

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
JULY 25, 2017
10:15 A.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good morning,
2 ladies and gentlemen, and welcome to the Oyster Bay
3 Town Board meeting of July 25, 2017.

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

9 Under the direction of Pastor Yenchko,
10 the North Shore Community Church invites anyone and
11 everyone to join them in developing a stronger and
12 richer relationship with the church as their church
13 or as a house of worship.

14 Pastor, would you join us up front?

15 Would all rise?

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

18 SUPERVISOR SALADINO: Thank you.

19 If you'll stay standing, our Pledge of
20 Alliance is led today by Commander John Lentini;
21 Color Guard Sergeant at Arms, Bob Lane; both of
22 Am Vets Post 88 in Massapequa; and Richard Begandy,
23 past Commander of VFW Post 7763 Massapequa Park.

24 Gentlemen, if you would please step
25 forward and lead us in the Pledge of Alliance?

1 (Whereupon, the Pledge of Alliance was
2 recited.)

3 SUPERVISOR SALADINO: Thank you.

4 Mr. Lentini, Mr. Lane and Mr. Begandy,
5 their presence this morning serves as a poignant
6 reminder that this Thursday, July 27th is Korean
7 War Veterans Armistice Day, formally signifying the
8 end of the Korean War.

9 This past Sunday, The Post held a very
10 special ceremony that I was honored to be at,
11 paying tribute to those who so gallantly fought in
12 the Korean War.

13 I attended this ceremony with
14 Councilman Hand and Town Clerk Altadonna.

15 Your Post, gentleman, did an
16 outstanding job of recognizing the brave veterans
17 who set off for Korea decades ago on a mission to
18 secure freedom, not only for the United States, but
19 for the World.

20 These soldiers were dedicated to
21 safeguarding the principles on which our nation was
22 founded and by which it has flourished. Korea is
23 the final resting place for many of these soldiers,
24 lives that ended in battles that raged across this
25 countryside thousands of miles from home.

1 I thank the members of the Peter P.
2 Colleran, Jr. Post 7763 VFW for remembering the
3 service and sacrifice, as well as all of the
4 veterans and the residents who took part in that
5 important ceremony to honor our veterans who fought
6 in the Korean War.

7 We proudly join -- I proudly join my
8 Town of Oyster Bay colleagues and all Town
9 residents in remembering the services and
10 sacrifices of all who have worn the uniform in
11 defense of this great nation and we thank you.

12 (Applause.)

13 SUPERVISOR SALADINO: This morning, I'd
14 like to also welcome Steve Pavletic, Donor
15 Relations associate with New York Blood Services.

16 New York Blood Services works closely
17 with the Town of Oyster Bay and provides logistical
18 oversight to the Town's semiannual blood drive
19 along with our co-chairs, Councilwoman Michelle
20 Johnson and Councilman Hand.

21 The Town of Oyster Bay's next blood
22 drive is scheduled for Thursday, August 3rd, at
23 both Town Hall North here in Oyster Bay and Town
24 Hall South in Massapequa.

25 The Town's blood drive depends not only

1 on the support of our Town's workforce, but also on
2 the public for donations. Donors to the Town's
3 blood drive will help save countless lives. They
4 are true heros and role models and we do urge
5 others to support the blood drive by joining us,
6 myself included, to support this drive by giving
7 the precious gift of life.

8 To register for or to get additional
9 information, anyone can contact the office of
10 Councilwoman Michelle Johnson at 516-624-6301.

11 At this point, I'd like to call up
12 Steve Pavletic from New York Blood Services.

13 Please join us, sir.

14 MR. PAVLETIC: Thank you. Thank you,
15 Supervisor.

16 You did my speech already.

17 Good morning folks. Pitch hitting for
18 the account manager today who would normally be
19 here but she couldn't make it so this is a good
20 gig, I like this. I grew up in Bethpage but since
21 1979, I'm living in North Bellmore so I migrated
22 into the Town of Hempstead. Sorry about that.

23 Despite the unusually cool temperature
24 we have today, I think it's only supposed to hit 70
25 degrees, the calendar says that it's still

1 Summertime. It will get hot again.

2 If you are in the business of
3 collecting blood for area hospitals, the Summertime
4 is not your friend. Donations drop. The blood
5 supply is fragile. We know this to be true. It's
6 not fake news. It happens every Summer. People
7 are on vacation or they're at the beach or they're
8 sitting in an air conditioned movie theater. Maybe
9 they're at a barbecue. They're not thinking about
10 donating blood. They're having a good time.

11 On top of all that, there are thousands
12 and thousands of high school students and college
13 students here in Nassau County who we do not have
14 access to in July and August. There are no blood
15 drives at high schools and colleges during the
16 Summer and that hurts us because the high school
17 students, the 16, 17, 18-year-olds, the juniors and
18 seniors, as well as the college students,
19 contribute a lot of blood, but they're not around
20 in the Summertime.

21 That's why the pledge drive that we're
22 having here at the Town of Oyster Bay, here and
23 again in Massapequa, that's why it's so important.
24 It takes on additional importance, the blood drives
25 in the Summertime, because the hospitals need the

1 blood. The supply is low. We don't want people to
2 die in a hospital emergency rooms simply because
3 there's not enough blood available. We don't want
4 that to happen. The message is a simple one. We
5 need to be there for each other; for our family,
6 our friends, our neighbors, and our community. And
7 when you donate one pint of blood, you are
8 performing a community service. That's how I want
9 you to look at it. It's exactly that. It's a
10 community service of a very high order. You're
11 helping to save the life of another human being.
12 To my way of thinking, that's a big deal, a very
13 big deal.

14 If my wife or my daughter requires a
15 blood transfusion tomorrow, I'm going to be very
16 grateful that some of my fellow Long Islanders has
17 took a little bit of time out of their day, maybe
18 once a year, maybe five times a year, to donate a
19 pint of lifesaving blood. Then I would be able to
20 say, thank you, thank you, those blood donors saved
21 my wife's life or those blood donors saved my
22 daughter's life. That would be a big deal, and you
23 can do it. You can do it.

24 Sadly, however, only 5 percent of
25 Americans were eligible to donate blood, made the

1 effort, 5 people out of 100. Yet, all of us, I
2 suspect, 100 percent of us, expect that blood to be
3 at the hospital emergency room to save our life or
4 the life of a loved one if we need a blood
5 transfusion for a medical emergency. We expect the
6 blood to be there. We probably assume the blood
7 will be there. It's a dangerous assumption. There
8 is no guarantee. There is no agency of government,
9 federal, state, or local, that can guarantee the
10 adequacy of the blood supply. The inventory, if
11 you will, of any hospital in the country, any time
12 of day, any day of the year, no guarantee.

13 This is not like the FDIC that
14 guarantees the money you have in the bank up to a
15 quarter of a million dollars. That's a good thing.
16 If the bank fails, you don't lose your money.

17 Blood supply doesn't work that way. If
18 the blood is not at the emergency room, if it's not
19 there when you need it, you're not going to have a
20 good outcome. You don't get to go home to your
21 loved ones. There's no backup plan. There's no
22 Plan B. Either the blood is there to save your
23 life or it isn't, or it isn't, so that's why it's
24 so important to donate blood.

25 One quick statistic, folks. I know you

1 want to get started. I won't take up too much more
2 time.

3 Approximately 2,000 people in the
4 New York Metropolitan area, that's just about every
5 seat filled here, almost seven times over, almost
6 2,000 people require a blood transfusion every
7 single day of the year, due to an injury, a disease
8 or surgical procedure. That's a lot of people.
9 That's a lot of people.

10 So you have to ask yourself, when is it
11 my turn? When do I join that select group of 2,000
12 who will require strangers blood to stay alive?

13 Well, the answer is, we don't know. It
14 could be tomorrow, five years, ten years, twenty
15 years. There's no way of knowing, but the blood
16 has to be there. So, again, we have to be there
17 for each other. August 3rd is your opportunity.
18 If you've donated blood in the past, please, please
19 do so again. The blood supply relies heavily on
20 regular blood donors. We need you to come back all
21 the time so long as you're healthy and you're able
22 to donate blood.

23 But we need new blood donors too, they
24 are very important. We need new people to replace
25 the aging baby boomers like me who are in their

1 60s, they've been donating for decades and decades
2 and decades. 1971, in my case, 46 years. I'm not
3 going to be around another 46 years, but the need
4 for blood will still be here, so we need the new
5 blood donors. We need people to give it a try, so
6 that's all I'm asking of you today. Give it a try.

7 If you've never donated before, make
8 the effort. Step up. Give it a try. See how it
9 goes. I am convinced that if you try to donate
10 blood, if you make the effort, you'll say to
11 yourself, that wasn't so bad. That wasn't so bad
12 at all. I think I'll become a regular blood donor.
13 I'll donate several times a year if I can. That
14 would be a great thing. Think of how many lives
15 you can save over the next twenty or thirty or
16 forty years, a lot of lives, and you feel good
17 about that too.

18 So again, August 3rd is your chance.
19 It's the Summertime, we need your help. There are
20 almost a million and a half people in Nassau
21 County. We have a lot of hospitals. They all need
22 blood. We can't force people to donate. I'm
23 asking you, give it a try, see how it goes.

24 Okay. Just to wrap this up, if you're
25 planning to donate on August 3rd, please be sure to

1 eat something before you donate. Do not donate
2 blood on an empty stomach ever. Don't do it.
3 Okay. You might get a little dizzy, a little
4 lightheaded. We don't want that to happen.

5 If you eat something before you donate
6 and drink some water, that's important, you must be
7 hydrated. Have some water. Stay away from coffee,
8 by the way. The caffeine tends to reduce the iron
9 contents of your blood. If it falls below a
10 certain level, you won't be able to donate so have
11 some -- have some juice, have some water, and eat
12 something.

13 Also, you must have identification on
14 you. That's important. If you do not have an ID,
15 you won't be able to donate. Bring your driver's
16 license, a passport, a Town employee ID, anything
17 with your picture and signature will work, but you
18 must have that. So August 3rd is your chance to
19 donate. It's a week from Thursday. Think about
20 it. If you've never done it before, give it a try.
21 Don't be afraid of that needle stick. Don't be
22 afraid of that. Turn your head away. No one is
23 forcing you to watch. Takes about a second. Okay.
24 Just turn your head. Don't be afraid of the
25 needle. You can do it. You can do it. But you

1 have to take that first step and make the effort.

2 Thank you, folks. Thank you very much.

3 (Applause.)

4 SUPERVISOR SALADINO: Thank you.

5 Councilwoman Michelle Johnson?

6 COUNCILWOMAN JOHNSON: Thank you,

7 Mr. Pavletic.

8 I won't cover everything you just did,
9 I think you did such a wonderful job, but I want
10 everyone to understand how important it is. Please
11 join us on August 3rd, either Town Hall South or
12 Town Hall North and help to give the gift of life
13 really to those need it.

14 So on behalf of Supervisor Saladino,
15 the entire Town Board, we thank you and the
16 New York Blood Center for all of your work.

17 We have a citation for you.

18 SUPERVISOR SALADINO: Shall we all join
19 him?

20 (Whereupon, the Town Citation was
21 presented to Mr. Pavletic by Councilwoman Johnson.)

22 MR. PAVLETIC: Thanks for listening,
23 folks. Enjoy the rest of your Summer.

24 (TIME NOTED: 10:32 A.M.)

25

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
JULY 25, 2017
10:33 A.M.

HEARING - Local Law

"A Local Law to Amend Local Law 1-2015 as Previously Amended by Local Law 1-2017 Authorizing A Local Retirement Incentive Program for the Eligible Employees of the Town of Oyster Bay." (M.D. 7/3/17 #16).

**JOSEPH SALADINO
SUPERVISOR**

**JAMES ALTADONNA JR.
TOWN CLERK**

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Minutes of the meeting
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KRISTINA TRNKA
Reporter/Notary Public

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

3 MR. ALTADONNA: Supervisor Saladino?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: Here.

9 MR. ALTADONNA: Councilwoman Alesia is
10 absent.

11 Councilwoman Johnson?

12 COUNCILWOMAN JOHNSON: Here.

13 MR. ALTADONNA: Councilman Imbroto?

14 COUNCILMAN IMBROTO: Present.

15 MR. ALTADONNA: Councilman Hand?

16 COUNCILMAN HAND: Here.

17 SUPERVISOR SALADINO: Thank you.

18 Ladies and gentlemen, before we get
19 started with the business of today's Town Board
20 meeting, I'd like to take this opportunity to
21 update residents on the state of our Town.

22 Good morning.

23 Having served as your new Supervisor
24 for nearly six months, I'm proud of the many
25 milestones of this Town Board and our dedicated

1 workforce as we have reached so many of our goals
2 in streamlining operations, restoring the public's
3 trust, enhancing transparency while delivering
4 important services in a very fiscally sound way.

5 The past year was one of embarrassment
6 in our Town's history books. That's why the Town
7 Board and I took swift action to install a new
8 independent Board of Ethics with real and
9 meaningful oversight.

10 Together we have instituted in-depth
11 disclosure requirements for contractors, for
12 vendors, for high-level employees, to prevent
13 conflicts of interest and misdeeds. Our Human
14 Resources Office implemented ethics training
15 sessions for all employees and elected officials.

16 Additionally, we appointed Joseph
17 Nocella, a former federal prosecutor in the Eastern
18 District of New York to serve as our new Town
19 Attorney as we are finalizing plans for our
20 procurement Inspector General to further protect
21 taxpayers' wallets. Sunlight was needed and we
22 shine the light on Town functions.

23 To improve transparency, we enhanced
24 the live streaming of Town Board meetings and work
25 sessions so that the public may view these meetings

1 from the comfort of their own home and improved our
2 Town website to make it the most informative that
3 it has been to date. These reforms were long
4 overdue and the good government organization
5 Reclaim New York commended us for our progress
6 earlier this year.

7 On the fiscal front, the Town ended
8 last year knowing it faced a budget crisis. After
9 only six months on the job, I'm happy to report
10 that our finances are now headed in the right
11 direction.

12 I directed Town departments to create
13 greater efficiencies, cost savings, innovative
14 programs designed to better serve residents, and
15 quite frankly, save the taxpayers more money.

16 I want to begin by recognizing our Town
17 Clerk, James Altadonna, for taking a lead in
18 reducing payroll costs and working diligently to
19 post all forms online to better serve residents and
20 expedite transactions.

21 I also commend Receiver of Taxes, Jim
22 Stefanich, for continuing his commitment to
23 technological advancements which expedite the work
24 of his office, reducing operating costs and
25 improving overall resident satisfaction.

1 Thank you, Jim.

2 In the Department of Community and
3 Youth Services, we have reduced costs in regard to
4 staffing while continuing to deliver important
5 services to individuals with physical disabilities,
6 senior citizens, our veterans, children and
7 families who enjoy all of our cultural programs and
8 free family fun events like Music Under the Stars,
9 to name one of many.

10 In the Department of General Services,
11 we have implemented a myriad of changes resulting
12 in greater efficiency and significant cost savings.

13 For instance, the Department eliminated
14 the need for an outside consultant, saving \$40,000
15 annually and has reduced annual expenditures by
16 over 10 percent on all contractor services, some
17 much, much higher.

18 Additionally, cost savings are being
19 achieved through the installation of LED lighting
20 Town wide and the elimination of lease space for
21 the communications division, mail room, and
22 storage. Instead, Town facilities are being
23 utilized, saving \$343,000 annually, almost half a
24 million dollars.

25 In the Department of Public Works, I

1 pointed to new commissioner, Richard Lenz, who has
2 streamlined operations through staffing reductions
3 and shared services, keeping more engineering
4 projects in-house.

5 Under his direction, we expedited plans
6 to reopen the Albany Avenue Center in North
7 Massapequa. The Department has implemented
8 significant cost-saving measures while delivering
9 the type of first class services residents have
10 come to expect in the Town of Oyster Bay.

11 Sanitation and recycling have been
12 combined into a single division and routes were
13 consolidated to maximize the efficiency of our
14 personnel. Several employees were reassigned to
15 fill a need in other departments.

16 In the upcoming months, the Division
17 will focus on the conversion to single stream
18 recycling while reducing the cost of municipal
19 solid waste, increasing the items that we will now
20 be able to recycle. So we're saving money, we're
21 implementing green technology, and we're making
22 that Department far more efficient.

23 Additionally, the Department of Public
24 Works and Highway Department continues to make
25 roadway improvements throughout the 1,700 lane

1 miles we maintain and continues to do a better and
2 better job each and every day.

3 The Department is established a new
4 road rating system so that the Town can efficiently
5 maintain and resurface any roadway on a scheduled
6 yearly basis.

7 This will assist in creating an annual
8 budget that will accommodate road projects within a
9 calendar year as required and accomplish it far
10 more efficiently.

11 From Glenhead to Massapequa and
12 Hicksville to Bethpage, road work will continue
13 Town wide to improve all of our roadways.

14 I commend our Highway Department for
15 establishing additional grass cutting measures and
16 making sure our crews are tending to our right of
17 ways, for enhancing snow removal operations in what
18 was the worst storm seasons in the Town's history,
19 and for refining our streets sweeping program to
20 accommodate many more blocks of roadway while
21 minimizing resident inconvenience.

22 Under the direction of my office and
23 the Town Board, new concessionaires have been
24 selected for Tobay Beach, Tappan Beach and the
25 Town's golf course in an unprecedented two-day

1 public hearing that allowed residents to have input
2 and witness all of the deliberations, and many of
3 you here today were here during that unprecedented
4 program that we created here in the Town of Oyster
5 Bay.

6 Under the new agreements, the Town
7 collects five times the revenue that we previously
8 received, in a single upgrade provided to residents
9 in terms of -- rather, a significant upgrade into
10 the services for residents in the way we serve
11 them, aesthetics, and our offerings and our price.

12 The Town Parks system continues to be
13 one of the reasons Oyster Bay was voted the best
14 place to live on Long Island and now our parks
15 getting even better. Aside from the three
16 brand-new waterfront dining options at our beach,
17 many improvements have been implemented at Tobay
18 including a renovated spray park, protective
19 sunshades, a new playground by the marina, and
20 increased accessibility to the beach for people of
21 ability levels.

22 A new user friendly golf course
23 reservation system is now in place our residents at
24 our premier golf course and a brand-new restaurant
25 and catering facility is open for a very memorable

1 meal. Families will also notice improvements at
2 our pools, including brand-new chaise lounge
3 chairs, tables, umbrellas, sunshades and extended
4 hours. Tennis courts have also been renovated at
5 various parks and picnic tables were added to many
6 of our parklets.

7 In the Town Attorney's Office, we have
8 successfully reduced outside legal fees by
9 utilizing experienced specialized attorneys
10 in-house.

11 That said, specialized outside counsel
12 will always be necessary and I commend our Town
13 Attorney for getting those costs under control.

14 In this vein, we have protected our
15 residents by commencing actions against a prominent
16 law firm, a former concessionaire, and a former
17 Deputy Town Attorney who appeared to have taken
18 advantage.

19 Building off the landmark legislation I
20 passed in the State Assembly, I commend those in
21 the Town Attorney's Office for working directly
22 with me to compel Grumman to test Bethpage
23 Community Park for radioactive and radiological
24 materials, along with one-four dioxane and many
25 other unregulated contaminates.

1 Grumman and the Navy created this
2 environmental catastrophe, and they, along with the
3 federal government and the state government, must
4 stay laser focused on cleaning up this mess left
5 behind in our backyard.

6 Finally, I'd like to congratulate the
7 Town Board for moving forward in a great direction
8 with a lawsuit to recoup costs related to repairing
9 the Hicksville garage.

10 In Hicksville, our Economic Development
11 Department is working closely with the local
12 Chamber of Commerce, Vision Long Island and the
13 wonderful residents of Hicksville to develop a
14 rezoning plan. With community input, the new
15 zoning plan will be presented to the Town Board in
16 an upcoming hearing anticipated this Fall.

17 The plan incorporates Smart Growth,
18 complete streets, and transit-oriented development
19 delivering for the needs of our wonderful and
20 beloved Hicksville community. We must capitalize
21 on the MTA's 132 million dollar investment at the
22 Hicksville Railroad Station and the surrounding
23 infrastructure. Together we will lay the
24 groundwork for an exciting new downtown and new
25 housing opportunities which will jump start the

1 local economy.

2 With the millennium population
3 returning and increasing countywide for the first
4 time in more than a decade, it's important that we
5 plan our future while remaining mindful of the
6 character of our community.

7 That's why the Department of
8 Intergovernmental Affairs has taken a prominent
9 role obtaining federal and state grants. Recently,
10 the Department secured \$350,000 in state grants to
11 better track, monitor, and combat the occurrence of
12 abandoned properties, also known as zombie homes.

13 Also, in the past six months, the
14 Department has secured nearly ten million dollars
15 in federal funds through the New York Rising
16 Community Reconstruction Program for storm
17 resiliency and hazard mitigation projects.

18 Housing is a cornerstone in our economy
19 and a nest egg for many residents. In fact, the
20 housing market is roaring upward, especially here
21 in the Town of Oyster Bay.

22 To assist residents with improving
23 their home, as well as businesses and expanding
24 their operations, I appointed a new Planning and
25 Development Commissioner with real experience, real

1 integrity and the ability to achieve real results.

2 I commend Commissioner Maccarone for --
3 excuse me, Commissioner -- for increasing
4 operational efficiency in her department while
5 serving residents and employers in the best way
6 possible, whether engaging the public at meetings
7 for Downtown Hicksville or introducing same-day
8 permits for home improvements -- yes, I just
9 said -- same-day permits in the Town of Oyster
10 Bay." The Department of Planning and Development
11 works smarter and better for our residents than
12 ever before.

13 I can assure you without a shadow of a
14 doubt, the Town Board and I will continue to
15 constrain the way in which government spends your
16 money. We hold account -- budgets accountable.
17 Every department must be accountable to the
18 taxpayers and you may know the past administration
19 saddled us with debt, way too much debt.

20 Historically, the Town borrowed upwards
21 of \$75 million a year for capital projects. That
22 is no longer the case. We froze capital borrowing
23 for 2017. This action has allowed us to reduce the
24 Town's total debt.

25 In fact, by year's end, the Town's

1 overall debt will have been reduced between 75 to
2 80 million dollars this year, the largest debt
3 reduction in the Town's 364-year history. The
4 largest debt reduction in our Town's history is
5 taking place right now. In fact, by year's end,
6 the Town's overall debt will be reduced by that
7 tremendous amount. To truly right size government,
8 many more cost-cutting measures are necessary and
9 we will implement them.

10 Yesterday, I ordered all Commissioners,
11 Deputy Commissioners and high level employees to
12 turn in their take-home cars. No longer will they
13 be authorized to take a vehicle home.

14 In coming weeks, we will announce many
15 more cost saving initiatives. While all these
16 actions help to protect your wallet, let's face the
17 facts, school taxes make up 67 percent of your
18 bill. Our Town only represents 13 percent of your
19 property tax bill.

20 That said, Council Members and I will
21 not allowing Town property taxes to increase next
22 year and we will continue to root out wasteful
23 spending and we will reduce the cost of government
24 in the Town of Oyster Bay. We will achieve savings
25 in every corner of this Town and pursue additional

1 department consolidations, efficiencies and
2 reductions. We cannot afford the excesses of the
3 past in this Town. Everything is being done to
4 side with our taxpayers.

5 In closing, I want to thank my
6 colleagues on the Town Board for allowing me this
7 opportunity to address and update our residents on
8 the many changes that we are delivering. While
9 there are many fiscal challenges ahead, I'm quite
10 certain that we will continue to clean up the mess
11 that we inherited, restore the public's trust, and
12 achieve the noticeable savings our taxpayers
13 deserve.

14 Thank You. May God bless you, your
15 family, the Town of Oyster Bay, and the greatest
16 nation, these United States of America.

17 Thank you.

18 (Applause.)

19 SUPERVISOR SALADINO: Will the Town
20 Clerk please call the first hearing?

21 MR. ALTADONNA: Yes.

22 Hearing, Local Law; a Local Law to
23 amend Local Law 1-2015 as previously amended by
24 Local Law 1-2017, authorizing a local retirement
25 incentive program for the eligible employees of the

1 Town of Oyster Bay.

2 MR. ROZEA: Good morning, Supervisor,
3 and Members of the Town Board.

4 From the Town Attorney's Office,
5 Matthew Rozea.

6 This is going to be very
7 straightforward this morning. We are going to open
8 and immediately close the hearing.

9 We believe there may be other ways to
10 achieve greater savings in line with the
11 Supervisor's statement to find more efficient ways
12 to incentivize the type of employee separation that
13 we've been looking for in order to maximize savings
14 for the taxpayer while reducing the cost of
15 operating government.

16 So, I recommend that we close the
17 hearing so that we can investigate and develop that
18 new alternative, which we anticipate can be
19 presented some time in the Fall.

20 COUNCILMAN MACAGNONE: Matthew, what is
21 the timeline on this? Employees looking to make
22 plans for their future? What is the timeline on
23 this?

24 MR. ROZEA: We'd like to have it
25 presented by the Fall.

1 COUNCILMAN MACAGNONE: Fall of this
2 year?

3 MR. ROZEA: This year, yes.

4 SUPERVISOR SALADINO: May I have a
5 motion?

6 COUNCILMAN MUSCARELLA: Supervisor, I
7 make a motion to close the hearing.

8 COUNCILMAN MACAGNONE: Second.

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

11 ALL: "Aye."

12 SUPERVISOR SALADINO: All opposed,
13 "Nay."

14 (No verbal response given.)

15 SUPERVISOR SALADINO: The "Ayes" have
16 it.

17 (TIME NOTED: 10:53 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
JULY 25, 2017
10:54 A.M.

HEARING - Local Law

Local Law entitled: "A Local Law to Add Chapter 231 Unmanned Aircraft to the Code of the Town of Oyster Bay, New York." (M.D. 7/3/17 #17).

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 MICHELE M. JOHNSON
COUNCILMAN THOMAS HAND

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will the Town
2 Clerk please call the second hearing?

3 MR. ALTADONNA: Hearing - Local Law
4 entitled: A Local Law to add Chapter 231, Unmanned
5 Aircraft to the code of the Town of Oyster Bay,
6 New York.

7 SUPERVISOR SALADINO: Thank you.

8 MR. ALTADONNA: You have speakers on
9 that as well.

10 SUPERVISOR SALADINO: Yes, thank you.

11 Our plan is to deal with unmanned
12 aircraft or drones. The plan and the policy moving
13 forward is to end the potential for the use of
14 drones for filming and videoing without a
15 definitive permitting process in place.

16 In an effort to protect the privacy of
17 our residents and ensure the safety of our
18 children, especially in our parks, pools, beaches,
19 and Town facilities, we will be planning a meeting
20 in the near future on the topic to get input from
21 residents.

22 We will be hearing some of that input
23 today, but we're not going to stop there because we
24 are going to make sure that we provide for that
25 safety, provide for the privacy of the public,

1 while listening to our business owners and
2 hobbyists.

3 Please proceed.

4 MR. ROZEA: Yes.

5 Thank you, Supervisor.

6 And for the record, same appearance.

7 The object of this proposed ordinance
8 is simply to protect the public safety. Many
9 times, unknowing participants in our beach
10 activities, at our parks, at our playgrounds, or
11 any other number of Town facilities are subject to
12 the presence of what have been commonly referred to
13 as drones.

14 The purpose of this ordinance is to
15 ensure that we know where those drones are, where
16 they are coming from, and who they belong to so
17 that in the event, God forbid of an incident, we
18 can seek to protect the taxpayer, to protect the
19 resident, protect the participant, and our beaches.

20 On the second -- Second purpose,
21 rather, is the public privacy aspect of filming.

22 Anyone can go onto YouTube and do a
23 review of the types of videos that these drones can
24 take and they are quite impressive, but with that
25 capability also comes the risk of an invasion of

1 privacy in the wrong hands and we all know that
2 being subject to videotaping and recording when
3 you're not aware of it is startling, it's
4 disturbing and it's wrong.

5 And so we'd like to prohibit the use of
6 these types of unmanned aerial vehicles so that
7 voyeurism and unsolicited photography and videoing
8 is no longer allowed over our parks, beaches,
9 playgrounds and other facilities.

10 As the Supervisor mentioned, we do
11 solicit, we want the input of the hobbyist
12 community, of the professionals who use drones in
13 the ordinary course of their business and so we're
14 quite interested in setting up a meeting so that we
15 can supplement the legislation that the Board is
16 contemplating today.

17 With that, I understand that there may
18 be a few proposals on the table already to improve
19 the ordinance so that it can be adopted today,
20 respectful of the rights of the hobbyist and
21 business community while protecting the rights of
22 our residents.

23 SUPERVISOR SALADINO: Thank you.

24 COUNCILMAN MACAGNONE: Excuse me, Matt.

25 MR. ROZEA: Yes, sir.

1 COUNCILMAN MACAGNONE: You said that
2 there's proposals on the table and more people
3 coming forth.

4 We are going to adopt this today now.

5 MR. ROZEA: Well, that's certainly
6 within the purview of the Board's discretion. I
7 imagine that there will be input. I know that
8 there are some changes on the table right now to
9 make the ordinance more effective and more focused
10 on the goals that we have in mind.

11 So, certainly, if we can adopt it today
12 and then amend it later, after soliciting the
13 input, but let's be clear that by adopting it
14 today, we can put the regulations in place to
15 protect our residents.

16 COUNCILMAN MACAGNONE: Thank you.

17 SUPERVISOR SALADINO: Just to address
18 any concerns, it's the height of beach season and,
19 quite frankly, residents have come forth to tell us
20 that they have concerns for their privacy and
21 children's safety.

22 But this will continue to be a fluid
23 situation where we will get it right. We've
24 already made some changes and I ask those speaking
25 today or here on this issue to take note because

1 these are some of the things that better protect
2 the rights of people who can lawfully operate a
3 drone.

4 We are eliminating any fee. This is
5 not a money grab. There will be zero asked for, no
6 fee whatsoever. We will require only that the
7 drone pilot produce proof of registration
8 compliance with all FAA regulations. Many of you
9 already have that. We'll demonstrate that the
10 drone pilot and the drone are insured for general
11 liability and personal injury. We can't have
12 someone getting hurt in a park by an irresponsible
13 drone operator who doesn't have any insurance and
14 we all agree that some of the more powerful drones
15 can produce some very serious injuries.

16 So we are open to the public's input.
17 We want to hear from you. We realize that we're
18 well into July and it's time to have something in
19 place, but we will do it right to protect the
20 public and respect the rights of hobbyists and
21 those who fly drones as well as by a permit
22 process, respect the rights of companies who might
23 want to film a commercial or a promotion or shoot a
24 wedding with a drone. We understand that and the
25 intention is not to ban that.

1 Any other Board questions at this time?

2 (No verbal response given.)

3 SUPERVISOR SALADINO: Thank you.

4 MR. ROZEA: Very good.

5 SUPERVISOR SALADINO: We have some
6 speakers on this.

7 Our first speaker will be Kenneth
8 Kramer.

9 MR. KRAMER: How are you doing?

10 SUPERVISOR SALADINO: Good morning,
11 Mr. Kramer.

12 Could you please give us your address
13 for the record?

14 MR. KRAMER: My name is Kenneth Kramer.
15 I'm a licensed architect who lives at
16 111 Massapequa Avenue in Massapequa Park.

17 SUPERVISOR SALADINO: Thank you.

18 MR. KRAMER: I'm also a pilot, a
19 certified drone pilot. I fly ultralights. I've
20 been flying model airplanes since I'm six years
21 old. I fly at Cedar Creek Park. I'm here to
22 represent both ends of the spectrum.

23 I want to represent the business owners
24 of which I use the drones to do inspections via my
25 architectural distance. I also fly as a hobbyist.

1 Let's start with the hobbyist part
2 because there's going to be plenty of us who want
3 to talk about the business part.

4 As a hobbyist, I fly at Cedar Creek
5 Park, the aerodrome there. I can fly my model
6 airplanes all I want. I am not allowed to fly my
7 drone at that park. Though it is an AMA certified
8 park, and according to AMA rules, which I'm also a
9 license -- also have insurance with, I should be
10 allowed to fly my drone at that park, but they have
11 it right on their paperwork saying no drones
12 allowed at the aerodrome.

13 So if you guys are going to start
14 putting in rules that say no drones, I think you
15 guys got to start thinking about the original rules
16 you have for all of your parks with your existing
17 aerodromes, which are being sheltered from us to be
18 able to use.

19 Where do I go to fly? Where do I get
20 to do what I want to do legally when I want to do
21 it legally? These issues are happening probably
22 also at Bethpage State Park and other parks that
23 have aerodromes in them where they constantly tell
24 us we're not allowed to fly them there. I think
25 that's our first issue.

1 Under the business rules, and what you
2 guys have been proposing, I understand what needs
3 to be done. This is the rule book. You guys don't
4 read it, but this is all the rules for the United
5 States currently consolidated into one book that I
6 need to read, make sure I'm understanding, and able
7 to do just to fly my drone as a Part 107 pilot.
8 And it keeps growing every time everybody makes
9 their own unique rules above and beyond the FAA,
10 who supposedly has total control of air rights in
11 the United States. We're waiting to see a decision
12 on that coming up soon in the public courts.

13 The FAA recently lost a very large
14 lawsuit on the model airplane part. They tried to
15 step over their bounds also. It's costing them
16 millions to recoup and send back all that money
17 that I actually spent and sent money in to be
18 legal. Now, I have to ask for my money back and
19 they just recently sent me all the paperwork on
20 that. I can't imagine how much that costs them.

21 I think that these rules are
22 worthwhile, they need to be done. I've seen plenty
23 of noncompliant people out with their drones flying
24 and I, too, tell them, hey, this is not right, you
25 shouldn't be flying over people, you shouldn't be

1 doing these things. These are all standard rules,
2 most of them being extremely logical rules that
3 most people should understand to begin with. No
4 different than I shouldn't drive drunk. I
5 shouldn't do any of these other crazy things that
6 people do on the streets.

7 I was reading a recent article on
8 autonomous cars. This article stated that the
9 autonomous cars will be allowed to drive within
10 three feet of individuals. So I sit back and look
11 at the logic behind this and say, wow, they're
12 going to come up with a rule that allows an
13 autonomous car to drive all over the United States
14 within three feet of any individual in any part of
15 the country and it weighs 2,000 pounds and can
16 destroy many things.

17 My drone at 2 pounds is such a
18 nightmare and causes so many issues for the entire
19 world at 300 feet away from people on average
20 because I'm not allowed to fly over them, but I
21 can't wait to get my autonomous car.

22 That's my opinion.

23 Thank you.

24 SUPERVISOR SALADINO: Thank you,

25 Mr. Kramer.

1 I'd like to just point out for
2 clarification that the locations that you
3 previously mentioned in your remarks are not
4 controlled by the Town of Oyster Bay, and one of
5 those two is not located in the Town of Oyster Bay,
6 and we hope that by crafting this the best way, by
7 doing the things that you actually just suggested
8 like ensuring that everyone else has their FAA
9 certification, just like you do, and that everyone
10 else has their insurance, just like you do, that
11 others will follow the path cutting that the Town
12 of Oyster Bay is doing and, therefore, improve the
13 use of drones to bring better safety, but to better
14 respect your rights in every municipality if they
15 follow the path that we're taking today.

16 MR. KRAMER: Well, hobbyist will never
17 have -- hobbyist will not go through the effort to
18 get their Part 107. They'll still fly under the
19 AMA model laws that go on with that and I think the
20 Town needs to get ahold of the AMA modeling rights
21 that they have put down and go through them to see
22 where they're overstepping their bounds in that
23 right, too.

24 SUPERVISOR SALADINO: But you do agree
25 that people flying drones should have some kind of

1 certification?

2 MR. KRAMER: There's no certification
3 for me to fly my model airplane, which has got
4 10 ounces of alcoholic explosive in it and I'm
5 allowed to fly that around and yet that's something
6 with far more danger behind it than me flying my
7 drone with a battery.

8 SUPERVISOR SALADINO: So, we ask that
9 you give your information to our Town Attorney's
10 Office, because as we stated earlier, we want to
11 meet with you --

12 MR. KRAMER: Most of the information
13 available by the AMA, American Model Association,
14 for the last 40 years.

15 SUPERVISOR SALADINO: We would like to
16 continue to meet with you and listen to the ways to
17 make this the best it can be and a model for the
18 rest of the country.

19 MR. KRAMER: Thank you.

20 SUPERVISOR SALADINO: Thank you, sir.
21 Our next speaker will be Anthony
22 Anzalone.

23 Did I pronounce that properly, sir?

24 MR. ANZALONE: You did.

25 SUPERVISOR SALADINO: Could you please

1 tell us your address?

2 MR. ANZALONE: Sure.

3 20 Daley Place, Lynbrook, New York.

4 Good morning, and I truly appreciate,
5 you know, all of your time listening to our
6 concerns.

7 A few of us have tried this in another
8 town. It really didn't go over so well, but I
9 appreciate the time you're giving us today and I
10 certainly appreciate the direction that you're
11 trying to take, hearing all of our concerns and
12 trying to do this the right way. It means a lot to
13 the hobbyists and to the commercial pilots as well.
14 I'm a hobbyist.

15 SUPERVISOR SALADINO: We thank you.

16 MR. ANZALONE: I have a script here.
17 I'll just stick to it.

18 Good morning members of the Town
19 Counsel. My name is Anthony. I'm a resident of
20 Lynbrook, New York. While I'm not a resident here
21 in Oyster Bay, I do have interest in flying my
22 aircraft for fun over your Town and I'd like to
23 just comment on some of the things proposed in your
24 draft.

25 As a resident, I do enjoy the parks

1 there, too, and the beaches, So while I completely
2 understand your desire to control your Town's
3 properties, I feel some of the proposed -- some of
4 the proposed addition is a bit stringent for
5 hobbyists. I'd like to discuss some points and
6 suggest some revisions.

7 All I ask is that the Council take some
8 time to weigh all the advice given here today,
9 which it seems like you guys are definitely willing
10 to do and i appreciate that.

11 As a safety oriented resident, I fully
12 understand your intent to discourage flights over
13 sensitive Town properties, pools and facilities,
14 absolutely; however, my intention today is to
15 persuade you to consider a few things so that we
16 can all share the beautiful scenery that the
17 beaches provide.

18 If your intent is to protect privacy,
19 then I would recommend better enforcement of the
20 voyeurism and reckless behavior laws already on the
21 books for any technology, not just new UAVs.

22 To prove a point, and I think it's been
23 said before, a person with a cell phone on the
24 beach could take a more detailed photo than any
25 consumer UAV with a fixed wide angle lens, even as

1 low as 50 feet.

2 The permit process, which I do agree
3 with, absolutely, but I feel a single-use permit is
4 a bit burdensome. May I suggest a seasonal permit
5 process for designated months or times of day.

6 As an example, I'm a member of the
7 Babylon Flyers and the Town of Babylon grants us a
8 permit for Overlook Beach for the off season, which
9 is September through May.

10 This is a perfect balance since the
11 beaches are rarely utilized during this time. This
12 would also eliminate the impractical advanced
13 filing period for a hobby that's based on fair
14 weather and also a bit of spontaneity, which
15 neither of those can be decided 15 days in advance.

16 SUPERVISOR SALADINO: If we create a
17 permit process where people can get those permits
18 online, that would be something we will be looking
19 at, it will allow for that spontaneity that you
20 refer to.

21 MR. ANZALORE: Awesome. Great.
22 Perfect.

23 And you also mention that the \$75 fee
24 was a bit much, but you already negated that.

25 SUPERVISOR SALADINO: We waived it.

1 Zero cost.

2 MR. ANZALORE: Also, may I suggest
3 something to consider which would be a landscape
4 photographer's permit. That could allow for year
5 round flying at the beach but restricted to
6 thirty minutes prior to thirty minutes after
7 sunrise and sunsets. And, of course, this would be
8 enforceable, and it would set clear timeframe for
9 us landscape photographers to know when and where
10 we can and can't be. See, there are a variety of
11 things that can be worked out to safely share the
12 beaches with everybody.

13 Insurance requirements, I definitely
14 agree with that. That's one of my pet peeves. You
15 can ask anybody -- anybody here.

16 Now, I'm not a commercial pilot, but I
17 do believe in having proper insurance.

18 May I suggest requiring the member --
19 members a membership to the AMA, which is the
20 Academy of Model Aeronautics in lieu of the
21 requirements outlined in the draft?

22 The insurance benefits that come with
23 that membership should be enough to satisfy the
24 permit. I encourage you to examine the AMA
25 membership coverage before placing an additional

1 financial burden on hobbyists.

2 Last, but not least, the presumption
3 clause, and I have a little bit of trouble with
4 this. And that the Town of Hempstead tried to do
5 something similar, and just for the record,
6 certainly riding around possessing a model aircraft
7 in my trunk is not illegal, nor does it imply that
8 I have or intend to use my UAV at all. So any
9 presumption otherwise is frankly unenforceable and
10 not provable.

11 Also, the word "vicinity" is not
12 clearly defined. So, unfortunately, I feel this
13 draft still needs a bit of tweaking but I'd be
14 willing to let, you know, work with you guys and
15 I'm sure these gentlemen would be willing to work
16 with the Town, too.

17 SUPERVISOR SALADINO: Good.

18 MR. ANZALORE: To come up with
19 something that makes sense legally and logistically
20 and we consider Babylon to be, you know, as far as
21 permitting at the beaches.

22 Again, I thank you guys for your time.

23 Respectfully.

24 SUPERVISOR SALADINO: Thank you for
25 your comments and input.

1 Our next speaker is Scott Harrigan.

2 MR. HARRIGAN: Good morning,
3 Councilman, Councilwoman.

4 To start with, my name is Scott
5 Harrigan and my address is 158 Ivy Street here in
6 Oyster Bay.

7 First and foremost, thank you very much
8 for taking the time to hear my comments. I'd
9 especially like to thank Councilman Imbroto and
10 Mr. Matthew Rozea. You both have been very
11 responsive to my initial concerns. That kind of
12 accessibility is one of the reasons we're very
13 proud to own our business here in Oyster Bay.

14 As a matter of fact, Harkin Aerial was
15 literally started out of a garage right here in
16 Oyster Bay up on Ivy Street. Harkin was founded by
17 myself and a fellow alumni of Oyster Bay High
18 School. We are extremely proud to have used drones
19 to help local businesses and organizations improve
20 and I couldn't tell you all the ways our drones
21 have made a positive impact on the community.

22 Our very first test flights were here
23 right at the Waterfront Center. We helped them
24 record aerial footage of the regattas so they could
25 show their students the footage and help them

1 improve their sailing skills. It was the success
2 of these initial flights and the positive impact
3 they made that convinced me and my partner to start
4 Harkin Aerial.

5 Harkin and myself recognize the Town's
6 desire to maintain an acceptable level of privacy
7 for citizens and to keep an environment free from
8 noise. We fully agree with the intent of the draft
9 rule. We believe reckless and ill intended drone
10 operators certainly hurt everyone.

11 I'm going to keep my comments more
12 brief than I originally intended after hearing the
13 Town's input on being willing to work with us in a
14 meeting.

15 I have just three quick points I'd like
16 to bring just now to explain the reasons why we'd
17 would like to postpone the vote today to have a
18 meeting to really tighten up this draft
19 legislation.

20 First off, the scope of the draft
21 previously wrote that no UAMs may be operated on,
22 near, or above any Town facility without approval.
23 We feel that that vague language in its current
24 state puts the draft in conflict with existing FAA
25 regulations. I do believe I forwarded over a FAA

1 fact sheet to Mr. Rozea. That's a great resource
2 the Town can use to guide their future legislation.

3 Really, we'd like to see that tightened
4 to not be a permit for air space requirement so
5 much as a permit to operate the drone on Town
6 property.

7 Cleaning that up, making that a little
8 more specific would greatly help us and would not
9 conflict with what we already have to do in the
10 FAA's part.

11 Second part is if the actual intent of
12 this draft is to enforce, prevent drones from
13 invading privacy and creating noise, we propose
14 that the Town may seek to open the scope of its
15 existing privacy and noise abatement laws to
16 include drones. That would be smart legislation
17 that seeks to punish the bad operator and not place
18 a burden on permitting for every single flight.

19 My last comment was on the permitting,
20 but we also agree that seasonal permitting is a
21 great idea, something like that where we wouldn't
22 be permitting every single flight, but having
23 registration, having insurance requirements, we
24 certainly agree with.

25 My very last comment I'd like to add is

1 that the AMA is a great resource. There also is
2 the New York Drone Users Group. We like to
3 possibly include them, a membership with them which
4 includes insurance as a possible replacement to
5 having commercial insurance that would satisfy a
6 permit for the Town.

7 Harkin Aerial recommends that the Board
8 will postpone a vote today and recognize our
9 comments to tighten the scope of this law. We look
10 forward to input and feedback from the Town so that
11 together, we can create smart laws to protect
12 privacy, curb noise, but also give UAV companies
13 like Harkin the freedom to serve Oyster Bay.

14 Thank you very much for your time and
15 we look forward to working with you all.

16 SUPERVISOR SALADINO: Mr. Harrigan, one
17 question.

18 You and the previous speaker spoke to
19 the insurance that can be obtained through
20 membership in a group like New York Drone Users
21 Group.

22 What are the policy limits on liability
23 for it?

24 MR. HARRIGAN: That is a great
25 question. I don't know off the top of my head, but

1 I believe one million dollars tends to be -- the
2 liability tends to be the going rate for those kind
3 of things.

4 MR. ANZALORE: 2.5.

5 SUPERVISOR SALADINO: 2.5 per incident.

6 MR. HARRIGAN: Yeah.

7 What the AMA usually does is they will
8 cover any hobbyist as long as they're operating as
9 a hobbyist, and that if they're operating in line
10 with the AMA's regulations, many of which, I
11 believe, are what the Town seeks to do.

12 The AMA makes laws saying you can't,
13 you know, fly very close to people, you can't
14 create a reckless situation, keep it, you know --

15 COUNCILMAN MUSCARELLA: It is a nominal
16 cost; correct? It's not prohibitive?

17 MR. HARRIGAN: Correct.

18 It's -- yep, exactly.

19 They rely on many people across the
20 country paying a small annual fee to obviously fund
21 their insurance program so it is a good system in
22 place and it's been around for almost forty years
23 now and it's worked very well for the hobbyist
24 community, and as a commercial operator, I carry
25 full commercial liability, full whole coverage on

1 my drones, so that's an entirely different one.
2 That typically is \$1 million to \$5 million for a
3 commercial operator.

4 SUPERVISOR SALADINO: Would you forward
5 information about the recreational user coverage to
6 Mr. Rozea so he can examine that as well?

7 MR. HARRIGAN: Gladly.

8 SUPERVISOR SALADINO: Thank you very
9 much for being here with us today.

10 MR. HARRIGAN: Thank you very much for
11 hearing us out.

12 SUPERVISOR SALADINO: Of course.

13 And Mr. Ed Anderson?

14 MR. ANDERSON: Good morning.

15 Ed Anderson, 3 Willets Lane in Syosset.

16 I've been a Town of Oyster Bay resident
17 for a little over fifty years. Graduated from
18 Syosset High School. I still live in Syosset, and
19 in fact, I am a model aviation hobbyist as some of
20 the others and our flying field is Stillwell Nature
21 Preserve right across, not Town of Oyster Bay
22 property, but within the Town of Oyster Bay.

23 My reason for coming today are a
24 couple, and I share some of the concerns that the
25 others have about the hobbyist being swept into

1 this.

2 I have unfortunately not seen the draft
3 regulation. I became aware of this from a Newsday
4 article. I did go look to see if I could find it,
5 but I wasn't able to, my lack of diligence.

6 But my first concern is a well-defined
7 structure of what is a drone. I don't fly drones.
8 I have 34 model aircraft, mostly gliders, most of
9 which don't even have motors on them. The local
10 police asked me how long I've been flying drones.
11 Okay. If you do not clearly define what you mean
12 by a drone, the average little indoor helicopter
13 that a kid buys to fly in his backyard will be
14 defined as a drone, and every child who flies a
15 drone anywhere near a Town park will be subject to
16 imprisonment. Okay.

17 It's not your intent, I'm sure, but the
18 importance of making a very clear definition of
19 what is a drone can't be overemphasized.

20 The Federal Aviation Administration has
21 gone through this difficulty themselves. By the
22 way, some of the things that were referenced here,
23 I have copies of for you.

24 So, In the FAA refinancing --
25 reauthorization, they actually have included in

1 that legislation, regulations talking about what
2 not to be done around model aviation. How model
3 aviation is not included in the overall regulations
4 that the FAA put together. I have copy of that
5 with me.

6 I have a copy of the Academy of Model
7 Aeronautic safety code, which I think would be
8 important for you to see. Perhaps this is
9 something you might want to incorporate. As was
10 mentioned by one of the previous speakers, he said
11 craft model -- model aircraft not for commercial
12 operation, not even with cameras. I have a couple
13 of examples with me, I'm not going to pull them
14 out, are sold everywhere.

15 Where in the Town of Oyster Bay can we
16 legally fly them? Are there any parks where these
17 are legal? Are there any model aviation fields
18 where these are legal in the Town of Oyster Bay?

19 Cedar Creek is a State Park, okay.
20 Where I fly is on Nassau County property, but what
21 if I'm not flying? What if I want to fly in Town
22 of Oyster Bay? Do you provide me a place to do
23 this, to perform this legal hobby?

24 One of the things I have in the kit of
25 information with me is a letter of understanding

1 between the Academy of Model Aeronautics and the
2 Environmental Protection Agency, and they recommend
3 that municipalities explore the recovery of
4 landfill that might not be suitable for other
5 development for the purpose of model aviation. This
6 has been successfully done around the country.

7 I imagine there must be a place or two
8 within the Town of Oyster Bay where this might be
9 of interest. If you want the citizens to be able
10 to enjoy these things, you have to give them a
11 place to do it. You can't just say, go -- go to
12 somebody else's town and go fly your airplanes.

13 So just to finalize on that, my main
14 concern is a good definition, what is a drone?
15 When the police officer comes to speak to me and he
16 doesn't know what a drone is, how am I going to
17 defend that I'm flying on an AMA field with
18 model -- Academy of Model Aeronautics membership,
19 with insurance, flying by the safety code of the
20 Academy of Model Aeronautics and it ain't a drone?

21 That's -- that's the summation of what
22 brought me here. I have a -- this to be handed in
23 (handing) with a cover letter.

24 COUNCILWOMAN ALESIA: Thank you.

25 MR. ANDERSON: Thank you very much for

1 your time.

2 SUPERVISOR SALADINO: Thank you.

3 COUNCILMAN IMBROTO: Mr. Anderson, I
4 just want to clarify, we are not discussing jail
5 time as a penalty. That was a misconception. And
6 this is not a total ban. We are considering a
7 process whereby you'd be able to fly in a Town park
8 when you obtain the proper permit.

9 MR. ANDERSON: Right.

10 COUNCILMAN IMBROTO: So it's not a
11 total ban.

12 MR. ANDERSON: So now it becomes a
13 problem for me.

14 I have, for example, with me in the
15 blue bag over there, a radio controlled glider. It
16 is a hand-launch glider. You actually spin around
17 like a discus thrower to throw it.

18 Is that a drone?

19 COUNCILMAN IMBROTO: So your concern is
20 the definition?

21 MR. ANDERSON: Right.

22 COUNCILMAN IMBROTO: I just want to
23 clear up, we are not seeking jail time as a penalty
24 here and it's not a total ban.

25 We are creating a process by which you

1 can -- if you were to fly.

2 MR. ANDERSON: Whatever the penalty may
3 be, okay, someone would be looked upon to enforce
4 it. They need a very, very clear statement --

5 COUNCILMAN IMBROTO: Understood.

6 MR. ANDERSON: -- of what is and is not
7 a drone.

8 Is that micro helicopter a drone? Is
9 my glider a drone? Neither one of them has a
10 camera on it? Does having a camera on it make it
11 drone? If it has one prop in the front or four
12 going up, does that define it as a drone? Not all
13 quad copters are drones, so it's a very sincere
14 concern for me because I've already had problems
15 with the police, and coming in and saying, you
16 can't fly drones here. We don't even own drones.

17 COUNCILMAN IMBROTO: All right,
18 Mr. Anderson.

19 Thank you very much.

20 MR. ANDERSON: Thank you very much.

21 SUPERVISOR SALADINO: Sir, this is one
22 of the reasons why we would like to have a basis of
23 legislation in place that can be amended, that can
24 be fixed.

25 But in addition to that, is the

1 interpretation of the department and this is where
2 education of our department heads come in so that
3 they understand what we are looking for, what we
4 are not, but I'm sure you would agree that
5 insurance, for instance, is an important component
6 for everyone to have and in an effort to protect
7 the public from how they'll -- if injuries occur.

8 MR. ANDERSON: I would agree with that
9 completely and enthusiastically.

10 As a member of the Academy of Model
11 Aeronautics, a member of an AMA club, former club
12 officer, other the credentials within the AMA, AMA
13 provides very substantial insurance.

14 Nassau County, for example, to fly at
15 Stillwell field, I have to get a flying permit, not
16 a big problem, 20 bucks.

17 In order to get that permit, I have to
18 be a member of the Academy of Model Aeronautics.
19 That ensures that I'm insured, that I'm flying
20 under a well stated, well understood set of rules
21 which I've provided you a copy of, which the
22 Federal Aviation Administration also recognizes.
23 FAA recognizes the Academy of Model Aeronautics as
24 a community-based organization.

25 For example, at one point, the FAA said

1 model aviation -- model aircraft cannot be flown
2 over 400 feet, except if you're an AMA member,
3 because AMA members are flying under a very well
4 defined set of rules and the safety record of AMA
5 members is incredible.

6 So if you are going to require some
7 permitting and some insurance, AMA membership
8 annually is \$75. Two and a half million dollars
9 worth of --

10 COUNCILMAN MACAGNONE: That covers the
11 insurance?

12 MR. ANDERSON: That includes the
13 insurance.

14 MR. MUSCARELLA: Oh, it does?

15 COUNCILMAN MACAGNONE: That includes
16 your insurance.

17 MR. ANDERSON: It includes everything.

18 MR. MUSCARELLA: Wow.

19 MR. ANDERSON: So I would encourage
20 you, as I said earlier, look into providing a place
21 where people can legally fly, safely fly. If
22 they're flying over the beaches, they're part of
23 the reason may be, where else am I going to fly.

24 I would -- as part of your permitting
25 system, you know, I'll give you my AMA number as

1 proof that I have insurance. I shouldn't have to
2 get a permit anyway, because I'm not flying a
3 drone, but if we get past that point and I'm still
4 stuck with having to go get a permit, accept my AMA
5 registration number as proof of insurance.

6 All right. I hope that was helpful.

7 Thank you very much.

8 COUNCILMAN MACAGNONE: It was.

9 Thank you.

10 SUPERVISOR SALADINO: Yes, please.

11 MR. FREIER: Good morning.

12 Robert Freier, 33 Chestnut Lane,
13 Woodbury, New York.

14 From what I'm hearing, especially from
15 these gentlemen and gentlemen that just spoke,
16 sounds like this is not ready to be voted on and
17 the attorneys, particularly on the Board, know that
18 everything is in the words and the definitions, so
19 I would encourage you to table this motion, don't
20 make it a --

21 SUPERVISOR SALADINO: Just so you feel
22 more secure, that's our plan.

23 MR. FREIER: Great.

24 And then also a comment, Mr. Rozea
25 mentioned something about voyeurism and people's

1 privacy, you know, on a beach in particular or in a
2 public park. I don't know how much of an
3 expectation of privacy there is there because
4 anyone, I mean, pretty -- I mean, who doesn't have
5 a Smart Phone nowadays? You could probably take --
6 you could certainly take more detailed pictures of
7 people on the beach if you're down on the ground
8 with a Smart Phone, so I don't really understand
9 that comment with regard to that.

10 And then just for the people that do
11 this, either as a business or for safety reasons, I
12 would hope that with this permitting process, you
13 mentioned it was going to be online, make that --
14 make that membership required part of the law so
15 that when you fill this document out online, put
16 that in there and then hopefully instantly, get
17 your permit because particularly someone who does
18 this as a hobby, they could decide on a Saturday
19 that, oh, tomorrow the weather looks great, the
20 wind is going to be low, let's go out, you know, to
21 a legal area and do this.

22 Do you want me to wait for you to
23 finish here?

24 COUNCILMAN MUSCARELLA: No. I'm sorry.

25 MR. FREIER: So I would hope that as

1 long as people are doing it correctly and as
2 abiding by this, that they can get their permit,
3 just basically with the click of a button, that
4 there's no waiting period for it as long as they
5 have that AMA membership, put that in there.

6 And because, like I said, you know, the
7 Town is closed on the weekend so you're not going
8 to be able to go get a permit so -- but if you make
9 it an online process and as long as all the
10 information is satisfied, they can get it with the
11 click of a button.

12 That's all.

13 Thank you.

14 SUPERVISOR SALADINO: Thank you.

15 I did make mention of that in creating
16 an online process.

17 Is there anyone else who would like to
18 speak on this?

19 (No verbal response given.)

20 SUPERVISOR SALADINO: Is there any
21 correspondence?

22 MR. ALTADONNA: We have affidavits of
23 postings and publications. We have web inquiries
24 providing input on the proposed Local Law.

25 There is no other correspondence.

1 SUPERVISOR SALADINO: It is very clear
2 we have to do something. We have had many
3 complaints from the public and we realize that this
4 will be a fluid situation, an ongoing situation
5 that we will continue to improve, but we must be
6 responsive to the safety and to protecting the
7 security of the public.

8 There are locations in Nassau County,
9 Town of Hempstead where changing rooms have no
10 roof. Some people aren't aware of that when they
11 make their statements. There's a big privacy issue
12 and there is an expectation when someone's using a
13 cell phone and walking up, you have a sense of this
14 and, obviously, someone could very clearly take
15 advantage of the public's privacy with a drone and
16 have a far more stealth approach to taking photos
17 if that's their intention.

18 That's really part of where the rubber
19 meets the road here is that there are a few with
20 bad intentions and like so much -- so many other
21 aspects of life that ruin it for all the law-
22 abiding people who utilize drones.

23 And we realize that putting the public
24 safety and their privacy first is paramount, but we
25 will continue to work with the hobbyist and the

1 business community to amend and correct and improve
2 upon this legislation so we can take into account
3 your experience while also adhering to the
4 families, moms. People are very concerned for the
5 safety of their children and for their privacy.

6 May I have a motion?

7 COUNCILMAN MUSCARELLA: Is there any
8 correspondence?

9 MR. ALTADONNA: We went through that.

10 MR. MUSCARELLA: Okay. I agree with
11 you. It's paramount. Public safety comes number
12 one, so I'll make a motion, Supervisor, that this
13 public hearing be closed and the decision be voted
14 on today.

15 Can I have a second?

16 COUNCILMAN MACAGNONE: I can't second
17 that. I don't think we have enough information.
18 The stuff that was brought forth by these
19 gentlemen, I'd like to see the AMA rules so I'm --
20 I can't second that at the present time. I think
21 we have to table this until we get the proper
22 information that we need.

23 COUNCILMAN HAND: I agree with
24 Councilman Macagnone. I'm not prepared to go
25 forward at this time without further information.

1 COUNCILMAN MUSCARELLA: Just so you
2 know, there are people who are operating these
3 drones out there without insurance. There's no
4 enforcement of that. There are people on the beach
5 that it's, you know, it is a little difficult to
6 vote against that.

7 We should make a decision to vote on it
8 and then adjust if thereafter because God forbid
9 something happens, you know, that we are not active
10 enough or proper enough to protect our residents, I
11 think that's foolish.

12 Supervisor, I make a motion to break
13 for an Executive Session to discuss this drone
14 issue.

15 COUNCILMAN MACAGNONE: Hang on.

16 Every time there's going to be somebody
17 disagreeing, we are going to break for Executive
18 Session?

19 (Applause.)

20 COUNCILMAN MACAGNONE: You had a motion
21 on the floor. Nobody seconded it.

22 COUNCILMAN MUSCARELLA: Okay. So
23 there's a motion on the floor.

24 Can I have a second to the motion?

25 COUNCILMAN IMBROTO: I'll second the

1 motion.

2 I believe that we have a workable
3 framework here and it might not be perfect, we
4 could continue to work with the hobbyist, with the
5 business community, and make it better, but I think
6 that what we have right now is workable and it's
7 place in other -- something similar is in place in
8 other municipalities without issue and ours already
9 has been amended to accommodate the input from many
10 of these individuals who are in this room.

11 The proposed draft has already taken
12 their feedback into account. I think that we
13 should vote on this and then continue to meet with
14 them and then amend it as they see fit.

15 COUNCILMAN HAND: Well, if that would
16 be the case, Councilman Imbroto, I would have to
17 accept the AMA insurance today.

18 COUNCILWOMAN JOHNSON: I just think
19 there's too many different things that need to be
20 amended and it's sloppy to adopt something that
21 really might have to be completely reworked to
22 include all of these different things.

23 I do feel that it's really important.
24 Everyone needs to be insured, but I don't know that
25 voting on it today is the best thing to do unless

1 you can take into account all of these different
2 things today.

3 MR. HARRIGAN: Councilman, may I take
4 the floor one more time?

5 COUNCILMAN IMBROTO: I didn't hear what
6 you said.

7 MR. HARRIGAN: I had asked to take the
8 floor one more time for comment.

9 SUPERVISOR SALADINO: I don't see a
10 problem with that.

11 Why don't you come up, please?

12 MR. HARRIGAN: Just very quickly, why I
13 and Harkin believe that the framework is not
14 workable in its current state is very much the
15 vagueness of the scope of on, above, around Town
16 property.

17 If the Town were to pass this
18 immediately, you would put yourself in conflict
19 with FAA regulations and the Office of the Legal
20 Counsel for the FAA has clearly stated that that
21 kind of framework right now is in direct conflict
22 with their regulations.

23 So there would be issues with the
24 Farmingdale Flight Standard District's Office
25 immediately if you had passed this today as is.

1 That's it, but thank you very much.

2 COUNCILMAN IMBROTO: If we remove the
3 word "above" and just included "on," would that
4 make it, in your opinion, a workable statute?

5 MR. HARRIGAN: "On" is quite vague.
6 "Around" is quite vague.

7 Typically what they say is it's the
8 limiting of taking on -- or taking off or landing
9 on Town property that clears you of the FAA issue.

10 COUNCILMAN IMBROTO: So taking off or
11 landing is better than operating on.

12 MR. HARRIGAN: Correct. Correct.

13 COUNCILMAN IMBROTO: That would address
14 your primary concern?

15 MR. HARRIGAN: That would remove a
16 concern with making this a perit for airspace on
17 that end. That is something, yes.

18 COUNCILWOMAN JOHNSON: It just seems
19 that we don't have the proper verbiage.

20 MR. HARRIGAN: We do agree that the
21 verbiage all around, especially -- and the
22 presumption clause is one more area where we feel
23 that is very troublesome, just from a basic legal
24 standpoint.

25 MR. ALTADONNA: Supervisor, just for

1 the record, do we have the form ready to go online
2 if we pass this today? Can someone actually go
3 online and interact and get this up and going?

4 SUPERVISOR SALADINO: Matt, can we get
5 an answer to that, please?

6 Come. Come. Step up.

7 MR. ROZEA: The Town Attorney's Office
8 doesn't prepare the form that will be used for the
9 application. That would come out of the department
10 that's issuing the permit.

11 COUNCILWOMAN JOHNSON: And what
12 department is issuing the permit?

13 MR. ROZEA: This will come out of the
14 Town Clerk's Office.

15 COUNCILMAN MACAGNONE: Wouldn't this
16 have to go to the State to be approved also?

17 MR. ROZEA: Well, it has to be filed
18 with the Secretary of State.

19 MR. ALTADONNA: So my question is: Is
20 it ready to go?

21 COUNCILMAN MACAGNONE: No.

22 MR. ROZEA: With all respect, did you
23 prepare the application?

24 I don't think so.

25 MR. ALTADONNA: The application was

1 supposedly to be done by the Town Attorney.

2 COUNCILWOMAN JOHNSON: Once amended, it
3 will have to be re-filed with the Secretary of
4 State?

5 MR. ROZEA: The application has not
6 been prepared nor has the permit.

7 MR. ALTADONNA: I have yet to see
8 anything on this issue.

9 MR. ROZEA: I agree. I don't believe
10 there is an application or a permit.

11 MR. ALTADONNA: Correct.

12 MR. ROZEA: Right.

13 SUPERVISOR SALADINO: Thank you.

14 We have another speaker on this issue,
15 Ms. Leslie Levy.

16 Could you please start off by giving us
17 your address?

18 MS. LEVY: My address is 8 Spruce Lane,
19 Syosset.

20 And I understand that you want to
21 address what you see as you see as a threat to
22 privacy.

23 During the season in which it would
24 apply, may I suggest the issue here is not so much
25 the vehicle as a camera and I think if you use the

1 word "camera equipped," then you legislate against
2 that, that would solve the problem.

3 Thank you.

4 SUPERVISOR SALADINO: Thank you.

5 COUNCILMAN MACAGNONE: Good point.

6 SUPERVISOR SALADINO: We still have the
7 issue of injury and liability insurance which is
8 important.

9 I still think we take an Executive
10 Session break and get this sorted out.

11 Let's please call for this Executive
12 Session.

13 COUNCILMAN MUSCARELLA: I'm going to
14 make a motion that this Town Board go into
15 Executive Session to discuss this issue with our
16 legal staff and everything, and we'll proceed
17 thereafter.

18 SUPERVISOR SALADINO: We'll be taking a
19 short break.

20 Thank you.

21 COUNCILMAN MUSCARELLA: Second on that.

22 COUNCILMAN MACAGNONE: This is a public
23 Resolution. It should be dealt with in the public.

24 MR. ROZEA: If there is an inclination
25 to enter into Executive Session, I just want the

1 record to be clear, it would be for the purpose of
2 discussion of any potential litigation regarding
3 the preemption issues with the FAA regulations.

4 SUPERVISOR SALADINO: Can we have a
5 second on that?

6 COUNCILMAN MUSCARELLA: Can I have a
7 second to go into Executive Session?

8 COUNCILMAN IMBROTO: I will second the
9 motion to go into Executive Session to discuss
10 potential litigation that may arise on the matter.

11 MR. MUSCARELLA: Okay. Great.

12 Take five minutes.

13 Thank you.

14 (Whereupon, the Executive Session began
15 at 11:38 a.m. and ended at 11:49 a.m. and the
16 proceedings resumed as follows:)

17 MR. MUSCARELLA: Supervisor, I'll make
18 a motion that the --

19 SUPERVISOR SALADINO: Ladies and
20 gentlemen, if I could have your attention, please.

21 Councilman Muscarella?

22 COUNCILMAN MUSCARELLA: Supervisor, I
23 make a motion to close the Executive Session.

24 No action has been taken.

25 COUNCILMAN MACAGNONE: Second.

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

3 ALL: "Aye."

4 SUPERVISOR SALADINO: All opposed,
5 "Nay."

6 (No verbal response given.)

7 SUPERVISOR SALADINO: The "Ayes" have
8 it.

9 COUNCILMAN MUSCARELLA: Currently, I
10 made a motion that was not seconded, so I will make
11 a new motion.

12 Supervisor, I make a motion that this
13 public hearing be closed and the decision be
14 reserved.

15 COUNCILMAN MACAGNONE: I'll second it
16 and I also want to say, I am proud of the Board.

17 We realize that this might not have
18 been the right time to vote on this. We needed
19 more information. We got together and put our
20 heads together and I think this is the right thing
21 to do at the present time.

22 SUPERVISOR SALADINO: Thank you,
23 Councilman.

24 All in favor, signify by saying "Aye."

25 ALL: "Aye."

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SUPERVISOR SALADINO: Opposed, "Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

(Applause.)

SUPERVISOR SALADINO: I ask all those
who have spoken or are interested in this issue to
make sure that Matt Rozea gets your contact
information so we can meet with you and make this
the best legislation, the best written legislation,
in our state that protects the rights of the public
and the rights of hobbyists and the rights of
commercial users.

Thank you very much.

(Applause.)

(TIME NOTED: 11:50 A.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
JULY 25, 2017
11:51 A.M.

HEARING - Finance

To consider the proposed plan for tax exempt financing by the Oyster Bay Fire Department, a/k/a Oyster Bay Fire Company Number 1, for the purchase of a Ferrara Tower Ladder Fire Apparatus. (M.D. 6/27/17 #10).

**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 MICHELE M. JOHNSON
COUNCILMAN THOMAS HAND

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will the Town
2 Clerk call the third hearing?

3 MR. ALTADONNA: Yes.

4 Hearing - Finance; to consider the
5 proposed plan for tax exempt financing by the
6 Oyster Bay Fire Department a/k/a Oyster Bay Fire
7 Company Number 1, for the purchase of a Ferrara
8 Tower Ladder Fire Apparatus.

9 MR. CAMMARATA: Good morning,
10 Mr. Supervisor, Board Members.

11 SUPERVISOR SALADINO: Good morning.

12 MR. CAMMARATA: James Cammarata, Law
13 Office of James Cammarata, 53 East Main Street,
14 Oyster Bay, New York.

15 With me this morning is Chief Greg Von
16 Garrett, Chief of the Oyster Bay Fire Department.

17 SUPERVISOR SALADINO: Good to see you.

18 MR. CAMMARATA: Before I start, I think
19 I want to clear up -- maybe there's some confusion.

20 What the department is seeking is not
21 approval to purchase a fire apparatus.

22 I'd like to clear up something to start
23 with. There seems to be some miscommunication that
24 the department is here today to seek approval to
25 purchase a fire apparatus. That is not the case.

1 The Fire Corporation is an independent
2 not-for-profit fire corporation organized under the
3 State of New York and we operate with a Board of
4 Directors and we operate our own budget. We are
5 obligated to pay our own financing and we contract
6 separately with the Town of Oyster Bay and the
7 various villages in the area to provide fire and
8 EMS protection.

9 And what we are actually seeking today
10 is a resolution that the Fire Corporation is a
11 qualified organization under Section 150E of the
12 IRS code.

13 Essentially, what that is, is the IRS
14 implemented a code that allows financing
15 organizations to lend at a lower rate to
16 not-for-profit fire corporations. It allows the
17 bank institution to lower the rate because they do
18 not have to pay income tax on the earnings made on
19 that particular loan.

20 So the only thing we're asking for from
21 the Town today, and we've done this in the past
22 many times, is to seek resolution saying that we're
23 a qualified organization.

24 So that's all we are here for today.
25 Nothing else.

1 But we will give you some background
2 about what's going on. We've had, for the last
3 21 years, a Sutphin tower ladder apparatus. It's
4 serves the community, the community served it well
5 for the last 21 years; however, over the last year
6 or so the apparatus has been deteriorating.

7 We looked at the cost benefit analysis
8 of investing more money in it. Clearly, it didn't
9 make sense. There were many reliability issues
10 more recently, and frankly, within the next three
11 years, the apparatus would become obsolete, and we
12 wouldn't be able to be utilized anyway.

13 And at the time there happened to be an
14 opportunity to purchase at a reasonable cost, even
15 though \$1.4 million sounds like a lot of money,
16 when you start looking at the costs of these
17 apparatus, they're very expensive.

18 And what we're going to do is enter
19 into financing for fifteen years. It's called a
20 lease purchase agreement and after fifteen years,
21 the apparatus becomes the property of the
22 department and, obviously, we're hopeful that we'll
23 get at least another 20, 25 years of service out of
24 this piece of apparatus.

25 It's a vital piece of apparatus for our

1 community. Tower ladder trucks serves in a number
2 of different capacities and it's -- this particular
3 truck is built specially with pumps and tanks to
4 accommodate the variety of locations that we have
5 to serve.

6 For those who are not familiar, the
7 department serves a 28-square mile area that
8 comprises parts of the unincorporated parts of the
9 Town of Oyster Bay as well as Mill Neck, Cove Neck,
10 Oyster Bay Cove, and Laurel Hollow, so we cover a
11 very large area and the truck will be serving that
12 community -- those communities.

13 Any questions?

14 COUNCILMAN MACAGNONE: Keep the good
15 work up.

16 MR. CAMMARATA: Thank you.

17 Chief? All right. Very good. Thanks.

18 Have a great day, gentlemen -- ladies
19 and gentlemen.

20 SUPERVISOR SALADINO: You're welcome.

21 Just one point while we're clearing up
22 potential misconceptions.

23 This piece of apparatus is indeed
24 manufactured by the Ferrara Company and not the
25 Ferrari Company?

1 MR. CAMMARATA: That's right. That's
2 correct. Yes.

3 That's actually interesting. I hadn't
4 thought of that but no, no, it's not a Ferrari.
5 It's a Ferrara.

6 It's a very popular fire apparatus
7 company. Well, I would hope that the Board would
8 vote on this today only because the apparatus is
9 about ready to be delivered and we're operating in
10 the community without the apparatus and it's
11 important.

12 SUPERVISOR SALADINO: Thank you.

13 MR. CAMMARATA: Thank you.

14 SUPERVISOR SALADINO: Are there any
15 speakers on this hearing?

16 (No verbal response given.)

17 SUPERVISOR SALADINO: Is there any
18 correspondence?

19 MR. ALTADONNA: We have affidavits of
20 postings and publications.

21 There is no other correspondence.

22 SUPERVISOR SALADINO: Thank you.

23 May I have a motion?

24 COUNCILMAN MUSCARELLA: Supervisor, I
25 make a motion that this public hearing be closed

1 and the decision be voted on today.

2 COUNCILMAN MACAGNONE: Second.

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

5 ALL: "Aye."

6 SUPERVISOR SALADINO: Opposed, nay.

7 (No verbal response given.)

8 SUPERVISOR SALADINO: The "Ayes" have
9 it.

10 (TIME NOTED: 11:55 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
JULY 25, 2017
11:56 A.M.

HEARING P-6-17

To consider the application of Cedar-Carmans, LLC, fee owner, for a Special Use Permit and Termination of Restrictive Covenants at 900-944 Carmans Road, Massapequa, New York. (M.D. 7/3/17 #15).

**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 MICHELE M. JOHNSON
COUNCILMAN THOMAS HAND

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: The Town Clerk
2 will now call the fourth hearing.

3 MR. ALTADONNA: Yes, P-6-17 to consider
4 the application for Cedar-Carmans, LLC, fee owner,
5 for a Special Use Permit and Termination of
6 Restrictive Covenants at 900-944 Carmans Road,
7 Massapequa, New York.

8 MR. EDWARDS: Good afternoon -- or
9 almost good afternoon, Mr. Supervisor, Members of
10 the Board.

11 For the record, my name is Wayne
12 Edwards, Sahn Ward Coshignano, 333 Earl Ovington
13 Boulevard, Uniondale, New York. I'm the attorney
14 for the applicant, Cedar-Carmans, LLC.

15 Cedar-Carmans, LLC owns the shopping
16 center located on the east side of Carman Road,
17 north of Bernard Street in North Massapequa.

18 The shopping center is zoned
19 Neighborhood Business on the Official Zoning Map of
20 the Town of Oyster Bay. It's over 15 acres and
21 there are four buildings on it which have a
22 rentable space of 194,000 square feet. It's known
23 as Section 53, Block 160, Lots 40A and 40B on the
24 official zone -- official -- the Land and Tax Map
25 of Nassau County.

1 It has a frontage on Carmans Road of
2 899 feet, a depth on the south boundary line of
3 1,050 feet and a depth on the north boundary line
4 of 453 feet.

5 You can gain access to the shopping
6 center on the Town of Babylon side which it borders
7 through Ritter Avenue.

8 This is a large neighborhood center.
9 It was built in phases, first being in 1958 and
10 then the remaining buildings were constructed in
11 three phases between 1974 and 1994.

12 The center has had some downturns over
13 the previous years. It lost its anchor tenant
14 years ago which was Pathmark. We're all familiar
15 with the Waldbaum's Pathmark bankruptcy.

16 Some of the stores have been filled,
17 others have not been filled. It will also be
18 losing another anchor tenant which is HomeGoods
19 which we believe, and I think it's been confirmed,
20 is moving to Sunrise Mall. My client has been
21 fortunate though. Currently, Key Foods is
22 occupied -- going to occupy part of the Pathmark
23 building that is being -- under construction now.

24 If you pass by, you'll see the
25 facade put up and it will probably be open in

1 another couple months.

2 It still leaves an additional 20,000
3 square feet in that building vacant. I'd like to
4 submit booklets, which I'll be referring to, one
5 for each Board member. The first exhibit is
6 basically the existing center. The second exhibit
7 is a plan, or a -- what we call it a lease plan,
8 and on the second page, basically the available
9 space and the spaces that are rented.

10 Our other big tenant, if you're not
11 familiar, is the Department of Motor Vehicles.

12 Just so people are aware, the shopping
13 center pays a million eight in taxes approximately.
14 \$950,000 for school tax and the remaining for
15 special districts and Town tax. That's \$9.29 a
16 square foot. In terms of bringing other tenants in
17 there, that's the first burden that my client has
18 to face is how do you pay the taxes.

19 Now, why is the center not doing well?
20 I think if you look at your downtowns, if you look
21 at your shopping centers, your taxpayers all over,
22 you look at your regional malls, they are all being
23 impacted by Amazon and other Internet sellers.

24 This is something that, as landlords,
25 they have to deal with, as a Town Board, you have

1 to deal with because we're not reletting centers.
2 Tenants are going out of business. They're not
3 expanding, they're consolidating and this has put a
4 particular burden on this center, so my client had
5 to find an additional anchor tenant that generates
6 traffic within the center.

7 You know, it's not only the big tenants
8 that occupy a center, but it's also your local
9 businessmen who have bought space there. It's the
10 local pizzeria, it's the cleaners, it's the -- it's
11 all those other little -- Subway is there, Dunkin'
12 Donuts. So, we have to generate traffic in order
13 to keep that and also, as you'll see, there's a lot
14 of available space and we have to attract new
15 tenants and the only way to do that is to bring
16 more people in.

17 So we're here today for a Special Use
18 Permit to allow a 40,000 square foot health club
19 that's going to operate 24 hours a day. This is
20 going to be in the space that was in the previous
21 health club center which was around 26,000 square
22 feet and also in the HomeGoods area, so we're going
23 to redevelop that space.

24 When you did the -- when this Board
25 approved the health club in 2006, it imposed some

1 restrictions and covenants. We are asking for
2 those to be terminated, specifically that would be
3 Restrictive Covenant 1 which set hours for that
4 health club and specifically Restrictive Covenant
5 10, which basically said that we had to improve the
6 center with a specific site plan. We have a new
7 site plan before you today.

8 As I indicated, the new tenant going to
9 be 24-Hour Fitness. This is a national fitness
10 chain. They have over 400 locations throughout the
11 country. They are a full service health club open
12 24 hours a day. Page 3, you'll see a floor plan of
13 what the new club looks like. Also pictures of a
14 club they just opened in the Green Acres Mall.

15 This is going to have a pool, three lap
16 pool, a basketball court, cardio areas, locker
17 rooms and everything you expect in a health club.

18 The difference between this and the
19 previous health club is that this is going to enter
20 from the front of the center. The previous health
21 club entered from the south side which was closer
22 to the residents, and it's going to operate, and I
23 know that you're concerned about this, is we don't
24 want to produce any more noise around -- on the
25 residential area.

1 This actually takes it away because
2 it's going to go through the HomeGoods entrance,
3 basically where the HomeGoods is.

4 And you have all been to a health club.
5 What do you have to do is you have to show your
6 card and get checked in. There are no other side
7 entrances. They don't want anybody else coming
8 into the health club who is not permitted to go for
9 security reasons and they want to make sure that
10 they know who's in the club and who shouldn't --
11 who should be in the club and who shouldn't be in
12 the club.

13 In addition, this club will have
14 security cameras within -- other than the locker
15 rooms, of course, throughout the health club and
16 also on the parking lot, so security is very
17 important to them. It's a 24-hour operation and
18 they want to make sure that it's operated in a safe
19 manner, and that not only are they protected, but
20 their club members are protected.

21 Now, why do we need a 24 center --
22 fitness center is that not everybody works 9:00 to
23 5:00 anymore. Our first responders -- and when
24 we're thinking about going to bed, they're going
25 into either an evening shift or a night shift and

1 this gives them the ability to have a place to work
2 out when they get off work or before they go to
3 work when other health clubs might not be
4 available.

5 Based on my client's belief that the
6 24-hour Fitness as an anchor tenant will be an
7 economic driver -- and I want you to look at the
8 fourth exhibit -- my clients are planning on
9 investing a lot of money into this center.

10 This will be new facade work, new
11 landscaping, new sign packages. If you look at the
12 one picture in there, that's the Key Foods, it will
13 give you an idea of what the new facade's going to
14 look like, a very attractive looking. It will
15 really upgrade the center in terms of it.

16 We also have a landscaping -- pictures
17 of the landscaping. What I believe this will be,
18 hopefully, move the center from being one that's
19 tired to one that will energize the area and that's
20 needed in the area.

21 One of the other concerns I'm sure you
22 have is basically parking. I have with me,
23 Mr. Patrick Lenihan from VHB.

24 We're going to have to go to the Board
25 of Zoning Appeals because right now under the way

1 the Town basically does its calculations, where we
2 need 1,265 spaces, we provided nine -- existing 922
3 spaces which will require a variance from the Board
4 of Zoning Appeals of this Town.

5 One of the reasons why we need a
6 variance is, for example, if you take the pool and
7 basketball area, that's around 9,000 square feet.

8 With a pool, which is a three-lap pool,
9 based on the calculations, we require 39 parking
10 spaces. So that would be more than would ever be
11 in a three-lap pool even if they have, you know,
12 classes in it, we would never have 39 spaces. Off
13 of the basketball court, we are required to have 50
14 spaces. So assuming 50 people, we're not going to
15 be on a single basketball court so sometimes these
16 calculations inflate a little -- get inflated a
17 little, so I like to have Mr. Lenihan just give you
18 an overview of what we would present to the Board
19 of Zoning Appeals and give you a comfort level if
20 you should choose to grant this application.

21 Thank you.

22 SUPERVISOR SALADINO: Thank you.

23 MR. LENIHAN: Thank you, Wayne.

24 Let me be the first one today to wish
25 you good afternoon.

1 SUPERVISOR SALADINO: Thank you.

2 MR. LENIHAN: Good afternoon,
3 Mr. Supervisor, Members of the Town Board Counsel
4 and staff.

5 My name is Patrick Lenihan. I am the
6 Director of Transportation Division at VHB
7 Engineering's Hauppauge office, 100 Motor Parkway
8 in Hauppauge.

9 Now, as part of VHB's work on the
10 project, my office has performed a detailed parking
11 study to evaluate potential impacts to on-site
12 parking conditions with the proposed 24-hour
13 Fitness gym.

14 This study was calculated in --
15 performed in response to comments from the Town's
16 consultant received back in December and is
17 contained in a letter back to the Town from Wayne's
18 office dated January 19th of this year.

19 Our evaluation of the potential impact
20 of the proposed 24-Hour Fitness on parking
21 conditions accounted for the occupancy portion of
22 the site by the proposed gym, as well as occupancy
23 of the rest of the vacant space, so we want to make
24 sure we account for the gym, but we want to make
25 sure we can account for the gym and everything else

1 because the intent is to revitalize the center.

2 Innovate -- evaluation of the parking
3 on-site, the following key steps were performed:

4 Parking observations were made at the site to
5 record the number of occupied parking stalls on a
6 Friday between 9:30 a.m. and 5:45, which documents
7 the existing parking demands due to the existing
8 uses on the site.

9 Then we projected how much parking
10 would we need for the gym, how much parking will we
11 need for the supermarket and how much parking will
12 we need for the balance of the vacant space, and in
13 order to do this, we use a publication that the
14 Board has probably heard before, the Institute of
15 Transportations Parking Generation Manual which is
16 basically the accepted standard for parking demand
17 data of this type for studies such as this.

18 So in terms of key findings, the
19 existing shopping center demand, the peak demand
20 for the existing uses was found to be 247 parked
21 vehicles, not that surprising given the amount of
22 vacancy on the site.

23 The peak parking demand projection for
24 the supermarket when opened is about 125 vehicles.
25 The fitness gym, we expect about 211 parked

1 vehicles would need to be accommodated and the
2 balance of the vacant parking space on top of that,
3 once those spaces are taken up is approximately 61
4 vehicles.

5 So the total future peak parking demand
6 is the sum of those four numbers which arrives at
7 640 parked vehicles. The site plan, as Wayne said,
8 provides 922 on-site parking spaces and results in
9 in a vacant surplus by our calculation of 282
10 vacant spaces which is just over 30 percent.

11 So, based on the above and our
12 evaluation as in the response letter, it is my
13 profession opinion that the siting of the 24-Hour
14 Fitness gym in Carman's Plaza will not result in
15 any issues related to on-site parking and that
16 ultimately granting of the parking variance will
17 not result in any parking-related issues.

18 I would be happy to answer any
19 questions that the Board might have.

20 Thank you.

21 COUNCILMAN MACAGNONE: Mr. Edwards,
22 having grown up near that site, I remember the
23 movie theatre was there and the place was packed.
24 You said something that really resonated with me,
25 security.

1 Without proper security, I don't care
2 what you put in there, it's not going be a great
3 site so the 24-hour security means a lot.

4 MR. EDWARDS: Yes. We will have that.
5 That's one of the things we want to make sure and
6 that everything is covered. This has the potential
7 for coming back.

8 COUNCILMAN MACAGNONE: I hope so.

9 It would be very nice for the residents
10 in that area if it was a nice secure place where
11 they can go, feel safe, food shop, go the gym,
12 wherever else you put in there.

13 MR. EDWARDS: Yeah, one of those
14 things -- and people forget. I mean, I do this all
15 the time, but people forget that these, especially
16 a shopping center, also provides a lot of jobs.

17 You know, they may not be jobs where
18 people are making 100,000 but you start off working
19 at a pizza place, you start off working at the
20 cleaners or something like that when you're out of
21 high school or something like that and it gives
22 you -- you know, it's a good thing for the area in
23 terms of that, so, hopefully, we can bring it back
24 and provide that and put some money in the shopping
25 center, it will become a better place and something

1 that will help the Town of Oyster Bay and
2 especially the North Massapequa area.

3 MR. MUSCARELLA: If we do approve this
4 application, how long will it take them to do the
5 construction?

6 MR. EDWARDS: Well, that's interesting.
7 It's also going to -- I think it's
8 going to be tied in. We can start some of the
9 construction in the back area for the pool because
10 we still have to wait for HomeGoods to vacate. We
11 understand that they're under construction now and
12 their lease goes out a little so we're going to be
13 moving this as fast as possible because we have
14 lease obligations to 24-Hour Fitness as well, so...

15 COUNCILMAN MUSCARELLA: All right.
16 So you're taking over HomeGoods, right
17 now, right?

18 MR. EDWARDS: Right.

19 MR. MUSCARELLA: And you're just
20 going --

21 MR. EDWARDS: As soon as they vacate.

22 MR. MUSCARELLA: In the back end of
23 HomeGoods because there was a gym there --

24 MR. EDWARDS: It was a gym, but we're
25 not utilizing all of that gym.

1 MR. MUSCARELLA: Okay.

2 MR. EDWARDS: Because that gym goes all
3 the way back and actually leaves us with a 14,000
4 square foot area that really, we don't know what to
5 do with at this time. It's not going to have any
6 frontage. The only way to gain access to that
7 would either be from the side or from the hallway
8 that goes past DMV.

9 And you know, just to point out, you
10 know, and I know this Board maybe, you know, as an
11 interest, even DMV as a traffic generator, it used
12 to be you had to do everything at DMV.

13 Now, you go online and you don't have
14 to go to the DMV office anymore. And, you know,
15 and I was telling one of my clients that, you know,
16 I moved into an apartment building in Mineola, a
17 nice apartment building. We have 300 apartments.

18 Every day, the trucks come in and
19 there's got to be 400 or 500 boxes, all of them
20 with that smile face -- a lot of them with that
21 smile face from Amazon.

22 And these are young people living
23 there, some older people, but people aren't
24 shopping anymore so a fitness center, they keep --
25 you can't get by mail order anymore. But, yeah, I

1 mean, that's something but we have to provide
2 traffic for those people who are, you know, so that
3 people are there who are selling a slice or just
4 local businesses have the foot traffic and this
5 will help do that, and based on that, my client's
6 going to invest several million dollars.

7 So I request that the Board grant the
8 application.

9 COUNCILMAN MUSCARELLA: All right.

10 Last question. Curiosity, what would
11 the membership be to attend that gym?

12 MR. EDWARDS: Price point?

13 MR. MUSCARELLA: Yeah.

14 MR. EDWARDS: Price point, it is a
15 medium price point of \$49 to \$59, depending on, for
16 example, there's other locations.

17 Summertimes, you buy a membership, you
18 can get it just for local and that's one price.
19 Then if you want to go all over the metropolitan
20 area, all over the country, it's another price.

21 Like, I'm a member of Lifetime and I
22 pay, which is expensive, it's a high end gym, but
23 the point is my daughter was up in Massachusetts
24 and there was one, you know, ten miles from the
25 house, so that was really cool, I could just go

1 from one gym to another gym.

2 So it's kind of nice depending on what
3 you want to do. But that's -- it's a medium price
4 gym.

5 COUNCILMAN MUSCARELLA: So HomeGoods,
6 reason why it was closing so I can go home tonight
7 and tell my wife we'll be saving money?

8 MR. EDWARDS: She'll have to go to the
9 mall.

10 COUNCILMAN MUSCARELLA: That's one of
11 her favorite stores is HomeGoods.

12 MR. EDWARDS: In 2018.

13 And that's another point is that, you
14 know, it's just that I recognize it in terms of the
15 regional malls. HomeGoods would not be a typical
16 tenant of a regional mall. You don't see -- find
17 T.J. Maxx and places like that in regional malls
18 because they're discounters and things like that.

19 Now, even regional mall don't have
20 them.

21 COUNCILMAN MUSCARELLA: HomeGoods is
22 tied into T.J. Maxx and Marshall's, it's one big
23 conglomerate.

24 MR. EDWARDS: Right. You normally
25 wouldn't find them in malls and now HomeGoods is

1 going to be in Sunrise Mall which shows how the
2 tenancy for the malls are changing because of the
3 internet.

4 It is all -- you know, I come from
5 retail family and thank God my parents sent me to
6 law school.

7 That concludes my presentation.

8 SUPERVISOR SALADINO: Are there any
9 speakers on this application?

10 (No verbal response given.)

11 SUPERVISOR SALADINO: Is there any
12 correspondence?

13 MR. ALTADONNA: The attorney for the
14 applicant has filed his affidavits of service and
15 disclosure.

16 The communications are as follows: We
17 have memos from the Department of Planning and
18 Development --

19 SUPERVISOR SALADINO: Speaker?

20 MR. GOLUP: I'm objecting this.

21 SUPERVISOR SALADINO: Okay.

22 Sir, there's a process, so come on up
23 and speak.

24 Would you start off by giving us your
25 name and address for the record?

1 MR. GOLUP: Steve Golup, I live at
2 4 and 5 Pepper Circle South, both houses. One
3 house, backyard faces the shopping center, one
4 house, the front of the house, faces the shopping
5 center.

6 SUPERVISOR SALADINO: On the southerly
7 end of the shopping center?

8 MR. GOLUP: On the northerly side of
9 the shopping center.

10 SUPERVISOR SALADINO: The north side of
11 the center.

12 MR. GOLUP: Right by the Apple Bank and
13 behind the loading dock of the new Key Food.

14 SUPERVISOR SALADINO: Okay.

15 MR. GOLUP: Why don't we look at a
16 probationary period?

17 You can't tell me that the revenue
18 income from this gym, 24 hours, is going to be based
19 on 11:30 at night until 6:00 in the morning? It
20 doesn't make sense to put a 24-hour gym in there.
21 Your 24-hour security is a camera.

22 What good is a camera? There's a
23 police booth in this shopping plaza. Nobody is
24 ever in the police booth, so your security is not
25 going to be anything other than a camera.

1 You have these auxiliary police that
2 drive through. They make a call. By that time,
3 the two meatheads that come out of the gym are in a
4 fight, you looked at this one, this one looked at
5 that one, I could swim a bigger lap. I don't want
6 to hear it. Probationary period first.

7 Then they're a new company in New York
8 state. They're in Valley Stream. They're in other
9 locations. They close at 11:30 at night. There's
10 a reason for this, that if you look at their
11 applications of their memberships, which really has
12 nothing to do with their 24 hours, there's a lot of
13 violations.

14 Okay. So to bring a 24-hour club in,
15 new to the area, new to the residents, new to
16 everything else, is totally, totally absurd,
17 totally.

18 You have a one way -- going around the
19 building is two ways. If you come to Apple Bank,
20 there's a stop sign on the right side where the
21 people come to make the drive-thru, so there is
22 going to be an accident there. They go behind the
23 shopping center. There's traffic all night long
24 coming in through Ritter Avenue and coming on
25 Carmans.

1 The first thing that's going to happen
2 is if they approve it for 24 hours, then the
3 supermarkets going to go, then they're going to
4 come to you. The gas station is going to come back
5 to you, the pizza parlor, nobody's eating pizza at
6 3:00 in the morning coming out of a gym, so to
7 create the traffic for that time of the day, I
8 don't want to hear it.

9 I rest my case.

10 SUPERVISOR SALADINO: Thank you.

11 Are there any other speakers on this?

12 (No verbal response given.)

13 SUPERVISOR SALADINO: Correspondence?

14 MR. ALTADONNA: The attorney for the
15 applicant has filed his affidavit of service and
16 disclosure.

17 The communications are as follows: We
18 have members -- memos from the Department of
19 Planning and Development as per present review
20 procedures.

21 The required off-street parking for the
22 proposed fitness center and other existing uses on
23 the subject property is 476 spaces. The Nassau
24 County Land and Tax Map indicates the property is
25 Section 53, Block 160, Lots 40A and 40B.

1 According to the Town of Oyster Bay's
2 Zoning Map, the property is located within the
3 A and B, Neighborhood Business District. There are
4 Town Board Resolutions and a parking variance on
5 file for the subject premise. There is no further
6 correspondence.

7 SUPERVISOR SALADINO: Before we take a
8 vote, I would like to --

9 MR. MUSCARELLA: Motion.

10 SUPERVISOR SALADINO: Before we make a
11 motion rather, I'd like the attorneys for the
12 corporation to please arrange to meet with the
13 resident, listen to his specific concerns that he
14 may also be voicing the concerns of those, his
15 neighbors, so that these issues may be addressed.
16 Find out more about ways to ensure that the
17 residents rights and their peace and quiet is being
18 respected and observed.

19 MR. EDWARDS: Of course we would.

20 SUPERVISOR SALADINO: Thank you.

21 May I have a motion?

22 COUNCILMAN MUSCARELLA: Supervisor,
23 I'll make a motion that this public hearing be
24 closed and the decision be reserved.

25 COUNCILMAN MACAGNONE: Second.

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

3 ALL: "Aye."

4 SUPERVISOR SALADINO: Opposed, "Nay."
5 (No verbal response given.)

6 SUPERVISOR SALADINO: The "Ayes" have
7 it.

8 Sir, just to clarify, this will be
9 reserved, giving plenty of time if you'd like to
10 submit more information, but I would highly suggest
11 you meet with this team now, so they can -- you can
12 start working on your concerns and the concerns of
13 the neighborhood.

14 Thank you.

15 MR. GOLUP: Concerns of the
16 neighborhood is middle class people working for a
17 living, can't come here today.

18 SUPERVISOR SALADINO: We understand
19 that, but, again, it's reserved for that reason,
20 but please use this opportunity to meet with them.

21 Thank you.

22 (TIME NOTED: 12:20 P.M.)

23

24

25

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
JULY 25, 2017
12:21 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 MICHELE M. JOHNSON
COUNCILMAN THOMAS HAND

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will the Town
2 Clerk call the regular Action Calendar?

3 MR. ALTADONNA: Yes.

4 May I have a motion to adopt
5 Resolutions No. P-18-17 through Resolution 449?

6 Personnel Resolution No. P-18-17 and
7 PA-13-17; Resolution pertaining to personnel of
8 various departments within the Town of Oyster Bay.

9 Transfer of Funds Resolution No.
10 TF-11-17; Resolution pertaining to Transfer of
11 Funds within various departments accounts for the
12 Year 2017.

13 Resolution No. 415-2017; Resolution
14 authorizing the sponsorship of the 32nd Annual
15 Bluefish Tournament scheduled to be held at
16 Theodore Roosevelt Memorial Park on September 10,
17 2017. (M.D. 7/3/17 #4).

18 Resolution No. 416-2017; Resolution
19 authorizing the acceptance of a donation of a
20 memorial plaque from Anne Draghi to be placed at
21 Theodore Roosevelt Memorial Park in memory of Helen
22 Draghi. (M.D. 7/3/17 #5).

23 Resolution No. 417-2017; Resolution
24 authorizing the acceptance of a donation of a
25 memorial plaque from Mrs. Patti to be placed at

1 Philip B. Healey Beach at Florence Avenue in memory
2 of Margaret Ann Gannon. (M.D. 7/3/17 #6).

3 Resolution No. 418-2017; Resolution
4 authorizing the property cleanup assessment of
5 155 Seventh Street, Bethpage, NY, be referred to
6 the County of Nassau for placement on the Nassau
7 County Tax Assessment Rolls. (M.D. 7/3/17 #7).

8 Resolution No. 419-2017; Resolution
9 authorizing the property cleanup assessment of
10 70 Joyce Road, Plainview, NY, be referred to the
11 County of Nassau for placement on the Nassau County
12 Tax Assessment Rolls. (M.D. 7/3/17 #8).

13 Resolution No. 420-2017; Resolution
14 authorizing the property cleanup assessment of
15 28 Pickwick Drive, Old Bethpage, NY, be referred to
16 the County of Nassau for placement on the Nassau
17 County Tax Assessment Rolls. (M.D. 7/3/17 #9).

18 Resolution No. 421-2017; Resolution
19 authorizing the property cleanup assessment of
20 43 Maxwell Drive, Westbury, NY, be referred to the
21 County of Nassau for placement on the Nassau County
22 Tax Assessment Rolls. (M.D. 7/3/17 #10).

23 Resolution No. 422-2017; Resolution
24 authorizing the property cleanup assessment of
25 32 Dakota Street, Hicksville, NY, be referred to

1 the County of Nassau for placement on the Nassau
2 County Tax Assessment Rolls. (M.D. 7/3/17 #11).

3 Resolution No. 423-2017; Resolution
4 authorizing the property cleanup assessment of
5 4699 Merrick Road, Massapequa, NY, be referred to
6 the County of Nassau for placement on the Nassau
7 County Tax Assessment Rolls. (M.D. 7/3/17 #12).

8 Resolution No. 424-2017; Resolution
9 authorizing the acceptance of a donation of
10 services from Schwanieri Entertainment Corp., d/b/a
11 GameTruck, to provide entertainment for GAP
12 participants on August 4, 2017 at the
13 Syosset-Woodbury Community Park. (M.D. 7/11/17 #5).

14 Resolution No. 425-2017; Resolution
15 authorizing renewal of membership in the New York
16 Association of Training and Employment
17 Professionals for the Division of Employment and
18 Training for the period July 1, 2017 through June
19 30, 2018. Account No. IGA CD 6293 47900 000 CW16.
20 (M.D. 7/11/17 #6).

21 Resolution No. 426-2017; Resolution
22 authorizing the Division of Employment and Training
23 to continue the supportive services for the
24 participants enrolled in the Classroom Training
25 Program from July 1, 2017 through June 30, 2018

1 under the Workforce Innovation and Opportunity Act.
2 (M.D. 7/11/17 #7).

3 Resolution No. 427-2017; Resolution
4 authorizing the reimbursement of the tax payment
5 processing system vendor for travel expenses for
6 onsite installation and training for the authorized
7 system upgrade. Account No. ROT H 1997 26000 000
8 1509 001. (M.D. 7/11/17 #8).

9 Resolution No. 428-2017; Resolution
10 authorizing the issuance of a refund to SolarCity
11 Corp., in connection with 509 Clocks Blvd.,
12 Massapequa, NY. Account No. PAD B 0001 02555 000
13 0000. (M.D. 7/11/17 #9 & 7/18/17 #5).

14 Resolution No. 429-2017; Resolution
15 authorizing the issuance of a refund to SolarCity
16 Corp., in connection with 8 Ellen Street,
17 Massapequa, NY. Account No. PAD B 0001 02555 000
18 0000. (M.D. 7/11/17 #10 & 7/18/17 #6).

19 Resolution No. 430-2017; Resolution
20 authorizing the issuance of a refund to SolarCity
21 Corp., in connection with 230 North Atlanta Avenue,
22 Massapequa, NY. Account No. PAD B 0001 02555 000
23 0000. (M.D. 7/11/17 #11 & 7/18/17 #7).

24 Resolution No. 431-2017; Resolution
25 authorizing the issuance of a refund to SolarCity

1 Corp., in connection with 16 Jones Court,
2 Massapequa, NY. Account No. PAD B 0001 02555 000
3 0000. (M.D. 7/11/17 #12 & 7/18/17 #8).

4 Resolution No. 432-2017; Resolution
5 authorizing the issuance of a refund to SolarCity
6 Corp., in connection with 65 Forest Avenue,
7 Massapequa, NY. Account No. PAD B 0001 02555 000
8 0000. (M.D. 7/11/17 #13 & 7/18/17 #9).

9 Resolution No. 433-2017; Resolution
10 authorizing the issuance of a refund to SolarCity
11 Corp., in connection with 9 Oak Drive Plainview,
12 NY. Account No. PAD B 0001 02555 000 0000. (M.D.
13 7/11/17 #14 & 7/18/17 #10).

14 Resolution No. 434-2017; Resolution
15 authorizing the issuance of a refund to SolarCity
16 Corp., in connection with 14 Schultz Street,
17 Westbury, NY. Account No. PAD B 0001 02555 000
18 0000. (M.D. 7/11/17 #15 & 7/18/17 #11).

19 Resolution No. 435-2017; Resolution
20 authorizing the issuance of a refund of a Zoning
21 Board of Appeals variance fee to P. Charron.
22 Account No. PAD B 8010 44100 000 0000. (M.D.
23 7/11/17 #16).

24 Resolution No. 436-2017; Resolution
25 authorizing payment of the New York State

1 Department of Environmental Conservation-Brownfield
2 Cleanup Program fees relative to Bethpage Community
3 Park. Account No. PKS H 7197 20000 000 1502 001.
4 (M.D. 7/11/17 #25).

5 Resolution No. 437-2017; Resolution
6 authorizing the property cleanup assessment of
7 144 Gerhard Road, Plainview, NY, be referred to the
8 County of Nassau for placement on the Nassau County
9 Tax Assessment Rolls. (M.D. 7/11/17 #20).

10 Resolution No. 438-2017; Resolution
11 authorizing the property cleanup assessment of
12 70 Joyce Road, Plainview, NY, be referred to the
13 County of Nassau for placement on the Nassau County
14 Tax Assessment Rolls. (M.D. 7/11/17 #21).

15 Resolution No. 439-2017; Resolution
16 authorizing the property cleanup assessment of
17 5705 Merrick Road, Massapequa, NY, be referred to
18 the County of Nassau for placement on the Nassau
19 County Tax Assessment Rolls. (M.D. 7/11/17 #22).

20 Resolution No. 440-2017; Resolution
21 pertaining to settlement of negligence claim of
22 B. Breest v. Town of Oyster Bay. (M.D. 7/11/17
23 #23).

24 Resolution No. 441-2017; Resolution
25 pertaining to Contract No. PWC20-16 On-call

1 engineering services relative to tank management.
2 Account No. PKS A 7110 44900 000 0000. (M.D.
3 7/11/17 #24 & 7/18/17 #17).

4 Resolution No. 442-2017; Resolution
5 directing the Town Clerk to publish a notice of
6 hearing to consider the application of 5220 Merrick
7 LLC, fee owner, for a Special Use Permit and Site
8 Plan approval for premises located at 5220 Merrick
9 Road, Massapequa, NY. Hearing date: August 15,
10 2017. (M.D. 7/11/17 #26).

11 Resolution No. 443-2017; Resolution
12 directing the Town Clerk to publish a notice of
13 hearing to consider a proposed Local Law entitled:
14 "A Local Law to Add Chapter 84 of the Code of the
15 Town of Oyster Bay entitled 'All-Terrain
16 Vehicles.'" Hearing date: August 15, 2017. (M.D.
17 7/11/17 #27).

18 Resolution No. 444-2017; Resolution
19 granting request from the Parish of the Holy Family
20 in Hicksville, for Town assistance in conducting
21 their annual festival on August 16 through 19, 2017
22 and for the use of various Town equipment for the
23 event. (M.D. 7/11/17 # 28).

24 Resolution No. 445-2017; Resolution
25 directing the Town Clerk to publish a Notice of

1 Hearing to consider a proposed Local Law entitled:
2 "A Local Law to Amend the Code of the town of
3 Oyster Bay, New York, Chapter 93- Building
4 Construction, Section 93-16.1 Safe and Code
5 Compliant Construction." Hearing Date: August 15,
6 2017. (M.D. 7/11/17 #29).

7 Resolution No. 446-2017; Resolution
8 pertaining to the decision on the application of
9 Sunrise Promenade Associates and Massapequa
10 Restaurant Joint Venture for a Modification
11 of Special Use Permit and Modification of
12 Declaration of Covenants and Restrictions for
13 premises located at 5204 Sunrise Highway,
14 Massapequa, NY. Hearing held: September 6, 2016.
15 M.D. 9/6/16 #4).

16 Resolution No. 447-2017; Resolution
17 pertaining to the decision on the application of
18 Adults and Children with Learning and Developmental
19 Disabilities, Inc., for a Special Use Permit to
20 construct a three-story, 48 unit, congregate care
21 facility located in a Light Industry Zone on
22 premises located at 857-857A South Oyster Bay Road,
23 Bethpage, NY. Hearing held: May 23, 2017. (M.D.
24 5/23/17 #4).

25 Resolution No. 448-2017; Resolution

1 pertaining to the decision on the application of
2 Sunrise Mall, LLC, for a Special Use Permit to
3 allow the establishment of a two-level Restaurant
4 and public assembly use on premises located at One
5 Sunrise Mall, Massapequa, NY. Hearing held: May 23,
6 2017. (M.D. 5/23/17 #5).

7 Resolution No. 449-2017; Resolution
8 pertaining to the decision for tax exempt financing
9 by the Oyster Bay Fire Department, a/k/a Oyster Bay
10 Fire Company Number 1, for the purchase of a
11 Ferrara Tower Ladder Fire Apparatus. Hearing held:
12 July 25, 2017. (M.D. 6/27/17 #10).

13 On the motion?

14 COUNCILMAN MUSCARELLA: So moved.

15 COUNCILMAN MACAGNONE: Second.

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

19 You have speakers.

20 SUPERVISOR SALADINO: Yes.

21 Our first speaker is Mr. Paul Leo.

22 MR. LEO: Good afternoon, Supervisor,
23 Members of the Board, public.

24 Paul Leo, 20 Sinclair Street,
25 Farmingdale, New York, 53-year member of the Town

1 of Oyster Bay.

2 I'm here as President of Local 290 and
3 a Council representative of the Northeast Regional
4 Council of Carpenters representing 30,000
5 carpenters.

6 We are here in full support of
7 Westfield's project. The Dave and Buster's, we
8 have worked with Dave and Buster's in the past.
9 It's been a very great organization to work for and
10 it also gives a great deal of opportunity for
11 parents with kids, and adults as well, to go and
12 enjoy some time out in a safe environment.

13 And as we know, Westfield Mall has been
14 struggling for quite some time and is certainly
15 looking for new tenants to revitalize the area
16 which is going to help all the taxpayers of the
17 Town of Oyster Bay and Massapequa and bring in
18 plenty of good jobs so I just wanted to say that
19 we're in full support of this application.

20 Thank you.

21 SUPERVISOR SALADINO: Thank you for
22 your testimony.

23 Our next speaker is Paul Molinari of
24 Hicksville.

25 MR. ALTADONNA: No. That's public

1 comment.

2 SUPERVISOR SALADINO: Oh, that's for
3 the public comment. I apologize.

4 It appears as though there's just one
5 more speaker, Mr. Bob Freier.

6 MR. FREIER: Good afternoon.

7 Robert Freier, 33 Chestnut Lane,
8 Woodbury, New York.

9 These are on all the Resolutions I can
10 ask now?

11 MR. ALTADONNA: I'm sorry?

12 MR. FREIER: These are on all the
13 Resolutions?

14 COUNCILMAN MUSCARELLA: Yeah, up to
15 249.

16 MR. FREIER: Okay. All right.

17 So with regard to the Personnel
18 Resolutions, the only thing I saw was a decrease in
19 someone from the animal shelter so if you could
20 just, after you vote, publicly say who is getting
21 what position and what changes, either up or down
22 in salaries.

23 SUPERVISOR SALADINO: Sure.

24 MR. FREIER: Thank you.

25 Resolution 427, I was going through the

1 backup and I was trying to figure out who Thad
2 Paris is and why are we -- there's a ton of
3 receipts in there from his stay at the Best Western
4 Hotel in Woodbury to his buying of Ben and Jerry's
5 ice cream and Stop and Shop to two dinners at
6 Butera's, a couple stops at Starbucks.

7 I'm curious, who is that person and why
8 are we funding -- funding that?

9 Then as far as the Resolution 449, that
10 was for -- if you could just confirm, that was for
11 the hearing earlier.

12 That is a -- that is a tax exempt bond
13 that people can buy on the open market?

14 COUNCILMAN MACAGNONE: Yes.

15 MR. FREIER: Yes, okay.

16 But it's done -- so it's not
17 actually -- so it wouldn't be considered any kind
18 of debt; correct.

19 COUNCILMAN MACAGNONE: Correct.

20 MR. FREIER: Okay. And then just I
21 wanted to comment -- a couple things.

22 First, I know you tabled 450, correct?

23 MR. ALTADONNA: Yes, that's never been
24 brought forward.

25 MR. MUSCARELLA: It wasn't called.

1 MR. FREIER: I just want -- you know,
2 since you mentioned it in your State of the Town
3 Address, I wanted to just mention that I hope when
4 this does come back eventually on the calendar, you
5 won't be using Nation Insulation GC Corp. which was
6 originally the backup which kind of just goes to
7 the, you know, what kind of vetting is being done.

8 These two documents, I'd like to just
9 submit.

10 SUPERVISOR SALADINO: Well, in terms --
11 to answer your question of what kind of vetting is
12 being done.

13 Bob, we are way ahead of you. Thanks
14 to the insightfulness of Councilman Macagnone and
15 others, we are aware that there is a problem. We
16 will not be bringing this forward. We are dealing
17 with that because we don't believe it is
18 appropriate to have someone -- we're still
19 consulting with our attorneys and we are certainly
20 not rushing into anything that would be improper or
21 ill advised, so I appreciate you bringing it up but
22 we are way ahead of you.

23 MR. FREIER: Okay. Because it did make
24 it onto the calendar and was first tabled today
25 with them listed.

1 COUNCILMAN MACAGNONE: Bob, it wasn't
2 tabled. It was never brought.

3 SUPERVISOR SALADINO: No, you're wrong.

4 MR. FREIER: It did make it on to the
5 backup that was posted online yesterday, shall I
6 say that.

7 SUPERVISOR SALADINO: Okay. Thank you.
8 Thank you.

9 MR. FREIER: Right?
10 Thank you.

11 SUPERVISOR SALADINO: Are there any
12 other speakers?

13 Yes. Ahh, we were missing you.

14 Mr. Kevin McKenna, how are you?

15 MR. MCKENNA: Good.

16 How are you, Supervisor.

17 SUPERVISOR SALADINO: Doing well.
18 Thank you.

19 MR. MCKENNA: Kevin McKenna, Syosset,
20 New York.

21 COUNCILMAN MACAGNONE: Kevin, prior to
22 you starting, I just want to thank you for the work
23 you did on the cell tower stuff making the contact
24 with Verizon.

25 Hopefully, it is going to come to help

1 our residents, but thank you for all your work on
2 that.

3 MR. McKENNA: You're welcome.

4 You're welcome. Due to technology, I
5 was able to sit out on the park bench and enjoy
6 coffee from the new coffee shop across the street.

7 SUPERVISOR SALADINO: How is it?

8 MR. McKENNA: Very good.

9 Lattes are good, very good.

10 Okay. Resolution P-18 to P-17 which
11 has to do with the Personnel, a few weeks ago, I
12 had sent an e-mail to everyone regarding two
13 individuals that were that are slotted in the wrong
14 department.

15 One of them is Robert Riley and the
16 other one is Brian Walker and I was told in an
17 e-mail that I would hear back from Human Resources
18 within a few days.

19 Then the last e-mail was that it was
20 referred to Mr. Carman and that Mr. Carman would
21 call me back and I haven't heard anything. And I
22 wish I didn't have to bring it up here, but I have
23 no choice because I don't get any response.

24 SUPERVISOR SALADINO: Is Vickie here
25 with us? Yes.

1 MR. McKENNA: If you'd like, I can hit
2 the other two and then if you want to answer them
3 all at the same time.

4 SUPERVISOR SALADINO: If you'd like to
5 do that, sure.

6 MR. McKENNA: The other one is 428,
7 this Solar City. I was doing a little research
8 last night on Solar City and apparently Solar City,
9 it appears, looks like a it might be franchised
10 across the United States and you seem to be giving
11 a lot of money back to Solar City.

12 And first off, I'm wondering if we
13 should be holding back monies that if work, you
14 know, applications, paperwork, just the processing
15 of having to type this here, but is the -- is the
16 Board sure that the money is going back, in fact,
17 to Solar City?

18 SUPERVISOR SALADINO: We have a
19 situation because I've looked into this when we
20 began to see these coming up frequently.

21 Before I got here --

22 MR. McKENNA: Want me to do is hit one
23 more and you can answer them all at the same time?

24 SUPERVISOR SALADINO: Certainly.
25 Certainly.

1 MR. McKENNA: And then the last one is
2 440.

3 I was reading the backup on 440 and I
4 remember there's been a lot of discussion in the
5 past about Jeffrey Lesser, who's an attorney that I
6 believe was part of the law firm of blah, blah
7 Tamigi, something or other, and he was brought on
8 and hired by the Town of Oyster Bay and I believe
9 it might have been you, Mr. Supervisor, who said
10 that he finally -- people, residents wanted to know
11 what he was doing here and it was said that he is
12 primarily hiring negligence claims for the Town.
13 Fine.

14 So when I look at -- and that's the
15 save the Town money, he's getting a salary and, you
16 know, we all wondered why would -- why would this
17 very good attorney, why would he want to leave a
18 law firm and come work for the Town?

19 Well, when I read this backup here, I
20 think I answered my question.

21 Because he, in the backup, is the one
22 who, for the Town, signed the letter deputy town --
23 the settlement, the negligence claim, it's a
24 standard negligence claim where, I guess, you
25 settled for \$99,999 for somebody falling at the

1 Bethpage Train Station.

2 And at the same time, Jeffrey Lesser
3 and the Town of Oyster Bay has the Law Office of
4 Alan Reardon involved in the lawsuit.

5 Why is the Town, if they have Jeffrey
6 Lesser on board, handling this claim, why is the
7 Town having the Law Office of Alan Reardon, who is
8 also part of the law firm Tamigi blah, blah, blah,
9 I don't know what the other names are, why did they
10 need to be involved? Why does the Town need to pay
11 them? That's it. Thank you.

12 SUPERVISOR SALADINO: Thank you.

13 On the question of the issue with Solar
14 City, before I came here, during the previous
15 administration, a company, Solar City, was going
16 door to door soliciting accounts for solar energy.

17 I had been informed that, at that time,
18 they were having people not only fill out the
19 contract or sign the contract, but also sign their
20 Town application.

21 The Town applications were put in, a
22 period of time went by and the residents decided
23 they did not want to go forward with their solar
24 energy installations so the Town has charged them a
25 filing fee, but is refunding all of their money.

1 We have since corrected that situation.

2 We can have the Commissioner come up and describe
3 how we have corrected this situation.

4 And now, we have another level where
5 the residents have to fill out another form to
6 ensure that they want it before we go forward with
7 that, so that fixes that problem.

8 Having said that, they had sent a lot
9 of employees out soliciting and they got many
10 responses and a lot of paperwork, so we have some
11 on this calendar, we'll have some more on the next
12 calendar, but I have been informed that the vast
13 majority of them will be resolved by the end of the
14 next calendar.

15 So that has been fixed, like many
16 things that we have fixed in the Department of
17 Planning and Development, and we continue to fix
18 and improve in the Department of Planning and
19 Development, where, quite frankly, a lot of work is
20 needed there to bring that Department up to speed
21 and to make it very resident friendly and we're
22 continuing in that realm.

23 On the next question, is Vicki here?
24 Come on over.

25 MS. SPINELLI: Good afternoon,

1 Supervisor, Town Board.

2 SUPERVISOR SALADINO: Hi.

3 MS. SPINELLI: I had spoken with
4 Mr. McKenna after that -- after that Board Meeting
5 where it was you asked me to speak with him. I
6 spoke to him the next day.

7 I brought the information to the Deputy
8 Supervisor and he said that we would discuss it
9 further at a future date. We weren't able to, at
10 the time, Mr. McKenna followed up with me and I
11 said I have the information with the Deputy
12 Supervisor. As soon as I speak with him, I will
13 get back to you.

14 His response e-mail happened to be the
15 same day as the indictments were announced and his
16 response e-mail to me was something in reference to
17 those indictments and I won't respond to anything
18 he has to say. So I'm leaving in the Town -- the
19 Deputy Supervisor's hands and that's where I've
20 left it.

21 SUPERVISOR SALADINO: Thank you. Thank
22 you.

23 On the third question, is the Deputy
24 Town Attorney prepared to answer that question?

25 MR. McKENNA: Can I expect a response

1 from Mr. Carman?

2 SUPERVISOR SALADINO: We will discuss
3 that today.

4 Thank you.

5 MR. ROZEA: I think this might be the
6 fifth or sixth time that we're now answering the
7 details -- or detailing Mr. Lesser's work with the
8 Town Attorney's Office, but I'll be more than happy
9 to run through it once again.

10 SUPERVISOR SALADINO: Thank you.

11 MR. ROZEA: Mr. Lesser was never under
12 the employ of Burns, Russo, Tamigi or Reardon.

13 The Burns Russo firm dissolved last
14 year. They were handling a number of cases on
15 behalf of the Town in their capacity as outside
16 negligence counsel. Some of those cases were in
17 advanced stage in the litigation. Discovery was
18 complete. There may have been summary judgment
19 motions pending or they were on the trial ready
20 calendar.

21 This case happens to be one of those
22 matters. Mr. Reardon, who was with the Burns,
23 Russo firm opened his own practice, and for the
24 purpose of efficiency, it made more sense to allow
25 Mr. Reardon to continue the representation and

1 close the matter out. We've brought in a
2 significant number of cases back into the Town
3 Attorney's Office, negligence matters. Mr. Lesser
4 and myself primarily handle those matters. They're
5 in-house.

6 We've reduced our reliance on outside
7 counsel for negligence matters and this is merely
8 closing out one of the remnants of the Burns Russo
9 firm.

10 Is that sufficient?

11 MR. MCKENNA: Yeah. It's sufficient.
12 It's just that if you have somebody of the
13 capability of Mr. Lesser, I just don't understand
14 why, on a case like this, it is not a very
15 complicated case. I don't understand.

16 MR. ROZEA: Oh, no, no, no.

17 To the contrary, it was to the --

18 MR. MCKENNA: Why Mr. Reardon -- from a
19 public standpoint, it's a negligent.

20 Why does Mr. Reardon still need to be
21 involved and still need to be paid if Mr. Lesser is
22 now being paid by the Town of Oyster Bay?

23 That's my only point.

24 MR. ROZEA: Right.

25 And, again, when a case is at such a

1 far advanced stage, it doesn't make sense to bring
2 it back in-house to someone who is taking on a
3 number of the matters that we have brought back
4 in-house.

5 This was at such a far advanced stage,
6 it made sense for Mr. Reardon to continue the
7 representation and close the matter out rather than
8 having Mr. Lesser relearn the entire file for which
9 we've already paid Mr. Reardon to gain the
10 knowledge that he did in the course of the
11 litigation.

12 MR. McKENNA: My only comment to that
13 is that you're going to bring Mr. Lesser from that
14 firm and if that firm is so deeply involved, then
15 why bring Mr. Lesser in the first place to now have
16 two people doing the same thing?

17 It just doesn't make any sense.

18 MR. ROZEA: And, again, as I mentioned,
19 we've brought a number of cases back in-house from
20 the Burns, Russo firm. The new matters that come
21 in on a nearly daily basis are being handled
22 in-house by the Town Attorney's Office.

23 There were a few matters that remained
24 with either Mr. Tamigi or Mr. Reardon, and as a
25 practical matter and given the costs that we

1 invested in their representation, it only made
2 sense that they continue on with the
3 representation, close out the matter, and then we
4 move on handling the Town's litigation in-house.

5 SUPERVISOR SALADINO: Thank you. Thank
6 you very much.

7 Are there any other speakers on our
8 Resolutions?

9 Is there any correspondence?

10 MR. ALTADONNA: I will call for the
11 vote, Supervisor?

12 SUPERVISOR SALADINO: Yes, please.

13 MR. ALTADONNA: Okay.

14 On the vote?

15 Supervisor Saladino?

16 SUPERVISOR SALADINO: I vote "Aye" on
17 all except I will be abstaining on Numbers 440 and
18 446.

19 MR. ALTADONNA: Hold on.

20 Councilman Muscarella?

21 COUNCILMAN MUSCARELLA: "Aye" on all.

22 MR. ALTADONNA: Okay.

23 Councilman Macagnone?

24 COUNCILMAN MACAGNONE: "Aye" on all.

25 MR. ALTADONNA: Councilwoman Alesia is

1 absent.

2 Councilwoman Johnson?

3 COUNCILWOMAN JOHNSON: "Aye" on all.

4 MR. ALTADONNA: Councilman Imbroto?

5 COUNCILMAN IMBROTO: "Aye."

6 MR. ALTADONNA: Councilman Hand?

7 COUNCILMAN HAND: "Aye."

8 MR. ALTADONNA: Okay.

9 Motions to adopt Resolutions P-18-17
10 through 438 passes with six "Ayes."

11 439 passes with five "Ayes" and one
12 "Abstention."

13 440 through 445 passes with six "Ayes."

14 446 passes with 5 "Ayes" and one
15 "Abstention."

16 447 through 449 passes with six "Ayes."

17 Calendar is complete.

18 SUPERVISOR SALADINO: Thank you.

19 We have a number of people on public
20 comment.

21 COUNCILMAN MUSCARELLA: Supervisor, I
22 make a motion to close the meeting.

23 COUNCILMAN MACAGNONE: Second.

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

1 ALL: "Aye."

2 SUPERVISOR SALADINO: Opposed, "Nay."

3 (No verbal response given.)

4 SUPERVISOR SALADINO: The "Ayes" have
5 it.

6 Before we start with our public
7 comment, I again want to thank to Dr. John Yenchko,
8 the Pastor of North Shore Community Church for
9 being here to lead us in prayer. I'm very proud to
10 have instituted prayer in the beginning of every
11 Town Board meeting, which was, I was told, never
12 done before.

13 I just want to point out that he asked
14 us to announce that, along with the spiritual
15 labors, they have also founded the Hope for Long
16 Island Thift Store at the North Shore Community
17 Church here in the Hamlet of Oyster Bay where all
18 proceeds go into a benevolent fund. They also run
19 the church food pantry that distributes food to
20 dozens of people every Saturday morning, and that's
21 the North Shore Community Church here in the Hamlet
22 of Oyster Bay.

23 (TIME NOTED: 12:42 P.M.)

24

25