

REGULAR MEETING
TOWN BOARD
TOWN OF OYSTER BAY
MAY 7, 2019
7:19 P.M.

HEARING - FINANCE

To consider the application from the Plainview Water District for the issuance of serial bonds for Improvements to said water district. (M.D. 4/2/19 #11).

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
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND
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:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good evening,
2 ladies and gentlemen. If you would all join me in
3 standing, please.

4 Welcome to Town Hall, Town of Oyster
5 Bay Board Meeting of May 7, 2019.

6 To lead us in prayer, please welcome
7 our friends Pastors Diane and Ray Melograne of
8 North Shore Assembly of God. It's a wonderful time
9 to remember that God leads us in all we do in life.

10 (Whereupon, a prayer was recited by
11 Pastors Diane and Ray Melograne.)

12 SUPERVISOR SALADINO: Thank you again
13 to our Pastors and good friends, Diane and Ray
14 Melograne.

15 Would you please remain standing and
16 please welcome Randy Carol from the Town of Oyster
17 Bay's Division of Veteran Services to lead us in
18 the Pledge of Allegiance?

19 (Whereupon, the Pledge of Allegiance
20 was recited by Randy Carol.)

21 SUPERVISOR SALADINO: Randy was a
22 Specialist 5 in '85 in the United States Army. He
23 was assigned to Vietnam from May 1967 to May 1968.

24 Thank you, Randy, for taking the time
25 to be with us this evening. Thank you to you and

1 to all our veterans for all the sacrifices of our
2 veterans.

3 We continue to join with veteran
4 services in the Town of Oyster Bay to assist
5 veterans and their families on a day-to-day. We
6 appreciate that.

7 Please join me in a moment of silence
8 for our men and women in the United States Armed
9 Forces serving here, in the homeland, and abroad
10 and in recognition of the men and women in law
11 enforcement, all of our first responders.

12 (Whereupon, a moment of silence was
13 held.)

14 SUPERVISOR SALADINO: Thank you.
15 Please be seated.

16 The Clerk will now poll the Board.
17 Clerk, would you mind polling the
18 Board, please?

19 MR. ALTADONNA: Supervisor?

20 SUPERVISOR SALADINO: Present.

21 MR. ALTADONNA: Councilman Muscarella?

22 MR. MUSCARELLA: Here.

23 MR. ALTADONNA: Councilman Macagnone?

24 COUNCILMAN MACAGNONE: Present.

25 MR. ALTADONNA: Councilwoman Johnson?

1 COUNCILWOMAN JOHNSON: Here.

2 MR. ALTADONNA: Councilman Imbroto?

3 COUNCILMAN IMBROTO: Present.

4 MR. ALTADONNA: Councilman Hand?

5 COUNCILMAN HAND: Here.

6 MR. ALTADONNA: Councilman Labriola?

7 COUNCILMAN LABRIOLA: Here.

8 SUPERVISOR SALADINO: The Clerk will
9 now call the first hearing.

10 MR. ALTADONNA: To consider the
11 application from the Plainview Water District for
12 the issuance of serial bonds for Improvements to
13 said water district.

14 MR. INGHAM: Good evening, Supervisor
15 Saladino, Honorable Members of the Town Board.

16 My name is Mike Ingham. I'm senior
17 partner of the firm of Carman, Callahan & Ingham,
18 266 Main Street, Farmingdale, New York.

19 I am general counsel to the Plainview
20 Water District and will be the principal presenter
21 on this bond issue.

22 With us here tonight are all three
23 commissioners: Commissioner Mark Laykind behind
24 me; Commissioner Amanda Field; Commissioner Andrew
25 Bader.

1 Also with us tonight is the District
2 Superintendent Stephen Moriarity; Business Manager,
3 Dean Scott, finally, James Neri, the District
4 Engineer from H2M should you have any technical
5 questions.

6 Seeing the the main event tonight, I
7 will cut to the chase. Continuing studied made by
8 the District have indicated that the District
9 requires installation of water treatment systems
10 and related improvements at Wells No. 4-2 and 4-3
11 at Plant No. 4. By virtue of detection or elevated
12 level of nitrates and perchlorates in the well
13 water of each well. The H2M engineering report
14 analyses recommendations for well treatment Plant
15 No. 4 to reduce the levels of nitrates to below the
16 maximum contaminate level and perchlorate to below
17 secondary action level.

18 As set forth in the H2M engineer's
19 report, a detailed description of these
20 improvements for the total estimated costs and the
21 maximum cost thereof is \$6,388,200; however, the
22 Town Board should also be apprised that in the Fall
23 of 2018 the District was awarded a New York State
24 Water Infrastructure WIIA Grant of \$2,626,200 which
25 will be applied to the total costs of the

1 Nitrate/Perchlorate Treatment Facility at Plant No.
2 4.

3 With duly acknowledgement of the WIIA
4 grant, the total needed to complete the plan for
5 the project will be \$3,762,000.

6 Plant No. 4 of the Plainview Water
7 District is located south side of Southern Parkway
8 in Plainview. The plant is critical to the
9 District's water supply. Over the last eight
10 years, it accounted for approximately 14 percent of
11 the District's total pumpage.

12 From 2010 to 2012, several years ago,
13 the plant accounted for an average of 25 percent of
14 the District's pumpage, a full 25 percent of the
15 District's needs. With the increase in contaminant
16 concentrations, utilization of Plant No. 4 has been
17 recently reduced and now only accounts for 8
18 percent of the District's total pumpage.

19 Consequently, at this juncture,
20 providing nitrate and perchlorate treatment is
21 necessary to keep the plant in full operation to
22 meet the District's total water demands.

23 Based on extensive analysis and prior
24 research, H2M advised the District that Ion
25 Exchange Treatment System that targets both nitrate

1 and perchlorate removal is the recommended
2 treatment at Plant No. 4.

3 The Calgon Carbon Corporation, Ionic
4 Separator Exchange Process, ISEP for short,
5 utilizes a nitrate and perchlorate selective resin
6 which is able to achieve results both efficiently
7 and cost effectively.

8 As the Calgon ISEP constitutes a
9 relatively new resin in treatment system, Nassau
10 County Health Department requires that the District
11 undertake an appropriate pilot study.

12 Accordingly, the District retained H2M
13 to conduct a pilot study to analyze the
14 effectiveness of the Calgon ISEP system to reduce
15 the levels of nitrates and perchlorates at Plant
16 no. 4. It was successfully completed last Fall
17 with results enclosed in the H2M's Engineer Report
18 which was submitted to Nassau County Department of
19 Health and New York State Department of Health.

20 As the pilot study successfully proved,
21 the Calgon ISEP Ion Exchange is a very viable
22 method to remove nitrate and perchlorate from the
23 District's raw water supply.

24 As previously discussed, nitrate levels
25 at Plant No. 4 are rising. Perchlorate levels are

1 also rising and although this chemical does not
2 have an MCL, the District opted to also treat for
3 this contaminant to provide high quality water to
4 all its constituents.

5 The best technology available and the
6 only acceptable technology to achieve this result
7 is the Calgon ISEP System.

8 Accordingly, the District has formally
9 adopted H2M's recommended approach to employ this
10 system to achieve nitrate and perchlorate removal
11 at the plant.

12 The Calgon ISEP System construction
13 cost estimated in 2018 is \$5,070,000. The
14 estimated total project with construction and
15 nonconstruction costs, including engineering,
16 inspection, and contingencies is estimated to be
17 \$6,388,200.

18 To finance the said improvements and
19 duly acknowledging the WIIA Grant of \$2,626,200, it
20 is requested that the Town of Oyster Bay issue
21 general obligations in the maximum amount of
22 \$3,762,000. The exact amount of the obligations to
23 issued will be determined by the District. The
24 principal and interest on these payments on such
25 obligations should be payable from assessments

1 levied on the lands within the District as deemed
2 necessary.

3 So I will be clear, Supervisor
4 Saladino. This bond issue will not be an
5 obligation of the residents of the Town of Oyster
6 Bay. It will solely be an obligation of the
7 residents of the constituents of the Plainview
8 Water District.

9 Are there any questions on this bond?

10 COUNCILMAN HAND: Yeah, real quick,
11 considering the bond and the O&M cost going
12 forward, what is it going to raise the average cost
13 to the rate payer?

14 MR. INGHAM: I will turn to our
15 Business Manager, Dina Scott.

16 MS. SCOTT: Good evening.

17 The average cost to the rate payer
18 noninclusive of introspectives are known at the
19 time would be over the cost of a 30-year bond,
20 \$388; over the life of a 30-year bond,
21 approximately \$13 per year; \$3.24 per quarter which
22 is what we bill our tax payers on.

23 COUNCILMAN HAND: Thank you.

24 MS. SCOTT: You're welcome.

25 SUPERVISOR SALADINO: Councilman, any

1 other questions?

2 MR. INGHAM: Our Business Manager has
3 indicated that the bond amount is \$4,269,000. I
4 stand corrected. That will be the not-to-exceed
5 amount on the bond.

6 Any other questions?

7 SUPERVISOR SALADINO: Yes. I have a
8 few questions.

9 The system that you described, can I
10 get -- can we get an indication of how long this is
11 designed to last; how long the treatment process
12 will take?

13 MR. INGHAM: I would call on our
14 engineer, James Neri, to answer that question.

15 MR. NERI: Good evening, sir.

16 Your question was how long the system
17 is designed for?

18 SUPERVISOR SALADINO: Yes.

19 MR. NERI: Our typical design life for
20 a treatment system such as this is thirty years of
21 useful life.

22 The second question had to do with how
23 long the system would take to treat the water?

24 SUPERVISOR SALADINO: Yes.

25 MR. NERI: The process itself is a

1 continuous process in that all of the pumpage that
2 the well extracts from the ground would be treated
3 as needed by the District. So it's as the District
4 Operations Superintendent Moriarity calls for the
5 process, it will come online as appropriately.

6 SUPERVISOR SALADINO: And what will
7 your pumping rate be?

8 MR. NERI: The two wells at that site
9 are designed for 2,800 gallons per minute. They
10 don't use all that capacity in any given time.

11 Unfortunately, the residents of Oyster
12 Bay like their lawns. Some of the times we have to
13 have that capacity available to make sure we have
14 capacity for firefighting and other demands that
15 are needed throughout the system.

16 SUPERVISOR SALADINO: Will this be
17 designed in a way that will minimize the
18 inconvenience of lowered pressure in the peak
19 season?

20 MR. NERI: Definitely. That's the
21 design of all the systems that we have, is to
22 maintain pressure for fire protection.

23 SUPERVISOR SALADINO: And did you take
24 into account the cost of maintaining this operation
25 over the next thirty years?

1 MR. NERI: We did.

2 The system that we ultimately
3 recommended to the District was selected because
4 the long-term operating cost for both contaminants
5 was lower than -- there's another opportunity to
6 have two systems, but the operating cost for both
7 of those was greater than the one combined system,
8 so that's why we selected this one.

9 SUPERVISOR SALADINO: And H2M has
10 worked on the design and certified the
11 effectiveness of this system?

12 MR. NERI: We submitted an Engineer
13 Report to Nassau County Department of Health for
14 their concurrent review and approval. The system
15 itself will actually be one of the first systems in
16 Nassau County like this. So, we have done our
17 investigation with systems that are in place in
18 California treating the same contaminants.

19 SUPERVISOR SALADINO: Thank you.

20 MR. INGHAM: Any further questions?

21 (No verbal response given.)

22 MR. INGHAM: In conclusion, we
23 respectfully request that the bond petition be
24 approved in the amount not to exceed \$4,269,000.

25 Thank you for your help.

1 ALL: Thank you.

2 SUPERVISOR SALADINO: Is there any
3 correspondence on this?

4 MR. ALTADONNA: We have Affidavits of
5 Postings. There is no other correspondence.

6 SUPERVISOR SALADINO: Any speakers?

7 Yes, Mr. McKenna.

8 MR. MCKENNA: Kevin McKenna, Edna
9 Drive, Syosset, New York.

10 It seems that -- it seems that H2M
11 pretty much does a tremendous amount of work for
12 all the school districts and I was wondering if the
13 business manager that just spoke, if she can let us
14 know, what other bidders bid on this project before
15 you awarded this to H2M.

16 I don't know if that's an appropriate
17 question or not.

18 MR. INGHAM: We are talking about water
19 districts, not school districts here. More
20 importantly, this project hasn't been bid yet.

21 H2M is the retained engineer for
22 Plainview and has been for at least 25 years as far
23 as I know. They are a very experienced engineering
24 firm and probably the best on Long Island. They
25 were commissioned by the Plainview Water District

1 Commissioners to perform these studies because of
2 their expertise.

3 SUPERVISOR SALADINO: We know of their
4 reputation and we know of their work on many
5 projects including the remediation of the Grumman
6 Navy Plume where they were one of the experts on
7 that.

8 Would anyone else like to be heard?

9 (No verbal response given.)

10 SUPERVISOR SALADINO: May I have a
11 motion?

12 COUNCILMAN MUSCARELLA: Supervisor,
13 I'll make a motion that this public hearing be
14 closed and the decision be voted on tonight.

15 COUNCILMAN MACAGNONE: I second that.

16 SUPERVISOR SALADINO: All in favor,
17 please 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 The Clerk will now call our next
25 hearing.

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MR. ALTADONNA: You want to vote on
this tonight?

COUNCILMAN MUSCARELLA: Yes. Later on
when the Resolution comes up.

(TIME NOTED: 7:36 P.M.)

REGULAR MEETING
TOWN BOARD
TOWN OF OYSTER BAY
MAY 7, 2019
7:37 P.M.

HEARING - LOCAL LAW

To consider a Local Law entitled a "Local Law to Add Section 246-5.5.34 to Chapter 246 of the Code of the Town of Oyster Bay to Restrict the Sale of Vaping Products, and Locations of Vape Shops and Hookah Lounges." (M.D. 4/9/19 #36).

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
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:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 MR. ALTADONNA: The second local law,
2 second hearing is to consider the local law
3 entitled a "Local Law to add Section 246-5.5.34 to
4 Chapter 246 of the Code of the Town of Oyster Bay
5 to Restrict the Sale of Vaping Products and
6 Locations of Vape Shops and Hookah Lounges."

7 MS. FAUGHNAN: Good evening, Supervisor
8 and Members of the Town Board.

9 Elizabeth Faughnan, Deputy Town
10 Attorney, Town Attorney's Office.

11 Supervisor, Members of the Board, as
12 many of you may know, many municipalities on Long
13 Island have been adding provisions to their zoning
14 codes regarding vape shops, hookah lounges and
15 e-cigarettes as they become more popular.

16 So the Town of Oyster Bay is not alone
17 in suggesting this local law. Under the provisions
18 of this local law, and I believe you all have in
19 front of you, we've actually -- we will actually be
20 adding definitions of what's an electronic
21 cigarette, what a hookah lounge or a vape lounge
22 is, hookah pipe, smoke shop and vape shops, that we
23 actually have definitions in the Town zoning code.

24 Most importantly, any new shops would
25 be limited to a light industry zoning

1 classification or LI classification. They will not
2 be allowed to be located within 1,000 feet of
3 residents -- I want to get it in front of me. I
4 should always pull it before I talk about it. Here
5 it is.

6 There will not allowed within
7 1,000-foot radius of the lot line of any lot zoned
8 for residential use, any school, any park, any
9 playground, any library, church or other place of
10 worship.

11 Existing locations will be
12 grandfathered in provided that they have the proper
13 permits and all the proper certifications that are
14 required as of now.

15 The other item that I should note is
16 that any businesses that currently exist, any that
17 are established under this new zoning provision
18 will be required to have a Notice at the point of
19 sale indicating the health consequences of the use
20 of such products.

21 These provisions will also apply to
22 businesses that have, quote, "a significant or
23 substantial portion of their premises devoted to
24 the sale of such items of merchandise" and that's
25 defined as 40 percent. Whether it's 40 percent of

1 the gross floor area, 40 percent of the gross
2 income, then they will -- then these provisions
3 will be applicable.

4 COUNCILMAN MACAGNONE: For the
5 audience, can you describe what light industrial
6 area would be?

7 MS. FAUGHNAN: Well, I do have the
8 Commissioner of P&D with me, so I'm going to ask
9 Commissioner Maccarone to get up and speak about
10 that because she was involved.

11 COUNCILMAN MACAGNONE: I'm sorry,
12 Commissioner.

13 MS. MACCARONE: Commissioner Elizabeth
14 Maccarone, Planning & Development.

15 So your question, Councilman, was?

16 COUNCILMAN MACAGNONE: What would be a
17 light industrial area; what would you classify?

18 MS. MACCARONE: Typically, the types of
19 uses in a light industrial area would be warehouse
20 distribution, manufacturing-type uses, storage and
21 so forth.

22 So we're taking it or we're classifying
23 it that that's where it would be permitted and,
24 again, but they have to meet the 1,000-foot radius,
25 so if it's abutting a residential area or a church,

1 they have to be within those -- you know, within
2 that distance.

3 COUNCILMAN MACAGNONE: I think that's a
4 great idea and a great use for that area.

5 MS. MACCARONE: Yes. We're taking it
6 out of the downtowns and the neighborhood
7 businesses and the general businesses, which are
8 the commercial zones, which are more prevalent in
9 the town and we're putting -- we're still allowing
10 them -- but they're going to be in the industrial
11 zone.

12 COUNCILMAN MACAGNONE: Thank you.

13 COUNCILWOMAN JOHNSON: I don't see any
14 affirmative statement that existing locations will
15 be grandfathered in.

16 How do the existing business owners
17 know that they're going to be okay if it's not
18 specifically stated?

19 MS. MACCARONE: Well, it's typically --
20 you know, any of our uses -- there's a different
21 Section of 246, Chapter 246, that talks about
22 nonconforming uses. So, again, as long as they
23 have permits or working towards a CO --

24 COUNCILWOMAN JOHNSON: They should feel
25 comfortable in existing operators --

1 MS. MACCARONE: Right.

2 They would be --

3 COUNCILWOMAN JOHNSON: Feel comfortable
4 in their business. Okay.

5 COUNCILMAN LABRIOLA: Commissioner, I
6 have a question before you sit.

7 In my mind, light industrial zones are
8 semi rare in the Town of Oyster Bay and it's a very
9 restrictive ordinance here outlawing -- basically,
10 preventing something that is considered to be legal
11 in our state. And I'm just wondering what your
12 thinking is or maybe what the intent, the
13 legislative intent is, in not permitting it in a
14 general business zone -- out of the neighborhood
15 business, but in a general business zone where it's
16 much more intensive use of businesses as opposed to
17 putting it into light industrial zones and really
18 limiting the options of people who want to go into
19 this business.

20 MS. MACCARONE: Right. Well, if you
21 look at the overall zoning map of the Town of
22 Oyster Bay, we do have light industrial zones
23 throughout each of the hamlets, whether it's here
24 in Oyster Bay, Syosset, Hicksville and so forth,
25 and a lot of the general business zones do affect

1 residential areas. So the key thing that we looked
2 at was trying to locate it in a position -- in a
3 zone where the shops can still function, they do
4 not need a special use permit from the Town Board
5 or the Zoning Board of Appeals. It would be
6 permitted use in that light industrial zone, but to
7 keep it away from, you know, the younger generation
8 who may be more prevalent in trying vaping, the
9 e-cigarettes and so forth. So that's why we put in
10 the 1,000-foot radius from parks, places of
11 worship, schools, playgrounds and so forth.

12 COUNCILMAN LABRIOLA: I would agree
13 with the 1,000-foot restriction away from where
14 young people tend to be, but I still think it's
15 overly restrictive in keeping it only in light
16 industrial areas when, in fact, this is a legal
17 activity. It's legal to vape. A lot of people
18 find it to be an alternative to smoking cigarettes
19 and cigars, et cetera. People -- I've heard
20 stories. I've had correspondence from residents
21 who are telling me that it basically has changed
22 their life, that they were able to finally break
23 the habit.

24 So now we're going to say that all of
25 these places of business or new places of business

1 will have to be located in this very limited zone,
2 light industrial, which, by the way, I'm not sure
3 in terms of what the market rate is for light
4 industrial per square foot as opposed to a general
5 business zone per square foot. I don't know how
6 that impacts their business. These are usually
7 small mom and pop shops. And I'm not sure -- I
8 mean, I'm not an expert in commercial real estate,
9 but I really would like us to understand what the
10 impact will be upon our small businesses. Even
11 business that currently exist might want to expand
12 and open two shops. Their main focus may not be
13 vaping. It may be as you say up to 40 percent, but
14 they're now going to fall in the category of this
15 new law. So I would just like us to consider that
16 before we move forward. I would like my colleagues
17 on the Board to consider that, that it may be
18 overly restrictive. Although the intent is a great
19 intent. I support the concept. And I certainly
20 congratulate my colleague Lou Imbroto for his work
21 and his effort in this regard, but I just think we
22 are going a little too far, a little too fast.

23 MS. MACCARONE: Absolutely. We'll take
24 a harder look. The decision is not happening
25 tonight.

1 It's going to be put on decision
2 reserved and we'll go back and address some of your
3 concerns.

4 COUNCILMAN IMBROTO: Commissioner, I
5 don't know if this is for you or for the Town
6 Attorney's Office, but the last time this draft
7 came before us, there were references to tobacco
8 products and cigarettes and I asked that those be
9 removed so that we could keep the focus solely on
10 the vape products and the e-cigarettes.

11 I notice that those are still in --

12 MS. MACCARONE: Those are still in with
13 the 40 percent.

14 So if it's a full --

15 COUNCILMAN IMBROTO: I don't think that
16 those are the same thing. I think they should be
17 treated differently. I think you open a whole can
18 of worms from a regulatory standpoint by having
19 cigarettes included. I don't think they should be
20 in there.

21 MS. MACCARONE: Okay.

22 Any other questions?

23 SUPERVISOR SALADINO: Any other
24 questions?

25 (No verbal response given.)

1 SUPERVISOR SALADINO: Thank you.

2 We have some people who would like to
3 speak on this.

4 We're going to begin with Mary Shannon.

5 Good evening. There is a time limit
6 for speakers on all of our hearings this evening.
7 You will be alerted to that. And we ask that you
8 begin by giving us your name and address, please.

9 MS. SHANNON: Good evening.

10 I'm Mary Shannon. My address is
11 1118 Joselson Avenue, Bay Shore.

12 I'm speaking on behalf of Eric Kaplan,
13 owner of Vapor Source in North Massapequa on North
14 Broadway.

15 "Sir, we opened in January of 2016 and
16 are members of the Massapequa Chamber of Commerce,
17 supporters of the Nassau County Police Department
18 and regular contributors to the North Massapequa
19 Fire Department. We are have very much a mom and
20 pop shop in a very close-knit community.

21 "Our entire focus has been on adult
22 smoking cessation since the day we opened. Vaping
23 was the method by which I quit smoking after 26
24 years, my wife after fifteen years and my father
25 after fifty years.

1 "Although the products do contain
2 nicotine, vape liquids do not contain the tar, nor
3 the myriad of poisons contained in traditional
4 tobacco products.

5 "We have participated in helping
6 countless adult smokers rid themselves of
7 cigarettes, cigar, pipe and dip habits. On a daily
8 basis, we provide products to first responders,
9 office professionals, service providers, members of
10 the medical community, adult men and women at every
11 social and professional level.

12 "Additionally, we always verify that
13 the purchaser is of legal age and we have signage
14 clearly stating that provided by Nassau County.
15 Although I pass no judgment on others, we do not
16 carry any bongs, hookahs, rolling papers, grinders
17 or any related paraphernalia. We are a vape shop
18 interested in providing what we consider to be
19 safer alternatives to tobacco. While we agree that
20 there is a warranted concern regarding youth
21 vaping, we go out of our way to make sure that we
22 are not participants in the problem.

23 "I feel that this law would be
24 discriminatory practice eliminating small
25 responsible, independently-owned smoking cessation

1 focused establishments.

2 "Additionally, on a strictly practical
3 note, I spent decades in project management. Most
4 recently servicing a New York City contract. I
5 believe I understand the pressure that you are
6 under to see the needs and concerns of the
7 constituents and the obligation you feel to see to
8 their best interest. I feel like we participants
9 in that and not a threat to it.

10 "Finally, I hold the lease to the
11 property we occupy and I'm financially responsible
12 for it until its conclusion. I spent twenty years
13 in the work force in order to be able to finally
14 open my own business, which I believe serves this
15 community. A forced move would likely ruin this
16 business as well as mine and my wife's financial
17 state.

18 "I beg you reconsider these sweeping
19 changes and keep an open mind to the benefits that
20 stores like mine provide, and consider the likely
21 financial destruction of the small business owners
22 and community members that would be left in the
23 wake of such a decision.

24 Although, I would have preferred to
25 participate in the public hearing that has been

1 graciously provided, I am the sole proprietor and
2 employee in the shop and, therefore, I am unable to
3 attend and I provide this letter in my place.

4 "Thank you for taking the time to read
5 this and I am truly grateful.

6 Sincerely, Eric Kaplan."

7 Thank you.

8 COUNCILMAN IMBROTO: Just to address
9 some of the things you mentioned, you heard before
10 that this would not apply to any existing business.
11 You would be grandfathered in.

12 MS. SHANNON: We have heard that there
13 are issues in the Town of Islip.

14 Currently, there is a case against the
15 Town of Islip because the grandfathering-in process
16 didn't seem to switch over to that. The town --
17 different towns are selecting different shops to
18 take them out of business and there is a case going
19 to Supreme Court in the Town of Islip. It was said
20 that they would be grandfathered in, but that is
21 not occurring.

22 This is a sweeping change and you
23 people have --

24 COUNCILMAN MACAGNONE: People are
25 afraid of change.

1 MS. SHANNON: Well, no.

2 People have invested twenty years and
3 their salary and you know their whole life's
4 savings into this smoking cessation. It really
5 does save lives.

6 COUNCILMAN MACAGNONE: I'm sure it does
7 -- past that generation.

8 But, honestly, I have a lot of faith in
9 Commissioner Maccarone and her department. If they
10 say that they're going to be grandfathered in,
11 they'll be grandfathered in.

12 SUPERVISOR SALADINO: Why don't we
13 bring the Commissioner back up?

14 COUNCILMAN IMBROTO: And perhaps the
15 Town Attorney's Office can speak to this as well?

16 SUPERVISOR SALADINO: This is a very
17 important point you've brought up and we appreciate
18 the fact that you brought it up.

19 If you'd like to take a seat --

20 MS. SHANNON: Okay.

21 SUPERVISOR SALADINO: -- we will
22 address those issues that you're bringing up to
23 bring assurances to you and to current business
24 owners.

25 MS. SHANNON: I thank you on behalf of

1 Eric Kaplan for letting him have this time to speak
2 to you. He's very passionate about it and so am I.

3 Thank you so much.

4 SUPERVISOR SALADINO: Well, you tell
5 him, we said you did a great job.

6 MS. SHANNON: Thank you.

7 COUNCILMAN MACAGNONE: Yes. I'm hoping
8 he's watching you right now.

9 MS. SHANNON: Thank you.

10 MS. MACCARONE: I'm not fully aware of
11 the Islip legislation; However, I believe, in
12 Islip, they did a sunset provision in which they
13 did not grandfather the shops. They -- after they
14 passed the ordinance, there was a time limit in
15 which the vape shops in the Downtowns or in their
16 commercial business districts would have to move
17 and I believe that is the subject of the court
18 proceedings; however, that is not the case here.

19 SUPERVISOR SALADINO: So let's talk
20 about here.

21 Let's give that short list to everyone
22 that gives the assurances that we are not here to
23 put people out of business.

24 MS. MACCARONE: If you are an existing
25 business with a Certificate of Occupancy, you are

1 grandfathered.

2 If you are an existing build --
3 business that filed for a building permit and
4 obtained a building permit and are in the process
5 of constructing that shop, you are grandfathered.

6 I cannot speak to this particular
7 person's place of business, but I will be happy to
8 tomorrow to look in and help them and assist them.
9 I don't know whether or not they have a CO or a
10 permit, I'm sure if they've been there 20 years,
11 but I have to -- I can't speak specifically to that
12 address.

13 SUPERVISOR SALADINO: If you stand by,
14 I'm going to now ask our Town Attorney to come up.

15 Thank you, Commissioner.

16 MR. NOCELLA: Joseph Nocella, Town
17 Attorney.

18 Good evening, everyone.

19 SUPERVISOR SALADINO: We have a
20 question and the public has a question on this
21 legislation.

22 They want to know about the assurances
23 that would -- in the actual wording of this
24 legislation -- that would allow them to feel a lot
25 more comfortable with the investment that they've

1 made there.

2 MR. NOCELLA: Yes.

3 I actually think Commission MacCarone
4 stated it quite correctly.

5 The legislation contains provisions to
6 make sure businesses like that of Mr. Kaplan's are
7 grandfathered in. The Town of Oyster Bay does not
8 intend on putting anybody, who is currently
9 operating lawfully, out of business.

10 SUPERVISOR SALADINO: Thank you.

11 MR. NOCELLA: Thank you.

12 SUPERVISOR SALADINO: Thank you, Mary.
13 Our next speaker will be Spike Babaian.
14 Good evening.

15 MS. BABAIAN: Good evening.

16 My name is Spike Babaian. I am here on
17 behalf New York State Vapor Association. We
18 represent businesses in this area in the Town of
19 Oyster Bay.

20 I read that bill probably a dozen times
21 and I don't see any grandfathering exclusions or
22 anything that points to any other piece of
23 legislation that grandfathers in shops that are
24 existing, but I will take a look at it again and
25 make sure.

1 COUNCILMAN MACAGNONE: It's in the
2 Zoning Law, not in this bill.

3 MS. BABAIAN: Okay.

4 Vapor products have the potential to
5 disrupt the 120-year dominance of the cigarette --

6 THE STENOGRAPHER: Slow down a little
7 bit.

8 MS. BABAIAN: Vapor products have the
9 potential to disrupt the 120-year dominance of the
10 cigarette and challenge the field on how the
11 tobacco epidemic can be reversed if nicotine is
12 decoupled from lethal inhaled smoke.

13 This is a quote from Dr. David Abrams
14 NYU College in Global Public Health. He very
15 strongly felt against e-cigarette for many years in
16 the beginning and then he started seeing the
17 studies come out and not many, two to three years,
18 but that's a lot in e-cigarette years. He saw a
19 lot of studies come out and it changed his mind and
20 he spent the last six years convincing other people
21 to change their minds because he sees the truth.

22 Advancements like seat belts, airbags,
23 vaccines, condoms, methadone, prep, reduce harm and
24 improve public health.

25 E-cigarettes, we have the same

1 opportunity here to reduce public harm. It's
2 imperative not to ignore that and not to treat
3 these like cigarettes.

4 I agree with you. They shouldn't be
5 lumped in the same category as cigarettes because
6 they are not. They are definitely not. They are
7 very different products. There are studies that
8 show that youth who experiment with e-cigarettes
9 don't go on to smoke cigarettes. Youth who
10 experiment with tobacco cigarettes do go on to
11 usually -- not usually -- but a good percentage of
12 the time, much higher percentage of the time go on
13 to smoke cigarettes, but you're not restricting
14 where you can buy cigarettes. You can buy
15 cigarettes everywhere. Why? Because that would be
16 a legal difficulty to try and stop people from
17 selling cigarettes next to schools. We'd have to
18 move every 7-Eleven, every gas station, every
19 bodega, every corner store, every deli, everything.

20 But you're going to take the products
21 that have the least harm and move those to a place
22 where they're harder to get. How does that make
23 sense? You wouldn't do that with the nicotine
24 patch and the nicotine gum. You would say this
25 helps people quit smoking, let's take it and move

1 it somewhere where no one can get it. This is not
2 a great idea. This does the opposite of what
3 you're trying to do.

4 E-cigarettes were shown to be literally
5 twice as effective as NRTs. Twice as effective as
6 the patch, the gum, the nicotine inhaler. Twice as
7 effective in helping people quit smoking, but
8 you're taking the product that's most effective in
9 helping people quit smoking and moving it to a
10 place where people have a hard time getting it,
11 especially people who are disadvantaged, people who
12 are disabled, people who don't have cars, people
13 who don't have enough money to take an Uber to get
14 to where they need to go to get e-cigarettes
15 because it's often some back road industrial area
16 that costs more to get to.

17 COUNCILWOMAN JOHNSON: You've just got
18 to slow down for our court reporter.

19 MS. BABAIAN: I'm sorry. I get
20 excited.

21 Nearly, 20 percent of the shops in
22 Nassau County are here in the Town of Oyster Bay.
23 20 percent of those shops, of the shops in Nassau
24 County are either going to be moved or closed. And
25 I suspect that probably the majority of them will

1 close. These shops live paycheck to paycheck as
2 you heard about the previous person. The owner of
3 that shop is not here because they're running their
4 shop tonight and they can't afford to close,
5 because if they close, they can't pay their rent.
6 So these shops cannot afford the expense of moving.
7 We don't need ID to buy a bag of Cheetos. We don't
8 need ID to buy a cup of coffee, but all of these
9 things are sold in 7-Eleven and delis and
10 groceries, and so are cigarettes and so are vapor
11 products and youth can access all these locations.

12 In a store that is a smoke shop or a
13 vapor shop, every customer is ID'd because the only
14 products available in these vape shops are 21 and
15 over products. So every person that comes in is
16 ID'd. Now, you're going to leave vapor products in
17 the shops where they don't ID, and you're going to
18 move all the shops that do ID, out of town.

19 How does that make any sense? It just
20 doesn't make any sense. You're making it harder
21 for people to access the products that save their
22 lives. It forces businesses who are already
23 struggling with the expenses of state and federal
24 regulations to maintain compliance, to get licenses
25 that New York State is going to require of them

1 very soon, to now spend a huge expense in moving
2 their business. Why? Because they want to help
3 people quit smoking. It's not fair.

4 Thank you.

5 SUPERVISOR SALADINO: Our next speaker
6 will be Michael Shannon.

7 MR. SHANNON: Hello, everybody.

8 Thank you, counsel, for having me here.

9 My name is Michael Shannon. I am the
10 owner of Black Water Vapor.

11 COUNCILMAN IMBROTO: Could you please
12 speak up a little bit?

13 MR. SHANNON: Yeah. No problem.

14 SUPERVISOR SALADINO: Can you give us
15 your full name again and address?

16 MR. SHANNON: Michael Shannon,
17 1118 Joselson Avenue, Bay Shore, New York 11706.

18 And I own Black Water Vapor in
19 Sayville, New York in the Town of Islip. I am the
20 man in Supreme Court right now with the Town of
21 Islip. I attended a meeting on March 24, 2016 at
22 the Town of Islip when we went over the zoning
23 regulations there and County Executive Steve
24 Bellone at the time who had no jurisdictions to do
25 so actually told us that we were going to be

1 grandfathered in.

2 After that mabout three years and two
3 months later, we get a letter in the mail saying
4 you have to leave. We're going to grant you adult
5 use -- they zoned us adult uses in the Town of
6 Islip over there. We were zoned with strip clubs
7 and all that stuff -- Town of Islip -- it's not a
8 strip club, obviously, so they are saying that we
9 have to go.

10 I came here today -- I'm afraid that if
11 happens to other small businesses here,
12 entrepreneurship is our pinnacle of the United
13 States of America and it's the American dream be an
14 entrepreneur and doing zoning like this is taking
15 away people's dreams to get people to quit smoking.

16 I don't want to take anyone's dreams
17 away; especially, I don't want to take away a store
18 that's going to get a whole bunch of people to quit
19 smoking.

20 Over the time that I opened my store,
21 we never sold to underage. We're very
22 professional, almost with military precision. We
23 have scanners and we train lightly in deception as
24 well. If we can't tell if someone is having a fake
25 ID and whatnot, the scanner does it. They have

1 really good fakes now coming out of China. We have
2 to train them in that as well.

3 We are highly trained over there. We
4 check for compliance multiple times by the
5 Department of Health and Tobacco Enforcement and
6 it's the shops that are in the industrial areas
7 that are usually the bad vendors, the convenience
8 stores and whatnot all over the place as well.

9 MR. ALTADONNA: Please slow down.

10 MR. SHANNON: Sorry.

11 So we are not only afraid for the
12 businesses, we're afraid for the consumers. We
13 want more people to quit smoking and with these
14 businesses moved to industrial districts, less
15 people will quit smoking. More people will smoke.

16 This is a public health crisis that is
17 going on in the United States, not just here. It's
18 all over 50 statewide, bans on vaping, bans on
19 flavors, everywhere.

20 When it comes down to, you know, the
21 children and everyone's like, you got to save the
22 kids. You know, everyone -- high school kids are
23 vaping and whatnot and you want to put a stop to
24 that and you're trying.

25 The thing is flavor bands don't work.

1 Putting industrial zone, it doesn't work. That
2 does not work.

3 We need shops in villages and hamlets
4 so you can see the shop right there. Don't hide
5 these locations. You need to be able to see them
6 and go into them and see what -- the work that they
7 do to get people -- as this cessation is a very
8 beautiful thing. I quit smoking myself. That's
9 why I opened up my location in the Town of Islip.

10 Thousands of people quit smoking
11 utilizing the products that I sell in my store. We
12 don't sell bongos. We don't sell any of the pipes
13 or anything, hookahs, stuff like that. I used to
14 smoke hookah. It's more or less a social thing.
15 It does have nicotine in it, but, to me, it was
16 very social. It got me off cigarettes, hookah.

17 After I did that, that life change of
18 just changing to vapor made me make other better
19 life choices, and after that I quit drinking, I
20 quite smoking, and I opened up my own store.

21 I live in the American dream. I want
22 other people to be able to dream and I want places
23 to be able to be in these locations for that.

24 Thank you.

25 SUPERVISOR SALADINO: Mr. Shannon, I

1 have a question for you.

2 How long has the store been opened?

3 MR. SHANNON: I've been open -- it will
4 four years December 15th this year, so three and a
5 half years, something like that.

6 SUPERVISOR SALADINO: Between the cost
7 of rent and insurance and, of course, labor costs,
8 is it very expensive, is it very difficult to keep
9 the doors open? Is it a struggle for a vape shop
10 to pay the bills and keep the doors open in a
11 Downtown?

12 MR. SHANNON: Absolutely.

13 SUPERVISOR SALADINO: Do you find
14 you're in a situation you're borrowing money just
15 to continue to pay the bills and keep it going?
16 Does that tend to be the case for the store or is
17 it teetering on closing?

18 MR. SHANNON: No.

19 They are sustainable, but right now,
20 there is a lot of antivape language around. The
21 Town's moving --

22 SUPERVISOR SALADINO: Have you seen the
23 Town of Oyster Bay's language in the legislation?

24 MR. SHANNON: Which language? In this
25 current bill?

1 SUPERVISOR SALADINO: Yes.

2 MR. SHANNON: I've looked at the
3 language.

4 SUPERVISOR SALADINO: We've gotten
5 assurances from the Building Commissioner and the
6 Town Attorney that current businesses with the
7 C of O will be grandfathered in and those who are
8 making application will be grandfathered in.

9 But if you look at the American
10 principles that you've spoken of, and that we know
11 of, this would reduce competition to those stores
12 currently in the Downtowns.

13 MR. SHANNON: In business, there's
14 something called clustering.

15 I'm not sure you're familiar with that
16 but if you have a couple of small businesses
17 together in an area, it actually will increase the
18 industry standard of such businesses such like --
19 that's why there are 7-Elevens a half mile from
20 each other.

21 SUPERVISOR SALADINO: Thank you.

22 MR. SHANNON: No problem, sir.

23 Thank you.

24 SUPERVISOR SALADINO: Our next speaker
25 will be Cathy Samuels.

1 Hi.

2 MS. SAMUELS: Hi. How are you?

3 My name is Cathy Samuels and I'm
4 Project Director for Massapequa Takes Action
5 Coalition.

6 MTA has been in existence since 1997 --

7 SUPERVISOR SALADINO: Cathy, would you
8 kindly start off with your address as well, for the
9 coalition?

10 MS. SAMUELS: 75 Grand Avenue,
11 Massapequa, New York 11758.

12 SUPERVISOR SALADINO: Thank you.

13 MS. SAMUELS: Our offices are with
14 fiscal agent Yes Community Counseling Center who
15 has been in the community for over forty years. We
16 are funded through New York State Office on
17 Alcoholism and Substance Abuse Services for an
18 opioid prevention grant, as well as the office of
19 National Control Policy through the Executive
20 Office of the President of the United States and
21 the Substance Abuse and Mental Health Services
22 Administration.

23 I am here to say thank you, thank you
24 for thinking about the youth in our communities.
25 We are looking at horrific increases in youth rates

1 for e-cigarettes and vaping products. Thank you
2 for looking to restrict vaping products and hookah
3 lounges to industrial areas.

4 I'm a parent. I have been in the
5 prevention field since 2004. The rates of vaping
6 have gone up exponentially when it comes to youth
7 on products that are not even approved by the
8 Food & Drug Administration here in the United
9 States. It is looking to be regulated, yes.
10 Currently, they are looking at a number of issues
11 regarding flavoring pods which have been removed.
12 But these are small steps forward to try to protect
13 the youth in our country.

14 Since 2004, e-cigarettes have been most
15 commonly used tobacco products among youth. In the
16 United States, youth are seven times more likely to
17 use e-cigarettes than adults. E-cigarette ads
18 reach nearly four in five million high school
19 students and youth exposure to these ads has
20 increased in recent years.

21 According to the monitoring, a future
22 survey, a national ongoing survey providing incite
23 to the behaviors and attitudes and values of
24 Americans high school students, between January
25 2017 January 2018, the percentage of twelfth

1 graders who reported vaping nicotine during the
2 past 30 days nearly doubled. It doubled from 11
3 percent to 21 percent. Meaning one in five twelfth
4 graders in our country has vaped nicotine.

5 The increase was almost as great for
6 tenth grade students from 8.2 percent to 16.1
7 percent. Make no mistake, e-cigarettes, vaping
8 products are a danger to our youth's health.

9 E-cigarette contain nicotine highly
10 addictive and harmful chemicals that can harm the
11 teen brain which continues to develop until the age
12 of 25. Health risks to our teens include
13 addiction, behavior risks and exposure to harmful
14 ingredients. These ingredients in e-cigarettes
15 include aerosol which include ultra fine particles
16 that can be inhaled deep into the lungs.

17 Flavorants such as diacetyl, a chemical
18 linked to serious lung disease, as well as volatile
19 organic compounds, such as heavy metals such as
20 nickel, tin and lead.

21 Poison control centers across our
22 country are experiencing nearly 4,000 calls per
23 year from e-cigarettes and it's increased over
24 time. Defective e-cigarette batteries have caused
25 fires and explosions, some of which have resulted

1 in serious injury.

2 Specifically, a 2018 National Academy
3 of Medicine report found that there was some
4 evidence e-cigarette use increases the frequency
5 and amount of smoking in the future.

6 We thank you for considering to make a
7 change to the environment by which youth substance
8 use exists. You are changing the environment.
9 This is the kind of change we need to protect the
10 future of our children's health.

11 Please be assured that Massapequa's
12 Take Action Coalition, we are here as your
13 resource. We are here to provide you with
14 information as you navigate your bill, as well as
15 navigate issues from constituents in the community.

16 I'm providing each of you with
17 information about the Coalition, as well as
18 information about other resources you can go to
19 read up on the dangers of e-cigarettes.

20 We invite all of you to attend our
21 upcoming Town Hall meeting where we will be
22 discussing the rates of vaping, as well as other
23 underage drinking and marijuana rates in the
24 Massapequa school area. We will continue to
25 address all the youth substance use rates here.

1 Again, we want to thank Supervisor
2 Saladino, as well as the entire Board for your
3 efforts.

4 No one wants to take anyone's business
5 away, but please think about the health of our
6 children as they have to navigate adolescence.

7 Thank you.

8 SUPERVISOR SALADINO: Our next speaker
9 will be Matthew Elliot.

10 Good evening.

11 Would you kindly start off by telling
12 us your full name and address?

13 MR. ELLIOT: Good evening.

14 My name is Matthew Elliot,
15 22 Forestview Drive, Ronkonkoma, New York.

16 So, I just listened to the last speaker
17 and there was a lot of misinformation. I'd love to
18 actually see those studies.

19 I've been a vaper for five years. I
20 was a smoker for fifteen years previously. I quit
21 when it reached three packs a day for myself. It
22 was through vaping that I was able to quit and I
23 got involved in the industry. I worked for
24 multiple shops. I've worked for shops in Seaford,
25 Lindenhurst, Commack, and I've worked for multiple

1 liquid manufacturing companies.

2 The chemicals that were mentioned just
3 blows my mind because we've never added any of
4 those chemicals. We've never used any of those
5 chemicals.

6 As far as diacetyl, most companies
7 don't use diacetyl anymore and there are even
8 studies shown that New York State Vapor Association
9 would be happy to provide that even the amount of
10 diacetyl that was in the e-liquid at the time was
11 not causing any issues. I mean, in fact, there is
12 diacetyl in cigarettes as well.

13 And according to the World College of
14 Physicians, vaping is 95.5 percent less harmful
15 than traditional smoking. But what I really want
16 to talk about as well is I'm from Suffolk County
17 and Town of Islip, the Town of Brookhaven have
18 passed similar language for the zoning of vape
19 shops.

20 Now, I understand keeping it out of the
21 hands of youth and I agree with that 100 percent.
22 No youth should be using these products. These
23 products are meant for adults looking to make the
24 transition from smoking to a less harmful option.

25 But with them being secluded to

1 industrial areas, it makes the accessibility for
2 these products a lot more difficult.

3 And another thing I want to mention is,
4 what happens if a shop has to temporarily shut
5 down, they aren't able to keep the lease with the
6 landlord? They would be forced to relocate into a
7 light industrial area.

8 Now, if this happens over and over, the
9 industrial areas are going to be filled up and it's
10 a lot harder for shops to reopen or, again, expand
11 as someone mentioned earlier.

12 I urge this Board to work with the
13 New York State Vapor Association along with the
14 shop owners of the Town of Oyster Bay to come up
15 with regulations that punish those that sell to
16 underage more. Regulations that require stricter
17 ID verification. Work with the shop owners. Work
18 with New York State Vapor Association so that we
19 can protect the youth, so we can also protect the
20 adult smokers who are looking to quit and the adult
21 vapors that have quit smoking.

22 Smoking has affected almost everyone in
23 this room, I'm willing to guarantee. We have the
24 opportunity now with this technology to stop death,
25 to stop smoking-related illness, to live a

1 healthier life.

2 And people are living the American
3 dream by offering these services to individuals
4 willing to make this transition. I know that it is
5 not going to remove the current shops, but it stops
6 the growth of the industry.

7 And, again, with the 7-Elevens, gas
8 stations, convenience stores, the bodegas, they are
9 the ones that, if you do check the statistics, do
10 sell more underage, and as far as the requirements
11 of mentioning health issues of vaping every bottle
12 of e-liquid sold has a warning that says, "Warning:
13 This product contains nicotine. Nicotine is an
14 addictive chemical," as required by the Food and
15 Drug Administration.

16 So larger warning signs, they're not
17 really going to do anything. We have to stop the
18 youth from getting their hands on the products and
19 we have to stop the bad actors in the industry that
20 sell to the youth. Everyone is going to get their
21 hands on it if they really want to, but we have to
22 make it very abundant that we're going stop by any
23 means necessary the shops that are doing it the
24 wrong way but keep the good ones.

25 Thank you.

1 SUPERVISOR SALADINO: The next speaker
2 will be Adam Kielczewski.

3 MR. KIELCZEWSKI: K-I-E-L-C-Z-E-W-S-K-I.

4 Good evening, Council.

5 How are you doing today?

6 SUPERVISOR SALADINO: Very nice.

7 Would you begin by giving us your
8 address, please?

9 MR. KIELCZEWSKI: Absolutely.

10 It is 257 South Walnut Street,
11 Lindenhurst, New York 11757.

12 SUPERVISOR SALADINO: Thank you.

13 MR. KIELCZEWSKI: Many of the topics
14 that were heard today prove big points, but I think
15 the main one that we are missing all encompassing
16 is the fact that vapor stores are professionals in
17 the industry.

18 For the professionals of the industry
19 to recommend the proper dosing, to recommend
20 anything that can help someone's life in the long
21 term. Our number one thing that we are looking at
22 currently is preventing any of these professional
23 shops from opening, but not preventing convenience-
24 type stores being able to sell these products.

25 The biggest problem with this is the

1 fact that these stores do not care. They just want
2 to make the sale. That's our problem.

3 So by preventing vapor shops from
4 opening in realistic areas that would promote the
5 growth of a business, it diminishes everything that
6 we should be as Americans, as businessmen, as
7 entrepreneurs, as being able to bring products to
8 people that they deserve.

9 If you ask me, I would not send my
10 mother to an industrial zone to go buy a vape for
11 herself if she were to be smoking. That seems
12 absurd to me. One, I would not want my mother to
13 be in a zone such as that just for anything that
14 could possibly happen. Would I like her to go onto
15 a main street and be able to buy the products as
16 needed? Absolutely. That's the biggest concern.

17 And, actually, the FDA reasons with
18 this. The FDA themselves have actually done a
19 study of taking a look at 660,000 inspections of
20 different tobacco products retail establishments
21 and out of which 48,900 establishments were
22 actually given letters of warnings. These
23 establishments were all gas stations, convenience
24 stores and drug stores selling to minors.

25 Out of all of those, vapor stores were

1 not actually in the study. Where does the problem
2 lie? Is it with the vape shops that are actually
3 trying to help and bring a better community
4 together or is it the convenience stores that are
5 just trying to make a sale at the end of the day?

6 With that, I'd like to ask if anybody
7 has any questions.

8 SUPERVISOR SALADINO: Yes.

9 Are any of these products available via
10 delivery service?

11 MR. KIELCZEWSKI: That's actually
12 illegal, sir.

13 SUPERVISOR SALADINO: So nothing can be
14 obtained, but it can all be obtained by going into
15 any one of these stores.

16 MR. KIELCZEWSKI: Correct.

17 SUPERVISOR SALADINO: Does clustering
18 of these stores help the business model? Is it
19 more convenient for people who are looking for the
20 products?

21 MR. KIELCZEWSKI: It does make sense.

22 Just in the tune of this, so let's say,
23 for example, if someone has a specific device and
24 they need specific parts that do go bad after time
25 and they need to buy from another store, let's say,

1 for example, they're out of town, say, for example,
2 I'm from Lindenhurst. I'm up here in Town of
3 Oyster Bay and I need to get a new coil for my
4 device, if I can't go to a shop that I can actually
5 reasonably find and/or if I don't have any
6 information, for example, my phone on Google to
7 look up a vape shop that currently has that such
8 product, for me not to have that nicotine is the
9 same thing as a cigarette smoker not having a pack
10 of cigarettes.

11 I'm pretty sure a lot of people who do
12 smoke, do know that feeling. I sure do.

13 COUNCILMAN MUSCARELLA: You're saying
14 that it's not sold via the internet, these
15 products; are they?

16 MR. KIELCZEWSKI: They are being sold
17 through the internet.

18 COUNCILMAN MUSCARELLA: Through the
19 internet, correct?

20 MR. KIELCZEWSKI: Correct.

21 COUNCILWOMAN JOHNSON: Delivery
22 service.

23 SUPERVISOR SALADINO: Fed Ex.

24 MR. KIELCZEWSKI: Oh, delivery service.
25 I thought you meant as a call-in basis

1 as a personal delivery service, no.

2 COUNCILMAN MUSCARELLA: That's where
3 the youth are getting the products.

4 MR. KIELCZEWSKI: That is a big
5 dilemma. Although, the FDA has set out guidelines
6 that each website that sells vaping products has to
7 have 21 plus identification system. This system
8 now includes -- it's called agechecker.net. It's a
9 big one that does offer the service that each
10 website is required have. The age checker requires
11 you to either input your passport, a photo of
12 yourself, and a photo ID, to be able to go ahead
13 and make the point of sale.

14 SUPERVISOR SALADINO: There is both the
15 convenience of ordering these online and going into
16 a vape shop perhaps in a Downtown.

17 MR. KIELCZEWSKI: So, the biggest part
18 of having a shop -- a vape shop specifically
19 "Downtown shop," in quotations, is the fact of not
20 convenience, but more so of education.

21 The number one thing that we are
22 missing with vapor products is education. What is
23 the correct device to use and for what specific
24 purpose you need it for. Vaping wasn't always just
25 dictated for just quitting e-cigarettes. They are

1 used for many different varieties. I think the
2 industry as a whole looks to see it fit to be able
3 to administer many different types of applications,
4 whether you have diabetes and want to take your
5 insulin. Who knows? Maybe 50 years in the future
6 that could be a solution, but if we keep shunning
7 the product in general, I don't see that innovation
8 happening.

9 SUPERVISOR SALADINO: Just one last
10 question -- any other questions?

11 COUNCILMAN LABRIOLA: I am going to
12 say, Mr. Adam Kielczewski, did I say it right? I
13 don't want to murder your name.

14 MR. KIELCZEWSKI: That's correct.

15 COUNCILMAN LABRIOLA: Are you with the
16 association, the Vaping Association?

17 MR. KIELCZEWSKI: I'm not, actually.
18 No. I think I should be.

19 COUNCILMAN LABRIOLA: Your knowledge
20 base comes from the -- you own a store?

21 MR. KIELCZEWSKI: I actually own an
22 e-liquid brand.

23 COUNCILMAN LABRIOLA: An e-liquid brand.

24 MR. KIELCZEWSKI: We are sold
25 nationally over 3,500 currently. This being my

1 hometown, it just kills me everyone time I see
2 something like the misinterpretation that people
3 bring along with the vape products themselves.

4 COUNCILMAN LABRIOLA: I'll say Adam.

5 What I want to say Adam is having a
6 hearing like this sometimes give us legislatures
7 the opportunity to hear different ideas from people
8 -- especially those who are most impacted by a
9 proposal.

10 Obviously, this proposal came from
11 people in the community who are very concerned
12 about the increase in children that are using these
13 e-cigarettes. You're solving one problem with
14 adults and you're creating another problem with
15 children. So we're trying to strike a balance
16 here.

17 What I was going to ask you if this
18 New York State Vapor Association or your group that
19 you're affiliated with, maybe they have model
20 legislation that we can even take a look at that
21 other municipalities have adopted that may be even
22 more successful than what we're trying to do here
23 or maybe we can adapt it into our bill that we're
24 talking about here today. Maybe you can get that
25 over to us while we keep the record open.

1 MR. KIELCZEWSKI: I would absolutely
2 love to do that, to be honest.

3 For what it's worth, the number one
4 thing. We do want to introduce ourselves to you
5 guys. We don't want to be the guys in the dark.
6 We don't want to be the ones in the alleyway that
7 are forced in the industrial zones and not be able
8 to speak about what are, what we have and what we
9 are projecting to people and what we want to give
10 them.

11 So, I'd love to get you any sort of
12 literature. We have tons of it, tons of it
13 available. We actually have groups of over
14 thousands of community members that do own
15 businesses nationwide -- worldwide for that matter
16 now. If we take a look at what happens all over
17 the world in vaping products in general, it's
18 astounding to see the great it does for the
19 communities.

20 COUNCILMAN IMBROTO: We would also like
21 to extend an invitation anyone from the Vaping
22 Association to meet with Town personnel and bring
23 their concerns up, not just yourself.

24 MR. KIELCZEWSKI: Any way that we can
25 do so, I'm sure we'd all be happy to.

1 Thank you.

2 SUPERVISOR SALADINO: Thank you.

3 Would anyone else like to be heard?

4 Yes, please come up.

5 MR. CIARDI: Good evening.

6 My name is Michael Ciardi, Huntington
7 Bay, New York.

8 While for the last forty minutes we've
9 talked about vape, on this proposal, there is a
10 sentence that says, "Any establishment which offers
11 for sale or consideration cigarettes, e-cigarettes,
12 pipes, vape pens," and then it goes on to say,
13 "other legal marijuana derivatives or like
14 substances."

15 I'd like to know what that definition
16 is.

17 SUPERVISOR SALADINO: We would ask for
18 our Town Attorney to come up.

19 Would you kindly take your seat while
20 he answers your question?

21 MR. CIARDI: Sure.

22 MS. FAUGHNAN: Elizabeth Faughnan.

23 Supervisor, I think we're keeping in
24 mind the fact that, Number One, New York State is
25 debating whether or not to make marijuana legal in

1 the State of New York for purposes other than
2 medical marijuana. So the idea was to bring the
3 legislation in line with what is going on in the
4 industry, what has occurred and what is possibly
5 about to occur or not to occur.

6 So the definition is -- does include --

7 COUNCILMAN IMBROTO: Would this apply
8 to CBD oil or CBD products?

9 MS. FAUGHNAN: Yes.

10 My understanding is, yes because CBD,
11 is cannabis --

12 (Whereupon, the audience speaks out.)

13 SUPERVISOR SALADINO: Let's give the
14 Town Attorney our attention, please.

15 MR. NOCELLA: Supervisor, I think it's
16 a fair question that's been raised. I don't
17 believe that there is a definitive answer.

18 We were talking about -- what
19 Ms. Faughnan was addressing was the definitions
20 that have been given by New York State. I think
21 they should be clarified. I think we can clarify
22 them before a vote is taken.

23 SUPERVISOR SALADINO: Thank you.

24 MR. NOCELLA: You're welcome.

25 SUPERVISOR SALADINO: Thank you.

1 Yes, please.

2 REVEREND MELOGRANE: Reverend Ray
3 Melograne, 17 Hampton Road, North Massapequa.

4 Part of ministry at North Shore
5 Assembly of God here in Oyster Bay is counseling
6 people who are addicted to opiates.

7 I found that it takes many hours to get
8 people free from things like crack and crack/
9 cocaine. And what has happened is people using, as
10 an example, crack, smoking crack, and will now turn
11 to a smoking product. They'll go to a vaping
12 business and they'll be smoking initially tobacco,
13 but in some vaping businesses, not in all, they are
14 offered cannabis oil in addition. I don't claim to
15 know if this legal or not legal, but they are
16 offered that, and over time that does not satisfy
17 them as far as a level of high. So they slowly
18 slip back to the opiate products. So it's just
19 very frustrating for me that we have to start all
20 over again and you have somebody driving next to
21 you on the road, with your family, who is high
22 again on cocaine which is what I was trying to
23 accomplish in the first place. So, I'm not
24 claiming that this is happening in all vape
25 businesses, but it does exist.

1 Thank you.

2 SUPERVISOR SALADINO: Please come up,
3 sir.

4 MR. SLAYBACK: Good evening.

5 MR. SLAYBACK: Good evening.

6 SUPERVISOR SALADINO: Can you just
7 start off by giving us your name and address for
8 the record?

9 MR. SLAYZACK: Justin Slayzack,
10 Huntington, New York.

11 A quick question, from the last one, I
12 guess since you guys are presenting marijuana
13 derivatives, whatever that term might be, are you
14 going to now go with places like Bed Bath & Beyond,
15 Marshals, that are currently selling, maybe Duane
16 Reade that do have that product line, will that now
17 enter their residential, I guess, circumference you
18 would say? So now I guess it's a slippery slope
19 where you're putting yourself in a position where
20 ironically the other day when I got my mail and I
21 saw CBD pamphlet from Bed, Bath & Beyond. How are
22 you going to differentiate all that? How are you
23 going to perform the services you're rendering now,
24 stopping the vendors that are currently either here
25 or Sayville or whatever else; are you going to

1 prevent those products from being brought to
2 Marshalls, Duane Reade, whatever it might be, how
3 is that going to be stopped? That's probably more
4 for the Town lawyer, so I guess --

5 COUNCILMAN IMBROTO: The legislation is
6 aimed at businesses that derive a substantial
7 portion of the revenue from these products, so it
8 wouldn't apply to a store that sells them
9 incidentally. It's not a --

10 MR. SLAYBACK: So you're
11 discriminating against the actual --

12 SUPERVISOR SALADINO: It's not about
13 discriminating.

14 Those terms are used quite often and --

15 MR. SLAYZACK: They are loosely used.
16 I agree with you --

17 SUPERVISOR SALADINO: In the actual
18 State legislation in Town codes, so we start off
19 the process with the State's legislation and the
20 direction we get from the State, and then we add to
21 it, and tonight's hearing is about listening to
22 everything to ensure that we are going to do this
23 properly, respectfully of the current businesses,
24 respectful of the needs in the community and take
25 into consideration what everyone has been

1 communicating to us.

2 MR. SLAYZACK: I feel sorry for the
3 fact that people did try and just start these small
4 businesses and then bigger corporations get
5 allowances to be able do those type of lines. So,
6 I guess -- like you said, discrimination is a lose
7 term, but it does come down to that kind of idea
8 and it does comes down to people, I guess,
9 verifying age which is a very important thing. I
10 don't see a lot of that and that should something
11 that should really put into, you know, some kind of
12 legislation of some sort. You know, bars have to
13 check you when you go into a bar. Do these people
14 do that for, you know, for that type of a situation
15 which is either their derivatives that nobody has
16 given us a definition for or that.

17 Thank you for your time.

18 SUPERVISOR SALADINO: Thank you for
19 being here. Quite frankly, by holding an open
20 hearing and providing everybody a voice to talk to
21 us about the legislation, it's how we work with the
22 Town Attorney and the team of attorneys that we
23 have to do it right.

24 MR. SLAYZACK: Thank you for the
25 education.

1 COUNCILMAN IMBROTO: And just to be
2 clear, this would only apply to new businesses, not
3 retroactive.

4 MR. SLAYZACK: At same time, new
5 business get CBD lines. So you can get a new line
6 -- what I'm saying if want to open it up, how do
7 you verify -- how do you differentiate that type of
8 situation? You really -- again, it's a lose term,
9 but it's discriminatory.

10 What's happening is you're not given
11 the ability to do that. So, I don't think -- it's
12 definitely a slippery slope, but that's my take on
13 it.

14 Thank you very much.

15 SUPERVISOR SALADINO: Thank you. Yes.
16 Would you please step up?

17 MS. RICHTER: Hi. I think I was too
18 short to be seen before.

19 My name is Cheryl Richter. I'm the
20 Executive Director of New York State Vapor
21 Association and we would be more than happy to work
22 with you. We represent the 700 independent mom and
23 pop vape shops. There are 2,700 employees and
24 hundreds of thousands of consumers in the State of
25 New York.

1 We actually did work with the
2 Governor's office on some regulations that just
3 were signed April 1st in the budget bill for this
4 year. For example, we advocate for the licensing
5 of all retailers who sell vapor products. Stricter
6 fines and penalties. There is now, Three Strikes
7 You're Out rule in the entire State of New York.
8 Only arm's length sale after a business loses its
9 license, and like I said, that was all signed into
10 effect in the Governor's budget.

11 We are also working on legislation with
12 them for physical ID scanners at the point of sale
13 wherever vapor products are sold, whether or not
14 it's a vape shop or a gas station or a convenience
15 store. Age verification for -- software for online
16 sales. Mandatory education for employees and
17 marketing restrictions to make child appealing
18 packages -- packaging illegal.

19 However, we believe that regulating
20 vape shops whose sole goal is to help adults quit
21 smoking and who mostly cater to 45-year-olds and
22 older, like my 70-year-old aunt, I don't think I
23 would want her walking through an industrial zone
24 to get her vaping products.

25 The resolution doesn't really do

1 anything at all to stem the youth problem.

2 According to the FDA, most sales to minors happen
3 at the convenience stores and gas stations. This
4 will not curb that. But you're not planning on
5 moving them.

6 The FDA does not -- just to counter
7 what one of the lady's came up here and said -- the
8 reason we are not regulated right now by the FDA as
9 an approved FDA product is because the FDA has not
10 given us a pathway to do so yet and we are also
11 working with the FDA on whatever regulations they
12 are going to come out with.

13 Just so you know, between 2015 and
14 March of this year, there have been 579 compliance
15 checks by the FDA at in Oyster Bay Township. There
16 were 37 violations on sales to minors. Eight of
17 them sold cigars. The rest were combustible
18 cigarettes. Zero e-cigarette sales were fined and
19 no vape shops.

20 Vape shops in Nassau County are 21 and
21 over establishments and they do a really good job
22 IDing. Those that don't, the bad players will soon
23 learn with the Three Strikes They're Out rule that
24 they are going to lose their licenses.

25 By unfairly forcing any vape shops to

1 areas of towns where the strip clubs are, whatever,
2 you're sending a signal to adults that vaping is
3 seedy, dirty and bad for them. That the type of
4 attitude keeps people smoking.

5 By moving vape shops out of the way,
6 you'll be keeping the stores that sell pod systems
7 that contain the highest concentration of nicotine
8 an average of 5 to 6 percent in every gas station,
9 convenience store, supermarket and deli.

10 However -- oh, and those are the nicotine levels
11 that create the buzz, the nicotine buzz that teens
12 like. In a vape shop, the most popular level of
13 nicotine sold is under 0.6 percent. So you're
14 basically unfairly targeting the good actors and
15 you're leaving the bad actors to keep on doing what
16 they're doing. Worse, by moving vape shops out of
17 the way and allowing deadly cigarettes to remain on
18 every corner in every town, you would be giving
19 cigarette sales the advantage and smokers will
20 continue smoking.

21 I know you don't like the word, but we
22 do believe that that is discriminatory. This is
23 FDA continuum of harm -- I know it's small, but I'm
24 going to e-mail all of this to you. If you see
25 here in this bar chart, this is their continuum of

1 harm, starting with the most harmful to the least
2 harmful. Okay. This is what they go by.

3 Cigarettes obviously way up here
4 (indicating). 100 percent harmful. Here is no use
5 (indicating). Here is the patch (indicating).
6 Here's other oral products (indicating). Here are
7 nasal sprays and here are e-cigarettes, right here
8 (indicating). Okay.

9 So, in conclusion, we are working with
10 the State to enact regulations that would actually
11 prevent youth use from purchasing vapor products.
12 We'd like to work with you.

13 We ask you to dismiss this bill that
14 discriminates against vape shops and help us strike
15 the necessary balance of keep e-cigarettes out of
16 the hands of youth while maintaining the
17 availability and affordability to adults who depend
18 on them to keep them from the deadly alternative.

19 SUPERVISOR SALADINO: Thank you for
20 your testimony.

21 MS. RICHTER: Thank you.

22 COUNCILMAN IMBROTO: And could you
23 please provide that information to us?

24 MS. RICHTER: Absolutely.

25 SUPERVISOR SALADINO: There is just one

1 question I had or a couple, if I may.

2 In your testimony, you spoke to the
3 fact that this would be difficult to get hold of
4 for our moms or for someone who chooses not to go
5 into a neighborhood outside of a Downtown or
6 perhaps a well-lit area and yet we've heard through
7 your testimony and the testimony of others, that
8 those products can be ordered on the internet.
9 They can get them via Fed Ex or US mail. You can
10 get them in at convenience stores and, quite
11 frankly, the high convenience of pulling up at a
12 gas station and walking in and walking back to your
13 car, it would seem as though for all those who
14 would need it and are -- whether they be kids or
15 family members -- it's all too convenient now for
16 young people to get them and it's as convenient as
17 could be for an older person or someone -- anyone
18 who is able to drive.

19 MS. RICHTER: Well, first of all, you
20 have to understand the difference between what is
21 sold in a typical vape shop and what is sold at a
22 convenience store. Okay.

23 A convenience store has a bunch of
24 closed pod systems on their shelves next to
25 cigarettes. And in many cases -- we call it

1 accidental quitting. A smoker will go into the
2 convenience store and say, "Gee, I've heard about
3 those vape products. Maybe I'll try that," okay,
4 but shortly thereafter they generally find maybe
5 they're not really quitting. Maybe they should try
6 one of those things -- the bigger devices that
7 provide more satisfaction physically that are
8 customized and that information, that knowledge,
9 you get at a vape shop.

10 So, you know, you're not getting that
11 when you're going to a convenience store and just
12 saying, "Let me try that."

13 The other thing that we know and why
14 we -- for example, always fighting flavor bands is
15 because we know that a typical flavor that is sold
16 in a convenience store will probably be tobacco or
17 menthol. Okay. It's not until somebody completely
18 disassociates themselves from the taste of tobacco
19 that their trigger relapses and we see very
20 successful switching at that point.

21 So, by not having the availability of
22 different flavors like you find at a vape shop and
23 finding something that tastes good to you, you can
24 continue craving the taste and the smell of
25 tobacco. And that's generally -- as far as the

1 online sales go, that's really disadvantaging
2 people who are just smokers now because they don't
3 know what to buy, they don't know what to order.
4 They're not going to sit there and order 40
5 different types of flavors when they can go to a
6 store -- and a vape shop employee can take them
7 through --

8 SUPERVISOR SALADINO: But couldn't they
9 learn online, learn from visiting a vape shop on
10 one occasion?

11 MS. RICHTER: Well, you can't learn --

12 SUPERVISOR SALADINO: Speak with people
13 doing it --

14 MS. RICHTER: -- what something tastes
15 like on the internet is my point, and that's a very
16 big part of the successful quitting.

17 SUPERVISOR SALADINO: I do thank you
18 and I want to tell you this brings to mind year
19 after year as a member of the State Assembly, the
20 bills to ban flavored tobacco and I remember
21 hearing a lot of information at that time as well.

22 So, we will continue to listen to
23 everyone and remember our families and make it
24 convenient for them as you're telling us now, it's
25 a convenient as we could possibly be for someone

1 who needs that and can't get out of the house, but
2 we're also going to listen to protect the moms and
3 the families and the children who are also making
4 it loud and clear their desires on the issue, and
5 by staying open minded, we hope to have legislation
6 that deals with the issue in a way that's respect
7 of all.

8 MS. RICHTER: Okay. And I certainly
9 hope you think about the ideas that I presented
10 tonight about not only the vape shops requirements,
11 but also at convenience stores and every place
12 they're sold and cigarettes, too.

13 Thank you.

14 SUPERVISOR SALADINO: Thank you.

15 COUNCILMAN LABRIOLA: I have a question
16 for you.

17 I heard you speak about the Three
18 Strikes rule that was adopted inside the budget,
19 which is probably why most of us never heard of it
20 yet at this point, so that's relatively new.

21 Is that effective immediately or is
22 that --

23 MS. RICHTER: No. They are licensing
24 us first. So we're going to go through that
25 regulatory. We're working with the Office of the

1 Governor to help them figure out how to license us.
2 When that does, then there's a 20 percent tax that
3 goes into effect, a retail tax.

4 And, also, at that point, it's much
5 stricter fines. I think the second -- I think the
6 first fine is a couple thousand dollars. The
7 second fine is more than that, plus there's -- you
8 could possibly be suspended for six months, which,
9 of course, for a vape shop owner, that would be
10 death. After that, it's Three Strikes You're Out.

11 Like I said, you can't even sell it to
12 your brother, so...

13 COUNCILMAN LABRIOLA: So that's on the
14 regulatory end.

15 What we're discussing here tonight
16 really is all about zoning them into the proper
17 zones and where they should be.

18 So one of the questions -- my only
19 question for you is, as an Executive of the
20 Association, are you opposed to the 1,000-foot rule
21 that is contained in this bill?

22 MS. RICHTER: I think it depends on
23 where the location is.

24 So, in Manhattan maybe, 1,000 feet --

25 COUNCILMAN LABRIOLA: This is just the

1 Town of Oyster Bay.

2 SUPERVISOR SALADINO: The Town of
3 Oyster Bay --

4 MS. RICHTER: Number one --

5 SUPERVISOR SALADINO: From a school,
6 from a place of worship.

7 MS. RICHTER: Would it apply to gas
8 stations and convenience stores that also sell not
9 only vapor products but cigarettes?

10 Because I think that what we'd like to
11 see is an even playing field. So, if it applied to
12 them, no. I don't think we would disagree with
13 that, but if a kid can still go into a convenience
14 store and buy ten packs of jewel pods for their
15 classmates, then no, we would not -- we would fight
16 it that way.

17 COUNCILMAN LABRIOLA: So if the 40
18 percent rule goes into effect -- I'm actually
19 looking at the Commissioner when I say this -- if
20 the 40 percent rule went effect, that's where the
21 1,000 feet would apply to them? If they derived --

22 MS. MACCARONE: That's correct.

23 COUNCILMAN LABRIOLA: 40 percent of
24 their income?

25 MS. MACCARONE: That's correct.

1 COUNCILMAN LABRIOLA: So, that is how
2 this is being proposed right now.

3 SUPERVISOR SALADINO: And in the
4 extreme case of a vape shop within 1,000 feet of a
5 school --

6 MS. RICHTER: It's probably not common.
7 I would imagine that that's very rare.

8 COUNCILMAN IMBROTO: But you would
9 oppose the rule if it only applied to vape shops --

10 MS. RICHTER: I think that would be an
11 unfair rule then, yes.

12 I mean, if they were not allowed to
13 sell e-cigarettes and cigarettes 100,000 feet from
14 the school, then we would probably be for it.

15 COUNCILMAN IMBROTO: So, is your
16 concern more the competition with the convenience
17 stores or the availability of a vape stop to locate
18 where it wants to be?

19 MS. RICHTER: I think that our concern
20 is mostly to make sure that teens keep away from
21 these products. That's why our --

22 COUNCILMAN IMBROTO: So wouldn't having
23 this rule even if it only applied to vape shops
24 further that goal?

25 MS. RICHTER: If the fact wasn't that

1 most teens were getting their products or
2 purchasing their products -- most teens get their
3 products from family and friends. It's like 74
4 percent. Of the sales, the highest majority are
5 the convenience stores, supermarkets, delis,
6 et cetera.

7 COUNCILMAN IMBROTO: I totally
8 understand you, but wouldn't it further that goal
9 to some extent by making it more difficult for
10 young people to get a hold of these products?

11 MS. RICHTER: But you're saying it's
12 easy for them to get them in a vape shops when vape
13 shops are 21 and older establishments and they're
14 ID'd as soon as they come in. I mean, that's not
15 going to solve the problem. If you're trying to
16 solve the problem, you know, there are better ways
17 to do it is my point.

18 COUNCILMAN IMBROTO: We're going to
19 look at every way. I just want to know your
20 opinion on that one issue.

21 Thank you.

22 SUPERVISOR SALADINO: Is there anyone
23 else who would like to be heard on this particular
24 hearing?

25 (No verbal response given.)

1 SUPERVISOR SALADINO: Being that there
2 are none, is there any correspondence?

3 MR. ALTADONNA: Yes.

4 We have correspondence from Eric Kaplan
5 and that was read into the record already, but we
6 will place it in the record.

7 We have Affidavits of Postings and
8 Publications.

9 SUPERVISOR SALADINO: Okay.

10 May I have a motion?

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

14 COUNCILMAN MACAGNONE: Second.

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

17 ALL: "Aye."

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

20 (No verbal response given.)

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

23 Thank you for everyone who came here
24 this evening on that subject.

25 We're going to take a break now to give

1 our stenographer a break before we begin the next
2 hearing, a five-minute break.

3 COUNCILMAN MACAGNONE: Just to give her
4 a break.

5 (TIME NOTED: 8:46 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
MAY 7, 2019
9:01 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
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:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, would you kindly take your seats?

3 We ask that you kindly take seats.
4 Those standing in the back, please take a seat.

5 We remind everyone, the exits are on
6 both sides in the front of this room, two in the
7 front and the large doors exiting the back as well,
8 And we expect everyone to conduct themselves
9 professionally.

10 We will now call Resolution 269.

11 MR. ALTADONNA: Supervisor, as I
12 discussed, we are going to call Resolution 269, but
13 we just have two things prior. We're just going to
14 add it to the calendar and then we'll do that.

15 Okay?

16 SUPERVISOR SALADINO: Certainly.

17 MR. ALTADONNA: May I have a motion to
18 spend suspend the rules and remove from the table
19 Resolution No. 241 which was tabled on April 16,
20 2019?

21 This is just to remove it from the
22 table and add it to the Action Calendar.

23 On the motion?

24 COUNCILMAN MUSCARELLA: So moved.

25 COUNCILMAN MACAGNONE: Second.

1 MR. ALTADONNA: Motion made by
2 Councilman Muscarella, seconded by Councilman
3 Macagnone.

4 On the vote, Supervisor?

5 SUPERVISOR SALADINO: "Aye."

6 MR. ALTADONNA: Councilman Muscarella?

7 COUNCILMAN MUSCARELLA: "Aye."

8 MR. ALTADONNA: Councilman Macagnone?

9 COUNCILMAN MACAGNONE: "Aye."

10 MR. ALTADONNA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye."

12 MR. ALTADONNA: Councilman Imbroto?

13 COUNCILMAN IMBROTO: "Aye."

14 MR. ALTADONNA: Councilman Hand?

15 COUNCILMAN HAND: "Aye."

16 MR. ALTADONNA: And Councilman Labriola?

17 COUNCILMAN LABRIOLA: "Aye."

18 MR. ALTADONNA: Okay.

19 Motion to remove from the table and add
20 Resolution No. 241 to the regular Action Calendar
21 passes with seven "Ayes."

22 Now, may I have a motion to resuspend
23 the rules and add the following walk on Resolution
24 No. 316 which is a Resolution relating to granting
25 requests from E-Split School, Inc. for town

1 assistance in conducting their annual spring fair
2 scheduled to be held on May 18, 2019?

3 On the motion?

4 COUNCILMAN MUSCARELLA: So moved.

5 COUNCILMAN MACAGNONE: Second.

6 MR. ALTADONNA: Motion made by
7 Councilman Muscarella, seconded by Councilman
8 Macagnone.

9 On the vote, Supervisor?

10 SUPERVISOR SALADINO: "Aye."

11 MR. ALTADONNA: Councilman Muscarella?

12 COUNCILMAN MUSCARELLA: "Aye."

13 MR. ALTADONNA: Councilman Macagnone?

14 COUNCILMAN MACAGNONE: "Aye."

15 MR. ALTADONNA: Councilwoman Johnson?

16 COUNCILWOMAN JOHNSON: "Aye."

17 MR. ALTADONNA: Councilman Imbroto?

18 COUNCILMAN IMBROTO: "Aye."

19 MR. ALTADONNA: Councilman Hand?

20 COUNCILMAN HAND: "Aye."

21 MR. ALTADONNA: And Councilman Labriola?

22 COUNCILMAN LABRIOLA: "Aye."

23 MR. ALTADONNA: Motion to resuspend the
24 rules and add Walk-On Resolution No. 316 passes
25 with seven "Ayes."

1 May I have a motion to adopt
2 Resolutions P18-189 through Resolution No. 316
3 noting that we added Resolution 241 and 316?

4 On the motion?

5 **PERSONNEL RESOLUTION NO. P-8-19 and**
6 **PA-5-19;** Resolution pertaining to personnel of
7 various departments within the Town of Oyster Bay.

8 **TRANSFER OF FUNDS RESOLUTION NO.**
9 **TF-8-19;** Resolution pertaining to Transfer of Funds
10 within various departments accounts for the Year
11 2019.

12 **RESOLUTION NO. 241-2019,** tabled on
13 April 16, 2019; Resolution authorizing the issuance
14 of a refund of a facility-use fee to the Locust
15 Valley Chamber of Commerce for a cancelled event at
16 Thomas Park. Account No. PKS A 0001 02410 000 0000.
17 (M.D. 4/2/19 #7).

18 **RESOLUTION NO. 269-2019;** Resolution
19 pertaining to the decision on the application of
20 Kimco Jericho MI LLC, Kimco Birchwood Jericho LLC,
21 Kimco Birchwood Jericho Lot LLC, Jericho Atrium
22 1761 LLC, and Kimco Birchwood Jericho Office LLC
23 for a Special Use Permit to allow for hotel use on
24 premises located on the eastern side of Route 107,
25 south of Jericho Turnpike, Jericho, New York.

1 Hearing held: January 29, 2019. (M.D. 1/19/19 #4).

2 **RESOLUTION NO. 270-2019;** Resolution
3 granting request from the Roman Catholic Church of
4 St. Gertrude for the use of Centre Island Beach and
5 for Town assistance in conducting their annual
6 feast scheduled to be held June 13 through June 16,
7 2019 and for a waiver of Town Ordinances 168-3,
8 168-5B, 168-20 and 168-24 as well as use of various
9 Town equipment for the event. (M.D. 4/9/19 #5).

10 **RESOLUTION NO. 271-2019;** Resolution
11 authorizing the issuance of a refund of a boat slip
12 fee at Harry Tappen Marina to L. Waage. Account No.
13 PKS A 0001 02025 526 0000. (M.D. 4/9/19 #6).

14 **RESOLUTION NO. 272 -2019;** Resolution
15 authorizing the issuance of a refund for the Spring
16 Ice Hockey Program at the Town of Oyster Bay Ice
17 Skating Center at Bethpage to S. Donnellan. Account
18 No. PKS A 0001 02001 510 0000. (M.D. 4/9/19 #7).

19 **RESOLUTION NO. 273-2019;** Resolution
20 authorizing the issuance of a refund for the Spring
21 Ice Hockey Program at the Town of Oyster Bay Ice
22 Skating Center at Bethpage to J. Leung. Account No.
23 PKS A 0001 02001 510 0000. (M.D. 4/9/19 #8).

24 **RESOLUTION NO. 274-2019;** Resolution
25 authorizing payment of dues for membership in the

1 Building Inspectors Association of Nassau County
2 for the period covering May 1, 2019 through
3 April 30, 2020. Account No. PAD B 3620 47900 000
4 0000. (M.D. 4/9/19 #17).

5 **RESOLUTION NO. 275-2019;** Resolution
6 authorizing payment for an independent medical
7 examination report rendered in connection with
8 *Majestic Adesanya v. Town of Oyster Bay*. Account
9 No. AMS 1910 43020 602 0000 000. (M.D. 4/9/19 #28).

10 **RESOLUTION NO. 276-2019;** Resolution
11 granting request from the Parish of the Holy Family
12 Church in Hicksville for Town assistance in
13 conducting their annual festival on August 14
14 through August 17, 2019, and for the use of various
15 Town equipment for the event. (M.D. 4/9/19 #30).

16 **RESOLUTION NO. 277-2019;** Resolution
17 authorizing the Supervisor or his designee to
18 execute agreements for various performers and/or
19 their agents for the 2019 *Music Under the Stars*
20 concert series including *Salute to America* and
21 *Movies by Moonlight*. Account No. CYS A 7020 47660
22 000 0000. (M.D. 4/16/19 #4).

23 **RESOLUTION NO. 278-2019;** Resolution
24 granting request from Locust Valley Chamber of
25 Commerce, to use of parking lot LV-1 and for Town

1 assistance in conducting their 5th Annual Outdoor
2 Art Walk Festival to be held May 25, 2019 and to
3 use of twelve complete barricades for the event.
4 (M.D. 4/16/19 #7).

5 **RESOLUTION NO. 279-2019;** Resolution
6 granting request from Our Lady of Mercy Church in
7 Hicksville, for Town assistance in conducting their
8 12th Annual Summer Fair to be held at the church
9 from July 31 through August 4, 2019 and for use of
10 various Town equipment for the event. (M.D. 4/16/19
11 #8).

12 **RESOLUTION NO. 280-2019;** Resolution
13 authorizing an inspector's membership in the
14 Building Inspectors Association for Nassau County
15 for the period May 1, 2019 through April 30, 2020.
16 Account No. IGA CD 8668 4820 732 CD18. (M.D.
17 4/16/19 #9).

18 **RESOLUTION NO. 281-2019;** Resolution
19 pertaining to the Dock Application of Kathleen
20 Austin, 59 Stillwater Avenue, Massapequa, New York.
21 (M.D. 4/16/19 #14).

22 **RESOLUTION NO. 282-2019;** Resolution
23 pertaining to the Dock Application of Robert
24 Greenwood, 339 Bay Drive, Massapequa, New York.
25 (M.D. 4/16/19 #15).

1 **RESOLUTION NO. 283-2019;** Resolution
2 authorizing the Supervisor or his designee to
3 execute a State of New York Master Contract with
4 the New York State Department of Conservation in
5 connection with the 2017 Household Hazardous Waste
6 Assistance Program. (M.D. 4/23/19 #9).

7 **RESOLUTION NO. 284-2019;** Resolution
8 authorizing the Supervisor and his designee, to
9 execute all documents in connection with the
10 New York State and Municipal Facilities Program in
11 connection with the purchase and installation of
12 sports lighting at Ellsworth W. Allen Community
13 Park. (M.D. 4/23/19 #10).

14 **RESOLUTION NO. 285-2019;** Resolution
15 authorizing the Supervisor and his designee, to
16 execute all documents in connection with the
17 New York State and Municipal Facilities Program as
18 it pertains to streetscape and crosswalk
19 improvements within the hamlet of Oyster Bay
20 downtown area. (M.D. 4/23/19 #12).

21 **RESOLUTION NO. 286-2019;** Resolution
22 granting request from the Bethpage-Central Park
23 Kiwanis Club, for Town assistance in conducting
24 their Annual Street Fair on May 19, 2019 and for
25 the use of various Town equipment. (M.D. 4/23/19

1 #31).

2 **RESOLUTION NO. 287-2019;** Resolution
3 authorizing publication of a notice of hearing in
4 connection with South Farmingdale Water District
5 Improvements. Hearing Date: May 21, 2019. (M.D.
6 4/23/19 #14).

7 **RESOLUTION NO. 288-2019;** Resolution
8 directing the Town Clerk to publish a notice of
9 hearing to consider a Local Law entitled a *Local*
10 *Law to Amend Chapter 201, Solid Waste, of the Code*
11 *of the Town of Oyster Bay*. Hearing date: May 21,
12 2019. (M.D. 4/23/19 #15).

13 **RESOLUTION NO. 289-2019;** Resolution
14 directing the Town Clerk to advertise a Notice of
15 Hearing in connection with the application of
16 550 Hicksville Realty Corp., et al. for a Special
17 Use Permit to allow for construction and operation
18 of a self-storage facility for premises located at
19 550 West Old Country Road, Hicksville, New York.
20 Hearing Date: May 21, 2019. (M.D. 4/23/19 #16).

21 **RESOLUTION NO. 290-2019;** Resolution
22 pertaining to Contract No. PWC07-18, On-Call
23 Engineering Service Request Relative to Civil
24 Engineering for quality control and oversight of
25 concrete replacement requirements contract. Account

1 No. HWY H 5197 20000 000 1903 008. (M.D. 4/23/19
2 #17).

3 **RESOLUTION NO. 291-2019;** Resolution
4 pertaining to Contract No. PWC 22-18, On-Call
5 Engineering Service Request relative to
6 Architectural Engineering for the Townsend
7 Structure in Oyster Bay (Mill Pond House). Account
8 No. PKS H 7197 20000 000 1102 001. (M.D. 4/23/19
9 #18).

10 **RESOLUTION NO. 292-2019;** Resolution
11 authorizing award of Construction Contract No. PRE
12 19-194-requirements for Parks Electrical Service
13 throughout the Town of Oyster Bay. (M.D. 4/23/19
14 #19).

15 **RESOLUTION NO. 293-2019;** Resolution
16 authorizing phase two of engineering services
17 relative to Contract No. DP 17-167 PH2 Expansion of
18 Ellsworth W. Allen Town Park. Account No. PKS H
19 7197 20000 000 1802 001. (M.D. 4/23/19 #20).

20 **RESOLUTION NO. 294-2019;** Resolution
21 authorizing award of Construction Contract No.
22 PRS18-184-requirements for Certified Safety
23 Surfaces at Various Playgrounds throughout the Town
24 of Oyster Bay. (M.D. 4/23/19 #21).

25 **RESOLUTION NO. 295-2019;** Resolution

1 authorizing acceptance of the design and entrance
2 into the bid and construction phases for Contract
3 No. DP18-181, Installation of Sidewalk & Lighting
4 at Theodore Roosevelt Elementary School located in
5 Oyster Bay. (M.D. 4/23/19 #22).

6 **RESOLUTION NO. 296-2019;** Resolution
7 pertaining to Contract No. PWC07-18, On-Call
8 Engineering Service Request relative to Civil
9 Engineering for replacement of existing synthetic
10 turf field at Ellsworth W. Allen Park. Account No.
11 PKS H 7197 20000 000 1802 001. (M.D. 4/23/19 #23).

12 **RESOLUTION NO. 297-2019;** Resolution
13 authorizing the continuation of Contract No.
14 DPW91-560A, engineering services relative to
15 Syosset Landfill Remediation. Account No. HWY H
16 5197 20000 000 1903 008. (M.D. 4/23/19 #24).

17 **RESOLUTION NO. 298-2019;** Resolution
18 authorizing the continuation of Contract No.
19 DPW06-930, engineering services relative to
20 Stormwater Management Plan. Account No. HWY H 5197
21 20000 000 1903 008. (M.D. 4/23/19 #25).

22 **RESOLUTION NO. 299-2019;** Resolution
23 granting request from the American Public Works
24 Association for the use of the DPW Highway Yard
25 from May 21, 2019 to May 23, 2019 in order to host

1 the 2019 APWA New York Metro Chapter Equipment
2 Show. (M.D. 4/23/19 #26).

3 **RESOLUTION NO. 300-2019;** Resolution
4 pertaining to Contract No. HRR17-154, Road
5 Restoration Requirements throughout the Town of
6 Oyster Bay, for the second half of the two-year
7 period, October 3, 2018 through October 2, 2019.
8 (M.D. 4/23/19 #27).

9 **RESOLUTION NO. 301-2019;** Resolution
10 granting request from the Chamber of Commerce of
11 the Massapequas, for Town assistance in conducting
12 their Annual Community Street Festival on June 2,
13 2019 with a rain date of June 9, 2019, as well as
14 the use of Town equipment, the use of Municipal
15 Parking Lot M6, and to have Town Ordinance Ch. 82-3
16 waived for the event. (M.D. 4/23/19 #30).

17 **RESOLUTION NO. 302-2019;** Resolution
18 authorizing renewal of the Local Workforce
19 Development Board's Professional and General
20 Liability Insurance for the period of May 1, 2019
21 through May 1, 2020. Account No. IGA CD 6293 43000
22 000 CW18. (M.D. 4/23/19 #8 and 4/30/19 #19).

23 **RESOLUTION NO. 303-2019;** Resolution
24 authorizing a License Agreement between the Town of
25 Oyster Bay and SCORE LI, in connection with the

1 Town's Workforce Development Program and
2 authorizing the Supervisor or his designee to
3 execute said agreement. (M.D. 4/23/19 #11 and
4 4/30/19 #13).

5 **RESOLUTION NO. 304-2019;** Resolution
6 authorizing an agreement for assistance with
7 creating and maintaining a *Mortgage in Default*
8 *Registry* for the Town's Department of Planning &
9 Development, commencing May 8, 2019 through
10 December 31, 2020, and for the Supervisor or his
11 designee to execute said agreement. (M.D. 4/23/19
12 #13 and 4/30/19 #16).

13 **RESOLUTION NO. 305-2019;** Resolution
14 authorizing the Supervisor or his designee to
15 execute a Contract of Sale for a paper street,
16 Gloria Drive, Syosset NY. (M.D. 4/23/19 #33).

17 **RESOLUTION NO. 306-2019;** Resolution
18 directing the Town Clerk to advertise a Notice of
19 Hearing for the 2019 Fire Protection Agreements.
20 Hearing Date: May 21, 2019. (M.D. 4/23/19 #34 and
21 4/30/19 #23).

22 **RESOLUTION NO. 307-2019;** Resolution
23 pertaining to the decision for the application of
24 Amerco Real Estate Company for a Modification of a
25 Special Use Permit at 1000 Hicksville Road,

1 Bethpage, NY. Hearing held: January 8, 2019. (M.D.
2 1/8/19 #4).

3 **RESOLUTION NO. 308-2019;** Resolution
4 pertaining to the decision for the application of
5 Bolla Operating L.I. Corp and Broadway Sun, Inc.
6 for a Special Use Permit and Site Plan Approval for
7 premises located at 274 North Broadway, Hicksville,
8 New York. Hearing held: March 19, 2019. (M.D.
9 3/12/19 #4).

10 **RESOLUTION NO. 309-2019;** Resolution
11 pertaining to the decision for the application of
12 794 South Broadway Management, LLC and Chief Dog,
13 Inc., for a Special Use Permit and Site Plan
14 Approval for premises located at 794 South
15 Broadway, Hicksville, New York. Hearing held:
16 March 26, 2019. (M.D. 3/26/19 #4).

17 **RESOLUTION NO. 310-2019;** Resolution
18 amending Resolution No. 771-2018 for an increase in
19 authorization relative to yoga instructor services
20 for the Senior Citizen program. (M.D. 4/9/19 #4).

21 **RESOLUTION NO. 311A-2019;** Resolution/
22 Order pertaining to the application from the
23 Plainview Water District for the issuance of serial
24 bonds for Improvements to said water district.
25 (M.D. 4/2/19 #11).

1 **RESOLUTION NO. 311B-2019;** Resolution
2 authorizing the issuance of serial bonds for
3 Improvements to the Plainview Water District. (M.D.
4 4/2/19 #11).

5 **RESOLUTION NO. 312-2019;** Resolution
6 authorizing the Town Clerk to publish a legal
7 notice in connection with the preparation and
8 filing of the 2018 Annual Financial Report of the
9 Town of Oyster Bay. (M.D. 4/30/19 #20).

10 **RESOLUTION NO. 313-2019;** Resolution
11 authorizing payment of filing fees to the County of
12 Nassau in connection with a purchase of property.
13 Account No. TWN A 1989 47900 000 0000. (M.D.
14 4/30/19 #21).

15 **RESOLUTION NO. 314-2019;** Resolution
16 authorizing an Inter-Municipal Agreement with the
17 Incorporated Village of Laurel Hollow under which
18 the Town provides highway cleaning services to said
19 Village through June 30, 2020. (M.D. 4/30/19 #22).

20 **RESOLUTION NO. 315-2019;** Resolution
21 authorizing a license agreement with PGA Tournament
22 Corporation, Inc. for use of a designated portion
23 of Bethpage Solid Waste Disposal facility for
24 temporary communications tower to preserve cell
25 service in the Town communities adjacent to the

1 tournament location at Bethpage State Park. (M.D.
2 4/30/19 #24).

3 **RESOLUTION NO. 316-2019;** Resolution
4 relating to granting requests from E-Split School,
5 Inc. for town assistance in conducting their annual
6 spring fair scheduled to be held on May 18, 2019.

7 COUNCILMAN MUSCARELLA: So moved.

8 COUNCILMAN MACAGNONE: Second.

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

12 And you would like to take Resolution
13 No. 269 right now?

14 SUPERVISOR SALADINO: Yes.

15 MR. ALTADONNA: Go ahead.

16 SUPERVISOR SALADINO: Okay. I'm going
17 to ask for speakers on this. There are quite a few
18 people who would like to speak.

19 We ask you keep your comments succinct.
20 Stay to the time allowed and please be respectful
21 of everyone in the room and all parties with your
22 comments. We ask that everyone seated here be
23 respectful of the speakers. Everyone will be
24 allowed an opportunity to speak. And we want an
25 assurance of complete cooperation and respect to

1 those speakers.

2 The first speaker this evening will be
3 Matty Aracich from the Building Trades.

4 MR. ARACICH: Good evening.

5 My name is Matthew Aracich, President
6 of the Building Construction Trades, Council of
7 Nassau and Suffolk Counties.

8 For the record, I submit a letter that
9 I will read here today representing 60,000 members,
10 both men and women in the trades.

11 "Dear Council Members, as President of
12 the Building Construction Trades Council, Nassau
13 and Suffolk Counties, I'm proud to inform you that
14 I was contact by Mr. Brown of the Kimco Company and
15 he professed that the Danzi Group committed to
16 build this Marriott project using 100% affiliates
17 of the Building Trades from the Council.

18 "Therefore, the Council
19 enthusiastically supports the construction of the
20 Marriott Residence Inn for the entire 29-acre
21 Milleridge Inn Jericho Commons property. This
22 hotel will bring revenue to the Town of Oyster Bay
23 and provide opportunities to many of your Town's
24 residents. I say that because the Building Trades
25 members are the community. We are the taxpayers,

1 in your houses of worship, your schools and we are
2 in unison with the local contractors to keep the
3 Town of Oyster Bay middle class strong.

4 "Since these hotel guests will be
5 primarily attendees of events of the Milleridge
6 Inn, as well as business and family events in
7 Jericho Community, the impact on the local school
8 system will have a positive -- I repeat -- a
9 positive economic outcome by providing revenue
10 without the liability of requiring the need to
11 educate anyone staying on the property.

12 "Overall, the impact could reach
13 \$12 million over the next twenty years. It will be
14 a safe, secure hotel with consistent on-site
15 premises. It will not be an eyesore to the
16 community since it will appear as a two-story
17 structure from the roadside. We are convinced that
18 there will be virtually no impact from traffic to
19 the Town and parking will not be allowed on
20 community streets as a result of this hotel
21 project.

22 "I commend the Town of Oyster Bay for
23 supporting projects and encourage contractors that
24 provide safe, good paying union jobs that provide
25 benefits to its workforce and I look forward to

1 composing another letter soon that promotes your
2 superior strategy for success.

3 Sincerely, Matthew Aracich."

4 I might add that this particular
5 negotiation and conversation with the contractors
6 was completely fruitful. As a matter of fact,
7 although I mention the building itself, I have it
8 under good authority that the site workers for the
9 project also will be 100 percent Building Trades
10 Union.

11 So for that, that's why we came and we
12 took a couple of friends with us. I hope you like
13 them.

14 Thank you very much for you time and I
15 appreciate it.

16 SUPERVISOR SALADINO: Thank you.

17 Next speaker will be Art Gipson.

18 MR. GIPSON: Good evening,

19 Mr. Supervisor, Board Members.

20 Art Gipson from Local Union 200,
21 2123 Fifth Avenue, Ronkonkoma, New York.

22 I represent many families that live
23 within the Town of Oyster Bay. I'm here to speak
24 in favor of this project. This is a great project
25 to guarantee the future of the iconic Milleridge

1 Inn. This project is tax positive. I go to a lot
2 of these type of meetings and the topic with
3 residential and housing and everything else, nobody
4 wants anything built because it brings children
5 into their neighborhood which is absurd. This one
6 does not do that. So that's a positive. The
7 developer has assured us, like the Building Trades
8 president has said, this will be done 100 percent
9 with local unionized labor.

10 I, along with all the brothers and
11 organized labor behind me, support this project 100
12 percent.

13 Thank you.

14 SUPERVISOR SALADINO: Our next speaker
15 will be Xiaohong Ma, Merry Lane.

16 MS. MA: Dear sir and madam, good
17 evening.

18 I'm a stay-at-home mom living at
19 33 Merry Lane, Jericho, New York 11753.

20 I come here tonight to say "no" to the
21 hotel in Jericho because I cannot afford to risk my
22 kids' safety where the hotel will be built across
23 from my house, this part of the street from my
24 house.

25 I, myself, raise two kids, and I'm

1 scared, because the hotel will add a lot of
2 strangers nearby my house and I bought the house
3 for \$1.5 million last year and I pay over \$30,000 a
4 year for the tax to the Town. So the hotel -- if
5 the hotel be built across the street from my house,
6 my house value will be dramatically decreased.

7 So for the safety of my kids, as well
8 as, I believe, other residents' kids, and I beg
9 every one of you who makes decision to take deep
10 considerations and I thank you for your time, for
11 your considerations.

12 Thank you very much.

13 SUPERVISOR SALADINO: Are there other
14 residents with children or childcare issues so we
15 can be respectful of their situation?

16 (No verbal response given.)

17 SUPERVISOR SALADINO: No? No one else
18 with children or a childcare issue?

19 All right, thank you.

20 The next speaker will be Sichen Zhang
21 and Sky Zhang of Moss Lane.

22 (Whereupon, someone in the audience
23 speaks.)

24 SUPERVISOR SALADINO: Wei Wang.

25 Hi. My name is Sichen Zhang. I'm from

1 38 Moss Lane, Jericho, New York 11753.

2 I guess everyone here is either for the
3 good of the entire community or the good for the
4 economy. Everyone sitting behind me, these who say
5 "yes" to hotel, they care more about their job than
6 they care about safety of the community.

7 I want to say that probably in the
8 short term that the hotel will bring revenue to the
9 Town, but I will say in the long run, it's going to
10 make the Jericho less desirable on a whole and if
11 less people come into the entire community in the
12 long run, it's going to create less jobs, I will
13 say. Less people, less jobs, less cleaners, less
14 plumbers, less construction jobs on a whole.
15 That's point one.

16 Second point is, of course, it's going
17 to lessen the value of the entire community. The
18 Town would lose the transfer tax in the long run on
19 overall sales price in the twenty years. So I will
20 say we should not only consider the economic
21 benefit for the hotel in the short term, but we
22 should also consider the long-term overall benefit
23 to either the Town and also to the entire
24 community.

25 Thank you.

1 SUPERVISOR SALADINO: Next speaker is
2 Young Li Lu.

3 MR. WANG: Good evening, Supervisor,
4 Councilwomen, Councilmen.

5 My name is Wei Wang, 24 Merry Lane,
6 Jericho, local resident.

7 I come here today to express my deeply
8 concern about the proposed hotel project in my
9 neighborhood. Of course, we are the local
10 residents and we want to create a win/win situation
11 with Milleridge Inn and also the developers, but
12 such huge impact -- potential impact to the local
13 community project are not well communicated -- not
14 well known by the local residents. Like me, I was
15 not aware of this.

16 Just not long before and so I place
17 you, all the members, to consider about this which
18 will bring especially many negative impact to our
19 community before you vote.

20 Thank you.

21 SUPERVISOR SALADINO: The next speaker
22 Young Li Lu, and after that is Chuyu Xiong from
23 Merry Lane.

24 MR. LU: Hi. Good evening,
25 Councilwoman, Councilmen.

1 I'm a resident at Jericho. On
2 January 29th, I was here 'til 12:30 a.m. in the
3 morning to be here my voice. Today I'm here again.

4 I just want you to hear my voice again
5 and I want to say please "no" hotel at Jericho.

6 Like many other working parents, I
7 think of my kids when I'm at work. This proposed
8 hotel is too close to library where my kids
9 actually spend their time after school time to
10 study and socialize.

11 This is only one-year project for the
12 -- to benefit the union, but will be a lifelong
13 impact for our kids. So, please, please consider
14 our kids' safety when you vote for this proposal.

15 Thank you.

16 SUPERVISOR SALADINO: Thank you.

17 Chuyu Xiong, Merry Lane.

18 After that is John Keeting.

19 MR. XIONG: Good evening, sir.

20 My name is Chuyu Xiong. I live at
21 4 Merry Lane in Jericho.

22 That location actually is very close to
23 the site of the hotel -- proposed hotel.

24 This morning a reporter of the News 12
25 came to visit us and he asked me to guide him to

1 the backyard.

2 When we go to the backyard, he
3 immediately realized how big the impact would be to
4 our house. Actually, I would say that if the
5 construction goes there, that our life will be
6 totally ruined that's for -- I remember that
7 construction period is 18 months. So, basically,
8 in that 18 months, our house will not be livable.
9 I'm a senior citizen. I have problems of lungs.

10 So, in that case, the noise, dust, that
11 construction effect will make our house not
12 livable. That's immediately everybody will see.
13 No way to argue. It's immediate to see. So,
14 that's the reporters.

15 Moreso, I would say that previously
16 there's one person say very good with labor and
17 very good. Just consider short term maybe one or
18 two years short-term period that affect -- since
19 hotel be there, that will be more than twenty
20 years. Consider twenty years. Let us imagine when
21 hotel built there after five years, all the jobs
22 are gone. What impact will be there? Looking for
23 five years or ten years, I would say in five years
24 or ten years, that will be a very bad spot.

25 Even though we may believe -- very bad

1 spot for neighborhood. Jericho is a very good
2 neighborhood. I would say it's cash cow for Oyster
3 Bay. We pay so much tax there, so much tax there.
4 You can count how much taxes from Jericho
5 neighborhood. If you ruin that neighborhood, then
6 what will happen? What will happen?

7 So, please gentlemen and ladies,
8 consider this very carefully.

9 Thank you very much.

10 SUPERVISOR SALADINO: John Keeting, and
11 after John is Brian Cesare.

12 MR. KEETING: John Keeting, 167 Harding
13 Street, Massapequa Park.

14 I'm also the President of Roofers and
15 Waterproofers, Local 154, Nassau and Suffolk
16 County.

17 I am a lifelong resident of the Town of
18 Oyster Bay, as are my parents and now my children.
19 I speak for all of my members that live in the Town
20 of Oyster Bay, that we are in favor of this project
21 and this is development for our community. We need
22 to move forward with it. Let's get a shovel in
23 ground.

24 Thank you.

25 SUPERVISOR SALADINO: Brian Cesare.

1 MR. CESARE: Brian Cesare, Renville
2 Court, Mill Neck, New York 11765.

3 SUPERVISOR SALADINO: The next speaker
4 after you will be Ron McCrindle.

5 Go ahead, please.

6 MR. CESARE: I grew up in this
7 neighborhood. I live about a half mile from here.
8 I lived here 36 years of my life. My children are
9 five and seven. They will grow up here. I've been
10 a positive impact to this community. I pay taxes.
11 I'm a law abiding citizen. I contribute to this
12 community positively. I work for Local Plumbers
13 200. They've been very good to me, provide
14 benefits for me and my family, well paying jobs and
15 this project will be a positive impact to the
16 community. This is not a seedy hotel. This will
17 be a quality project.

18 And I am for this and I thank you for
19 your time.

20 SUPERVISOR SALADINO: The next speaker
21 will be Ron McCrindle followed by Joe O'Leary.

22 MR. McCRINDLE: Hello. My name is
23 Ronald McCrindle, 11 Prospect Avenue, Sea Cliff,
24 New York.

25 You know, I can remember as a kid, you

1 know, my father taking us to the Milleridge Inn and
2 I still once in a blue moon I still go there and I
3 hate to see that place go under. And, you know, I
4 think the work -- there's work there. The hotel
5 hopefully will go up. And it's good for the
6 economy. I just hope that the project takes off.
7 That's all. It's work for the men, you know.

8 I can understand the residents. I can
9 understand that, but -- because I live in Sea
10 Cliff. We have Harvey's Point going up there. So
11 you know I can understand that at some point, but
12 things change, and that's just the way world is,
13 you know, my opinion.

14 So thank you.

15 SUPERVISOR SALADINO: The next speaker
16 will be Joe O'Leary followed by Vincent Allan.

17 MR. O'LEARY: My name is Joseph
18 O'Leary. I live at 6 Anchorage Lane, Oyster Bay,
19 New York.

20 I just want to say we really need this
21 project for work and it makes the Town better. And
22 that's all I can say. We just need the work.
23 Let's make it better. Make the whole neighborhood
24 over there better, that whole area for the
25 taxpayers and people with -- merchants and stores.

1 People come in and buy more things.

2 Thank you.

3 SUPERVISOR SALADINO: Vincent Alu.

4 MR. ALU: Good evening, Vincent Alu,
5 116 Park Hill Avenue, Massapequa, New York.

6 Good evening, everybody. I've lived in
7 Massapequa and I lived and worked up and down this
8 107 corridor almost my entire life. I've got many
9 memories of the Milleridge Inn, family events,
10 functions all throughout the years. Wonderful
11 memories.

12 Concerns of safety and construction,
13 progress is inevitable everywhere. We live on Long
14 Island. We're developing Long Island as
15 consciously as we possibly can.

16 I'm an organizer, shop steward, and
17 instructor for Local 66 Laborers and I can speak
18 confidentiality on behalf of all our members in
19 Town of Oyster Bay and beyond, that we would like
20 to see this project go forward. It's important for
21 our economy. It's important for our workforce and
22 I plead with you guys to think through on this
23 project clearly because it's very important to us
24 all.

25 Thank you.

1 SUPERVISOR SALADINO: Next is Jo-Ann
2 Nowodzinski.

3 MS. NOWODZINSKI: You want my name?

4 SUPERVISOR SALADINO: Followed by Wen
5 Yu Zhang.

6 MS. NOWODZINSKI: Jo-Ann Nowodzinski.
7 You want my place -- I live in Jericho,
8 372 Woodbridge Lane, Jericho.

9 I'm not a union member, so maybe you
10 won't applaud for me. But I've lived in Jericho
11 since 1957 in the same house.

12 By the way, I'm only 72. These people
13 have a right to be afraid for their children's
14 safety. You don't have to be, you know, Ph.D. to
15 know -- I'm doing this ad lib.

16 I recently saw from a Newsday reporter
17 on TV -- what's the show called? Buried in my
18 backyard. It was about a 30-year case solved -- a
19 missing person case which turned out to be the only
20 homicide in Jericho. The reporter said, quote --
21 exact quote, The reason people who live in Jericho
22 like it so much is because nothing ever happens
23 there."

24 He was referring to crime. It's a
25 place where you don't have to be afraid to walk the

1 streets at night, like I do. It's safe. No
2 traffic. No noise after 10:00 p.m.

3 This hotel should be on Jericho
4 Turnpike where all the other commercial places are.
5 I mean, do we need it? We have three hotels
6 already in the area. I don't know if they're
7 exactly in the Town of Oyster Bay, but do we need
8 the hotel? I say, "No."

9 As I heard Milleridge Inn two times --
10 by the way, it's important to know who is staying
11 at -- the hotel I heard is going to have a pool.
12 Who stays at hotels? Transients who have no stake
13 in the game. They're not going through metal
14 detectors like the Las Vegas shooter, obviously,
15 didn't. They're not getting background checks.
16 They're going to be there after 10:00 a.m.

17 By the way, you ever go to Jericho
18 Commons during business hours? No spaces. It's
19 all trafficked out. No parking spaces available.
20 So, we already have too much traffic. I, as a
21 pedestrian, have to be very careful how I walk to
22 the Jericho Post Office, CVS. By the way, I don't
23 have a car so I'm a pedestrian all the time.

24 And I heard Milleridge Inn mentioned.
25 I worked at Milleridge Inn for ten years until the

1 toy store was eliminated when the new owners took
2 over in 2015. A restaurant only stays in business
3 because of their food, word of mouth and, of
4 course, prices, but there's a reason why Milleridge
5 Inn, unfortunately, hasn't had a good review by a
6 critic -- food critic, for I don't know how long,
7 but I don't think this hotel -- for those love who
8 Jericho -- the Milleridge Inn -- as I do, I don't
9 think this hotel is going to keep in business.

10 It's going to the have to be -- it's
11 going to have to be other source of income because
12 the toy stores aren't making business and the food,
13 ask the customers.

14 So, my contention is safety is a factor
15 and, by the way, Joee -- I'm going to bring up
16 things I don't think they're going to bring up.

17 Is that over?

18 SUPERVISOR SALADINO: Yes.

19 MS. NOWODZINSKI: I'm obviously against
20 it.

21 SUPERVISOR SALADINO: Okay. Thank you.

22 MS. NOWODZINSKI: That's it.

23 Thank you for listening.

24 SUPERVISOR SALADINO: Thank you.

25 Wenhui Zhang, followed by Dabo Lin.

1 MR. ZHANG: Good evening,
2 Mr. Supervisor. Good evening, Council Members.

3 On January 29th --

4 SUPERVISOR SALADINO: Excuse me. Let's
5 give him our attention, please.

6 MR. ZHANG: My address is Village
7 Drive, Jericho.

8 I'm a local resident. On January 29th,
9 many of you have already witnessed the enormous
10 concerns and objections from Jericho residents
11 about this project and traffic issues, safety issue
12 because its too close to library and the crashing
13 about like why do you put the hotel here. Why is
14 there already like so many hotels around, like
15 what's the really intention? Now, it's already
16 like two months passed. I see little attempts from
17 Kimco Company try to address this concern to us.
18 No attempt.

19 What does that mean? From the
20 beginning to the end, we can see this company has
21 no concern of local residents. Right? They have
22 no concern. That also explains why the residents
23 only been notified at the last minute when this
24 project -- it's like to be like it's about to build
25 this hotel, not local residents -- even those like

1 adjacent to the location of the hotel get the mail
2 talking about this project that's going on.

3 Jericho is renowned for its national
4 distinguished school district. Most Jericho
5 families have both parents work hard to keep in
6 this nice neighborhood. Many cannot attend this
7 hearing tonight because they have very young kids
8 to take care of. But their oppositions to this
9 project has already been expressed on January 29th
10 hearing by their notarized petitions that have been
11 submitted to this Board by e-mail sent to the Town.

12 Now, what I hear a lot of from friends
13 from here, they speak about jobs. If you look
14 carefully like people residents, we give concrete
15 reasons why we object, but from them, about the
16 jobs.

17 I don't deny job is important but is
18 that only way we can keep jobs? If that's the only
19 way by damaging the neighborhoods, that's the only
20 way you can keep job, you should go back to
21 practice leadership. What impact do they try to do
22 try to bring to the Town of Oyster Bay and Long
23 Island? Is that the only way they can create jobs?

24 "Dear Members, if you look through the
25 audience, do you think we are outnumbered by those

1 supporters? No. Actually, what you do see is like
2 a group of residents, humbled to protect their
3 neighborhood versus an organized company with vast
4 money and resource try to damage our neighborhood.

5 So, please reject the project.

6 Thank you.

7 SUPERVISOR SALADINO: Thank you.

8 Next speaker is Dabo Liu followed by
9 Songtao Tang.

10 MR. LIU: Good evening, ladies and
11 gentlemen.

12 I'm from 17 Steuben Drive, Jericho.

13 My family moved from Nashville,
14 Tennessee two years ago to Jericho neighborhood
15 because good school system. I have three kids
16 eight, four, and one years old. I oppose any idea
17 of building a hotel in Jericho neighborhood, but I
18 want to point, this is really not an issue between
19 Jericho residents against union members. I'm sure
20 they're working hard. They want to find job to
21 support their family. I respect that.

22 As a family man myself, I work very
23 hard to support my family, but in the meantime, I
24 wish they could put themselves into our Jericho
25 resident shoes. This is a big project and they

1 spend here two years building hotel, they move on,
2 but we are the Jericho residents. We will suffer
3 from the repercussion for the next twenty years.

4 On the other side, I choose to live
5 here for maybe next ten or twenty years. I don't
6 need any expert to tell me not enough parking
7 space, there's not traffic not going to be the
8 problem. The other day when I came to the area, it
9 takes me ten or fifteen minutes to find parking
10 spot. I know parking and traffic is going to be
11 issue.

12 Second, safety, a lot of strangers will
13 be registering at that hotel because I know one
14 these days I'm going to drop my kids off in the
15 library to study, I don't want to know pick up by
16 some stranger from the hotel. I don't think
17 there's going to be a criminal background check
18 from hotel. So, public traffic and parking and
19 safety is my biggest concern. I hope you guys can
20 take this into consideration.

21 Thank you for your time.

22 SUPERVISOR SALADINO: Thank you.

23 So, we will now hear from Songtao Tang,
24 followed by Weix Wang.

25 MR. TANG: My name is Songtao Tang. I

1 live at 7 Warren Lane, Jericho.

2 Tonight, I'm coming to express my
3 objection to this proposed hotel project and,
4 actually, I think I have many good reasons.

5 First of all, I guess a lot of people
6 already mentioned that in terms of parking and
7 traffic concerns.

8 I seriously invite all you guys to come
9 to the neighborhood to experience. Currently, if
10 you go to the library area, you already see a lot
11 of cars have to be parked along the street side
12 every day. During the morning and afternoon times
13 when the school buses passing through, it's very
14 challenging for the buses to go through the narrow
15 street already.

16 So, I can totally imagine that with the
17 hotel put in place, the parking, the traffic will
18 be much, much worse. I think a gentleman
19 previously has mentioned, they will not allow
20 guests to park on street side. I don't know how
21 that's going to happen. A lot of things are not
22 allowed. They still happen. Everybody knows that,
23 right?

24 So this is just the first point.

25 The second point is from business

1 perspective. We already have a few hotels in the
2 neighborhood, and based on statistics, they already
3 have a lot of openings. So like I don't think
4 there is a need for another hotel in this
5 neighborhood. From real business planning
6 perspective, I don't think it makes sense. Unless,
7 unless there's something else being planned on the
8 back end which has not been disclosed to the
9 residents. A lot of things already happen in some
10 other areas in terms of transferring a hotel into a
11 place to hold other like either homeless or other
12 purposes. I think that could be happening. I
13 don't know. Maybe you can tell me because really
14 from business perspective, I don't think see a need
15 for a hotel in that area. Of course, we already
16 heard a lot of people from the -- if you look at
17 people who express their opinions, you can very
18 explicitly tell whoever supports this project, they
19 don't live there.

20 Whoever oppose this project, they live
21 in the neighborhood, which means only the people
22 who live in this area, their opinions are real
23 opinions; otherwise, if you don't live there, I
24 don't care. I just want to make my own money.

25 I've actually exchanged conversations

1 with some workers here respectfully. I totally
2 understand people need a job, but I hope you guys
3 can consider the short-term versus the long-term
4 impact. Maybe it's like a year and a half job for
5 a few workers, but the long-term impact to the
6 whole community would be a disaster.

7 Again, I appreciate your consideration.
8 That's just my objection.

9 Thank you.

10 SUPERVISOR SALADINO: Thank you.

11 Next speaker will be Caren Wong,
12 followed by Alice Zhang.

13 MS. WONG: Supervisor Saladino and
14 Councilmen, I'm Caren Wong residing at 25 Hightop
15 Lane, Jericho.

16 You know people who don't live in
17 Jericho may not care about residents' concerns.
18 Construction job creation is just temporary and
19 remember this is just a short-term creation. The
20 impact in our neighborhood will be forever.

21 Think of this, if this is happening in
22 your neighbor, your backyard, will you be still be
23 supporting it?

24 Jericho has been a quiet and safe town
25 for decades.

1 With a hotel building right behind
2 residential area and library, not only causing
3 parking and traffic problem, safety hazard is the
4 main concern. The first gentleman said that
5 guaranteed there's no traffic and parking problem.
6 I don't know how he can guarantee that.

7 On February 4th, I went to Whole Foods
8 store, just to shop, in the morning, and I couldn't
9 find any parking spot. The area near CVS, UPS and
10 Starbucks and deli and TJ Maxx, Marshalls, all
11 those areas are full of cars. I have a lot of
12 pictures. I took pictures of those.

13 So, with a hotel being built there,
14 it's hard to convince me that there is no parking
15 problems or traffic problems.

16 Number two, there is a motel across the
17 street of Jericho Turnpike, actually across the
18 street of the library. This hotel has never been
19 filled. Everybody can go there to check.

20 Additional hotel in Milleridge Inn site
21 is absolutely not necessary. I don't see how it
22 can be filled.

23 The third point that I strongly object
24 to the hotel building is this Milleridge Inn
25 eventually maybe positioned as another target of

1 homeless people like the other hotel happening in
2 New York City.

3 Although people said that will not be,
4 but no one can guarantee that because this is
5 happening in front of our eyes. So, please listen
6 to the people who live there. They are the ones
7 who contribute the most tax to the Town.

8 Do not kill the chickens to get eggs.

9 Thank you.

10 SUPERVISOR SALADINO: Thank you.

11 The next speaker will be Alice Zhang,
12 followed by Jin Cao.

13 MS. ZHANG: Good evening, Supervisor
14 Saladino and Members of the Board.

15 I have been here a few times now. Like
16 many other Jericho residents, I have asked
17 questions. To our disappointment, our questions
18 were not answered.

19 One, we ask the Town to hire
20 independent professionals to do study of the
21 traffic, parking, environment, safety and community
22 impact of the hotel.

23 Two, we ask the Town, do not simply
24 rely on the statements from the engineer hired by
25 the applicant, but to verify the statement with

1 professional hired by the Town.

2 Three, many residents make statements
3 based on their own experience about traffic,
4 parking problem on the Route 106/107, Jericho
5 Commons and the Milleridge Inn parking lot.
6 Residents in their statements provide data about
7 sex offenders (inaudible) living in area hotels.

8 Do the residents firsthand knowledge
9 count anything to you?

10 Four, many residents said with reasons
11 why they do not believe what people hired by the
12 applicant said. Would that be enough reason for
13 the Town to do its own study?

14 These are my questions. I wish you can
15 answer them today. I also wish you can vote "no"
16 to the hotel because there are many unanswered
17 questions.

18 I live on Merry Lane, exact backyard
19 face to the hotel. I have asthma, my son, as I
20 explain on January 29th. Today I'm here again.

21 I hope Superintendent, Supervisor
22 Saladino and all the Board Members, please make a
23 deep concern about what we are Jericho residents
24 concern. We are deeply, deeply hoping on this
25 project not going make on our neighborhood.

1 Kimco -- not yet. Kimco is a rich
2 company, rich, rich company. Everybody know, but
3 the hotel is not going to make -- tiny, tiny
4 backyard because there's more places to build a
5 mile away from Jericho.

6 We will come to make business, to
7 create more job for our country, for our county,
8 but not in the tiny, tiny backyard of my backyard.
9 There's not enough room for to build hotel there.
10 There's no commercial people coming to -- stopping
11 there. I've been here -- I live on Merry Lane for
12 seventeen years this year.

13 SUPERVISOR SALADINO: Excuse me, excuse
14 me. Let's all just settle down a -- just a moment.
15 Excuse me.

16 I'm going to just ask you to just hold
17 on for a moment, please.

18 MS. ZHANG: Okay.

19 SUPERVISOR SALADINO: Why do you rise?

20 MR. NOCELLA: I rise because the
21 speaker's time -- allotted time of three minutes is
22 over. There are a great many people here who want
23 to speak.

24 SUPERVISOR SALADINO: I didn't hear
25 that go off at that point. I'll ask you to

1 identify that, please.

2 Everyone is going to receive the same
3 amount of time.

4 MS. ZHANG: Okay. Understood.

5 Thank you.

6 SUPERVISOR SALADINO: You're very
7 welcome.

8 I'd like to ask one of our officials to
9 please come forward for a question or two and I see
10 George there from DER.

11 Would you please step forward?

12 COUNCILMAN BAPTISTA: Good evening,
13 Supervisor, Town Board Members.

14 George Baptista, Deputy Commissioner,
15 Department of Environmental Resources.

16 SUPERVISOR SALADINO: I'm asking you to
17 come up early because I would like just to set the
18 record straight for all here residents and everyone
19 alike, the question of independent testing came up
20 and are you aware of the laws that require the Town
21 to provide an independent report?

22 COUNCILMAN BAPTISTA: Supervisor, with
23 regards to this particular application and not
24 independent testing as we know it in another
25 application, I heard traffic mentioned. That

1 wasn't independently verified. In this instance,
2 the answer to that is yes. The traffic studies
3 submitted by the applicant was reviewed by our
4 staff, and in addition to that, it was reviewed LMK
5 -- I'm sorry, LK McLane, P.C. they reviewed the
6 application, approved it, and in addition to that
7 with the traffic study, the New York State
8 Department of Transportation has provided
9 conditional approval of their traffic plan.

10 SUPERVISOR SALADINO: And from an
11 environmental standpoint?

12 COUNCILMAN BAPTISTA: Environmental
13 standpoint, Supervisor, we reviewed entirely the
14 entire application submitted by Kimco. We've gone
15 through it thoroughly. And I'm confident that what
16 we've done with that review, this particular
17 application meets all standards of the State
18 Environmental Quality Review Act.

19 SUPERVISOR SALADINO: And for the
20 purposes of the public, can you explain the meaning
21 of that and the importance and what that mandates
22 that you and your team accomplished?

23 COUNCILMAN BAPTISTA: Certainly,
24 Supervisor.

25 When it comes to the State

1 Environmental Quality Review Act, the SEQR Law
2 establishes certain standards and guidelines that
3 we have to follow and they're not arbitrary
4 guidelines and they're not guidelines that we get
5 to make up. So, this was an unlisted action. I
6 know some people don't quite understand the
7 vernacular of Unlisted Type 1 and Type 2, but just
8 to understand what this unlisted action means is
9 that for it to be a Type 1 action, which is a
10 higher standard of review, it would have to have
11 ten acres of physical alteration. This particular
12 application is 5.5 acres of alteration. We would
13 have to have parking for 1,000 additional vehicles.
14 This particular application showed us additional
15 parking of 141 additional spots. Okay. That's the
16 variance number in that particular regard. We
17 would have to have 500 new residential units. We
18 don't have any residential units in this particular
19 application. We'd have to be contiguous to a park.
20 We don't have that in this particular instance.

21 In addition, we'd have to have a
22 facility of more 240,000 square feet of new
23 building. We have 73,000 plus 3,000 at the bank
24 that's going on the property. So in many instances
25 and I think one other important factor when we look

1 at these is we need to have an increase in the
2 daily surface water usage, water that's pumped to
3 provide portable water, fire suppression in the
4 building of two million additional gallons a day.
5 This particular project projects 14,000 gallons a
6 day. So, if anyone's taking the opportunity and
7 the general public can go through the environmental
8 review, they'll see how thorough it is, not just in
9 what we reviewed, but the applicant went through
10 the process and made corrections and mitigations to
11 the plan based upon our review.

12 SUPERVISOR SALADINO: Thank you.

13 COUNCILMAN BAPTISTA: Thank you,
14 Supervisor.

15 SUPERVISOR SALADINO: Next speaker will
16 be Jin Cao, followed by Justin Cheng.

17 MR. CAO: Good evening, Supervisor.
18 Good evening, Board members.

19 I just heard the Deputy Commissioner
20 mentioning the review. If you look at the record.
21 I believe that's talking about review by the
22 department dated last March and is basically
23 quoting -- you look at the report, you're basically
24 saying -- you're basically looking at whatever the
25 applicant's engineer says there. As to the

1 community reach out, they quoted PCA as the
2 community outreach support, but that turned out to
3 be -- that's a letter dated two years. Now, it
4 turns out, that's not the case. They knew -- they
5 now learn the project in details and they withdrew
6 their support.

7 So, the Environmental Resource
8 Department basically saying relying on what the PCA
9 report relying on their engineer report saying we
10 reviewed it. Everything's okay. Everything's in
11 place. But we are asking the Town to hire
12 independent firm, not rely on their provider
13 statement -- just basically review it and stamp it,
14 endorse it. That's not what we're asking. We're
15 asking you, because as I mentioned last time,
16 there's a code in the Town that says you can hire
17 independent firm and the cost can be, you know,
18 billed to the applicant which is in the Town code.

19 So that's -- traffic and parking and
20 also environment, the community support is too
21 important just to rely on their professional
22 statements and not just review it and then say, oh,
23 that's why we reviewed it. If you look at the
24 report carefully, if you look at that time that
25 report from the Environmental Resource Department,

1 you will see what I'm speaking here.

2 Okay, so my time is running out, but I
3 just want to make sure that standard, you know, is
4 the community character should not be changed.
5 That's the standard, you know, in denying or
6 approving the special use permit which is hotel.

7 Now, we can say the community character
8 is not changed because of hotel. Everybody here
9 tells you, the community character will be totally
10 changed because is this very small mall, very small
11 space. They try to pack a hotel in this small
12 space. This is not like big hotel big -- big
13 malls. Big malls, you have to drive there. This
14 mall, people go there by walking there and shop and
15 eat. It's very tiny space. It's surrounded by
16 residential houses. It's very unique, and also the
17 library is across the street. The park is across
18 from the library so. And school, middle, high
19 school all in walking distance. So this is very
20 unique factor.

21 SUPERVISOR SALADINO: Very unique.

22 MR. CAO: Different, totally different
23 from other malls. I hope you will consider that.

24 Thank you so much.

25 SUPERVISOR SALADINO: Thank you.

1 The next speaker will be Justin Cheng
2 followed by Joanne Delott.

3 MR. CHENG: Hi, my name is Justin Cheng
4 from 9 Millpond Street, Jericho 11753.

5 Today we see a lot of working people
6 here, union. I know highly skilled, working. We
7 know that and those skills need to spend years to
8 develop and we need those skills too, but the
9 hotel, that's what we against. We are not against
10 them. We are not against you guys. Please like
11 stop making money, making money by suppressing us.
12 You guys are bigger than that. Speak to -- like
13 speak to your own like conscious -- you got a
14 builder. Come help build a bridge between us.
15 Speak to us and help us to build a Jericho that we
16 love, not hotel that we hate and spit on.

17 Kimco, we love Birchwood, the shopping
18 center you build for us. We love it. We spend our
19 money on it. I spend about 1,200 every month on
20 it. That's why it's successful, booming business
21 there.

22 Why can't you just build something else
23 that help the neighborhood instead of building --
24 like betray us, turn your back on us, like build
25 something that we hate?

1 I can tell, if this hotel go through, I
2 will stop going to Birchwood Shopping Center. Many
3 family will do the same, will do the same. I hate
4 to write to -- hopeful that I will start to shop at
5 Plainview, my other Trader Joe. I hate to speak to
6 sue. The pharmacy, CVS, we will withdraw all or
7 family six accounts, the prescription from there.
8 We're going to change and then we're going to use
9 some other pharmacy instead of going there.

10 My wife loves to go to Marshalls. We
11 will stop going there. We will go to the oriental,
12 the Odyssey Chinese food, but we will stop there
13 too, because listen to this, we cannot have our
14 money, any penny, to go to you that come back to
15 suppress us.

16 You are so proud that the Birchwood is
17 your flagship property. We have the will that we
18 will change our shopping behavior. Social group,
19 we share where we shop and then we will go
20 somewhere else. We will have the will to turn your
21 flagship property into a ghost ship.

22 Thank you.

23 SUPERVISOR SALADINO: Thank you.

24 MS. DELOTT: Joanne Delott.

25 SUPERVISOR SALADINO: And after Joanne,

1 will be Jeffrey Delott.

2 MS. DELOTT: 30 Ivy Drive, Jericho, New
3 York. I grew up in Jericho. I did go to the
4 Milleridge Inn quite a bit, but it is not the same
5 place I grew up with. It has become more
6 commercialized. There are signs out that never
7 used to be there. It used to be a place that was
8 more discrete. It's already changed the landscape
9 of the neighborhood. And if they were to bring a
10 hotel, I'm afraid of what it will do to our
11 property values.

12 They can make as many studies as they
13 want, but as a resident, you know there are traffic
14 problems and that you can't get parking there now.
15 I have come back to Jericho once I had my daughter
16 and she since graduated from college.

17 The neighborhood is changing and a lot
18 of it has to do with what they are doing by the
19 Milleridge Inn. The people moving in are afraid of
20 what's going to happen, and if they're afraid
21 already, what is it going to do to other people
22 that are even considering. Our taxes are high
23 enough now. We've looked to vote in people who are
24 going to support our neighborhood. That's why we
25 are here because, we supported you and we want

1 people who are going to support us. We don't want
2 to turn around and find out that everything we put
3 forward in, you know, our whole life coming back
4 here is going to be devalued. And we have nothing
5 against the workers, but quite honestly, these
6 laborers don't live in Jericho. They're coming
7 here to make their money and they'll be gone, but
8 we're left here and what are we going to do? I
9 mean, if they build this and there already is a
10 problem with Meadowbrook. While my daughter was in
11 school, we were getting notices about sex offenders
12 there, and they were bringing in people from other
13 places to live there that didn't have money through
14 Welfare and it changed. And this is another
15 opportunity to bring in strangers into the
16 neighborhood and where are they going? I don't
17 believe they are just there for an affair. A hotel
18 is open to everyone in the public, for any reason
19 and they don't check who they are and people living
20 on Merry Lane have a right to be concerned. The
21 traffic is horrific when the library has an affair
22 as it is. I can't imagine what's going to happen
23 when the Milleridge Inn parking lot is full. And
24 they're going around the neighborhood looking for
25 spots. They don't have the room.

1 Thank you.

2 SUPERVISOR SALADINO: Jeff Delott.

3 MR. DELOTT: Jeffrey Delott,
4 D-E-L-O-T-T, 30 Ivy Drive, Jericho.

5 Thank you for the opportunity to be
6 heard. We just learned about meeting this evening.
7 So, I'll be brief.

8 Let me tell you a little bit about
9 myself and why I'm here. I grew up in Jericho. My
10 parents came here in 1960. I'm back here now. I
11 met tons of people, friends, neighbors. My
12 relatives still live here. We vote on everything.
13 We vote on school boards, library budgets. We vote
14 for fire commissioners. We vote and we talk
15 politics. It's no surprise that the hotel has come
16 up. One reason why everyone is opposed to it -- no
17 one's discussed this. We're not simply against
18 development. It has nothing to do with that.
19 Nobody wants to preserve a parking lot. What we
20 object to is that what's being facilitated here is
21 someone -- a for-profit company that's looking for
22 a 20 million dollar tax break.

23 Do you know who's looking for tax
24 relief? I am. My friends are. Your voting
25 constituents are. Our taxes are going up thanks to

1 the reassessment, thanks to the new Trump tax
2 amendments. Before you give a single for-profit
3 nonvoting company to help facilitate getting that
4 tax break, think about your own constituents. We
5 could use a tax break. This is a bad investment.

6 If this was a great idea, they could go
7 to the bank and get that 20 million. If this was a
8 great idea to have a hotel in Oyster Bay -- a
9 Marriott Hotel, then why are they closing the one
10 in Plainview? This is a special area.

11 When I -- I'm the person that's
12 responsible for getting that park in Merry Lane
13 renamed for a veteran who was killed in active duty
14 in the Middle East. I implore you, take a walk
15 down that street. This is not a typical area.
16 This is not the area for a big hotel.

17 Thank you.

18 SUPERVISOR SALADINO: Our next speaker
19 Maria Sy-Rangel followed by Daniel Kennedy.

20 MS. SY-RANGEL: Good evening,
21 Supervisor Saladino and Councilmen.

22 I'm here again to speak about making
23 your decision. Just to remind you, before you make
24 your decision, through your examination of
25 conscious, as an elected officer, you uphold and

1 you took an oath to protect the safety of the
2 citizens of the Town of Oyster Bay.

3 Thank you.

4 SUPERVISOR SALADINO: Daniel Kennedy
5 will be our next speaker followed by Songpol
6 Kulviwat.

7 MR. KENNEDY: Dan Kennedy, 11 Concord
8 Avenue, Bethpage.

9 First of all, I want to say I was very
10 happy to hear that the Town Board opens with
11 prayer. That's very rare, I think.

12 SUPERVISOR SALADINO: Thank you.

13 MR. KENNEDY: As a resident, I was very
14 impressed.

15 SUPERVISOR SALADINO: Thank you.

16 MR. KENNEDY: Also, of course, as a
17 union member, I am for the hotel and I don't know
18 if any of you ever campaigned at a railroad station
19 in the morning, but you'll see nothing but
20 construction workers who are residents at Bethpage
21 or Hicksville or Massapequa and it would be really
22 something special for them to work in their own
23 town in Oyster Bay and not pay that railroad fee.

24 So I will ask you to prayerfully
25 consider voting for this proposal for the hotel.

1 Thank you.

2 SUPERVISOR SALADINO: Next is Songpol
3 Kulviwat, 97 Village Drive.

4 A resident at 97 Village Drive, Songpol
5 first name?

6 (No verbal response given.)

7 SUPERVISOR SALADINO: Next speaker will
8 be Lily Lee.

9 MS. LEE: Good evening.

10 My name is Lilly. I live at 18 Merry
11 Lane, Jericho.

12 The neighborhood I live is called East
13 Birchwood, and the new hotel is going to be built
14 right behind the neighborhood. It's -- Birchwood
15 is already crowded by the commercial business
16 around our living area, and the hotel is going to
17 bring more traffic and crowd into our community and
18 considering it's built -- it's going to be built
19 right across the library, and a lot of Jericho
20 students will use the library a lot, heavily and
21 the hotel is going bring a lot of uncertainly,
22 jeopardize the usage of the library and also right
23 next to the library is a community park. A lot of
24 little children are playing there. There's a
25 little playground and also a baseball field and

1 basketball field.

2 So the hotel is going to bring more
3 traffic and more strangers to the neighborhood.
4 It's really just next -- across the street. So
5 this is really jeopardize our community.

6 And think about many gentlemen come
7 here saying that they support the hotel and I think
8 all of us heard that they are not living there and
9 also, just -- always saying to try other people's
10 shoe, right?

11 To consider if there is major
12 construction, and a commercial business is going to
13 build right at your backyard, what's your feeling?
14 So everyone -- I think everyone want to live in a
15 good neighborhood to have some quiet environment
16 and to live -- to risk family privacy and the
17 hotel, this newly construct -- going to be new
18 construct hotel is really going impact our
19 community a lot.

20 So, I really hope that you can consider
21 our sincere objection about this hotel.

22 Thank you.

23 SUPERVISOR SALADINO: Jenny Gee. Jenny
24 Gee of Marginal Road. Jenny?

25 (No verbal response given.)

1 SUPERVISOR SALADINO: Yang Cheung.

2 After Yang is Maioiu Wong.

3 MR. CHEUNG: Okay.

4 SUPERVISOR SALADINO: Would you kindly
5 state your full name and address?

6 MR. CHEUNG: Okay. My name is Yang
7 Cheung. I live 8 Merry Lane.

8 I'm living right behind the hotel. I
9 just want to ask people a simple question, do you
10 like a hotel built behind your backyard? Everybody
11 can see you. All hot air will blow up to your
12 backyard. Everybody will look at you from your
13 backyard. We have no privacy in my backyard. It's
14 very close.

15 So I want you to think about what's my
16 feeling if that building to your house and behind
17 your house. It's very bad idea to us, right?

18 Another thing is their idea is like
19 building a hotel to save a restaurant. This is not
20 right. There's another restaurant next to
21 Milleridge Inn. It's like one block behind it.
22 It's very old building. Traditional restaurant.
23 They do renovate it about two years ago. Right
24 now, the restaurant is very famous five star, very
25 expensive. Every time you want to go to the

1 restaurant, you have to wait one month to get in.

2 Do you guy learn from them? Okay. The
3 hotel won't save your restaurant. Only save your
4 restaurant is the neighborhood. The neighborhood
5 come into your restaurant, you save your hotel -- I
6 mean, save you're restaurant. So building the
7 hotel to save a restaurant is very bad idea. So
8 you don't fight with your neighborhood. You don't
9 fight with the community. Before is like a
10 Waldbaum's supermarket in Jericho. They bankrupt.
11 Right now, it's Exmart, Korean supermarket. They
12 are doing very good business. Why? Because the
13 neighborhood has changed. The whole neighborhood
14 has changed. They got more like Asian. So they
15 change a lot of Asian food. But your restaurant
16 never change anything. You have 200 years history.
17 You still keep the same menu. You don't look for
18 what kind of neighborhood you service. You always
19 use the same menu. So, this is why your restaurant
20 is going bankrupt. You need hotel to help. It's
21 not right.

22 I make a sign here. I wish -- it's no
23 hotel. But if you build a hotel there, what I
24 going to do is here -- I hope you think about
25 choice. Don't ruin our neighborhood because

1 Jericho is a number one school district in America.

2 You ruin the number one school district.

3 This is what I'm going to do next, if
4 you vote yes.

5 SUPERVISOR SALADINO: Thank you for
6 your time.

7 (Whereupon, there is an outburst from
8 the audience.)

9 SUPERVISOR SALADINO: Sir, sir, if you
10 would kindly take your seat now?

11 Excuse me, ladies and gentlemen. We
12 are going to conduct this very, very
13 professionally. We are going to conduct this
14 meeting -- it's been going very, very well. And it
15 will continue to go well and we are very
16 respectful.

17 So I'd appreciate it if we'd minimize
18 the signs and that kind of messaging. It's really
19 not necessary and, quite frankly, you don't even
20 know if my opponent is for or against the hotel.

21 Our next speaker --

22 (Inaudible question from the audience.)

23 SUPERVISOR SALADINO: Excuse me?

24 (Inaudible question from the audience.)

25 SUPERVISOR SALADINO: I don't know of a

1 Republican Primary, but thank you. Okay.

2 The speaker will be Maioiu Wong,
3 Woodbridge lane.

4 (No verbal response given.)

5 SUPERVISOR SALADINO: No, not here?

6 M-A-I-O-I-U Wong from Woodbridge Lane.

7 Kevin Zhang also from Woodbridge Lane.

8 Mark Wong, Sutton Terrace.

9 MR. WONG: Good evening, Congresswomen,
10 Congressmen, Supervisor. Thank you very much for
11 second time to have this hearing, very
12 professional. We appreciate it.

13 Cutting short, right. I think the
14 picture is pretty simple. So the neighborhood do
15 not want the hotel, right? So you hear all things.
16 Majority of neighborhood do not want to have a
17 hotel. Of course, if you put a hotel in any of
18 your backyard, right, 90 percent of you will say no
19 for sure. Very simple, right? Kimco, they need
20 money. Very simple. They're doing business.
21 Forget about saving the Milleridge. Forget about
22 generate tax because they enough tax to pay, right?
23 Then offer the job, well, you know, that's really
24 interesting for all of you, right? I know you're
25 all elected officials, right? You need a vote.

1 Very simple, right? You need some kind of
2 donations. Very simple, right? But I guess there
3 is a balance to strike.

4 I don't think it is right to sacrifice
5 any of others interest, right, to build something,
6 make all the money, right? I don't think America
7 is building it this way. I mean, the whole history
8 you will say this country held her word, then step
9 on other toes, right? I hope this (inaudible) of
10 American can stand to your decision.

11 Very simple, no hotel as a resident
12 from Jericho.

13 Thank you very much.

14 SUPERVISOR SALADINO: Thank you.

15 Arthur Edelman.

16 Arthur, you're up.

17 MR. EDELMAN: Good evening, Board and
18 Council people and all my neighbors and tradesmen.

19 I'm not an (inaudible). This is not in
20 my backyard. I live in 110 Dubai, Sea Cliff, New
21 York. I'm sorry.

22 But I'm sitting here listening to this
23 Resolution and, frankly, I don't know why it's even
24 on the agenda. Should this Board pass this
25 Resolution as presented, I think will cast a cloud

1 over all of you. The Resolution that we are
2 talking about and this development we're talking
3 about is currently not up to snuff as per our
4 Zoning laws, the way I understand. It's 552
5 parking spaces short, 25 percent of the required
6 amount. I know there was a Quality Review Report
7 submitted to you all. I didn't get to see it.

8 That would have been part of the
9 environmental thing because it was received and
10 submitted by the Tobay Department of Environmental
11 Resources, Town Environmental Quality Review
12 Division.

13 I assume that was Mr. Baptista's report
14 he was talking about.

15 SUPERVISOR SALADINO: Yes.

16 MR. EDELMAN: Fine.

17 Mr. Baptista mentioned that there were
18 no residential units in the complex. I take
19 enumberance with that because just the name of the
20 complex is Marriott Residence Inn.

21 SUPERVISOR SALADINO: That refers to
22 issues like how many people will be attending local
23 schools, what will the needs be in terms of
24 services from Nassau County, Department of Civil
25 Service --

1 MR. EDELMAN: Department of Civil
2 Service, whatever, Social Services --

3 SUPERVISOR SALADINO: Social services,
4 Department of Social Services, what the uses will
5 be. That's what that refers to, but we can bring
6 the Deputy Commissioner George Baptista back up,
7 and as a matter of fact, we have more than one of
8 our employees who painstakingly gone over to
9 prepare that report and we will hear from them
10 later.

11 MR. EDELMAN: Frankly, the fact that
12 there are kitchenettes in the one bedroom
13 residence, people could live there and could have
14 kids going to the schools.

15 SUPERVISOR SALADINO: There are State
16 laws about how many nights in a row residents can
17 live in a particular facility.

18 MR. EDELMAN: I'm sure there are, but
19 my main thrust of -- I'm not saying I'm for or
20 against the complex itself -- I just don't know why
21 we are here if the applicant is looking for a
22 variance. I think we write our Town code and it
23 should be in stone. If it's got so much rigamarole
24 surrounding it, we shouldn't question the code and
25 allow the applicant to come back with a revised

1 plan to be in code, then there would be no
2 question. We wouldn't be having this argument.

3 I question the veracity of the
4 applicant when they talk about tax money coming
5 into the school system, the County, the Town.

6 They're in front of the IDA looking to
7 get a tax break. Can someone from Kimco advise us
8 what kind of break they're looking for? They've
9 already got a tentative promise pending the outcome
10 of this Board.

11 Can we find out what their generous
12 give back is from the county, IDA?

13 SUPERVISOR SALADINO: After you're
14 done, I'd be happy to answer that question.

15 MR. EDELMAN: Okay. That's the
16 question. Done.

17 SUPERVISOR SALADINO: Would someone
18 from the counsel's office like to address that?

19 MR. WEBER: Supervisor, Members of the
20 Board, we did address this at the public hearing on
21 January 29th at length.

22 THE STENOGRAPHER: You're name?

23 MR. WEBER: I'm sorry, Bram Weber,
24 Weber Law Group 290 Broadhollow Road, Melville, New
25 York for the applicant.

1 And I quote, "Currently, which is the
2 vacant parking lot where the property -- where the
3 hotel will go -- "is paying 94,000 annually in
4 general and school taxes. The hotel isn't built
5 over the next twenty years, that totals \$1.9
6 million in general and school taxes. The current
7 negotiations with the IDA, would include more than
8 \$12 million over that 20-year period. If the hotel
9 is approved and built the general and school tax
10 will be \$12 million versus 1.9 million if it's not
11 built.

12 SUPERVISOR SALADINO: Now, on the
13 subject of applying for IDA tax relief, can you
14 speak to that question?

15 MR. WEBER: Yes.

16 That -- those are the numbers that are
17 currently being discussed with the IDA.

18 COUNCILMAN IMBROTO: What kind of
19 abatement does that represent?

20 MR. WEBER: So, that's something that
21 the hotel did. But that's a standard pilot that's
22 given by the Nassau County IDA. It's a County IDA,
23 not the Town. The Town has no approval over that
24 IDA. It's done by the County, but that's 10 or
25 15-year pilot, but the projection, as I said, are

1 over the next twenty years for the total taxes.

2 COUNCILMAN IMBROTO: I understand that
3 it's a 10 to 15 -- what is the abatement that
4 you're applying for or receiving, and what is the
5 status of the application?

6 MR. WEBER: So the application isn't
7 final because the hotel hasn't been approved. So,
8 again, those are just discussions that are
9 happening -- that are going on with the IDA and
10 again standard --

11 (Whereupon, there is an outburst from
12 the audience.)

13 SUPERVISOR SALADINO: Excuse me.
14 Excuse me, ladies and gentlemen. One moment.
15 Counsel, one moment, please.

16 This proceeding has been going very
17 professionally and very respectfully. It will
18 continue to go that way. We will be asking the
19 questions and we will be listening to everyone
20 present, but what we are not going to have is
21 people calling out and disrupting the proceedings,
22 so we will all continue.

23 Sir, there will be an opportunity for
24 everyone to speak. Okay. And we are going to go
25 in an order. So things have been going very well

1 and they will continue to go well.

2 Counsel, would you please continue?

3 MR. WEBER: Yes. Absolutely.

4 Thank you so much, Mr. Supervisor.

5 So right now what is being discussed
6 with the IDA is a 20-year pilot, but it's difficult
7 to state with specificity the final numbers because
8 the IDA cannot be finally approved without the
9 project being approved by the Town, but the
10 estimates that we have from the IDA, and they are
11 estimates, the \$1.9 million of the total taxes over
12 the next twenty years if the hotel is not built and
13 \$12 million over, more than \$12 million over twenty
14 years. So that would be the total of the pilot
15 payments and also contributions to the Jericho
16 School District.

17 COUNCILMAN IMBROTO: What would it be
18 without the abatement?

19 MR. WEBER: 1.9 million.

20 COUNCILMAN IMBROTO: What would it be
21 if it was constructed, but you did not receive an
22 abatement?

23 MR. WEBER: I don't have that number.

24 It's hard to know because it's hard to know what
25 the tax rates and the assessment would be over that

1 period.

2 As you know, a pilot fixes the payments
3 over those twenty years which is why those numbers
4 are more easily ascertained.

5 SUPERVISOR SALADINO: Is this a program
6 that's available throughout Nassau County?

7 MR. WEBER: Throughout Nassau County.

8 SUPERVISOR SALADINO: Is the County
9 regularly approving such projects of this size and
10 scope?

11 MR. WEBER: Absolutely, pursuant to
12 State law.

13 SUPERVISOR SALADINO: On average, can
14 you give us a percentage that those school taxes
15 are reduced by?

16 MR. WEBER: So, generally speaking, the
17 way the IDA works is there is an abatement based on
18 the way the property is originally taxed and then
19 it's stepped up over those twenty years.

20 So for example, there might be an
21 abatement for three years which would keep the
22 taxes at its current amount, not any less and then
23 stepped up as the property is constructed over the
24 next twenty years. So that's generally how the IDA
25 works. The taxes are never lowered below what they

1 are currently at now which is \$94,000.

2 SUPERVISOR SALADINO: You're telling me
3 if the IDA was to grant you that relief, they would
4 be paying an additional \$12 million?

5 MR. WEBER: Correct.

6 SUPERVISOR SALADINO: To the school
7 district alone or all municipalities?

8 MR. WEBER: All municipalities.

9 The amount of money to the school
10 district would be about \$6 million.

11 Thank you.

12 SUPERVISOR SALADINO: Thank you.

13 Our next speaker will be --

14 MR. EDELMAN: The man is throwing
15 numbers out -- \$6 million --

16 SUPERVISOR SALADINO: Okay. Let's all
17 take a deep breath. Please proceed.

18 MR. EDELMAN: I'm sorry.

19 SUPERVISOR SALADINO: Please proceed.

20 MR. EDELMAN: The numbers don't add up.
21 I'm sorry. I recommend all residents here go to
22 the next IDA meeting to put your two cents in if
23 this passes.

24 (Whereupon, someone speaks in the
25 audience.)

1 SUPERVISOR SALADINO: Actually, you had
2 an opportunity to speak. We are going to go
3 through and there are some people who haven't
4 spoken yet. If you would be patient, I will give
5 you an opportunity.

6 The next speaker will be Stuart Siegel.

7 MR. SIEGEL: Stuart Siegel,
8 112 Hazelwood Drive in Jericho.

9 I have a question before I start saying
10 anything since much of what I would say has already
11 been said. The last time we were here, there was a
12 great deal of information presented.

13 Is that still part of the record of
14 everything you will be taking into consideration?

15 SUPERVISOR SALADINO: Yes.

16 MR. SIEGEL: Does that include there
17 were at least two people, I believe, on the Board
18 that said they were going to recuse themselves from
19 voting? Is that still in place?

20 COUNCILMAN MUSCARELLA: Correct.

21 SUPERVISOR SALADINO: Yes.

22 MR. SIEGEL: Those two people are still
23 recused?

24 SUPERVISOR SALADINO: Yes.

25 MR. SIEGEL: Thank you.

1 The issue really seems to be big money
2 of Kimco against the residents of the neighborhood
3 who decided that after looking into this whole
4 thing, they just don't want it.

5 Notwithstanding the union members here,
6 if they would like to talk amongst themselves and
7 see which one of them have similar real estate near
8 them where they could move the hotel, I'm sure they
9 wouldn't mind still having the work being done in a
10 different location.

11 In the meantime, the residents of this
12 area made it clear, it doesn't make sense. The
13 traffic, which was presented by the -- I forget the
14 fellow's name -- it was outrageous in terms of the
15 impact to Market Street. The residential parking
16 -- not residential -- the parking near the Whole
17 Foods area was going to be outrageous. The
18 elimination of parking and the connection between
19 the Milleridge parking area and the one in front of
20 Marshalls was going to be dangerous. The traffic
21 there is going to be outrageous. It didn't seem to
22 be brought up again and I'm not sure if that's
23 still is in everybody's mind when you're going to
24 be considering this that everyone who is in favor
25 of it is not a resident. And everyone is against

1 it, is with a lot of information that has been
2 presented, certainly in the last go round. So much
3 of it -- even the -- the fact that the lack of real
4 independence of the analyses that were done is an
5 issue. From what I understood, it was Kimco paid
6 people to do work and then the Town did the
7 evaluation of what was done, not that the town paid
8 somebody separately, so that there was --

9 SUPERVISOR SALADINO: That's something
10 we'll be getting into and shedding light on after
11 all the speakers have gone.

12 MR. SIEGEL: Okay.

13 Thank you very much. I see my time is
14 up.

15 SUPERVISOR SALADINO: Is Kevin Zhang
16 here from Woodbridge Lane, Kevin Zhang?

17 Maioiu Wong from Woodbridge Lane?

18 Jenny Gee from Marginal Road?

19 Is there anyone else who would like to
20 be heard on this?

21 I don't believe you've gone. Yes.

22 Would you please step forward and give
23 us your name and address?

24 MS. SHAN: Hi. Good evening,
25 Councilmen, Councilwoman and Supervisor.

1 My name is Tina Shan. I live at
2 45 Merry Lane, Jericho 11753.

3 As you know, Jericho residents do not
4 want hotel in Jericho. Jericho is a small
5 community surrounded by many hotels already. A
6 hotel at Jericho is not safe for the children,
7 elderly and the residents. Shortage of the hotel
8 parking lot will cause a lot of hassles to the
9 surrounding residents. Jericho residents do not
10 want hotel. Hotel should not be built in
11 residential area. They should be build in, you
12 know, commercial areas.

13 I hope you can hear thousands of voices
14 of the Jericho residents who do not want hotel.
15 You receive all the records signed, notarized paper
16 already, so you should be aware of it. You know
17 it. That's a fact. Hopefully, you can hear the
18 people's voice and make judgment to decision
19 tonight to vote no hotel. No against parking
20 variance.

21 Thank you.

22 SUPERVISOR SALADINO: Thank you.

23 Sir, you had your hand up.

24 MR. LEO: Good evening.

25 Mr. Supervisor and what's left of the

1 Board. Thank you for allowing me to speak tonight.

2 Paul Leo, 20 St. Claire Street,
3 Farmingdale, New York, lifelong resident of the
4 Town of Oyster Bay, also President of the
5 Carpenter's Union, Local 290, business
6 representative from the New England Regional
7 Council.

8 There's been a lot of different stories
9 being told here tonight. A lot of misconceptions,
10 from my point of view. One is what happens they
11 finish the construction and move on. Well, that's
12 what construction is. That's how houses were
13 built. We build them. We move on. That's no
14 different than anything else. Same with
15 commercial.

16 It's my understanding that the Town of
17 Oyster Bay Board here is elected by everybody in
18 the Town of Oyster Bay and you don't represent just
19 one community in the Town of Oyster Bay. If I'm
20 mistaken, please correct me.

21 You know a lot of people are talking
22 about problems -- strangers coming into their
23 library. Library's a public library. I can walk
24 into their library any time I want, just like
25 anybody else can anywhere in the United States.

1 You don't have to be a resident of
2 Jericho to walk into the library. You got one of
3 the residents brought up you've got the seedy
4 hotel, short-stay motel. No, it's never full
5 because it's only paid for by the hour. You don't
6 see them over there protesting to get that thing
7 shut down. This is a high class hotel. It's not a
8 dirty drug-infested hotel that's sitting across the
9 street from their neighborhood either but, you
10 know, that's where you may find your pedophilia and
11 worrying about who's going to walk across street
12 into your community from a hotel like that, not a
13 Marriott. Sorry. That's not happening. We truly
14 believe that the job should be built and we'd like
15 to see it built now.

16 Thank you.

17 SUPERVISOR SALADINO: Who else would
18 like to be heard on this?

19 MR. ALTADONNA: Supervisor, you have
20 two more slips.

21 MR. McKENNA: Kevin McKenna, 3 Edna
22 Drive, Syosset, New York.

23 Of course, the workers want to build a
24 hotel. That's what construction workers do and I
25 can appreciate them wanting to build a hotel.

1 The Jericho residents clearly do not
2 want a hotel in their area. I'd like to get
3 clarification on the fact that Councilman Labriola,
4 who is not an elected official, contrary to what
5 the gentleman just said, he is not an elected
6 official. He is an appointed official. I'd like
7 to know if he has reviewed all the documentation
8 from the hearing on January 29th when he was not
9 present as a council member.

10 Is he recusing himself from voting? I
11 would like to get that answer.

12 Councilman -- Commissioner Maccarone at
13 the January 29th hearing, when asked a question
14 about code violations at the hotel, she clearly
15 stated on the record when asked that the Milleridge
16 Inn and Kimco had no current code violations.

17 Yesterday they were served with 18 code
18 violations, 11 of them are served to Kimco and 7 of
19 them were served to the Milleridge Inn. These are
20 not violations. These are criminal matters.

21 They are not just violations and I call
22 for Commissioner Maccarone's immediate resignation
23 from her position for lying to the Supervisor, the
24 Town Board and the entire public stating that there
25 were no code violations on that hotel prior to this

1 application.

2 I have a document right here that --
3 which I would be happy to share with all of you
4 that are voting on this -- in April last year when
5 Commissioner MacCarone was the Commissioner of
6 Planning and Development, her department sent this
7 letter out to Kimco listing the code violations and
8 the fact that their CO was expired and they had to
9 send in \$675 check. They never did it. And nobody
10 from the Planning Department followed up to find
11 out back last April why they were not trying to get
12 into compliance.

13 Had it not be this resident right now
14 standing here, the Town of Oyster Bay and all you
15 Board Members and Commissioner MacCarone wouldn't
16 be following up on the code violations that have
17 almost killed this woman's husband sitting right
18 behind me here.

19 This woman's husband worked for the
20 Milleridge Inn for Butch Yamali for years and
21 because of the code violations in the illegally
22 built barn, which by the way, probably affects the
23 IDA tax credits because the barn, as far as the
24 County knows, doesn't exist.

25 Would that affect the taxes paid on the

1 property? I'm no mathematician, but I bet you that
2 it does.

3 How can you apply -- how can you
4 consider approving a variance down the road for
5 3 or 400 parking spaces when you did that in
6 Plainview at the Plainview Shopping Center under
7 Commissioner Ippolito who caused the problem for
8 the Planning and Development, and by the way,
9 Commissioner Ippolito caused this problem as well.

10 You're being sued right now for issuing
11 a code -- for issuing a variance in Plainview
12 Shopping Center, how can you consider issuing a
13 variance here when you're being sued?

14 SUPERVISOR SALADINO: Kevin, your time
15 is up.

16 MR. McKENNA: Thank you very much.

17 SUPERVISOR SALADINO: Thank you.

18 The next speaker will be Pam Lang.

19 MS. LANGAN: That's a tough act to
20 follow.

21 Pam Langan, 220A North Virginia Avenue,
22 Massapequa, New York 11758.

23 Good evening. He kind of threw me off
24 there.

25 So, my question is all of the

1 information that I have were recovered thus far is
2 old and I wanted to know where -- how do we go
3 forward without going backwards with the situation
4 that happened to my husband in the illegal barn?

5 So I had contacted Commissioner
6 Maccarone to no avail. Nothing happened. I do
7 have all the information that the barn is illegal.
8 My husband is still in a disabled situation. The
9 barn is -- was built during the new Milleridge Inn
10 operation -- the Milleridge Inn Ventures, Inc. I
11 just don't know how these gentlemen can start
12 working while we need to find more parking spaces
13 by taking the barn down, exposing all the rats that
14 live underneath the barn, letting them run into
15 Jericho or wherever they're going to go and how do
16 we fix my husband's problem?

17 And I'm not going to stop going after
18 the Milleridge Inn Ventures, Inc. So Kimco is
19 going to have a problem with the operations of the
20 Milleridge Inn. So I don't know how these two are
21 going to work together when I'm going to finish my
22 husband's situation when he wasn't allowed his
23 Workers' Compensation by law and how they're going
24 to have the Milleridge Inn -- the Marriott save the
25 Milleridge Inn.

1 It's not going to happen because I'm
2 not going anywhere, so I do think they should all
3 work. Everybody should do a wonderful job
4 together, but until we fix the internal bleeding --
5 my husband's injury to his head, his spinal
6 fractures and everything else that happened to him
7 and nobody cares. It's the biggest secret that
8 I've ever seen.

9 I'm going to expose it and until the
10 gentlemen help me out or the Town helps me out, I
11 can't substantiate his income.

12 SUPERVISOR SALADINO: Are you currently
13 in litigation with them?

14 MS. LANGAN: Not yet, nope.

15 SUPERVISOR SALADINO: I'd like our Town
16 Attorney to take a look at the information you're
17 providing because we would like see that.

18 MS. LANGAN: I mean, this is five
19 hospitals because no one took Mr. Yamali's HMO and
20 Mr. Yamali denied him his Workers' Compensation and
21 I'm going to go to OSHA. I'm going to go to --

22 SUPERVISOR SALADINO: Would you show
23 that to our Town Attorney?

24 MS. LANGAN: Absolutely.

25 SUPERVISOR SALADINO: He's right there.

1 Would you please identify yourself?

2 MS. LANGAN: Mr. Yamali lied and said
3 that my husband fell at home. So there is -- I
4 mean you don't even know -- we're almost -- I can't
5 get my exemptions -- I can't substantiate his
6 income and the rats are now squirrels in his, you
7 know, definition, so I have proof and I'm not going
8 away.

9 SUPERVISOR SALADINO: Would you kindly
10 show that to our attorney?

11 MS. LANGAN: I'll give him all the
12 information he wants.

13 SUPERVISOR SALADINO: Thank you.

14 That's the amount of slips I have. I
15 have seen some hands. Yes, sir.

16 If you haven't come up, please come up.
17 Wait a second. You have already gone? Have you
18 already gone?

19 (Whereupon, someone speaks from the
20 audience.)

21 SUPERVISOR SALADINO: We're going to
22 ask people that haven't gone yet. This woman in
23 blue, I don't think you've come up here yet.

24 MS. DAO: Hello, Board Members,
25 Superintendent. My name is Michelle Dao. I live

1 at 225 Wynnes Lane, Jericho. I don't live in East
2 Birchwood.

3 I believe the majority of the people
4 come from East Birchwood, but I'm here to say no
5 hotel to Jericho. I'm hold two boards. I believe
6 everybody stay here this time because of this.
7 Everybody concern about this. The red board I'm
8 holding is from Kimco. They give their reason to
9 build hotel, one is saves the Milleridge Inn.

10 First, if Milleridge Inn is so good, so
11 famous, so fabulous, deserve everybody to keep it.
12 Then it definitely can run a good business and
13 that's the only reason to run business, right?

14 Second reason, generate tax. I don't
15 know how they generate tax if they get 20-year
16 break.

17 The third reason is create jobs. If
18 the jobs means for the local people, probably
19 nobody live in Jericho while work in hotel. So
20 there is no benefit for local people. If the jobs
21 means for union people, they certainly can build a
22 hotel in other areas, commercial areas, not in --
23 in the right place.

24 The fourth reason, to support our
25 schools. Everyone here are parents. They have

1 children in school. I have two kids in school,
2 too.

3 I don't think if they really care about
4 schools, care about our kids, they will not choose
5 this site to build hotel.

6 For business to run well, they have to
7 cut it -- do the right service. If there is no
8 people support the business, of course, the
9 business will run bankrupt, just like other
10 business like the one gentleman mentioned before.

11 COUNCILMAN MUSCARELLA: You can
12 continue.

13 MS. DAO: What's the supermarket --
14 Waldbaum's -- I'm sorry.

15 I believe after all those hours and the
16 Board Members and Kimco, union people, neighbors
17 from Jericho, we all have answer. We all know what
18 the hotel should be, where the hotel should be.
19 Not in Jericho.

20 I object to the hotel.

21 Thank you, everybody

22 COUNCILMAN MUSCARELLA: Thank you.

23 Now, the gentleman in the back, come on
24 up.

25 MR. FISHER: How are you, Councilman?

1 COUNCILMAN MUSCARELLA: Very well.

2 MR. FISHER: My name is Brian Fisher.

3 I'm currently not a member of the Town
4 of Oyster Bay, but I have been in the past. I have
5 worked at the Milleridge Inn as a security person
6 for their area. I've been there during holiday
7 parties, middle of the Summer, dead of night, early
8 morning, and I never once had an issue parking
9 there. I never had an issue walking to any of the
10 stores while there. If people aren't lazy, you're
11 going to find a spot. It's not an issue.

12 What people are making an issue of is
13 they're saying that there's going to be this ton of
14 extra parking and extra cars and it's not that way.

15 I've been there for almost five years
16 now going back and forth and never had a problem
17 finding a parking spot. So what they're saying
18 about issue for traffic is nothing. It's compared
19 to what you're thinking of is same time of the day
20 maybe busiest time is like 5 o'clock. You're going
21 to get the same amount of cars down the street that
22 are travelling down that area anyway.

23 What you're really looking at is a few
24 people that they're going to get at a hotel for the
25 people that are less drunk driving. How about that

1 makes our lives easier, people that are working in
2 those areas that have the police department that
3 you guys pay for with your taxes? These are all
4 paths that come into this. It shouldn't just be a
5 basis of one eyesore saying parking or something
6 like that. It's multiple.

7 I'm a person that generates taxes for
8 me because I'm getting paid by these certain people
9 like not just my local which is 638, but by the
10 people I work for by doing security for them, by
11 working for the Milleridge Inn, working for those
12 area doing the park people. You're generating more
13 and more jobs, plus the people that are spending
14 money in your area that don't live in Oyster Bay.

15 So, it's not just that, you're getting
16 Town-generated taxes from people outside your
17 jurisdiction. It's multiple areas coming for this.
18 That's the only reason I'm for it. I think it's
19 the best thing. I'm a person that's looking to
20 actually come back to the Town of Oyster Bay and
21 then saying is it going to affect that, no.

22 But my point being is, it's something
23 you should all think about. People come in here
24 that might want build. Might want to live here.
25 Might want to see something here. It's a big

1 thing. It's not just one side of it. It's for
2 both sides.

3 And thank you for hearing me speak.

4 SUPERVISOR SALADINO: Come forward.

5 Next.

6 MR. PATRONIO: Good evening.

7 I am a resident of Oyster Bay. I live
8 at 126 William Road, North Massapequa. My name is
9 Steve Patronio.

10 So nobody here should be surprised that
11 a guy like me who goes to Manhattan everyday would
12 like to work locally. That's a given.

13 80 percent of what I've heard tonight
14 in opposition of this hotel is "not in my
15 backyard." How many people throughout the Town of
16 Oyster Bay face the back of a supermarket which is
17 way uglier than any hotel is every going to be?
18 That's life.

19 The thing is, I've heard the Marriott
20 talked about tonight as if it was homeless flop
21 house. It's the Marriott. It's the Marriott.
22 It's a \$250 a night hotel and it's been talked
23 about like it's a Circle 8. So I think it's been
24 ridiculous that this has been brought about all
25 night.

1 And if you're that concerned about your
2 children, why aren't you -- live behind a gated
3 community? It's the Marriott. That's it.

4 That's my time.

5 SUPERVISOR SALADINO: Excuse me, ladies
6 and gentlemen.

7 Yes, sir. I don't think you've been up
8 yet and then the gentleman in the back after you.

9 MR. DONG: I have to say something.

10 My name is Kevin Dong. I live at
11 45 Merry Lane, Jericho.

12 I have to say the guy (inaudible) he
13 doesn't know the traffic. I live in Jericho.
14 Every time my boy call me around 5:00 something,
15 pick me up from school, right. I can feel for some
16 people living in (inaudible) takes half hour to get
17 home, right.

18 So just, clearly, the guy -- so let me
19 tell you, right -- security issues, definitely.
20 Traffic issues people talk about, parking issues,
21 right? So, definitely builder wise and resident is
22 broken.

23 We need you Saladino, right, your
24 leadership. Please fix it. You need fix issues,
25 right? Residents, almost everyone in the Jericho

1 area against hotel, right? We need your help. We
2 need your leadership. Show us your leadership to
3 fix issues, right? We don't need hotel (inaudible
4 as he turned around) --

5 SUPERVISOR SALADINO: Sir, sir, excuse
6 me, sir. I'm going to ask you to please keep your
7 comments --

8 MR. DONG: I still have two minutes.

9 SUPERVISOR SALADINO: I understand
10 that. Please keep your comments this way.

11 MR. DONG: No hotel. Jericho needs a
12 public library. So instead of hotel, let's build a
13 new Jericho Public Library for the community,
14 right? Let's do that. Everybody's happy.

15 Thank you very much.

16 SUPERVISOR SALADINO: Sir, you're next.

17 MR. McANIFF: Christopher McAniff.

18 SUPERVISOR SALADINO: Excuse me. We're
19 doing very well here. We're not even going to get
20 involved in the conversation of signs tonight.
21 Let's be very clear. Excuse me.

22 Now, we are going to continue to be
23 respectful for every speaker no matter who they
24 are. If people's view is being blocked by a sign,
25 I ask you to courteously put the signs down and

1 let's listen to the testimony. Please continue.

2 MR. McANIFF: Good evening,
3 Mr. Saladino, Members of the Board.

4 I just want to touch on a couple of
5 points. People keep saying that we're coming in
6 and build, take the money and leave.

7 Earlier a young lady said, well the
8 jobs at the hotel and the Milleridge Inn are going
9 to be taken from the people in Jericho. Well,
10 then, obviously, the people of Jericho can go
11 elsewhere and work in other communities. So to
12 disparage people to come there to make their living
13 for whether it be a short time, I find offensive.

14 Also, we're not building as one
15 gentleman said, no tell motel. It's a quality
16 hotel. We are very -- we are not just laborers.
17 We are craftsmen, we are tradesmen and we're very
18 proud of the things we built --

19 (Whereupon, there was an outburst from
20 the audience.)

21 SUPERVISOR SALADINO: Excuse me. Just
22 one moment, please.

23 I'm not going to let the conversation
24 escalate. I want to make that very clear. If
25 people can remain in the room and be respectful of

1 each and every speaker, we're happy to have you
2 here. We're happy to have you here, but if you
3 cannot, Public Safety will ask you to leave.

4 And I also want to point out, the
5 showing of signs will not play any role in how we
6 vote. You've made yourself very clear with your
7 words in a very mature and professional manner. So
8 there is not a contest for the number of signs.
9 We're all going to listen to -- we're all going to
10 listen -- sir, I'm going to ask you to sit, please.

11 (Whereupon, there was an outburst from
12 the audience.)

13 SUPERVISOR SALADINO: We are going to
14 listen to everyone speaking in a mature matter, not
15 a contest on signs and without talking.

16 Would you please continue?

17 MR. McANIFF: Thank you, sir.

18 As I was saying, we are tradesmen and
19 craftsman. We're proud of what we build. There
20 times we go back and we repair buildings that have
21 been built. We drive by and we show our families.
22 Have children also. We say, "Hey, I built that."

23 We build schools, churches, hospitals,
24 supermarkets, hotels, things that all contribute to
25 the community. This is -- unfortunately, people

1 don't seem realize we do live in Metropolitan
2 New York, and we don't live in Mayberry and the
3 world is getting bigger, and things will be built
4 and things will be torn down and things change.

5 And I would also like to point out one
6 thing one gentleman asked, why are we discussing
7 this. This is America. This is what we do. We
8 have this opportunity. You don't have this other
9 places in the world.

10 And I thank you for that opportunity.

11 SUPERVISOR SALADINO: Who would like to
12 speak next? Who hasn't spoken?

13 Sir, you have spoken already.

14 Who would like to speak next who has
15 not spoken?

16 Miss, would you kindly step forward?

17 MS. GOU: Good evening, everyone.

18 Sorry, I have a cold.

19 My name is Grace Gou. I live at
20 41 Fern Drive, Jericho 11753.

21 First of all, would like thank you for
22 the opportunity for me speak. This is the first
23 time I can speak and express my opinions openly.
24 The place I came from doesn't really have that
25 opportunity easily. So I really thank you for

1 that.

2 Secondly, I want to thank you for the
3 hope for what you done tonight. This is the first
4 time I came to this meeting. I have been sitting
5 there four hours. Of course, you guys have done
6 the same thing, too, but I realize how deeply
7 concerned you are about the residents in this town,
8 overall, right?

9 We -- I have been listening to your
10 discussion about the vapor shop and where they
11 should be. I can see how deeply concerned you are
12 especially for young generation in this Town. I
13 don't -- I feel like really happy and I'm grateful
14 that I live in this town. I came to the town only
15 a few months ago from Brooklyn. We chose Jericho
16 specifically for its best school district and also
17 the safe neighborhood. That I believe is the
18 reason for many of the people who want to stay
19 here. This is the first time I came and I really
20 think this is the best place. I look forward
21 to staying in same town for next twenty, thirty,
22 forty years, right?

23 I think that you do understand the
24 residents' concerns about the safety for their
25 children. If I have to say the last few words

1 because I know it's pretty late and you guys want
2 to get done very soon, I am the first generation of
3 emigrants.

4 I believe everyone in this room first,
5 second, third generation of emigrants to this
6 country came to this country -- probably not you
7 but your parents, your grandparents came here,
8 choose to stay in a place to pursue American dream.

9 Everyone has different dream, but I
10 know for me the majority part of my dream is to
11 give my kids the best education they can have and
12 the safest place they can stay and I hope you can
13 think about your history, your family and think
14 about building a hotel in the backyard of your own
15 family and how safety or safe or how many issues
16 you may have or how many concerns you may have.

17 Thank you.

18 SUPERVISOR SALADINO: Excuse me?

19 Can I just get your name again?

20 MS. GOU: Grace Gou.

21 I want to thank you for acting so
22 professionally and maturely when you came up to
23 speak. That's the perfect example that I believe
24 everyone in the room should follow.

25 Thank you.

1 SUPERVISOR SALADINO: Who would like to
2 be heard next? Anyone? Would anyone like to be
3 heard next on this?

4 Gentlemen, the problem we have here, as
5 you know, when you deal with these issues in court,
6 is that there is a process in place. Allowing you
7 to come up again would be very unfair to everyone
8 else in the room. I'm sure you would say to me --
9 I'm assuming you would say to me, so let them come
10 back again. We still haven't gone through the Town
11 calendar yet and we've been listening for some four
12 hours.

13 (Whereupon, someone speaks in the
14 audience.)

15 SUPERVISOR SALADINO: It's not rebuttal
16 between you and the other speakers in the room.
17 That's not the way the system works. We heard
18 from --

19 (Whereupon, someone speaks in the
20 audience.)

21 SUPERVISOR SALADINO: Excuse me.

22 COUNCILMAN IMBROTO: It does not, sir.

23 SUPERVISOR SALADINO: I would love to
24 listen to you more, but then everyone else is going
25 to want to go for a second time and that's hours

1 into this because we've been here -- remember this
2 is the second time you've spoken here because you
3 spoke at the other hearing and we listened to you
4 there as well.

5 (Whereupon, someone speaks in the
6 audience.)

7 SUPERVISOR SALADINO: Why don't you do
8 this? I see a gentleman raising his hand that has
9 not spoken yet.

10 I'm going to ask you to bring that
11 issue up with our Town Attorney, Mr. Nocella and
12 see if you can convince him, attorney to attorney,
13 he knows the rules of decorum and he know the rules
14 of parliamentary procedures of our operations. So
15 I'm going to suggest to you right now to go say
16 hello to Mr. Nocella and see if you can convince
17 him on the law.

18 Sir, would you kindly come forward?

19 UNKNOWN SPEAKER: Good evening,
20 everyone.

21 Thank you for the opportunity for me to
22 speak on behalf of my neighborhood area.

23 I would like to repeat whatever -- what
24 the previous resident has repeated about the safety
25 and the value of the area. I think there are a lot

1 of conversations about focussing on the money, the
2 interest that building such a hotel is bringing
3 into this school district, about the look from the
4 other side. I'm glad people also talk about safety
5 but look from the value side. We're not just
6 talking about the money. We're talking about the
7 value of the Town, value of the area.

8 So, building the hotel, yes, it
9 generates some tax or maybe pay the school district
10 some money to make them happy, but, however, that
11 is -- we already heard people's concern, it's
12 hurting the life and also hurting the safety --
13 hurting young students, so if they really care
14 about generating value, not just money to the
15 school district, they should really take into
16 consideration the feeling of the residents, the
17 feeling of the young students, and the safety of
18 the young students. So that's point one.

19 Another thing we were also talking
20 about the value and building the hotel will create
21 jobs and will generate taxes maybe for Town of
22 Oyster Bay; however, that's money side, but looking
23 from value side, the union -- honestly speaking,
24 they are asking all of you to vote against one of
25 the local residence area. This time, it's Jericho.

1 Next time, it could be you, in your backyard.

2 Please everyone I want you to hold up the living
3 standard, the value of the Town, not just talking
4 about money, short-term money.

5 Thank you, everyone.

6 SUPERVISOR SALADINO: Thank you.

7 Was there someone else who put their
8 hand up who would like to be heard? Anyone?

9 (Whereupon, someone speaks in the
10 audience.)

11 SUPERVISOR SALADINO: Excuse me, ladies
12 and gentlemen.

13 I'm going to ask the Town Attorney to
14 discuss the procedure, please.

15 MR. NOCELLA: Yes.

16 The presenter of the actual proposal at
17 the conclusion of comments he has the opportunity
18 to make his closing remarks.

19 SUPERVISOR SALADINO: I'm going to ask
20 for something else before you do that and I'm going
21 to ask that Commissioner MacCarone come up for a
22 moment, please.

23 Thank you.

24 COMMISSIONER MACCARONE: Yes.

25 SUPERVISOR SALADINO: Commissioner,

1 earlier I asked Deputy Commissioner George Baptista
2 to come up to explain part of the SEQR process.

3 I'm not sure everyone in the room
4 understands how intensive a process we undergo in
5 here between your department and the Department of
6 Environmental Resources.

7 Without making it too lengthy -- the
8 hour is late -- can you give us just an overview of
9 how many steps go on just to get to the process of
10 the environmental review?

11 COMMISSIONER MACCARONE: Well, when an
12 application is submitted for the Special Use
13 Permit --

14 SUPERVISOR SALADINO: One like this.

15 COMMISSIONER MACCARONE: -- one like
16 this one to the Director of Legislative Affairs,
17 the package or the application is submitted both to
18 the Department of Planning and Development and to
19 the Department of Environmental Resources, and it's
20 a parallel track that takes place.

21 And with that the Planning Department
22 -- we are charged with reviewing the application.
23 Everything that's on site on the property: The
24 parking, the setbacks, the landscaping, the
25 lighting, the elevations and so forth.

1 Environmental, at the same time, they
2 are looking at whatever impacts may be to the
3 property or the application involved in regards to
4 the environmental review and offsite impacts as
5 well; traffic offsite, as well as water usage, all
6 the item that Mr. Baptista spoke about.

7 So those two procedures are following a
8 parallel track. At the same time, because this
9 property abuts a New York State road, New York
10 State DOT, they also weigh in on the application.

11 So there is different processes that
12 are following at the same time.

13 SUPERVISOR SALADINO: Are they
14 intensive processes?

15 COMMISSIONER MACCARONE: Yes, they are.

16 SUPERVISOR SALADINO: Can you give us
17 an idea just from the perspective of just your one
18 Department of Planning and Development or Building
19 Department, how many employees have worked on this,
20 how long has it been since the application was
21 presented and how many employee hours?

22 COMMISSIONER MACCARONE: I'm not sure
23 in terms of when the application was submitted
24 because I've been in the department two years and
25 it might have been submitted -- actually, I believe

1 it was submitted shortly, thereafter, when I began
2 my tenure at Planning and Development.

3 SUPERVISOR SALADINO: So,
4 approximately, two years.

5 COMMISSIONER MACCARONE: Two years.

6 I believe it was submitted in March of
7 2017; however, there were prior meetings and so
8 forth before the formal submission.

9 So from March of 2017 until the
10 beginning of the Fall of 2018, I believe at that
11 point it was referred to the Town Board for a
12 hearing to be scheduled.

13 Please keep in mind, this application
14 was originally submitted as a four-story hotel in
15 the general business zone.

16 SUPERVISOR SALADINO: And what is it
17 now?

18 COMMISSIONER MACCARONE: It is a
19 three-story hotel building in the general business
20 zone.

21 The applicant originally wanted to go
22 for a height variance and story variance to the
23 Zoning Board of Appeals and my department, through
24 the planning process, we would not support that
25 application of a four-story building in the general

1 business zone. So, there was a lot of discussion
2 regarding that.

3 Ultimately, the applicant did submit
4 revised plans to reduce the building to the
5 required height and stories in the general business
6 zone.

7 SUPERVISOR SALADINO: Did they also
8 agree to changes in the grading to bring the level
9 of the building down lower?

10 COMMISSIONER MACCARONE: Yes.

11 So, at the rear of the property the --
12 I don't know the exact numbers, but the grade will
13 be dropped so that the first floor of the building
14 is more or less below grade or below the Merry Lane
15 homes, so that from their elevation, it will be
16 approximately a two-story hotel because the first
17 floor will be below grade.

18 SUPERVISOR SALADINO: Has the applicant
19 agreed to other grading initiatives like a berm on
20 the rear of the building?

21 COMMISSIONER MACCARONE: Yes.

22 There is going to be a retaining wall
23 at the rear property line as well as a berm and
24 additional screening, a dense vegetation along that
25 rear property line.

1 SUPERVISOR SALADINO: Approximately,
2 what will the height of that berm be in total over
3 the height of the street that is behind the
4 property, the residential street?

5 COMMISSIONER MACCARONE: It varies from
6 different portions. You know, anywhere -- well,
7 the retaining wall will vary from -- anywhere from
8 10 to 12 feet, and then the trees that are going to
9 be planted, our code requires five to six-foot high
10 trees at the time of planting; however, the
11 applicant has agreed to plant trees varying from 8
12 feet to 12 feet, so there will be more mature trees
13 that are going in.

14 SUPERVISOR SALADINO: So if you have a
15 12-foot berm and a 12-foot tree when it first goes
16 in, you're talking about 24 feet?

17 COMMISSIONER MACCARONE: Well, you have
18 to remember, the top of the retaining wall is going
19 to be at the level of the residents because it's
20 lower on the hotel property.

21 SUPERVISOR SALADINO: How does that
22 compare to the residential street that is behind
23 it?

24 COMMISSIONER MACCARONE: So the trees
25 will be -- I believe the retaining wall is at the

1 elevation of the rear of the Merry Lane residences
2 and then the berm will be there and the trees on
3 top.

4 SUPERVISOR SALADINO: So, when you take
5 into account the berm on top of that, the trees on
6 top of that and that screening fence, what height
7 will that reach in total as compared to the
8 residential street?

9 COMMISSIONER MACCARONE: If you're
10 standing in the parking lot of the hotel, it will
11 be much higher, but it's not at the residential
12 section.

13 But you have to also keep in mind, in
14 the general business zone, the required rear yard
15 is 20 feet which typically a hotel, the building
16 could be 20 feet off that rear property line. The
17 hotel, I believe, is at 83 feet from the rear
18 property line.

19 SUPERVISOR SALADINO: The minimum
20 allowed was 20.

21 COMMISSIONER MACCARONE: Right.

22 SUPERVISOR SALADINO: And they proposed
23 a footprint that is 83 feet.

24 COMMISSIONER MACCARONE: The building
25 will be 83 feet from the property line. Then also

1 take into consideration on the Merry Lane side, in
2 the zone -- the residential zone they're in,
3 they're required to have a 25 foot setback. So 83
4 plus 25 to the rear of their homes is, you know,
5 over 100 feet.

6 SUPERVISOR SALADINO: Can you speak to
7 us about covenants and restrictions as they relate
8 to uses on the premises?

9 COMMISSIONER MACCARONE: I'm sorry, I
10 didn't hear the last sentence.

11 SUPERVISOR SALADINO: Can you speak to
12 us about the covenants and restrictions as they
13 relate to uses on the premises?

14 For instance, do they allow catering?

15 COMMISSIONER MACCARONE: For the hotel,
16 no. There is no catering, no party room and so
17 forth. It is strictly a hotel with an office to
18 support the hotel staff.

19 SUPERVISOR SALADINO: An office to
20 support the hotel staff?

21 COMMISSIONER MACCARONE: Right.

22 SUPERVISOR SALADINO: Will they have
23 amenities like computers, computer workstation
24 area? Some hotels -- Marriotts have business
25 stations.

1 COMMISSIONER MACCARONE: I'm not
2 specifically sure, but most likely. I mean, that
3 would be a question for --

4 SUPERVISOR SALADINO: I will be asking
5 them that.

6 I'm determining if people there would
7 have a necessity to use the library if they had the
8 internet and computer stations right there on
9 premises.

10 COMMISSIONER MACCARONE: I can only
11 talk about personal going to hotels, all hotels
12 more or less, offer computer services on the
13 property.

14 SUPERVISOR SALADINO: When we spoke
15 about the density of trees at that location, could
16 you give us a sense of what that means in density
17 in terms of screening?

18 COMMISSIONER MACCARONE: We took very
19 strong steps to make sure that the rear of the
20 property was densely screened to provide a buffer
21 to the residents behind.

22 SUPERVISOR SALADINO: Is it similar to
23 the buffers we've used in other --

24 COMMISSIONER MACCARONE: Yes, it is.

25 SUPERVISOR SALADINO: -- that

1 contractors have built in other locations?

2 COMMISSIONER MACCARONE: Yes, it is.

3 SUPERVISOR SALADINO: Has that been
4 successful from your experience?

5 COMMISSIONER MACCARONE: Yes.

6 SUPERVISOR SALADINO: In terms of
7 residence as well as the business owners in the
8 area?

9 COMMISSIONER MACCARONE: Yes.

10 SUPERVISOR SALADINO: In other
11 locations?

12 COMMISSIONER MACCARONE: Yes.

13 SUPERVISOR SALADINO: Okay.

14 And can you just tell us a little bit
15 about -- before I bring Mr. Baptista up, can you
16 tell us a little bit more about the intensity of
17 the SEQR report that the Town must produce
18 independent of the applicant?

19 COMMISSIONER MACCARONE: I feel that he
20 should answer through Department of Environmental
21 Resources because that comes out of that
22 department.

23 SUPERVISOR SALADINO: I understand that
24 and I'm going to bring him up next.

25 I just want to -- from your experience

1 of the Building Department because you're familiar
2 with it --

3 COMMISSIONER MACCARONE: Yes. It is a
4 very thorough review. There's comments that go
5 back and forth. It to -- it went through a process
6 of a year and a half -- a little over a year and a
7 half before it even was referred to the Town Board.
8 So this was not an application that just came in.

9 The applicant submits their plans and
10 we recommend and refer over to this department. It
11 went through a very thorough review, both in the
12 Planning Department as well as Environmental
13 Resources.

14 SUPERVISOR SALADINO: And to date, this
15 has taken at least two years to reach this point?

16 COMMISSIONER MACCARONE: Two years.

17 SUPERVISOR SALADINO: Anything else you
18 can add to this, Commissioner?

19 COMMISSIONER MACCARONE: Nope.

20 SUPERVISOR SALADINO: Thank you very
21 much.

22 MR. McKENNA: You didn't ask her about
23 the code violations.

24 SUPERVISOR SALADINO: Sir, I won't put
25 up with that.

1 MR. McKENNA: You didn't ask her about
2 the code violations.

3 SUPERVISOR SALADINO: I'm going to ask
4 you to behave like every other resident in a mature
5 and respectful way.

6 I'm going to ask George Baptista,
7 Deputy Commissioner of DER, to please come forward.

8 COUNCILMAN BAPTISTA: George Baptista,
9 Deputy Commissioner of Department of Environmental
10 Resources.

11 Good evening, again, Supervisor, Town
12 Board Members.

13 SUPERVISOR SALADINO: It's after
14 11:00 p.m. but I still believe it's important for
15 the residents and the public and everyone watching
16 and engaged in this to understand how intensive the
17 process is.

18 There were comments and questions asked
19 about what we do from an independent perspective in
20 terms of environmental impacts.

21 Without going on too long, George, if
22 you could just summarize for us. This process has
23 taken two years from the time they brought their
24 application to tonight.

25 Can you give us --

1 COUNCILMAN BAPTISTA: Certainly.

2 The SEQR process is a collaborative
3 process in the sense that the applicant gives us
4 what they believe their project should be.

5 In this instance, over two years have
6 gone by where we've exchanged comments and we've
7 exchanged, in all honesty, criticisms of certain
8 aspects of their application, and each of those
9 instances, they've made corrections to mitigate
10 potential impacts to the environment.

11 That is the crux of exactly how this
12 processes works. Every application, there is an
13 entire SEQR guide book that guides us, gives us
14 specifications that we follow.

15 In this instance, that was done. It
16 was done well. And to prove that point, just this
17 last April, the Nassau County Department of Public
18 Works Planning Commission issued a letter relative
19 to this project, and as part of that submission the
20 applicant submitted our environmental review.

21 The Planning Commission goes on to say
22 that they expressed support of the hotel as a
23 complementary and important component of the
24 Milleridge complex which I believe is a validation
25 of our entire review.

1 So we have that independent, if you
2 will, validation of our review. If I can just take
3 the liberty now, somebody came up earlier, I forget
4 his name and he pointed out that the Marriott
5 Residence is somehow qualified as residential unit.

6 New York Codes, Rules and Regulations
7 617.2, Paragraph AF defines -- and I'll paraphrase
8 it -- as a residential unit, a permanent habital
9 space. Specifically, going on to say it does not
10 include hotels. It does not include hospitals. It
11 does not include things like convalescent homes.

12 SUPERVISOR SALADINO: Thank you.

13 Can you give us a sense of how many
14 hours your department has put in or perhaps how
15 many people and the time, how many weeks and
16 months?

17 COUNCILMAN BAPTISTA: Supervisor, the
18 staff is small.

19 I'm not going to tell you it's not, but
20 they are extraordinarily experienced in this
21 particular field, and I will tell you that she's
22 probably the best in the field notwithstanding what
23 others have said.

24 I would tell you easily in excess of
25 60, 70 hours, if not more have gone into reviewing

1 this particular application.

2 SUPERVISOR SALADINO: And have we
3 followed all the guidelines that are set forth by
4 New York State?

5 COUNCILMAN BAPTISTA: Without doubt,
6 Supervisor.

7 SUPERVISOR SALADINO: Is there anything
8 else you would like to add to give us more insight
9 on this application and your process?

10 COUNCILMAN BAPTISTA: No, Supervisor.
11 I think we're good.

12 SUPERVISOR SALADINO: Thank you, Deputy
13 Commissioner.

14 Does anyone else have any questions, by
15 the way, for the Deputy Commissioner?

16 Mr. Weber?

17 THE STENOGRAPHER: A break?

18 SUPERVISOR SALADINO: As soon as he's
19 done, yes.

20 If you don't mind, how long will you
21 need?

22 I was only going to take three minutes
23 but --

24 THE STENOGRAPHER: That's fine.

25 SUPERVISOR SALADINO: Thank you.

1 MR. WEBER: Thank you, Supervisor and
2 Members of the Board.

3 It's been an extraordinary process. I
4 commend you and thank you for the opportunity. We
5 had an extensive public hearing -- a many hour
6 public hearing and then tonight you sat and you
7 listened to many, many comments and we all thank
8 you for that, for the time you put into this and
9 the thoughtful consideration on the application.

10 What I want to say is most importantly,
11 every single one of the points that was raised
12 tonight by the residents regarding security,
13 regarding parking, regarding other environmental or
14 site specific issues, were all answered -- not only
15 during the multi-year review, which you heard about
16 but also at the public hearing.

17 We had our real estate expert. We had
18 our traffic and parking expert. We had our civil
19 engineer testify and the project architect testify
20 to every single one of those issues with
21 specificity and all of those were already asked and
22 answered.

23 But, most importantly, tonight we heard
24 about the school district and we know how well
25 respected the Jericho School District is. I want

1 to remind you the Jericho School District has a
2 letter of support for this application in the file.

3 The library was mentioned tonight as
4 being a very important community resource. We
5 learned that through this process and sat with the
6 library administration. They are not opposed to
7 this project. They have taken no official position
8 on this project. They asked excellent questions
9 also about traffic and parking.

10 Why parking? Because when they have
11 day trips, they ask the people who go to the
12 library for their day trips to park on the street.
13 Why are there cars on the street? It's because of
14 the people that are going on the day trips to the
15 library. They wanted to make sure that that would
16 not be disturbed. We have an excellent ongoing
17 dialogue with the library.

18 I also want to let you know we've heard
19 about business organizations supporting the
20 application. The Long Island Builders Institute
21 and the Association for a Better Long Island and
22 the Long Island Association and the New York State
23 Hospitality and Tourism Association. The Jericho
24 Fire District supports the application. The Nassau
25 County PBA supports the application. The

1 Hicksville Chamber of Commerce supports the
2 application. We have letters of support for the
3 application from a vast number of sports leagues in
4 the Town of Oyster Bay. Igloo Lacrosse, Hicksville
5 Baseball, League of Yes, BQE Soccer Partners and
6 Recon Lacrosse. We have signed petitions with
7 addresses from almost 1,000 Oyster Bay residents
8 and a total of over 2,500 signed petitions in
9 support.

10 We spent, as you had heard, we spent a
11 lot of time working on the plan, reducing the hotel
12 from four floors to three floors, adding the
13 landscaping, bringing -- looking at the parking,
14 implementing a valet parking plan for peak times.
15 We've attempted to address, and I believe
16 successfully addressed, every single issue raised
17 both through the review and through the public.

18 So again, I thank you for your time.

19 SUPERVISOR SALADINO: Just a few quick
20 questions, please.

21 MR. WEBER: Sure.

22 SUPERVISOR SALADINO: A few quick
23 questions, please.

24 Our Commissioner spoke before about
25 covenants and restrictions.

1 Are you agreeing and is the applicant
2 agreeing to restrictions on no catering and no
3 conventions?

4 MR. WEBER: Yes, absolutely.

5 COUNCILMAN IMBROTO: And regarding the
6 valet parking plan?

7 MR. WEBER: Yes, absolutely, and in
8 addition, I'll also mention, there is a covenant
9 restriction regarding security, which we've also
10 agreed to.

11 SUPERVISOR SALADINO: What does that
12 one involve?

13 MR. WEBER: So that one, we have said
14 there will be overnight security -- manned
15 overnight security, seven days a week at the hotel.

16 Now, at the hotel, we'll have employees
17 and front office staff, but there will be
18 additional security overnight seven days a week.

19 SUPERVISOR SALADINO: Will there be
20 cameras at the location?

21 MR. WEBER: Yes.

22 SUPERVISOR SALADINO: Will everyone
23 coming or going into the building be captured on
24 camera?

25 MR. WEBER: Interior to the building,

1 that, I don't know.

2 SUPERVISOR SALADINO: To the front,
3 coming into the front?

4 MR. WEBER: The front, yes.

5 SUPERVISOR SALADINO: What about on the
6 side of the building, the north side which is the
7 ingress and egress into the community through that
8 fence?

9 MR. WEBER: So, currently, it's
10 proposed as a walking path and it's currently a
11 walking path now, so that won't change. The access
12 is going to remain the same for walking but, yes,
13 there will be cameras in the parking lot making
14 sure that the entirety of the hotel from all four
15 sides is secure.

16 SUPERVISOR SALADINO: Do you agree to a
17 camera specifically at that location on the north
18 side --

19 MR. WEBER: Yes.

20 SUPERVISOR SALADINO: -- to provide the
21 residents with a strong sense of security that
22 anyone coming or going, day or night would be
23 captured on camera?

24 MR. WEBER: That's a very reasonable
25 request.

1 The answer is yes.

2 SUPERVISOR SALADINO: What about the
3 berm and the density of the evergreen plantings?

4 MR. WEBER: So, as the Commissioner had
5 stated, the berm is going to be -- proposed
6 approximately 49 evergreen tree is going to be
7 proposed now approximately 49 evergreen trees that
8 are going to be planted at 9 to 10 feet tall.
9 That's what we agreed to plant along the top of
10 that berm.

11 SUPERVISOR SALADINO: How high will
12 that berm be in terms of the residents who live in
13 that area? Will it mask the view angles from the
14 majority of the windows?

15 MR. WEBER: Yes, that is correct.

16 SUPERVISOR SALADINO: How will it
17 accomplish that?

18 MR. WEBER: It will accomplish that
19 starting at the 10 feet and growing two feet per
20 year. Those are evergreen three and they don't
21 ever lose their leaves. They keep their leaves on
22 all yearlong.

23 SUPERVISOR SALADINO: And they'll be
24 placed at the peak of the berm increasing in
25 height?

1 MR. WEBER: That's correct, yes.

2 SUPERVISOR SALADINO: What about the
3 screening?

4 MR. WEBER: That berm -- those
5 evergreen trees will be the screening.

6 SUPERVISOR SALADINO: Will there be any
7 fencing involved?

8 MR. WEBER: No. There will be no
9 fencing involved.

10 SUPERVISOR SALADINO: If the residents
11 at a later date ask for fencing because if they
12 don't feel that that's secure enough, will the
13 applicant --

14 MR. WEBER: Absolutely.

15 SUPERVISOR SALADINO: So you said no
16 catering ever, no conventions, no parties?

17 MR. WEBER: That's exactly right.

18 The purpose is a limited service hotel.
19 The purpose is to support the operation of the
20 Milleridge and the events of the Milleridge and to
21 also help support the businesses that need a
22 business hotel. So there's no event space.
23 There's no catering space. And there's no third-
24 party restaurant.

25 SUPERVISOR SALADINO: Will they be

1 offering any kind of work space that has internet
2 access?

3 MR. WEBER: Hotels generally have WiFi
4 access in the library and this hotel will have a
5 few computers -- again, for a business traveller
6 it's really geared towards a business traveler and
7 also families as well. You know, sports teams that
8 come and stay there. I have personal experience
9 with that where the kids will congregate around
10 some computers in the lobby. So that's a nice
11 amenity for the people staying in the hotel.

12 SUPERVISOR SALADINO: Will they provide
13 enough so it becomes a reasonable alternative to
14 going to the library?

15 MR. WEBER: Absolutely.

16 SUPERVISOR SALADINO: Enough stations
17 for --

18 MR. WEBER: Absolutely.

19 SUPERVISOR SALADINO: And there's
20 internet service in the rooms as well?

21 MR. WEBER: Yes. There's internet
22 service in the rooms and, of course, internet
23 activity throughout the lobby.

24 SUPERVISOR SALADINO: Is there anything
25 else you can tell us to give us a better idea, give

1 us a sense of calm, provide information to the
2 residents on this in terms of the security and the
3 items that were mentioned this evening?

4 MR. WEBER: No.

5 I mean, again, we've spent a lot of
6 time and we didn't have -- we heard at the public
7 hearing the concerns. We had many discussions with
8 civic associations and many members of the
9 community, even in advance of the public hearing.

10 So all of these things in addition to
11 those, Mr. Supervisor, that you asked for now, all
12 of those issues regarding the access between Merry
13 Lane and the hotel and the valet parking plan, all
14 of these things were implemented and put in place
15 based on both Town review and public comment.

16 SUPERVISOR SALADINO: Thank you.

17 MR. WEBER: Thank you.

18 SUPERVISOR SALADINO: At this time,
19 we're going to take a ten-minute recess to give our
20 stenographer a much-needed break.

21 Thank you.

22 (Whereupon, a recess was taken at
23 11:22 p.m. and the hearing resumed at 11:45 P.M.)

24 SUPERVISOR SALADINO: Can I have your
25 attention, please?

1 We have a Resolution on the floor, and
2 after very considerable time spent listening to the
3 public, it is time to now take a vote.

4 (Whereupon, someone speaks in the
5 audience.)

6 SUPERVISOR SALADINO: You have not yet
7 spoken yet this evening? Please come up.

8 (Whereupon, someone speaks in the
9 audience.)

10 SUPERVISOR SALADINO: Excuse me, sir.

11 MS. GAO: Regarding the Kimco -- Kimco
12 blueprint, we don't see the conference room. We
13 don't see spa. We don't see fitness center. Just
14 room after room with outside pool. So, this is not
15 a hotel. This is a motel. So why say hotel? What
16 about the code violations they didn't tell us? So,
17 we need this answer.

18 SUPERVISOR SALADINO: I am going to ask
19 our Town Attorney to please come forward.

20 MR. ALTADONNA: Supervisor, could we
21 just have her name for the record and address?

22 SUPERVISOR SALADINO: May we have your
23 name and address, ma'am?

24 MS. GAO: My name is Gao. I live in
25 Jericho.

1 SUPERVISOR SALADINO: We're going to
2 ask you to slow that down and would you mind
3 spelling that, please, your first and last name.

4 MS. GAO: M-I-N-H-U-A, last name,
5 G-A-O.

6 SUPERVISOR SALADINO: Your address
7 please for the record?

8 MS. GAO: 99 Maiden Drive, Jericho.

9 SUPERVISOR SALADINO: Thank you.

10 MR. NOCELLA: Good evening, Supervisor.

11 SUPERVISOR SALADINO: Okay. So,
12 there's been a question in regard to violations at
13 the site.

14 Would you please address this from a
15 legal standpoint to provide the Board and,
16 obviously, the public giving insight on what we can
17 and cannot do?

18 MR. NOCELLA: Absolutely.

19 This is an application. It's a site
20 plan that is seeking a particular approval for
21 proposal. It is not an application for a permit.
22 It is a use variance that is being sought. It is a
23 site plan that has been submitted for variance
24 purposes and land use purposes before the Board.
25 It doesn't fall into a category where violations

1 that may or may not exist and that are currently
2 outstanding and either not resolved or not fixed
3 would preclude consideration of the merits of this
4 particular case.

5 This application has to be considered
6 in and of itself without regard to whether or not
7 there are any other violations on other properties
8 that may exist.

9 By that, I mean, other structures that
10 may exist on a particular contiguous site.

11 SUPERVISOR SALADINO: So are you
12 suggesting that we must make our decision only on
13 the merits of the application?

14 MR. NOCELLA: That's exactly what I'm
15 saying, yes.

16 SUPERVISOR SALADINO: Does anyone else
17 have any questions?

18 (No verbal response given.)

19 SUPERVISOR SALADINO: Thank you, sir.

20 MR. NOCELLA: You're welcome.

21 SUPERVISOR SALADINO: I know I asked
22 this before, but I want to be thorough.

23 Is there anyone else who has not been
24 heard who would like to be heard on this
25 application?

1 (No verbal response given.)

2 SUPERVISOR SALADINO: Please let the
3 record reflect that no one has raised their hand.

4 May the Town Clerk please proceed.

5 MR. ALTADONNA: I'm calling for the
6 vote on Resolution 269 only.

7 On the vote, Supervisor?

8 SUPERVISOR SALADINO: After careful
9 consideration, listening to our residents on two
10 occasions now, the hearing date and then this
11 evening's Board meeting, ensuring that we had as
12 many residents as possible listening to their
13 concerns, listening to the data provided us from
14 our own department, experts including our
15 Commissioner of the Building Department and our
16 Deputy Commissioner of Department off Environmental
17 Resources. We asked questions and learned that
18 there are covenants and restrictions that will be
19 put in place that will not allow any catering on
20 the site, that will not allow any conventions on
21 the site. We've been told that the setback is some
22 83 feet when they only require 25. That a berm
23 will be built. That dense evergreen plantings will
24 be put in place to block the view. We've been
25 informed that the building will be only three

1 stories rather than the four they originally asked
2 for, and that they will grade the site to bring the
3 building lower so that first floor will not be in
4 view at all from the street and that the berm and
5 plantings as they grow will take away from the view
6 of the second or third floors.

7 We've listened to information about
8 safety concerns. There will be someone through the
9 covenants and restrictions bound a security guard
10 at all times on the premises. We've been told that
11 there will be security cameras which will record
12 everyone who comes in and out of the front door and
13 I specifically asked on the side that provides
14 ingress and egress to the residential area that the
15 vast majority of our residents are here -- who are
16 here live in and that there will be a video camera
17 so that no one can come through that area into the
18 premises or out without being recorded on camera.

19 We've learned about other aspects of
20 this application including meeting with community
21 leaders, people at the library and many others.

22 After listening carefully to residents
23 and to the concerns and listening to the data, I
24 vote "Yes."

25 (Whereupon, someone speaks in the

1 audience.)

2 MR. ALTADONNA: Councilman Muscarella?

3 COUNCILMAN MUSCARELLA: Yes.

4 MR. ALTADONNA: Councilman Macagnone
5 has abstained, right?

6 COUNCILMAN MACAGNONE: No.

7 I recused myself. Not abstain.

8 MR. ALTADONNA: Councilwoman Johnson
9 has recused as well?

10 COUNCILMAN MUSCARELLA: Correct.

11 MR. ALTADONNA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: I also vote "Yes."

13 MR. ALTADONNA: Councilman Hand?

14 COUNCILMAN HAND: "Aye."

15 MR. ALTADONNA: Councilman Labriola?

16 COUNCILMAN LABRIOLA: I've reviewed the
17 complete record of the proceedings. I've watched
18 the video recording, read the transcript and the
19 petition and all correspondence, I vote "Aye."

20 MR. ALTADONNA: Motion carries with
21 one, two, three, four, five "Ayes" and two
22 "Recusals."

23 You have speakers on the other
24 Resolutions, I believe.

25 SUPERVISOR SALADINO: Yes, we will

1 proceed to the -- so, we will now proceed to the
2 regular Action Calendar.

3 We have some speakers on Resolution 281
4 and I would like to ask them now to come forward so
5 that we may -- so that we may hear them on this
6 Resolution.

7 COUNCILMAN IMBROTO: Why don't we give
8 a chance for the room to clear out?

9 (Whereupon, the room clears out.)

10 MR. BAIRD: Boy, you really know how to
11 clear a room.

12 SUPERVISOR SALADINO: So, we have a
13 Resolution 281 which relates to 59 Stillwater
14 Avenue.

15 COUNCILMAN IMBROTO: I don't know --
16 did we call those Resolutions?

17 SUPERVISOR SALADINO: We called them
18 all, so I'm going to separate this out and give an
19 opportunity for the public to leave and then I'm
20 going to ask Frank Baid or Bard.

21 MR. BAIRD: Baird.

22 SUPERVISOR SALADINO: And is Glen
23 Basset here?

24 I assume we'll do them one by one,
25 starting with Mr. Baird.

1 Now, this relates to 59 Stillwater
2 Avenue, the application at that location.

3 MR. BAIRD: Again, my name is Frank
4 Baird. I reside at 64 Ripplewater Avenue in
5 Massapequa 11758.

6 I've lived there for almost forty years
7 on that canal. I'm also a merchant mariner by
8 background, retired lieutenant in the Navy, as well
9 as third mate in the Merchant Marines.

10 So, between myself and some of my
11 neighbors, Dick Schoolee, who is sitting over here,
12 we have an awful lot of experience maritime wise;
13 safety being a big issue, something that was
14 ingrained in us when training; Dick at Kings Point
15 and myself at New York State Maritime College.

16 It is something that I have carried
17 through pretty much my whole life. My family knows
18 that and my neighbors are probably aware of it.

19 So the biggest issue that we have with
20 the proposed -- different things that our new
21 neighbor is looking to do, is not necessarily
22 against him. We have nothing -- this guy seems to
23 be a very nice, guy even though I can't pronounce
24 his first name, but he is -- I think he is
25 businessman, a local businessman. Probably a lot

1 people in this room know him. So I have nothing
2 against him personally. I wish him the best of
3 luck and, hopefully, we can work this out, but the
4 biggest fear we have is this floating dock.

5 The problem with the floating dock --
6 first of all, it will be the first one on the canal
7 in the forty years that I lived there, but it is
8 also because it is setting a precedent.

9 The canal has gotten narrower and
10 narrower over the years because of the continued
11 building of new bulkheads. That creates another
12 problem when especially the canals getting narrower
13 and boats are getting wider.

14 Back in the day when the law was
15 written where you were allowed to get -- use one-
16 quarter of the width of the canal for your purpose,
17 boats back then you didn't have a 40-foot
18 Chriscraft, that was 12-foot wide. Now, you have
19 40-foot anything, it's probably now 16-feet wide.
20 Our boats are anywhere from 12 to 14 feet.

21 If the encroachment on that canal gets
22 any worse, there's going to be problem. One of the
23 other issues which I was told may have already been
24 resolved is a jet ski lift that he's going to put
25 in.

1 Originally, it was planned to be going
2 straight out into the canal which would come out 12
3 feet. That is metal, aluminum probably, but in any
4 case, that would dangerous, because if a boat winds
5 up brushing up against it, it could actually damage
6 the hull and possibly puncture a fuel tank or
7 something.

8 So, he has kind of, on the side,
9 possibly agreed to turn it which is a great idea,
10 so that, hopefully, eliminates that whole issue.

11 But it really comes down to the
12 floating dock. How -- and the reason being that's
13 it's only 6-foot wide, but if you put a boat
14 alongside of it, he's going to be -- it would be
15 more than 12 foot possibly as far as 14 or 15-foot
16 depending on the beam on that boat out into the
17 middle of the canal.

18 Good forbid the person on the other
19 side does something, he's also going to have an
20 issue. Now, no one's getting down the canal or
21 with a crosswind, someone's going to be banging
22 into something. So, that's really our primary
23 concern.

24 Going forward, other neighbors start to
25 do it, this gets approved. Going forward other

1 neighbors start to do the same thing, we're going
2 to be on a lake, not a canal. So, we appreciate
3 your consideration.

4 By the way, thank you all for your
5 service.

6 SUPERVISOR SALADINO: You're very
7 welcome.

8 Thank you for patience and waiting
9 around tonight.

10 Glen Bassett.

11 MR. BASSETT: Glen Bassett, 68 Ripple
12 Water Avenue, Massapequa New York 11758.

13 Thank you very much all of you for
14 allowing us to come forward.

15 As Frank just said, sorry, I have --
16 the problem here is a safety issue.

17 As we narrow the canal and the boats
18 going north and south coming down this canal,
19 they're restricted now.

20 Over the course of time through, as
21 Frank has said, the canal has shrunk because of the
22 bulkheads. Everybody replaces them.

23 The house in question, his bulkhead is
24 three feet almost more into the canal than the
25 original bulkhead was. Not his fault. It wasn't

1 done by him, but the fact is at some point the
2 canal was only 47 feet wide. So putting a floating
3 dock in and a boat next to it -- and supposed the
4 neighbor behind on the other side wants to add
5 floating dock. Now, we have a pathway. It's no
6 longer a right of way for boats. This is an
7 accident waiting to happen. God forbid one boat
8 hits another, as Frank said, punctures a fuel tank.
9 Now, we have really a problem. There was another
10 question that was raised about the handicap. On
11 this canal, there are two homes. One is five doors
12 away. They have an outside wheelchair lift for
13 people to get in. It's a very nice home. It was
14 just built. Down the block, south of that, is
15 another home that has an outside wheelchair lift.
16 It's on Osprey and Stillwater Avenue. You could
17 easily have it outside. There's no reason for a
18 floating dock for people who are handicapped to
19 have to have that.

20 Thank you very much for your time. I
21 appreciate it.

22 SUPERVISOR SALADINO: Thank you very
23 much.

24 Are there any other residents besides
25 the applicant who would like to be heard on the

1 issue at 59 Stillwater Avenue, the application?

2 (No verbal response given.)

3 SUPERVISOR SALADINO: No?

4 Let the record reflect that no one else
5 has raised their hand, so then let's hear from the
6 applicant, Adon Austin.

7 MR. AUSTIN: Good evening.

8 SUPERVISOR SALADINO: Good evening.

9 MR. AUSTIN: Superintendent, Board
10 Members, I am the resident and homeowner, Adon
11 Austin, spelled A-D-O-N, A-U-S-T-I-N,
12 59 Stillwater. I'm also a licensed professional
13 engineer.

14 I'm the owner of Rising Tide Waterfront
15 Solutions who prepared the permit application and
16 the drawings that have been reviewed by the Town
17 Planning and Regulatory.

18 Those drawings and plans were also
19 reviewed by the Federal Government, the US Army
20 Corps of Engineers who deemed them to be safe.
21 They were reviewed by the Department of State who
22 found it to be consistent with other waterfront in
23 the State of New York. Office of General Services,
24 who determined that, in essence, you guys, and the
25 State own the water and the DEC who, as part of

1 their permit, also did a navigational review and
2 found it to be navigatable.

3 So I would like to address some of the
4 statements that were made by my neighbors, and I do
5 agree, unfortunately, we're here today, they are my
6 neighbors and we're going to get past this.

7 It is common practice that a canal has
8 25 percent of the width on one side allocated to
9 docking for the one homeowner, 25 percent of the
10 width on the opposite side allocated to docking for
11 the opposite, and 50 percent of the width allocated
12 for what's called the fairway.

13 In boating terms, in waterfront, that's
14 where the boats go through. On a 50 foot-wide
15 canal, that width is 12 and a half feet, 12 and a
16 half, and then 25. So the proposed application is
17 within Town Planning and Ordinances. It's also
18 within standard convention for what we want to do.

19 I understand the concern on the
20 orientation of the jet ski lift because those poles
21 would be coming out and a boat coming by would
22 cause more damage that if it were to rub up against
23 the rails of the jet skis and I have agreed to
24 rotate it 90 degrees.

25 So, the only real issue I see is the

1 floating docks. I would like to address a little
2 bit on what the purposes of those floating docks
3 are.

4 The purpose of the floating dock is
5 that there is bulkhead and at low tides persons
6 have a hard time getting off the bulkhead onto a
7 boat. I want to be clear on the boat. I don't own
8 40-foot boat as the gentleman indicated with a 12
9 or 14 foot beam. I own a small North Carolina
10 19-foot skiff used for fly fishing the bay.

11 So at a low tide, it prevents me from
12 getting on and off the boat. It's difficult for my
13 wife, me, my children, who are one and three years
14 old.

15 In addition, as he mentioned, I have a
16 father-in-law who is 78 years old and he has a hard
17 time -- it's impossible for him to get on the boat
18 at low tide.

19 So, the purpose of the floating dock is
20 to get you down to the boat safely, as safety is a
21 priority for my family to use the watercraft that
22 we have.

23 In addition, we would like kayaks.
24 Kayak is another great way to use our bay. We
25 would like to put our kayaks down there so we can

1 put our kayaks in the water and go kayaking in the
2 bay.

3 I think what you guys need to consider
4 is that there's a lot of the different ways to use
5 the water. It's not just a big 40-foot boat with
6 12 or 14-foot beam, there are also smaller boats
7 and homeowners would like that consideration.

8 Can I get double because I'm the
9 engineer and the homeowner? I don't because it
10 would really be two talking, right?

11 SUPERVISOR SALADINO: Keep going.

12 MR. AUSTIN: So, I also prepared some
13 plans for you guys to look at and they indicate
14 what our waterfront will look like in comparison to
15 other waterfronts in the canal and what I'd also
16 like to, you know, some of the other boats that are
17 -- larger boats that do encroach 14, 16 feet and,
18 of course, I'm an engineer, so I use numbers, 57
19 percent of the boats encroach more than 12 feet in
20 this canal. So 57 percent of the boats are not
21 within your own Town code. I don't want the bay
22 constables coming down there and writing tickets,
23 but what we're proposing is within the Town code.

24 In addition, the other boats, 30
25 percent of the homes don't even have boats. So, in

1 essence, 66 percent -- I agree, boats are getting
2 bigger. The canal isn't getting any bigger and we
3 all need to accommodate that but we're asking for
4 permission to use smaller boats. I understand that
5 people with bigger boats need space, but my answer
6 to that would be, put your bigger boat in a marina
7 where it belongs, not along a 50-foot canal.

8 SUPERVISOR SALADINO: That's actually
9 quite an assumption. People spend a lot of money
10 to own a waterfront home. They pay very high
11 taxes. They're going to utilize the boat that
12 would fit, but let me ask you this as a question,
13 because we can go over your time if I ask you a
14 question.

15 My question is, what would stop you or
16 a future owner from, at a later date, purchasing a
17 large vessel which has quite a large beam?

18 MR. AUSTIN: There's two parts to that
19 answer.

20 One would be it would be against the
21 law. So, if that were to happen, they could call
22 the bay constable and I would get a violation. I
23 don't believe that it's in the best interest to
24 start presuming that individuals are going to break
25 the law and create ordinances to prevent that.

1 The second one is, I agreed earlier on
2 a phone call that we weren't going to put a boat in
3 bigger than 6 feet and I said that I would remove
4 the floating dock if I ever sold the property.

5 So those two things, I'm okay with
6 being added to the permit as conditions or even
7 being added to my deed.

8 SUPERVISOR SALADINO: Did you consider
9 installing a floating dock that's 4-foot wide?

10 MR. AUSTIN: I did and a 4-foot wide
11 floating dock doesn't allow access for both people
12 getting on and off, safe access and the storage of
13 the kayaks.

14 So the DEC prefers a 4-foot wide as
15 well, and when presented with the alternates, they
16 approved the 6-foot wide floating dock for that
17 reason.

18 SUPERVISOR SALADINO: Why did they tell
19 you that they prefer 4-foot wide?

20 MR. AUSTIN: That's just their
21 standard. They prefer nothing greater than 200
22 square feet and they prefer to see 4-foot wide,
23 unless it's used for boat storage or handicap.

24 SUPERVISOR SALADINO: And you're asking
25 for more than 200 square feet?

1 MR. AUSTIN: No, I'm not. I'm asking
2 for 180 square feet, 20 square feet less than what
3 is allowed.

4 SUPERVISOR SALADINO: I'm told you've
5 been talking this evening with the other residents?

6 MR. AUSTIN: Yes. There was quite a
7 few complaints, opposals. Some of it was the
8 orientation of the jet ski lift, which I'm totally
9 comfortable rotating.

10 And I think a bigger issue here is I
11 haven't been on the canal for forty years. I've
12 been there for less than a year. I haven't made
13 friends with all my neighbors quite yet and they
14 don't know me. And there was a trust issue of
15 whether, like you said, am I going put a 15-foot
16 beam vessel up against my 6-foot floating dock.

17 Besides it being against the law, I'm
18 not going to do that. The other part I would add
19 to that, like I said, I'm a licensed professional
20 engineer.

21 I would disagree with you this one
22 time, working for the best company, engineering
23 company on the Island because you mentioned H2M and
24 we compete against them.

25 SUPERVISOR SALADINO: That was

1 specifically on remediation.

2 MR. AUSTIN: Fair enough.

3 Waterfront, call us.

4 SUPERVISOR SALADINO: The point is, you
5 have a lot of experience and you know the Town code
6 very well.

7 MR. AUSTIN: Sure.

8 SUPERVISOR SALADINO: And you're
9 asserting that there is in Town code of 25 percent.

10 MR. AUSTIN: 25 percent area, it was in
11 your Town code until you guys revised your Town
12 code. Now, there isn't that percentage anymore in
13 your town code, but that is the general technical
14 standard. It's in Hempstead's Town code, I
15 believe. It's in a variety of other Town codes.
16 It's no longer in your Town code, but it's the Town
17 code standard.

18 SUPERVISOR SALADINO: So what you're
19 asserting to us is you've been doing this a very
20 long time.

21 MR. AUSTIN: 25 years.

22 SUPERVISOR SALADINO: You have
23 tremendous experience. You know the business
24 including the planning and design phase, as well as
25 working with residents because you've done it in

1 the past.

2 MR. AUSTIN: Yes.

3 SUPERVISOR SALADINO: Do you see
4 yourself as being that level of a professional to
5 work with these residents and come up with a
6 compromise everyone can live with?

7 MR. AUSTIN: I do. I do, and I think,
8 obviously, not going into the canal more 12 feet,
9 the opposition would be not putting a floating dock
10 in and buying a bigger boat which extends even
11 further into 12 feet. I mean, there has to be a
12 reasonable resolution on how far a homeowner can
13 extend into the canal to obstruct the fairway.

14 And whatever the Town chooses is that
15 reasonable obstruction length that we're going to
16 live by, I think all homeowners should have to live
17 by it. And so if I'm not prevented -- so if I'm
18 prevented from obstructing 12 feet, I think
19 everybody in the canal should be limited to
20 obstructing only 12 feet and all similar canals be
21 limited to obstructing 12 feet.

22 SUPERVISOR SALADINO: Since that's not
23 in the code, that's not what we would be deciding
24 on.

25 MR. AUSTIN: Okay.

1 SUPERVISOR SALADINO: But you have
2 demonstrated to us that you know the industry.
3 You've made the point that you've been working at
4 it for some 25 years and you have the ability to
5 find a compromise that both you, your family and
6 your neighbors can live with. And I would like to
7 give you that opportunity.

8 Is there anything else you'd like to
9 tell us.

10 MR. AUSTIN: No.

11 I think that -- like I said, over time,
12 my neighbors will see that there will not be a
13 large vessel tied up against this floating dock and
14 that trust will be built between my and my
15 neighbors and there will not be a bay constable
16 called to my house. That would ruin my career if a
17 bay constable was called to a professional engineer
18 specializing in waterfront. That would be a very
19 bad thing for H2M to find out about the principal
20 director at Raising Tide that even I have
21 violations from a bay constable. So, I can
22 guarantee that that's not going to happen.

23 SUPERVISOR SALADINO: So, what my
24 suggestion is is to give you an opportunity to
25 continue to work with the residents and find the

1 compromise. You have the skill set, you have the
2 leadership and you have the scientific background.

3 So, I'm going to ask that we give you
4 that opportunity to take some time to meet with
5 them.

6 Would you like to speak? Okay.

7 Would you kindly take a seat? Thank
8 you very much.

9 MS. BASSETT: I'm short.

10 Francine Bassett, 68 Ripplewater
11 Avenue, Massapequa.

12 I just want to address a few things.

13 One, his original application, and he
14 had already bought the house, said Town of
15 Hempstead. If you look at the application for the
16 permits, you will see there was a revision to say
17 Town of Oyster Bay.

18 Two, Town of Hempstead, I believe their
19 code is always Navy bulkheading. He went into a
20 house, Town of Oyster Bay. He is now cut his Navy
21 bulkheading flush with his bulkhead.

22 The appearance of all the additions he
23 wishes to make will make the backyard of his house
24 from every other house look like a marina. He will
25 have a boat lift and boat. He will have the jet

1 skis, now parallel, but still out into the water,
2 and then he will have a floating dock.

3 If you look at the plans, he has 10
4 feet off of each side of his property. Then the
5 rest is all designated as places for boats or
6 floating dock.

7 So there is no suggestion of
8 recreational enjoyment of everybody else's backyard
9 looking onto his.

10 Lastly, if I can remember my last
11 point, I would make it, but I'm sorry.

12 SUPERVISOR SALADINO: Do you need a
13 moment?

14 MS. BASSETT: That's enough.

15 SUPERVISOR SALADINO: You've been very
16 patient in waiting. I want to make sure you have
17 every opportunity.

18 MS. BASSETT: Thank you.

19 SUPERVISOR SALADINO: Just a question,
20 are there other residents on that canal that have
21 jet ski lifts?

22 MS. BASSETT: As well as perhaps boat
23 lifts, yes. Not also then floating docks.

24 Sorry to interrupt.

25 SUPERVISOR SALADINO: That's okay.

1 On the issue of the jet ski lifts, do
2 residents have them pointed both perpendicular and
3 some parallel?

4 MS. BASSETT: I only observed
5 perpendicular which he's conceded to turn it.

6 And, apparently, it was going to be 12
7 feet out into the canal with piers, so I don't know
8 how the Army Corps of Engineers would have approved
9 that.

10 SUPERVISOR SALADINO: Is there anything
11 else you would like us to know?

12 MS. BASSETT: I think that's it.

13 SUPERVISOR SALADINO: I want to thank
14 you for your patience for waiting so long this
15 evening and for professionally presenting this
16 information.

17 Thank you very much.

18 Yes, sir.

19 Mr. Bassett, you've gone already?

20 (Whereupon, someone speaks in the
21 audience.)

22 SUPERVISOR SALADINO: Sir, if you don't
23 mind, we're allowing every person one shot at it.
24 I apologize, but you may find yourself in a
25 situation where you have more opportunities to be

1 involved in this.

2 Please go ahead.

3 Would you kindly start with your name
4 and address?

5 MR. GREENWOOD: Robert Greenwood,
6 53 Stillwater Avenue, Massapequa.

7 I actually live next to Adon and across
8 from me is a wave runner lift that is the same as
9 his plans sticking out towards the canal so you can
10 drive up on it. I don't know how he is actually
11 agreeing to do it the other way. I don't think he
12 can get them on, but I guess he's try to compromise
13 with the neighbors. I have no objection with what
14 he's doing. I have a 12-foot beam on the boat.

15 I don't see any reason why he couldn't
16 put a floating dock with a 6-foot stipulation of a
17 boat not bigger than 6 foot -- what I'm trying to
18 say, 12 foot, in total, like my boat would be.

19 So if that was in the paperwork, I see
20 no reason why he should be forced to buy a big boat
21 to take up 12 feet when he wants a small boat. And
22 enjoy the dock, go fishing with the kids.

23 Everybody's property is raised. We all
24 know how high it is. So getting down on a ladder
25 is not easy. So I'm in agreement with it. I don't

1 see any reason anybody would have a problem with
2 it, as long as he stays within those regulations.

3 SUPERVISOR SALADINO: Thank you very
4 much.

5 Would anyone else like to be heard on
6 this application?

7 (No verbal response given.)

8 SUPERVISOR SALADINO: Please let the
9 record reflect that no one has raised their hand.

10 I believe what is appropriate in this
11 situation is to give the applicant more
12 opportunities to work with the neighbors and to
13 give the neighbors more opportunities to be heard
14 by the applicant because they made it clear that
15 there are issues that they still would like to iron
16 out.

17 The applicant has presented himself as
18 a 25-year professional in the field with the skills
19 to come up with a compromise, and I'm sure this is
20 not the first time he has been faced with that.

21 At this time, I ask for a motion.

22 COUNCILMAN MUSCARELLA: Supervisor,
23 I'll make a motion to table Resolution 281.

24 (Whereupon, someone speaks in the
25 audience.)

1 COUNCILMAN MACAGNONE: No.

2 MR. AUSTIN: The applicant doesn't have
3 an opportunity to speak at the end?

4 SUPERVISOR SALADINO: We're giving you
5 an opportunity and, obviously, we haven't voted on
6 it yet, but we're giving you an opportunity to have
7 some more time to work this out with the neighbors,
8 so it's not a won and done.

9 You have another bite at the apple
10 here. So, you can -- our suggestion is continue to
11 work with them to come up with a compromise that
12 you're okay with, that works for your enjoyment of
13 the property and also respects their concerns.

14 MR. AUSTIN: Can I address that?

15 You guys received I believe nine
16 letters indicating opposal to this and I have
17 worked it out with seven of the nine. There are
18 two that are continuing to refuse a floating dock.

19 So, there is no working it out with the
20 last two, so I apologize if I insinuated that I
21 would be able to work it out with two. I mean, in
22 any group of persons that -- there's going to be
23 somebody holding out, and at this time, there are
24 two of the persons that wrote to the Town, you
25 know, in essence, opposing this that I have worked

1 it out with. So, I don't believe in the future
2 given another 30, 60, 90 days these gentlemen are
3 going to ever concede a floating dock is a viable
4 alternative.

5 SUPERVISOR SALADINO: Would you
6 consider visiting them?

7 MR. AUSTIN: Visiting the homeowners?

8 SUPERVISOR SALADINO: Yes.

9 MR. AUSTIN: Of course.

10 SUPERVISOR SALADINO: I'd like to take
11 a closer look at the property. Perhaps on my
12 kayak; however, I would like to take a closer look
13 myself.

14 MR. AUSTIN: And I do have -- we did
15 prepare some sketches illustrating exactly what --
16 we can pass these out.

17 Obviously, put them in for the record.

18 SUPERVISOR SALADINO: We're happy to
19 accept them as part of the record.

20 Let's take a look at them.

21 MR. AUSTIN: The only other thing that
22 I'd like to add is that going through your guys'
23 new waterfront approval process, this application
24 has under review by the Town since September. It's
25 been a lengthy review already just to get to this

1 point. Not that I'm opposed to doing lengthy
2 reviews when it's really necessary, but in this
3 case, I mean, it -- I see it pretty
4 straightforward, but I will, obviously, listen to
5 what your opinion is.

6 COUNCILMAN LABRIOLA: Can I make a
7 suggestion, Supervisor?

8 SUPERVISOR SALADINO: Yes, please.

9 COUNCILMAN LABRIOLA: You know, having
10 seen similar situations like this in the past,
11 sometimes it's best to take some time to mediate
12 and I know that the Town in the past has stepped up
13 to serve as a free mediator, so to speak, where you
14 can sit with one of our Town Attorney's possibly
15 and across the table from the two people you say
16 that you can't possibly satisfy, and at the same
17 time, it's possible that with an attorney acting as
18 a neutral arbitrator, that maybe you can come to
19 some kind of a compromise, and if not, then at
20 least we know you've given it your all.

21 And I know we've done that in the past
22 because you know what the alternative is, you have
23 to live with your neighbors for the rest of the
24 time that you're in that house. Sometimes it can
25 be very unpleasant.

1 We call it the Hatfield and McCoy
2 syndrome. You know, I'm sure you're familiar with
3 the Hatfields and McCoys, right, so we don't want
4 that and I think the best thing we can do sometimes
5 is to offer to be an arbitrator, a neutral
6 arbitrator.

7 In addition, the fact that the
8 Supervisor himself said he's going to kayak over to
9 your place.

10 MR. AUSTIN: Always invited. I know
11 you live around the corner.

12 SUPERVISOR SALADINO: I'd love to take
13 a closer look.

14 Thank you, Councilman.

15 Please recognize for that canal it's a
16 rather large application. The DEC had asked for a
17 4-foot wide floating dock, but you don't seem to be
18 interested at this stage in that compromise. I'm
19 told it would be the first floating dock on the
20 canal, but I'm going to see that one for myself.

21 MR. AUSTIN: There is one additional
22 jet ski floating dock out there currently. And
23 there's a photo in that application.

24 SUPERVISOR SALADINO: The type of
25 floating dock that you're --

1 MR. AUSTIN: You pull the jet ski onto.

2 SUPERVISOR SALADINO: Right up on. I'm
3 very familiar with them, but, in the meantime,
4 you're certainly welcome and encouraged to speak to
5 the neighbors, but we are not looking for you to be
6 without any kind of marine recreation through the
7 Summer, so I don't want you to be concerned that
8 this should drag on and on.

9 We need to get everyone together and
10 find a compromise that works and works specifically
11 for the canal because part of the reason for these
12 hearings is to drill down more deeply for the
13 specific location and we know canals are different
14 widths.

15 We were dealing with issues with the
16 depth of water that we've been working to fix in
17 this Town and putting appropriate resources toward.
18 So, we understand. We understand the reason people
19 move onto the water for the recreational aspects
20 for their family, but I have a feeling that you
21 know what you're doing after 25 years of this and
22 perhaps another turn at speaking to the residents
23 may get you that compromise that would work out
24 well for you and your family and for them.

25 MR. AUSTIN: I'll give it a try.

1 SUPERVISOR SALADINO: Thank you.

2 Thank you very much for your patience
3 and thank you for everyone for waiting through the
4 past hearing.

5 COUNCILMAN MUSCARELLA: Motion's on the
6 table.

7 COUNCILMAN MACAGNONE: I second that
8 motion.

9 MR. ALTADONNA: Motion to table
10 Resolution 281.

11 Motion was made by Councilman
12 Muscarella, seconded by Councilman Macagnone.

13 On the vote, Supervisor?

14 SUPERVISOR SALADINO: Okay. This is a
15 motion to table -- ladies and gentlemen, just so
16 we're clear -- this is a motion to table so that
17 we're not making a decision to allow more time for
18 you to be heard and for the residents and the
19 applicant to get together.

20 I'm voting yes.

21 MR. ALTADONNA: Just for the record,
22 this is a "re-resuspend."

23 Councilman Muscarella?

24 COUNCILMAN MUSCARELLA: "Aye."

25 MR. ALTADONNA: Councilman Macagnone?

1 COUNCILMAN MACAGNONE: "Aye."

2 MR. ALTADONNA: Councilwoman Johnson is
3 not here.

4 Councilman Imbroto?

5 COUNCILMAN IMBROTO: "Aye."

6 MR. ALTADONNA: Councilman Hand?

7 COUNCILMAN HAND: "Aye."

8 MR. ALTADONNA: Councilman Labriola?

9 COUNCILMAN LABRIOLA: "Aye."

10 MR. ALTADONNA: Motion to table
11 Resolution 281 passes with six "Ayes."

12 SUPERVISOR SALADINO: Thank you.

13 So, we will continue now with the
14 regular calendar.

15 MR. ALTADONNA: I don't know if there
16 are any other speakers.

17 SUPERVISOR SALADINO: Are there any
18 other speakers on other applications.

19 MR. ALTADONNA: On 299?

20 SUPERVISOR SALADINO: Yes, please come
21 forward.

22 Would you like to come forward to speak
23 to us about it?

24 We've taken that one item out of the
25 Action Calendar to give an opportunity for the

1 residents to be heard.

2 MR. EDELMAN: Arthur Edelman, 110 Dubai
3 Avenue, Sea Cliff, New York.

4 I'm here to question about Resolution
5 299 with regard to why the Town is giving something
6 away for nothing when we're on the hook for paying
7 rent of the property.

8 The backup documentation states that
9 we're allowing American Public Works Association to
10 utilize the property for a trade show benefits the
11 residents of the Town.

12 I don't know how that does that. The
13 agreement states Town zone -- the Tone owns the
14 property. I find that kind of odd that we own it
15 but pay 75,000 a month to rent it, I think. And I
16 feel that if an outside group comes in that wants
17 to utilize the land, now that we're paying rent on
18 it -- though in the past, we weren't paying rent,
19 that we should get a token sum payment for the
20 three days they are going to be there.

21 So, I'm asking you to revise the
22 agreement and then pass Resolution 299 with at
23 lease \$2,000 rent for this group.

24 Thank you.

25 SUPERVISOR SALADINO: Thank you very

1 much.

2 Is our DPW Commissioner here?

3 AUDIENCE MEMBER: He's here. He's
4 coming down.

5 SUPERVISOR SALADINO: Thank you.

6 In the meantime, why don't we bring our
7 next speaker up? Who would like to be heard on
8 these Resolutions?

9 Looks like we have one person
10 requesting to be heard.

11 Kevin, would you like to step forward?

12 MR. McKENNA: Kevin McKenna again,
13 3 Edna Drive, Syosset.

14 Resolution 297, this Resolution, it
15 looks like you're authorizing money, engineering
16 services for the Syosset landfill for remediation.
17 Syosset landfill is capped.

18 What kind of remediation are we
19 spending money on? And I see this as an
20 opportunity since you're wanting to put money here,
21 you have a Citizen Advisory Committee that you put
22 in place about six months ago that wants to do
23 independent testing on this site and they need
24 money, so why don't you incorporate the independent
25 testing into this Resolution in order to put the

1 money to good use?

2 What is it that -- what type of
3 remediation are we giving money for? What is it
4 for?

5 The other Resolution I want to talk on
6 is Resolution 300.

7 SUPERVISOR SALADINO: Does that
8 indicate the time?

9 MR. McKENNA: Resolution 300 --

10 MR. ALTADONNA: Two Resolutions, you
11 get six minutes.

12 MR. McKENNA: Road restoration,
13 Resolution 300, last year you all, on the Town
14 Board, you authorized -- I'm going from memory,
15 it's either \$25,000 or \$225,000, to Lyro
16 Engineering in order to evaluate our roads and come
17 up with an evaluation and, rate the roads and you,
18 Mr. Supervisor, as well as Deputy Commissioner John
19 Bishop, you told the public after that vote that
20 day, and I have it on video, you told the public
21 that you were going to post for the residents some
22 sort of link on the Town's website so that the
23 residents could go on the website and take a look
24 and see how their road was rated, so that the
25 residents don't need to continue -- so the

1 residents don't need to continue -- it's very rude
2 for you to look away when I'm talking. It's very
3 rude.

4 SUPERVISOR SALADINO: Sir.

5 MR. McKENNA: It's very rude for you to
6 look elsewhere when I'm speaking and not even pay
7 attention.

8 SUPERVISOR SALADINO: Mr. McKenna.

9 MR. McKENNA: Anyway.

10 SUPERVISOR SALADINO: We're not going
11 to go down that road.

12 MR. McKENNA: Anyway, the residents
13 could save your secretarial staff here at Town Hall
14 from receiving numerous phone calls, which I'm told
15 that they received as well as the County of Nassau
16 County, the legislatures, are continuing to have to
17 field numerous phone calls to find out when their
18 road is scheduled to be repaved.

19 And what I don't understand,
20 Mr. Supervisor, is why you continually tell the
21 public and residents that you're going to do
22 something, and something like this makes perfect
23 sense, you hire -- you hired Lyro Engineering to
24 evaluate the roads and the best part is, is that
25 you were invited to Birchwood Civic Meeting over in

1 Syosset, which is taking place I think next month,
2 and your office actually called them up and wanted
3 to know what roads the Civic Members were going to
4 ask you about.

5 You should be going there telling them
6 from the money that we spent with Lyro, you should
7 be going there telling the Civic people what roads
8 you're going fix in that Civic Association, not
9 worry about what roads they're going to ask you for
10 when you get there so you can bring somebody who
11 can answer the questions for you.

12 Thank you.

13 SUPERVISOR SALADINO: Mr. Lenz, would
14 you kindly step forward?

15 A number of questions have come up this
16 evening. What I'd like you to answer is the
17 question in regard to Resolution 297. We have a
18 federal mandate from EPA mandating that we take
19 regular action and prepare a report.

20 Can you speak to us about that issue?

21 COMMISSIONER LENZ: Absolutely.

22 The report has to be done every --
23 every -- on a quarterly basis. A report is written
24 to the EPA talking about the ground water. We do
25 ground water testing. We also do methane testing.

1 Being that the landfill is so old,
2 there really is very little to no methane that
3 comes off. We also do ground water.

4 MR. McKENNA: (Inaudible.)

5 COMMISSIONER LENZ: What's your
6 problem, sir?

7 SUPERVISOR SALADINO: Mr. Lenz.

8 Mr. Lenz.

9 Commissioner Lenz.

10 MR. McKENNA: (Inaudible.)

11 COMMISSIONER LENZ: What are you
12 talking about?

13 SUPERVISOR SALADINO: Commissioner,
14 just please continue. We realize the hour is late.

15 COMMISSIONER LENZ: I just really get
16 offended when people behind me are not even
17 listening.

18 SUPERVISOR SALADINO: We'll just
19 concentrate on getting the information out.

20 COMMISSIONER LENZ: I understand.

21 We also have to look into the drainage.
22 We also have to look into the cap. All that
23 information goes -- there's water testing that's
24 done and all this other testing.

25 The testing goes to laboratories. The

1 laboratories then send it -- the equipment and
2 everything to -- I think it's Pennsylvania or New
3 Jersey. And then there's also data validation.
4 Data validation takes several months. That's why
5 sometimes it takes a while to get the reports back.
6 And then the EPA, DEC Health Department, everybody
7 gets a chance to read it and these reports have
8 been in Syosset --

9 SUPERVISOR SALADINO: Not only read,
10 but respond --

11 COMMISSIONER LENZ: -- for years --

12 SUPERVISOR SALADINO: Not only read it
13 but respond?

14 COMMISSIONER LENZ: Yes. Absolutely.

15 SUPERVISOR SALADINO: So this is
16 mandated?

17 COMMISSIONER LENZ: Yes, it is.

18 SUPERVISOR SALADINO: And we're doing
19 this to follow the mandates upon the Town?

20 COMMISSIONER LENZ: Yes, it is. It's
21 part of our consent decree.

22 SUPERVISOR SALADINO: For approximately
23 how long has that testing been going on?

24 COMMISSIONER LENZ: Since we closed the
25 landfill.

1 We started doing testing before the
2 landfill was even closed, but we do this testing on
3 an annual basis since the landfill has been closed.

4 SUPERVISOR SALADINO: Are the results
5 of those tests available to the public?

6 COMMISSIONER LENZ: Yes, they are.

7 SUPERVISOR SALADINO: How do they go
8 about finding that information?

9 COMMISSIONER LENZ: It's in the
10 library. It's in Syosset Library in the Reference
11 section.

12 SUPERVISOR SALADINO: Thank you.

13 Is there anything else you can add to
14 this in terms of that issue of testing and the
15 results of that testing?

16 One other question on the issue of the
17 Metro Paving contract, has your office received
18 calls, e-mails and requests from residents about
19 the need to pave our roads?

20 COMMISSIONER LENZ: There seems to be a
21 very big confusion about the road rating system.

22 The road rating system is a numbered
23 system, so if a resident was to look at it online,
24 they're going to see numbers. That doesn't mean
25 anything to anybody. It's a number that's 1 to 10,

1 10 being the best, 1 being the worst.

2 Okay. So they look at the map. It
3 says, "Okay, mine is a 5. What does that mean?"

4 It's not scheduled. There is no
5 schedule in the road rating system.

6 SUPERVISOR SALADINO: So it's one of
7 the tools that we use?

8 COMMISSIONER LENZ: It's one of the
9 tools that a professional engineer would then take
10 that information and analyze and decide which area
11 we're going to do first.

12 SUPERVISOR SALADINO: So, specifically,
13 on Resolution 300, are we, in fact, adding moneys
14 to provide paving for more roads in our Town?

15 COMMISSIONER LENZ: Yes, we are.

16 SUPERVISOR SALADINO: Is that in line
17 with the requests that the residents have made?

18 COMMISSIONER LENZ: Yes, it is.

19 SUPERVISOR SALADINO: Is it in line
20 with the vision I have provided you?

21 COMMISSIONER LENZ: Absolutely.

22 SUPERVISOR SALADINO: Is it in line
23 with what the residents have told the Town Board
24 Members?

25 COMMISSIONER LENZ: Yes.

1 SUPERVISOR SALADINO: And is it in line
2 with what the Town Board Members have asked of your
3 department to be responsive to the residents?

4 COMMISSIONER LENZ: Absolutely.

5 SUPERVISOR SALADINO: Thank you, sir.

6 Is there anyone else that would like to
7 be heard on these Resolutions?

8 MR. EDELMAN: Yes. I didn't get an
9 answer to my question.

10 SUPERVISOR SALADINO: You didn't get an
11 answer to which question?

12 MR. EDELMAN: Why are we not charging
13 this Not-For-Profit rent?

14 SUPERVISOR SALADINO: Oh, yes, yes.
15 For how many years have we had this
16 display of vehicles and equipment on our yard?

17 COMMISSIONER LENZ: It started in 2002.

18 Mainly, when I was here the last time,
19 I was President of American Public Works
20 Association. I went to the Town Board and also the
21 Supervisor and asked would the Town Board and
22 Supervisor be interested in hosting this every
23 other year in the Town of Oyster Bay.

24 What it does is it brings
25 Commissioners, Superintendents of Highways and

1 other municipalities without -- throughout Long
2 Island, and also Westchester -- to view equipment,
3 talk with vendors of the new equipment that's out.
4 In many cases, some of the equipment that was out
5 was some of the new equipment that the Town of
6 Oyster Bay, Supervisor and Councilmen have
7 authorized. So we're showing other municipalities
8 what we have purchased. This is to meet with
9 municipalities throughout Long Island.

10 COUNCILMAN MACAGNONE: There's vendors
11 there?

12 COMMISSIONER LENZ: Yes, there is.

13 COUNCILMAN MACAGNONE: Who make sales?

14 COMMISSIONER LENZ: They don't sell at
15 our facility, no.

16 COUNCILMAN MACAGNONE: They make
17 contacts to make sales more than likely?

18 COMMISSIONER LENZ: I guess so.

19 SUPERVISOR SALADINO: So, do you and
20 your staff meet with the staffs of other
21 municipalities on Long Island?

22 COMMISSIONER LENZ: At this function,
23 yes.

24 SUPERVISOR SALADINO: At this function,
25 specifically.

1 COMMISSIONER LENZ: Yes.

2 SUPERVISOR SALADINO: Do you share best
3 practices --

4 COMMISSIONER LENZ: Yes, we do.

5 SUPERVISOR SALADINO: Is that helpful
6 in learning the issues whether it be in
7 snowplowing, how glass affects the grinding of our
8 roads, how street sweepers work, which brand works
9 better?

10 COMMISSIONER LENZ: Yes.

11 SUPERVISOR SALADINO: To learn from
12 their experiences?

13 COMMISSIONER LENZ: We certainly do.

14 COUNCILMAN MACAGNONE: And we don't pay
15 to send anybody to conferences anymore?

16 COMMISSIONER LENZ: Correct. Wait.

17 Now, again, this is, as was stated by
18 the resident, this is a Non-for-Profit
19 organization. It's American Public Works
20 Association. There is no funding other than I
21 think it's \$75 a year that the Town of Oyster Bay
22 pays to be part of the group.

23 SUPERVISOR SALADINO: Let me ask you
24 this, Commissioner.

25 Does this event take place in other

1 municipalities around the State?

2 COMMISSIONER LENZ: This particular
3 event, we switch back and forth from Westchester
4 and also Town of Oyster Bay. There is other ones
5 Upstate and things. They do have other functions.
6 American Public Works Association have -- is
7 national. It's a national public works group and
8 they have functions of this nature all over the
9 country.

10 SUPERVISOR SALADINO: What I'd like to
11 do is during our next session where we're vetting
12 issues, I would like to learn more about what you
13 and your staff learn at these meetings.

14 COMMISSIONER LENZ: Absolutely.

15 SUPERVISOR SALADINO: I talked to other
16 Supervisors and Council Members of the other towns
17 on a very regular basis and. Learn about road
18 conditions.

19 That's how I knew the issue of the
20 necessity for road repair is not an issue that is
21 only going on in the Town of Oyster Bay.

22 COMMISSIONER LENZ: Absolutely.

23 SUPERVISOR SALADINO: That's how I
24 learned of the extent of damage of roads across
25 Long Island when we brought up the issue of the

1 amount of salt; for instance, that's used.

2 Issues like using beet juice which was
3 -- seemed to be popular until the temperatures
4 dropped down and we learned about that.

5 What I would like to be is vetted in
6 the future drilling down into the more specifics in
7 terms of the data that takes place there.

8 COMMISSIONER LENZ: Absolutely.

9 SUPERVISOR SALADINO: I have one other
10 question for you. You mentioned this also takes
11 place in Westchester.

12 Do you know if that municipality
13 receives any revenue from the association?

14 COMMISSIONER LENZ: They do not.

15 SUPERVISOR SALADINO: They do not.

16 COMMISSIONER LENZ: They definitely do
17 not.

18 SUPERVISOR SALADINO: So we're doing
19 the same practice as in other places?

20 COMMISSIONER LENZ: As was stated, it's
21 a Non-for-Profit.

22 SUPERVISOR SALADINO: Okay.

23 So, in terms of this year and in terms
24 of the training that our staff receives, I see this
25 as a benefit in terms of how we can find the best

1 practices, the best equipment, learn from the
2 experiences of others to save money, but I would
3 like you to look into this for future years.

4 COMMISSIONER LENZ: Absolutely, sure.

5 SUPERVISOR SALADINO: To see if revenue
6 is available and if that's right decision and I'd
7 like you to report back to me and Deputy
8 Supervisor.

9 COMMISSIONER LENZ: One other thing I
10 also should mention too, Supervisor, is there is no
11 fee for entrance to this exhibit, and there's
12 probably at least 20 to 30 vendors that come to
13 this function.

14 SUPERVISOR SALADINO: Well, I'm
15 interested in the education component.

16 COMMISSIONER LENZ: Absolutely.

17 SUPERVISOR SALADINO: And I have to
18 point out something that Councilman Macagnone just
19 said to me, it saves money from sending our
20 employees to other venues and other locations to
21 conferences.

22 COMMISSIONER LENZ: Very true.

23 SUPERVISOR SALADINO: And to learn
24 about best practices and share experiences,
25 especially as it relates to equipment.

1 We had long conversations about which
2 street sweeper works better.

3 COMMISSIONER LENZ: Yes.

4 SUPERVISOR SALADINO: One works better.

5 COMMISSIONER LENZ: I didn't mean to
6 interrupt you, Supervisor.

7 SUPERVISOR SALADINO: It's okay.

8 COMMISSIONER LENZ: But then you're
9 comparing two or three different types because
10 there are several different vendors that have
11 street sweepers and there might be several
12 different vendors that have snowplows, and that's
13 where we get to look at several different pieces of
14 equipment all at one time at one spot.

15 Also, the newest, latest equipment that
16 comes out, we take a look at, and that's why we
17 found it beneficial.

18 SUPERVISOR SALADINO: By doing more
19 education --

20 COMMISSIONER LENZ: Yes.

21 SUPERVISOR SALADINO: -- and being a
22 better educated consumer, do we end up saving money
23 in the long run?

24 COMMISSIONER LENZ: Absolutely.

25 SUPERVISOR SALADINO: And to dovetail

1 to what Councilman said because Councilman
2 Macagnone happened to hit on, I think, an excellent
3 point, about utilizing this as a free way to do
4 training and to bring people together without any
5 kind of travel expenses, whether it's across town
6 or to the other end of the Long Island.

7 COMMISSIONER LENZ: So what happens is
8 our staff would at lunchtime or breaktime or
9 something, go out.

10 SUPERVISOR SALADINO: Versus tying up a
11 whole day traveling to Westchester or Montauk.

12 COMMISSIONER LENZ: Right.

13 COUNCILMAN MACAGNONE: I have no
14 problem doing that during the day.

15 Honestly, I understand, but my whole
16 thing I'm trying to get my head around is vendors
17 are going there looking to sell equipment with all
18 the municipalities. Come on. Pay us something.

19 We are not in the business of selling
20 trucks; they are.

21 COMMISSIONER LENZ: I understand.

22 SUPERVISOR SALADINO: Let's do this.

23 COUNCILMAN MACAGNONE: You know what
24 I'm saying?

25 COMMISSIONER LENZ: Yes, I do.

1 SUPERVISOR SALADINO: Let's circle
2 back --

3 COMMISSIONER LENZ: As I said, we've
4 never done that before and I'm not saying right,
5 wrong or indifferent.

6 COUNCILMAN MACAGNONE: I'm going to
7 vote in favor of this today, but I think in the
8 future we really should consider using our property
9 and get some money out of it.

10 SUPERVISOR SALADINO: It's also a great
11 opportunity to get advice from others, whether it's
12 the Inspector General or the Town Attorney. Let's
13 look into it some more. And I'm going to ask you
14 to circle back and make an appointment with the
15 Deputy Supervisor where you will vet us and we can
16 learn more about different options on this
17 particular issue.

18 COMMISSIONER LENZ: Yes.

19 SUPERVISOR SALADINO: Thank you,
20 Commissioner.

21 I appreciate it.

22 MR. EDELMAN: One more followup.

23 SUPERVISOR SALADINO: It's almost 1:00
24 in the morning, my friend.

25 MR. EDELMAN: (Inaudible.)

1 SUPERVISOR SALADINO: Sir, we've
2 allowed you to use your time to its fullest. We're
3 here for you. You heard what the Councilman said.
4 You learned a lot of data about this and you know
5 that we're going to look into this further on your
6 suggestion for future years to see what the option
7 is about revenue, but you also learned how money is
8 saved through this process.

9 MR. EDELMAN: I just want to know if
10 the vendors are paying fees to the Not-for-Profit,
11 not we don't pay a fee to attend --

12 SUPERVISOR SALADINO: So, I'm going to
13 ask the Town Attorney to look into that and contact
14 you directly.

15 MR. EDELMAN: (Inaudible.)

16 SUPERVISOR SALADINO: I'm going to ask
17 the attorney, Mr. Nocella, would you look into that
18 directly and please call the resident directly to
19 answer that question?

20 MR. NOCELLA: Absolutely.

21 SUPERVISOR SALADINO: Is there anyone
22 else who would like to be heard on any of these
23 Resolutions?

24 (No verbal response given.)

25 SUPERVISOR SALADINO: I thank everyone

1 for your patience. I want to thank everyone for
2 your patience and cooperation.

3 We haven't gotten to that yet. And
4 I'll ask our Town Clerk to please call for the
5 vote.

6 MR. ALTADONNA: Okay.

7 Actually, a little housekeeping because
8 there were a couple of changes here.

9 SUPERVISOR SALADINO: No problem.

10 MR. ALTADONNA: We are now voting on
11 Resolutions No. P8-19 through Resolution No. 316,
12 noting that 269 was already voted on and 281 was
13 tabled.

14 On the vote, Supervisor?

15 SUPERVISOR SALADINO: I vote "Aye."

16 MR. ALTADONNA: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: "Aye" on all.

18 MR. ALTADONNA: Councilman Macagnone?

19 Please go slow.

20 COUNCILMAN MACAGNONE: I will.

21 I vote "No" on 291.

22 MR. ALTADONNA: Hold on. Hold on.

23 "No" on 291.

24 COUNCILMAN MACAGNONE: "No" on 294.

25 MR. ALTADONNA: "No" on 294.

1 COUNCILMAN MACAGNONE: And "No" on 315.
2 Just so we discussed, we have a piece
3 of property the PGA of America is going to use our
4 property and not pay us anything for it. It's a
5 billion dollar company. They're making money on
6 this PGA tournament.

7 "Aye" on all the rest.

8 MR. ALTADONNA: Thank you.

9 Councilwoman Johnson is absent.

10 Councilman Imbroto?

11 COUNCILMAN IMBROTO: I agree with
12 Councilman Macagnone.

13 I think PGA should be paying us for the
14 use of the facility. I'm a "No" on 315 and I'm an
15 "Aye" on all the rest.

16 MR. ALTADONNA: Councilman Hand?

17 COUNCILMAN HAND: I'm an "Aye" on all.

18 I'll explain 315. I think the amount
19 of money coming into our community based on the PGA
20 event is worthy of consideration at this time.

21 MR. ALTADONNA: So you're "Aye" on all?

22 COUNCILMAN HAND: "Aye" on all.

23 MR. ALTADONNA: Thank you.

24 Councilman Labriola?

25 COUNCILMAN LABRIOLA: I'm "Aye" on all.

1 I want to explain -- actually, I want
2 to state for the record, for Resolutions 307 and
3 308, I reviewed the complete record of proceedings.
4 I watched the video recording, read the
5 transcripts; therefore, I vote "Aye" on all
6 including 307 and 308.

7 MR. ALTADONNA: Okay. All right, guys,
8 hang in there.

9 P8-19, PA-5/19, 241 passes with six
10 "Ayes."

11 269 is already voted on.

12 270 to 290 passes with six "Ayes."

13 291, five "Ayes" and one "Nay."

14 292 and 293, six "Ayes."

15 294, five "Ayes" and one "Nay."

16 295 through 314, passes with six

17 "Ayes."

18 315 passes with one, two, three, four,
19 five "Ayes" and two "Nays."

20 No, I'm sorry.

21 Four "Ayes," which still passes, and
22 two "Nays."

23 And 316 passes with six "Ayes."

24 Let me just reiterate, 381 was tabled.

25 COUNCILMAN MACAGNONE: 281.

1 MR. ALTADONNA: I'm sorry, 281. It's
2 late.

3 Thank you.

4 And the calendar is complete.

5 SUPERVISOR SALADINO: I'd like to thank
6 our stenographer for your endurance and continued
7 smile through these proceedings.

8 COUNCILMAN MACAGNONE: She's not coming
9 back, though.

10 (Laughter ensues.)

11 COUNCILMAN MUSCARELLA: I make a motion
12 to close the meeting.

13 COUNCILMAN MACAGNONE: I'll second.

14 SUPERVISOR SALADINO: All in favor,
15 please signify by saying "Aye."

16 ALL: "Aye."

17 SUPERVISOR SALADINO: Those opposed,
18 "Nay."

19 (No verbal response given.)

20 SUPERVISOR SALADINO: The "Ayes" have
21 it.

22 MR. ALTADONNA: There is still public
23 session.

24 SUPERVISOR SALADINO: We will be taking
25 a ten-minute break.

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With a show of hands, who would like to speak during public comment? We will take a recess at this time.

(TIME NOTED: 12:47 A.M.)