

TOWN BOARD  
TOWN OF OYSTER BAY  
SPECIAL PRESENTATION  
March 12, 2019  
10:01 a.m.

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN STEVEN L. LABRIOLA

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. Good morning and welcome.

3 Ladies and gentlemen, if you'd please  
4 take your seats right now, we'd greatly appreciate  
5 it. We'll get started.

6 Good morning and welcome to our Town of  
7 Oyster Bay Town Board meeting of Tuesday, March 12,  
8 2019.

9 To begin us in prayer, I'd like to  
10 welcome a good friend, Rabbi Ben Herman of the  
11 Jericho Jewish Center.

12 Rabbi Herman, if you'd please step up  
13 to the podium. The floor is yours.

14 Would everyone please rise?

15 (Whereupon, a prayer was recited by  
16 Rabbi Herman.)

17 SUPERVISOR SALADINO: Thank you so  
18 much, Rabbi.

19 Leading us in the Pledge this morning  
20 is United States Marine Corps Sergeant Joseph  
21 DeLorenzo.

22 Would you kindly step forward, Joe?

23 (Whereupon, the Pledge of Allegiance  
24 was recited by Sergeant DeLorenzo.)

25 SUPERVISOR SALADINO: Thank you, Joe.

1 I also ask that we observe a moment of  
2 silence in recognition of who have lost their lives  
3 and with the hope for the safety of all of those in  
4 our armed services protecting us here and abroad,  
5 as well as all of those in law enforcement and our  
6 emergency responders.

7 (Whereupon, a moment of silence was  
8 observed.)

9 SUPERVISOR SALADINO: Thank you all.

10 Before we move forward with the  
11 business of the day, we have a few announcements to  
12 bring all of you and those watching online up to  
13 date with some of the Town's business.

14 I'd like to begin by saying thank you  
15 to all of our friends with the Cerebral Palsy  
16 Association of Nassau County for their hospitality  
17 and a job well done. This week, this Sunday, we  
18 had our Annual Polar Plunge where we partnered with  
19 the Town of Oyster Bay and CP of Nassau at the  
20 Town's Theodore Roosevelt Park and Marina.

21 Once again, we were proud to  
22 participate in the event and take the plunge for  
23 such a great cause, and I can tell you, the water  
24 was cold.

25 Now, this fun-filled event helps

1 Cerebral Palsy Association's mission of making a  
2 difference in the lives of people with severe  
3 disabilities and multiple service needs.

4 If you missed the event, there's  
5 another outstanding Polar Plunge, this one to  
6 benefit the Special Olympics, and that's slated for  
7 Saturday, March 16th at Tobay Beach with  
8 registration taking place from 9:30 a.m. to  
9 11:00 a.m., and the plunge taking place at 11:30.

10 And I can assure you, I'll be there  
11 leading the charge into the water.

12 As many of you already know, the  
13 Special Olympics is an amazing organization, does  
14 such great work, and my colleagues in the Town of  
15 Oyster Bay and our Town Board are very proud to  
16 enthusiastically support -- support this event.

17 As a matter of fact, Councilman  
18 Imbroto, I'm told, plans to take the plunge again,  
19 as you have with me in the last two years.

20 COUNCILMAN IMBROTO: Yes. It's one of  
21 the highlights of my year, and actually, I would  
22 have been there over the weekend, but I had a wake  
23 this weekend, so I had to miss it on Sunday, but  
24 I'll definitely be there.

25 SUPERVISOR SALADINO: Well, our

1       condolences and we look forward to seeing you this  
2       coming weekend.

3                   Are there any other takers of our  
4       elected officials who'd like to jump into the cold  
5       waters?

6                   COUNCILMAN IMBROTO: I think the  
7       Supervisor --

8                   SUPERVISOR SALADINO: Don't all charge  
9       the waters at once. Okay. We'll see.

10                   Well, there's a reason that they call  
11       it Freezing for a Reason and we hope that you all  
12       join us. All funds support the Special Olympics,  
13       New York's programs and promotes awareness for  
14       people living with intellectual disabilities here  
15       in New York.

16                   This morning, we're fortunate to have  
17       with us, Jennifer Cantone, who is the Director of  
18       Development for Special Olympics New York, who'll  
19       give us more information about this weekend's Polar  
20       Plunge.

21                   Jennifer, the floor is yours.

22                   MS. CANTONE: Thank you, Supervisor.

23                   Thank you to everybody on the Town  
24       Board.

25                   We are thrilled to be partnering with

1 you. This is our sixth year doing this down at  
2 Tobay Beach, and over the last five years, we have  
3 raised, with your help in allowing us to use your  
4 wonderful facility, \$290,000 for the athletes of  
5 Special Olympics New York.

6 SUPERVISOR SALADINO: Wow.

7 (Applause.)

8 MS. CANTONE: And since it costs  
9 Special Olympics New York, \$400 per athlete per  
10 season, you guys have sponsored 725 athletes, so we  
11 are beyond, beyond thrilled.

12 So, just to give a little bit of an  
13 update, we have two athletes from Long Island over  
14 in Abu Dhabi representing Team USA. We've got one  
15 triathlon and one female power lifter. So, we're  
16 thrilled to be able to recognize them and, you  
17 know, with your help, obviously, we're able to send  
18 them there and support them.

19 I also wanted to give a thank you for  
20 your continued partnership at our Spring Games at  
21 Bethpage High School, which will be happening on  
22 May 11th.

23 So we are just very, very thrilled and  
24 can't thank you enough. And I have a check here  
25 that I'd love to take a picture with you guys, so

1 if you all would come down, and thank you again.

2 SUPERVISOR SALADINO: Well, a big thank  
3 you to you, Jennifer Cantone, and to Special  
4 Olympics New York, great programs, an incredible  
5 cause, we're happy to help you with the plunge,  
6 we're happy to help with the Special Olympics.  
7 It's a wonderful partnership and we continue to  
8 support you all.

9 And my colleagues in government and I'm  
10 going to ask the elected officials to join you at  
11 the edge for that photo with the check  
12 presentation, and I would like to ask Councilman  
13 Tom Hand to help us by presenting you and Special  
14 Olympics with a Town of Oyster Bay Citation.

15 Let's have another round of applause  
16 for Jennifer and Special Olympics New York.

17 (Applause.)

18 (Whereupon, a presentation of a Town  
19 Citation was made.)

20 SUPERVISOR SALADINO: Now, another hand  
21 of applause for Special Olympics New York.

22 Great work.

23 (Applause.)

24 SUPERVISOR SALADINO: We have a few  
25 announcements that we'd also like to share with

1 you.

2 Next Thursday, March 21st at  
3 10:00 a.m., the Town of Oyster Bay Town Board will  
4 host a special meeting to consider proposals for a  
5 new concessionaire at Tobay Beach and Marina.

6 This meeting will allow the public to  
7 witness open and transparent government. This is  
8 the process that we created two years ago to choose  
9 concessionaires across the Town, and now we have  
10 put out an RFP and we are going to interview  
11 everyone publicly to see what their finances are,  
12 what their proposals are, they're going to show us  
13 in terms of investments and Town property.

14 They will continue to -- so it's going  
15 to be a very special event to, once again, show the  
16 high level of transparency. And we will be doing  
17 our deliberating publicly just as we did last time,  
18 so the process is new to the Town of Oyster Bay.

19 It's something that's been embraced by  
20 the public and something that really proves that it  
21 is indeed a New Day in the Town of Oyster Bay.

22 We'll be hosting a Blood Drive on  
23 Thursday, April 4th, to help hospitals meet the  
24 ongoing and pressing need for blood donations. The  
25 drive will take place between 8:30 a.m. and



1 5:30 p.m. in the conference room of Town Hall  
2 South. For more information, please call 624-6304.

3 And I encourage everyone who possibly  
4 can, to donate blood so that we can, once again,  
5 make this Blood Drive a success. The Town of  
6 Oyster Bay has been helpful to our local hospitals  
7 and our residents for many, many years in terms of  
8 this donations of blood.

9 Car Show Long Island Spring Classic  
10 will take place on Sunday, April 28th at Tobay  
11 Beach. We invite car enthusiasts and all residents  
12 to take part in this free family fun event from  
13 11:00 a.m. to 4:00 p.m. with live music performed  
14 by The Mystic, fabulous band. It will be a lot of  
15 fun and from -- for more information, we ask  
16 residents to call 797-4142. That number again is  
17 797-4142 for all information about the car show.

18 In recognition of Women's History  
19 Month, we are seeking nominations for the 2019  
20 Women of Distinction Awards Program. Residents are  
21 invited to nominate extraordinary women who have  
22 made a difference in their communities and the  
23 awards ceremony will be held in May.

24 For more information on that program,  
25 the number is 624-6380 to find out more about our

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2019 Women of Distinction Awards Program.

(TIME NOTED: 10:12 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
March 12, 2019  
10:13 a.m.

**HEARING P-2-19**

To consider the application of Bolla Operating L.I. Corp and Broadway Sun, Inc. For a Special Use Permit and Site Plan Approval for premises located at 274 North Broadway, Hicksville, New York. (M.D. 2/5/19 #19).

**JOSEPH SALADINO**  
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KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: And now will the  
2 Town Clerk please call the roll.

3 MR. ALTADONNA: Supervisor Saladino?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella  
6 is absent.

7 COUNCILMAN MACAGNONE: Yes. He will  
8 not be in today.

9 MR. ALTADONNA: Councilman Macagnone?

10 COUNCILMAN MACAGNONE: Here, Mr. Clerk.

11 MR. ALTADONNA: Councilwoman Johnson is  
12 absent.

13 COUNCILMAN MACAGNONE: Yes. I think  
14 she'll be late.

15 MR. ALTADONNA: She'll be late.

16 Councilman Imbroto?

17 COUNCILMAN IMBROTO: I'm here, Jim.

18 MR. ALTADONNA: Thank you.

19 Councilman Hand?

20 COUNCILMAN HAND: Here.

21 MR. ALTADONNA: And Councilman  
22 Labriola, is he going to be late or is he absent?

23 SUPERVISOR SALADINO: He will not be  
24 here today.

25 MR. ALTADONNA: Okay.

1 SUPERVISOR SALADINO: Okay. That's  
2 complete.

3 Will the Clerk please call the first  
4 hearing?

5 MR. ALTADONNA: Hearing P-2-19 to  
6 consider the application of Bolla Operating L.I.  
7 Corp and Broadway Sun, Inc. for a special use  
8 permit and site plan approval for premise located  
9 274 North Broadway, Hicksville, New York.

10 MR. ALTMAN: Good morning, Supervisor.

11 SUPERVISOR SALADINO: Good morning.

12 MR. ALTMAN: Pleasure to see you.

13 SUPERVISOR SALADINO: You, too.

14 MR. ALTMAN: For the applicant, David  
15 Altman from the law office of Brown and Altman,  
16 LLP, 538 Broadhollow Road, Suite 301W, Melville,  
17 New York.

18 Before I make my presentation, I'd just  
19 like to hand into the record, the certified mailing  
20 receipt cards that came back subsequent to the  
21 submission last week.

22 Rich, you want to set up the site plan?  
23 Great.

24 Should we move that closer,  
25 Mr. Supervisor, or is that okay over there?

1 SUPERVISOR SALADINO: I think that's  
2 fine.

3 Can everyone in the audience see?

4 COUNCILMAN MACAGNONE: We have our  
5 packets.

6 MR. ALTMAN: You have your handouts?

7 SUPERVISOR SALADINO: Okay. If anyone  
8 would like a handout to see it more closely, we'll  
9 be happy to ask them to provide you one. Just  
10 raise your hand.

11 Please proceed.

12 MR. ALTMAN: Thank you.

13 So the property at issue today is  
14 274 North Broadway in Hicksville and Nassau County  
15 Tax Map Number Section 11, Block 299, Lot 624. The  
16 property is currently zoned GB, General Business.  
17 It is located at the northwest corner of Broadway  
18 a/k/a Route 106 and Princess Street. Route 106  
19 being under the jurisdiction of the New York State  
20 DOT and Princess Street being under local  
21 jurisdiction with the Town.

22 The property itself is approximately  
23 14,695 square feet or .34 acres. It has 150 feet  
24 of frontage on Route 106 and just under 100 feet of  
25 frontage on Princess Street.

1           This site, which was initially built  
2           out as a gasoline service station in 1951, so it's  
3           been operating as a gas station for almost 70  
4           years, is indicative of what I would refer to as  
5           Legacy Gas Stations.

6           Gas -- built on sites that are on very  
7           busy traffic intersections, such as this. On sites  
8           that are anywhere from 10 to 12 to 15,000 square  
9           feet, sometimes larger. And this is indicative of  
10          those gas stations built post World War II era.

11          As I mentioned, this has been  
12          operating -- this property has been operating as a  
13          gasoline service station since '51. Town Board  
14          special use permits were issued for the gas station  
15          use on November 1st of '51, then again on May 31st  
16          of '66, January 2nd of '68, and then finally, the  
17          last application prior to this before this Board  
18          was on September 16th -- my birthday -- of 2003.

19          At that time, the applicant had put in  
20          an application to redevelop the site with an  
21          accessory a convenience store. That application  
22          was approved by the Board, but for reasons unknown  
23          to this applicant, it was never built out, so the  
24          fact that the application was previously submitted  
25          and approved by the Board to actually operate a

1 convenience store, should help shed some light and  
2 lend some color to the application.

3 The applicant proposes, in connection  
4 with the redevelopment of this site, Mr. Supervisor  
5 and fellow Board Members, to raise and rebuild the  
6 site. So presently, the existing building, which  
7 was formally used for automotive repairs is sort of  
8 situated in the northwest corner of the site and  
9 parallel to 106.

10 There are presently four product  
11 dispensers with an overhead canopy on the south  
12 portion of the site, which are parallel to 106. We  
13 are going to be raising and rebuilding the station  
14 and making it, frankly, better and safer for both  
15 onsite access and egress, as well as onsite  
16 circulation.

17 The building will be raised and  
18 situated up against the north lot line of the site.  
19 The pumps will be redeveloped and rebuilt. There  
20 will be 6 MPDs, and if you look at the color site  
21 plan to my right, it's sort of under that peach  
22 color canopy outline. There's 6 MPDs providing 12  
23 fueling positions. The canopy itself will be 30 by  
24 76 or 2,280 square feet.

25 We will be adding some plantings along



1 the frontage of 106/107.

2 More importantly in connection with  
3 this application, there presently two curb cuts  
4 right now on 106/107, two on Princes Street. We're  
5 going to be closing all four curb cuts and  
6 consolidating them, making the left turning  
7 movements, safer onsite access and egress. So  
8 we're going to have one right in, right out on 106  
9 sort of in the center of that frontage and we're  
10 going to have a full movement curb cut on Princes  
11 Street.

12 I will note that we do have DOT  
13 approval as well and a permit for the improvements  
14 to be done along Route 106.

15 The new convenience store will be  
16 approximately 1,800 square feet in area, slightly  
17 smaller than the building that exists today. There  
18 will be a small masonry trash enclosure measuring  
19 10 x 10 at the northwest corner of the convenience  
20 store, along with a loading stall.

21 The site provides for 9 parking stalls,  
22 eight in front, including a handicapped, and then  
23 one in the southwest corner. And as I mentioned,  
24 six fuel dispensers with 12 fueling positions. New  
25 tanks will be installed as part of the application.

1 That tank mat is located at the southern portion of  
2 the site. And if you look again to the color site  
3 plan to my right, the tanks are underneath that,  
4 sort of, white outline.

5 They will be two 15,000 gallon USTs.  
6 In addition, the applicant proposes to install, I  
7 believe, a backup generator, also, along the west  
8 side of the building.

9 COUNCILMAN MACAGNONE: Isn't that State  
10 Law that they have to have that generator?

11 MR. ALTMAN: They do. They can also  
12 put in the transfer switch.

13 COUNCILMAN MACAGNONE: It's nice that  
14 they agreed.

15 MR. ALTMAN: We'll be doing that as  
16 well. The character of the area, as I'm sure the  
17 Board is aware, is predominately commercial. We  
18 have multiple mixed use in and along Route 106  
19 here, both north and south. We have McDonald's  
20 adjacent to us on the north and convenience to the  
21 south, and then we have the Broadway Mall just a  
22 couple of blocks down. So this is predominately a  
23 commercial area and has been utilized as such for  
24 decades.

25 That, in sum and summary, is the

1 application that is before this Board today. Aside  
2 from that, the applicant has asked for a mod -- a  
3 modification of covenants and restrictions that  
4 were filed circa 2003 with the 2003 application to  
5 allow for, among other things, the sale of beer  
6 consistent with State Law at the site.

7 Also with me here today,  
8 Mr. Supervisor, fellow Board Members, I have the  
9 project architect, Chris Tartaglia, from High Point  
10 Engineering; I have Andrew Villari from Stonefield  
11 Engineering. They are traffic safety consultants.  
12 They've also prepared a report, and I would like to  
13 submit that updated report into the record, Andrew.

14 SUPERVISOR SALADINO: Certainly.

15 MR. ALTMAN: And finally, I have with  
16 me today, John Breslin from Breslin Real Estate.  
17 John is an attorney and recognized licensed real  
18 estate expert in New York. John has also prepared  
19 a report in connection with this application in  
20 terms of the impacts of this redevelopment of the  
21 site.

22 I'll submit that into the record as  
23 well.

24 SUPERVISOR SALADINO: Thank you.

25 MR. ALTMAN: That concludes the

1 presentation, unless there's any questions of  
2 myself or the experts. I think it's a fairly  
3 straightforward application.

4 SUPERVISOR SALADINO: Are there any  
5 questions of our Board members?

6 COUNCILMAN MACAGNONE: Hours of  
7 operation?

8 MR. ALTMAN: It was 24/7 and it will be  
9 24/7.

10 COUNCILMAN MACAGNONE: Thank you.

11 SUPERVISOR SALADINO: Will there be any  
12 special sales? Will there be anything on the  
13 shelves of concern to us, concern to the residents?

14 MR. ALTMAN: No, sir.

15 I believe you're familiar with the  
16 Bolla brand, or at least I hope you are. They  
17 operate stations throughout the New York Metro area  
18 at the highest standards. Nationally recognized  
19 and locally recognized for the quality of service  
20 that they provide and the fact that they are, you  
21 know, great community residents in the  
22 neighborhoods in where they do business.

23 SUPERVISOR SALADINO: And their  
24 services will be in line with the values of the  
25 community where they are?

1 MR. ALTMAN: Absolutely.

2 SUPERVISOR SALADINO: Where they're  
3 located or proposed?

4 MR. ALTMAN: Correct.

5 SUPERVISOR SALADINO: Are there any  
6 other questions?

7 (No verbal response given.)

8 SUPERVISOR SALADINO: Okay.

9 At this time, we'll open the floor to  
10 the public.

11 Would anyone like to be heard on this  
12 application?

13 Yes, sir. Please step forward.

14 MR. MOLINARI: Good morning,  
15 Mr. Supervisor, Board Members.

16 Paul Molinari, 332 West Nicholai  
17 Street, Hicksville.

18 SUPERVISOR SALADINO: Hi, Paul.

19 COUNCILMAN MACAGNONE: Hi,  
20 Mr. Molinari.

21 How are you?

22 MR. MOLINARI: Good. I'm fine.

23 Thank you.

24 I just had a question. I go past it  
25 all the time, but I don't recall, is it currently

1 operate -- have an auto mechanic shop there or is  
2 it just -- they just pump gas?

3 SUPERVISOR SALADINO: Thank you.

4 MR. ALTMAN: The auto repair portion  
5 has been closed down for some time, so right now,  
6 it's just gas sales.

7 MR. MOLINARI: Okay.

8 My concern was that if it still had any  
9 drains there, they would have to be closed  
10 according to the County and State and Federal --  
11 well, the County and Federal law. State doesn't  
12 really regulate them.

13 Thank you.

14 MR. ALTMAN: We've already addressed  
15 that issue in total and that will be part of the  
16 site redevelopment as well.

17 SUPERVISOR SALADINO: Okay. Yes, sir.  
18 Please step forward. Thank you.

19 MR. NEWHOUSE: Ned Newhouse, Woodbury,  
20 New York.

21 You're going to be removing the old  
22 tanks, it sounds like, so I'm curious when those  
23 were installed and do you worry about that they  
24 have been leaking at all and whether or not when  
25 you evacuate those tanks, the groundwater, the

1 ground will remain safe?

2 MR. TARTAGLIA: If I may respond to  
3 that.

4 Again, my name is Chris Tartaglia. I'm  
5 the engineer for the project and for Bolla.

6 It's actually a really good question.  
7 So as Mr. Altman indicated, we are replacing the  
8 underground storage tanks.

9 Interestingly enough, as part and  
10 parcel of this application, we've already secured  
11 approval from the Nassau County Health Department  
12 to install the new tanks because the existing tanks  
13 are at their deadline of thirty years.

14 So they've been installed approximately  
15 thirty-one years now. We have an extension on that  
16 replacement based on the outcome of these permits,  
17 and we will do that work, but the preliminary  
18 indications in the reports are that those existing  
19 tanks are tight. They have been tested tight. The  
20 Health Department would not allow them to stay in  
21 the ground if they were not.

22 So we do have solid tank, solid piping,  
23 everything is tested tight, and has been tested  
24 annually since the deadline of the thirty years,  
25 but when they're removed, there will be an

1 environmental consultant on staff. Health  
2 Department will also be on the site watching the  
3 removals and any impacts to soils will be addressed  
4 at that time.

5 If there's any other questions, I  
6 can --

7 SUPERVISOR SALADINO: So in plain  
8 English, for the purposes of the public, when it's  
9 being -- when the tank is being removed, they will  
10 be visually inspecting, including the soils, to  
11 ensure that there's been no leakage into the soils?

12 MR. TARTAGLIA: That's correct,  
13 Mr. Supervisor. Correct. Exactly right.

14 SUPERVISOR SALADINO: Any other  
15 questions?

16 Yes, please step forward.

17 MR. McKENNA: Good morning.

18 Kevin McKenna, Edna Drive, Syosset.

19 You just made a statement that the  
20 Health Department -- I don't believe that the  
21 Health Department is really the agency that  
22 oversees that. I believe that it's DEC and  
23 Department of Environmental Conservation.

24 And my question is: Are you submitting  
25 any soil testing results that have taken place



1 recently, which it's my understanding that gas  
2 stations have to have had that testing done in the  
3 past, so are you submitting test results recently  
4 and will you be having -- I don't understand why  
5 this doesn't have to follow the SEQR process with  
6 the DEC in light of the fact that you have gasoline  
7 tanks under the ground?

8 And are you going to be, or have you  
9 done lately, testing to compare the current test  
10 results, soil test results, to the past test  
11 results?

12 SUPERVISOR SALADINO: Mr. McKenna, if  
13 you'd kindly take your seat while the gentleman is  
14 speaking.

15 MR. McKENNA: Sure.

16 SUPERVISOR SALADINO: Thank you.

17 MR. TARTAGLIA: So Mr. McKenna threw  
18 out a lot of topics there. I'll try to address  
19 them one by one.

20 First one is the Nassau County Health  
21 Department has been delegated absolutely authority  
22 over underground storage tanks in Nassau County.  
23 It used to be the fire marshal until approximately  
24 18 months ago, and then that was delegated to the  
25 Health Department by the County Legislature. So

1       there seems to be a little confusion with  
2       Mr. McKenna there.

3               Now, as far as the SEQR process, as the  
4       Supervisor and Board knows, the SEQR process is  
5       being followed via the Town Board and the other  
6       applications before the Town. The SEQR process and  
7       the Nassau County Health Department process are  
8       somewhat related in that they both have the word  
9       environmental in their code, but the SEQR process  
10      is clearly separate and distinct from the soil  
11      testing parameters that will take place during the  
12      tank removal.

13              As far as current testing, there is no  
14      regulation on the books to just go out and test gas  
15      stations. As I indicated, the potential sources of  
16      contamination, which are the tanks and piping, have  
17      been tested, so those test results are available,  
18      have been submitted to the County, and again, the  
19      County is satisfied with those results because  
20      they've tested tight.

21              And as finally, as Supervisor Saladino  
22      had also indicated, when the tanks are removed,  
23      there will be the appropriate soil testing done,  
24      which will be witnessed by the Nassau County Health  
25      Department.

1           The DEC has overall jurisdiction, but  
2 they have delegated jurisdiction to the Nassau  
3 County Health Department, widely held and widely  
4 known fact.

5           If there's any other questions, I can  
6 answer them.

7           SUPERVISOR SALADINO: Thank you.

8           MR. McKENNA: Who's doing the testing  
9 at the tank removal? Who's doing that testing?

10          MR. TARTAGLIA: That testing will be  
11 done by an environmental consultant that's retained  
12 by the applicant.

13          MR. McKENNA: Have you retained that  
14 consultant yet? I'm just curious.

15          MR. TARTAGLIA: I don't know if they've  
16 been retained yet. We really need to make sure we  
17 have permits for the project before we start  
18 retaining the professionals to build the project.

19          MR. McKENNA: Who in the Health  
20 Department is the contact for the Health Department  
21 on the application?

22          COUNCILWOMAN JOHNSON: Stand at the  
23 podium. You can't shout out from your seat.

24          SUPERVISOR SALADINO: Try to put all  
25 your questions together.

1 MR. McKENNA: I have tried to reach the  
2 Health Department regarding these matters and I've  
3 been told that there is nobody in the Health  
4 Department that I was able to talk to regarding  
5 this, so I'm curious to know who in the Health  
6 Department -- can you give us a contact in the  
7 Health Department that is familiar with this  
8 testing that you've talked about?

9 SUPERVISOR SALADINO: Mr. McKenna,  
10 could you just tell us -- identify who you spoke to  
11 in the Nassau County Health Department?

12 MR. McKENNA: Yeah, his name is  
13 Mr. Erwin.

14 SUPERVISOR SALADINO: Thank you.

15 COUNCILWOMAN JOHNSON: Mr. McKenna, can  
16 you shut the light off on your phone?

17 COUNCILMAN IMBROTO: Yeah, it's a  
18 blinding light.

19 MR. McKENNA: Sorry. I didn't realize  
20 it was on.

21 COUNCILWOMAN JOHNSON: It's still on.

22 SUPERVISOR SALADINO: Rather than go  
23 through the entire process, I think everyone knows  
24 the SEQR process, if you have that and you'd like  
25 to pass that along, that's always helpful.

1 MR. TARTAGLIA: I can do so now or  
2 after the meeting with Mr. McKenna, whatever the  
3 Board prefers.

4 SUPERVISOR SALADINO: If you have a  
5 name you'd like to state now --

6 MR. TARTAGLIA: Generally -- so tank  
7 removals are generally handled by a woman by the  
8 name of Robin Putnam. I don't have her phone  
9 number committed to memory, unfortunately. It  
10 starts with 571, as do most County numbers, but I  
11 can certainly put Robin touch with you,  
12 Mr. McKenna, if you're so inclined.

13 MR. McKENNA: Thank you.

14 MR. TARTAGLIA: Okay. You're welcome.

15 COUNCILMAN MACAGNONE: Needless to say,  
16 you're going to use trained professionals,  
17 certified, whose reputation will be on the line if  
18 they did anything wrong?

19 MR. TARTAGLIA: Not just trained, but  
20 licensed also by the County.

21 COUNCILMAN MACAGNONE: Okay.

22 SUPERVISOR SALADINO: Any other  
23 questions? Would anyone else like to be heard?

24 (No verbal response given.)

25 SUPERVISOR SALADINO: Please let the

1 record reflect no one has identified.

2 MR. ALTADONNA: One clarification for  
3 the engineer.

4 That's a pressure test, I assume, the  
5 testing of the tanks and the pipes?

6 MR. TARTAGLIA: What has been done,  
7 yes, over the last two years or so since the  
8 deadline has come and passed, so there's been a --  
9 what they call a precision test done on the tanks  
10 and lines, which is actually even more telling.  
11 It's more accurate than just a straight pressure  
12 test.

13 MR. ALTADONNA: So it shows if there's  
14 any leakage or anything?

15 MR. TARTAGLIA: Yeah. So, again, it  
16 shows, just for the record, so the existing tank  
17 and piping system have been deemed 100 percent  
18 tight by annual testing.

19 Now, the current regulations, when the  
20 tanks are not past their deadline, are only  
21 required to be testing every five years. These  
22 tanks have been tested every year.

23 MR. ALTADONNA: I know as an engineer,  
24 but for the public, so they put pressure into the  
25 tanks and the lines and that has to be held for a

1 certain amount of time or --

2 MR. TARTAGLIA: Correct. Correct.

3 MR. ALTADONNA: Okay.

4 MR. TARTAGLIA: The precision test  
5 actually puts a vacuum on the tanks rather than a  
6 pressure because we don't want to pressurize a  
7 flammable mixture and that vacuum is placed and  
8 then monitored for at least two hours.

9 MR. ALTADONNA: Thank you.

10 SUPERVISOR SALADINO: For the security  
11 of the public, this is obviously the same process  
12 that's used with every applicant, with every tank,  
13 with every -- the exact same process that's used  
14 over and over, but in your case, you're doing it  
15 more than is mandated by law?

16 MR. TARTAGLIA: That's correct.

17 SUPERVISOR SALADINO: Okay.

18 Thank you very much.

19 Would anyone else like to be heard on  
20 this application.

21 (No verbal response given.)

22 SUPERVISOR SALADINO: Please let the  
23 record reflect that no one has indicated.

24 Is there any correspondence?

25 MR. ALTADONNA: The attorney for the

1 applicant has filed his Affidavit of Service and  
2 Disclosures. We have memos from the Department of  
3 Planning and Development.

4 As per present review procedures, the  
5 required off-street parking for this application is  
6 12 spaces. The site plan submitted depicts a total  
7 of 9 parking spaces.

8 The Nassau County Land and Tax Map  
9 indicates the property is Section 11, Block 299,  
10 Lot 624. According to the Town of Oyster Bay  
11 Zoning Maps, the property is located within a GB,  
12 General Business, zone. There are no open code  
13 compliance cases; however, there are variances and  
14 Town Board Resolutions on file for the subject  
15 premise.

16 There is no further correspondence.

17 SUPERVISOR SALADINO: Thank you.

18 May I have a motion?

19 COUNCILMAN MACAGNONE: I make a motion  
20 that this hearing be closed and decision be  
21 reserved.

22 COUNCILWOMAN JOHNSON: Second.

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

25 ALL: "Aye."



1 SUPERVISOR SALADINO: Those opposed,  
2 "Nay."

3 (No verbal response given.)

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

6 MR. ALTMAN: Thank you, everyone.

7 Have a great day.

8 SUPERVISOR SALADINO: Thank you.

9 For the purposes of the public, this --  
10 the record will remain open.

11 Anyone who would like to write or  
12 e-mail to give us additional information, we're  
13 happy to take a look at that correspondence and we  
14 will keep the record open and the decision will be  
15 made at a later date after we've collected all the  
16 information and considered it fully.

17 Thank you very much.

18 Would the Clerk now call the continuing  
19 calendar, please?

20 MR. ALTADONNA: Sure.

21 Just to clarify the record,  
22 Councilwoman Johnson is present.

23 SUPERVISOR SALADINO: And was present  
24 during the hearing.

25 MR. ALTADONNA: And was present during

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the hearing.

SUPERVISOR SALADINO: Thank you.

MR. ALTADONNA: You're welcome.

(TIME NOTED: 10:33 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
ACTION CALENDAR  
March 12, 2019  
10:34 a.m.

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN STEVEN L. LABRIOLA

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

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

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would the Clerk  
2 now call the continuing calendar, please?

3 MR. ALTADONNA: Sure.

4 May I have a motion to suspend the  
5 rules and add Resolutions No. 189, 190 and 191?

6 **RESOLUTION NO. 189-2019;** Resolution  
7 authorizing litigation against The Standard at  
8 TOBAY, LLC f/k/a Carlyle at TOBAY, LLC in  
9 connection with breach of concession license  
10 agreements. (M.D. 3/5/19 #14).

11 **RESOLUTION NO. 190-2019;** Resolution  
12 amending Resolution No. 821-2018 to reflect the  
13 correct service provider name in connection with  
14 Third Party Administrative Services for the Town of  
15 Oyster Bay Workers' Compensation Program. (M.D.  
16 3/5/19 #16).

17 **RESOLUTION NO. 191-2019;** Resolution  
18 authorizing a barter agreement with the New York  
19 Mets to exchange fifty rounds of golf at the Town  
20 Golf Course in exchange for granting the Town a  
21 full page in the Mets' Game Day Program for the  
22 2019 season. (M.D. 3/5/19 #17).

23 On the motion?

24 COUNCILMAN MACAGNONE: So moved.

25 MR. ALTADONNA: Need a second.

1 COUNCILWOMAN JOHNSON: Second.

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

5 On the vote -- now, this is just to add  
6 it to the regular Action Calendar.

7 On the vote:  
8 Supervisor Saladino?

9 SUPERVISOR SALADINO: "Aye."

10 MR. ALTADONNA: Councilman Muscarella  
11 is absent.

12 Councilman Macagnone?

13 COUNCILMAN MACAGNONE: "Aye."

14 MR. ALTADONNA: Councilwoman Johnson?

15 COUNCILWOMAN JOHNSON: "Aye."

16 MR. ALTADONNA: Councilman Imbroto?

17 COUNCILMAN IMBROTO: "Aye."

18 MR. ALTADONNA: Councilman Hand?

19 COUNCILMAN HAND: "Aye."

20 MR. ALTADONNA: And Councilman Labriola  
21 is absent.

22 The motion carries.

23 The motion to suspend the rules and add  
24 Resolution Nos. 189, 190 and 191 passes five  
25 "Ayes."

1                    May I have a motion to adopt  
2 Resolutions No. TF-5-19 through Resolution No. 191?

3                    **TRANSFER OF FUNDS RESOLUTION NO.**

4                    **TF-5-19;** Resolution pertaining to Transfer of Funds  
5 within various departments accounts for the Year  
6 2019.

7                    **RESOLUTION NO. 173-2019;** Resolution  
8 granting request from Saint Boniface Martyr Church  
9 to use Tappen Beach for their annual Feast by the  
10 Shore from May 16 through May 19, 2019, to waive  
11 Town Ordinances 168-5B and 168-22, and to use of  
12 various Town equipment for the event. (M.D. 2/19/19  
13 #4).

14                    **RESOLUTION NO. 174-2019;** Resolution  
15 authorizing the Town to enter into a Clean Vessel  
16 Assistance Program Operation and Maintenance  
17 Agreement with the New York State Environmental  
18 Facilities Corporation for 2018 funding and for the  
19 Supervisor or his designee to execute said  
20 agreement. (M.D. 2/19/19 #7).

21                    **RESOLUTION NO. 175-2019;** Resolution  
22 rescinding restrictive covenants on property  
23 located at 140 Stewart Avenue, Bethpage, NY. (M.D.  
24 2/19/19 #9).

25                    **RESOLUTION NO. 176-2019;** Resolution

1 authorizing renewal of membership in the New York  
2 Government Finance Officers' Association for 2019.  
3 Account No. CMP A 1315 47900 000 0000. (M.D.  
4 2/19/19 #10).

5 **RESOLUTION NO. 177-2019;** Resolution  
6 authorizing award of Engineering Services Contract  
7 No. DP19-193, Park Managers Building at Theodore  
8 Roosevelt Memorial Park and to use sub-consultants  
9 for mechanical, electrical, plumbing and fire alarm  
10 engineering services; land surveying and  
11 underground utility service;; site engineering and  
12 landscape design; and test borings. Account No. PKS  
13 H 7197 20000 000 1102 001. (M.D. 2/19/19 #11).

14 **RESOLUTION NO. 178-2019;** Resolution  
15 authorizing Change Order No. 1, acceptance and  
16 final payment for Contract No DP18-173, Expansion  
17 of Ellsworth W. Allen Park replacement of existing  
18 synthetic turf field. (M.D. 2/19/19 #12).

19 **RESOLUTION NO. 179-2019;** Resolution  
20 authorizing acceptance of a donation of a memorial  
21 plaque, to be placed on an existing bench at  
22 Theodore Roosevelt Memorial Park and Beach from  
23 D. Juhasz in memory of J. Juhasz. (M.D. 2/26/19 #4).

24 **RESOLUTION NO. 180-2019;** Resolution  
25 authorizing acceptance of a donation of a memorial

1 bench and plaque, to be placed in Ellsworth W.  
2 Allen Park from J. Gilvey and the Allen Family in  
3 memory of R.H. Allen. (M.D. 2/26/19 #5).

4 **RESOLUTION NO. 181-2019;** Resolution  
5 authorizing the issuance of a refund for discount  
6 ice rink admission and ice skate rental books  
7 purchased at Syosset-Woodbury Community Park, to  
8 M. Mahtani. Account No. PKS SP11 0001 02025 529  
9 0000. (M.D. 2/26/19 #6).

10 **RESOLUTION NO. 182-2019;** Resolution  
11 authorizing the issuance of a refund for cancelled  
12 kickboxing classes at Hicksville Athletic Center to  
13 S. Goldberg. Account No. PKS A 0001 02001 510 0000.  
14 (M.D. 2/26/19 #7).

15 **RESOLUTION NO. 183-2019;** Resolution  
16 authorizing payment to instructors for fitness  
17 classes held at various Town facilities. Account  
18 No. PKS A 7110 47660 000 0000. (M.D. 2/26/19 #8).

19 **RESOLUTION NO. 184-2019;** Resolution  
20 relating to the deactivation of various capital  
21 authorizations which have been completed. (M.D.  
22 2/26/19 #13).

23 **RESOLUTION NO. 185-2019;** Resolution  
24 directing the Town Clerk to advertise a Notice of  
25 Hearing in connection with the application of



1 794 South Broadway Management, LLC and Chief Dog,  
2 Inc., for a Special Use Permit and Site Plan  
3 Approval for premises located at 794 South  
4 Broadway, Hicksville, New York. Hearing Date:  
5 March 26, 2019. (M.D. 2/26/19 #14).

6 **RESOLUTION NO. 186-2019;** Resolution  
7 granting request from the Incorporated Village of  
8 Massapequa Park, for one roll-off container for use  
9 on Earth Day, from April 12, 2019 through April 15,  
10 2019. (M.D. 2/26/19 #15).

11 **RESOLUTION NO. 187-2019;** Resolution  
12 granting request of LI2DAY Hope Runs Here for Town  
13 assistance in conducting their 5K Run/Walk to fight  
14 breast cancer scheduled to be held August 17, 2019  
15 and to use various Town equipment to be dropped off  
16 at Westfield Sunrise Mall in Massapequa for the  
17 event. (M.D. 2/26/19 #18).

18 **RESOLUTION NO. 188-2019;** Resolution  
19 accepting the reappointment of a commissioner and  
20 the election of two tenant commissioners to the  
21 Town of Oyster Bay Housing Authority. (M.D. 2/26/19  
22 #19 & 3/5/19 #13).

23 **RESOLUTION NO. 189-2019;** Resolution  
24 authorizing litigation against The Standard at  
25 TOBAY, LLC f/k/a Carlyle at TOBAY, LLC in

1 connection with breach of concession license  
2 agreements. (M.D. 3/5/19 #14).

3 **RESOLUTION NO. 190-2019;** Resolution  
4 amending Resolution No. 821-2018 to reflect the  
5 correct service provider name in connection with  
6 Third Party Administrative Services for the Town of  
7 Oyster Bay Workers Compensation Program. (M.D.  
8 3/5/19 #16).

9 **RESOLUTION NO. 191-2019;** Resolution  
10 authorizing a barter agreement with the New York  
11 Mets to exchange fifty rounds of golf at the Town  
12 Golf Course in exchange for granting the Town a  
13 full page in the Mets' Game Day Program for the  
14 2019 season. (M.D. 3/5/19 #17).

15 On the motion?

16 COUNCILMAN MACAGNONE: So moved.

17 COUNCILWOMAN JOHNSON: Second.

18 MR. ALTADONNA: Motion made by  
19 Councilman Macagnone, seconded by Councilwoman  
20 Johnson.

21 You have a lot of speakers.

22 SUPERVISOR SALADINO: Thank you.

23 Our first speaker is Erin Guida.

24 Good morning.

25 MS. GUIDA: Good morning, Supervisor,

1 Members of the Board.

2 My name is Erin Guida. I'm at West  
3 Nicholai Street in Hicksville.

4 My question is in regards to Resolution  
5 No. 189.

6 What is this litigation pertaining to?

7 SUPERVISOR SALADINO: This is a  
8 resolution to begin a lawsuit in an attempt to  
9 reclaim funds that are due our taxpayers.

10 MS. GUIDA: Okay. And then I think you  
11 did answer my second question, I wanted to know who  
12 is presently operating the concessions because I  
13 did go online and look, but you had stated that on  
14 March 21st, you're going to have an open hearing to  
15 see who will come in and take those concessions.

16 SUPERVISOR SALADINO: Yes. I'm glad  
17 you asked that.

18 As we did when we first took office  
19 here and took over changing the Town of Oyster Bay,  
20 we recognized it was very important to bring the  
21 highest level of transparency. So we held a  
22 two-day, approximately 19-hour marathon session  
23 where anyone who wanted to apply, we take -- took  
24 painstaking opportunities to bring in every one  
25 possible, let everyone know every way we could with

1 the media, online, and every process available to  
2 inform the public about this RFP. Then we brought  
3 every one in in front of the public, in front of  
4 the media, and online, and listened to their  
5 presentations, looked at their financials. We even  
6 asked them to provide a proposal for their menu so  
7 we could see the quality of the food, make sure the  
8 prices are in line with what the public could  
9 afford.

10 And after those two days, we did the  
11 entire deliberation publicly and we chose the  
12 concessionaires publicly so everyone could see the  
13 process, and the result was that we ended up, in  
14 many cases -- well, in all cases, with highly  
15 qualified concessionaires, increasing the amount of  
16 revenue to our taxpayers, but splitting it up so  
17 one entity couldn't control all of the concessions.

18 It's been a very successful process and  
19 we know that we'll get some very good candidates  
20 for our concessions at this upcoming public  
21 hearing.

22 COUNCILMAN MACAGNONE: It was  
23 successful except for the concessionaire who  
24 defaulted.

25 SUPERVISOR SALADINO: The one who

1 defaulted won't be applying.

2 COUNCILMAN MACAGNONE: Right. But it  
3 was successful, except for that.

4 SUPERVISOR SALADINO: The process has  
5 been 100 percent successful. I'm glad you pointed  
6 that out because in designing a good process, it  
7 should have the flexibility for all outcomes and  
8 we've ensured that we've designed a process that  
9 stands up to all outcomes, and this is another  
10 example of that.

11 MS. GUIDA: Okay. Because they only  
12 lasted for a year.

13 SUPERVISOR SALADINO: Yes. And that's  
14 going to help -- that's going to happen, rather,  
15 when -- you can't control the private company.  
16 What you can do is set forth the parameters and  
17 choose the best company, and obviously with  
18 experience, that helps us to make the best choices.

19 COUNCILMAN MACAGNONE: God forbid  
20 there's bad weather on weekends, it could really  
21 break a concessionaire's back.

22 SUPERVISOR SALADINO: That's very good  
23 point.

24 MS. GUIDA: Thank you. Thank you.

25 SUPERVISOR SALADINO: Thank you so

1 much.

2 Ned Newhouse?

3 MR. NEWHOUSE: I was curious --

4 SUPERVISOR SALADINO: Would you please  
5 please start off by giving us your full name and  
6 full address for the record?

7 MR. NEWHOUSE: Of course.

8 Ned Newhouse, 362 Barrow Court,  
9 Woodbury, New York.

10 My question is: How much are they in  
11 default for and what has been the communication  
12 with them for the reasons why they are not paying  
13 it? Are you concerned about bankruptcy that we  
14 might not actually get paid?

15 SUPERVISOR SALADINO: I'm going ask our  
16 Town Attorney to step forth.

17 Mr. Newhouse, if you'd kindly take your  
18 seat.

19 MR. NEWHOUSE: Sure.

20 SUPERVISOR SALADINO: Thank you.

21 MR. NOCELLA: As Councilman Macagnone  
22 noted, nobody can control the weather and there  
23 were actually two washout summers for this  
24 concessionaire. They bid a high amount.

25 I believe, in retrospect, bit off more

1 than they could chew in terms of the amount they  
2 had to pay the Town. They successfully paid the  
3 Town for two years. I realize the lady --

4 SUPERVISOR SALADINO: On schedule.

5 MR. NOCELLA: Yes -- well, not always  
6 on schedule, but they resolved any discrepancies as  
7 soon as we brought them to their attention.

8 SUPERVISOR SALADINO: So they were up  
9 to date in full?

10 MR. NOCELLA: As matter of fact, as a  
11 show of good faith after there was one delay, they  
12 paid for the entire second summer up front. And we  
13 had no problems with them and whatever services  
14 they provided seemed to be popular with the  
15 residents.

16 In every respect for the Town and its  
17 residents, it was successful. They were not able  
18 to make the profit largely for the reason that  
19 Councilman Macagnone had stated.

20 Now, I don't know if the weather had  
21 been ideal in the summers, how much they would have  
22 made, but the -- they cut off payments effectively  
23 in September and we were in negotiations with them  
24 to try to find a resolution.

25 We don't have the ability, without

1 Board approval, to alter the terms of the contract  
2 in the concession agreement, so that was off the  
3 table, but we were trying to make an arrangement so  
4 that they could, as they did in the past, frontload  
5 some of the payments during the summer months  
6 whereas we had them spread out over the 12-month  
7 period. In the end, I believe they just found it  
8 economically unviable.

9 They could not make a run of it under  
10 any circumstances no matter what accommodations we  
11 gave them on the payment schedule, and so they  
12 stopped paying. We gave them, as we were required  
13 to do, a Notice of Default. They came back with  
14 counterproposals, which we looked at and realized  
15 we were not in a position to accept. We put them  
16 in default and now it's time to sue.

17 In terms of where they could file for  
18 bankruptcy, we simply don't know. There are --

19 SUPERVISOR SALADINO: That would be  
20 their choice?

21 MR. NOCELLA: It would be their choice,  
22 but I will explain that there are -- the Carlyle  
23 Group and the standard at Tobay, the entity that  
24 was formed had a number of managers, the most  
25 prominent one was Steve Karl. There were two other



1 gentleman who also participated in his  
2 presentation, and they did manage the facility.

3 They managed it, and again, I believe  
4 it was successfully run in term of the services  
5 provided to the public, but there were investors  
6 who were backing the entire project, and the  
7 investors were the ones who frontloaded the  
8 payments for the entire summer last winter, and the  
9 investors would have the ability, if they wanted to  
10 put more money in, to try to keep this particular  
11 operation afloat.

12 I think they are the ones who decided,  
13 we're not going to invest any more money in this,  
14 we've tried two summers in a row and it's just not  
15 going to work, so we're cutting off the funds.

16 They have to use the phrase, as it's  
17 commonly said, deep pockets, so there are a number  
18 of entities that make up this group that  
19 successfully bid on the -- on Tobay.

20 And whether or not -- I would be  
21 speculating as to whether or not we'd have no  
22 recovery. The amounts were --

23 SUPERVISOR SALADINO: We wouldn't know  
24 until you start the process.

25 MR. NOCELLA: We'd have to get a

1 judgment and then seek to collect it.

2 SUPERVISOR SALADINO: Okay. Two  
3 questions, Mr. Nocella.

4 First question, is this lawsuit, in  
5 your opinion, the appropriate and the proper  
6 procedure we should be taking as per the law?

7 MR. NOCELLA: Yes.

8 And I could add, sir, that we have an  
9 obligation to bring the lawsuit.

10 SUPERVISOR SALADINO: We have an  
11 obligation to our taxpayers.

12 MR. NOCELLA: That's correct.

13 SUPERVISOR SALADINO: And to properly  
14 managing the fiscal priorities of the Town.

15 MR. NOCELLA: Right.

16 At a minimum, we have to obtain a  
17 judgment, and even if, as the speaker asked the  
18 question that we can't answer, even if all the  
19 responsible parties did go bankrupt and we couldn't  
20 collect, we'd still have to try.

21 SUPERVISOR SALADINO: Mr. Nocella, at  
22 the time that we chose the concessionaires, were  
23 you here as the Town Attorney?

24 MR. NOCELLA: I was.

25 SUPERVISOR SALADINO: Okay.

1 Do you recall through those hearings  
2 that the applicant -- the person who was the  
3 concessionaire, the entity that was the  
4 concessionaire, was currently the concessionaire  
5 for New York State at the Bethpage Golf Course?

6 MR. NOCELLA: Yes. That's correct.

7 SUPERVISOR SALADINO: And were they, at  
8 that time, successfully running that -- those  
9 concessions?

10 COUNCILMAN MACAGNONE: I have to  
11 disagree with you.

12 I think he was out of New York State by  
13 then.

14 COUNCILMAN IMBROTO: No.

15 SUPERVISOR SALADINO: No.

16 COUNCILMAN MACAGNONE: He wasn't?

17 COUNCILMAN IMBROTO: He lost it after  
18 the fact.

19 MR. NOCELLA: He still was, and as a  
20 matter of fact, part of the reason why we were put  
21 on notice by what happened at Bethpage when he  
22 pulled out of Bethpage, when the operation pulled  
23 out.

24 COUNCILMAN MACAGNONE: And also with  
25 the County over in --

1 MR. NOCELLA: That happened much later,  
2 but in our case, I believe we handled, even that  
3 problem, successfully, and I will explain why.

4 When we saw what could happen, as it  
5 did happen with the Bethpage concessionaire, and  
6 long before it happened at OTB, at the Race Palace,  
7 we approached the managers, they talked to the  
8 investors. The investors had their own counsel who  
9 spoke to us.

10 SUPERVISOR SALADINO: So when the --  
11 when the decision was made publicly by this Board  
12 to -- publicly, to choose this concessionaire, they  
13 were operating appropriately and profitably with  
14 New York State at the Bethpage Golf Course?

15 MR. NOCELLA: Correct.

16 SUPERVISOR SALADINO: And they were the  
17 choice of the governance administration and the --  
18 and the New York State Parks Department for the  
19 same reasons; they looked at their financials; we  
20 looked at their financials; they would chosen by  
21 New York State and they were operating successfully  
22 at the time that we saw the information to make the  
23 choice to go with them?

24 MR. NOCELLA: That's correct.

25 SUPERVISOR SALADINO: Okay.

1 MR. NOCELLA: There's one other point  
2 to add that -- for the buttresses, what you said,  
3 if I may.

4 We were allowed -- we didn't do it --  
5 but we were allowed not just to take into account  
6 everything that you said, that they were  
7 successfully operating a State facility, but under  
8 New York State Law, we were allowed to piggyback on  
9 State procurement.

10 We could -- because the State is -- we  
11 are a subdivision of the State, State Law says that  
12 if the State has already determined that this is a  
13 qualified vendor through its procurement  
14 guidelines, we could adopt what they have done. We  
15 did not do that. We did an independent analysis.

16 SUPERVISOR SALADINO: The point being  
17 that we could have, by law, but we did it  
18 independently to provide the highest level of  
19 transparency to make sure that they were vetted and  
20 a standalone decision was made in front of the  
21 public, in front of the media, on the Internet,  
22 and -- to go with them and they were financially  
23 viable for the first two years of their contract?

24 MR. NOCELLA: That's correct.

25 SUPERVISOR SALADINO: Okay.

1 Thank you very much.

2 MR. NEWHOUSE: I just have a followup.  
3 Do I have (inaudible) --

4 SUPERVISOR SALADINO: You can. It's  
5 about the time used, is what it is, but go ahead.

6 MR. NEWHOUSE: I just had a quick  
7 followup because I asked specifically how much  
8 money they're in default and are they still  
9 operating the Bethpage facility?

10 MR. NOCELLA: No.

11 COUNCILMAN IMBROTO: This is the beach  
12 concession and it's closed for the season.

13 MR. NEWHOUSE: (Inaudible.)

14 COUNCILMAN MACAGNONE: They lost the  
15 bid on that.

16 MR. NOCELLA: The exact figure, I don't  
17 entirely have, but knowing that the rental payments  
18 they made were roughly between 30, \$35,000 over a  
19 three-month period, September, October, November,  
20 maybe even December, it would be about \$100 to  
21 \$120,000.

22 SUPERVISOR SALADINO: Thank you.

23 COUNCILMAN IMBROTO: Mr. Town Attorney,  
24 just not to belabor this, but they operated the  
25 concession successfully for two years. We had two

1 great summers. We got paid the majority of the  
2 time that they were there.

3 SUPERVISOR SALADINO: They actually  
4 paid for the whole year ahead of time for the  
5 second year.

6 MR. NOCELLA: The entire summer the  
7 second time, yes.

8 SUPERVISOR SALADINO: And do you still  
9 believe that we have a process in place that takes  
10 into account that some companies will be successful  
11 and some won't?

12 MR. NOCELLA: That's correct.

13 SUPERVISOR SALADINO: Okay. And that  
14 ensures that we are protecting the taxpayers at  
15 every step?

16 MR. NOCELLA: Yes.

17 SUPERVISOR SALADINO: Thank you very  
18 much.

19 Our next speaker is Kevin McKenna.

20 Come on up, Mr. McKenna.

21 Would you kindly begin by giving us  
22 your full name and your full address?

23 MR. McKENNA: Kevin McKenna.

24 I just want to point out that I don't  
25 know whether it's true or not, but I found out that

1 it's illegal, open meetings law, it's illegal for  
2 you to ask residents what their address is.

3 COUNCILMAN IMBROTO: That's not true.

4 SUPERVISOR SALADINO: That's not true,  
5 sir.

6 COUNCILMAN MACAGNONE: First I'm  
7 hearing that.

8 MR. McKENNA: Anyway, it sounds like --

9 SUPERVISOR SALADINO: Why do you bring  
10 that up.

11 Do you have an issue with your address.

12 MR. McKENNA: Yeah, because I heard  
13 that it's illegal that you ask people for their  
14 address. That's why I bring it up.

15 COUNCILMAN IMBROTO: Don't believe  
16 everything you hear, Mr. McKenna.

17 MR. McKENNA: But anyway, you said it's  
18 legal, so we'll find out whether that's the case or  
19 not.

20 SUPERVISOR SALADINO: Okay.

21 Would you like to give us your address  
22 now that we've had this discussion?

23 MR. McKENNA: Oh, I though I'd given it  
24 to you already.

25 3 Edna Drive, Syosset, New York.



1 SUPERVISOR SALADINO: Thank you very  
2 much, sir.

3 MR. McKENNA: You're welcome.

4 It sounds to me like, on the Resolution  
5 that the Town Attorney was just talking about --

6 COUNCILMAN MACAGNONE: 189.

7 MR. McKENNA: 189.

8 It sounds like the Town was happy with  
9 the vendor. I didn't hear anything about problems  
10 with service or anything. It was all financial, it  
11 sounds to me like, and probably any other vendor  
12 that tries to operate the concession in the future  
13 is probably going to have the same problem  
14 financially, whether this, that, then the others.

15 I'm just wondering if the Town Board  
16 was made aware of the fact that the Town Attorney's  
17 Office was considering suing somebody that  
18 apparently was doing a good job, and if the Town  
19 Board considered the legal way to try to allow that  
20 same vendor to put forth a reasonable rent in order  
21 to continue there?

22 Is this the first time, really, that  
23 the Town Board is -- it sounds to me like it's the  
24 first time the Town Board, from the way you've all  
25 reacted, it sounds like it's really the first time

1 that we're all getting to understand what the Town  
2 Attorney's Office, with whoever else, has decided  
3 to do.

4 Would you like to comment on it?

5 SUPERVISOR SALADINO: Well, that sounds  
6 a lot more like a statement than a question, but  
7 the answer is no, it is not the first time, but we  
8 do appreciate it --

9 MR. McKENNA: It might not be the first  
10 time for you, Mr. Supervisor. I'm curious to know  
11 if it's the first time for the other Board members.

12 SUPERVISOR SALADINO: My suggestion is  
13 that you come to the open meeting because that is  
14 the more appropriate place to discuss this at  
15 length. We'll be discussing with each and every  
16 proposed vendor, every aspect as we did the first  
17 time, and we thank you for coming here today.

18 MR. McKENNA: Okay. Well, that's --

19 SUPERVISOR SALADINO: Sir, that's your  
20 time and we appreciate it.

21 MR. McKENNA: Yeah. When you talk, I  
22 get a time out.

23 SUPERVISOR SALADINO: That's wonderful.

24 MR. McKENNA: You finished?

25 (No verbal response given.)

1 MR. McKENNA: Okay.

2 On the Resolution for the New York  
3 Mets, which is --

4 COUNCILMAN MACAGNONE: 191.

5 MR. McKENNA: Thank you.

6 -- 191. I read the backup and  
7 Commissioner Pinto and one of the other Deputy  
8 Commissioners had stated that -- in case you  
9 haven't noticed, I'm a Mets fan.

10 COUNCILMAN MACAGNONE: As am I.

11 COUNCILMAN IMBROTO: Me, too.

12 MR. McKENNA: Thank you.

13 The backup says that the main reason  
14 that you're considering doing this barter agreement  
15 is in order to get more rounds, more golf rounds at  
16 the golf course, that's what it says in the backup.

17 COUNCILMAN MACAGNONE: Mr. McKenna, if  
18 I can, I was skeptical, I asked for a copy of the  
19 ad, I got a copy of the ad, it's not a political,  
20 if you would, ad, it's a very good ad. Some golf  
21 is on there, highlighting our golf course.

22 The only thing questionable, they said  
23 that we have cascading water falls, but other than  
24 that, it's was a very good ad. It's -- I think  
25 it's a good idea. I think it's an underutilized

1 facility and anything we can to get more people  
2 there, it would be good.

3 MR. McKENNA: Why wasn't the ad that's  
4 going to -- and that might very well be the case --  
5 but why hasn't the public been able to see the ad?  
6 Why wasn't the ad in the backup?

7 COUNCILMAN MACAGNONE: I can't answer  
8 that question.

9 MR. McKENNA: By the way, 58 percent of  
10 the Town of Oyster Bay residents are Mets fans and  
11 the lower amount is Yankee, so that's good. I  
12 don't -- no matter what the ad says, I don't see  
13 how an ad and a scorecard at City Field is going to  
14 get people. Golfers know where the golf courses  
15 are.

16 COUNCILMAN MACAGNONE: You're right.

17 MR. McKENNA: All of them know where  
18 the golf courses are, so it's clearly -- it's  
19 clearly good publicity for the Town and who's ever  
20 name is on that ad that you don't want us to see,  
21 but it's not going to increase rounds at the golf  
22 course. All the golfers know where the golf  
23 courses are.

24 COUNCILMAN MACAGNONE: However, I will  
25 say that as -- I'm an avid golfer, and a lot of

1 municipal courses aren't open to outsiders, and I  
2 think this is letting outsiders know that they can  
3 come play our golf course. That's what I think the  
4 idea behind this is, if somebody from Queens or  
5 something, they don't -- I play Bethpage a lot, and  
6 most people don't even know they can play Oyster  
7 Bay Golf Course. You just pay a little higher fee  
8 and they can make reservations online.

9 Like I said, I was skeptical about the  
10 ad. When I saw it, I thought it was great. I  
11 think it's a good idea and, hopefully, will be  
12 positive results.

13 COUNCILMAN IMBROTO: The course is  
14 underutilized and every single one of those people  
15 that gets around is going to bring somebody,  
16 nobody comes and plays golf, or very few people  
17 come and play golf alone.

18 MR. McKENNA: Good point.

19 It's actually through the Supervisor's  
20 e-mail address, you could give -- without this ad,  
21 you could give residents an incentive through your  
22 e-mail blasts to bring a fellow resident with some  
23 sort of an incentive, but again, I go back to, as I  
24 stand here right now, why can't the residents,  
25 before you vote, why can't we see the ad?

1 SUPERVISOR SALADINO: So if you'll  
2 kindly take your seat, we'll answer your questions.

3 MR. McKENNA: Now, if you don't answer  
4 the question, I just want you to know that I'm  
5 going to try to walk back up here and ask you  
6 again, so try to answer the question.

7 COUNCILWOMAN JOHNSON: Is that a  
8 threat?

9 MR. McKENNA: Thank you very much.

10 COUNCILMAN IMBROTO: Mr. McKenna,  
11 you're not permitted to do that.

12 SUPERVISOR SALADINO: So, in response  
13 to Mr. McKenna's question, we have done quite a bit  
14 in the Town of Oyster Bay to promote and improve  
15 all of the recreational activities that we have.  
16 The number of hockey players in our hockey program  
17 is surging. The number of the young people in our  
18 recreational programs are up. In our art programs,  
19 the number of people attending our distinguished  
20 artists concerts is up. All of this --

21 COUNCILWOMAN JOHNSON: Mr. McKenna, the  
22 light is back on.

23 Can you please shut that off?

24 SUPERVISOR SALADINO: All of this  
25 designed to improve the programs, to improve the

1 participation, and to do what residents have asked  
2 us when they come to these meetings, when we see  
3 them out in the public, please let us know about  
4 these programs. And we're making them more  
5 financially viable.

6 In this case, the Mets approached the  
7 Town of Oyster Bay, as they have reached out and in  
8 essence, cold called many municipalities, many  
9 entities, many golf courses, to promote this idea  
10 that they had. When we saw it wouldn't cost our  
11 taxpayers a dime, and yet we would continue to  
12 alert more and more people, a wider audience, it's  
13 obviously a no-brainer.

14 We have been investing in the golf  
15 course, making it the best it can be. We have been  
16 investing in our parks, in our pools, in our  
17 bathrooms, in all of our facilities to upgrade  
18 them, to maintain them, and clearly, the programs,  
19 whether it's our concerts or our art programs or  
20 our recreational sports programs, they're all back  
21 on track because we put highly professional people  
22 in charge as we've reorganized the Town, we're  
23 getting a better result.

24 This is one of many, many examples of  
25 creating a new and better day in the Town of Oyster

1 Bay. Didn't cost us anything. The value of this  
2 advertising is over \$20,000. I believe, if I have  
3 the number right, \$29,000, and when people bring a  
4 foursome to golf, that's all the more people that  
5 are coming to our golf courses that haven't been  
6 here before and will continue to come back.

7 COUNCILMAN MACAGNONE: And, hopefully,  
8 they'll spend with the vendor and keep them more  
9 viable also.

10 SUPERVISOR SALADINO: There you go.  
11 Perfect point. Perfect point.

12 So all of the this adds to the overall  
13 operations in the Town and we're continuing to work  
14 hard to make our facilities better, to draw more  
15 resident income. Quite frankly, in this case, it's  
16 nonresident income paying money toward facilities  
17 owned by our residents, and that's a home run.

18 COUNCILMAN MACAGNONE: That's being  
19 underutilized, also.

20 SUPERVISOR SALADINO: Yeah. And this  
21 is one of the ways to up that.

22 COUNCILMAN MACAGNONE: It makes sense.

23 SUPERVISOR SALADINO: It really does.

24 Yes? Would you like to come up,  
25 please?



1 MR. McKENNA: You didn't answer my  
2 question.

3 Why can't we see the ad before you vote  
4 on it?

5 SUPERVISOR SALADINO: I don't know if  
6 that's the normal process that has been conducted  
7 year after year, but we'll touch base with staff.

8 MR. McKENNA: I thought we were open  
9 and transparent.

10 SUPERVISOR SALADINO: That's exactly  
11 what we are.

12 Would you please step forward?

13 COUNCILWOMAN JOHNSON: Do we have to  
14 put every ad past --

15 COUNCILMAN IMBROTO: Why is the design  
16 of the ad so important --

17 SUPERVISOR SALADINO: That's okay.  
18 Thank you.

19 Would you please start off by giving us  
20 your name and address?

21 MS. EATON: My name is Margaret Eaton.  
22 I live at 239 Lee Avenue, Hicksville.

23 SUPERVISOR SALADINO: Thank you,  
24 Margaret.

25 MS. EATON: You're welcome.

1 I do play on Oyster Bay and I have some  
2 recommendations. I've got some issues and concerns  
3 about Oyster Bay.

4 Can you tell me who the contact person  
5 who I can speak with --

6 SUPERVISOR SALADINO: Yes. Yes.

7 Do you see Mr. Gatto and Mr. Skupinsky?  
8 Would you both raise your hands, please?

9 You can meet directly with them, give  
10 them all of your concerns and we'll address every  
11 single one of them.

12 MS. EATON: Very good. Thank you.

13 SUPERVISOR SALADINO: Thank you very  
14 much.

15 Yes, Mr. Sklar. Come on up.

16 MR. SKLAR: One question.

17 SUPERVISOR SALADINO: Sure.

18 Come on up, please.

19 Would you like to stand up in front of  
20 the podium, give us your full name and address?

21 Are you okay to stand?

22 MR. SKLAR: In the 50 rounds of golf  
23 that they're going to be getting, do we get to play  
24 with any baseball players?

25 SUPERVISOR SALADINO: We will look into

1 that. We'll look into that. We've been contacted  
2 by the Mets, anything is possible, although I think  
3 the Yankees just called to complain that someone  
4 was using Mets signage in the boardroom, but we'll  
5 see what happens with that.

6 MR. SKLAR: Sounds good. Thank you.

7 SUPERVISOR SALADINO: Thanks,  
8 Mr. Sklar.

9 Is there anyone else who would like to  
10 be heard on any of the resolutions?

11 MR. ADELMAN: Yeah. I have a slip in.

12 SUPERVISOR SALADINO: You do?

13 Yes, sir. Please come up.

14 How are you, Arthur?

15 MR. ADELMAN: Good morning, everyone.

16 Arthur Adelman, 110 DuBois Avenue,  
17 Sea Cliff, New York.

18 I have three items I'd like to discuss  
19 with the Board.

20 SUPERVISOR SALADINO: Please do.

21 MR. ADELMAN: Number one is Resolution  
22 178 granting a \$1,600 check to one of our vendors  
23 for the park. This change order that we're paying  
24 \$1,600 is really \$7,475. That was a change from a  
25 gauge six -- gauge nine to a gauge six fence

1 blockage, I guess, it is. The six would be less,  
2 it would be more opaque, so maybe that's why they  
3 changed it, but I think the way we went about it or  
4 the Parks Department went about issuing this change  
5 order, was incorrect. The price difference should  
6 have been given ahead of time.

7 Number two, I don't understand why LiRo  
8 adds on about \$1,500 to the cost.

9 COUNCILMAN MACAGNONE: That's the  
10 consultants --

11 MR. ADELMAN: Profits and overhead, it  
12 says.

13 COUNCILMAN MACAGNONE: Not only that,  
14 they charge us to find the change order, they  
15 charge us to supervise work being done, and then  
16 they charge us again at the end, so that's not  
17 LiRo. It's any consultant.

18 MR. ADELMAN: No, but my question is --

19 COUNCILMAN MACAGNONE: They're supposed  
20 to be watching so we don't get these change orders.  
21 This has been a complaint of mine for 19 years now.

22 MR. ADELMAN: Well, the other thing is,  
23 there was approximately a \$5,000 credit for work  
24 that didn't have to be performed. They didn't give  
25 us credit for their services for that --

1 COUNCILMAN MACAGNONE: I'm sure they  
2 charged us for that. Don't worry about it.

3 MR. ADELMAN: What?

4 COUNCILMAN MACAGNONE: I'm sure they  
5 charged us for that.

6 MR. ADELMAN: What, for taking -- for  
7 getting money back?

8 SUPERVISOR SALADINO: He's being  
9 facetious, sir.

10 COUNCILMAN MACAGNONE: For overseeing,  
11 they do charge us.

12 MR. ADELMAN: But the charge for the  
13 profits and overhead should have been for the  
14 difference, not for just the cost of the difference  
15 in the fence.

16 In other words, the \$1,600 should not  
17 have been -- almost all of that is going to LiRo,  
18 basically.

19 All right. Nothing is going to happen.  
20 I just think it's improper.

21 SUPERVISOR SALADINO: After you ask us  
22 our questions and take your seat, we'll bring the  
23 Commissioner up.

24 MR. ADELMAN: The next item is Item No.  
25 177, \$95,000 contract going out to an architectural

1 firm. The draft memo brought forth for you guys to  
2 sign lists a company called DAS, LLC. There is no  
3 such company is DAS, LLC. The memo and the pricing  
4 written by Mr. Swift notes an LLC called DSA, LLC.  
5 Then I looked up DSA, LLC in the New York register  
6 and make sure they're a registered corporation,  
7 these are all things that oversight should do, and  
8 there is no registered corporation in New York  
9 State DSA, LLC. It is not a d/b/a; it's not  
10 registered in the State.

11 The contract that -- if you sign this  
12 contract for this bid, should be with David Swift  
13 Architect, LLC. He's going to be the one  
14 responsible for the work done. He's the company  
15 that's going to get paid. I would like to see a  
16 change there.

17 SUPERVISOR SALADINO: We'll bring the  
18 Commissioner up to get these questions answered.

19 MR. ADELMAN: Okay. And the last item  
20 is a little more interesting. I'd like to get  
21 these two out of the way first, then we'll come  
22 back.

23 SUPERVISOR SALADINO: Certainly.

24 Please go ahead.

25 MR. ADELMAN: No. I would prefer to

1 get these first two --

2 SUPERVISOR SALADINO: I don't know if  
3 you have enough time left, so we want to work with  
4 your allotted time to be fair to everyone. We've  
5 gotten complaints that differing amounts of time  
6 for different speakers.

7 MR. ADELMAN: All right.

8 The last item is 191. My main concern  
9 is what's mentioned in the memo from the Assistant  
10 Commissioner, because the draft refers to a memo  
11 dated March 7th from Commissioner Pinto, but there  
12 is no memo in the backup documentation. I assume  
13 it would say the same thing that's in the March 8th  
14 memo that states that the Mets came to us and I --  
15 that's number one. Number two, that the Mets have  
16 an average attendance of 40,000 per game. This is  
17 not true. I looked up in Baseball Almanac. Last  
18 year's attendance averaged 27,000 a game.

19 SUPERVISOR SALADINO: Okay.

20 Do you feel that this makes the  
21 Resolution and the activity to promote golf less  
22 successful?

23 MR. ADELMAN: No, my big complaint --  
24 yes, I do, because I think barter is a very, very  
25 bad thing for a municipality to be involved in.

1 SUPERVISOR SALADINO: It doesn't cost  
2 us any. It doesn't cost our taxpayers anything.

3 MR. ADELMAN: How do we know what it's  
4 not costing? I'm sorry.

5 SUPERVISOR SALADINO: Sir, because what  
6 happens is, during times, we have many, many rules  
7 and regulations as to which times they can use, so  
8 we're utilizing times where our staff knows it's  
9 the slowest times of the year and then -- or  
10 slowest times in the week. Providing golf times at  
11 those times and getting a service for it, so our  
12 taxpayers don't have to pay.

13 I mean, are you against promoting all  
14 of the activities in our Town?

15 MR. ADELMAN: No. I think it's great.

16 SUPERVISOR SALADINO: This is part of  
17 the overall plan.

18 MR. ADELMAN: The first thing that  
19 should be done, possibly be done, is take a look at  
20 the Town of North Hempstead website for their --

21 SUPERVISOR SALADINO: Okay.

22 MR. ADELMAN: -- golf course and see  
23 how much easier it is to scroll through it.

24 COUNCILMAN MACAGNONE: The difference  
25 is that's a privately run golf course.



1 MR. ADELMAN: They pay the Town as a  
2 vendor and they do an unbelievable job. There's no  
3 Social Security. There's no fringe --

4 COUNCILMAN MACAGNONE: I know, that's  
5 one of courses that's fun to play also.

6 MR. ADELMAN: -- benefits to deal with.  
7 You pay another company to run it. It's great.

8 SUPERVISOR SALADINO: Just like we're  
9 doing with our concessions that we talked about  
10 earlier.

11 MR. ADELMAN: Yeah, but unfortunately,  
12 we don't get any guarantees.

13 SUPERVISOR SALADINO: We do get  
14 guarantees. We get contractual guarantees, just  
15 like every other company and municipality in  
16 America.

17 MR. ADELMAN: No. Other companies who  
18 rent land get good guy clauses in their leases.

19 COUNCILMAN IMBROTO: I'd never advise  
20 it.

21 MR. ADELMAN: I don't want to get  
22 involved in, you know, back and forth.

23 SUPERVISOR SALADINO: Thank you.

24 MR. ADELMAN: My question is barter.

25 I think barter is a very, very bad

1 thing for the Town to be involved in. I asked the  
2 Town Attorney to set me up or give you all the  
3 guidelines involving municipal barter. I know when  
4 I was in business, I had a huge tax problem because  
5 I bartered with some people. It can open up a bag  
6 of worms.

7 SUPERVISOR SALADINO: We're tax-exempt,  
8 of course, you realize that.

9 MR. ADELMAN: Right. So what do we --

10 SUPERVISOR SALADINO: So why don't I  
11 make this suggestion?

12 You have some great ideas for us. Why  
13 don't you sit with Deputy Commissioner Scapinski  
14 and Deputy Commissioner Gatto and talk to them  
15 about these ideas? We'd be happy --

16 MR. ADELMAN: I'd rather sit up there  
17 and discuss --

18 SUPERVISOR SALADINO: I'm sure you  
19 would, but we don't want for the public to think  
20 you have an ulterior motive here. We would really  
21 like to hear what you have to say, and we would  
22 really like to put you with the experts on this  
23 particular department.

24 MR. ADELMAN: But this not what I'm --  
25 I'm here to complain about the function of barter

1 of a municipality bartering with a private  
2 enterprise.

3 We've done it before --

4 SUPERVISOR SALADINO: We will --

5 MR. ADELMAN -- excuse me.

6 SUPERVISOR SALADINO: -- include our  
7 Town Attorney in on the conversation --

8 MR. ADELMAN: Fine.

9 SUPERVISOR SALADINO: -- because this  
10 isn't -- gets right to the heart of what you're  
11 talking about, because we want to hear your  
12 opinions. You come to every Board meeting. I  
13 think you have valuable information and we'd like  
14 to embrace that with the specific experts on the  
15 issues that you bring to us.

16 MR. ADELMAN: What is the Town's  
17 viewpoint on barter?

18 SUPERVISOR SALADINO: We are going to  
19 meet with the Town Attorney, who already blessed  
20 this because we've been over this with them.

21 COUNCILMAN MACAGNONE: And the  
22 Inspector General.

23 SUPERVISOR SALADINO: And the Inspector  
24 General.

25 Thank you, Councilman.

1                   So we are going to go over this with  
2                   the Inspector General and the Town Attorney for an  
3                   opinion --

4                   MR. ADELMAN:    I just think --

5                   SUPERVISOR SALADINO:  -- because that's  
6                   more than fair to you and to our residents.

7                   MR. ADELMAN:    I would say put off the  
8                   vote on this until you get an opinion from the  
9                   Inspector General.

10                  COUNCILMAN IMBROTO:  Arthur?

11                  MR. ADELMAN:    Barter -- oh, I'm sorry.

12                  COUNCILMAN IMBROTO:  I'm asking you --  
13                  I want to add -- I want to know your opinion, would  
14                  you prefer that we paid for this rather than  
15                  bartering for it?  Isn't it better to barter for it  
16                  and get it for essentially free?

17                  SUPERVISOR SALADINO:  Do you prefer we  
18                  pay for this?  Use taxpayer's dollars to pay for  
19                  this?

20                  MR. ADELMAN:    No.  I don't think we  
21                  should be advertising in Queens for golf.  What's  
22                  the point?  How many people do you think --

23                  SUPERVISOR SALADINO:  There are people  
24                  from Nassau County who go to see the Mets.

25                  MR. ADELMAN:    -- excuse me, the

1 New York Mets said they average 40,000 people a  
2 game. The programs aren't given away -- like, when  
3 you go over to the theater, everybody gets a play  
4 bill, you have to pay for a program. A family of  
5 four comes in, maybe they buy one -- maybe they buy  
6 one program. I haven't bought a program in years.  
7 I make my own scorecard up and it's done.

8 All right?

9 SUPERVISOR SALADINO: Do you realize  
10 that this is free?

11 COUNCILWOMAN JOHNSON: Arthur, are you  
12 for the Mets or Yankees?

13 MR. ADELMAN: I would prefer to see the  
14 Mets win. Okay, because we're a Brooklyn family,  
15 but that has -- I just don't -- I think the barter  
16 is the problem.

17 SUPERVISOR SALADINO: Okay.

18 MR. ADELMAN: I really think --

19 SUPERVISOR SALADINO: So it's not that  
20 we're promoting our programs, you're in favor of  
21 that, it's just the vehicle in which it's being  
22 done in this one instance that you have an issue  
23 with, if we understand you correctly?

24 MR. ADELMAN: Well, it's been done  
25 before and it got us in trouble.

1 Do you know that, Lou?

2 SUPERVISOR SALADINO: So please meet  
3 with --

4 COUNCILMAN IMBROTO: What do you  
5 foresee the trouble being with this?

6 MR. ADELMAN: Because barter goes  
7 unchecked, just it did with the Lees' back in the  
8 land where they were bartering asphalt for space by  
9 the dump to park their trucks.

10 SUPERVISOR SALADINO: Please meet with  
11 our Town Attorney.

12 If it's appropriate to have our  
13 Inspector General in on that conversation, I would  
14 encourage that, too, if that's appropriate, and  
15 let's listen to Mr. Adelman.

16 MR. ADELMAN: Thank you very much.

17 SUPERVISOR SALADINO: Let's go over the  
18 issues he brings to the table.

19 Thank you, sir.

20 MR. ADELMAN: Now, it only takes two  
21 nay votes or -- to make this not pass. I'd like to  
22 see that.

23 SUPERVISOR SALADINO: Thank you so  
24 much.

25 Is there anyone else who would like to

1 be heard?

2 (No verbal response given.)

3 SUPERVISOR SALADINO: Is there any  
4 correspondence?

5 MR. ALTADONNA: No.

6 SUPERVISOR SALADINO: Okay.

7 May I call for a vote?

8 MR. ADELMAN: Excuse me, you're going  
9 to change the title on the 177?

10 SUPERVISOR SALADINO: We do have to  
11 check on that.

12 Would the Town Attorney look into that,  
13 please, and determine if that's the appropriate --  
14 if that's appropriate on that, the DSA, LLC or  
15 should it be David Swift Architects? Do they have  
16 a subgroup? Would you please check on that?

17 MR. NOCELLA: Yes, I will.

18 Would you like me to check on it right  
19 now?

20 SUPERVISOR SALADINO: We'll take a  
21 five-minute recess and we'll check on that to  
22 ensure that we're doing it correctly. It's more  
23 than reasonable.

24 Thank you. We'll be right back.

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

1 (Whereupon, a recess was taken at this  
2 time.)

3 (TIME NOTED: 11:32 A.M.)

4 SUPERVISOR SALADINO: Ladies and  
5 gentlemen, if I may have your attention, please.

6 We researched the issue regarding  
7 Resolution 177. Looking at the documentation, it's  
8 both ways, but to embrace the highest level of  
9 caution, I'm now going to ask for an amendment to  
10 change -- to change to an updated version of  
11 Resolution 177.

12 COUNCILMAN MACAGNONE: I make a motion  
13 that we adopt the amended Resolution 177 that was  
14 handed to us just after this break.

15 COUNCILWOMAN JOHNSON: Second.

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

18 ALL: "Aye."

19 SUPERVISOR SALADINO: Those opposed,  
20 "Nay."

21 (No verbal response given.)

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

24 Would the Clerk please proceed?

25 MR. ALTADONNA: Sure.



1 For the record, that amendment is David  
2 Swift Architect, LLC. That will be the payee.

3 COUNCILMAN MACAGNONE: Thank you.

4 MR. ALTADONNA: Okay.

5 I believe we're up to the vote.

6 SUPERVISOR SALADINO: Yes, we are.

7 Thank you.

8 MR. ALTADONNA: Supervisor Saladino?

9 SUPERVISOR SALADINO: "Aye."

10 MR. ALTADONNA: Councilman Muscarella  
11 is absent.

12 Councilman Macagnone?

13 COUNCILMAN MACAGNONE: All right.

14 On 179, donation of a bench, I'll  
15 direct it to the Town Attorney, I'm still waiting  
16 to see the Resolution that we accepted the mural in  
17 Hicksville. Could we please get that? Thank you,  
18 Frank.

19 And I vote "Aye" on all, but I abstain  
20 on 187. We currently have an application with  
21 Sunrise Mall pending. It's been pending for quite  
22 a while, so I'm going to abstain on that one.

23 MR. ALTADONNA: Abstain.

24 Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: I vote "Aye."

1 MR. ALTADONNA: Councilman Imbroto?

2 COUNCILMAN IMBROTO: "Aye" on all.

3 MR. ALTADONNA: Councilman Hand?

4 COUNCILMAN HAND: "Aye."

5 MR. ALTADONNA: And Councilman Labriola  
6 is absent.

7 Here we go.

8 Resolutions TF-5-19 through  
9 Resolution -- bless you -- 186 passes with five  
10 "Ayes."

11 Resolution 187 passes with four "Ayes"  
12 and one "Abstention."

13 188 through 191 passes with five  
14 "Ayes."

15 The calendar is complete.

16 SUPERVISOR SALADINO: May I have a  
17 motion to close the meeting?

18 COUNCILMAN MACAGNONE: Make a motion  
19 that we close the regularly called meeting.

20 COUNCILWOMAN JOHNSON: Second.

21 SUPERVISOR SALADINO: All in favor,  
22 signify by saying "Aye."

23 ALL: "Aye."

24 SUPERVISOR SALADINO: Those against,  
25 "Nay."

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(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have  
it.

(TIME NOTED: 11:35 A.M.)