70,000 should we be successful.
5 It could be even more, should we be successful.

6 I also did not put in there, but I
7 would like to explore the opportunity of doing what
8 we are doing at Tobay, which is are implementing a
9 lounge chair service. Because I think on the North
10 Shore they might embrace it as much, if not more
11 than Tobay. We are doing lounge chairs and
12 umbrellas for this season. And if we added some
13 music, some background music, it wouldn't be where
14 people are just coming out to the beach and it is
15 just food and beach, it would actually be -- even
16 if it's a -- even if it's someone doing guitar or a
17 little background music, it's not inferring with
18 the neighborhood and it adds something else.

19 Last year, when we came in, we were not
20 sure of what we could do, but the word was told to
21 me, don't do anything, so we followed what we had
22 to do. I would say that the biggest ask of almost
23 everyone coming through is when are we going to
24 implement music, and I said, well, I don't know
25 that I can. They said, well, it was done before.

1 And I said, well, I really don't want
2 to do something that's, you know, that's not what I
3 was told. So I would hope that you would take that
4 into account because I believe by putting music
5 there, it would expand a couple other nights of the
6 week that we might actually be able to have people
7 there that we might have not been full.

8 COUNCILMAN IMBROTO: And you will
9 definitely have a liquor license on opening day
10 because --

11 MR. CARL: We are ten days -- as a
12 matter of fact, should I get the nod today, it is
13 all set to go.

14 COUNCILMAN IMBROTO: Can I ask you a
15 question? If you are projecting that much revenue,
16 why are you only guaranteeing \$35,000?

17 MR. CARL: Well, actually what happened
18 is we wanted to put a number on it and I want to be
19 on the safe side.

20 I would project that we are going to do
21 that, but it is weather-related and like what
22 happens some years, you get a lot of washouts. I
23 know we are going to be giving you more than the
24 guaranteed minimum, but when we were asked to bid,
25 we were asked to bid a percentage. I was the one

1 that decided to throw in the \$35,000 because I know
2 that we are going to do that and I hope a lot more.

3 But last year we bid a little bit more,
4 and with what we had to put in, if you did the
5 numbers last year, based on what we bid, I came out
6 short.

7 So I'd rather be, you know, one time --
8 look, I don't mind that, you know, I overbid last
9 year. I just wanted this to be fair. So, really
10 the number you should be looking at is the
11 percentage with the liquor -- with the ability to
12 do what really needs to be done there. I believe
13 that if given the opportunity again this year, that
14 we are going to get to those numbers.

15 COUNCILMAN IMBROTO: And the money and
16 all the improvements that you did last year, you're
17 going to have the benefit of those again this year?

18 MR. CARL: Well, we actually paid for
19 the point of sale system, which is not in there --
20 which is not in there, because it was our point of
21 system -- point of sale system that we had to buy
22 and --

23 COUNCILMAN IMBROTO: So no other vendor
24 would have the benefit of --

25 MR. CARL: No.

1 They would have to expend substantial
2 money to put a point of sale system in. There are
3 the -- the computer part is not there.

4 We went in there and we expended
5 thousands of dollars in fixing the place up, in
6 doing things to get the Health Department in there,
7 so when you take all that into account, that's one
8 of reasons why we had an initial investment,
9 besides paying the money, we had an initial
10 investment that was fairly sizeable for that
11 facility. And when we came in, to be honest with
12 you, I didn't have an opportunity to sit -- stand
13 in front of everybody here, I basically was told
14 that it's an emergency RFP, what's your bid and if
15 you -- we'd like you to be in there, and I was
16 basically told these are the parameters.

17 So as being -- trying to do the right
18 thing, trying to get an opportunity to do business
19 with the Town of Oyster Bay, I agreed to do what
20 was asked of me. And I followed everything the way
21 we should, and because of that, I wanted you to get
22 a feel and an understanding that the reason I
23 didn't make out last season is because I followed
24 every rule, did everything the right way, did
25 everything that was asked for.

1 Now, I'm sitting here today talking to
2 everyone and saying, okay, this is what we had,
3 this is where we are today, this is what I'd like
4 to do, but I don't really want to go in there and
5 not make money and I don't think you want a vendor
6 or somebody that is supposed be working in a
7 public/private partnership with you coming in and
8 not making money.

9 So, I look at last year as the
10 opportunity for us to get to know it and I look at
11 this year as an opportunity for everyone to come
12 out. You should make at least what you made from
13 me last year, plus more, because with the liquor
14 license turned out to be the big thing. And I
15 don't believe that any other vendor that you might
16 talk to can guarantee you that or has that
17 opportunity.

18 And like I said, if you'd like to,
19 you're more than welcome to speak to my liquor
20 authority lawyer who went and checked for us and
21 right now it's running about 60 days because
22 everyone that has seasonal business wants to get on
23 by Memorial Day.

24 So for someone else to come in here and
25 to be able to do this, they are looking at some

1 time again in July maybe mid July, and you have a
2 bunch of locals there, that after last season, I
3 don't think would be very happy to have another
4 season where you don't open up with liquor in an
5 uncertain situation.

6 So that's...

7 SUPERVISOR SALADINO: Questions? Any
8 questions?

9 COUNCILMAN IMBROTO: Councilman, I
10 remember the last time we -- I'm directing this to
11 Councilman Coschignano.

12 You had raised some concerns about
13 prior years or last year that were raised by the
14 residents in the area.

15 COUNCILMAN COSCHIGNANO: Yes.

16 COUNCILMAN IMBROTO: Does this proposal
17 address those residents' concerns?

18 COUNCILMAN COSCHIGNANO: Well, I did a
19 little more research, and to the proposer's credit,
20 I had found that the problems that existed were
21 prior to their operation last year and, actually, I
22 got very complementary comments back about the way
23 that it was run last year.

24 So, the problems seemed to have
25 occurred in years prior to last year or before you

1 got there, actually.

2 MR. CARL: Can I speak to that for a
3 second?

4 When we came in here, we were met with
5 a lot of, like, what do we have the same as what
6 was before. We had to not only bring the people in
7 and treat them like gold, but in order so that they
8 understood that we were new people and that we were
9 here from the start, we did a lot of work in trying
10 to make everybody feel comfortable. When you
11 walked in and we didn't have liquor for you, which
12 was the first complaint, the first thing that we
13 did is we started a program whereby we gave you a
14 come back and drinks are on us. This was the only
15 way. So we spent a lot of money trying to make
16 sure that we made everybody happy. The biggest
17 complaint was that there wasn't liquor.

18 In previous years, what he's referring
19 to, was that, I guess, the concessionaire decided
20 that -- North Shore people expect a drink to be a
21 drink. They don't expect a drink to have -- how
22 can you put it -- a well pour. And that had
23 occurred in all of the places from what I'm told.

24 So when you go do that and someone
25 wants a Grey Goose or a Ketel One and it's Georgi

1 Vodka, they're not exactly too happy. So we had a
2 lot of things to overcome. That's why I really
3 want you guys to get a feel for what we had to do
4 that maybe we never had an opportunity to explain,
5 but given that this is up now for an opportunity,
6 you know, we really work really hard at this, my
7 whole entire staff, of trying to bridge the gap of
8 all the things that happened in the past, and I
9 think that we got that going in the right direction
10 and I think to give us another year of this will
11 only improve it.

12 And we would hope that in the future
13 that the Town would look at what has to be done
14 with the septic system.

15 The bathrooms, first of all, by the
16 way, are atrocious. They need a makeover. But
17 besides that, all of the septic is running into one
18 septic system. We even went so far as to call and
19 find out, if we went to the get portable bathrooms,
20 whether they would give us the go-ahead. They
21 still have not gotten an answer yet. So we would
22 have separate bathrooms, so that we could get
23 around and allow us to have more people.

24 COUNCILMAN IMBROTO: Whether who would
25 give you a go-ahead?

1 MR. CARL: The Board of Health.

2 Because what happens is that they're
3 really the ones that put this together and the
4 reason that they are so annoyed with Tappen is that
5 your previous operator didn't follow what was done,
6 so, consequently, sewage was always coming up
7 including into the kitchen.

8 So this is what we had to do when we
9 had to come there. So, obviously, cleaning,
10 scrubbing, doing, taking care, and bringing the
11 Board of Health in and making them totally happy
12 with what we had to do. So, you know, there's a
13 lot of facets to this -- to this restaurant there.
14 And when you put it out next year or whatever you
15 do for a full-time operator, you know, these should
16 all be dealt with. You know, then you can get the
17 revenue that the Town would desire and the operator
18 would be happy.

19 Look, we'd love to do a million and a
20 half dollars here, a million and change dollars
21 here. But you physically can't do much more than
22 what we did, given the parameters. So it is not a
23 question of who the operator is, it is a question
24 of what the physical plant, what you can do with
25 it.

1 SUPERVISOR SALADINO: I have a couple
2 of questions on transparency.

3 It has been very important to my
4 administration, it continues to be, and we will
5 always be constantly working to be extremely
6 transparent.

7 So my first question, is anyone
8 associated with the previous concessionaire part of
9 your team, employed by you, advising you --

10 MR. CARL: No one.

11 SUPERVISOR SALADINO: -- a consultant
12 for you?

13 MR. CARL: Nope. No one.

14 SUPERVISOR SALADINO: So there is no
15 person that worked with, has a relationship with,
16 business or personal, or in any way associated with
17 your operation --

18 MR. CARL: No one.

19 SUPERVISOR SALADINO: -- any of your
20 other facilities?

21 MR. CARL: No one.

22 COUNCILMAN IMBROTO: Even down to a
23 janitor?

24 MR. CARL: No one.

25 SUPERVISOR SALADINO: So if we said we

1 had a Zero tolerance for including anyone
2 associated with the previous concessionaire --

3 MR. CARL: I'd have no problem with
4 that.

5 SUPERVISOR SALADINO: The Councilman
6 had mentioned in the previous that there were
7 issues, but not when you had control of this
8 facility, but during that time, you've also stated
9 to us that you had less music and you had --

10 MR. CARL: What happened was we had
11 asked the previous Parks Manager whether it would
12 be okay to have music, and he advised us that, I
13 guess given the state of the situation, we'd be
14 best off not. So I didn't know where else to go
15 and I wasn't going to go do something in, you know,
16 that wasn't told for me to do.

17 SUPERVISOR SALADINO: Is your proposal
18 flexible when it comes to music and hours of
19 alcohol being served?

20 MR. CARL: We have no problem with
21 that. We are here to work with you. It's a
22 public/private partnership. We think we proved
23 that the last time that we were in here in that we
24 did not do anything that the previous operator had
25 done. The previous operator had music. The

1 previous operator had more than 80 seats. The
2 previous operator did whatever we he wanted to. We
3 were given the rules, and we followed those rules,
4 just the way that...

5 COUNCILMAN COSCHIGNANO: Supervisor,
6 Councilman Imbroto brought up the subject earlier,
7 I was not going to say anything because when I did
8 my review and I checked around, I had heard that
9 some of or almost -- I think all of everything I
10 had heard was from the prior operator and not these
11 gentleman. I did not do any exhaustive search and,
12 you know, I didn't go door to door. I don't know
13 if there were complaints, but I was going to
14 refrain from saying anything as to not make a
15 compliment. I was going to leave well enough
16 alone.

17 Now that you mentioned it I felt
18 compelled to say when I looked into it, I think
19 everything I got back was that it was not your
20 operation, and I did want to answer the question,
21 but I didn't go and contact anybody I could to find
22 out and I'm sure -- hopefully, you didn't have any
23 problems. I want to sound impartial and judge
24 everybody.

25 MR. CARL: They have a forum that

1 everybody, all the neighbors, are part of. If you
2 go on that and look at the reviews, you'll find
3 unbelievable compliments.

4 The only compliant we had the whole
5 season was about not having the liquor. But
6 everyone that came in we turned them from
7 understanding that it was not our doing, that we
8 dealt with the situation the best way we could, and
9 like I said, we didn't want to lose anyone so for
10 us to give them free liquor to come back the next
11 time, I thought was the best thing we could
12 possibly do.

13 SUPERVISOR SALADINO: And at the risk
14 of being very, very thorough, your management team
15 and your overall management team at this facility
16 or other facilities, no one has previously worked
17 with the previous concessionaire?

18 MR. CARL: No one.

19 SUPERVISOR SALADINO: I'm satisfied
20 with that.

21 MR. CARL: No one.

22 SUPERVISOR SALADINO: Thank you,
23 Mr. Carl.

24 Our next presenter will be Soundview
25 Catering Corp.

1 Hello, sir. How are you today?

2 MR. GJONI: Good. Good afternoon.

3 My name is Michael Gjoni and I am the
4 owner of Soundview Caterers in Bayville. I'm a
5 30-year resident of Oyster Bay, and before I even
6 get into that, I wrote some stuff.

7 I would like to actually commend you
8 personally and everybody on this Board for the
9 patience of everything that happened here before.
10 I mean, it is the right of people to question our
11 elected leaders, but not to disparage them and take
12 personal attacks on them.

13 I wish it would be like these other
14 people were for the 7-Eleven so that we could all
15 get our monies worth.

16 SUPERVISOR SALADINO: Wouldn't that be
17 a wonderful Town of Oyster Bay where everyone was
18 respectful of each other, everyone recognized that
19 our differences can be resolved and everyone
20 operated without hate speech online or in person?

21 MR. GJONI: Absolutely.

22 And good luck to you, because I would
23 wonder why you need this job, but --

24 SUPERVISOR SALADINO: There are some
25 times I have to scratch my head when someone comes

1 up here and calls us rude. One only has to get
2 even a sense of what they write online to think,
3 boy, oh boy, what a -- what a -- what a statement
4 to make.

5 MR. GJONI: After living here thirty
6 years, this is actually my first time that I've
7 ever come to this room or a Board meeting, and so
8 I'm a little bit nervous, if you'll excuse me.

9 SUPERVISOR SALADINO: Don't be nervous
10 at all.

11 MR. GJONI: I should have brought my
12 glasses, because as you get older, you can't see as
13 well.

14 SUPERVISOR SALADINO: Do you want us to
15 lend you a pair?

16 Thank you, Town Clerk.

17 MR. GJONI: Wow. It is actually --

18 SUPERVISOR SALADINO: It looks pretty
19 good, actually?

20 MR. GJONI: Yeah. Yeah.

21 I wrote this thing before I even came
22 here today and witnessed the transparency and
23 everything, and this is in no way disrespectful to
24 these gentleman, but it is I think a lot of the
25 facts of what's going on here or what has gone

1 here.

2 In the movie Wall Street, actor Michael
3 Douglas said, "Greed is good." But for the Town of
4 Oyster Bay greed has been nothing but problems.

5 Now, I've had my eye on this concession
6 at Tappen Beach since it was originally built a few
7 years ago. I worked down the block at the Swan
8 Club. I was there for twelve years. When I
9 approached the Parks Department for information
10 they had told me that the Singh Group had already
11 won the bid.

12 In December of 2015, after the fall of
13 the Singh Group, I went to the Parks Department
14 again. This time I sat down with Deputy
15 Commissioner and expressed an interest on the
16 concessions that the Singh Group was holding. I
17 was told that as of that date, the group was paying
18 all their bills and that were no changes to be
19 made. But I was assured that if there were any
20 changes, I would be notified and put on a list with
21 all the other interested parties.

22 To my surprise, Summer of 2016, I
23 happen to be driving down Jericho Turnpike and I
24 notice that the Woodlands was being run now by the
25 Lessings Group. Out of curiosity, from there, I

1 took a ride to Tappen Beach to see if anything had
2 happened with this concession.

3 To my dismay, I saw the Carlyle Group
4 sign on this concession. I was so upset I decided
5 to write a letter that I was going to send to the
6 elected officials and media groups and find out
7 what is going on here and what does it take to
8 become a -- a concessionaire or get on a list and
9 be able to have the right to bid? But with my own
10 business, I actually didn't have the time.

11 This April, I went to speak to the
12 Commissioner, not the Deputy Commissioner, because
13 of my past experience with him.

14 To my surprise, two days later, I got a
15 call from the Honorable Joseph Pinto. I emphasis
16 Honorable because he truly is a man of his word.
17 When I spoke to him, I told him my story and I
18 suggested to write a letter -- and he suggested
19 that I write a letter to the Town Attorney. He
20 told me that, unfortunately, he could not answer
21 for the past administration and he apologized
22 because I was too late to participate in the
23 hearings for the Woodlands or Tappen Beach, which
24 were taking place as we were speaking on the phone.

25 He assured me that if something were to

1 change, he would make sure that I was put on the
2 contact list. Two days later, true to his word, I
3 was notified about this emergency RFP for Tappen
4 Beach. The day that I went to inspect the --
5 Tappen, I could not believe that the Carlyle Group
6 was actually there again. This is where greed
7 comes in. The Carlyle Group has ownership -- had
8 ownership of that concession. They decided not to
9 bid on it because they wanted the Woodlands. When
10 they did not get the Woodlands --

11 SUPERVISOR SALADINO: Can I interrupt
12 you, sir?

13 MR. GJONI: Yes.

14 SUPERVISOR SALADINO: I don't know how
15 far you're going to go, I don't know what --

16 MR. GJONI: I'm almost done. I'm
17 almost done.

18 SUPERVISOR SALADINO: I would greatly
19 appreciate if you could spend your time -- there's
20 a limited amount of time -- talking about your
21 proposal.

22 MR. GJONI: I will.

23 SUPERVISOR SALADINO: Okay. Because we
24 are very interested. We want to hear what your
25 proposal is and --

1 MR. GJONI: So I'm just trying to give
2 you a little background how I got here, so they had
3 the Tappen Beach, they decided not to bid on it,
4 they didn't get what they wanted, now they are here
5 back to bid on it, which is great. And I welcome
6 them as a competitor bidder.

7 What I wanted to say is because of the
8 new administration here and the transparency is the
9 only reason why I'm standing here. I haven't been
10 able to stand here for the last three times this
11 concession came up. So I'm not disparaging anyone.
12 I'm actually complimenting you on the ability that
13 I can stand here.

14 SUPERVISOR SALADINO: Thank you.

15 MR. GJONI: Now, whether I get it or
16 not means nothing to me more so that I actually had
17 the opportunity to bid.

18 That's really the essence of it.

19 SUPERVISOR SALADINO: Thank you.

20 I apologize. Perhaps, I misunderstood
21 where you were going with that.

22 MR. GJONI: As far as the actual place
23 itself, I don't know that the Town of Oyster Bay is
24 only in the business of making money more so than
25 it is the business of -- of accommodating the

1 community at hand.

2 So I don't know how much the Town makes
3 is always as important as how much can we serve the
4 community itself. So all this talk that I hear
5 about liquor, liquor, liquor, it almost seems as
6 though the North Shore is a bunch of alcoholics.

7 Now, you can go to restaurants and eat
8 and drink without having to have a liquor license.
9 You can provide services that do not require a
10 liquor license. My emphasis there would actually
11 be more towards family-oriented items.

12 During the day because of my experience
13 with the North Shore beaches, there's nobody there,
14 I would actually want to make this a restaurant
15 where people could actually sit with their families
16 and not have to spend \$200, \$300 on a luncheon or a
17 dinner or something like that.

18 Now, as far as making money with
19 liquor, without liquor, it is almost irrelevant at
20 this point. For me, personally, I guess maybe
21 because it is the first time -- if I can just pay
22 the bills and get over the six months and actually
23 learn the place and know what's going on there,
24 then I can make a sound judgment to a longer RFP.

25 Again, the other groups before have

1 already been there, they've experienced it, so they
2 can make an intelligent decision come the long-term
3 RFP, but for this little one, I don't know that
4 there's much to change there or much to do.

5 As far as -- as far as making more
6 money, well, if you have 80 seats and that's all
7 you're going to have for the next six months,
8 you're not going to be making more than you made
9 before. You're going to make the same amount of
10 money. So I don't understand where all these other
11 figures are coming up with you could make more
12 money.

13 And, again, I don't know that the
14 ultimate goal is making a lot of money, more so
15 than servicing the customers that come to the
16 beach. So what I'm almost prepared to do is to let
17 you know that I would be the owner/operator of this
18 establishment, not a corporate operator sending
19 somebody there to manage it.

20 Having worked, again, at the Swan Club
21 for twelve years I know pretty much everybody in
22 that area. I actually have my boat at Tappen Beach
23 and so I think I'm much more -- I don't know the
24 words -- but I think much more better to be there
25 knowing the people and what their concerns are.

1 I currently own a catering hall between
2 two houses -- two residential houses. So you can
3 imagine how sensitive I have to be to those issues.
4 So I don't see being at Tappen as an issue for me
5 for anything that I would have to do with
6 customers.

7 Now, as far as all the other things
8 that the gentleman mentioned, as far as sewers and
9 all the other stuff, again, I think those are items
10 that need be taken up on the longer RFP, not on
11 something that's here for six months.

12 That's about all that I have to say.

13 COUNCILMAN IMBROTO: Could you just go
14 into some detail about your financial proposal? We
15 have it in front of us, but just for the benefit of
16 the public that may not.

17 MR. GJONI: Sure.

18 Not knowing anything about the venue,
19 never having done an RFP in my life, I don't even
20 know if this is correct the way I did it, I think I
21 put down \$4,000 a month or 6 percent, whatever is
22 higher for the Town.

23 COUNCILMAN IMBROTO: So you're talking
24 about \$48,000 a year?

25 MR. GJONI: No.

1 I'm talking about \$4,000 a month or
2 6 percent --

3 SUPERVISOR SALADINO: For how many
4 months? How months at \$4,000 a month? All year or
5 for the open season?

6 MR. GJONI: This is only a six-month
7 thing.

8 COUNCILMAN IMBROTO: So \$24,000?

9 MR. GJONI: If that's what it is or
10 6 percent, whichever is higher. I didn't make one
11 or the other.

12 COUNCILMAN IMBROTO: Do you -- I'm just
13 trying to compare because they gave us -- you're
14 giving us a monthly figure, they're giving us a
15 figure for the entire term --

16 MR. GJONI: Well, I'm giving you -- I'm
17 giving you a percentage and a monthly figure too,
18 so, I mean, it is just a matter of --

19 COUNCILMAN IMBROTO: So it is going to
20 be \$24,000 guaranteed for the term of the lease.

21 MR. GJONI: Well, I think the RFP
22 requested just -- it didn't request any guarantee,
23 so that's why I put both. I put a dollar amount
24 and a percentage amount and then wrote whichever
25 one is higher, that's the one you can have.

1 SUPERVISOR SALADINO: Can you speak to
2 us about how much you plan on investing into the
3 upgrades at the location?

4 MR. GJONI: So the upgrades about the
5 IP -- POIs, there's no money to invest there. You
6 can rent them by month which is probably what I am
7 going to do because this is a six-month thing so
8 why would I go out and buy a \$25,000 point of sale
9 system when I can rent it for \$300 a month.

10 As far as the physical place itself, I
11 can't go too much without -- outside the boundaries
12 of what's there. So I don't know what the needs
13 are there because I haven't been there, but from my
14 inspection that day, all the equipment's there, all
15 the chairs are there, everything is there. It
16 pretty much needs a management team, food, and at
17 some point liquor, and that's all it needs.

18 SUPERVISOR SALADINO: Painting,
19 wallpaper?

20 MR. GJONI: It's all glass and it's all
21 decking with sand. So it needs a good power wash
22 and some good Windex. That's about it, really.

23 Anything that needs to get done
24 obviously to follow the laws of whether it be the
25 Health Department or anybody else, well, obviously,

1 those are the things that we would want to do.

2 Now, as far as the bathrooms go, he's
3 right. I've heard from some people that they
4 wouldn't go there because of those bathrooms, but,
5 again, I think that's a long-term solution as
6 opposed to a six-month thing. I definitely am not
7 going to go and redo your bathrooms for six months.
8 If I know that, you know, we come to the long-term
9 thing, then, of course, I'm investing in a place
10 for people to be able to go to the bathrooms.

11 Now, whether that becomes a job of the
12 Town to redo them or us or it is part of your new
13 RFP, that's something we'll answer when the time
14 comes.

15 COUNCILMAN IMBROTO: Are you proposing
16 to sell alcohol at all? I couldn't tell from
17 your --

18 MR. GJONI: Oh, yeah, yeah, of course,
19 I'm going to sell alcohol.

20 My information from my liquor lawyer
21 was that I would have it within six weeks because
22 it is a first time seasonal thing -- actually,
23 seasonal things -- I'm sorry. A full liquor
24 license takes six weeks. A seasonal was even
25 faster than that. So I'm not sure of the ten days

1 that these gentleman said, but I am sure that I can
2 get it in just as fast.

3 The other thing if I may say, the
4 Liquor Authority could [sic] care less whether you
5 had it last year or not, every time you apply
6 you're applying brand-new, so they have no leverage
7 with getting a liquor license faster than I do.

8 COUNCILMAN IMBROTO: Okay. But you
9 intend to pursue a liquor license and --

10 MR. GJONI: Of course. Of course.

11 But I'm just saying, it's not my core
12 thing of just to have liquor there, you know. This
13 place that I have I actually built it from Zero.
14 Took four walls and built it. And I quite honestly
15 built it out of great service and excellent food.
16 That's what I intend to do there, too, given the
17 fact that I've been looking at this thing from the
18 day they stuck the first pilling in there.

19 SUPERVISOR SALADINO: How long have you
20 had your current place?

21 MR. GJONI: I've had Soundview now for
22 three years and we are happy to say that we are
23 sold out for 2016 -- oh, no '17. '18 looks very
24 good and so does '19.

25 SUPERVISOR SALADINO: And you have been

1 the owner or one of the owners during those three
2 years?

3 MR. GJONI: Just me, the owner all by
4 myself.

5 And if I may add for this property,
6 just because of the time that it, you know, you
7 guys needed this right away and everything -- I
8 have a friend of mine who owns an Italian
9 restaurant in the city and he's partners with
10 someone. He actually bought a house in Oyster Bay
11 himself too, and, finds himself losing his mind
12 driving to the west side of Manhattan every day.

13 So we have made an agreement that he's
14 actually going to come and run Tappen if you guys
15 give it to me because he has the more experience in
16 the restaurant field, and it is also a test to see
17 that, will they break up their partnerships and he
18 will remain here at all times if this goes well,
19 because our intention is to also try and see what
20 the feasibility is having it open the whole year
21 round.

22 SUPERVISOR SALADINO: What is his name?

23 MR. GJONI: Nino Gjonibalaj,
24 G-J-O-N-I-B-A-L-A-J.

25 SUPERVISOR SALADINO: And is he going

1 to be -- is he potentially one of the owners?

2 MR. GJONI: I would like to make him a
3 partner, but if not, I can make him a manager just
4 for the sake of paper reasons and the time and all
5 of that. I can make him a manager and then he will
6 -- you know, at the end of six months, we'll
7 decide.

8 I mean, I have a manager now proposed
9 for this place who's, again, someone that I hired.
10 Mr. Gjonibalaj is more like family. He's a
11 family-orientated type of a -- that's how he runs
12 his place. It is something that we both would love
13 to try.

14 SUPERVISOR SALADINO: Are either of
15 these individuals in any way associated through
16 business, personally, have worked for, have worked
17 with the previous concessionaire in the Town of
18 Oyster Bay?

19 MR. GJONI: No, sir.

20 SUPERVISOR SALADINO: Are any of your
21 other management team, your employees, anyone you
22 are working with, whether it be in your current
23 business or in your proposed proposal for this
24 business associated with, related to, have worked
25 with the previous owner or upper management team of

1 the previous concessionaire in the Town of Oyster
2 Bay?

3 MR. GJONI: I don't mean to be a
4 wiseguy on this question, but weren't they the
5 previous guys or are you talking about the Singh
6 Group?

7 The Singh Group, no. We don't know
8 anyone.

9 SUPERVISOR SALADINO: They are not in
10 any way -- no one you have worked for them at some
11 point?

12 MR. GJONI: Never.

13 SUPERVISOR SALADINO: Can you talk to
14 us about the scope of your menu? You'll have high
15 end dining choices and then you'll have maybe some
16 more affordable items?

17 MR. GJONI: I'm thinking to be honest
18 with you, I've gone to this Tappen Beach when the
19 other guy owned it, and when they ran it, and quite
20 honestly, you need a couple of bucks to take a
21 family out to dinner there. You know, you're not
22 walking out less than about \$200 a person with a
23 appetizer, salad for a group of four.

24 I want to try and gear it more towards
25 family availability. More of a family style of a

1 restaurant where people can actually enjoy the
2 beach and then also be able to eat there.

3 As I said before, my -- my intentions
4 are not at this point anyway of just profits. They
5 are the experience to be able to go through this
6 that I actually got into it, if I can pay, like I
7 said, all the bills, I'm a happy man at this point.

8 You know, next time for the ten years,
9 yeah, I'm in it for the money, but for right now
10 just to be able to make something good in a Town
11 that has been through quite a bit, I think it's a,
12 you know, it's a good thing to try out.

13 That's all.

14 COUNCILMAN IMBROTO: The prior proposer
15 has mentioned an issue with the food trucks that
16 are there.

17 Is that something you're aware of? Is
18 that something --

19 MR. GJONI: Yeah. I heard that -- I
20 heard that at the meeting that we had.

21 And quite honestly, I was a little bit
22 like in shock, like, these are multimillion dollar
23 corporations and they are worried about an ice
24 cream truck selling ice cream and water.

25 Well, as far as I'm concerned, I know

1 how to take care of the ice cream guy, I'm going to
2 sell the water for fifty cents. Make it so that he
3 doesn't want to go there. That's all. I don't
4 need to fight with the guy.

5 COUNCILMAN IMBROTO: So that's
6 something that you've taken into account in your
7 proposal?

8 MR. GJONI: Yes. Because my idea is
9 I'm going to make things so well worth the price
10 for the kids that we go there, that they can afford
11 to actually buy something there.

12 The past menus that have been there, if
13 you look at them, you can't afford anything for the
14 kids there.

15 My thing is to make, like, you know,
16 \$1 water, \$2 hamburgers for the kids. The
17 playground is right next to the restaurant. So
18 what good is it if the kids can't even buy
19 something in the restaurant? What is it for?

20 SUPERVISOR SALADINO: So you have \$2
21 hamburgers, \$1 water.

22 What other items might you have on the
23 value end of the menu, the lower cost end of the
24 menu?

25 MR. GJONI: That's -- what I'm saying

1 right now is actually to appeal to the kids because
2 the physical part of the playground is right there
3 at the entrance and the kids can't even get
4 anything there.

5 As far as the regular restaurant goes,
6 you know, I want to do things like lobster buffets
7 on a Wednesday night, maybe. I want to do Sunday
8 brunches. Very, very family orientated type of
9 things. I'm not really going after a high-end
10 crowd where I want to make, like, one of the other
11 fancier restaurants. I really wanted a family
12 atmosphere there.

13 SUPERVISOR SALADINO: Would that be a
14 one-price buffet on a Sunday and what would that
15 price be?

16 MR. GJONI: If I had to guess, probably
17 would be like a brunch from 12:00 to 3:00 would
18 probably be -- I don't know -- \$39, \$35 with one
19 bloody Mary, once the liquor license comes. I
20 think that's probably what the average is.
21 Somewhere around there \$29, \$35, something like
22 that.

23 SUPERVISOR SALADINO: Thank you very
24 much.

25 MR. GJONI: Thank you.

1 Thank you for the opportunity.

2 Whatever you decide, I'm just happy I got the
3 chance.

4 SUPERVISOR SALADINO: Thank you.

5 MR. GJONI: Thank you.

6 SUPERVISOR SALADINO: I just have one
7 question for Mr. Carl, please, if you would just
8 step forward.

9 I didn't get a chance to ask this
10 before. I want a balance and equality between the
11 both of you so I'm just going to simply ask on the
12 items of your menu, can you please -- would you
13 please pass that up, Town Clerk?

14 MR. CARL: I think that when you take a
15 look at the menu -- we are going to pass them
16 around so that everybody can see.

17 I think that's about as user friendly
18 as you can possibly get. As a matter of fact, we
19 were praised for the pricing that we put down last
20 season and we that we charged everyone. You can
21 see because those were our printed menus from last
22 year, and if anybody thinks that's out of line,
23 I'll be glad to adjust, it but I don't think that
24 anything on that menu could get you up to anywhere
25 near \$200, maybe not even \$100.

1 SUPERVISOR SALADINO: One last
2 question, Mr. Carl.

3 Will there be any, like, a value menu
4 for child's burger or a soda, slice of pizza?

5 MR. CARL: It's on the back.

6 COUNCILMAN IMBROTO: He's talking about
7 \$2 for a burger. You're talking about \$10 for a
8 kid's burger.

9 MR. CARL: We would be glad to
10 implement that like we have done at Tobay this
11 season, but everything else as you as you can see
12 is based on pricing that's consistent with the
13 pricing structure of State parks, the pricing
14 structure of Nassau County parks, and less than
15 what they put it out for so I took -- to the point
16 that he made, I beg to differ.

17 COUNCILMAN IMBROTO: You beg to differ
18 that --

19 MR. CARL: No. I beg to differ that my
20 pricing not --

21 SUPERVISOR SALADINO: Actually, it's
22 not good to be comparing with each other.

23 Thank you, Mr. Carl, you answered our
24 question.

25 MR. CARL: Thank you.

1 SUPERVISOR SALADINO: We have two
2 proposers and just to clarify the point of -- yes,
3 our commissioner.

4 Commissioner, come forward, please.

5 COUNCILWOMAN ALESIA: Supervisor, as I
6 indicated, I have to leave. I'm sorry.

7 SUPERVISOR SALADINO: We understand.

8 Thank you.

9 Hi, Commissioner.

10 Did you --

11 COMMISSIONER PINTO: Just a point of
12 clarification for both applicants.

13 The truck that's being discussed is not
14 going to be parked there any longer. We found out
15 that that's an illegal parking area they were
16 parking at. We are not going to stop him from
17 parking legally, but we are to not have him park in
18 the illegal area which --

19 SUPERVISOR SALADINO: Thank you.

20 So the bottom line is there will be no
21 trucks there, is what you're telling us.

22 COUNCILMAN PINTO: Well, they can park
23 in the parking spots behind them, but the area was
24 a fire zone and they are not going to be --

25 SUPERVISOR SALADINO: Thank you.

1 I'm glad we stopped that.

2 Okay. We are at the toughest part of
3 all.

4 COUNCILMAN MUSCARELLA: We have two
5 proposals, one had 6 percent and \$24,000. The
6 other one has \$35,000 and 8 percent.

7 Along with that, one of them has a very
8 strong financial strength, assets, and backing.

9 And we do have experience on one side
10 -- a lot more experience with past performance at
11 the location. There's only a temporary ordeal
12 here.

13 I do feel strongly that one will get
14 their liquor license immediately by renewing it;
15 the other one will not. Which will generate
16 probably more of use of 8 percent, which is a 2
17 percent higher level. One proposal was more
18 creative, it gave you an assortment of what they
19 are going to provide with sushi and other items.
20 But also there's a TOB brand that we would like to
21 convey out there to the public, so I feel hands
22 down that Carlyle would be my suggestion.

23 COUNCILMAN IMBROTO: I agree,
24 Councilman.

25 I think that Carlyle's proposal was

1 more impressive. I think that the financial
2 proposal is going to be better for the Town. I'm more
3 confident that they will have a liquor license on
4 opening day, which seems to be important to the
5 residents in the community and they've got the
6 experience, they know the business of running the
7 concession there.

8 I would also favor Carlyle.

9 COUNCILMAN COSCHIGNANO: I pretty much
10 agree.

11 SUPERVISOR SALADINO: My feelings are
12 both proposals have unique and interesting sides to
13 them.

14 The Carlyle proposal guarantees the
15 Town more money, has a very extensive menu.

16 The other proposal from Soundview was
17 also very interesting. I thought it was more child
18 friendly in terms of the lower amounts on food so
19 that a family could go out for a day at the beach
20 and just provide for -- provide for the whole
21 family at a more reasonable cost. I like the
22 family focus of food.

23 Once again, a difficult decision just
24 like we faced last time in this process.

25 Having said that --

1 COUNCILMAN COSCHIGNANO: I just want to
2 add, Supervisor, I'm actually -- I thought it was
3 very nice of the gentleman from Soundview to say
4 what he said about not only the process here, but
5 that he was welcomed to this process and I want to
6 commend Commissioner Pinto because I'd love to hear
7 more often that somebody was pointed in our
8 direction, and then the process didn't work out as
9 intentionally planned and they received a call back
10 to keep that person involved in our process, so I
11 think he did an outstanding job. Sounds like a
12 good thing all the way around.

13 SUPERVISOR SALADINO: I'd also like to
14 thank our Commissioner. His commitment to
15 excellent for the Town and all of our proposals and
16 everything from our fields right down to the
17 bathrooms; although, it seems as though there is
18 some attention that is needed quite a bit at these
19 bathrooms, and I hope that we make that a very big
20 priority for our residents.

21 COMMISSIONER PINTO: We all discussed
22 that on a higher level, and we hope that next year
23 we can make that part of the goals that we set out
24 for the long term.

25 SUPERVISOR SALADINO: I hope we are

1 ensuring that for this season, in 2017, we have
2 bathrooms that are clean, that would make our
3 residents very comfortable, and be part of a
4 positive experience.

5 COMMISSIONER PINTO: I've got a people
6 over there the last week and a half.

7 SUPERVISOR SALADINO: They are already
8 working on it currently?

9 Thank you, Commissioner.

10 MR. ALTADONNA: Would you like me to
11 call for a vote?

12 SUPERVISOR SALADINO: Well, we just
13 want to be thorough about this.

14 COUNCILMAN MUSCARELLA: Let me just ask
15 the Town Council, I don't have to go out of work
16 session, correct?

17 MR. NOCELLA: No. You can vote now.

18 SUPERVISOR SALADINO: Any other
19 thoughts so that we are being very thorough about
20 this?

21 COUNCILMAN IMBROTO: None from me no.

22 COUNCILMAN MUSCARELLA: No.

23 SUPERVISOR SALADINO: Any other
24 thoughts or questions?

25 MR. NOCELLA: Supervisor, if I may,

1 this might be a distinction without a difference,
2 but because I don't mean to undercut Mr. Carl's
3 capacity to get a liquor license, but I think that
4 he made a very persuasive point, but the mere fact
5 that Carlyle had there been on a temporary basis,
6 can't allow the Board to give them a preference.

7 SUPERVISOR SALADINO: Absolutely.

8 MR. NOCELLA: That doesn't mean that
9 either his presentation was any less strong than
10 you'd otherwise regard it and it doesn't reflect at
11 all on the other proposer, but it did have to be
12 mentioned.

13 SUPERVISOR SALADINO: It is not any
14 part of my thinking. It is not any part of my
15 deliberation, and it won't enter into my decision
16 making.

17 And I am assuming the same for other
18 Board members?

19 COUNCILMAN MUSCARELLA: Same here.

20 COUNCILMAN IMBROTO: Yes.

21 MR. ALTADONNA: Ask for a motion.

22 COUNCILMAN MUSCARELLA: I'll make a
23 motion that we vote on Tappen Beach.

24 COUNCILMAN COSCHIGNANO: Second.

25 MR. ALTADONNA: Motion made by

1 Councilman Muscarella, seconded by Councilman
2 Coschignano.

3 On the vote, Supervisor Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Coschignano?

8 COUNCILMAN COSCHIGNANO: "Aye."

9 MR. ALTADONNA: Councilman Imbroto?

10 COUNCILMAN IMBROTO: "Aye."

11 MR. ALTADONNA: Motion carries with
12 four-zero.

13 Do you want to have a motion to close
14 the work session?

15 COUNCILMAN MUSCARELLA: I just want to
16 clarify --

17 MR. NOCELLA: As a point of order, you
18 called for a vote to vote on it.

19 Now, you need to call for a motion to
20 -- to actually determine who you're awarding.

21 MR. ALTADONNA: Is this an emergency
22 RFP?

23 SUPERVISOR SALADINO: We are going to
24 call for a vote.

25 Would the Clerk please call --

1 COUNCILMAN MUSCARELLA: You need four
2 to complete --

3 SUPERVISOR SALADINO: Right.

4 Let the record reflect that there are
5 four council members here; thus, we have a quorum.

6 MR. ALTADONNA: Supervisor Saladino?

7 SUPERVISOR SALADINO: I believe that
8 both presenters have great ideas. I believe them
9 both to be very reputable. I believe that they
10 both have a genuine heart in making this a big
11 success.

12 Clearly, there are upsides to both of
13 them, which makes this a very difficult decision.
14 I liked the character, the presentations, the
15 honesty, and the forthcoming on both presenters.

16 Ultimately, we are going to have to
17 find ways to distinguish one proposal over the
18 other. We have to take into account the guaranteed
19 rent, as well as the proposal for their vision at
20 the location.

21 You both have great ideas; although,
22 they are different. Clearly, for me the rent of
23 \$35,000 guaranteed with 8 percent of the gross, the
24 promise for that -- that \$35,000 to be more because
25 of its -- because of the ideas of marketing and

1 driving more people to the location is something
2 that can't go without -- without having importance
3 in consideration in this presentation.

4 The Carlyle Group with \$35,000
5 guaranteed and 8 percent versus the \$24,000 and
6 6 percent, that is not the only factor that weighs
7 in on my decision. I have to also look at the way
8 the presentations are in a variety of different
9 facilities that they have versus the one facility.

10 I was a little concerned with the
11 second presenter; although, I really liked what
12 they said on so many different issues, but I looked
13 along the work track, and I see lots of one year or
14 less of states of employment at different places
15 including the Sand Bar in Huntington, Delaney's
16 Irish Pub and Restaurant in McKinney, Texas for, it
17 looks like eight months, and some of the places
18 where this individual was employed seemed to be a
19 relatively short amount of time. I believe this
20 person to be a --

21 MR. GJONI: That's not my resume.

22 SUPERVISOR SALADINO: Soundview
23 Catering?

24 MR. GJONI: Right. But the resume
25 you're talking about is the manager that I was

1 going to hire, not mine. I've only had three jobs
2 in my life.

3 SUPERVISOR SALADINO: Thank you.

4 As I stated earlier, this is a
5 difficult decision between two excellent caterers
6 who have a -- who are presenting some very, very
7 good ideas.

8 At the end of the day in a very close
9 choice for me, we are looking at the difference
10 between \$24,000 and a guaranteed \$35,000 and with
11 the business plan of the Carlyle I believe that
12 they could do much more because I've seen their
13 work in so many locations.

14 So in a very, very close call, I'm
15 going to cast my vote for Carlyle Catering.

16 MR. ALTADONNA: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: Carlyle.

18 MR. ALTADONNA: Thank you.

19 Councilman Coschignano?

20 COUNCILMAN COSCHIGNANO: Carlyle.

21 MR. ALTADONNA: Councilman Imbroto?

22 COUNCILMAN IMBROTO: I also vote for
23 Carlyle.

24 MR. ALTADONNA: Motion carries four for
25 Carlyle.

1 SUPERVISOR SALADINO: I'd like to thank
2 both of those presenters. You both presented
3 excellent responses to our RFP. We appreciate your
4 cooperation. We appreciate all that you have done
5 today and your patience for the long wait as well.

6 Thank you for the presentations.
7 Congratulations to the Carlyle Group, but also
8 congratulations to Soundview for making a very
9 professional presentation. As we saw in the past,
10 things change. The reason we are here today is
11 proof that things change and we ask to continue to
12 stay in contact with our Commissioner because we
13 would encourage you to continue to make responses
14 to our RFPs going forward in this Town.

15 Thank you, everyone.

16 COUNCILMAN MUSCARELLA: Supervisor, I
17 make a motion to close the meeting.

18 COUNCILMAN COSCHIGNANO: Second.

19 SUPERVISOR SALADINO: All in favor
20 signify by saying "Aye."

21 ALL: "Aye."

22 SUPERVISOR SALADINO: Thank you very
23 much, ladies and gentlemen.

24 (TIME NOTED: 3:31 P.M.)

25