

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
JUNE 20, 2017
7:17 p.m.

HEARING P-5-17

To consider the application of Beechwood CBW, LLC, fee owner, for a Modification of Restrictive Covenants, southwest corner of Round Swamp Road and Old Country Road, Plainview, NY. (M.D. 6/6/17 #4).

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

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

TOWN CLERK JAMES ALTADONNA JR.
RECEIVER OF TAXES JAMES STEFANICH

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: Good evening,
2 ladies and gentlemen, and welcome to the Oyster Bay
3 Town Board meeting of June 20, 2017.

4 This evening's prayer, as we begin
5 every Town Board meeting with prayer, will be led
6 by Reverend Dr. Kimberly A. Wilson, who is the
7 pastor of Our Savior's Lutheran Church in Glen
8 Head.

9 Pastor Kim, as she prefers to be
10 called, was ordained in 1997, and prior to
11 attending the seminary, Pastor Kim graduated with
12 honors from Columbia College with a degree in
13 elementary education.

14 Pastor Kim employs her teaching skills
15 and her first communion and confirmation classes as
16 well as in leading children's sermons. Today, our
17 Savior's Lutheran Church exists as it began, by the
18 faith of the people of God.

19 Pastor Kim.

20 Would everyone please rise?

21 (Whereupon, a prayer was recited by
22 Pastor Kimberly Wilson.)

23 SUPERVISOR SALADINO: Thank you, Pastor
24 Kim.

25 For the purposes of our Pledge of

1 Allegiance, you can remain standing, please.

2 It is led today by the Color Guard of
3 Troop 689 of Saint James Parish, serving the
4 Plainedge community. Troop 689 has been serving
5 Plainedge and the surrounding areas for over
6 25 years, providing successful programs for boys
7 and young men of all ages. I was honored recently
8 to present a Town citation to Andrew Frost of Troop
9 689 as he reached the coveted rank of Eagle Scout.
10 I was joined by many of my colleagues on the Town
11 Board at that Eagle Scout ceremony.

12 Andrew was not able to join us tonight
13 but, again, our congratulations go out to Andrew
14 and his entire family, the Frost family, including
15 his proud father, Frank Frost, who is joining us
16 tonight.

17 For almost 100 years, scouting programs
18 have instilled in our youth, the values found in
19 respect and honor and volunteer service, all part
20 of the Scout law and the Scout oath. Today, these
21 values are just as relevant in helping the young
22 grow to their full potential as they were in 1910.

23 Troop members of Troop 689, please lead
24 us in the Pledge of Allegiance.

25 (Whereupon, the Pledge of Allegiance

1 was recited and led by Troop 689.)

2 SUPERVISOR SALADINO: Please retire the
3 colors.

4 Ladies and gentlemen, while you're
5 still standing, I would like to ask you to remain
6 standing for a moment -- a moment of silence for
7 the victims of terrorism in England, as well as the
8 victims of the shootings in Virginia, including
9 Congressman Steve Scalise and for the passing of
10 Town of Oyster Bay resident and Massapequa
11 Volunteer Firefighter Jim Kennelly.

12 (Whereupon, there was a moment of
13 silence.

14 SUPERVISOR SALADINO: Thank you.

15 The Town Clerk will now poll the Board.

16 MR. ALTADONNA: Supervisor Saladino?

17 SUPERVISOR SALADINO: Present.

18 MR. ALTADONNA: I just want to say, if
19 you don't mind, I had the privilege on Memorial
20 Day, as we had spoken before, of going to
21 Arlington, and since the war on terror 2001, there
22 have been over 6,000 soldiers that have passed.

23 And if you went to Arlington during
24 Memorial Day weekend, they asked you to take a
25 ribbon with a soldier's name on it and the only

1 promise was that you remember that soldier.

2 So, if you don't mind, I'd like to read
3 his name into our minutes, so he will be with us.

4 SUPERVISOR SALADINO: Thank you, Town
5 Clerk Altadonna.

6 MR. ALTADONNA: His name William D.
7 Dusenbery. He was from Operation Iraqi Freedom and
8 he passed 11/15/2003.

9 SUPERVISOR SALADINO: Well, it is most
10 appropriate to honor this veteran, to honor all of
11 our veterans, those who have given the ultimate
12 sacrifice, those who have been wounded and each and
13 every veteran who lives on today to appreciate
14 their memories and recognize that our freedom came
15 from their efforts.

16 God bless our country and God bless our
17 veterans.

18 MR. ALTADONNA: Now, I will call the
19 roll call.

20 SUPERVISOR SALADINO: Please.

21 MR. ALTADONNA: Supervisor Saladino?

22 SUPERVISOR SALADINO: Present.

23 MR. ALTADONNA: Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: Here.

25 MR. ALTADONNA: Councilman Macagnone?

1 COUNCILMAN MACAGNONE: Here.

2 MR. ALTADONNA: Councilwoman Alesia?

3 COUNCILWOMAN ALESIA: Here.

4 Good evening, Jim.

5 MR. ALTADONNA: Good evening.

6 Councilwoman Johnson?

7 COUNCILWOMAN JOHNSON: Here.

8 MR. ALTADONNA: Councilman Imbroto?

9 COUNCILMAN IMBROTO: Present.

10 MR. ALTADONNA: Councilman Hand?

11 COUNCILMAN HAND: Here.

12 SUPERVISOR SALADINO: Thank you, Jim

13 Altadonna.

14 And now time for a little bit of our
15 Town of Oyster Bay news and we do have some very
16 exciting news.

17 This Saturday, we're very happy to
18 announce is the official kickoff of our summer
19 beach season in the Town of Oyster Bay. I'd like
20 to remind all of our residents that spending a day
21 at one of our Town beaches is one of the truly
22 great amenities available in the best township in
23 the United States, Oyster Bay.

24 I know all of our residents are excited
25 to see the many improvements and the concession

1 services that are now available at Tobay this
2 summer as well as all our beaches.

3 The improvements made include a
4 refurbished spray park and a new playground being
5 constructed near the marina. There are two new
6 restaurants, brand-new restaurants, Mango Bay and
7 the Crazy Oyster at Tobay overseen by the well
8 known, Carlyle Catering Group.

9 As you all may know, Carlyle was
10 selected by the Town Board in a completely open
11 public hearing held in this very room that allowed
12 our residents to participate in the process and a
13 very open process it was as our residents witnessed
14 all of the deliberations, including the process of
15 choosing those vendors.

16 And as a result, we are now receiving
17 five times the amount of rent that the Town
18 received in the past. These two summer-themed
19 eateries are sure to offer outstanding food and
20 unmatched ambiance associated with dining at
21 waterside. They provide breathtaking views of the
22 Great South Bay. The new restaurants will also
23 offer special evenings of beach front entertainment
24 that will put everyone in the mood to kick back and
25 relax and enjoy one of the truly great summer

1 destinations located on Long Island.

2 And we are exceptionally proud of the
3 destinations we have created. Just as an aside,
4 beach stickers are not required for diners at the
5 restaurant. Just last week, we broke down
6 additional barriers when we removed the turnstile
7 and gate to all improve accessibility to all
8 residents visiting Tobay Beach via the bike path,
9 including those differently abled. And now our
10 beach is open to everyone looking to spend a
11 memorable stay-cation with us.

12 Finally, as you may know, further
13 advancing my initiative to protect, protect our
14 Town's taxpayers, we have filed litigation holding
15 accountable those responsible for problematic work
16 at the Hicksville parking garage.

17 As I promised when I first took office,
18 I will do what is necessary to protect our
19 residents and my Town Board colleagues join me in
20 that resolve. I do believe that this action
21 furthers our commitments.

22 Without further ado, will the Town
23 Clerk call the first hearing?

24 MR. ALTADONNA: Hearing P-5-17 to
25 consider the application of Beechwood CBW, LLC, fee

1 owner, for a modification of restrictive covenants
2 southwest corner of Round Swamp Road and Old
3 Country Road, Plainview, New York.

4 MR. PIZZULLI: Is this on?

5 SUPERVISOR SALADINO: Yes.

6 MR. PIZZULLI: Thank you.

7 Good evening, Mr. Supervisor, Members
8 of the Board.

9 My name is Vincent Pizzulli, counsel
10 for the applicant, Beechwood CBW, with offices at
11 200 Robbins Lane in Jericho.

12 I'd like to start out tonight by giving
13 a brief description of the Country Pointe at
14 Plainview project for the benefit of those who may
15 not be familiar with the project, who may not have
16 been present at the public hearings a few years
17 ago.

18 Country Pointe of Plainview -- and I
19 have a board on display to my right -- is a
20 mixed-use smart growth planned community that was
21 approved by the Town Board in May of 2015. It
22 consists of three component sections. The shopping
23 center, which is the subject of this hearing
24 tonight which is located on the lower left of that
25 Master Plan Board; the condominium residences which

1 are delineated as the brown and yellow buildings in
2 the middle of that site plan board; and then to the
3 lower right adjacent to the area to be dedicated to
4 the Town of Oyster Bay is a future Golden Age
5 Affordable Housing Project.

6 Construction of the shopping center is
7 underway and building permits are pending for
8 several residential structures and Sections 1 and 2
9 of the condominium and the community club house on
10 the HOA lot.

11 Plans for the development of the
12 Affordable Golden Age Housing units are awaiting
13 the outcome of litigation regarding the Fair
14 Housing Act and the Town's residency requirements
15 for the offering of units to prospective
16 purchasers.

17 When Country Pointe of Plainview was
18 approved by the Town Board, it was approved subject
19 to several covenants and restrictions regarding the
20 development plans.

21 My client is requesting a modification
22 of three of those covenants.

23 The first one is Paragraph 25 -- and by
24 the way, the covenants are attached to the petition
25 as Exhibit B -- Paragraph 25 of the covenants

1 provides that no COs shall be issued until all of
2 the plans for each section of the project have been
3 approved and that no CO for any shopping center
4 building shall be issued until the athletic fields
5 on the 58 acres to be dedicated to the Town are
6 developed or the athletic area is cleared and
7 graded.

8 What that is referring to is on the
9 right-hand side of this Master Plan Board, you'll a
10 not that says 57 plus acres to be dedicated to the
11 Town of Oyster Bay. That was required in
12 connection with the change of zone for future park
13 planned development.

14 The difference between the number on
15 that plan and the number I recited, 58, is
16 accounted for by an additional one acre that my
17 client is dedicating to the Town on the corner of
18 Round Swamp Road and Old Country Road and it's
19 actually forming a buffer to the ShopRite that I'll
20 be speaking to in a moment.

21 At the present time, the plans for the
22 shopping center and the condominium community have
23 been approved but the plans for the Golden Age
24 Affordable Housing Section are on hold pending the
25 outcome of the litigation concerning the Fair

1 Housing Act requirements. It is also our
2 understanding that the planning for the athletic
3 fields is still in progress and that final plans
4 have not yet been formulated or approved.

5 In the Spring of 2016, prior to the
6 issuance of any building permits, the Department of
7 Planning and Development requested a performance
8 bond from my client in order to secure its
9 obligations to develop the athletic fields. Our
10 site plan engineer estimated the development cost
11 to be \$662,000 and a performance bond in that
12 amount was submitted to the Department of Planning
13 and Development on July 13, 2016.

14 In August of 2016, the prior
15 administration requested that we increase the
16 amount of the performance bond to also secure the
17 installation of an irrigation system for the
18 athletic fields, to provide sod in the event that
19 new seed doesn't germinate properly, and to provide
20 connecting roads to existing parking fields.

21 On August 25, 2016, my client submitted
22 a surety rider to increase the original performance
23 bond to one million dollars and the rider for that
24 bond is attached to my petition as Exhibit E.

25 The performance bond will be renewed

1 annually until the proposed and athletic fields
2 have been completed in accordance with the plans to
3 be approved by the Town.

4 COUNCILWOMAN ALESIA: Excuse me
5 Counselor, I'm very sorry to interrupt you.

6 I just -- you keep referring to
7 athletic fields and I just want to reiterate from
8 the Town's perspective, that we haven't necessarily
9 made any decisions that they're going to be
10 athletic fields. This could still be passive park
11 space. It could be a community park. I know
12 you're colloquially referring to it as athletic
13 fields, but I just want to state that and make sure
14 it's in the record.

15 MR. PIZZULLI: Duly noted.

16 COUNCILWOMAN ALESIA: Thank you.

17 MR. PIZZULLI: So in accord -- in view
18 of the security that has been posted by my client
19 and the status of the plans for the fields -- I'm
20 going to refer to them as fields now -- we are
21 respectfully requesting that the restriction on the
22 issuance of COs be lifted so long as my client
23 maintains its performance bond to secure the
24 development of the fields.

25 This will allow ShopRite and several

1 other commercial users to open to the general
2 public in the near future and permit purchasers of
3 condominium units to move into their new homes upon
4 completion of construction.

5 The second portion of our petition
6 tonight concerns the covenant contained in
7 paragraph one. Paragraph one provides that the
8 commercial area, which is the area on the lower
9 left-hand side of that plan, the ShopRite and the
10 rest of the shopping center stores, will be
11 developed with 118,450 square feet of commercial
12 space, including a 71,450 square foot supermarket,
13 ShopRite, a 3,000 square foot bank and 44,000
14 square feet of "retail stores."

15 My client is requesting clarification
16 and modification of the wording in order to make
17 sure the term "retail stores" is not interpreted to
18 preclude other typical as of right uses found in
19 shopping centers throughout the Town of Oyster Bay,
20 such as restaurants, pizzerias, delicatessens,
21 offices, salons and the like.

22 The Town Board, in its resolution of
23 approval dated May 12, 2015 approved the rezoning
24 of the shopping center area for "commercial uses"
25 in the general business district.

1 The DEIS, the Draft Environmental
2 Impact Statement, that was approved in connection
3 with the Country Pointe application also studied
4 the impacts of supermarket, restaurant and other
5 general mixed retail uses, and the SEQR findings
6 statement adopted on March 24, 2015 spoke to the
7 development of commercial uses in general.

8 In addition, as if that wasn't enough,
9 I reviewed the transcripts of the public hearing on
10 February 4, 2014, and in response to questioning by
11 the Board, counsel for the applicant at that time
12 stated that the contemplated mix of commercial uses
13 would include mixed retail restaurants and small
14 offices. And some residents present at that
15 hearing commented on the need and desire to have
16 restaurants at this location.

17 So, in conclusion on this point, based
18 upon our review of the record, it is our belief
19 that it was never the intent of the applicants, nor
20 the Town Board to preclude other as of right uses
21 permitted in the general business district.

22 All successful shopping centers should
23 have complementary permitted uses to meet the needs
24 of the community and we would state that this
25 shopping center should be no different.

1 That brings me to my last petition
2 request which concerns Paragraph 10 of the
3 covenants. This paragraph is primarily concerned
4 with the use and operation of the loading docks and
5 particular, ShopRite's loading docks. That's the
6 only portion of the shopping center that has
7 loading docks.

8 First and foremost, I want to assure
9 everybody here that in order to avoid any confusion
10 or misunderstanding, requested modification of this
11 covenant will not result, will not result in any
12 increase in truck traffic to ShopRite or any
13 increase in traffic, generally.

14 In our view, this covenant
15 unnecessarily limits loading dock hours of
16 operation to 7:00 a.m. to 6:00 p.m. on weekdays and
17 8:00 a.m. to 4:00 p.m. on weekends and this
18 restriction was not specifically prescribed by the
19 Town Board in its resolution of approval or the
20 SEQR findings.

21 In fact, in the noise section of the
22 SEQR findings, which is Page 18 -- and I brought
23 copies with me for the Board's reference if you'd
24 like me to submit -- it was concluded that "noise
25 impacts will be minimized by adhering to Town of

1 Oyster Bay requirements limiting the permissible
2 hours of construction and the permissible hours of
3 loading activities in the proposed commercial
4 center," which we believe is a reference to what is
5 permitted by the Town Code.

6 For reasons that will be explained in
7 detail by our traffic engineer in a few moments, we
8 are seeking a relaxation of this provision to be
9 consistent with Section 156-4(5) of the Town's
10 noise ordinance and also the approval conditions of
11 other supermarkets.

12 Section 156-4(5) prohibits loading and
13 unloading activities in such a manner as to cause
14 noise disruption, noise disruption, across a
15 residential real property boundary from 10:00 p.m.
16 to 7:00 a.m. Monday through Saturday and from
17 10:00 p.m. to 8:00 a.m. on Sundays and holidays.

18 This section affectively permits
19 unrestricted loading and unloading activities
20 between the hours of 7:00 a.m. to 10:00 p.m. Monday
21 through Saturday, and 8:00 a.m. to 10:00 p.m. on
22 Sundays and holidays, and we are respectfully
23 asking the Board to consider this legislation in
24 connection with its review of this request.

25 Our traffic engineer will demonstrate

1 that field conditions support our request to modify
2 this covenant to what is permitted by the Town Code
3 and the modification will not have any undue noise
4 or visual impacts on any residential properties.

5 At this time, I'd like to turn the
6 podium over to Mr. Wayne Muller from RMS
7 Engineering. Mr. Muller has appeared before this
8 Board on numerous occasions and been qualified as a
9 traffic engineer and I ask that you accept his
10 testimony tonight.

11 SUPERVISOR SALADINO: Counsel, would
12 you just repeat those hours of loading?

13 MR. PIZZULLI: The hours of loading
14 permitted by the Town Code, Section 156-4 is
15 7:00 a.m. to 10:00 p.m. Monday through Saturday,
16 and 8:00 a.m. to 10:00 p.m. on Sunday and holidays.

17 MR. ALTADONNA: Counsel, for the
18 record, I need the name of your firm.

19 MR. PIZZULLI: Vincent J. Pizzulli,
20 Jr., P.C.

21 MR. MULLER: Good evening,
22 Mr. Supervisor, Members of the Board.

23 My name is Wayne Muller of the firm of
24 RMS Engineering. Our offices are located at
25 355 New York Avenue, Huntington, New York.

1 For the record, I'd like to submit --
2 produce copies of the handouts that I'm going to
3 refer to on the board to my right.

4 (Handing.)

5 MR. MULLER: As Mr. Pizzulli has
6 indicated, and due to the fact that the proposed
7 ShopRite and a small portion of development is
8 currently under construction, we performed field
9 observations to determine the potential impact of
10 the changing of the -- or the modification of the
11 loading hours as it would relate to the properties
12 located -- I guess that would be to the east of the
13 subject.

14 You can see, actually looking to the
15 left when you look at the site plan, the first
16 exhibit, Exhibit EX-1 was a series of photographs
17 which we had taken from the northernmost loading
18 dock in a position where the tractor-trailer truck
19 would be located about 40 feet from the loading
20 dock.

21 What we did is we utilized a Go Pro and
22 put it on a measuring stick, a vertical measuring
23 stick, so we could figure out at the highest point
24 that the trailer would be, which would be 16 feet
25 in the air, roughly, that if any -- what the view

1 would be from the top of the trailer truck, which
2 would be the most visible point for somebody on the
3 other side of the road looking up.

4 As you could see from the photos, we
5 went from north to south. You really can't see
6 much. All you can see in the distance is the
7 treeline, there's a berm there, an existing hill,
8 which was regraded, a retaining wall, the day that
9 we were there, which was June 14th, last week, they
10 were actually paving the loading area. And as we
11 swung around, you could see off in the distance,
12 there's a stock pile of soil that's off in the
13 distance to -- in the southerly portion of the site
14 and then you could, again, see the loading docks.

15 The loading docks are not visible to
16 the residents on the other side of Round Swamp
17 Road. We then did the same exercise in this
18 southernmost loading dock, again, using the Go Pro
19 camera. And then taking a series of photographs,
20 you can, again, see that what becomes apparent is
21 that the stockpile of soil becomes more visible
22 because we're getting closer to it. But, again,
23 that -- you can't see beyond the tree line on any
24 of the homes because essentially the homes are at a
25 lower elevation.

1 They're down, and there's a berm and
2 the site's depressed. The stop -- excuse me, the
3 ShopRite was cut out of the sight so the loading
4 areas are depressed.

5 The third photograph indicates the
6 conditions as viewed from the intersection of Round
7 Swamp Road and Kingswood Drive looking towards the
8 site. The first site was taken in the
9 southwesterly direction. You can see some clearing
10 in that one area. That was as a result of some
11 water main work that was done by the applicant and
12 the Water District. That area will be
13 re-vegetated. Currently, it's soil but it will be
14 re-vegetated. Then you can see as we -- as we look
15 then to the north or at the site, you can barely
16 make out the stockpile of soil that was visible in
17 the other photographs looking towards the homes.
18 And, again, looking north on Round Swamp Road, you
19 can barely the stockpiled soil.

20 What that indicates -- if we just flip
21 back to, say, the second photograph, you can see
22 how high the elevation of the stockpile was in
23 relationship to the highest point that the
24 tractor-trailer could be. Again, not -- it
25 wouldn't be visible from any of the homes on the

1 other side of the road.

2 And then the last photograph is a
3 combination of the site plan and a Google earth
4 aerial, and what we did is we took photographs --
5 thank you -- at strategic points looking towards
6 the site as we went on Round Swamp Road to the
7 north.

8 So that would be the first photograph
9 is at the intersection of Rounds Swamp Road and
10 Kingswood looking towards the site, and then we
11 went to every home between Kingswood Drive and
12 where Round Swamp splits off.

13 As you can see from the photographs,
14 you can't tell what's beyond the tree line, the
15 site. There's a hill and then the site is
16 elevated. So from a visual perspective, and also
17 from a noise perspective, because of the topography
18 and the existing vegetation, extending the hours of
19 operation of the loading area, in my opinion, will
20 not create any visual impacts, nor will it create
21 any impacts on sound.

22 Again, as it were the day that we were
23 out there, there was a -- the back area by the
24 loading dock was being paved so there was a lot of
25 truck activity and it was very difficult to discern

1 the noise from the paving that was going on to the
2 ambient road traffic within the area. Of -- the
3 most prevalent would be the beep, beep, beep, as
4 some of the trucks backed up.

5 COUNCILWOMAN ALESIA: So, Mr. Muller,
6 what I -- I'm sorry to just jump in, but what I
7 notice is absent from these pictures and what you
8 haven't addressed and what I think is really the
9 concern of most of the residents that I've heard
10 from is really not the deliveries themselves at the
11 loading dock. It's the trucks coming in on Old
12 Country Road and what impact that's going to have
13 to the people that live off of Round Swamp, that
14 traverse back and forth on Old Country Road to get
15 to and from their homes in the morning and in the
16 evening and I don't see anything about that in
17 these photos.

18 MR. PIZZULLI: Well, I'd like to just
19 interrupt my own expert for one moment and I'll let
20 him continue, but I want to emphasized to the Board
21 and Mr. Muller will also do so, whether or not the
22 loading hours of operation occur between 7:00 a.m.
23 and 6:00 p.m. or 7:00 a.m. and 10:00 p.m., it's not
24 going change the number of trucks that come to this
25 site.

1 This has nothing to do and will not
2 increase, as I said at the very opening of my
3 presentation, the modification, this restriction
4 will not generate an increase in truck activity.
5 It will permit ShopRite to accept deliveries, the
6 same number of deliveries, spread out over a longer
7 period of time.

8 So, in effect, it minimizes the impacts
9 on traffic both on Old Country Road and internally
10 in the site because you don't have truck deliveries
11 compressed into a certain time period.

12 Having said that, I'll let Mr. Muller
13 continue.

14 COUNCILMAN IMBROTO: Mr. Pizzulli, how
15 many deliveries are anticipated per day?

16 MR. PIZZULLI: I'll let Mr. Muller
17 answer that.

18 MR. MULLER: Typically, there would be
19 anywhere between five to seven tractor-trailer
20 deliveries per day. And then there are other
21 smaller vendor trucks, somewhere between ten and 20
22 on a typical day. The bread truck, the whatever
23 other truck comes to deliver to the site and that's
24 very, very common amongst all the supermarket
25 chains.

1 COUNCILWOMAN ALESIA: Do you know
2 whether -- I should look to the Town Attorney
3 first. I don't even know if this is an appropriate
4 question for our consideration, but is this the
5 same amount of deliveries that he's receiving at
6 his current store or are we going to see an
7 increase, a decrease?

8 MR. MULLER: I don't know the answer.

9 COUNCILWOMAN ALESIA: It would be
10 consistent with what's going on at the current
11 Morton Village store?

12 MR. PIZZULLI: It would be consistent
13 with the Morton Village store and also the store in
14 Woodbury.

15 COUNCILWOMAN ALESIA: Well, I'm just
16 thinking, when Morton Village goes out and he opens
17 here, that that truck traffic will be alleviate --
18 that portion will be alleviated and brought over to
19 this store.

20 MR. MULLER: That's correct.

21 One thing I think is important to
22 realize, if you were to look at the site plan, it's
23 difficult to see --

24 COUNCILWOMAN ALESIA: I have the site
25 plan emblazoned on my brain, thank you.

1 MR. MULLER: All access to and from the
2 commercial areas will be to and from Old Country
3 Road and not the Round Swamp Road so there will be
4 no -- the commercial driveways are all
5 strategically located along Old Country Road.

6 So, in my profession opinion, the
7 impact of truck traffic on Round Swamp Road would
8 be minimized because all the activity will come
9 from the major arterial road, Old Country Road.
10 And then also as Round Swamp goes further north
11 towards the LIE, the bulk of the traffic,
12 obviously, will come in those areas and not to and
13 from Round Swamp.

14 COUNCILWOMAN ALESIA: I know, and I do
15 know that that's what the professional opinion
16 would be and it seems like that's what it should
17 be, but I can tell you, because I live there, that
18 we are just, in Plainview, inundated with truck
19 traffic.

20 I mean, it is insane the amount of
21 trucks that come off the LIE, the 135, hopping back
22 and forth between our residential streets to try
23 to -- that's not -- I'm not saying we need to solve
24 the problems of the world on your back, I'm just
25 saying, those trucks are going to be on Round Swamp

1 Road and they're going to be on our streets.

2 MR. PIZZULLI: Understood, but as I
3 think as you aptly noted and I hope I clarified
4 your question, this will not be creating additional
5 truck traffic, it will be -- the truck traffic that
6 was going to Morton Village will now come to this
7 site. Most of those trucks, if coming from the
8 Long Island Expressway, will never even enter Round
9 Swamp Road. They will turn right at the
10 intersection and then enter our site through a
11 signalized driveway that has just been approved by
12 the Nassau County Department of Pubic Works.

13 COUNCILMAN IMBROTO: They access the
14 Long Island Expressway through Round Swamp Road?

15 MR. MULLER: Correct.

16 COUNCILMAN IMBROTO: Okay.

17 MR. MULLER: But they're not traversing
18 down the residential section of Round Swamp Road.

19 COUNCILMAN IMBROTO: I understand. So
20 you're position is that by expanding the hours,
21 you're actually going to reducing congestion during
22 some of the more prime hours, the more peak hours?

23 MR. MULLER: That's absolutely correct.

24 By spreading it out and having the
25 ability to work in a longer time frame, it does, it

1 tends to spread out the activity which is better
2 from an overall traffic perspective.

3 MR. PIZZULLI: It also obviates the
4 impacts and eliminates the need for deliveries to
5 occur during peak commuter rush hour periods and
6 also during peak shopping hours.

7 So if a delivery can occur at 8:00 or
8 9:00, instead of 5:00 or 6:00, it's much more
9 beneficial, obviously, to the driver of the truck,
10 but it's also beneficial to the commuter traffic on
11 the roads at that time.

12 COUNCILMAN IMBROTO: Yeah, that's sort
13 of a bottleneck in that area that backs up a lot
14 during rush hour.

15 MR. MULLER: Correct. This is
16 essentially my presentation.

17 If there's anymore questions, I'd be
18 happy to answer them as best as I can.

19 Thank you.

20 MR. PIZZULLI: That's all we have to
21 offer on this point at this point in time.

22 I do want to know, for the Board's
23 edification and anyone else who's attending this
24 meeting tonight, we do have another traffic
25 engineer with us from the VHB who was instrumental

1 in designing and managing the 239-F, general
2 municipal lot, they're called 239-F plans, for the
3 roadway improvements in connection with this
4 project and he is present to tonight and he is
5 available to testify to all of the traffic
6 mitigation measures that were designed, approved,
7 and currently under construction.

8 COUNCILWOMAN ALESIA: I did note that
9 you said it's going be a signalized intersection.
10 I know that I have received a lot of -- I think
11 Councilman Imbroto probably has as well, a lot of
12 inquiry about whether there was going be a light
13 there.

14 I wanted to ask you on point Number 1,
15 the performance bond, I don't -- I -- so that is
16 going to be, for now, COs can be granted for
17 everything for the retail component as well as for
18 the residential component?

19 MR. PIZZULLI: The way the covenant is
20 written, it says, and it is somewhat confusing. I
21 had to read it two or three times. It says one of
22 two alternative events would impact the issuance of
23 a CO.

24 The approval of all, plans for every
25 section of the project and as I indicated, the

1 plans for the condominiums and the shopping center
2 have been approved, but the Golden Age Affordable
3 Housing has not. And also the issuance
4 specifically for ShopRite or another shopping
5 center building would be restricted unless the ball
6 fields -- I'm sorry -- unless the fields were
7 designed, approved and implemented, so it's either/
8 or. I mean, it's really more important at this
9 point in time to get the commercial.

10 COUNCILWOMAN ALESIA: The retail.
11 Okay. So if we wanted to -- and I'm not speaking
12 for anybody else up here -- but if we wanted to
13 constrict it just to the retail, that would be
14 acceptable?

15 MR. PIZZULLI: It would probably
16 necessitate another application on our part because
17 I should indicate to the Board that we have sold
18 175 condominiums and we are getting a lot of calls
19 and they're waiting for us to build them and they
20 want to move in and this CO technically would
21 prevent us from delivering a home if the Golden Age
22 Housing Section isn't approved.

23 COUNCILWOMAN ALESIA: Sure, but it
24 doesn't prevent you from building them, from
25 starting to build them?

1 MR. PIZZULLI: Correct.

2 COUNCILWOMAN ALESIA: And one last
3 question.

4 You said retail stores is on the second
5 part of your application. Retail stores,
6 restaurants, salons and offices.

7 When we talk about offices, there are a
8 lot of different kinds of offices and the
9 application that was heard way prior to my even
10 coming on the Board was an office building. How do
11 we know that this isn't gonna become an office
12 building?

13 MR. PIZZULLI: Because I'll agree on
14 the record that it won't, okay, and you can
15 stipulate that.

16 COUNCILWOMAN ALESIA: What is it going
17 to be?

18 MR. PIZZULLI: Well, these are
19 storefront -- we have six storefront buildings at
20 the present time.

21 One of which is planned to be a bank
22 and we have a perspective banking tenant almost
23 ready to sign the lease.

24 Another one of the buildings is being
25 almost exclusively occupied by Trio Hardware, which

1 is also moving from Morton Village. So we have
2 four buildings but they're all designed to be
3 storefront buildings.

4 I will stipulate that they will not
5 become monolithic office buildings.

6 COUNCILWOMAN ALESIA: That's all I
7 have.

8 I also just want to state, for the
9 record, then I'll be quiet and let the other Board
10 members have a chance to speak, that I have four --
11 I told the Town Clerk this before, I have received
12 four e-mails from residents of Plainview. I'm not
13 going to read them all individually because
14 they're -- pretty much say the same thing, but they
15 are requesting that the Counsel deny the
16 application because they feel that the current
17 times of delivery are sufficient and I'm going to
18 hand these over to the Town Clerk.

19 (Handing.)

20 COUNCILMAN IMBROTO: Mr. Pizzulli,
21 where did you come up with these new delivery
22 times? Are these specific times that you think are
23 necessary or are these just -- is it just that
24 you're looking for expanded hours or you need these
25 specific times?

1 MR. PIZZULLI: I'm reading from the
2 Town Code, Councilman Imbroto. I'm literally
3 reading from the Town Code and asking that you
4 allow this to also be covered by that.

5 COUNCILMAN IMBROTO: Just to be in line
6 with what's allowed for everybody else?

7 MR. PIZZULLI: Correct.

8 This governs every other shopping
9 center in the Town of Oyster Bay.

10 COUNCILWOMAN JOHNSON: And currently,
11 the Morton Village, they have those hours, but
12 hours are at Morton Village --

13 MR. PIZZULLI: I'm not aware of that,
14 no.

15 COUNCILWOMAN JOHNSON: Okay.

16 MR. PIZZULLI: I don't believe they do.
17 That was a shopping center -- I'm guessing here,
18 but it is probably 40 to 50 years in origin and it
19 is highly unlikely there's any conditions at all,
20 as an as-of-right shopping center built in '60s.

21 COUNCILMAN IMBROTO: So what you're
22 looking for is parody with the other -- the hours
23 that are allowed for other space in the area?

24 MR. PIZZULLI: Correct. That is
25 absolutely correct.

1 SUPERVISOR SALADINO: Are there any
2 other questions?

3 Counselor, just one question for me,
4 please.

5 MR. PIZZULLI: Yes, sir.

6 SUPERVISOR SALADINO: Have you met with
7 the residents to listen to and address their
8 concerns?

9 MR. PIZZULLI: With regard to this
10 request, no, we have not had a lot of time to do
11 that. We are in contact, though, with many
12 residents who you'll hear from tonight who have
13 appeared at hearings on this application before,
14 and you'll have a chance to hear from them tonight
15 but we did not organize any community meetings, if
16 that's your question, sir.

17 SUPERVISOR SALADINO: I would just ask
18 that you try your utmost to meet with all of the
19 residents in the community who wish to talk to you
20 and address their concerns.

21 MR. PIZZULLI: We did, as you know, do
22 a mailing to everyone within 300 feet as required
23 by Code and we did not get any direct calls or
24 inquiries as a result of that mailing, but your
25 point is well noted.

1 Thank you.

2 SUPERVISOR SALADINO: Thank you,
3 Counselor.

4 If there are no other questions, we
5 have some public comment.

6 I'll ask our first speaker, James
7 Filonuk.

8 Sir, I'll kindly ask you to start by
9 stating your name and address for the record.

10 MR. FILONUK: Sure.

11 My name is James Filonuk. I reside at
12 5 Milne, M-I-L-N-E, Place in Plainview.

13 I am one of the 175 individuals under
14 contract to move into Country Pointe and it's just
15 my wife and I's hope that the whole process,
16 whereby COs can be issued, goes through in a timely
17 fashion.

18 Thank you.

19 SUPERVISOR SALADINO: Thank you.

20 Next speaker, Marsha Elowsky.

21 Hi.

22 Would you kindly state your name and
23 address for the record?

24 MS. ELOWSKY: Marsha Elowsky,
25 6 Richfield Court, Plainview, New York.

1 SUPERVISOR SALADINO: Thank you.

2 MS. ELOWSKY: My husband and I are
3 going to be living in Country Pointe. We
4 currently, as I just said, live in Plainview and,
5 for the record, we are adamantly in favor of
6 Country Pointe. I cannot believe how long it has
7 been since we first started with all this and I'm
8 anxious to move in.

9 Some of you know we bought this Indian
10 rug a couple of years ago and its fading. It needs
11 to be placed down on the floor already.

12 Also, regards to ShopRite. Now, we
13 belong to an Alzheimer's study at North Shore,
14 Northwell, the hospital, and they tell us that to
15 avoid dementia, you have to learn new things all
16 the time and I don't really mean to be funny and I
17 know its going to come out that way, but my husband
18 drives seniors who can no longer drive for our
19 local [inaudible] and he needs to learn the new
20 ShopRite as soon as he possibly can so that he can
21 teach his harem how to get around and be happy with
22 the store, which we know they will be. It will be
23 a beautiful store. We have absolute faith in John
24 Greenfield for providing for the needs of all our
25 many ethnicities within Plainview.

1 And since I didn't write whatever I
2 wanted to say, I just say please, please, let's
3 move this along as fast as we can. We all need it.
4 My house needs new young people because it's
5 starting to need a lot of work that I don't want to
6 put in.

7 Anyway, I thank you and I hope I can
8 move in very soon.

9 SUPERVISOR SALADINO: Thank you.

10 Ronelle Hershkowitz?

11 Hi, Ronelle. It's good to see you,
12 again.

13 Could you please state your name and
14 address for the record?

15 MS. HERSHKOWITZ: Yes.

16 Ronelle Hershkowitz, 117 Briarwood
17 Lane, Plainview, New York.

18 I don't have a new rug, but I must tell
19 you that we are very, very excited. Those of us
20 who have given deposits, we can't wait for Country
21 Pointe. We are very much in favor of the entire
22 project. We are very much in favor of ShopRite.

23 Yes, John Greenfield is wonderful and
24 will absolutely will do his best to provide
25 everything that the community needs.

1 I do believe the Beechwood project
2 should be moved along as quickly as possible
3 because there are those of us who really, really,
4 really are counting the days for us to get in and
5 begin that lifestyle, so I'm hoping that it's
6 fruitful, and that we can be in as quickly as
7 possible.

8 Thank you so much for your
9 consideration.

10 SUPERVISOR SALADINO: Thank you.

11 George Rosenbaum?

12 Good evening.

13 Can you please state your name and
14 address for the record?

15 MR. ROSENBAUM: Yes.

16 Good evening.

17 George Rosenbaum, 41 Forest Drive,
18 Plainview.

19 I've been a resident of Plainview for
20 about forty years. I've chosen to stay in Nassau
21 County and Plainview. I've waited a long time for
22 the project. I've spoken and requested the Board
23 to what it can to move the project along. We're
24 anxiously, you know, waiting to see when to put our
25 house on the market, when to start the next phase

1 of, kind of, downsizing and moving into what will
2 be an outstanding and beautiful place.

3 Beechwood has a history in the area, in
4 Nassau County and Suffolk County. I think the
5 Board is all familiar with the work and the
6 reputation of Beechwood. We just ask that you
7 consider the accommodations that they feel are
8 needed at this point for ShopRite, and for the
9 project to move along so that all us who have
10 purchased a home in this new community will have
11 the ability to move ahead.

12 And, again, thank you for your time and
13 the support of the project.

14 Thank you.

15 SUPERVISOR SALADINO: Thank you, sir.

16 Susan Naftol?

17 MS. NAFTOL: Okay.

18 Good evening.

19 Susan Naftol, 20 Clearwater Drive,
20 Plainview.

21 I have not bought one of the new
22 condos. I am staying in my home so I'm a little
23 different from everybody else, and while I know
24 everyone who has bought is very anxious to move in,
25 I think we all need to take a big breath. Just

1 take a breather.

2 And while I know they're all anxious
3 and I wish them all well, and I have friends who
4 are moving in and they are anxious to get in. I
5 think we all need to breathe and I think we all
6 need to just make sure that when we -- don't move
7 too expeditiously so we don't take a breath and
8 make sure that when we make our decisions, we're
9 making them right.

10 And I think that we all need to make
11 sure that when we think about ShopRite and changing
12 rules, you know, timings and things, that we make
13 them for the right reasons.

14 I live on Plainview Road -- I live off
15 of Plainview Road where Plainview Road and Old
16 Bethpage meet and I know that at certain times, I
17 have to wait three and four lights to come out of
18 Plainview Road because where that junction meets,
19 it is crazy busy. I know that I see trucks coming
20 down Old Bethpage Road, trucks coming down Round
21 Swamp Road, trucks all over Old Country Road. I
22 live there.

23 I stopped taking pictures of these
24 trucks because -- I showed Mr. Venditto before you
25 were here and the laws, you know, they made some

1 kind of a new ruling about weights of trucks and
2 they said it was going to change and nothing's
3 changed; it's gotten worse.

4 So I think that we all need to take a
5 breath and breathe and say, before we change the
6 hours and this other kind of stuff, that this
7 gentleman was lovely and said, I think that the
8 trucks are going to come here, they're not going to
9 go there, we all know that what he thinks is not
10 really what's going to happen and we all need to
11 just breathe and decide that -- think about it
12 because once you change things and rules change and
13 laws change and ordinances change, you know, that's
14 it.

15 So before we just push it along, push
16 it along, push it along, because all these lovely
17 people really want to get into their new homes, and
18 I get it, we have to just make sure that we're
19 making our choices and changes with a lot of
20 thought because the rest of us are not living
21 behind walls. We're living in the community and
22 they're going to be living in the community and the
23 traffic patterns will change and we all have to
24 live with them.

25 And I just implore you to be careful

1 with what your decisions are going to be because my
2 Town that I grew up in, I grew up there, and I've
3 lived there my whole life and the Town is changing
4 and has changed, and the traffic patterns are not
5 like they used to be.

6 Please don't move it along so
7 judiciously and so quickly that we're losing sight
8 of the big picture, please. I know they want to
9 get into their new homes but please, okay.

10 Thank you.

11 COUNCILMAN IMBROTO: Mrs. Naftol, could
12 I just ask you.

13 As someone who also grew up in
14 Plainview and lived there my whole life, is your
15 concern with the hours or is your concern with
16 increasing truck traffic?

17 MS. NAFTOL: My concern is with
18 everything and I think the more hours they have to
19 come in, the more hours they have to unload, they
20 more it lets them bring more trucks in. It is very
21 concerning to me.

22 COUNCILMAN IMBROTO: So you're concern
23 is more truck traffic?

24 MS. NAFTOL: My concern is more truck
25 traffic.

1 I mean, look, the project is going to
2 go through, I get it. They want to come in, the
3 more people that -- the more dense housing, there's
4 going to be more traffic on the road. That's a
5 done deal, I get it, but I think the more hours of
6 operation, the more hours to unload means the more
7 hours they can bring more trucks in. I think it is
8 just cause and effect.

9 COUNCILMAN IMBROTO: But the hours
10 themselves, you don't object to. You just object
11 to the idea that by expanding the hours, it might
12 bring more trucks into the area?

13 MS. NAFTOL: Yes.

14 Like I said, the project itself is a
15 done deal. I'm not going to argue that any more,
16 it's done. So now we have to deal with what we
17 have and how to make this function better in the
18 community that I live in so that's what I'm looking
19 at; how can we make it work for the people who live
20 there now.

21 COUNCILMAN IMBROTO: We live there,
22 too.

23 MS. NAFTOL: Exactly.

24 So, you know, think of it -- this is
25 the big picture. Don't lose sight of the big

1 picture. As much as they want to get it, we all
2 are going to live there. They're going to live
3 there, some of these people do live there now, you
4 live there now, I live there now, we have to make
5 it work in the big picture and continue to work.

6 COUNCILWOMAN ALESIA: Can I just ask
7 because I've had -- I have some conflicted feelings
8 about this myself and I've had some people say to
9 me that if the trucks can come later, at like
10 8:00 p.m. or 9:00 p.m., that it's better because
11 then they won't be there the same time that, like,
12 when my husband's getting home from work or people
13 are commuting.

14 Do you think there's any merit to that
15 or not really?

16 MS. NAFTOL: Here's my thinking. And,
17 once a again, you know, this is my thinking.

18 I'm thinking the trucks are going to
19 come all day long anyway. But now if they're
20 coming all day long and 8:00 and 9:00 and 10:00 at
21 night, I'm not -- it's not going to be an -- not
22 now but then, it's going to be then and now. It is
23 going to be all day. It is not going to be --
24 we're going to flip flop it and say, well, they're
25 not going to come during the day because they're

1 going to come at night, no, no, no, no, no.

2 They're going to come during the day and at night.

3 It's not -- you're not -- you know what
4 I'm saying? You're not giving up this, take this.
5 It is going to be this and that. That's my
6 thinking because that's -- I mean, look, if I
7 could, I would. Why wouldn't I? You know what I'm
8 saying?

9 COUNCILMAN IMBROTO: Yeah, I
10 understand.

11 To me, it seems that there might be a
12 finite number of deliveries that are made, so by
13 expanding the hours, it would spread them out.

14 MS. NAFTAOL: If they can't unload all
15 night. If they can unload all night, then, of
16 course, the trucks can keep coming. You know,
17 that's my thinking. And the more they can unload,
18 the more they can get.

19 COUNCILWOMAN ALESIA: And they can
20 always come back and ask for more, but we can't --
21 what Susan's saying is you can't undue it once it's
22 done.

23 MS. NAFTAOL: Once the genie is out of
24 the bottle, you can't put it back in, so I think
25 you have to be really careful before you open that

1 bottle because once it opens, it's open. Okay?

2 Thank you.

3 SUPERVISOR SALADINO: Thank you.

4 Larry Sklar?

5 MR. SKLAR: Good evening, everybody.

6 SUPERVISOR SALADINO: Good evening.

7 MR. SKLAR: I don't hear sometimes too
8 well so I want to ask.

9 SUPERVISOR SALADINO: Larry, would you
10 mind just please giving your name and address for
11 the record, please?

12 MR. SKLAR: Yeah.

13 Larry Sklar, Post Office Box 20,
14 Jericho, New York.

15 I'd like to ask Councilwoman Alesia,
16 you were asking a question and I didn't catch the
17 whole question.

18 You said, compared to Morton Village,
19 what was the comparison? I didn't missed what you
20 said.

21 COUNCILWOMAN ALESIA: Currently, John
22 Greenfield owns and operates a ShopRite at Morton
23 Village. That ShopRite will be closing and moving
24 to the new location so I was just asking -- I was
25 looking for a comparison of whether there will be

1 more or less deliveries and truck traffic.

2 MR. SKLAR: Let me -- I was in this
3 business for forty years so number one, there's
4 going to be a 70,000-foot store. This is going to
5 be the busiest supermarket in Nassau County. Okay.

6 We've never seen a 70,000-foot store
7 which is kind of a variety of merchandise as a
8 general supermarket. We have Costcos, we have
9 everything else. This place, to stock it, takes 25
10 tractor-trailers. How many tractor-trailers in a
11 week they'll think it takes to keep stocking it?
12 An awful lot.

13 They should have a limit on the times
14 when they're open and when they can take
15 deliveries. Now, you know, if you go to his store
16 on Woodbury Road, I was there today, he has, in the
17 back, 200 wagons on one side, 200 wagons on the
18 other side. It was windy, three wagons fell in the
19 middle and nobody can get through. Okay. You go
20 in the front to the store, he's selling as much
21 merchandise outside the store as inside.

22 I went to Compliance, he says, well, we
23 really, well -- okay. You would think he's running
24 a store outside with all the merchandise he sells.
25 So I think a limit should be on the time on the

1 trucks. Okay.

2 What typically happened before the
3 other three chains went out of business was their
4 trucks would come during the day, they'd park,
5 they'd unload them during the nighttime. He
6 doesn't do this. He unpacks all day long he does
7 such a volume.

8 So that's an idea for you.

9 Thank you.

10 SUPERVISOR SALADINO: What do you
11 believe the hours should be?

12 MR. SKLAR: They what?

13 SUPERVISOR SALADINO: What do you
14 believe the hours should be?

15 MR. SKLAR: Normal business hours.
16 6:00, give them an extra two hours, 8:00. Okay.
17 Their biggest problem is that these trailers are
18 coming from Jersey and they get stuck on the
19 expressway and it could take them four or five
20 hours for one trailer to get here, so we should be
21 able to give them a little leeway to be able to get
22 in. But after 8:00, no, there shouldn't be another
23 trailer coming in there.

24 COUNCILMAN IMBROTO: From your
25 experience in this business --

1 MR. SKLAR: What, I'm sorry?

2 COUNCILMAN IMBROTO: My voice is a
3 little bit under the weather today.

4 From your experience in that business,
5 does expanding the hours of deliveries lead to
6 increased deliveries?

7 MR. SKLAR: Right.

8 I mean, even if they come in at 6:00
9 7:00, they're going to have three, four trailers
10 lined up on the road coming right in at that hour.
11 They get them right in, you know, then take off.

12 But that's what it should be because
13 I'm telling you, you're going see something here
14 you never saw. They don't know what traffic is
15 now. You -- in the food industry, we learned one
16 thing, you can stand in front of every other store
17 and give everybody \$10.00 and say, don't go in
18 there, come here. You know what they're going to
19 tell you? I don't want your \$10.00.

20 You cannot stop a Grand Opening in the
21 food business. And the way he runs his store, he
22 runs a great operation. He's a great operator.
23 He'll continue on and on and on, business-wise.

24 Thank you.

25 SUPERVISOR SALADINO: Thank you, Larry.

1 Laurie Starr?

2 Good evening.

3 Would you please start of by giving us
4 your names and address for the record?

5 MS. STARR: Laurie Starr and Howard
6 Starr. We live on 4 Kingswood Drive in Old
7 Bethpage. We're right -- our backyard is now
8 backing the new ShopRite.

9 MR. STARR: The docks, the beautiful
10 docks.

11 MS. STARR: And somebody said that from
12 the houses, you can't see to the ShopRite, they
13 didn't look in our backyard because where we used
14 to have all those beautiful trees and everything,
15 now we concrete, ShopRite.

16 I know when the people started
17 building, we had issues because they weren't
18 supposed to -- I hate speaking in public. They
19 weren't supposed to start working until 7:00 in
20 morning. They often started at 6:00. We had to
21 call the Town, have them complain, went on and on.

22 So even though there were codes that
23 were supposed to be followed, they were not
24 followed until we made a lot of phone calls.

25 Traffic, I agree also that it should

1 end at 6:00. The traffic in our backyard is awful.

2 Should we wait until he finishes? The
3 traffic in our backyard was bad to begin with
4 because we are literally on Round Swamp Road, but
5 since they've started with the construction -- one
6 day last week, there was a ShopRite truck that I
7 swear was twice the width of this building that was
8 on Round Swamp, right in our backyard. There's
9 supposed to be a weight limit, I believe, on the
10 trucks that are allowed on Round Swamp Road.

11 MR. STARR: It has never been enforced
12 all the years.

13 MS. STARR: Never been enforced.

14 MR. STARR: But I've told that's it's
15 the police, you know, its their situation. They
16 should be taking care of it.

17 MS. STARR: So even though they say
18 that there aren't going to be a lot of trucks going
19 on Round Swamp Road, I don't believe it.

20 COUNCILMAN IMBROTO: Ms. Starr, could I
21 ask you a question? Living in that area, during
22 the construction, did you have a lot of truck
23 traffic in the residential part of Round Swamp
24 Road?

25 MS. STARR: Yes.

1 Our neighbors, we all called the Town a
2 million times. They -- policeman didn't enforce
3 it. They said it was up to the Town. The Town
4 told us to call Judy Jacobs, take pictures of the
5 trucks that were on -- people on our block did
6 that. Nothing ever came of it. They're still --
7 and like I said, just this past week, there was a
8 truck twice the size -- ShopRite, it said ShopRite,
9 twice the size of the width of this room going down
10 Round Swamp Road.

11 COUNCILMAN IMBROTO: Were these trucks
12 going on Round Swamp south of Old Country Road?
13 Like, not between Old Country and the LIE, but the
14 other direction during the construction?

15 MS. STARR: Between us and the --

16 MR. STARR: The elementary school?

17 MS. STARR: Yeah, toward the elementary
18 school. From Old Country Road toward the
19 elementary school, they were going that way.

20 So event though, like, their
21 entrance -- the entrance to ShopRite is going to be
22 on Old Country Road, all the trucks -- tons of
23 trucks take a shortcut from 110 to Old Country Road
24 on our block and it doesn't ever get enforced.

25 It's bad enough having the traffic

1 during the day from -- I mean, a couple days ago,
2 my mother and I were sitting in the backyard at
3 6:00 trying to talk to each other. We couldn't
4 even hear each other because the truck traffic was
5 insane.

6 So at least if it's to just 6:00, at
7 least the evenings, maybe it will be a little more
8 quiet in our backyard and in our house.

9 And also, how they said that there
10 aren't going to be more trucks with a bigger store
11 than there were at the Morton Village store, like
12 this gentleman said, the store is going to be
13 tremendous. There'll have to be more trucks coming
14 in. So, I hate the whole thing anyway, but it's a
15 done deal, like the other lady said, but I think
16 6:00, you know, I think that's certainly late
17 enough.

18 And I do wish there was some way to
19 enforce the truck -- the weight of the truck on our
20 block, on Round Swamp Road. The other thing was --
21 oh, yeah, okay. I already said that they didn't
22 take pictures from our backyard when they --
23 because he said you can't see the store from Round
24 Swamp, but that's not true either.

25 MR. STARR: Come to our house. We'll

1 have you in the backyard and we'll show you.

2 MS. STARR: That's it. Okay.

3 SUPERVISOR SALADINO: Thank you.

4 Howard Stern?

5 MR. STARR: That's me. I'm done.

6 SUPERVISOR SALADINO: Okay.

7 Angel Cepeda?

8 MR. CEPEDA: Supervisor, Council
9 Members, Angel Cepeda, 22 Wilshire Lane, Plainview
10 New York.

11 Let me just say that change is never
12 easy for a family, a community, a region, and this
13 is no different.

14 Having this project on its way and I
15 know that there's a lot of folks that are anxious
16 and envisioning how great the community will be,
17 but it's -- there's also trepidation regarding to
18 the traffic and I've heard this myself as, you
19 know, throughout the community.

20 One of the things, though, that I would
21 just have you consider is the fact that, one, other
22 businesses follow the Town of Oyster Bay Code,
23 which is until 10:00. Okay.

24 Why are we compressing here? And the
25 reason that I'm saying that is because it would

1 seem to me that as you're bringing in all of this
2 merchandise and all these goods, by keeping to the
3 6 o'clock period, you are compressing the time that
4 these deliveries can be made. Okay.

5 That is -- Councilman Imbroto's
6 correct, that is a bottleneck area. I live two,
7 three minutes from there. I know. I know. I'm
8 constantly moving through it. That is a bottleneck
9 area. Okay.

10 If anything, we want to make sure that
11 we can levy that -- alleviate that congestion as
12 much as possible. That's -- that's our goal. That
13 should be the goal. Okay. Because Old Country
14 Road is traversed so much that we want to alleviate
15 that.

16 So on two aspects, I think I would ask
17 that you consider is one, the fact that we are
18 changing if -- if we're going to stay to the
19 6:00 p.m. period, we are changing it for this
20 particular project and for this particular business
21 because the rest of the Town -- of the Town abides
22 by the Town of Oyster Bay Code, which would be --
23 and I've not heard that the petitioner is asking to
24 be different from the Town Code. He's just asking
25 to be permitted to be up to the Town Code.

1 COUNCILMAN MACAGNONE: Actually, he's
2 permitting to get a C of O before the entire
3 project is done. That's what he's requesting.

4 MR. CEPEDA: Well, two things. Two
5 things. One is the CO, you're correct, because --

6 COUNCILMAN MACAGNONE: That's what he's
7 requesting from us.

8 MR. CEPEDA: And also to change the
9 hours that the delivery can be made, which is what
10 I understood under Paragraph 1, correct?

11 So that's -- you know, so I'm not
12 speaking on the CO; I'm speaking mainly, solely, on
13 the traffic issue. Okay.

14 That we want to make sure that, if
15 anything, we're trying to lessen the congestion and
16 not keep it compressed to 6:00 p.m. where
17 there's -- that's the time that people are coming
18 home, people are wanting to get, you know, through
19 quickly, so they can get to programs with their
20 children and with their families. We don't want to
21 do that. If anything, we want to keep the trucks
22 off the road at that time, so that's what I would
23 consider.

24 Thank you so much.

25 SUPERVISOR SALADINO: Thank you.

1 Are there any other members of the
2 public that wish to be heard on this hearing?

3 Counsel, would you like to conclude?

4 MR. PIZZULLI: I'll be brief.

5 There were several points I just wanted
6 to touch upon and also reiterate.

7 The first thing I do want to say is
8 that I'm standing before you as a representative of
9 the applicant, but I'm also an eyewitness. I did
10 ask my traffic engineer to study the site and
11 visual and the noise conditions, but I also walked
12 the perimeter of the site with Mr. Muller and I
13 also stood on the Sterns' -- forgive me for
14 trespassing -- but I stood on the corner of their
15 property on Kingswood.

16 And I want to verify what we were
17 saying in terms of our pictures and assessments. I
18 actually -- well, during -- during the commentary
19 period, I verified the grade dropoff from the
20 highest point on Round Swamp Road to the look -- to
21 the ground level of the loading dock area is 24
22 feet. I stood on the corner of Kingswood Drive.

23 I looked across the street and could I
24 see the loading docks, no.

25 Could I see the building, yes. I could

1 see the roof line and some rooftop equipment
2 through a break and some of the trees, but you
3 could not see the actual loading dock.

4 Now, I'm not making light of their
5 complaint or objection, I just, you know -- and I
6 sympathize with them. If I -- suppose I might have
7 a similar concern.

8 I don't believe though that my request
9 on this point on the loading hours, is going to
10 exacerbate any existing conditions beyond that
11 which exist. There will not be any perceptible
12 ambient noise increase.

13 And for another reason, I now want to
14 delve into in response to another gentleman's
15 comments, I can't stress enough that it defies --
16 it defies logic to believe that relaxing or
17 applying the Town Code is going to increase truck
18 traffic. That makes no sense, ladies and
19 gentleman.

20 This is a 70,000-square foot store.
21 They're going to take deliveries of enough stock to
22 stock their shelves and if the store does well,
23 they'll sell their produce and product and then
24 restock their shelves.

25 This is not an invitation to -- to

1 stock twice as much as the store can handle. This
2 is an opportunity to allow delivery during an
3 off-peak hour where it will have less of an impact
4 to existing road conditions and congestion in
5 general.

6 It will not increase the number of
7 deliveries. If, hypothetically, we just --
8 hypothetically -- if there are five tractor-trailer
9 deliveries, seven tractor-trailer deliveries, there
10 will still be seven tractor-trailer deliveries if
11 that's what's necessary to stock the store shelves
12 in the store.

13 The only difference is that last the
14 two trucks might come at 8:00 instead of 5:00 or
15 10:00 in the morning, whatever the case may be.

16 That condition is a finite condition.
17 Councilman Imbroto used the correct word. That is
18 a finite condition. It's not going to change.

19 I want to also address a comment made
20 that this could perhaps be the busiest store in
21 Nassau County. I'm sure Mr. Greenfield hopes it is
22 the busiest store in Nassau County, but that's not
23 going to change the number of truck deliveries.

24 You can only stock -- the store can
25 only stock what it can handle. And for the record,

1 there are other stores, supermarkets, very
2 successful in the Nassau County that are as large
3 or larger than this, one of which is Stop and Shop
4 in Farmingdale, which this Board approved in 2006
5 with a condition of loading hours of 7:00 a.m. to
6 10:00 p.m. within 500 feet of a residential area.

7 I can't speak for Code Enforcement. I
8 don't know how many complaints they've been getting
9 from the residents of Farmingdale, but those are
10 apples and oranges. Two different communities.

11 COUNCILMAN MACAGNONE: None came to my
12 office since 2006.

13 MR. PIZZULLI: Thank you, sir.

14 I also, that brings me to my next
15 point.

16 One of the speakers here tonight said
17 that there were constant noise issues with
18 tractor-trailers and construction trucks coming to
19 our site prior to 7:00 a.m. in the morning.

20 I do know, and I can attest to you,
21 that there were several complaints. Why do I know
22 that? I got the call from Code Enforcement.

23 Mr. Esposito called me personally and I
24 invited him to call me if there were any conditions
25 out there that were in violation of the Town's

1 requirements.

2 We verified and we investigated every
3 single complaint and every complaint was addressed
4 and ameliorated, and in 80 percent of those
5 instances, it was not us.

6 There were other trucks coming up Round
7 Swamp Road at 6:30 in the morning. There were
8 other trucks idling at that morning hour. Any
9 trucks coming to our site, our Project
10 Superintendent, who arrives on site at 6:30 every
11 morning, make sure that nobody is idling before
12 7:00 and all machines are shut -- are not started
13 up until 7:00 a.m.

14 I monitored this personally. We have
15 not had a complaint now in at least four or five
16 months and I had three or four during the Summer of
17 2016.

18 I want to come back to making sure that
19 we all understand, not the Board, but members of
20 the community.

21 There are three requests pending here
22 tonight. One is for the CO, which has nothing to
23 do with the loading hours, and we ask for prompt
24 relief on that request because ShopRite is
25 preparing to apply for final inspection for a

1 Certificate of Occupancy. They are planning on
2 opening on April -- on August 1st and this is an
3 impediment to them opening their store. I think
4 we've comp -- more than compensated for any risk of
5 my client not doing what it's obligated to do by
6 getting the \$1 million bond. So I want to make
7 sure that that request is treated separately from
8 the loading hour restriction. And I would say you
9 also that if the Board needs more time to evaluate
10 our loading hour request, we have a little bit more
11 time to deal with on that one but we would ask that
12 you, hopefully by the next Town Board meeting,
13 address the CO condition as well as the covenant on
14 the retail stores.

15 If you want to come and visit the site,
16 evaluate it yourself, assess the actual field
17 condition concerning the hours of -- loading hours
18 of operation, we welcome you to do that and we
19 would hope you would do that and reach your own
20 conclusions. I will finish. I will conclude. I
21 promise, right now.

22 Councilwoman Alesia brought up a very
23 good point about the CO restriction as it would
24 affect the closings of sale for new homes in the
25 condominium section.

1 I would ask and suggest, respectfully,
2 that the Board may discuss that or consider that
3 with Counsel. I don't that this restriction was
4 intended to prevent the closings of condominium
5 units.

6 It was specifically written to prevent
7 the issuance of the CO for the shopping center, but
8 if we lift the restriction, if the Board sees fit
9 to lift the restriction for the shopping center
10 building, it would make sense to also eliminate
11 that restriction so long as the bond remained in
12 place, and on Day One of a notice to proceed with
13 whatever the Town determines it needs to do with
14 those fields, we'll be there to do it.

15 So, that's all I have to say, and I ask
16 you one more time that, hopefully, at your next
17 Town Board meeting, at least consider granting us
18 partial relief with regard to the questions
19 concerning the CO for the ShopRite building.

20 COUNCILWOMAN ALESIA: Can I just ask
21 the Town Attorney, is it possible for us to
22 bifurcate, Matt, the portions of the hearing
23 dealing with the CO and the definition of retail
24 space from the operating hours?

25 MR. ROZEA: I think the way the

1 petition is presented, it may present some
2 impediments if we were to try to single it out.

3 The hearing is on the application as a
4 whole. Something we can look into, but I think it
5 will present some impediment.

6 MR. PIZZULLI: I would suggest that it
7 be explored and researched in the nature of
8 provisional relief given the circumstances of the
9 request.

10 The petition is -- it is a single
11 petition, no one would argue with that, but there
12 are three specific components of relief being
13 requested, and, in my humble professional opinion,
14 there could be a way to do that.

15 MR. ROZEA: We'll explore it.

16 MR. PIZZULLI: Thank you.

17 SUPERVISOR SALADINO: Town Clerk, is
18 there any correspondence?

19 MR. ALTADONNA: The attorney for the
20 applicant has filed his Affidavits of Service and
21 Disclosure.

22 The communications are as follows: We
23 have a memo from the Department of Planning and
24 Development.

25 The Nassau County Land and Tax Map

1 indicates the property is Section 47, Block E, Lots
2 752A and 752B. According to Town of Oyster Bay
3 zoning maps, the property is located within a GB,
4 General Business zone. There are no open or prior
5 code enforcement bureau cases; however, there are
6 Town Board Resolutions and Zoning Boards of Appeals
7 decisions on file.

8 There are further correspondence
9 submitted by Councilwoman Alesia.

10 SUPERVISOR SALADINO: Thank you.

11 May we have a motion to close this
12 hearing?

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

16 COUNCILMAN MACAGNONE: Second.

17 SUPERVISOR SALADINO: All in favor,
18 signify by saying aye.

19 ALL: "Aye."

20 SUPERVISOR SALADINO: "Nay"?

21 (No verbal response given.)

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

24 MR. ALTADONNA: Ready for the next
25 hearing?

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SUPERVISOR SALADINO: Yes.

Call the next hearing?

Do you need a break?

THE STENOGRAPHER: I'm fine.

You're fine? You don't need a break?

THE STENOGRAPHER: I'm fine.

SUPERVISOR SALADINO: Okay.

Will the Clerk please call the next hearing?

MR. ALTADONNA: Let's give them a second to clear out.

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

(TIME NOTED: 8:28 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
JUNE 20, 2017
8:34 P.M.

HEARING - Local Law

To consider a Local Law to add Chapter 242 of the Code of the Town of Oyster Bay entitled, "Wireless Telecommunications Facilities" and to Revise Sections of Chapter 246-5 of the Code. (M.D. 5/16/17 #22).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILMAN ANTHONY D. MACAGNONE
COUNCILMAN LOUIS B. IMBROTO
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN THOMAS HAND

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

TOWN CLERK JAMES ALTADONNA JR.
RECEIVER OF TAXES JAMES STEFANICH

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, if you'd all please take a seat, we'll
3 get going and continue our Town Board hearing.

4 Thank you.

5 The Town Clerk will now call the
6 hearing on wireless telecommunications and a
7 revision to sections of the Town Code.

8 MR. ALTADONNA: Yes.

9 Hearing, Local Law to consider a local
10 law to add Chapter 242 of the Code of the Town of
11 Oyster Bay entitled "Wireless Communication
12 Facilities" and to revise Section of Chapters 246-5
13 of the Code.

14 SUPERVISOR SALADINO: Counselor, please
15 state your presence.

16 MR. ROZEA: Good evening.

17 Matthew Rozea, the Office of the Town
18 Attorney.

19 Supervisor and Members of the Board,
20 we're here today to consider a local law to add a
21 new Chapter 242 to the Town Code of the Town of
22 Oyster Bay in order to regulate the growth and
23 installation of wireless telecommunications
24 facilities throughout the Town.

25 In recent months, we've seen new growth

1 of certain types of facilities which have had an
2 impact on our residents and their quality of life.

3 At the Supervisor's direction, we
4 swiftly moved into action in order to implement
5 regulations in the form of this local law that will
6 regulate the applications for the review of and
7 ultimately the installation and maintenance of
8 those facilities.

9 Our goal here today is twofold. First,
10 to consider the local law, but, more importantly,
11 to consider and adopt, where appropriate, the input
12 of the community so that we are most responsive to
13 the needs and the desires of the community.

14 The proposed local law was drafted by
15 the Office of the Town Attorney with the assistance
16 of expert counsel that was retained at the approval
17 of this Town Board a short time ago.

18 And I think it's worth emphasizing the
19 quick and swift pace in which we've moved to
20 implement these regulations in a way that will
21 responsibly, lawfully and appropriately regulate
22 wireless telecommunications facilities.

23 We first learned of this issue within
24 the year, and the truth is, it was only within,
25 let's say, the last month and a half to two

1 months -- excuse me -- that the first installations
2 began to pop up throughout the community.

3 And so what we've done was to retain
4 expert counsel to notice a public hearing to
5 consider this ordinance and ultimately to bring it
6 on for hearing.

7 The features of this ordinance will
8 require building permit applications from the
9 Department of Planning and Development, which will
10 be subject to intensive review by an outside
11 consultant who is expert in the area of
12 telecommunications to be paid for, not by the
13 taxpayer of the Town of Oyster Bay, but by the
14 applicant, the telecommunication provider.

15 Those funds will be held in escrow by
16 the Department of Planning and Development and
17 charged against the work done by that consultant to
18 assist us and the staff at the Town of Oyster Bay
19 in reviewing each application for new or -- new
20 wireless telecommunication facilities or for
21 modifications to existing facilities.

22 Again, the procedures that were
23 developed by the Office of the Town Attorney and
24 our expert outside counsel have been developed in a
25 way that will conform to the provisions of the

1 Federal Telecommunications Act, which is the
2 genesis of the issue that is now before us.

3 To be clear, the federal government and
4 the federal legislation, in the form of the
5 Telecommunications Act of 1996, have restricted and
6 handcuffed in many instances, the ability of local
7 municipalities, such as the Town of Oyster Bay to
8 regulate the installation of these facilities that
9 have popped up throughout our -- our communities.

10 But we are being proactive in adopting
11 what will be the most stringent and the most
12 appropriate regulations in order to control the
13 growth of these facilities in order to restore to
14 the extent possible, the quality of life that has
15 been enjoyed by the residents of the Town of Oyster
16 Bay.

17 It's also important to note that the
18 new ordinance will require, in certain instances,
19 public hearings with respect to the installation of
20 these facilities so that members of the community
21 will have a full and fair opportunity, as they will
22 tonight, to voice their concerns with respect to
23 wireless communication facilities.

24 In closing, before we hear from the
25 community, I want to emphasize, it's been a two-

1 month window from the moment that the Supervisor
2 held his press conference in May in the Woodbury
3 community to the point where we're here tonight to
4 consider this ordinance.

5 I believe, in my opinion, that these
6 restrictions fall within the guidelines of the
7 federal law and will allow us, as the Town, to
8 safeguard and protect the residents and their
9 quality of life.

10 And with that, if there are any
11 questions, I'll consider them.

12 COUNCILMAN MACAGNONE: Matt, is there
13 any other community that has such safeguards?

14 MR. ROZEA: The Town of Hempstead has a
15 code similar to ours. There are several others
16 throughout the United States.

17 COUNCILMAN MACAGNONE: Thank you.

18 SUPERVISOR SALADINO: Matt, once you've
19 had an opportunity to review our code as well as
20 the codes in other municipalities, would you
21 categorize ours as the most stringent?

22 MR. ROZEA: Stronger.

23 SUPERVISOR SALADINO: Stronger than any
24 other municipal?

25 MR. ROZEA: Certainly stronger than the

1 code in the Town of Hempstead, and as far as the
2 codes that I've seen on the eCodes, library online,
3 it would be the strongest that I've come across in
4 my research.

5 SUPERVISOR SALADINO: In the nation?

6 MR. ROZEA: Yes.

7 SUPERVISOR SALADINO: Thank you.

8 COUNCILMAN IMBROTO: I'm very glad to
9 hear that we're pursuing this aggressively and that
10 we're going to have a stringent -- or that we're
11 considering the most stringent code in the nation.

12 My concern is with the federal law.
13 You -- you mentioned that this will be in
14 compliance with federal law.

15 So when this was drafted, you looked at
16 that very carefully? This would withstand a
17 challenge under the federal laws that govern this?

18 MR. ROZEA: Councilman, let's not fool
19 ourselves.

20 The telecommunication providers will do
21 what they feel fit in order to preserve their
22 interests, and so you cannot ultimately predict the
23 outcome of any litigation, but I do believe that
24 this ordinance, if adopted by this Board, would
25 comply with the contours of the 1996 Federal Act

1 along with any State regulations or laws that may
2 come into play.

3 COUNCILMAN IMBROTO: So it was drafted
4 to withstand such a challenge?

5 MR. ROZEA: That's correct.

6 COUNCILMAN IMBROTO: Thank you.

7 SUPERVISOR SALADINO: After our
8 conversations, you know that I'm 100 percent in
9 lockstep with our residents.

10 Does this code represent the best we
11 can do to protect our residents and to protect all
12 of the many issues that have come up?

13 MR. ROZEA: Under the existing federal
14 law, it does.

15 Of course, if the federal
16 representatives want to act to amend that federal
17 law, we can do more, but under the existing
18 framework and under the existing federal statute,
19 this is the best we can do.

20 SUPERVISOR SALADINO: It's important to
21 point out, as you know and may -- some of the
22 residents know, that we have written and contacted
23 our federal Senator's offices to implore them to
24 amend the law to give us the rights and to give all
25 local municipalities more rights when it comes to

1 the placement of these.

2 MR. ROZEA: That's correct, and,
3 certainly, in any contact that I've had with any
4 resident, I've emphasized the point that we need to
5 reach out to the federal representatives because,
6 ultimately, they can change that law, but until
7 that to happens, this is the course of action and
8 this is what we need to do.

9 SUPERVISOR SALADINO: Are there any
10 other questions?

11 COUNCILMAN MACAGNONE: Matt, have we
12 reached out to our federal representatives?

13 MR. ROZEA: We have, yes.

14 COUNCILMAN MACAGNONE: And response?

15 MR. ROZEA: Tepid.

16 COUNCILMAN MACAGNONE: Thank you.

17 SUPERVISOR SALADINO: I have letters on
18 file from my office where we've written them and
19 I've shared them with some of the residents.

20 Thank you, Matt.

21 MR. ROZEA: Okay. Very good.

22 SUPERVISOR SALADINO: We have speakers
23 on this legislation starting with Dr. David Burg.

24 Thank you, Dr. Burg. Thank you for
25 joining us this evening. We've had multiple

1 conversations on this very important subject and
2 we're happy to have you here.

3 DR. BURG: Dr. David Burg, Syosset,
4 New York.

5 Town of Oyster Bay Supervisor Saladino,
6 and Council Members, my name, as you all know, is
7 Dr. David Burg, and my wife and I have been Town of
8 Oyster Bay residents for twenty-seven years.

9 I have come here this evening to
10 discuss some important amendments to the new
11 proposed Wireless Telecommunications Facilities
12 Ordinance that the residents of Tobay are
13 demanding.

14 Specifically, in Section 242-5(i)(3)
15 states with regards to the balloon test, it dates
16 including a second date in case of poor visibility
17 on the initial date, times and location of this
18 balloon test shall be advertised by the applicant
19 between 7 and 14 days in advance of the first test
20 date in a newspaper with a general circulation in
21 the general vicinity.

22 Well, I had a professor once who said
23 when a sentence has the word "general," in it more
24 than once, that's a little too general.

25 This method of informing residents for

1 such an important issue as visual impact of a
2 proposed cell tower is woefully inadequate. One
3 line could be posted in a local newspaper, like the
4 Syosset Advance or the Syosset Jericho Tribune, you
5 know, between the articles of the Intel Science
6 winners and the ribbon cutting for a new restroom
7 in a Jericho public school.

8 In the Town of Oyster Bay, if Bob needs
9 a variance for his tool shed, Bob must notify all
10 homeowners and residents within 100 feet of his
11 property line by mail using a radius map.

12 Well, the residents of the Town of
13 Oyster Bay are demanding the following be added to
14 Section 242-5(i)(3) of proposed new ordinance.

15 The applicant shall notify by certified
16 mail, return receipt requested, all homeowners and
17 residents within a 500-foot radius of the proposed
18 wireless communications facility and notify by
19 first class mail, all homeowners and residents
20 within 1,000-foot radius of a proposed wireless
21 communications facility of the date and times of
22 this balloon test 14 days in advance of the balloon
23 test.

24 Visual impact of these towers is too
25 important to just generally state in a local

1 newspaper.

2 The following should also be added to
3 Section 242-22 of this new ordinance which is
4 titled permits for micro wireless facilities in a
5 public street or rights of way.

6 No additional antenna are raised other
7 than the original one proposed should be affixed to
8 the pole from micro wireless facilities, nor should
9 other micro wireless facilities or wireless
10 telecommunications facilities be permitted within
11 300 feet of the original facility.

12 These micro wireless facilities or DAS
13 Systems are small poles, basically regular utility
14 poles, placed 20 to 25 feet away from children's
15 bedrooms within our community.

16 It's bad enough that one antenna is on
17 these poles. Are we going to allow
18 telecommunications companies to come along and put
19 three or four of them on? This -- we're not
20 talking about 150-foot monolithic pole off of the
21 Long Island Expressway where sometimes you see 30
22 clusters of these things.

23 We have to -- we have to have extremely
24 strict ordinances. This is a chance, this is an
25 opportunity for the Town of Oyster Bay to show the

1 country, to show the nation, okay, how we can
2 operate and how we conduct business.

3 (Applause.)

4 SUPERVISOR SALADINO: That's exactly
5 our intention, Dr. Burg.

6 DR. BURG: Thank you.

7 The residents of the Town of Oyster Bay
8 are demanding a new section be added to the
9 proposed ordinance.

10 By the way, this ordinance is very,
11 very similar to the Hempstead ordinance, and I do
12 applaud the Town for handling it in an expeditious
13 fashion and getting that out there for the
14 residents to review.

15 SUPERVISOR SALADINO: Thank you.

16 DR. BURG: But there has to be some
17 tweaking to it.

18 Again, we have the opportunity of
19 making this the strongest, hardest ordinance in the
20 country. Why shouldn't we? Don't our residents
21 deserve it?

22 This new section should be titled FCC
23 Compliance. Now, the background for this new
24 section is that the Telecommunications Act of 1996
25 states that wireless telecommunications facilities

1 must be in compliance with the FCC's regulations
2 concerning RF emissions.

3 It's written right into the
4 Telecommunications Act. These facilities emit RF
5 radiation. That's an undeniable fact. Even Crown
6 Castle says they emit radiation. These devices are
7 not in a climate controlled computer lab at IBM.
8 They are outdoors, subject to the harsh weather and
9 climactic elements and changes of Long Island, like
10 snow, ice, hail, sleet, rain, hurricane force
11 winds, like Hurricane Sandy, Nor'easters, changes
12 in temperature between Zero degrees and 100 degrees
13 Fahrenheit.

14 These are all reasonable things that
15 happen here on Long Island, right? We've all
16 suffered through Hurricane Sandy.

17 Just last week, we went from a
18 temperature of about 45 degrees at night, and a
19 couple of days later, it was 95 degrees.

20 So, how do we, the residents of the
21 Town of Oyster Bay, how do we know for certain that
22 these wireless telecommunication and wireless micro
23 facilities are in FCC compliance? How do we know
24 this? The only way to ensure FCC compliance of the
25 guidelines is to perform on an ongoing basis,

1 mandatory testing of these wireless
2 telecommunication and micro wireless facilities.

3 Testing, no different than the ongoing
4 testing of X ray equipment that has to be
5 performed, your automobile emissions get tested on
6 a yearly basis when you bring your automobile in
7 for an inspection, and the water supply we drink
8 gets tested on a weekly basis, and these are just a
9 few examples to name.

10 I believe, and so do the residents of
11 the Town of Oyster Bay that the FCC compliance
12 section, we have to have a separate section
13 regarding FCC compliance, should read as follows:

14 All wireless telecommunication
15 facilities and micro wireless facilities installed
16 by the applicant must be mandatory tested
17 unannounced on or about a quarterly basis. This
18 testing will be at the applicant's expense and
19 performed by an independent testing company hired
20 and reimbursed by an escrow account held by the
21 Town of Oyster Bay, funded by the applicant, just
22 like the Town Attorney was mentioning, an escrow
23 account for the consultant.

24 This ongoing testing is to ensure FCC
25 compliance with FCC guidelines pertaining to RF

1 emissions.

2 Another section which needs to be added
3 should be titled Radiation Compliance Officer.

4 This section should read:

5 The Town of Oyster Bay requires
6 applicants for wireless telecommunication or micro
7 wireless facilities provide a radiation compliance
8 officer who must be fully aware of his or her
9 responsibilities to oversee the compliance of
10 mandated FCC guidelines pertaining to RF emissions.

11 I don't know if anyone here has ever
12 tried to call Crown Castle, but I have. It's
13 basically like calling a customer service
14 department. They give you a ticket number and
15 that's the end of that. They don't call you back.
16 They don't reach out to you. They don't respond to
17 you. It's done. It's like -- it's like computer
18 tech service over in India. It's -- this is not
19 the way it's supposed to be handled.

20 Again, this equipment emits radiation.
21 That's a fact. Even Crown Castle admits it emits
22 radiation. There needs to be a Compliance Officer,
23 just like radiological facilities have a Compliance
24 Officer.

25 That concludes the amendments to the

1 new wireless telecommunications facilities
2 ordinance, but I would like to take a moment, if
3 you will, Supervisor, to allow me to discuss the
4 pole installed by the side of my home on Renee Road
5 in Syosset.

6 Well, according to the position and
7 placement of the wireless telecom facilities sheet
8 that was issued by the Town of Oyster Bay, the pole
9 on Renee was supposed to be dropped 92 feet west of
10 Narcissus Drive on the north side of Renee Dr --
11 I'm sorry, Renee Road.

12 Well, there seems to be a big mistake
13 because the current pole, which is on the side of
14 my home, was dropped 244 west of Narcissus Drive.
15 That's over 150 feet away from where it was
16 supposed to be placed. With lot sizes of
17 approximately a 100 x 100, that's one and a half
18 lots away from where it was supposed to be located.

19 SUPERVISOR SALADINO: Excuse me,
20 Dr. Burg, will you be presenting this information,
21 this documentation you have been announcing to us?

22 DR. BURG: Yes.

23 SUPERVISOR SALADINO: Would you also
24 make sure that you touch base with Commissioner
25 Lenz?

1 Commissioner Lenz, would you raise your
2 hand, please? We want to get that information and
3 check on that location immediately.

4 Dr. BURG: Okay.

5 Town Supervisor, Council Members, this
6 pole -- and I haven't gone through the list or
7 measured out others, I just don't have time.

8 SUPERVISOR SALADINO: We are doing that
9 in the Town.

10 Dr. BURG: But I measure mine three
11 times with my 25-foot tape measure. Okay.

12 This pole is in the wrong location.

13 I am requesting of the Town of Oyster
14 Bay, tonight, please, their immediate removal of
15 this pole which was placed in the wrong location.

16 Thank you.

17 SUPERVISOR SALADINO: Dr. Burg, we'll
18 need you to give that information to Commissioner
19 Lenz. Thank you very much.

20 DR. BURG: I would like to pass to
21 Council, okay -- I made about eight copies or so --

22 COUNCILMAN IMBROTO: Doctor, does this
23 also include your suggestions for the amendments to
24 the Code?

25 Dr. BURG: I will pass a copy of that

1 to the Town Attorney.

2 SUPERVISOR SALADINO: Thank you.

3 You've done a lot of work. We
4 appreciate your presence. We appreciate all the
5 long hours and effort you've put into this. It's
6 very helpful.

7 DR. BURG: I'd also like to present a
8 map to the Town. I made two X's with a circle.

9 This is Renee Drive (indicating). This
10 is Narcissus (indicating). This is where the pole
11 should have placed, the X, the circle to the right
12 and all the way to left, the circle (indicating).

13 Like I said, it is approximately
14 150 feet away. That's no 3 foot, 4 foot, 2 foot
15 boo-boo.

16 SUPERVISOR SALADINO: Thank you,
17 Dr. Burg.

18 Dr. BURG: Thank you very much.

19 I will hand a copy of this to the Town
20 Attorney and speak to Mr. Lenz.

21 Thank you very much.

22 SUPERVISOR SALADINO: Thank you.

23 We appreciate all of your efforts, all
24 of your information. Well done.

25 (Applause.)

1 SUPERVISOR SALADINO: Our next speaker
2 is Jack Ostrick.

3 Good evening. Thank you for joining
4 us.

5 MR. OSTRICK: Good evening, everyone.

6 My name is Jack Ostrick, One Elm
7 Street, Woodbury, New York is my address.

8 I'm the President of the Hunting Hill
9 Civic Association, one of the areas that first
10 brought this issue to the attention of the Council.

11 I'm here to commend our Supervisory
12 Board for their work to properly update our Town
13 Code to keep up with the changing nature of
14 telecommunications structures that proliferating
15 our --

16 (Applause.)

17 SUPERVISOR SALADINO: Thank you.

18 MR. OSTRICK: While I recognize the
19 rights of carriers to install equipment structures
20 in line with the Telecommunications Act of 1996, it
21 seems to me that the explosion of technology in
22 this area has resulted in increasing choices
23 available to these companies for install -- for
24 installation of equipment, and our codes, which
25 have covered these structures as they were

1 originally written, have now moved out of date.

2 It's, therefore, timely and appropriate
3 that our Town update our Code to keep up with their
4 advances in technology.

5 Despite objections that I anticipate
6 from industry representatives, I believe that there
7 is nothing but good intentions in the Board
8 decision to update our Code at this time to more
9 closely align our regulations with the changing
10 nature of these wireless infrastructure structures.

11 Residents in the Hunting Hill area of
12 Woodbury were notably distressed about the
13 undisclosed, and, therefore, unexpected appearance
14 of these structures near their homes.

15 This, it seems to me, could have been
16 easily avoided had the equipment installers had the
17 simple courtesy to reach out to residents in
18 advance of the construction of these structures.
19 The members of my community are intelligent,
20 educated and commercially reasonable people who
21 would have engaged in constructive dialogue if
22 given a choice.

23 In this vein, I think it would be
24 highly desirable to add to the Code a required
25 process of prehearing meetings between the Town,

1 wireless communication companies, and either a few
2 residents directly affected or their local Civic
3 Association in the area where the prospective
4 equipment structures are contemplated to be
5 installed.

6 What I mean by a prehearing meeting is
7 as simple as creating a requirement that during the
8 permitting process, that the applicants be required
9 to alert and meet with the residents and/or their
10 local civics that represent them prior to the
11 completed application for a permanent structure
12 that directly affects them.

13 The discussion would seek to balance
14 the concerns of residents, local officials, and
15 company representatives in an effort to find a
16 compromised solution in advance of a public hearing
17 on permit applications. This would -- this would
18 serve to keep temperature of residents, elected
19 officials, and communication companies down by
20 speaking privately first before coming to a public
21 hearing.

22 Second, I note, with some
23 disappointment, that there are no provisions within
24 the Code specific to requiring any minimum distance
25 of these structures from residences, hospitals,

1 health care facilities or places of worship.

2 COUNCILMAN MACAGNONE: Or schools.

3 MR. OSTRICK: Or schools.

4 There is some flexibility written into
5 the Code for approval by the varying administrative
6 departments which may be sufficient with the
7 current administration for the protection of the
8 residents, but future administrations could
9 potentially have different points of view.

10 Lastly, there isn't any specific
11 provisions for the testing and ongoing maintenance
12 of these facilities, as Dr. Burg pointed out.

13 The willingness of, or rather the
14 inability, for us to enforce code protections
15 regarding the proper wattage or outputs of these
16 facilities, I believe should be specifically
17 enumerated in the Code and penalties as well
18 commensurate with the failures of those testing
19 results should also be specified.

20 Thank for the opportunity to receive
21 community feedback today. I appreciate your time.

22 SUPERVISOR SALADINO: And we appreciate
23 your input and your being here and helping us
24 throughout the process.

25 I only have two slips.

1 Is there anyone else who would like to
2 be heard on this issue?

3 Yes. Please come forward.

4 Hi. Could you please state your name
5 and address for the record please?

6 MS. FULLER: Geri Fuller, 14 Calvert
7 Drive, Syosset, New York.

8 I was born in Seaford, raised my kids
9 in Woodbury, and last twenty-five years, living in
10 Syosset.

11 All of the sudden, on our street, seven
12 houses, Calvert Drive, there's a cell tower on one
13 end and a cell tower on the other end, just that
14 little strip.

15 I wrote a very short paragraph so I
16 would remember what to say. I'm concerned that in
17 a few short months the cellar pole has been in
18 place on my block, on the corner of my property,
19 the tree that is within near feet of the pole is
20 dead. I have a picture for anyone which I would
21 love to submit.

22 SUPERVISOR SALADINO: Certainly.

23 MS. FULLER: In Law and Order, they
24 submit their exhibits. These are my exhibits.
25 That's my son looking up at the dead tree. Here's

1 a picture of the street with the tree that is a
2 Town tree is that now dead. Here, you go.

3 (Handing.)

4 MS. FULLER: And I'd like to continue
5 quickly.

6 And now the bush that is across from
7 the tree approximately 10, 15 feet away is showing
8 signs of fatigue. It's a bush on our property that
9 my husband and I just recently trimmed and it was
10 fine, and now it is turning brown.

11 I can't prove a direct relationship,
12 but this certainly gives me reason for pause. I
13 can state with certainty that the cellular poles
14 devalue our homes, are aesthetically insulting, if
15 that's acceptable to say, they create noise
16 pollution, they're -- it's buzzing, and they are
17 becoming eyesores because what's happening -- and
18 here's some more pictures for you. I have three.
19 They are all the same.

20 This is one end of the block. People
21 are beginning now to staple solicitations and
22 postings over and over on the poles so the whole
23 look of the neighborhood is changing.

24 The Town approved the permits to allow
25 these towers to be installed. We had no clue and

1 we're devastated. Frankly, devastated.

2 Should I give you my words here, too?

3 I'm happy to.

4 (Handing.)

5 MS. FULLER: And not only would I like
6 there to be changes made to the Codes, as Dr. Burg
7 explained, I would like these poles yanked out of
8 there and relocated. I don't where, but I don't
9 feel there should be these poles right when we walk
10 out of the house. And I will tell you that when
11 the pole first went up and we were so upset by it,
12 I said to my husband as we were driving down -- our
13 neighborhood is across from Stillwell Woods and it
14 backs up the high school.

15 I said, well, at least there's that
16 beautiful tree that has been there all these years
17 so that you see this green tree, at least in the
18 Spring. What happened? The tree is dead.

19 So, I'm imploring you, please do
20 something. It is bad.

21 SUPERVISOR SALADINO: That's the
22 purpose of this evening's hearing.

23 MS. FULLER: Yes. Thank you.

24 SUPERVISOR SALADINO: You're very
25 welcome.

1 (Applause.)

2 SUPERVISOR SALADINO: Yes, please step
3 forward. Thank you for joining us.

4 Could you please start off by giving
5 your name and address for the record?

6 MS. KRAMER: Sure.

7 Vicki Kramer, 15 Shadow Lane, Woodbury,
8 New York, in The Gates.

9 On October 5th, I noticed workmen
10 outside my house doing something to the pole. I
11 had a brand-new car that was sitting right
12 underneath where they were doing the work. No one
13 was considerate enough to ring my bell to ask me to
14 even move the car.

15 I went out because I didn't want my car
16 damaged. I said, "What exactly are you doing
17 here?"

18 They said, "Oh, we're putting in a cell
19 phone tower."

20 I said, "well, I don't want that on my
21 property."

22 They said, "You don't have a choice.
23 This is approved by the Town." They said, "This is
24 not your pole and we can do whatever we want with
25 it."

1 Well, now that thing is sitting at the
2 end of my driveway, and let me tell you, I have two
3 kids and my block probably has 19 kids on it
4 ranging in the age from one-year old to 15-year
5 old.

6 These things cause radiation. Trees
7 are possibly dying. I don't know what it's going
8 to do to my kid or any of these children between
9 now and ten years from now and 15 years from now
10 when they find out what these things really do.

11 People are upset about eyesores.
12 Listen, I don't like the eyesore, I don't like the
13 devaluation of property value, but what I don't
14 like more is that my children can get sick from
15 this.

16 Forget me getting sick from this, my
17 children, my pets. I don't know what's going to
18 happen to them. I want the thing removed. It
19 doesn't belong there. My cell service is fine. I
20 don't need the next G or the next wave of whatever
21 it is, not at the risk of the health of my
22 children.

23 They want to put a cell phone tower in
24 some kind of commercial area, fine, where the
25 traffic of the people going all day long. This is

1 near my children's bedrooms, this is within 100
2 feet of my entire house, so we're getting all the
3 radiation that comes from it all day long. All
4 day, all night.

5 When we're not feeling well and under
6 the weather, maybe it affects us more. I don't
7 know. I don't know what to expect from it, but I
8 don't want to be the guinea pig. I want it
9 removed.

10 I don't know what else to say that --
11 (Applause.)

12 MS. KRAMER: No one notified me it was
13 going in. I didn't read anything in any newspaper.
14 I didn't see anything on the news. They showed up
15 at my house on October 5th.

16 And not only that, the amount of them
17 they are putting in the neighborhood is ridiculous.
18 There's a newborn baby in the beginning of my
19 street on Shadow Lane, opposite side of the street
20 as me when you pull in off of Plainview Road. The
21 baby was born and moved into that house the day
22 that cell phone tower was put there. Now, that's
23 at one end of the street. I'm about three-quarters
24 on the side of the street. There's one there.
25 There's an intersecting street called DeBray,

1 there's one there. You make a right on Orchard,
2 there's one there. They're everywhere.

3 How many do you need of these things?
4 It's ridiculous. And let me tell you, if one's
5 emitting rays, they're all emitting rays.

6 What is the group conglomerate of all
7 of these rays and how it affects us? So, as much
8 as I like to keep my property value up, yeah,
9 that'd be great. As much as I'd like to not have
10 it because it looks ugly, fantastic, but what I
11 care about is health. That's what I care about
12 most, and I think you should care about that most
13 because when residents around here start getting
14 sick, who's going to bear the brunt of that, the
15 people who run this Town.

16 Thank you for your time.

17 SUPERVISOR SALADINO: Mrs. Kramer, can
18 we assume you are in favor of today's proposed
19 legislation?

20 MS. KRAMER: I am in favor of it and if
21 it helps and prevents anyone from getting one in
22 the future, absolutely, but whatever goes on here
23 today, has to also take into consent the ideas that
24 there's people living with them now.

25 I think that if anything, until we

1 figure out what kind of radiation is coming from
2 this, if they've been installed properly, are
3 proper distances from people's houses, someone
4 should come around and see if they're even in the
5 places that they're supposed to be.

6 I don't know how Dr. Burg found out
7 that his wasn't even in the right place, but who
8 knows if mine's in the right place. I have no
9 idea. I don't know how to go about doing something
10 like that.

11 But the bottom line is, if -- like what
12 he said, if weather comes around and disrupts it,
13 maybe more radiation is going to start to leak from
14 it. I don't know. I don't want to be the guinea
15 pig of it. I really don't.

16 So something needs to be done about the
17 fact that they're there now and until you guys can
18 figure out what's going on with them really and
19 truly, they should not be allowed to be turned on.

20 If they are currently on, they should
21 be turned off until you guys can figure out what
22 the true real deal is with these things.

23 Thank you.

24 SUPERVISOR SALADINO: Just so you know,
25 we're going through that process right now.

1 (Applause.)

2 SUPERVISOR SALADINO: Yes, sir.

3 This gentleman with the beard.

4 MR. RIPP: Hello. My name is Robert
5 Ripp. I live at 77 Sunset Road in Massapequa.

6 It just came to me, I was just thinking
7 about Mr. Burg's situation. It might be a good
8 idea to have the location of all the installed cell
9 phone towers checked because if they are all
10 incorrect, you might have some sort of legal
11 precedence to get them removed.

12 SUPERVISOR SALADINO: We are already
13 going through that process.

14 MR. RIPP: Oh, I didn't know because no
15 one mentioned it. Thanks for telling me.

16 SUPERVISOR SALADINO: You're welcome.

17 Sir?

18 MR. COYNE: Ryan Coyne, 87 Twinlawns in
19 Hicksville.

20 Members of the Council, I wasn't
21 prepared to speak on this issue, planning on it
22 anyway, but I happen to know a lot about
23 electromagnetic radiation, microwave radiation,
24 technology in general. I travel the country
25 speaking about technology.

1 Most recently, last week at SUNY's all
2 of the universities of SUNY, at their marketing
3 convention on practically applied virtual reality
4 in higher education space. I'm somewhat of an
5 authority on how these things work.

6 Eyesores, completely agree. Proper
7 placement, completely agree. Just want to make
8 sure that the Council and some members of the
9 public understand that not all radiation is the
10 same.

11 A pack of cigarettes has more radiation
12 than what a cell phone tower emits. With a Geiger
13 counter, you can measure that. So most radioactive
14 place on the planet is actually not Fukushima; it's
15 actually a smoker's lungs. You can actually use a
16 Geiger counter and somebody's chest and observe
17 that.

18 Microwave radiation, which was first
19 pioneered by Faraday, over 100 years ago, has a
20 longer wavelength than human DNA has to be
21 compromised.

22 So if you ever take a piece of cheese
23 or two pieces of cheese, put it in the microwave
24 without the spinner in there, run it for ten
25 seconds or five seconds, it's a fun experiment to

1 do on a rainy day with the kids, you can actually,
2 with a ruler, measure two inches in between every
3 wavelength of the microwave radiation which is 2.4
4 gigahertz as per the FCC. All the equipment that's
5 installed in the towers is governed to only use
6 certain frequencies within a very narrow spectrum.

7 If you remember back in 2009 when they
8 made us do the digital converter boxes for TV
9 because they were turning off the analog, they were
10 auctioning off from 670 megahertz to 912 megahertz
11 of spectrum to Verizon, T Mobile, Sprint, Google,
12 and a host of others nationwide in different
13 regions. All of the science has been being done
14 since the '40s. We do know what this does and
15 doesn't do to certain people cells; however, when
16 it comes to the environmental impacts of
17 electromagnetic radiation, a pole being right up
18 against a tree, the alkalinity of the soil changing
19 due to the pole itself, the materials used to treat
20 the pole to make it stronger against the elements,
21 to make it less resistant to rot, and different
22 things, that can absolutely poison the soil and
23 kill a tree nearby and eventually a bush and I
24 would recommend to anybody experiencing that to
25 have your soil tested, absolutely; however --

1 SUPERVISOR SALADINO: Mr. Coyne.

2 Mr. Coyne, if you could address your
3 comments to the Board, please.

4 MR. COYNE: Yeah, yeah.

5 I recommend, you know, soil testing to
6 make sure that the companies, when they are
7 installing the poles, are making sure the PH of the
8 soil is not been radically changed over a course
9 of, you know, three months, six months or a year.

10 But the actual radiation itself,
11 radiation comes from the sun. You get sunburned,
12 sunburn is actually your cells killing themselves
13 on purpose to avoid making bad copies of themselves
14 because your DNA gets damaged by UVB rays, but not
15 in microwave radiation, which is what the cell
16 phone towers are.

17 All the cell phone towers are ground to
18 ground. They do adjust themselves when they detect
19 other towers that are closeby, the power is reduced
20 so that they're not overshadowing each other so the
21 more towers, the lower power they need to get the
22 signal further. So that's also of merit.

23 As long as they were strategically
24 placed, research going back to the '40s, totally
25 independent studies, ones that I've been really

1 interested in as a super techie geek since, you
2 know, forever, I was born in '86 so I'm living
3 through all this stuff. I can tell you with a very
4 high degree of certainty, that it does not alter
5 human DNA or cells.

6 The EMF radiation electrically, like,
7 the buzzing that you hear from stuff, electricity
8 in high amounts and high voltage absolutely does
9 have a biological impact on plants and plant life,
10 but not the radiation itself. It's not cancer
11 causing.

12 Just wanted to express the science that
13 I am very intimately familiar with to the Council
14 and be on the record.

15 SUPERVISOR SALADINO: Yes.

16 Please come on up.

17 MS. TUFANO: I wasn't planning on
18 speaking again.

19 First of all, it's not EMF, it's RF.
20 Okay. EMF is different. Okay.

21 It's radio frequency, so everything you
22 spoke about is different.

23 SUPERVISOR SALADINO: Let's hear your
24 comment, please. Let's start off by giving your
25 name and address for the record.

1 MS. TUFANO: Sure.

2 Denise Tufano, 26 Elm Street, Woodbury,
3 New York.

4 I've been up here before, I didn't plan
5 on speaking.

6 The only issue I have and I appreciate
7 the ordinance and I hope that everything works out
8 as we all hope. The only question I have to you,
9 or maybe the attorneys, is a lot of the ordinance
10 that I read talks about from now and going forward.

11 A lot of us here have these poles on
12 our property. Where do we stand? Do you have a
13 provision that I didn't understand correctly that
14 they're going to be removed? Is that part of the
15 ordinance or your plan?

16 SUPERVISOR SALADINO: Matt, would you
17 please step up to the microphone and describe the
18 process?

19 It's a very reasonable question.

20 MR. ROZEA: It is.

21 And the ordinance does speak to
22 applications moving forward. As the Board knows,
23 and maybe some members of the public, Crown Castle
24 recently commenced certain piece of litigation
25 regarding the installations that have already gone

1 into place along with the Town's actions in
2 rescinding or vacating or otherwise affecting the
3 right-of-way permits that were issued early on this
4 year.

5 That litigation is where the issue of
6 existing poles will be resolved, and given the
7 ongoing nature of it and the pendency of the
8 litigation, I don't think it would be proper to
9 comment much on the merits of that litigation at
10 this point.

11 COUNCILMAN IMBROTO: Without commenting
12 on the merits of litigation, what you're saying is
13 that that lit -- the purpose of that litigation is
14 to get the poles off of the existing locations or
15 perhaps rescind the permits?

16 MR. ROZEA: Crown Castle brought up the
17 litigation against us.

18 Now, of course, in the context of
19 litigation, it can be any number of results, but I
20 don't want to speculate as to what those results
21 may be.

22 SUPERVISOR SALADINO: By passing this
23 Resolution into the Town Code, does it give the
24 Town more of a hand in negotiation with Crown
25 Castle as it relates to those that -- those poles

1 that have already been put up?

2 MR. ROZEA: To answer that would
3 require me to get into the mind of Crown Castle and
4 I'm not sure that I can get myself to that place.

5 I think it would be in everyone's
6 interest, however, that we sit down, as we have
7 recently, to discuss these issues and see what
8 resolution, if any, can be reached.

9 MS. TUFANO: That's disappointing.
10 I was hoping for a better answer.

11 SUPERVISOR SALADINO: We -- because we
12 are under litigation and because of the complexity
13 of the federal law and what will take place in
14 court, we have been told by Counsel to limit
15 comments to a very narrow point --

16 MS. TUFANO: Okay. It's in litigation
17 so it's not up for complete discussion. I get it.

18 SUPERVISOR SALADINO: We have to limit
19 our comments as to not hurt the Town's position.

20 MS. TUFANO: Okay. I understand.

21 As you said before, you're looking
22 into, I guess, the permits and locations and to
23 seeing if everything was done properly.

24 SUPERVISOR SALADINO: Changing
25 dramatically. Yes.

1 MS. TUFANO: Because ours -- mine was a
2 completely new pole that was installed. This is
3 not something that was there.

4 I lost my thought. Okay.

5 I just wanted to make sure that you
6 were looking into -- oh, my other question was, I
7 never got an answer if mine is actually working. I
8 know some people hear humming, I don't think I hear
9 humming, so I don't think it's on, but I would love
10 to know.

11 Being that they cease and desist, does
12 that mean mine is going to stay the way it is now
13 and I shouldn't -- one day wake up to find out that
14 thing is on?

15 SUPERVISOR SALADINO: Mr. Bishop, would
16 you please step forward for -- to answer a few
17 questions?

18 Mr. Bishop, we've had some discussion
19 and one of the directions I've given you is to go
20 look very carefully at these permits to ensure that
21 all of them have been put where they are supposed
22 to be, and if not, to report to us immediately.

23 Can you give us the status of your
24 investigations?

25 MR. BISHOP: Currently, the engineering

1 division is going through the map as to what was
2 originally submitted and determining where the
3 locations are. When that's compiled, then we'll
4 make that public.

5 SUPERVISOR SALADINO: And are they also
6 going out in the field to make specific
7 measurements --

8 MR. BISHOP: Yes.

9 SUPERVISOR SALADINO: -- to ensure that
10 we know exactly where they are and if there's a
11 differential?

12 MR. BISHOP: Yes. Where they are and
13 then where the difference is now.

14 SUPERVISOR SALADINO: And can you
15 please check on this particular box equipment
16 outside of Ms. Tufano's house to find out if that's
17 on?

18 MR. BISHOP: Yes.

19 We have a list of the locations so
20 we're trying to get the information from Crown
21 Castle or Verizon as to all of them, as to if
22 they're operating or not operating.

23 SUPERVISOR SALADINO: Okay.

24 I'm going ask you to share that
25 information with Mr. Rozea so that he can get to

1 all of the residents, because I'm sure everyone
2 wants to know if their equipment is operating or
3 not, and I think it is most appropriate that we're
4 doing that through the Town Attorney's Office.

5 MR. BISHOP: Yes.

6 SUPERVISOR SALADINO: Ms. Tufano, I
7 want to thank you.

8 You have you been a true leader on this
9 issue, you have worked with me, you have conducted
10 yourself with professionalism and decorum and your
11 family and your community should be very, very
12 proud of you.

13 It's been a pleasure to work with you
14 on this.

15 (Applause.)

16 MS. TUFANO: Thank you.

17 I appreciate your kind words. I really
18 wish I wasn't in this position, but I appreciate
19 your help. Good night.

20 SUPERVISOR SALADINO: I understand.

21 Thank you.

22 Mr. McKenna?

23 MR. McKENNA: Good evening.

24 Kevin McKenna, Syosset, New York.

25 I've been at the last few meetings

1 where this has been discussed and my thinking was
2 along the lines of Denise Tufano's a little while
3 ago, and I just want to expand upon that a little
4 bit.

5 You know, a lot of times, things are
6 said that they're going to be done and this issue
7 about whether they were active or not, that was a
8 discussion before, and it appears that -- appears
9 that although it might have been done, it's not
10 communicated to these people behind that have
11 these -- these poles in front of their homes or
12 wherever.

13 And, you know, on the Town's website
14 and Facebook page, there's certainly so much
15 information about pictures being taken and awards
16 being given, I can go on and on, and this
17 particular topic, you have it on the Town's
18 website, you have a copy of the Ordinance that you
19 read today, I don't understand why -- first off,
20 this should be -- these residents should have a
21 single point of contact that when somebody shows
22 up, which they could, somebody could show up
23 tomorrow to put a new pole, they should have
24 somebody that they can call.

25 Just like earlier, the ShopRite,

1 Mr. Esposito was calling the attorney from -- the
2 people who did the presentation, Crowne Points
3 [sic] or whatever it was. So they should have
4 somebody that tomorrow morning at 8:00, somebody
5 shows up, they're going to be, like, what do I do?
6 You heard somebody say that you call Crown Castle
7 and you get a recording. They need to have a point
8 of contact.

9 You know, what really dismays me is
10 that I've read the lawsuit that was served upon the
11 Town from Crown Castle and it says in the lawsuit
12 that the Town went -- before they issued these
13 right-of-way permits, it says in the lawsuit -- and
14 again, this is what Crown Castle says, I doubt
15 they're going to be lying in a lawsuit, that
16 somebody from the Town physically went to the
17 locations and walked the sites before issuing the
18 permits.

19 I hope that the person who walked --
20 well, first of all, whoever walked that site should
21 be, right now, calling up each resident near the
22 site and they should be making sure that they went
23 in the site, that they met with Crown Castle to see
24 if they did what they were supposed to do.

25 It just seems like there's too many

1 people involved in this issue and if we truly had
2 somebody out there who met with Crown Castle before
3 they gave the permits, then that person, right now,
4 should be meeting, again, with Crown Castle.

5 I mean, obviously, we have a contact at
6 Crown Castle. You know, I spent twenty years --
7 you asked me two times if I've been in the
8 insurance agency -- in the insurance business. I
9 spent twenty-five years in the telecommunications
10 industry and I worked for a major, major company.

11 And every company, although it's hard
12 to get the people at the top, there is somebody
13 that's in charge of this project, and if we don't
14 know who that is at this point right now, then
15 shame on us, and I believe that we do know who it
16 is and we should be meeting with that person and
17 saying to them, let's fix this problem, which
18 apparently has not been done up until now.

19 We're dealing with a lawsuit against
20 us, okay, which is mainly having to do with health
21 issues which, you know, good luck with that.

22 That's already been tried, proven and lost, and
23 it's not going to be -- it's not going to be won.

24 Somebody needs to talk to Crown Castle
25 and say, hey, you know, we don't need to sue each

1 other, you don't need to sue us.

2 They said they're reasonable people.
3 Okay. I spoke to an executive at Verizon Wireless
4 last week and they said, Kevin, I wish that you
5 would have called sooner. It's too late. A
6 lawsuit's already filed and shame on whoever for
7 not calling up somebody at Crown Castle before they
8 served the lawsuit and working this out.

9 These residents need a point of contact
10 and I don't want to hear at the next meeting
11 somebody come up again and say, I still don't know
12 whether or not my tower's turned on or not. You
13 know, do what you say you're going to do. There's
14 too many people involved. You need a single point
15 of contact.

16 Thank you.

17 (Applause.)

18 SUPERVISOR SALADINO: Mr. McKenna, I'm
19 assuming that means you're in favor of this
20 legislation?

21 MR. McKENNA: I'm in favor of the
22 legislation, but the legislation is a day late and
23 a dollar short. Okay. It's great going forward.

24 You just actually reminded me of a
25 question I forgot to ask.

1 What's the purpose of the Town of
2 Oyster Bay giving out permits in the first place?
3 Is it to just make money or is it to make money on
4 a permit fee as well as make sure that it's not
5 below the FCC law of 1996 says the towers are not
6 supposed to be below 50 feet.

7 Has anybody checked these towers to
8 make sure? The law says -- the law -- the law,
9 okay. You can call them up and say, guys, you're
10 not abiding by the law if the repeater tower is
11 below 50 feet. That has not been done.

12 SUPERVISOR SALADINO: That's why we are
13 in the process and that's why we do have the law
14 firm in place, but I thank you for your comments.

15 MR. McKENNA: Say you're in process but
16 this should have been -- this should have been the
17 first thing -- well, going back to --

18 SUPERVISOR SALADINO: Mr. McKenna, we
19 are doing the things that you are suggesting.

20 MR. McKENNA: When you rescind a
21 contract, what you say -- what you have, because
22 that's why you're being sued, what happens with the
23 rescinded permit for that pole?

24 Does that give the Town the ability to
25 go and say -- what happens when you rescind a

1 permit? Do you just rescind it, get sued and now
2 say, okay, now what do we do? What happens?
3 That's a question.

4 SUPERVISOR SALADINO: Mr. McKenna, this
5 is -- thank you.

6 MR. MCKENNA: You don't have the answer
7 the question, I understand, but they have the
8 answer to the question and for you to not want them
9 to answer it means that you're rescinding a
10 permit --

11 SUPERVISOR SALADINO: Thank you,
12 Mr. McKenna.

13 MR. MCKENNA: What's the purpose of
14 rescinding a permit?

15 SUPERVISOR SALADINO: Mr. McKenna,
16 thank you for your comments.

17 MR. MCKENNA: What's the purpose? To
18 get sued?

19 SUPERVISOR SALADINO: Thank you,
20 Mr. McKenna.

21 Yes. Would you like to step forward
22 please? Just to alert you to what is going on,
23 some of that information was not accurate.

24 We have put in place one of the top law
25 firms in the nation and we are in the process of

1 going through all of our legal channels to protect
2 our residents, to stop this process, and we are in
3 the process of asking them to remove these
4 repeaters on a number of grounds.

5 (Applause.)

6 SUPERVISOR SALADINO: Thank you.

7 Can you please give us your name and
8 address for the record?

9 MS. YORK: Joan and Herb York, Calvert
10 Drive, Syosset.

11 I do agree that there should be a point
12 person because since this whole thing started, and
13 for us, it's been a couple of months, we've been
14 told we don't know what the Town has told us, we
15 don't know what the poles are, call PSE&G, the
16 electric company. We've been told to call Crown
17 Castle directly. We've been told the former
18 administration approved them. We've just been
19 given the runaround.

20 SUPERVISOR SALADINO: Okay. We have a
21 point person and he's right here. His name is Matt
22 Rozea, and I'd like you to please --

23 MS. YORK: Well, the point person who
24 called me and reached out to me, which I
25 appreciated, was Mr. Scaglia.

1 SUPERVISOR SALADINO: Ron Scaglia of my
2 office.

3 MS. YORK: Is he here?

4 SUPERVISOR SALADINO: I'm not positive
5 that he's in the room, but yes, he represents me
6 in --

7 MS. YORK: And then a Mr. Sheehan
8 called, is he here?

9 SUPERVISOR SALADINO: Yes, he is.

10 MS. YORK: You know, then I was told
11 the Highway Department chose the location, so
12 reading through most of the ordinance -- I'm sorry,
13 I'll give you a minute. You know, I didn't read
14 verbatim, but I got the gist of it and I think it
15 was Page 6 and 7 that said any existing towers, any
16 approved permits, they are exempt from this, so
17 that was a major blow to people who have this right
18 in front of their front windows.

19 SUPERVISOR SALADINO: We are, just so
20 you understand, one of the asks that we have in
21 this process is to remove those poles that have
22 been put in residential neighborhoods.

23 MS. YORK: I'm just -- I'm not seeing
24 any of that in writing and that's concerning.

25 I do feel, and maybe it was before your

1 administration, with all due respect, I feel the
2 ball was dropped, and I feel that in order -- you
3 want to say get reelected, but in order to have
4 faith in this administration, maybe in good faith
5 you should negotiate with Crown Castle and give
6 them a little extra money, they'll have work and
7 they'll relocate them.

8 SUPERVISOR SALADINO: We are in the
9 process of negotiating with them. We have hired
10 one of the best law firms in the country to assist
11 in this process so we can be successful. They have
12 been successful in the past.

13 The Town did have a lawsuit which they
14 lost many years ago, but we're not taking that
15 lightly, and we certainly have picked up the ball.

16 MS. YORK: Maybe you'll have a better
17 success rate.

18 And one of the other things the
19 ordinance said was something about location away
20 from mishaps. It mentioned the word "collision."
21 It's just ironic. I don't know if we can see how
22 these locations were determined.

23 Did you say the Highway person is here,
24 Mr. Lenz, is it?

25 SUPERVISOR SALADINO: Let's have

1 Mr. Rozea come up and address some of your
2 questions because he's in thick of this.

3 Would you step forward, please?

4 MS. YORK: How were the locations
5 chosen because --

6 MR. ROZEA: One on one end of the block
7 and one at the end --

8 MS. YORK: And I just want to say that
9 on the corner of Calvert and Cold Spring Road,
10 there was a fatality. It's a speed trap. There
11 was a fatality where high school student was killed
12 on Halloween. It was where Lindsey Lohan's father
13 crashed into a pole and we all lost power for a
14 couple of days. It was where recently the airplane
15 just came down and knocked everything down.

16 It's -- it's not a friendly corner for
17 that kind of, you know, potentially very harmful
18 equipment to be coming down as has been -- it
19 happened in the past.

20 So, how was it chosen?

21 MR. ROZEA: Supervisor, Members of the
22 Board, allegations were made within the context of
23 the litigation with respect to the selection of the
24 sites that are now at issue or the preexisting
25 sites, and so once again, I'm going to return to

1 the position so as not to compromise the Town's
2 position with the litigation to comment on how
3 anything was selected with respect to location and
4 permitting.

5 MR. YORK: Then why did we get the
6 poles so close together?

7 MR. ROZEA: Again, to not compromise
8 the Town's position in the litigation, I don't
9 think it would be proper or prudent to comment on
10 how anything was selected or permitted prior to
11 today.

12 MS. YORK: Well, I just want to say
13 that when we asked some of these questions at the
14 May 23rd hearing, there was no litigation and we
15 got the same, we can't answer that, so I don't
16 think it's because of the recent litigation.

17 (Applause.)

18 SUPERVISOR SALADINO: It's important
19 here --

20 MS. YORK: It's frustrating that we see
21 our Supervisor call you up and then you're saying I
22 can't answer your questions; like, it's
23 frustrating.

24 SUPERVISOR SALADINO: Matt, what
25 information can we give that does not compromise

1 our case?

2 MR. ROZEA: We know where the -- where
3 the poles are and we know the locations that Crown
4 Castle represented those poles should be.

5 We'll be more than happy to investigate
6 as we have been whether or not Crown Castle did, in
7 fact, place those poles in the locations that they
8 indicated that they would.

9 But, again, I'm an attorney for the
10 Town, and it's my job to protect the Town's
11 interests and I don't want to say anything on the
12 record that would be used against the Town in the
13 litigation. I can't do that in good conscience.

14 MS. YORK: Again, I just -- if Crown
15 Castle said, we'd like to put one here and there,
16 was there anyone from the Town who questioned the
17 location, who said, is there a need?

18 According to the Ordinance, there's
19 supposed to be all kinds of scientific --
20 scientific or engineering information showing that
21 there's a need for it, and it's not just a profit
22 making, we'll put that here and, you know, we'll
23 give you your 5 percent.

24 Might not sound like a lot for the
25 Town, but I'm sure 5 percent of billions of dollars

1 adds up so we see that it -- there's a motive for
2 the Town to approve them but, you know, where is
3 the quality control where this is --

4 SUPERVISOR SALADINO: No financial
5 motive to our Town. We do not side with this
6 company. We side with our residents.

7 MS. YORK: Someone approved them
8 without --

9 SUPERVISOR SALADINO: I realize that.

10 MS. YORK: -- any kind of transparency.

11 SUPERVISOR SALADINO: I understand --

12 MR. ROZEA: If I may, Supervisor.

13 What has taken place up until today
14 was, in part, the genesis of this hearing and this
15 proposed ordinance.

16 But that's why we're here, to address
17 these types of concerns so that we're not in the
18 same type of position as we were up until today.
19 Each of the concerns that have been raised by the
20 residents are addressed within the context of the
21 proposed ordinance, and so it is in the best
22 interests of the residents for those -- for those
23 exact reasons that the Board consider the ordinance
24 as drafted and as presented.

25 MR. YORK: Again, it was after the

1 fact.

2 SUPERVISOR SALADINO: Well, I can
3 address that.

4 I came here -- I came here on the 31st
5 of January, is when I began as the Supervisor.

6 Not long after that, I learned of the
7 poles going in. We immediately took action. We
8 denied any more of these permits. We hired a law
9 firm that would help us craft the best legislation.
10 We're going to be fighting them in court and every
11 other way negotiating with them.

12 But the important thing for you to
13 understand is we've had these conversations with
14 all of the neighbors, we've been to the Civic
15 Association Meeting, I've met with Ms. Tufano on a
16 number of occasions, we've been on the phone --

17 MS. YORK: Don't forget about Syosset.
18 That's Woodbury.

19 SUPERVISOR SALADINO: We're not
20 forgetting about any location. There are two of
21 these on my block where I live. Not directly in
22 front of my house, but on the block, so I
23 understand your concerns and I understand what you
24 and all the residents are going through.

25 I want you to know, we are your

1 partners in this.

2 MR. YORK: Bottom line, we want them
3 down.

4 SUPERVISOR SALADINO: We understand
5 that, and we are --

6 MR. YORK: You can't beat a dead horse
7 and have meetings after meetings. We just want
8 them down.

9 SUPERVISOR SALADINO: We have to follow
10 the laws, you would want us to. And there's a law
11 that says you have to go through a process.
12 One part of that process is the public hearing.
13 Part of the process is to advertise the public
14 hearing.

15 MR. YORK: It can take years.

16 SUPERVISOR SALADINO: No, no, no. The
17 public hearing is today.

18 MR. YORK: No. I'm talking about the
19 lawsuits and everything else.

20 That could take years before these
21 poles come down, right?

22 SUPERVISOR SALADINO: We're going to do
23 everything we can. We can't go out there with a
24 chain saw and cut the pole down.

25 MS. YORK: Dr. Burg mentioned adding

1 some ordinances.

2 Could there be something added about
3 grandfathering in the ones that were put in without
4 any notification that it was some kind of
5 neglectful process that went on?

6 SUPERVISOR SALADINO: That's the
7 purpose of this hearing. To learn more from what
8 the resident wants, to discuss this with our Town
9 Attorney, our Council team --

10 MS. YORK: That would be wonderful.

11 SUPERVISOR SALADINO: -- and these
12 attorneys that we've brought in who specialize in
13 this very specific area of the law.

14 MS. YORK: I mean, I also didn't plan
15 on speaking and I know you have every word that we
16 said but maybe you could make sure you get in that
17 I'm asking to put in writing, in the ordinance,
18 something about the existing towers within -- maybe
19 you want to say the last year or, you know, we'll
20 include the ones on your block, too, You know, to
21 put that in writing so that it's not just, well, he
22 said at one meeting and --

23 SUPERVISOR SALADINO: We understand,
24 and I'm going to direct Mr. Rozea right now and our
25 Town Attorney, Mr. Nocella, to please speak with

1 our counsel that we have hired for this very
2 purpose to bring these issues up and to have them
3 strongly consider this. We'll not -- we will not
4 be voting on this tonight because we want the
5 opportunity for people to give us more input, we
6 want the opportunity to get any amendments in that
7 will make this the very best legislation in the
8 country and we are on your side.

9 MR. YORK: And I did examine that tree,
10 on the block. I did examine it. It was a perfect
11 healthy tree and it's just white.

12 MS. YORK: It was.

13 MR. YORK: The leaves are soft. It
14 just went fast.

15 I mean, you're talking like a month and
16 that tree went down real quick.

17 SUPERVISOR SALADINO: Thank you.

18 MR. YORK: A nice sized tree.

19 SUPERVISOR SALADINO: Thank you.

20 MR. YORK: It's a shame.

21 SUPERVISOR SALADINO: Mr. Freier?

22 How are you this evening?

23 MR. FREIER: Hi. I'm fine and hope you
24 enjoyed the concert the other night.

25 SUPERVISOR SALADINO: Yes.

1 You did, too.

2 MR. FREIER: It was great.

3 I, just for clarity, you mentioned you
4 coming on board at the end of January and then
5 finding out about this, but weren't the permits
6 approved in April of 2017?

7 SUPERVISOR SALADINO: I'd have to check
8 and see when they were approved, but as soon as I
9 found out about the issue, we immediately sprung
10 into action.

11 We -- I directed the department to pull
12 the permits. We went through the process of
13 vetting out and finding the best law firm to help
14 us with this and we've been going through the
15 process, as you know from being at our Town Board
16 meetings, that you've seen we've been going through
17 the process of public notification and now here at
18 the hearing and then the decision, and I know how
19 I'll be voting on this.

20 MR. FREIER: Could someone confirm when
21 the permits were approved because I thought I read
22 April of 2017.

23 SUPERVISOR SALADINO: Sure.

24 We'll find that out for you.

25 (Inaudible chatter.)

1 MR. FREIER: There must have been
2 permits granted prior to that.

3 (Inaudible chatter.)

4 SUPERVISOR SALADINO: We will look into
5 that Mr. Freier.

6 Thank you.

7 MR. FREIER: Someone can't answer that
8 here now.

9 SUPERVISOR SALADINO: We will
10 absolutely look into that.

11 Thank you.

12 Are there any -- yes, ma'am.

13 MS. MENDUNI: Hi.

14 Rosalie Menduni from 2 Calvert Drive.

15 I just want to thank you so much for
16 all of your efforts.

17 SUPERVISOR SALADINO: You're welcome.

18 MS. MENDUNI: It's good to be heard.

19 I'm happy that everybody is pulling together. I
20 don't want to repeat everything, everything was
21 pretty much was said, but I just wanted to know,
22 what productive steps can we do as a community to
23 work together to get things moving more?

24 Like, do we have to go federal
25 government level? How can this happen? I'm afraid

1 that it's going to take years.

2 I live at 2 Calvert Drive, it's
3 affecting my own health, regardless of what other
4 people say, I know my head. I have autoimmune
5 disease. I am struggling stress wise, probably
6 just because it's outside my bedroom window.

7 I also have a private practice where I
8 see pediatric patients. Just buried a ten-year-old
9 boy with brain tumor from cancer. I work with
10 children who are very compromised that come to me,
11 going through radiation and all kinds of other
12 things and it is literally 25 feet from my house
13 and I have a home office right there. It's
14 impacting my personal life, my business.

15 I really want to move and I can't. My
16 son is still in school. This has been a very big
17 hardship. I know that it is not personal, it's a
18 much bigger issue than me, but all I can speak to
19 is myself and if we can do anything as a community
20 on a bigger level -- I mean, I'm understanding that
21 you have a limitation in what you can do because of
22 the laws and everything and I don't know what else
23 can be done so that it doesn't take years because I
24 feel like every week, I'm losing business over this
25 whole thing.

1 SUPERVISOR SALADINO: I have a couple
2 of suggestions for your question.

3 One is that everyone can be writing
4 letters to our Federal Senators, Senator Gillibrand
5 and Senator Schumer asking them to amend the law
6 immediately to give Towns and Villages and
7 Counties, local municipalities, the right to decide
8 where these repeaters are placed.

9 In addition, if you would like to write
10 a note or a letter in favor of this legislation.
11 You've told us that you are, and we can also
12 include that in the file.

13 MS. MENDUNI: Okay. And the ones
14 that -- let's say they say, okay, we looked into it
15 and they're exactly where it's supposed to be.
16 It's supposed to be outside your bedroom window.
17 What do I do then? And the other one on the other
18 side of the block and another two blocks away right
19 by Berry Hill Elementary School. I went to the
20 elementary school to talk to the people. They said
21 you're not allowed to solicit here. It seems that
22 people are not concerned enough about our children,
23 you know?

24 SUPERVISOR SALADINO: We are.

25 MS. MENDUNI: They're saying that we

1 can't talk about health.

2 SUPERVISOR SALADINO: I want to make it
3 clear that we are very concerned for all the
4 reasons.

5 MS. MENDUNI: I do appreciate it. I
6 just felt like I had to say something.

7 COUNCILMAN MACAGNONE: Thank you.

8 SUPERVISOR SALADINO: Thank you.

9 MS. MENDUNI: Thank you very much.

10 SUPERVISOR SALADINO: Yes.

11 Hi. Good evening.

12 MS. RYDZEWSKI: Good evening.

13 My name Margie Rydzewski and I traveled
14 here from Garden City.

15 Thank you, Supervisor Saladino, for
16 allowing me to come tonight and to the Council and
17 to all the residents here.

18 I want you to know that I feel your
19 pain and so does another resident from Garden City
20 that is here tonight because we were put into this
21 situation seven years ago in Garden City.

22 We felt extremely violated and I think
23 that's how everybody really feels tonight and
24 they're expressing their emotions very eloquently.

25 You know, it takes a lot of years to

1 save all your money and buy the home of your
2 dreams, and when you buy the home of your dreams to
3 raise your family in and it doesn't have this kind
4 of atrocity, the cell antenna, repeaters, whether
5 it be in your backyard or your frontyard.

6 It's the worst feeling in the world to
7 come home and see that your value of your home has
8 diminished greatly because of the actions of big
9 business and, of course, the worry of our health,
10 that's -- that's paramount and I personally have to
11 just say that I think it's quite immoral and
12 unethical of our federal government to not even
13 consider that, and that's another story. We'll
14 have to fight that issue next.

15 But I would like to say that I'm
16 extremely impressed, extremely impressed with
17 Supervisor Saladino and the Council for taking the
18 very strong stance that you are taking for your
19 residents.

20 I sat here on May 23rd with my neighbor
21 Mary Timmons and we did everything we could to hold
22 ourselves back from standing up and applauding
23 because you hired the best law -- the best lawyers
24 that you could hire and you are creating an
25 ordinance to protect your residents and that's

1 fabulous. We think that's terrific.

2 SUPERVISOR SALADINO: Thank you.

3 MS. RYDZEWSKI: But Villages need your
4 protection.

5 I have a concern because we're in an
6 incorporated village in Garden City, and I don't
7 know how it works in the Town of Oyster Bay, but I
8 know that the Town of Hempstead ordinance didn't
9 protect us because we are a Village. And it took
10 our village to make their own ordinance to protect
11 the residents in Garden City.

12 I don't -- I'm not sure how Oyster Bay
13 is with the villages, but I know there are about 18
14 of them, so I urge you to work with the villages so
15 that they can also be brought up to par with an
16 ordinance as soon as possible if that's necessary.

17 SUPERVISOR SALADINO: Certainly.

18 MS. RYDZEWSKI: As far as the emitting
19 radiation, we had an instance when I was home --
20 and I don't have one of these in my backyard, but I
21 am a very concerned resident that lives across the
22 street from one, and for me to have to see a worker
23 from Crown Castle come and put on some sort of
24 protective gear to open up the fan that everybody
25 hears, all the buzzing noise coming from, because

1 there is radioactive waste -- radioactive waste
2 being emitted from that was a sheer terror for me
3 and I just wanted to bring that to your attention.

4 I think that what Dr. Burg suggested,
5 and the other residents suggested about testing
6 anything that does go up, it's extremely important
7 that things -- that these are tested to make sure
8 that they are within the standards allowable by the
9 government, which should be reevaluated, of course,
10 1996 is quite a number of years ago so...but I
11 would like to just go on to just say that there are
12 things that all of these residents here can do.

13 And, Rosalie, you asked how to be
14 productive and I'm going to ask everybody to please
15 get a piece of pen and paper and write down that
16 you can contact your New York State Senator.
17 Senator -- well, our Senator Hannan and Senator
18 Flanagan and Senator Marcellino and Senator
19 Phillips, and urge them to please pass a bill that
20 has been presented and that's Bill No. S6687 that
21 was presented by Kemp Hannon and Assembly Bill by
22 Senator Flanagan, Bill No. A8476.

23 This will help to protect all New York
24 State residents. All of you, us, and it has to do
25 with specifically I can read it briefly, I -- do I

1 have the time for that?

2 SUPERVISOR SALADINO: Well, there is
3 something in the sponsor's memo that gives a
4 synopsis of what the Bill does and perhaps that
5 would be the most appropriate way.

6 MS. RYDZEWSKI: Here we go.

7 The title of the Bill, "An Act to Amend
8 the Public Service Law in Relation to Prohibiting
9 the Attachment of Wireless Equipment and Other Like
10 Attachments to Existing Utility Poles in Certain
11 Circumstances."

12 And, basically, to give you a
13 justification, "Many New York residents are
14 complaining about attachments being installed on
15 existing utility poles. Residents argue that not
16 only are their rights as property owners being
17 violated, but that the attachment of wireless
18 broadcasts or relay equipment or any other
19 attachments to utility poles could result in
20 potential health problems as they are unaware of
21 the levels of radiation such attachments in emit.

22 "Moreover, many New York residents are
23 concerned about the effect on their property values
24 as a result of attachments to utility poles.

25 "The Bill would require an existing

1 easement to be explicitly amended in writing and
2 then file to include wireless equipment or a new
3 easement be written and filed to allow the
4 attachment of wireless broadcasts or relay
5 equipment or any other like attachment to utility
6 pole in order to protect property rights of
7 New Yorkers."

8 Basically, what it comes down to is
9 we're all in this together and that's why we're
10 here tonight. I think we need to join our forces.
11 I think we need to be strong across Long Island and
12 New York State and bring this Bill after the
13 New York level to the federal level because I think
14 people deserve a right of protection of their
15 private property and to live without worry and to
16 live with a better quality of life.

17 So we stand with you all tonight and we
18 ask you to please contact these senators as soon as
19 possible, because they're supposed to vote
20 tomorrow, so urge them to pass this crucial
21 legislation, please.

22 SUPERVISOR SALADINO: Thank you very
23 much.

24 MS. RYDZEWSKI: Thank you.

25 (Applause.)

1 SUPERVISOR SALADINO: Are there any
2 other speakers? Yes.

3 MS. TIMMONS: Good evening.

4 My name is Mary Timmons and I'm from
5 Garden City, New York.

6 It is a true pleasure to be here.

7 In Garden City, we've been dealing with
8 this for seven years, and actually, it was just
9 last year that we had a telecommunications
10 ordinance passed and so, you know, we were six
11 years. How long are you guys? About four weeks.

12 So, I mean, I congratulate this Board
13 to the nth degree.

14 SUPERVISOR SALADINO: Thank you.

15 MS. TIMMONS: I know that the
16 residents --

17 (Applause.)

18 MS. TIMMONS: -- I am in the same spot
19 as the resident sitting behind me and it is
20 painful. I ditto Margie's words there.

21 Every day we live in fear, for seven
22 years, that the truck is going to pull up. Our
23 block has changed tremendously, but Garden City has
24 it in ten spots throughout Garden City. I don't
25 exactly know what the configuration is here, but I

1 wanted to say that I think that -- I think it was
2 Dr. Burg that said that the Town of Oyster Bay, you
3 know, they want you to make a statement for the, at
4 least New York, at least Long Island, and Dr. Burg,
5 they have made a statement.

6 Everybody on Long Island is watching
7 the Town of Oyster Bay and Supervisor Saladino on
8 the appropriate placement. First, the removal;
9 then appropriate replacement away from homes. It
10 has been a hot topic anywhere I go, so I think this
11 is wonderful news for this community to be the
12 first.

13 You don't know this, but we happened to
14 tap the shoulder of the woman sitting in front of
15 us. Guess where she's from? She's not from here.
16 She's from the Town of Huntington, looking to the
17 Town of Oyster Bay for their intelligent and
18 compassionate ways to handle a very, very
19 painful -- I don't know, it's sort of like
20 something is stolen from you, it's your life, so we
21 are looking at you.

22 Now to the gentleman who was talking
23 about the safety of RF radiation, I want to say, I
24 don't smoke. I chose not to smoke, so I don't get
25 those chemicals. I don't lie in the sun. I don't

1 want that exposure either and I did not want to be
2 exposed to the RF radiation.

3 So, Garden City, right after they were
4 put in seven years ago, we asked them to have a
5 company come in and measure the emissions. I can
6 get you a copy of at least a couple of houses that
7 they were measured.

8 But it's frightening to be in your
9 house with a gentleman testing, and it was
10 independent, and he says okay, here is your cell
11 phone emissions, and it's around a Number 1 and
12 here's your wi-fi, and it's around a Number 5.

13 Now, you go to the Next -- well, we
14 called it NextG because NextG is now bought by
15 Crown Castle. But he said, this is the NextG
16 emissions. And you go -- I'm talking about houses
17 that are more affected than mine. I'm almost
18 umbrella'd over but you go from a 1 to a 5 and then
19 you're almost further away and you're at 500, 600.

20 Now, to me, you can't tell me that that
21 is close to cutting a piece of cheese, et cetera.
22 That was very upsetting to see. So let's see.

23 I wanted to say that first and
24 foremost, they're ugly. They are a hideous looking
25 piece of equipment and industrial. That, by

1 itself, should be the way that these things get
2 moved.

3 If I asked you as a group, there's a
4 house for sale on Elm Street. I don't even know
5 what's on Elm Street and a house on Prince Street.
6 They're identical. The blocks are the same.

7 One of them has a cell antenna in front
8 of it; the other one doesn't. Which one are you
9 going to buy? You're going to buy the one with the
10 cell antenna? Raise your hand if you're going to
11 buy the one with a cell antenna. Anybody back
12 there want the house with the cell antenna?

13 No, okay. All right. So, there we go.

14 Somebody wants it? No, no. Okay.

15 All right. So we have 100 percent no
16 sale antenna. Now, if you were going to buy the
17 one with the cell antenna, what's the first thing
18 you're thinking, everybody? You're gonna get a
19 break on the price. Property values. We have 100
20 percent here saying that they want the house
21 without the cell antenna and most people wouldn't
22 even want to buy the one with the break. Okay.

23 I think that there's two points here,
24 ugly and that. I don't know what else to say.

25 I can tell you that in the Village of

1 Garden City, they're on private homeowner's
2 property. They are not on public rights of way,
3 and I can tell you that I already know one person
4 who's moving from one house to another in Garden
5 City. And the one question she's saying is, I
6 don't want a house with an easement in the back.
7 Real estate says why?

8 Well, because I don't want anybody
9 coming in here and planting a cell antenna.

10 That said, thank you for listening.

11 SUPERVISOR SALADINO: Thank you.

12 MS. TIMMONS: And I applaud everything
13 you're doing, and I'm going to watch you moving
14 forward.

15 SUPERVISOR SALADINO: Thank you very
16 much. Appreciate it. Thank you.

17 Sir?

18 MR. CAMHI: Hello.

19 My name is Mitchell Camhi. I live on
20 6 Stafford Avenue, Woodbury.

21 I've heard we're not supposed to be
22 concerned about health issues; however, I have a
23 pacemaker. Original was put in, in 2008, and I'm
24 just about ready to have it replaced Thursday,
25 okay. I'm going for an operation.

1 The electrophysiologist told me, don't
2 put earbuds near the pacemaker.

3 Oh, we all know what earbuds are,
4 things you put in your ear, listen to music from
5 your phone or whatever. The force of an earbud,
6 how much could that be? Probably not much at all.
7 Okay.

8 I'm sure these repeaters have a lot
9 more frequency or electromagnetic response, okay,
10 so I'm very concerned having a pacemaker that this
11 is 25 feet from where I'm out of my yard.

12 So, I just want to let the Board know
13 that.

14 Thank you.

15 SUPERVISOR SALADINO: Thank you.

16 MR. CAMHI: Also, at the meeting when
17 we were out at the Civic Association, I asked
18 whether or not the repeater or cell phone tower was
19 on and someone was supposed to get back to me.

20 SUPERVISOR SALADINO: Could you please
21 touch base with Mr. Rozea?

22 We will get that answer to you.

23 MR. CAMHI: Yeah, I want to know
24 whether that's on at 6 Stafford Avenue on Magnolia.

25 I was told I was going to get a call

1 after the meeting on Monday.

2 SUPERVISOR SALADINO: We have been
3 contracting Crown Castle. Sometimes they have
4 given us information, sometimes not, but if you
5 touch base with our legal team, we'll try our best.

6 MR. CAMHI: Okay. Thank you.

7 SUPERVISOR SALADINO: Certainly.

8 Mr. Rozea, what's your phone number?

9 MR. ROZEA: 624-6150.

10 SUPERVISOR SALADINO: Did everybody
11 hear that? Certainly, you can give them now.

12 Okay. Thank you. Seems though
13 everybody has -- would you like to come forward?

14 Thank you.

15 MS. DECKER: Good evening.

16 My name is Sandra Decker. I'm at
17 169 Cold Spring Road in Syosset.

18 My tower was mentioned. It is the one
19 near Berry Hill Elementary School. It is in front
20 of my property and it is definitely on because the
21 green light is on. And, previously, when some
22 workers were there working on it, I went out and I
23 looked and the green light was off, and after they
24 left, the green light is on, so I believe that my
25 tower is on.

1 I know they say there's no health
2 issue. I am concerned. It is about 20 feet
3 outside of my son's bedroom window. It's about 25
4 feet up in the air. It's definitely nowhere near
5 50 feet, which is where it's supposed to be.

6 My issue is I live on a County road, so
7 Town of Oyster Bay says we didn't issue the permit
8 for that. Nassau County says it is an existing
9 pole and it is on a public right of way and we
10 didn't issue a permit for that either. It was
11 either Verizon or PSE&G or Crown Castle, whoever
12 owns the pole basically has the right to put the
13 tower up.

14 So, I contacted Verizon, Verizon said
15 PSE&G owns it, I contact PSE&G, they said Verizon
16 owns it. Wow, what do you know, so I'm just
17 getting the runaround all the way.

18 I feel like the Town can't help me.
19 I've contacted the County, the Highway Department,
20 again, it's a right of way, so they're saying they
21 have -- they don't have anything to do with it. I
22 really can't get anywhere and I am concerned. I'm
23 truly concerned.

24 My son has been having headaches, but
25 again, I can't prove that it is because of this

1 cell tower that's so close to our home.

2 One question that I do have is, I just
3 found out about the litigation on the existing
4 poles.

5 Now, does this cover my pole because
6 that pole is on a County road? We're talking about
7 Cold Spring Road here.

8 SUPERVISOR SALADINO: Let's get that
9 answer for you.

10 Mr. Rozea.

11 MR. ROZEA: Well --

12 SUPERVISOR SALADINO: If you'd step
13 up, please.

14 MR. ROZEA: County road, like Cold
15 Spring, Cold Spring Road, is indeed under the
16 jurisdiction of Nassau County, so I don't believe
17 that the Town of Oyster Bay would have had any say
18 in what goes or what does not go within the right
19 of way that's maintained by the County.

20 SUPERVISOR SALADINO: Okay.

21 We need to --

22 MR. ROZEA: So in short, no.

23 MS. DECKER: So, again, I'm just left
24 out in the cold.

25 SUPERVISOR SALADINO: We will contact

1 Nassau County and make sure that they hear of your
2 complaint so that we can forward them all to the
3 County.

4 MS. DECKER: Yes. I've spoken to
5 people there and I have names, and it's, sorry, we
6 can't help you.

7 Literally, that's what I have gotten.

8 SUPERVISOR SALADINO: We are going to
9 look in to that. You're still a resident of the
10 Town of Oyster Bay, so we represent you.

11 MS. DECKER: Yes, I am.

12 SUPERVISOR SALADINO: So we will look
13 into that and we will put some pressure on them on
14 your behalf.

15 MS. DECKER: Okay.

16 (Applause.)

17 MS. DECKER: Thank you very much.

18 SUPERVISOR SALADINO: Everyone has
19 spoken, I believe, who wanted to speak.

20 Dr. Burg, since you spoke already, if
21 you could just make it very brief, please.

22 DR. BURG: I will try. I know it's
23 getting late.

24 SUPERVISOR SALADINO: And we still have
25 our calendar to get to.

1 DR. BURG: I understand, I'm sorry.
2 I just wanted to make a brief comment.
3 Even though the Telecommunications Act
4 of 1996 states that no local government may
5 regulate the placement, construction, modification
6 of personal wireless service facilities on the
7 basis of environmental effects of radiofrequency
8 emissions, it also states to the extent that such
9 facilities, and I'm reading directly from it, by
10 the way, "extent that such facilities comply with
11 the Commission's regulations concerning such
12 emissions."

13 That's why I spoke earlier about
14 compliance. Okay.

15 Real quick, and I'll make this real
16 brief. I'll summarize this.

17 The U.S. National Toxicology Program
18 the NTB -- NTP, basically, did a \$25 million study
19 and the study showed that the intensity of
20 radiation increased, so did the incidence of cancer
21 among rats. There's a significant dose response
22 relationship. It showed that these rats got both
23 gliomas, which is a tumor of the brain and
24 schwannomas, which is a tumor of the heart.

25 Importantly, the exposed rats were

1 found to have higher rates of the two types of
2 cancers. Okay. A very rare tumor. None of the
3 unexposed control rats developed either tumor.

4 Okay.

5 And, again, I want to summarize because
6 I know we're on a time constraint here, scientists
7 have said that because of this new study, this NTP
8 study, it shows that the data redefines the cell
9 phone radiation controversy.

10 The safety of cell phones has been
11 debated over twenty years. Okay. And the
12 International Agency for Research on Cancer
13 classified RF radiation as a possible human
14 carcinogen in 2011.

15 One of the scientists stated, and I
16 quote, "This is a major public health concern
17 because the cells which became cancerous in the
18 rats were the same types of cells as those found
19 that have been reported to develop into tumors in
20 cell phone epidemiological studies."

21 For this to be the chance coincidence
22 would be truly amazing.

23 Okay. Everyone expected the study to be
24 negative but, in fact, the study was positive. One
25 scientist wrote, "This study is a game changer.

1 There is no question."

2 The Director of the Institute for
3 Health and the Environment at the University of
4 Albany stated, "It confirms that we've been seeing
5 for many years though now we have evidence in
6 animals as well as in humans." Okay.

7 There is a relationship between RF
8 radiation and producing cancer.

9 SUPERVISOR SALADINO: Dr. Burg, would
10 you like to present this information to our Town
11 Clerk?

12 DR. BURG: I will.

13 SUPERVISOR SALADINO: Would you like to
14 give that and we will follow up?

15 DR. BURG: Yes.

16 SUPERVISOR SALADINO: We will get all
17 this information. I understand you'd like to talk
18 about health issues.

19 DR. BURG: I just want to leave at that
20 because a gentleman came up and basically was
21 trying to say they're healthy.

22 SUPERVISOR SALADINO: Yes, but this is
23 probably not the appropriate place to get into it.

24 DR. BURG: I'm done with the health
25 topic.

1 I just wanted to add something to my
2 conversation regarding a lot of the residents
3 tonight spoke about devaluation of their homes and
4 they're just saying in general terms, they, you
5 know, it devalues your home.

6 I would like to state, for the record,
7 here tonight, the Town of Oyster Bay, some facts.
8 Real brief, it will take two minutes. Okay.

9 There was the bond and use study
10 conducted in 2004 involved the analysis of 9,514
11 residential homes sales in ten suburbs. The study
12 reflected that close proximity to a cell tower
13 reduced the price of their homes by 15 percent on
14 average. There was the bond and Wang study. Okay.
15 Which the analysis of 4,283 residential home sales
16 in four suburbs between 1984 and 2002.

17 The study reflected that close
18 proximity to a cell tower reduced price between
19 20.7 percent and 21 percent. Okay.

20 There is also an opinion survey that
21 showed that 24 percent of people said they reduced
22 their sale price by 10 to 19 percent.

23 I just wanted to state some devaluation
24 facts for the record some devaluation facts for the
25 record.

1 Thank you very much. I know it's
2 getting late.

3 Again, thank you, Supervisor Saladino,
4 for the time to speak.

5 Thank you, Council Members.

6 (Applause.)

7 SUPERVISOR SALADINO: Thank you.

8 I would just like to finish up by
9 stating this is an extremely important issue to our
10 Town. We are working on this diligently. We are
11 taking every step to address our residents and
12 protect our residents and proof of that is the fact
13 that we have pulled these permits. Proof of that
14 is the fact that Crown Castle is now suing us
15 because we are taking a very firm stand on this.

16 We have worked diligently to select on
17 one of the top legal firms in the area, if not the
18 country, to represent the Town on this issue. I'm
19 extremely confident in this firm as well as their
20 expertise and their core understanding and quite
21 frankly, they match our passion to fix this
22 problem. So without going into further information
23 because, obviously, we're in litigation, I will ask
24 for a motion to close this hearing.

25 MR. MUSCARELLA: Need correspondence?

1 SUPERVISOR SALADINO: Is there
2 correspondence? Sorry.

3 MR. ALTADONNA: Supervisor, you had
4 stated that you received e-mails?

5 SUPERVISOR SALADINO: No, I did not
6 state that.

7 MR. ALTADONNA: Any communications?

8 SUPERVISOR SALADINO: We have some
9 communications in the office, but I'm sure you've
10 gotten that.

11 MR. ALTADONNA: They're going to go
12 onto the record like Councilwoman Alesia.

13 SUPERVISOR SALADINO: Okay.

14 MR. ALTADONNA: Okay.
15 We have Affidavits of Postings and
16 Publications. We have letters of opposition from
17 residents. There are no other correspondence.

18 SUPERVISOR SALADINO: May I have a
19 motion?

20 COUNCILMAN MUSCARELLA: Supervisor, I
21 make a motion that this public hearing be closed
22 and the decision be reserved.

23 COUNCILMAN MACAGNONE: Second.

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

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ALL: "Aye."

SUPERVISOR SALADINO: "Nay"?

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you. We will be taking
approximately a ten-minute break to give a break to
our team.

(Whereupon, a recess was taken at
10:09 p.m.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
JUNE 20, 2017
10:20 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 LOUIS B. IMBROTO
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN THOMAS HAND

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

TOWN CLERK JAMES ALTADONNA JR.
RECEIVER OF TAXES JAMES STEFANICH

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, if you don't mind taking your seats so
3 we can proceed with our Calendar?

4 Is our Town Attorney nearby? Would
5 someone bring our Town Attorney in, please?

6 I'm going to ask the Town Clerk to
7 untable a previously tabled Resolution 294.

8 MR. ALTADONNA: Remove from the table.

9 We have a motion to remove from the
10 table, Resolution No. 294-2017, which was removed
11 from the table on May 23, 2017.

12 Resolution No. 294-2017, tabled on
13 May 23, 2017; Resolution to amend Resolution No.
14 83-2016 in connection with Contract No. PWC 005-16,
15 Historic Preservation and Special Events Consultant
16 Services. (M.D. 5/16/17 #26).

17 On the motion?

18 MR. MUSCARELLA: So moved.

19 COUNCILMAN MACAGNONE: Second.

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

23 Now, this is just to remove from the
24 table.

25 On the vote?

1 SUPERVISOR SALADINO: "Aye."
2 MR. ALTADONNA: Councilman Muscarella?
3 COUNCILMAN MUSCARELLA: "Aye."
4 MR. ALTADONNA: Councilman Macagnone?
5 COUNCILMAN MACAGNONE: "Aye."
6 MR. ALTADONNA: Councilwoman Alesia?
7 COUNCILWOMAN ALESIA: "Aye."
8 MR. ALTADONNA: Councilwoman Johnson?
9 COUNCILWOMAN JOHNSON: "Aye."
10 MR. ALTADONNA: Councilman Imbroto?
11 COUNCILMAN IMBROTO: "Aye."
12 MR. ALTADONNA: Councilman Hand?
13 COUNCILMAN HAND: "Aye."
14 MR. ALTADONNA: Motion to remove
15 Resolution No. 294-2017 passes with seven "Ayes."
16 Now, may I have a motion to adopt
17 Resolution No. 294-2017?
18 SUPERVISOR SALADINO: Well, before we
19 do that, I'm going to ask for an amendment.
20 Due to recent information received from
21 my staff today, I propose to amend Resolution 294
22 to be amended to limiting payment for the services
23 already rendered from vendors from January 1, 2017,
24 and to this day, June 20, 2017. And that total
25 payment for both vendors will not exceed \$19,625 in

1 total of all.

2 Of the \$19,625, only \$17,000 is the
3 additional encumbrance being proposed to be
4 authorized tonight.

5 And I am proposing, directing the Town
6 to discontinue the funding of these services from
7 these vendors as we change to provide services at
8 The Farm at Oyster Bay to in-house Town employees
9 in furtherance of cost savings in the Town of
10 Oyster Bay.

11 MR. MUSCARELLA: I'll move that motion.

12 COUNCILMAN MACAGNONE: I'll second that
13 motion.

14 SUPERVISOR SALADINO: Would you take a
15 vote?

16 MR. ALTADONNA: We have speakers on
17 this one.

18 SUPERVISOR SALADINO: We do have
19 speakers, okay.

20 In the meantime, I am directing the
21 Town Attorney to prepare this Amended Resolution.

22 MR. ROZEA: It will take a few minutes,
23 Supervisor.

24 SUPERVISOR SALADINO: The first speaker
25 is -- on 294, Kevin McKenna.

1 MR. McKENNA: Good evening, again.

2 Kevin McKenna, Syosset, New York.

3 Am I only speaking just on this?

4 MR. ALTADONNA: Yes.

5 MR. McKENNA: Okay.

6 Did I just hear you say that basically
7 you're cancelling the agreement that you have with
8 these consultants? Is that what --

9 SUPERVISOR SALADINO: Yes. We will no
10 longer be funding.

11 MR. McKENNA: So they're not going to
12 be going forward?

13 SUPERVISOR SALADINO: That's correct.

14 MR. McKENNA: Good job, guys.

15 Thank you very much. Thank you.

16 SUPERVISOR SALADINO: Our next speaker
17 is Bob Freier.

18 MR. FREIER: Nothing.

19 Thank you.

20 SUPERVISOR SALADINO: Okay. And I
21 believe, lastly Robert Ripp.

22 MR. RIPP: Hi.

23 My name is Robert Ripp. I'm from
24 77 Sunset Road in Massapequa.

25 Congratulations on taking action on

1 this. It is long overdue.

2 I'd like to know if -- I'd asked a
3 while back and I never got an answer on it, but the
4 not-for-profit that was set up, The Farm at Oyster
5 Bay, I'd like to know if that's going to be -- if
6 that was -- my questions were never answered
7 whether or not that was actually instigated by
8 Linda Mondello in her capacities as the Historical
9 Preservation Consultant, but I'd like to know if
10 that not-for-profit is still in existence, and if
11 it is, if it's going to be terminated, if the Town
12 has anything to do with it.

13 SUPERVISOR SALADINO: Our Town Attorney
14 is currently in the process of preparing this
15 Amended Resolution.

16 When he comes back, we will ask him.

17 MR. RIPP: Thank you very much.

18 SUPERVISOR SALADINO: Are there any
19 other speakers on this item?

20 (No verbal response given.)

21 SUPERVISOR SALADINO: No.

22 Being no speakers, we will wait for our
23 Amended Resolution and then we'll take a vote.

24 Does the Town Attorney have the Amended
25 Resolution?

1 MR. ROZEA: Yes.

2 I just gave it to Legislative Affairs.

3 SUPERVISOR SALADINO: Okay.

4 MR. ALTADONNA: "WHEREAS, the Town
5 Board adopted Resolution No. 83-2016 on
6 February 23, 2016, authorizing the Supervisor to
7 enter into contracts for historical preservation
8 and special events consulting services under
9 Contract No. PWC-005-16, effective March 1, 2016
10 through December 31, 2018; and

11 "WHEREAS, Resolution No. 83-2016 stated
12 that the amount of the two contracts to provide the
13 required services were to be in the amount not to
14 exceed \$75,000; and

15 "WHEREAS, Joseph G. Pinto,
16 Commissioner, Department of Parks, by Memorandum
17 dated May 19, 2017 has advised that the intention
18 of the parties was at the maximum expenditure of
19 the Town for services to be performed under
20 Contract No. PWC 005-16 would be \$75,000 per year
21 total between the two consultants; and

22 "WHEREAS, Linda Mondello has performed
23 services under Contract No. PWC-005-16 since
24 January 1, 2017; and

25 "WHEREAS, PR, Inc. has performed

1 services under Contract No. PWC 005-16 since
2 January 1, 2017.

3 "NOW, THEREFORE, BE IT RESOLVED, that
4 the Office of the Comptroller is hereby authorized
5 to encumber the sum of \$17,000 and directed to make
6 payments to Linda E. Mondello and to PR, Inc. for
7 consultant services rendered under Contract No.
8 PWC-005-16 for the calendar year 2017 in an amount
9 not to exceed \$19,625 upon presentation of duly
10 certified claims after audit, and

11 "IT BE FURTHER RESOLVED, that the
12 Office of the Comptroller is hereby authorized and
13 directed to make payments for said services under
14 Contract No. PWC-005-16 from account number
15 PKS A 7110449000000000, and be it further resolved
16 that no further consulting services shall be
17 performed under Contract PWC-005-16 unless
18 specifically authorized by the Town Board."

19 SUPERVISOR SALADINO: If there are no
20 other speakers, is there any correspondence?

21 (No response.)

22 MR. MUSCARELLA: So moved.

23 MR. ALTADONNA: No, no.

24 Motion was made by Councilman
25 Muscarella, seconded by Councilman Macagnone.

1 On the vote?

2 Supervisor Saladino?

3 SUPERVISOR SALADINO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: "Aye."

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: "Aye."

8 MR. ALTADONNA: Councilwoman Alesia?

9 COUNCILWOMAN ALESIA: "Aye."

10 MR. ALTADONNA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye."

12 MR. ALTADONNA: Councilman Imbroto?

13 COUNCILMAN IMBROTO: "Aye."

14 MR. ALTADONNA: Councilman Hand?

15 COUNCILMAN HAND: "Aye."

16 MR. ALTADONNA: Motion to adopt

17 Resolution 294-2017 passes with seven "Ayes."

18 SUPERVISOR SALADINO: I'd to like to

19 comment.

20 As we continue to review personal

21 service contracts within the Town of Oyster Bay as

22 well as all lines of our budget, we have concluded

23 that it is time to eliminate some of these

24 particular contracts.

25 As of tonight, we will no longer be

1 funding these contracts and any ongoing programs
2 will continue to run with existing Town personnel.

3 We will be revisiting how all
4 programming is done at this facility and will
5 continue to look at the most efficient and cost
6 effective ways to provide positive and enriching
7 services to our residents.

8 Having said that, I do feel it is
9 important to recognize that the woman who provided
10 these services to the Town, Linda Mondello, was a
11 consummate professional who was very knowledgeable
12 in her field.

13 We have been very fortunate to have the
14 beneficiaries of her expertise and assistance in
15 creating many of the positive programs offered at
16 The Farm today, and we thank her.

17 MR. ALTADONNA: Next?

18 SUPERVISOR SALADINO: Yes.

19 MR. ALTADONNA: We also have another
20 removed from the table.

21 May I have a motion to remove from the
22 table, Resolution 237 which was tabled on May 9,
23 2017?

24 Resolution No. 237-2017, tabled on
25 May 9, 2017; Resolution pertaining to expenditures

1 for the Planning Advisory Board meetings for the
2 2017 calendar year. Account No. PAD B 8020 44800
3 000 0000. (M.D. 4/25/17 #11).

4 On the motion?

5 COUNCILMAN MUSCARELLA: So moved.

6 COUNCILMAN MACAGNONE: Second.

7 MR. ALTADONNA: Motion made by
8 Councilman Muscarella, seconded by Councilman
9 Macagnone.

10 On the vote?

11 Supervisor Saladino?

12 SUPERVISOR SALADINO: "Aye."

13 MR. ALTADONNA: Councilman Muscarella?

14 COUNCILMAN MUSCARELLA: "Aye."

15 MR. ALTADONNA: Councilman Macagnone?

16 COUNCILMAN MACAGNONE: "Aye."

17 MR. ALTADONNA: Councilwoman Alesia?

18 COUNCILWOMAN ALESIA: "Aye."

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: "Aye."

21 MR. ALTADONNA: Councilman Imbroto?

22 COUNCILMAN IMBROTO: "Aye."

23 MR. ALTADONNA: Councilman Hand?

24 COUNCILMAN HAND: "Aye."

25 MR. ALTADONNA: Motion to remove from

1 the table passes with seven "Ayes."

2 Now, we also have a speaker on 237, but
3 let me get the motions.

4 May I have a motion to adopt Resolution
5 No. 237?

6 On the motion?

7 COUNCILMAN MUSCARELLA: So moved.

8 COUNCILMAN MACAGNONE: Second.

9 MR. ALTADONNA: Okay. You have a
10 speaker on 237.

11 SUPERVISOR SALADINO: I am looking
12 through the slips right now on that.

13 Is the speaker on motion 237 in the
14 room? Mr. McKenna?

15 MR. McKENNA: Kevin McKenna again.
16 Syosset, New York.

17 Seems like it was just the other day
18 when -- I guess it's a year, a year ago. I'll
19 guess I'll say the same thing now that I said a
20 year ago.

21 This is the Resolution with Michael
22 Spinelli is one of the people to be paid \$150? Am
23 I on the right Resolution, the Planning Advisory
24 Board? Michael Spinelli is --

25 SUPERVISOR SALADINO: Let's call up

1 our Town Attorney, Mr. Nocella to address this
2 question.

3 MR. McKENNA: My statement is that I
4 strongly suggest that because Michael Spinelli is a
5 paid contractor for the Town of Oyster Bay, I don't
6 think that it's ethically appropriate for him to be
7 paid \$150 on this Resolution and to my recollection
8 a year ago -- a year ago, you guys had agreed with
9 me a year ago.

10 MR. NOCELLA: Supervisor, Town Board,
11 I'm not familiar with what happened a year ago, but
12 I do believe this matter was vetted and it was
13 concluded that there is no conflict.

14 SUPERVISOR SALADINO: Thank you.
15 May I have motion?

16 MR. ALTADONNA: I'll call for the vote.

17 SUPERVISOR SALADINO: Yes, if there
18 are no other speakers.

19 Thank you.

20 MR. ALTADONNA: Okay.

21 Motion made Councilman Muscarella,
22 seconded by Councilman Macagnone.

23 On the vote?

24 Supervisor Saladino?

25 SUPERVISOR SALADINO: "Aye."

1 MR. ALTADONNA: Councilman Muscarella?
2 COUNCILMAN MUSCARELLA: "Aye."
3 MR. ALTADONNA: Councilman Macagnone?
4 COUNCILMAN MACAGNONE: "Aye."
5 MR. ALTADONNA: Councilwoman Alesia?
6 COUNCILWOMAN ALESIA: "Aye."
7 MR. ALTADONNA: Councilwoman Johnson?
8 COUNCILWOMAN JOHNSON: "Aye."
9 MR. ALTADONNA: Councilman Imbroto?
10 COUNCILMAN IMBROTO: "Aye."
11 MR. ALTADONNA: Councilman Hand?
12 COUNCILMAN HAND: "Aye."
13 MR. ALTADONNA: Motion to adopt
14 Resolution No. 237-2017 passes with seven "Ayes."
15 May I have a motion to table Resolution
16 P-16-17?
17 Personnel Resolution No. P-16-17;
18 Resolution pertaining to personnel of various
19 departments within the Town of Oyster Bay.
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?

2 Supervisor Saladino?

3 SUPERVISOR SALADINO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: "Aye."

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: "Aye."

8 MR. ALTADONNA: Councilwoman Alesia?

9 COUNCILWOMAN ALESIA: "Aye."

10 MR. ALTADONNA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye."

12 MR. ALTADONNA: Councilman Imbroto?

13 COUNCILMAN IMBROTO: "Aye."

14 MR. ALTADONNA: Councilman Hand?

15 COUNCILMAN HAND: "Aye."

16 MR. ALTADONNA: Motion to table

17 Resolution P-16-2017 passes with seven "Ayes."

18 We also have -- Supervisor, we have a

19 Walk-On, so I'm going to ask to have the rules

20 suspended to add the Walk-On so we can add it to

21 the regular Action Calendar so everyone could speak

22 at once.

23 SUPERVISOR SALADINO: Thank you.

24 MR. ALTADONNA: May I have a motion to

25 suspend the rules and add the following Walk-On

1 Resolution Nos. 371 through 373-2017?

2 COUNCILMAN MUSCARELLA: So moved.

3 COUNCILMAN MACAGNONE: Mr. Clerk, walk
4 on 373 is not in the calendar.

5 Do you want to read it off before?

6 MR. ALTADONNA: Yes, I can read that if
7 I can find it first.

8 COUNCILMAN MACAGNONE: There's a copy
9 of it right here if you need it.

10 MR. ALTADONNA: Okay. Thank you.

11 Just so you know, this is just to
12 suspend. I was going to read it before the vote if
13 it passes.

14 Okay.

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 COUNCILMAN MACAGNONE: Second.

18 MR. ALTADONNA: Motion made by
19 Councilman Muscarella, seconded my Councilman
20 Macagnone.

21 On the vote?

22 Supervisor Saladino?

23 SUPERVISOR SALADINO: "Aye."

24 MR. ALTADONNA: Councilman Muscarella?

25 COUNCILMAN MUSCARELLA: "Aye."

1 MR. ALTADONNA: Councilman Macagnone?

2 COUNCILMAN MACAGNONE: "Aye."

3 MR. ALTADONNA: Councilwoman Alesia?

4 COUNCILWOMAN ALESIA: "Aye."

5 MR. ALTADONNA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: "Aye."

7 MR. ALTADONNA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: "Aye."

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. ALTADONNA: Motion to suspend the
12 rules and add Resolutions Nos. 371 through 373-2017
13 passes with seven "Ayes."

14 Resolution No. 371-2017; Resolution
15 granting request from the Bethpage Fire Department
16 for Town assistance in hosting the 2017 Nassau
17 County Fire Parade & Drill from July 6-9, 2017, to
18 have Town ordinance Ch. 82-3, 168-22 and 168-24
19 waived as well as the use of Town equipment and
20 Public Safety personnel for the event. (M.D.
21 6/13/17 #26).

22 Resolution No. 372-2017; Resolution
23 directing the Town Clerk to advertise a Notice of
24 Hearing to consider a Local Law to Amend Local Law
25 No. 1-2016, as previously amended by Local Law

1 2-2017, Creating a Building Permit Amnesty Program
2 for Residential Homeowners within the Town of
3 Oyster Bay. Hearing date: July 11, 2017. (M.D.
4 6/13/17 #16).

5 Now, I'd like to read 373-2017 into the
6 record.

7 "WHEREAS, pursuant to public notice,
8 one bid was duly and regularly received by the
9 Department of Public Works for the reconstruction
10 of the North Massapequa Community Center, North
11 Albany Avenue, North Massapequa, New York in
12 accordance with the specifications contained in
13 Contract No. DPW 17-148; and

14 "WHEREAS, Richard W. Lenz, PE,
15 Commissioner of the Department of Public Works by
16 Memorandum dated June 20, 2017 recommended that the
17 aforesaid solo bid for Contract No. DPW-17-148 be
18 rejected and further recommended that the Division
19 of Purchasing Department of general Services be
20 authorized to proceed with setting a bid date to
21 receive new bids for said Contract.

22 "NOW, THEREFORE, BE IT RESOLVED, that
23 upon the recommendation as herein above set forth
24 the sole bid received in connection with Contract
25 No. DPW-17-48 is hereby rejected and that the

1 Division of Purchasing Department of General
2 Services is hereby authorized to proceed with a
3 said bid date for receiving bids for the
4 aforementioned Contract.

5 Now, may I have a motion to adopt
6 Walk-On Resolutions 371 through 373-2017?

7 COUNCILMAN MUSCARELLA: So moved.

8 COUNCILMAN MACAGNONE: Second.

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

12 Supervisor, I think you may have some
13 speakers on these items here.

14 SUPERVISOR SALADINO: I believe
15 Mr. McKenna is our first speaker.

16 MR. ALTADONNA: We are just going to do
17 this because I can't go back and forth.

18 Then I'll do the calendar.

19 MR. McKENNA: Kevin McKenna, Syosset,
20 New York.

21 On 372, I think I read in the backup
22 that there's a certain date that -- if you were to
23 pass this Resolution, does that mean -- does the
24 amnesty start from a few months ago or does it
25 start from today?

1 COUNCILMAN MACAGNONE: The hearing will
2 be July 11th, Mr. McKenna.

3 SUPERVISOR SALADINO: Commissioner,
4 would you come forward, please?

5 COUNCILMAN MACAGNONE: We are voting
6 now to have a hearing to continue the amnesty.

7 SUPERVISOR SALADINO: Commissioner,
8 would you kindly step up to the microphone?

9 MR. MCKENNA: In other words, if you
10 pass this, does that mean that it's only people who
11 had applied before a certain date or --

12 COMMISSIONER MACCARONE: No.

13 I believe back in January, when you had
14 the last hearing, it was retroactive to January 1st
15 so the hearing will take place on July 11th, and it
16 will up to the Board if you want to nunc pro tunc
17 it back to July 1st through December 31st.

18 And anybody who applies during those
19 six months would have the benefit of the amnesty
20 program.

21 COUNCILMAN MACAGNONE: Has it been
22 successful and well accepted by the residents
23 still?

24 COMMISSIONER MACCARONE: We are
25 inundated with applications.

1 COUNCILMAN MACAGNONE: Thank you.

2 MR. McKENNA: Thank you.

3 And just hearing about 373, could
4 you -- can you tell us who the bidder was that was
5 rejected and why?

6 COMMISSIONER LENZ: It was Built Well.

7 SUPERVISOR SALADINO: Commissioner,
8 please come up to the microphone.

9 COMMISSIONER LENZ: I'm sorry. I was
10 yelling from the back. It's Built Well
11 Construction Company, and I just felt the bids were
12 too high.

13 And as I said, it was only one bid, so
14 I felt it was best to rebid. We're going to
15 repackage and rebid.

16 COUNCILMAN MUSCARELLA: Commissioner,
17 the insurance company gave us how much money?

18 COMMISSIONER LENZ: 850,000.

19 COUNCILMAN MUSCARELLA: And the bid
20 that came in?

21 COMMISSIONER LENZ: 1.2 million.

22 MR. MUSCARELLA: Okay. That answers
23 that.

24 COMMISSIONER LENZ: That was the main
25 reason.

1 MR. McKENNA: Thank you.

2 SUPERVISOR SALADINO: Bob Freier?

3 MR. FREIER: Good evening.

4 Question on the amnesty program.

5 I know the Commissioner just said that
6 you've been inundated with applications -- with
7 permit applications. How much -- even a good
8 estimated -- how much has that brought in, in terms
9 of revenue to the Town by having the amnesty
10 program in effect?

11 SUPERVISOR SALADINO: Sir, would you
12 like to come --

13 MR. FREIER: Is it still in effect now
14 or is it expired?

15 COUNCILMAN MACAGNONE: It will expire
16 June 30th.

17 MR. FREIER: It will expire June 30th,
18 okay.

19 COMMISSIONER MACCARONE: I do not have
20 the figures because it started last --

21 SUPERVISOR SALADINO: Why don't you
22 step up to the microphone, please, if you don't
23 mind.

24 Thank you.

25 COMMISSIONER MACCARONE: I do not have

1 the figures as to, you know, how much we've
2 generated in revenue. It did start prior to my
3 tenure over in Planning and Development, but I will
4 provide, you know, the Board members with that
5 information.

6 SUPERVISOR SALADINO: Can you speak to
7 the pattern of the numbers of applications that are
8 coming in?

9 COMMISSIONER MACCARONE: Well, I
10 believe last year, for the first six months, Deputy
11 Commissioner Zike had spoken before this Board and
12 there was an increase, but I don't remember that
13 number. We do have a lot of applications that have
14 been submitted. One of the things that we are
15 struggling with is people have submitted their
16 applications, we've processed them, but they are
17 not coming in to pay for them, so we are sending
18 notices to them; first notice, second notices, then
19 we go to out to verify, so we've been ramping up
20 that portion of it to get the people to submit
21 their final payments.

22 So -- and that has been successful in
23 the last few months that we've, you know, changed
24 the process, but in terms of the amounts, I don't
25 have that information.

1 SUPERVISOR SALADINO: Thank you,
2 Commissioner.

3 MR. FREIER: Thank you.

4 And also, have you brought your
5 building file up to date with -- from your past
6 construction?

7 SUPERVISOR SALADINO: Well, I think
8 this is a great opportunity for you to use your
9 time to make any comments you'd like and we'll take
10 your comments under consideration.

11 As you know, this is a process where we
12 hear from the public before we vote, but if you'd
13 like to send a letter in, we'd be happy to address
14 that.

15 MR. FREIER: Thank you.

16 SUPERVISOR SALADINO: Are there any
17 other speakers on this?

18 (No response.)

19 SUPERVISOR SALADINO: Call for a vote?

20 MR. ALTADONNA: Yes.

21 Motion was made by Councilman
22 Muscarella, seconded by Councilman Macagnone.

23 On the vote?

24 Supervisor Saladino?

25 SUPERVISOR SALADINO: "Aye."

1 MR. ALTADONNA: Councilman Muscarella?

2 COUNCILMAN MUSCARELLA: "Aye."

3 MR. ALTADONNA: Councilman Macagnone?

4 COUNCILMAN MACAGNONE: "Aye" on 371 and
5 372, but I'm going to have to abstain on 373.

6 MR. ALTADONNA: Councilwoman Alesia?

7 COUNCILWOMAN ALESIA: "Aye."

8 MR. ALTADONNA: Councilwoman Johnson?

9 COUNCILWOMAN JOHNSON: "Aye."

10 MR. ALTADONNA: Councilman Imbroto?

11 COUNCILMAN IMBROTO: "Aye."

12 MR. ALTADONNA: Councilman Hand?

13 COUNCILMAN HAND: "Aye."

14 MR. ALTADONNA: Okay.

15 371 and 372 pass with seven "Ayes."

16 373 passes with six "Ayes" and one
17 "Abstention."

18 Now, we are going to go to the regular
19 Action Calendar?

20 May I have a motion to adopt Resolution
21 Nos. P-15-17 through 370-B-17, noting that P-16-17
22 has already been tabled.

23 Personnel Resolution No. P-15-17;
24 Resolution pertaining to personnel of various
25 departments within the Town of Oyster Bay.

1 Transfer of Funds Resolution No.
2 TF-9-17; Resolution pertaining to Transfer of Funds
3 within various departments accounts for the Year
4 2017.

5 Resolution No. 327-2017; Resolution
6 amending Resolution No. 259-2017 relative to the
7 list of performers for the 2017 Music Under the
8 Stars concert series. (M.D. 5/30/17 #4).

9 Resolution No. 328-2017; Resolution
10 authorizing the issuance of a refund of a building
11 permit fee to SolarCity Corp. For Permit
12 #R14003630. Account No. PAD B 0001 02555 000 0000.
13 (M.D. 5/30/17 #9).

14 Resolution No. 329-2017; Resolution
15 authorizing the issuance of a refund of a building
16 permit fee to SolarCity Corp. For Permit
17 #R14004007. Account No. PAD B 0001 02555 000 0000.
18 (M.D. 5/30/17 #10).

19 Resolution No. 330-2017; Resolution
20 authorizing the issuance of a refund of a building
21 permit fee to SolarCity Corp. For Permit
22 #R14005074. Account No. PAD B 0001 02555 000 0000.
23 (M.D. 5/30/17 #11).

24 Resolution No. 331-2017; Resolution
25 authorizing the issuance of a refund of a building

1 permit fee to SolarCity Corp. For Permit
2 #R14005220. Account No. PAD B 0001 02555 000 0000.
3 (M.D. 5/30/17 #12).

4 Resolution No. 332-2017; Resolution
5 authorizing the issuance of a refund of a building
6 permit fee to SolarCity Corp. For Permit
7 #R14001877. Account No. PAD B 0001 02555 000 0000.
8 (M.D. 5/30/17 #13).

9 Resolution No. 333-2017; Resolution
10 authorizing the issuance of a refund of a building
11 permit fee to SolarCity Corp. For Permit
12 #R14004046. Account No. PAD B 0001 02555 000 0000.
13 (M.D. 5/30/17 #14).

14 Resolution No. 334-2017; Resolution
15 authorizing the issuance of a refund of a building
16 permit fee to SolarCity Corp. For Permit
17 #R14003627. Account No. PAD B 0001 02555 000 0000.
18 (M.D. 5/30/17 #15).

19 Resolution No. 335-2017; Resolution
20 authorizing the issuance of a refund of a building
21 permit fee to SolarCity Corp. For Permit
22 #R14003622. Account No. PAD B 0001 02555 000 0000.
23 (M.D. 5/30/17 #16).

24 Resolution No. 336-2017; Resolution
25 authorizing the property cleanup assessment of

1 89A Ocean Avenue, Massapequa, NY, be referred to
2 the County of Nassau for placement on the Nassau
3 County Tax Assessment Rolls. (M.D. 5/30/17 #17).

4 Resolution No. 337-2017; Resolution
5 granting request from St. Edward the Confessor
6 Church for Town assistance in hosting a festival
7 from August 17-20, 2017, to use the northeast
8 portion of Municipal Parking Field S-1 in Syosset,
9 Municipal Parking Field S-2 on August 19, 2017 and
10 to have a waiver of Town Ordinance Chapter 82-3,
11 168-20, 168-22 and 168-24, a waiver of parking
12 restrictions on several area roadways and to use
13 various Town equipment for the event. (M.D.
14 5/30/17 #18).

15 Resolution No. 338-2017; Resolution
16 authorizing the acceptance of a donation of a
17 plaque and bench from Jane Murray, to be placed at
18 Harry Tappen Beach in memory of Cuddy Murray.
19 (M.D. 5/30/17 #19).

20 Resolution No. 339-2017; Resolution
21 authorizing the acceptance of a donation of a
22 plaque from Rochelle Martin, to be placed at Harry
23 Tappen Beach in memory of James Lockwood Martin.
24 (M.D. 6/6/17 #9).

25 Resolution No. 340-2017; Resolution

1 authorizing the acceptance of a donation of a
2 plaque and tree from Ethel Meade, to be placed at
3 Marjorie R. Post Community Park in memory of John
4 Joseph Sutton. (M.D. 6/6/17 #10).

5 Resolution No. 341-2017; Resolution
6 authorizing the second amendment to Community
7 Development Block Grant Disaster Recovery
8 Subrecipient Agreement with the Housing Trust Fund
9 Corporation and for the Supervisor or his designee
10 to execute said agreement and for C. Bell to
11 execute documents in connection with the New York
12 Rising Community Reconstruction Program. (M.D.
13 6/6/17 #15).

14 Resolution No. 342-2017; Resolution
15 authorizing the issuance of a refund of a building
16 permit fee to SolarCity Corp. For Permit
17 #R16001666. Account No. PAD B 0001 02555 000 0000.
18 (M.D. 6/6/17 #16).

19 Resolution No. 343-2017; Resolution
20 authorizing the issuance of a refund of a building
21 permit fee to SolarCity Corp. For Permit
22 #R15000829. Account No. PAD B 0001 02555 000 0000.
23 (M.D. 6/6/17 #17).

24 Resolution No. 344-2017; Resolution
25 authorizing the issuance of a refund of a building

1 permit fee to SolarCity Corp. For Permit
2 #R13004839. Account No. PAD B 0001 02555 000 0000.
3 (M.D. 6/6/17 #18).

4 Resolution No. 345-2017; Resolution
5 authorizing the issuance of a refund of a building
6 permit fee to SolarCity Corp. For Permit
7 #R14003418. Account No. PAD B 0001 02555 000 0000.
8 (M.D. 6/6/17 #19).

9 Resolution No. 346-2017; Resolution
10 authorizing the issuance of a refund of a building
11 permit fee to SolarCity Corp. For Permit
12 #R13005522. Account No. PAD B 0001 02555 000 0000.
13 (M.D. 6/6/17 #20).

14 Resolution No. 347-2017; Resolution
15 authorizing the issuance of a refund of a building
16 permit fee to SolarCity Corp. For Permit
17 #R15005331. Account No. PAD B 0001 02555 000 0000.
18 (M.D. 6/6/17 #21).

19 Resolution No. 348-2017; Resolution
20 authorizing the issuance of a refund of a building
21 permit fee to SolarCity Corp. For Permit
22 #R16000030. Account No. PAD B 0001 02555 000 0000.
23 (M.D. 6/6/17 #22).

24 Resolution No. 349-2017; Resolution
25 authorizing the issuance of a refund of a building

1 permit fee to SolarCity Corp. For Permit
2 #R15005440. Account No. PAD B 0001 02555 000 0000.
3 (M.D. 6/6/17 #23).

4 Resolution No. 350-2017; Resolution
5 authorizing the issuance of a refund of a building
6 permit fee to SolarCity Corp. For Permit
7 #R14005514. Account No. PAD B 0001 02555 000 0000.
8 (M.D. 6/6/17 #24).

9 Resolution No. 351-2017; Resolution
10 authorizing the Supervisor to execute a Letter of
11 Agreement for Employee Physical Examination
12 Program, effective January 1, 2017 through December
13 31, 2017. Account No. DHR A 1430 44130 000 0000.
14 (M.D 6/6/17 #25).

15 Resolution No. 352-2017; Resolution
16 amending Resolution 626-2016 relative to Contract
17 No. PWC 035-16, On-Call Accounting Services.
18 Account No. 1508TWNTWN-02. (M.D. 6/6/17 #26).

19 Resolution No. 353-2017; Resolution
20 authorizing the assessment of securing property at
21 89A Ocean Avenue, Massapequa, NY, be referred to
22 the County of Nassau for placement on the Nassau
23 County Tax Assessment Rolls. (M.D. 6/6/17 #27).

24 Resolution No. 354-2017; Resolution
25 authorizing the property cleanup assessment of

1 18A Park Lane Place, Massapequa, NY, be referred to
2 the County of Nassau for placement on the Nassau
3 County Tax Assessment Rolls. (M.D. 6/6/17 #28).

4 Resolution No. 355-2017; Resolution
5 authorizing the property cleanup assessment of
6 18 Sherman Avenue, Plainview, NY, be referred to
7 the County of Nassau for placement on the Nassau
8 County Tax Assessment Rolls. (M.D. 6/6/17 #29).

9 Resolution No. 356-2017; Resolution
10 authorizing the property cleanup assessment of
11 103 Melrose Avenue, Massapequa, NY, be referred to
12 the County of Nassau for placement on the Nassau
13 County Tax Assessment Rolls. (M.D. 6/6/17 #30).

14 Resolution No. 357-2017; Resolution
15 pertaining to special counsel services to the Town
16 Attorney. (JWR) Account No. OTA A 1420 44110 000
17 0000. (M.D. 6/6/17 #32).

18 Resolution No. 358-2017; Resolution
19 pertaining to special counsel services to the Town
20 Attorney. (MSE&K) Account No. OTA A 1420 44110 000
21 0000. (M.D. 6/6/17 #33).

22 Resolution No. 359-2017; Resolution
23 pertaining to the renewal of an Inter-municipal
24 Agreement with the Incorporated Village of Laurel
25 Hollow for highway cleaning services through

1 June 30, 2018. (M.D. 6/6/17 #34).

2 Resolution No. 360-2017; Resolution
3 granting request from the Waterfront Center to use
4 one roll-off container at their Bay Day event at
5 Beekman Beach from June 2-5, 2017. (M.D. 6/6/17
6 #35).

7 Resolution No. 361-2017; Resolution
8 authorizing the acceptance of the design and
9 entrance into the bid and construction phases for
10 Contract No. DPW 15-124 - Installation of permanent
11 generators at critical facilities in Massapequa and
12 Massapequa Park. (M.D. 6/6/17 #36).

13 Resolution No. 362-2017; Resolution
14 pertaining to Home Rule Request to grant a
15 retroactive membership date in the NYS Retirement
16 System to D. Galasso. (M.D. 6/6/17 #37).

17 Resolution No. 363-2017; Resolution
18 granting request from Maria Regina R.C. Church for
19 Town assistance in conducting their annual family
20 carnival from June 22-25, 2017 and to use various
21 Town equipment for the event. (M.D. 6/6/17 #38).

22 Resolution No. 364-2017; Resolution
23 authorizing a one-year extension of a Youth Science
24 Enrichment Camp Program from July 1, 2017 through
25 June 30, 2018. (RLE) (M.D. 6/6/17 #11 & 6/13/17

1 #7).

2 Resolution No. 365-2017; Resolution
3 authorizing a one-year extension of a Youth
4 Athletic Activities Camp Program from July 1, 2017
5 through June 30, 2018. (M.D. 6/6/17 #12 & 6/13/17
6 #4).

7 Resolution No. 366-2017; Resolution
8 authorizing a one-year extension of a Youth Science
9 Enrichment Program from July 1, 2017 through June
10 30, 2018. (Zoda) (M.D. 6/6/17 #13 & 6/13/17 #5).

11 Resolution No. 367-2017; Resolution
12 authorizing a second four-year extension of a
13 contract for the operation of a pro shop at the
14 Town of Oyster Bay Ice Skating Center at Bethpage,
15 effective July 1, 2017 through June 30, 2021.
16 (M.D. 6/6/17 #14 & 6/13/17 #6).

17 Resolution No. 368-2017; Resolution
18 amending Resolution No. 220-2017 relative to the
19 2017 Summer Beach, Ramp and Joseph J. Saladino
20 Memorial Marina at Tobay Operation and Fee
21 Schedule. (M.D. 6/6/17 #39).

22 Resolution No. 369-2017; Resolution
23 authorizing an agreement for the Workforce
24 Innovation and Opportunity Act One Stop Operator
25 services for the period July 1, 2017 through

1 June 30, 2018. (M.D. 5/23/17 #13).

2 Resolution No. 370A-2017; Resolution/
3 Order pertaining to the decision on the application
4 of the Jericho Water District for Bond Financing to
5 pay the cost of improvements to the Water District.
6 Hearing held: June 6, 2017. (M.D. 6/6/17 #6).

7 Resolution No. 370B-2017; Resolution
8 authorizing the issuance of serial bonds to pay the
9 cost of improvements to the Jericho Water District.
10 Hearing held: June 6, 2017. (M.D. 6/6/17 #6).

11 On the motion?

12 COUNCILMAN MUSCARELLA: So moved.

13 COUNCILMAN MACAGNONE: Second.

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

16 Supervisor, you have a lot of speakers
17 so...

18 SUPERVISOR SALADINO: We have three
19 speakers on this, my information.

20 Bob Freier?

21 MR. FREIER: Bob Freier, 33 Chestnut
22 Lane in Woodbury.

23 P-15-17, I would ask after the vote if
24 you could please announce who is moving on the
25 salary scale and how much salary changes,

1 et cetera.

2 Just kind of a question, I noticed on
3 the agenda, there ARE actually 18 -- oh, I'm sorry
4 -- 16 refunds to Solar City for -- you know, going
5 back, it looks like as far as, like, 2014, and I'm
6 just curious what that is all about.

7 And also just a question, is there like
8 a time limit if someone gets a permit for
9 something, you know, in this case, 2014, now being
10 2017, there's no limit if they don't move forward
11 with that that they can get a refund? And then
12 just, you know, question about what this, you know,
13 why are there 16 refunds or discontinuances of
14 installation of solar panels from -- specifically
15 from Solar City? I know they're a company that was
16 not too long acquired by Tesla, so I'm just curious
17 about that.

18 Okay. Resolution 352, this is for
19 about 300K to I'm assuming an accounting firm for
20 the financial -- audited financial statements for
21 2016.

22 My understanding, and please correct me
23 if I'm mistaken, was that those documents, the
24 audited financials are due 120 days after the
25 calendar year and this tells me that they're still

1 not done yet; is that correct?

2 And then just clarification on 370-A,
3 you didn't call 370-B, did you? Oh, you did.
4 Okay.

5 370-A and 370-B, it appears -- from
6 here it looks like this is all just bonding or
7 financing for the Water District, but isn't some of
8 it for the Town itself as opposed to the Water
9 District, so I'll sit down and let you answer the
10 rest.

11 SUPERVISOR SALADINO: Thank you.

12 We're going to start with 352, which
13 was -- is something that is a mandated independent
14 audit, is mandated by the State.

15 We have chosen AVZ and is someone from
16 the Comptroller's office here?

17 Rob Darienzo, would you please step
18 forward?

19 MR. DARIENZO: Good evening, Supervisor
20 and Town Board.

21 I don't actually work in the
22 Comptroller's office, but Deputy Comptroller
23 Kristine Wiss could not be here tonight, so I'm
24 here to speak on this Resolution.

25 AVZ provides accounting services that

1 allow us to turn over our books to our auditors to
2 perform the audit. The audit is due by June 30th
3 each year, not 120 days at the end of the calendar
4 year. What's called the annual update document is
5 due by April 30th to New York State.

6 The annual update document is, in fact,
7 still going to be late this year. We filed an
8 extension with the State and I know it's coming
9 soon after June 30th. Our audit is due every year
10 on June 30th, and it will be done and complete and
11 out by June 30th.

12 SUPERVISOR SALADINO: Thank you.

13 Now, on the question of the bonding,
14 can you speak to that?

15 MR. DARIENZO: Resolution 370-A and B
16 is strictly for Jericho Water District. It has
17 nothing to do with the Town issuing debt other than
18 the fact that we're issuing it on behalf of a Water
19 District.

20 SUPERVISOR SALADINO: And can you
21 confirm that that is mandated by the State,
22 mandated that they do their bonding through the
23 Town and any municipality across the state in this
24 scenario?

25 MR. DARIENZO: That is correct.

1 SUPERVISOR SALADINO: Okay.

2 Thank you.

3 MR. DARIENZO: Okay.

4 MR. FREIER: Is the Town not doing
5 financing for itself in this whole agenda?

6 SUPERVISOR SALADINO: Would you please
7 step up, Mr. Darienzo, and answer that question?

8 MR. DARIENZO: The Resolution only
9 authorizes us to issue debt for this water district
10 at any period during the period of probable
11 usefulness of this authorization, which is
12 forty years.

13 So, because the Resolution says a
14 certain dollar amount does not mean we run out
15 tomorrow and borrow that dollar amount. This
16 District can choose to do this project any time
17 over the course of the next forty years and we will
18 borrow money as necessary when they're performing
19 this project.

20 SUPERVISOR SALADINO: Thank you.

21 That's all of those questions.

22 Our last speaker is Mr. Robert Ripp.

23 MR. RIPP: Hello.

24 My name is Robert Ripp, 77 Sunset Road,
25 Massapequa, New York.

1 I just want to bring your attention,
2 you never answered my question on 294-2017 about
3 the not-for-profit, The Farm at Oyster Bay and I'm
4 just curious a couple things, Mr. Darienzo -- I'm
5 sure I'm not pronouncing his name correctly, but do
6 we have a Comptroller in the Town of Oyster Bay
7 right now?

8 SUPERVISOR SALADINO: I'd ask our Town
9 Attorney to step forward, please.

10 MR. NOCELLA: It is my understanding
11 that at the moment, there is no Comptroller.

12 Deputy Comptroller Kristine Wiss is
13 currently in charge of the Comptroller's
14 Department.

15 SUPERVISOR SALADINO: Now, the
16 question was asked about a foundation as associated
17 with The Farm at Oyster Bay.

18 Are you aware of a foundation?

19 MR. NOCELLA: No, I'm sorry. I
20 wouldn't be able to address that.

21 SUPERVISOR SALADINO: All right.

22 Is there another one of our staff who
23 is aware of a foundation associated with The Farm
24 at Oyster Bay?

25 Would you step forward, please?

1 MR. ROTHSTEIN: There was a foundation
2 that was set up, a 501(c)(3) not-for-profit set up
3 through The Farm.

4 I don't know to this point if it's been
5 used or it's been utilized at any point in time.
6 We can certainly check and get back to Mr. Ripp
7 with that question.

8 SUPERVISOR SALADINO: Thank you.
9 Much appreciated.

10 MR. RIPP: Was that set up by
11 Ms. Mondello independently or was that set up by
12 the Town of Oyster Bay?

13 MR. ROTHSTEIN: I'll check into it for
14 you and I'll let you know.

15 MR. RIPP: Thank you very much.

16 MR. ROTHSTEIN: My pleasure.

17 MR. RIPP: Just to move on to
18 Resolution 368, please.

19 This Resolution reached Joe Pinto, the
20 Commissioner, Department of Parks is -- is
21 requesting that the Board authorize -- that you
22 reduce senior Monday through Friday including
23 holidays rate at the Joseph A. Saladino Memorial
24 Marina for vessels 31 feet and longer from \$20.00 a
25 day to \$12.50 a day, and I'm sorry, I can't help

1 laughing about this, but I'm not -- first of all,
2 I'm not really sure how old you have to be to be a
3 senior in the Town, but what this is saying is if
4 you own a boat 31 feet or longer, and I imagine
5 you're going to use the mooring of the dock at this
6 marina, they're going to pay, like, almost half as
7 much as everyone else.

8 And, I mean, if you have a 31 foot
9 boat, it costs you more than \$20 to turn the key on
10 it. It's just ridiculous that -- what about
11 everybody that has a boat smaller than 31 feet,
12 they have to pay full boat? It -- this Resolution
13 almost screams -- who knows somebody with a 31-foot
14 boat that keeps it in this marina? All right?

15 Resolution 341. There's a couple of
16 things about this I'm concerned with. The Town, it
17 looks like we're going to get an increase in the
18 Community Development Block Grant Disaster Recovery
19 Funding \$9,945,814.50 and there's a couple of
20 things with this Resolution that I'm concerned
21 about. One is the federal -- excuse me -- one is
22 the civil rights and diversity provisions that are
23 involved with this because this is a federal grant,
24 and in the backup, there was some specific
25 requirements listed.

1 For instance, dividing total
2 requirements when economically feasible into
3 smaller tasks or quantities to permit maximum
4 participation by small minority businesses and
5 women's businesses and enterprises.

6 Basically, what the federal government
7 is saying is that if we accept this grant, there's
8 very stringent requirements. Placing small and
9 minority business and women's business enterprises
10 at the top of a list to do this work, so I'm
11 just -- I'm just hopeful that we maintain this so
12 we don't wind up in any more federal lawsuits.

13 What also brings my attention to this
14 Resolution is the \$4 million that's being allocated
15 for the street lighting. And some of you may
16 remember that back in 2012, the Town of Oyster Bay
17 had a federal grant at the Littauer Estate and
18 because the money wasn't being used for what it was
19 requested for, historical preservation, the Town
20 then diverted \$1.9 million to street lighting.

21 And what I -- what I want to bring to
22 your attention is Newsday did a story on
23 January 12th and when we initially did the street
24 lighting, according to the Town records, we did
25 about half of the street lights. It cost us

1 \$1.9 million and the Town reported to Newsday on
2 January 14th of this year that we averaged
3 approximately \$83,000 per year in savings. But in
4 the same story, Hempstead installed 50,000 LED
5 street lights, spent the same \$1.9 million, so they
6 did for four or five times as many street lights.

7 Also, their projected cost savings were
8 \$43 million over twenty years and ours was one 1.6
9 over twenty years. What -- what I'm concerned
10 about is that if we did -- if we already spent
11 \$2 million to do half of our street lights and now
12 we're getting another \$4 million, if it -- if it
13 costs us another \$2 million to do the other half,
14 what do we intend to do with the excess -- the
15 excess \$4 million, and there is a -- some
16 information on here on a solar -- solar -- I don't
17 want to say re-powering, but capabilities on the
18 street lights.

19 So, I'm curious, do we intend on
20 updating all of our street lights, not only to be
21 LED, but to be solar rechargeable also?

22 Thank you very much on that.

23 SUPERVISOR SALADINO: I don't have any
24 other slips.

25 Is there another speaker?

1 Mr. McKenna, I believe you went
2 already.

3 Yes, sir.

4 MR. VERSOCKI: Good evening,
5 Mr. Saladino, Members of the Board, James Versocki,
6 40 Lafayette Avenue in Sea Cliff.

7 I would just ask as a member of the
8 public, if you would please post the 2015/2016
9 financials when they are completed.

10 One of the things I'd requested many
11 months ago is that be done so concerned citizens
12 can see, in a transparent manner, what's been going
13 on. I hope that's the intention of the Board, and
14 I hope that the Board will make that gets done.

15 Thank you very much.

16 SUPERVISOR SALADINO: Thank you.

17 It is and we have worked very hard on
18 bringing about the highest level of transparency in
19 this municipality to date. We Claim New York as
20 one of the many organizations vetted us and they
21 named us the most transparent municipality in the
22 state of all those who responded.

23 MR. VERSOCKI: If I could follow up
24 with you on that, Mr. Supervisor, because that's a
25 different group and I understand that.

1 I just want to make sure that for the
2 audited financials, not some group that has an
3 agenda. I don't care what We Claim New York says,
4 what I care about is asking that this Board post
5 the audited financials.

6 SUPERVISOR SALADINO: The answer to
7 your question is that is something that we are
8 going to do. We appreciate your coming here.

9 MR. VERSOCKI: Thank you.

10 MR. McKENNA: Supervisor, I spoke --

11 SUPERVISOR SALADINO: Come on up,
12 Mr. McKenna.

13 MR. McKENNA: Thank you.

14 Kevin McKenna again, Syosset, New York.
15 On P-15-17, which has to do with the --
16 it's not the one you tabled.

17 Personnel, pertaining to personnel in
18 various departments. That's still here, right?
19 That's P-15-17?

20 What I want to ask or bring to your
21 attention is -- or ask is -- and the reason I ask
22 this is because I had a complaint in to the Ethics
23 Board -- or, not necessarily a complaint, my
24 request of the Ethics Board was -- which I brought
25 up numerous times here, has to do with the nepotism

1 chapter in the -- in the Ethics Policy.

2 And as it relates to this Resolution,
3 is it the policy of the Town of Oyster Bay to have
4 individuals -- like, for instance, you have an
5 individual and I'm not even going to mention his
6 name, but you have an individual who's listed on
7 the -- as a Town Board employee and he doesn't --
8 he has nothing to do with Town Board; he works in
9 the Parks Department.

10 My question is, are you trying to -- is
11 that okay or are you trying to fix that?

12 SUPERVISOR SALADINO: Vicki, would you
13 please come forward?

14 MR. McKENNA: And if you'd like me to
15 mention the individual's name, I'd be happy to
16 mention it, but I'm not trying to embarrass
17 anybody, but I can give you a few different people,
18 if you'd like, that are listed and I'm wondering if
19 it's for pay purposes in order to give them a
20 higher pay grade because you can't give it to them
21 in the department that they really work in?

22 SUPERVISOR SALADINO: No.

23 Just to answer your question, it's not.

24 MR. McKENNA: Thank you very much.

25 SUPERVISOR SALADINO: Okay.

1 Vicki, would you please address some of
2 the changes?

3 You know, every week, we've been making
4 changes to bring corrections to our workforce to
5 adhere to Civil Service laws, to adhere to our
6 contract, and we've been very dedicated to fixing
7 and reorganizing the titles in our Town so that
8 we're adhering to those.

9 Could you speak to -- to this issue?

10 MS. SPINELLI: Yes.

11 There are subtitles. There are
12 Assistants to the Town Supervisor, they are
13 Assistants to the Town Board who have been utilized
14 in other departments.

15 Most of them have been in these places,
16 if they've been here for a while, for a period of
17 time, so they were put there to review procedures
18 that are going on in other places and to report
19 back to the Supervisor, typically. It's nothing
20 uncommon.

21 They're -- they're assistants to either
22 the Board or the Supervisor. They can be utilized
23 anywhere, basically, for research and for -- if
24 we're trying to rearrange something. If we're
25 trying to fix something, if we're researching

1 something that these people can lead that to better
2 suit for the Supervisor. I'm not exactly saying it
3 very well but...

4 SUPERVISOR SALADINO: Okay.

5 Thank you.

6 COUNCILMAN MACAGNONE: Hang on a
7 second.

8 SUPERVISOR SALADINO: Certainly.

9 COUNCILMAN MACAGNONE: While you're up
10 here, item numbers, there are two 133s. One is
11 supposed to be 131.

12 MS. SPINELLI: Yes, when I come up
13 later, I was going to amend that.

14 COUNCILMAN MACAGNONE: Okay.

15 SUPERVISOR SALADINO: Thank you.

16 MS. SPINELLI: Sorry.

17 SUPERVISOR SALADINO: Is there anything
18 else?

19 MR. McKENNA: If anybody here is
20 interested in making sure that the individual or
21 individuals that I'm talking about -- maybe you're
22 not even aware of the situation.

23 Maybe it is something that is within
24 the Department that maybe you all are not aware of
25 somebody who is being paid in the wrong department

1 when they clearly work in Purchasing. And I have a
2 couple others as well.

3 If you'd like to speak to me privately,
4 I'd be happy to do that.

5 SUPERVISOR SALADINO: Why don't you
6 step up to the podium, please?

7 MS. SPINELLI: I'm assuming, and
8 correct me if I'm wrong, that you are referring to
9 the end deletes that are being presented here,
10 whether it's now or previous ones that you may have
11 looked at.

12 Is that fair enough?

13 MR. McKENNA: I'm not referring to -- I
14 don't know what you have here because I haven't
15 seen the back of it.

16 MS. SPINELLI: This is for today. This
17 is something different, but if you're referring
18 to --

19 MR. McKENNA: It's on the same copy.

20 MS. SPINELLI: When you're looking at
21 the add and delete sheets that you all have that
22 are the backup for these Resolutions, that is not
23 the action that is being taken for these
24 individuals.

25 So you may see an add and delete on one

1 line for a slot number. That doesn't necessarily
2 mean that the person who is -- that we're doing for
3 the add was the person on the delete.

4 So while the person may have been a
5 Town -- in the Parks Department, we may have been
6 transferring funds, we may be changing titles, but
7 it may not be the same person on the add and on
8 delete.

9 It is not the action for the
10 appointment that's being taken there. It's just
11 creating the budget slot.

12 SUPERVISOR SALADINO: And can you tell
13 us the reason for an action like that?

14 MS. SPINELLI: Well, because the --
15 well, when we makes these changes and we're either
16 giving someone a promotion or moving people or
17 changing a title, a grade, grade and step or
18 salary, on any line, it's a budget item because the
19 Town Board approves the budget, we have to request
20 from the Board that we can make changes to those
21 items. The individuals and staff are not part of
22 the budget.

23 It's the slots, the titles, the
24 salaries, and the grades, and that's all. The add
25 and delete is strictly to make corrections to our

1 budget and requesting you to make the changes.

2 SUPERVISOR SALADINO: Did you have a
3 question?

4 COUNCILMAN MUSCARELLA: Are you
5 referring to that if a person is paid under the
6 Parks Department and is now in another department,
7 like Highway, is that what you're referring to?

8 MR. McKENNA: I'm referring to somebody
9 who is listed and paid under a Town Board slot that
10 works in Purchasing in the Parks Department, and
11 I'm trying to be -- I'm trying to --

12 COUNCILMAN MACAGNONE: Be delicate.

13 MR. McKENNA: I'm trying not to be
14 negative. I can give you a few people that maybe
15 because in past, favors were done by people who
16 knew people and they're paid here, but they really
17 work over here, and I just want to make sure
18 that -- you know, I see some changes happening.

19 SUPERVISOR SALADINO: Positive changes.

20 MR. McKENNA: And I know it takes time,
21 and you might not be aware. I know certain people
22 are aware of this, because I've spoken to people in
23 the department about it, but I don't know that you
24 guys are aware of it, and I have actually tried to
25 reach you a couple times.

1 I would be happy to speak to you
2 directly on the phone and give you this information
3 and if you choose to respond -- maybe you're not
4 aware of it.

5 MS. SPINELLI: When -- in the process
6 that we've been going through, you've been getting
7 massive add/deletes for the last few meetings and
8 we have been trying to rectify a lot of situations
9 that have been problematic. We have had record
10 retirements in the Town over the last four or five
11 years. A lot of the time, we weren't replacing
12 people, so departments, to get the jobs done, have
13 shifted people around.

14 We're now trying to fix that. We are
15 working with Civil Service to reorganize several
16 departments so that we can better utilize the
17 people in the proper positions that they are
18 supposed to be. We have been doing that with the
19 people we have so far and what we can do and the
20 rest is a little -- takes a little bit more time
21 because now it's a little more of a process.

22 SUPERVISOR SALADINO: In an effort to
23 bring more clarity to the residents, in the case of
24 tonight's meeting, we have a little over two and a
25 half pages of changes. We have a little bit of an

1 unusual situation with Sanitation and Sort.

2 Can you talk to us about the purpose
3 for these changes so that everyone will understand
4 what's going on?

5 MR. McKENNA: I'm going to sit down.

6 Thank you very much.

7 I'm going try to reach you.

8 SUPERVISOR SALADINO: Thank you,
9 Mr. McKenna.

10 MS. SPINELLI: Okay. I'll give you my
11 number when we're done.

12 The add and delete, the majority of
13 what's on the add and delete for tonight is -- we
14 are working to restructure the Sanitation and Sort
15 Divisions.

16 Civil Service, going back a ways,
17 eliminated one of the titles. They eliminated the
18 recycling titles. To that end, now we moved
19 forward to move them into the same department so
20 that we can kind of get rid of some of the
21 redundancy. But we -- what this is, is creating
22 the slots for the recycling workers in the Division
23 of Sanitation -- in the Department of Sanitation.

24 So we're moving recycling workers who
25 are a Grade 14, who have driving titles and CDLs to

1 Sanitation worker IIs, which the equivalent
2 Sanitation title so there is no change in salary.
3 There is no change other than the title and the
4 department they're being paid from.

5 SUPERVISOR SALADINO: So we're making
6 these changes to correct our situation with Civil
7 Service to properly align the employees?

8 MS. SPINELLI: It's the biggest problem
9 is -- well, not the problem. But the bigger
10 situation right now is that part of our union
11 contract is the consolidation of these two
12 divisions and that's something that we need to get
13 going on because we need to get that ready for
14 contract.

15 SUPERVISOR SALADINO: And for the
16 purposes of informing the public, when we see these
17 changes, do they represent a raise or these people
18 get the same amount of salary?

19 MS. SPINELLI: They're recycling
20 workers and Sanitation workers. There is no change
21 in salaries.

22 SUPERVISOR SALADINO: So on all this
23 list of changes, none of these employees are
24 receiving an additional salary; they're getting the
25 same amount and it's a title change?

1 MS. SPINELLI: Yes, not on the
2 recycling.

3 There are just a couple of other ones.
4 There's a title in P & D, again, there is no change
5 in title -- there's not change in salary, he's just
6 a getting a change in title.

7 SUPERVISOR SALADINO: Change in title.

8 MS. SPINELLI: And things of that
9 nature.

10 SUPERVISOR SALADINO: In my office,
11 there is someone where there is a change in salary.

12 MS. SPINELLI: Yes, sir.

13 SUPERVISOR SALADINO: And talk to us
14 about that difference in salary.

15 MS. SPINELLI: Yes, absolutely.

16 It is actually Secretary to the
17 Supervisor. Previous employee has retired. She
18 was making a salary at the time of \$112,304, but
19 the title was -- when she left, it was a Legal
20 Secretary III so I had to correct the title back to
21 Secretary to the Supervisor and the salary is being
22 reduced -- that budget line is being reduced to
23 \$78,500.

24 SUPERVISOR SALADINO: Being reduced by
25 \$34,000?

1 MS. SPINELLI: 33,800, yes.

2 SUPERVISOR SALADINO: Thank you very
3 much.

4 Are there any other speakers?

5 (No response.)

6 SUPERVISOR SALADINO:

7 Any correspondence?

8 MR. ALTADONNA: No.

9 I'll call for the vote now.

10 SUPERVISOR SALADINO: Thank you.

11 MR. ALTADONNA: Motion was made by

12 Councilman Muscarella, seconded Councilman

13 Macagnone.

14 On the vote?

15 Supervisor Saladino?

16 SUPERVISOR SALADINO: "Aye."

17 MR. ALTADONNA: Councilman Muscarella?

18 COUNCILMAN MUSCARELLA: "Aye."

19 MR. ALTADONNA: Councilman Macagnone?

20 COUNCILMAN MACAGNONE: On P-15 -- I'll
21 just make it easy.

22 "Aye" on all except 130 -- Item 134 and
23 130.

24 MR. ALTADONNA: Wait, "Aye"?

25 COUNCILMAN MACAGNONE: Excuse me. 135

1 and 136, I am no on.

2 I am "Aye" on all the rest.

3 On P-15-16 --

4 MR. ALTADONNA: P-15-16 -- 16 was
5 tabled.

6 COUNCILMAN MACAGNONE: I'm sorry.

7 P-15-17.

8 I am no on 135 and 136.

9 MR. ALTADONNA: On 335 --

10 COUNCILMAN MACAGNONE: On item numbers.

11 MR. ALTADONNA: Oh, I don't have that.

12 COUNCILMAN MACAGNONE: Okay.

13 MR. ALTADONNA: I can't. I don't have
14 that.

15 COUNCILMAN MACAGNONE: All right. I'm
16 sorry. I thought you had the capability.

17 MR. ALTADONNA: Excuse me?

18 COUNCILMAN MACAGNONE: I thought you had
19 the capability to do that.

20 SUPERVISOR SALADINO: To cross
21 reference.

22 COUNCILMAN MACAGNONE: Okay. I
23 apologize. All right.

24 On P-15, I vote "Aye."

25 On 327, I am no.

1 I am "Aye" on all the rest.

2 MR. ALTADONNA: Councilwoman Alesia?

3 COUNCILWOMAN ALESIA: "Aye."

4 MR. ALTADONNA: Councilwoman Johnson?

5 COUNCILWOMAN JOHNSON: "Aye."

6 MR. ALTADONNA: Councilman Imbroto?

7 COUNCILMAN IMBROTO: "Aye."

8 MR. ALTADONNA: Councilman Hand?

9 COUNCILMAN HAND: "Aye."

10 MR. ALTADONNA: Motion to adopt

11 Resolutions No. P-15-17 through TF-9-17 passes with

12 six -- I'm sorry -- passes with seven "Ayes."

13 Resolution No. 327 passes with six

14 "Ayes" and one "No."

15 Resolutions No. 328 through 370-B

16 passes with seven "Ayes."

17 Supervisor, the calendar is complete

18 and now we can go on to public comment.

19 SUPERVISOR SALADINO: Thank you.

20 Our first speaker --

21 COUNCILMAN MACAGNONE: Hang on.

22 MR. ALTADONNA: Oh, yeah. That's right.

23 Motion?

24 COUNCILMAN MUSCARELLA: Supervisor,

25 I'll make a motion to close the meeting.

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COUNCILMAN MACAGNONE: Second.

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

ALL: "Aye."

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

SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you.

(TIME NOTED: 11:14 P.M.)