

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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COUNCILMAN JOSEPH D. MUSCARELLA  
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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