

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
MAY 21, 2019
10:18 a.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILMAN JOSEPH D. MUSCARELLA

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 morning,
2 ladies and gentlemen and welcome to the Oyster Bay
3 Town Board Meeting of Tuesday, May 21, 2019.
4 Welcome to Town Hall.

5 To lead us in prayer, please welcome
6 Father Isaias Ginson of St. Margaret's Church in
7 Plainview.

8 Father.

9 (Whereupon, a prayer was recited by
10 Father Isaias Ginson.)

11 SUPERVISOR SALADINO: Thank you,
12 Father.

13 And now ladies and gentlemen, to lead
14 us in the Pledge of Allegiance, we welcome AmVets
15 from North Shore Veterans Memorial Post 21 in
16 Oyster Bay. Included in the group is Commander
17 Richard DeJesus who served in the United States
18 Navy from 1958 to 1961, Vietnam era Veteran Army
19 Specialist Fourth Class Bob Selby and the
20 Contingency from the Post.

21 Gentlemen, please.

22 (Whereupon, the Pledge of Allegiance
23 was recited.)

24 SUPERVISOR SALADINO: Thank you.

25 Now, please -- by the way, thank you,

1 gentlemen, for your assistance in keeping our
2 nation free and for the sacrifices you have made
3 and the sacrifices of all of our veterans.

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

9 (Whereupon, a moment of silence was
10 observed.)

11 SUPERVISOR SALADINO: Thank you.

12 Please be seated.

13 So, ladies and gentlemen, we have a
14 busy day today and we are going to begin our
15 presentations this morning welcoming Jericho High
16 School student Yosh Madi.

17 Yosh was honored at the New York State
18 Future Business Leaders of America and that
19 conference was held several weeks ago in
20 Binghamton, New York. One of the conference's
21 events in Binghamton challenged students to create
22 a comprehensive public service announcement for
23 submission to a panel of judges for review.

24 Many outstanding students entered the
25 contest and careful deliberation, one the first

1 place honors was awarded to Town of Oyster Bay
2 resident Yosh Madi of Jericho High School. My
3 colleagues on the Town Board and I proudly
4 congratulate Yosh as a first place winner at the
5 New York State Future Business Leaders of America
6 Conference.

7 We have a Citation for you and it's a
8 very fitting testament to you as an individual and
9 the fact that your dedicated academic efforts are
10 exceedingly worthy of the Town's highest honor.

11 If Yosh would please come forward and
12 the Town Board members join us in the front.

13 (Applause.)

14 SUPERVISOR SALADINO: We are so
15 incredibly proud of you. I stand here at the rail
16 and I ask my colleagues to come forward for a
17 photo.

18 I also want to thank you for reaching
19 out to my office on this project. We are thrilled
20 that you did so well and we know our future is
21 bright in the Town of Oyster Bay with young people
22 like you.

23 (Whereupon, a presentation of a Town
24 Citation was made and a photo session ensued.)

25 SUPERVISOR SALADINO: Would you like to

1 say a few words?

2 MR. MADI: Thank you. I appreciate it.

3 So just a few words about the
4 competition. It was held Upstate in Binghamton
5 over the course of two nights and it was all of
6 New York Schools -- all of the whole school
7 districts from all of New York.

8 My competition was PSA, which stands
9 for Public Service Announcements. And this year
10 the topic was soft skills.

11 Soft skills is where we kind of learn
12 how to communicate and be a leader in town, such as
13 all these people up here have gotten to where they
14 are because of soft skills. So you have to kind of
15 emphasize how employers look for soft skills and
16 how important soft skills are.

17 So my colleagues and I made a 30-minute
18 video about soft skills and we presented it to a
19 panels of judges, and I was fortunate enough to be
20 given first place for this accomplishment.

21 (Applause.)

22 SUPERVISOR SALADINO: How about another
23 round of applause for Yosh Madi on a job well done?

24 (Applause.)

25 SUPERVISOR SALADINO: For our second

1 presentation today, we are proud to recognize
2 several outstanding local leaders in the community,
3 Leaders in Farmingdale, a wonderful community who
4 have been exemplary in their support of
5 St. Baldrick's Foundation, a very important drive.

6 This is a volunteer-driven charity
7 committed to funding the most promising research to
8 find cures for childhood cancers and give survivors
9 long and healthy lives. At St. Baldrick's events,
10 like the one held back in March at the Nutty
11 Irishman of Farmingdale, people from all walks of
12 life discover a power they didn't know they had, a
13 power to bring hope and a future to the bravest
14 kids in the world and countless -- as the countless
15 volunteers say St. Baldrick's is the best thing I
16 have ever done. And all they have to do is raise
17 money and lose their hair. Well, I'm halfway
18 there.

19 Bill Rock and Monica Kuchinskas have
20 served as co-chairs for this event for the past
21 nine years. They do an amazing job that brings so
22 much pride to Farmingdale, which is such a special
23 community in the Town of Oyster Bay.

24 For the third consecutive year the
25 iconic establishment, the Nutty Irishman, under the

1 ownership of a wonderful man, Joseph Fortuna, and
2 the Director of Operations Catherine Gabreski, have
3 been the venue for this uplifting fundraiser, which
4 brings this community together, it raises funds for
5 pediatric cancer. It's a wonderful event. I was
6 so pleased to be there. Some of my colleagues were
7 there. It was really something very special to see.

8 This year's event raised in excess of
9 \$200,000 to help children, to help families, and to
10 help with research to put an end to childhood
11 cancers. You know, it literally takes a village to
12 make an event like this successful and that village
13 starts in Farmingdale with the Farmingdale School
14 District, led by its dynamic school board and
15 represented today by Board President Michael
16 Goldberg and Trustee Suzanne D'Amico and Kathy
17 Lively and a rock star of a School Superintendent
18 Paul Defendini -- I apologize, Paul Defendini.

19 Each one of Farmingdale's six schools
20 participated in the event and exhibited tremendous
21 spirit and enthusiasm. So kudos to the
22 administration, the teachers, the students and, of
23 course, Superintendent Paul Defendini for making
24 this such an incredible success.

25 You continue to show us the best paths,

1 the best methods, and you do a great job in
2 Farmingdale and this was just another example of
3 that.

4 The Oyster Bay Town Board are very
5 proud to publicly acknowledge and commend that Bill
6 Rock, Monica Kuchinskas, Farmingdale School
7 Superintendent Paul Defendini and Joe Fortuna and
8 Catherine Gabreski from the Nutty Irishman for your
9 commitment to making this possible and to -- the
10 turnout and the success of this wonderful,
11 wonderful event.

12 We would like to present each and every
13 one of you with a Town Citation in recognition of
14 your exemplary efforts, your community service and,
15 quite frankly, it creates a fine example for every
16 community that we must all work together. Not tear
17 each other down, not throw stones back and forth,
18 not divide communities, but to come together for
19 the many, many common causes and that's exactly
20 what you are all doing, and it's a fine example.

21 So I'm going to ask my colleagues to
22 join me down at the rail and we'd love to present
23 these to you and to say thank you to you on behalf
24 of the Town of Oyster Bay.

25 (Whereupon, a presentation of a Town

1 Citation was made and a photo session ensued.)

2 SUPERVISOR SALADINO: Making the
3 Farmingdale community the best it can be, doing so
4 much for children, pushing back against the
5 horrible diseases of pediatric cancer, let's hear
6 it for all our honorary volunteers.

7 (Applause.)

8 UNKNOWN SPEAKER: I think what I'd like
9 to share is a humble thank you on behalf of the
10 entire community.

11 Again, the stories I think that come as
12 a result of an event like this really sort of tell
13 the tale of what this is really all about.
14 Watching a little five-year-old girl get up on
15 stage and shave their head, you know, for Locks of
16 Love, and then being able to donate the money that
17 they donated for childhood cancer.

18 I was able to share stories shortly
19 thereafter about a young boy who was actually
20 impacted pretty profoundly by the St. Baldrick's
21 Foundation who wound up getting a second chance at
22 life and reminding children, you know, who do so
23 many great things. The academics, you know, the
24 sports and all that stuff -- congratulations, by
25 the way. That's an incredible award and honor --

1 but at the end of the day, it's our sense of
2 humanity. I think that's the most important value
3 that we teach in our schools and to be able to be
4 here today and, you know, in front of the Town
5 Board accepting this on behalf of an incredible,
6 incredible constituents of students. I couldn't be
7 anymore proud.

8 Thank you to everyone back there who
9 did all the work. You guys were unbelievable, The
10 Nutty Irishman for hosting, you know, Build a Team,
11 for doing all the work you've done. It takes a
12 village and it's nice to be a small part of that.

13 Thank you.

14 (Applause.)

15 SUPERVISOR SALADINO: They should
16 change the name from the Nutty Irishman to the
17 Caring Irishman because the care you show and all
18 of your employees and staff and the community have
19 just been amazing.

20 Let's give another big hand of applause
21 for all.

22 (Applause.)

23 SUPERVISOR SALADINO: Ladies and
24 gentlemen, before we begin with the business of the
25 day, we have just a few announcements.

1 First, let me address a recent decision
2 by Simon Properties and Castagna Realty to
3 terminate a land purchase from the Town of Oyster
4 Bay.

5 As many of you know, their development
6 plan for the site met great resistance from the
7 community, the residents, due to its high-density
8 plan and the number of residential units that they
9 felt would significantly increase population in the
10 area. We received opposition from many community
11 members, as well as concerns from the school
12 district regarding projected student enrollment,
13 traffic and environmental fears.

14 I, too, like my colleagues, had
15 worries, especially for the wallets of our
16 taxpayers. In my personal opinion, the deal was
17 shortsighted with no plans put in place to relocate
18 nearly 400 Town of Oyster Bay employees or 40
19 percent of our Town workforce. This includes
20 employees from Sanitation, Public Works, Central
21 Vehicle Maintenance, Highway, the natural gas fuel
22 pumps there, the Public Safety office, et cetera.

23 Over the past two years my
24 administration sought feasible and responsible
25 alternatives for these critical Town operations.

1 We found that land acquisition, building
2 construction and relocation would cost the
3 taxpayers far more than the 30 million received
4 under the prior administration's real estate
5 transaction. We told the developer that the Town
6 has a need to remain at the location in some
7 capacity and wish to renegotiate the terms of the
8 contract to protect our taxpayers.

9 On a separate note, I want to thank the
10 staff that helps us host the Town of Oyster Bay's
11 first ever Armed Forces Appreciation Day that we
12 held this last Friday. We saluted over 300
13 veterans and their loved ones all deserving our
14 praise, the praise of our residents, the praise of
15 our Town for their sacrifices. Amazing what our
16 veterans have done and then continue to do in
17 veterans organizations throughout the Town.

18 We'd also like to thank everyone who
19 visited the Town of Oyster Bay Long Island Car Show
20 held this past Sunday. Over 700 vehicles
21 participated in the show and thousands of
22 spectators attended this free event at Tobay Beach.
23 It was a tremendous success and it was incredibly
24 successful with more residents there, more cars on
25 display than any other time the Town has hosted

1 this. It's one the largest car shows in all of
2 Long Island. And that was even with the fact that
3 this had to be called off the first time because of
4 rain and it competed with the PGA Championship and
5 still throngs of people came out for it.

6 I want to thank everyone in the Parks
7 Department and Public Safety and all of the
8 employees involved for this very smooth and
9 seamless operation. It really showed that our Town
10 employees are the best of the best.

11 Let's give them all a hand.

12 (Applause.)

13 (TIME NOTED: 10:37 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
MAY 21, 2019
10:38 a.m.

HEARING - FINANCE

To consider the application of the South Farmingdale Water District for issuance of serial bonds for improvements to said Water District. (M.D. 4/23/19 #14).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

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taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: And now to move
2 on to the business of the day, the Town Clerk will
3 now poll the Board.

4 MR. ALTADONNA: Supervisor?

5 SUPERVISOR SALADINO: Present.

6 MR. ALTADONNA: Councilman Muscarella
7 is absent.

8 COUNCILMAN MACAGNONE: He had a death
9 in the family, so he will not be here today. He
10 wanted me to let everyone know.

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: Here.

13 MR. ALTADONNA: Councilwoman Johnson?

14 COUNCILWOMAN JOHNSON: Here.

15 MR. ALTADONNA: Councilman Imbroto?

16 COUNCILMAN IMBROTO: Present.

17 MR. ALTADONNA: Councilman Hand?

18 COUNCILMAN HAND: Here.

19 MR. ALTADONNA: And Councilman

20 Labriola?

21 COUNCILMAN LABRIOLA: Here.

22 MR. ALTADONNA: First hearing is
23 Finance, to consider the application of the South
24 Farmingdale Water District for issuance of serial
25 bonds for improvement of said Water District.

1 SUPERVISOR SALADINO: Please approach
2 and state your presence.

3 MR. CARMAN: Good morning,
4 Mr. Supervisor.

5 My name is Mr. Willis Carman. I'm with
6 Carman, Callahan & Ingham, Farmingdale, and I
7 represent the South Farmingdale Water District.

8 We're here today because the District
9 is looking for financing for four important capital
10 improvement projects.

11 The first is treatment of 1,4-Dioxane,
12 which is at Plant 3; second is iron removal at
13 Plant 4; third is water main replacements
14 throughout the District; the fourth is expansion of
15 the garage at Plant 1.

16 The amount of the borrowing will not
17 exceed 16.3 million. The repayment of the bond
18 will be made by assessments against real property
19 within the South Farmingdale Water District and not
20 against Town properties at large. The projects are
21 necessary so the District can continue to provide
22 safe portable drinking water and adequate pressure
23 for fire protection.

24 First and foremost, the District
25 requires a facility to treat 1-4-Dioxane at

1 Plant 3. Plant 3 is located on Hicksville Road and
2 has one well.

3 This past December water sampling
4 showed elevated levels of 1,4-Dioxane at that
5 Plant, and the District stopped pumping at that
6 point. You're probably aware that 1,4-Dioxane is
7 synthetic industrial chemical.

8 Historically, it's been used as
9 stabilizer in another chemical called
10 Trichloroethane, which is known as TCA. TCA was
11 most commonly used as a degreaser and a solvent.

12 This past year the Governor's Drinking
13 Water Quality Counsel recommended a maximum
14 contaminate level for 1,4-Dioxane at one part per
15 billion. We expect the New York State Health
16 Department to issue an MCL in the near future.
17 South Farmingdale Water District, along with every
18 other water provider on Long Island and in New York
19 State, will be required to comply with that MCL.

20 Anticipating this new regulation and in
21 response to the elevated levels of 1,4-Dioxane at
22 Plant 3, the Commissioners requested that the
23 District's retained engineer H2M Group to study
24 treatment methods for 1,4-Dioxane. H2M recommended
25 a process called Advanced Oxidation Process or AOP.

1 AOP involves treatment with peroxide and
2 ultraviolet light to break down 1,4-Dioxane, and
3 then the treated waters then pumped through
4 granular activated carbon.

5 The District needs to design and
6 construct a treatment facility at Plant 3 so that
7 the well can be put back into use. The District is
8 currently applying for grant money from New York
9 State Health Department to help offset the planning
10 costs and engineering costs, but the amount of the
11 State grants, if they are granted, will not be
12 sufficient for construction of the Plant.

13 In addition, the District has filed
14 suit in Federal Court against the manufacturers of
15 1,4-Dioxane and against the Northrop Grumman
16 Corporation for their roles in contaminating ground
17 water with 1,4-Dioxane. And any funds that are
18 obtained through these sources will be used to
19 reduce the amount borrowed. However, the District
20 cannot wait to see if New York State will give the
21 grant and the District cannot wait until the
22 resolution of the lawsuit. The District has to be
23 proactive in addressing the issue of 1,4-Dioxane
24 and must design and construct a treatment facility
25 now.

1 The second project is an iron
2 filtration Plant at Plant 4, which is located on
3 Lyndon Street in North Massapequa. That Plant also
4 has one well and dissolved iron in ground water is
5 pretty common here on Long Island, and the District
6 treats for it at Plant 4. But recently, the water
7 that's been pumped has had elevated levels of iron
8 and the current process of iron removal is not
9 sufficient. The District, again, requested H2M to
10 review the situation and they've recommended a
11 system of pressurized filters to remove iron to
12 improve the quality of the water.

13 The third project involves continuation
14 of the District's program of replacing its aging
15 water mains. In the past seven years, the District
16 has made significant improvements to its primary
17 and secondary water mains, which has successfully
18 increased water pressure and flow throughout the
19 District.

20 The District now plans to target
21 additional water mains that have a history of
22 breaks and other mains due to their age and the
23 type of pipe material.

24 The continuation of the water main
25 improvement program will provide a more stable

1 distribution system, consistent pressure and higher
2 water quality.

3 The last project is an expansion of the
4 District's main garage at Plant 1, which is located
5 on Langdon Road. The garage has long since reached
6 its storage capacity, and as a result, the District
7 has had to store vehicles, material and equipment
8 at other sites throughout the District.

9 Expansion of the garage will allow the
10 District to consolidate vehicles, materials and
11 equipment in one central location on Plant 1 and
12 will be able respond to emergencies such as water
13 main breaks in a more efficient fashion.

14 The garage will also enable the workers
15 to load tools and equipment on the trucks while
16 inside the garage, and this will help mitigate the
17 noise for the benefit of the residential neighbors,
18 especially for emergencies that have occurred
19 during the middle of the night.

20 In summary, the District is seeking
21 financing for the four projects. Treatment
22 1,4-Dioxane at Plant 3, iron removal at Plant 4,
23 replacement of water mains throughout the District
24 and the garage expansion of Plant 1. All the
25 projects are necessary so the District can continue

1 to provide safe drinking water and fire protection
2 for the residents.

3 We have here with us our three
4 commissioners, Ralph Victoria -- John didn't make
5 it today -- two Commissioners, Gary Brosnan,
6 District Business Manager Len Constantinopoli,
7 Superintendent Frank Koch and with us from H2M
8 Group, Allison Goriamo.

9 If you have any questions about any of
10 the technical aspects of it, financing.

11 COUNCILMAN LABRIOLA: I do.

12 SUPERVISOR SALADINO: Yes, Councilman.

13 COUNCILMAN LABRIOLA: I don't know if
14 this is for you or one of your engineers.

15 I saw that it was a governors'
16 recommendation that cut down this Dioxane by
17 two-thirds.

18 Is that a mandate imposed by the State
19 or is that something that -- I mean, you called it
20 a recommendation. You didn't say that it was, you
21 know, something that was an absolute shell must do
22 from the State of New York.

23 COUNCILMAN IMBROTO: And follow-up
24 question: What if the MCL is lower than the
25 recommendation?

1 MS. GORIAMO: If the MCL is lower than
2 the recommendation, our treatment system would
3 still treat down to nondetect. The recommendation
4 is from the water quality counselor at this point.
5 It's expected to become an MCL in the future.

6 So this is the Water District being
7 proactive, anticipating this MCL, which would be
8 something they would have to comply with.

9 COUNCILMAN LABRIOLA: I mean, it seems
10 to me like a pretty drastic reduction, and the
11 costs will borne by all these Water Districts
12 throughout Long Island.

13 Is there a funding source to go with
14 the MCL or you're on your own?

15 MR. CARMAN: That's one of the reasons
16 why we are seeking the State grant, to help with
17 the engineering and planning costs. That's why the
18 District has initiated litigation against Grumman
19 and --

20 COUNCILMAN LABRIOLA: And the Navy.

21 MR. CARMAN: -- Dell Chemical and
22 others. Because the costs are considerable. But
23 the water has to be treated.

24 COUNCILMAN HAND: I applaud the
25 Farmingdale Water District for going forward as

1 1,4-Dioxane is a known carcinogen.

2 That being said, the Plant that's going
3 into operation will get you up to the governors'
4 standard of one part per billion.

5 What happens in the event the EPA goes
6 to a more aggressive standard, as the engineering
7 gotten you down to a near nondetect?

8 MS. GORIAMO: The proposed treatment
9 systems are expected to get to nondetect levels.

10 COUNCILMAN HAND: Thank you.

11 SUPERVISOR SALADINO: I would also
12 suggest that we continue to work together, the
13 Commissioners in the District in my office to
14 continue to lobby Albany. They had set aside \$2.5
15 billion for water treatment projects and water
16 preservation projects and, at least in my view,
17 this sounds like this is the perfect organization,
18 municipality and that you meet that criteria, so
19 let's continue to work together to and get our fair
20 share.

21 Just so I can ask you one question,
22 Counselor. In terms for the public's information,
23 this -- a cost will be paid for only by the rate
24 payers of the District and not by the entire
25 taxpayers of the Town of Oyster Bay, correct?

1 MR. CARMAN: That is correct.

2 SUPERVISOR SALADINO: And isn't it also
3 correct that this is mandated by Albany for you to
4 come before the Town of Oyster Bay, for the Town of
5 Oyster Bay to give that approval separate from the
6 approvals directly from the District?

7 MR. CARMAN: That is correct. Because
8 Water Districts do not have bonding authority.

9 SUPERVISOR SALADINO: Therefore,
10 they --

11 MR. CARMAN: It must go through the
12 Town Board.

13 SUPERVISOR SALADINO: Okay.

14 Can I have that confirmed by the Town
15 Attorney's office?

16 MR. NOCELLA: Oh, that's absolutely
17 correct. We've seen that many times. Absolutely.

18 SUPERVISOR SALADINO: Many times before
19 us.

20 So this not a function of the Town of
21 Oyster Bay; it's a function of the responsibility
22 of the Water District and by State Law, you must
23 come before the Town of Oyster Bay to get that
24 approval.

25 MR. CARMAN: That's correct.

1 SUPERVISOR SALADINO: Thank you.

2 Are there any other questions?

3 (No verbal response given.)

4 SUPERVISOR SALADINO: No.

5 COUNCILMAN MACAGNONE: You guys are
6 doing a great job. Keep it up. I know it was real
7 difficult, but thank you.

8 SUPERVISOR SALADINO: South Farmingdale
9 Water District has an impeccable reputation. We're
10 all working with and dealing with these historic
11 contaminations. Many emanating from the Grumman
12 Navy facility in Bethpage, and as we see everyone
13 working so hard together to deal with this, to
14 continue to deliver clean water, portable water
15 that meets all Federal State and Nassau County
16 Health Department standards to the residents, but
17 it comes with a cost. And this is an opportune
18 moment to point out that Albany must work with us,
19 must help us, the DEC and the governors -- and the
20 State budget, quite frankly, should be providing
21 for these moneys and helping the municipalities to
22 get that funding from the responsible parties in
23 this case, as you stated earlier, those who are
24 currently suing for those funds.

25 If there are no other questions, may we

1 please have a motion?

2 COUNCILMAN MACAGNONE: I make a motion
3 that this hearing be closed and a decision be made
4 later on.

5 COUNCILWOMAN JOHNSON: Second.

6 SUPERVISOR SALADINO: All in favor
7 please signify by saying "Aye."

8 ALL: "Aye."

9 SUPERVISOR SALADINO: Those opposed,
10 "Nay."

11 (No verbal response given.)

12 SUPERVISOR SALADINO: The "Ayes" have
13 it.

14 Thank you very, very much.

15 (TIME NOTED: 10:49 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
MAY 21, 2019
10:50 a.m.

HEARING - LOCAL LAW

To consider a Local Law entitled a Local Law to Amend Chapter 201, Solid Waste, of the Code of the Town of Oyster Bay. (M.D. 4/23/19 #15).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

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Reporter/Notary Public

1 SUPERVISOR SALADINO: Town Clerk will
2 call the next hearing.

3 MR. ALTADONNA: Hearing is a Local Law
4 to consider a Local Law entitled a Local Law to
5 Amend Chapter 201, Solid Waste of the Code of the
6 Town of Oyster Bay.

7 Let's go back, Supervisor.

8 SUPERVISOR SALADINO: Yes.

9 MR. ALTADONNA: First one, we have
10 affidavits of postings and publications. There is
11 no other correspondence.

12 That's Hearing 1.

13 SUPERVISOR SALADINO: On Hearing 1.

14 Thank you very much.

15 Hello, Counselor.

16 MS. FAUGHNAN: Good morning,
17 Supervisor, Members of the Town Board.

18 Elizabeth Faughnan, Deputy Town
19 Attorney, Town Attorney's Office.

20 The Town Attorney's Office was asked to
21 prepare this Local Law pursuant to a request from
22 the Department of Public Works, the Sanitation
23 division, specifically Deputy Commissioner Dan
24 Pearl is here to speak more specifically on the
25 topic, but this Local Law has been drafted and the

1 changes proposed in order to protect the safety and
2 welfare of our Town employees as they go about
3 their every day job of collecting the Township's
4 garbage.

5 So having said that, I'm going to ask
6 Dan Pearl Deputy Commissioner to come up to speak
7 specifically as to the recommended requested
8 changes.

9 COMMISSIONER PEARL: Good morning,
10 Supervisor, Town Board Members.

11 My name is Dan Pearl. I'm Deputy
12 Commissioner for DPW, Sanitation Division.

13 To get to the -- cut to the chase,
14 sanitation employees are getting injured by these
15 Toter pails. Toter pails empty are about 20
16 pounds. Town Sanitation Department pails, they
17 don't service pails heavier than 50 pounds, so what
18 we're coming into contact with and encountering
19 with the last couple of years, Toter pails, I guess
20 because of the raccoons and the possum issue,
21 residents are going towards these pails because
22 they feel that it's going to prevent the animals
23 from getting into pails. So a lot more communities
24 and residents in communities are purchasing these
25 pails. We've had tremendous uptake in injuries in

1 the Sanitation Division due to this.

2 So, therefore, we're recommending Town
3 of Oyster Bay to pass this code change, for
4 specifically 32 gallon pails with attached lids
5 made from mechanical collection.

6 These Totor pails are specifically
7 made, believe it not, for the truck to pull up
8 along side the home, pick it up and dump it.

9 SUPERVISOR SALADINO: The truck itself.
10 With a mechanical operation rather --

11 COMMISSIONER PEARL: Yeah. It's not
12 the manpower actually picking it up. What we're
13 doing is -- it's really not even so much the issue
14 of picking up the pail and dumping it, it's really
15 with the weight coming down, that's where the guys
16 are getting injured. And you've got to also
17 remember, the attached lid, it's still attached and
18 it folds open the opposite way.

19 So we're also having an issue where a
20 lot of garbage is being left in bottom of the pail,
21 and we instruct our employees not reach in to grab
22 any garbage out of the bottom because we just had
23 one of our employees got stuck by a needle just
24 recently, so we're trying to avoid any of this
25 happening. And we've been getting a lot more

1 complaints about garbage left in the bottom of
2 these pails because they're much more narrower than
3 a regular 32-gallon pail.

4 So, you know, for safety purposes,
5 we're requesting this code changes.

6 SUPERVISOR SALADINO: So if someone has
7 those pails can they retrofit them, can they cut
8 the plastic hinges off so that the top no longer is
9 attached and still keep their pail?

10 COMMISSIONER PEARL: My answer would be
11 "no." It's not going take away from the weight of
12 the pail. So, I know people have been asking are
13 they going to be grandfathered in. I would say no,
14 because it is a pail that we shouldn't be
15 servicing.

16 COUNCILMAN IMBROTO: Mr. Pearl, my
17 understanding was that we already had restrictions
18 on these pails. I remember there was a major issue
19 in the Plainview area where everybody was buying
20 these Toter pails and they were getting cited for
21 having them.

22 What is the current status?

23 COMMISSIONER PEARL: Well, basically,
24 we were preparing for this code change. It took a
25 little while to word it appropriately. But we went

1 the local businesses, not just in Plainview area,
2 pretty much throughout the Town.

3 COUNCILMAN IMBROTO: Local hardware
4 stores.

5 COMMISSIONER PEARL: Local hardware
6 stores, Home Depot, Ace Hardware.

7 COUNCILMAN IMBROTO: I drove past a
8 hardware store this morning. They've got them out
9 on the street, you know, as if they're still legal.

10 COMMISSIONER PEARL: We've been going
11 -- well, at the time they were legal in theory.
12 But we were requesting them to inform the residents
13 that the Town of Oyster Bay Sanitation Division
14 doesn't recommend or would like not to service
15 those pails for that purpose.

16 COUNCILMAN IMBROTO: What kind of
17 outreach is being done to the residents? Because I
18 know as soon as we do this, we're going to get
19 complaints from every single person in the town
20 that has one of these pails. Nobody told us, we
21 got a ticket, we got this.

22 Are we reaching out to the residents
23 and letting them know?

24 COMMISSIONER PEARL: We are leaving a
25 NOD notice -- a notice at the residence that do

1 have these pails currently, letting them know that
2 this is really not a pail that we service in the
3 Town of Oyster Bay. And, again, once this law is
4 passed, we're not looking to grandfather anybody in
5 with it either. It's still a safety issue for the
6 men lifting it up and put it down.

7 COUNCILMAN LABRIOLA: Commissioner
8 Pearl, are there other municipalities on Long
9 Island or in New York State that you know of that
10 had such restrictions?

11 COMMISSIONER PEARL: Every municipality
12 has different types. Some municipalities go with
13 larger pails. I think the Town of Hempstead goes
14 bigger pails.

15 COUNCILMAN IMBROTO: How did we arrive
16 at 32 gallons, 50 pounds?

17 COMMISSIONER PEARL: That was in the
18 code prior to me coming in here.

19 COUNCILMAN IMBROTO: Okay.

20 SUPERVISOR SALADINO: In terms of the
21 employee that you previously mentioned without
22 mentioning their name, how is their health and
23 safety? Is it okay?

24 COMMISSIONER PEARL: He's okay. With
25 the needle stick, yes.

1 SUPERVISOR SALADINO: Very scary to be
2 stuck by a needle in a garbage pail.

3 COMMISSIONER PEARL: Unfortunately,
4 when you pack those pails in, they're a lot more
5 narrow at the bottom, so when you're trying to get
6 that extra garbage in there, it is just inevitable,
7 it gets stuck. And then, you know, our guys want
8 to take all the garbage so they're reaching and,
9 you know, things happen.

10 COUNCILMAN IMBROTO: How many injuries
11 have we had?

12 COMMISSIONER PEARL: Specifically, for
13 these pails, I believe 19 shoulder injuries.

14 COUNCILMAN IMBROTO: 19, wow.

15 COMMISSIONER PEARL: That was just last
16 year alone. Some long-term comp. issues where they
17 had to be out for a while for surgery.

18 Again, it's not so much lifting it up;
19 it's the weight putting it down. It's 20 pounds
20 empty, so, you know, when you dump it that leads to
21 more issues because the weight, then you have
22 wheels, wheels break, and then residents
23 complaining about damaging of the pails.

24 COUNCILMAN IMBROTO: Can we consider a
25 phase-in period so that we can give the residents a

1 chance to adjust, get a new pail before we start?

2 COMMISSIONER PEARL: As far as the
3 phasing, anybody that has it we're leaving a NOD
4 notice letting them know, hey, listen, you know,
5 this is the direction that we're going.

6 Obviously, we're giving them a little
7 leeway, but again, I wouldn't recommend
8 grandfathering because then everybody -- they see
9 them and they think --

10 COUNCILMAN IMBROTO: No. I'm not
11 saying grandfather it in. I'm saying maybe give
12 them, you know, six months to adjust and get them
13 the new pail.

14 COUNCILWOMAN JOHNSON: Well, that's
15 another ten injuries maybe.

16 COMMISSIONER PEARL: Yeah. That's the
17 issue with that.

18 Again, when you see them out there
19 everybody says, hey, that's a great pail, let's get
20 it. Because of the way -- it's a steel frame
21 underneath the plastic.

22 COUNCILMAN MACAGNONE: It's a well-made
23 product. It just needs --

24 COMMISSIONER PEARL: It's great made
25 product, but it's not made for physical collection

1 like that. It's mechanical.

2 COUNCILMAN LABRIOLA: I haven't seen
3 those pails. I don't know what they look like.

4 COMMISSIONER PEARL: I can show you a
5 picture of them.

6 COUNCILMAN IMBROTO: Walk down the
7 street to the hardware store. They're right
8 outside.

9 COUNCILMAN MACAGNONE: You don't think
10 you've ever --

11 COUNCILMAN LABRIOLA: No. I don't --
12 I've never seen one of these garbage pails.

13 How do you know that -- oh, so they're
14 rubber on the outside, but they're steel on the
15 inside?

16 COUNCILMAN MACAGNONE: Yeah. Steel
17 framed.

18 COUNCILMAN LABRIOLA: So you can't tell
19 unless you lift it up. You wouldn't know by
20 looking at it?

21 COMMISSIONER PEARL: And it has the
22 attached lid to it also. It flips open.

23 COUNCILMAN IMBROTO: How long have you
24 been leaving the notices to the people that have
25 the pails?

1 COMMISSIONER PEARL: It's been ongoing.
2 We've been doing it every time we --

3 COUNCILMAN IMBROTO: A year?

4 COMMISSIONER PEARL: Oh, I've been in
5 the department for a year and a half now and it was
6 being done prior to my time.

7 COUNCILMAN IMBROTO: And every person
8 who has one of those pails got the notice?

9 COMMISSIONER PEARL: To my knowledge,
10 yes.

11 COUNCILMAN MACAGNONE: Multiple times,
12 I imagine.

13 COMMISSIONER PEARL: Yes.

14 COUNCILMAN LABRIOLA: Are those the
15 pails designed for mechanical arms to lift it --

16 COMMISSIONER PEARL: Yes.

17 COUNCILMAN LABRIOLA: -- in other
18 municipalities?

19 COMMISSIONER PEARL: Yeah.

20 I mean, other municipalities might have
21 mechanical collection. I can't speak for that.

22 COUNCILMAN MACAGNONE: Or a private
23 carter?

24 COMMISSIONER PEARL: Or a private
25 carter, yes.

1 COUNCILMAN MACAGNONE: And our guy's
2 safety is the utmost importance, longevity.

3 COMMISSIONER PEARL: Absolutely.

4 That's why we requested this code
5 change.

6 SUPERVISOR SALADINO: Are there any
7 other questions?

8 (No verbal response given.)

9 SUPERVISOR SALADINO: Thank you.

10 COUNCILMAN LABRIOLA: What is the
11 effective date, that it would take effect, what
12 date?

13 COUNCILMAN MACAGNONE: Have to vote on
14 it first.

15 MS. FAUGHNAN: Supervisor, if I may,
16 the law as proposed states the effective date is
17 immediately upon adoption and filing with the
18 Secretary of State, but, obviously, that could be
19 changed by the Town Board. If you feel that there
20 should be some sort of lead time to have it
21 effective January 1 --

22 COUNCILMAN IMBROTO: If you've been
23 notifying people for a year, that seems like plenty
24 of time.

25 MS. FAUGHNAN: But as currently as

1 drafted, it's upon adoption and filing with the
2 Secretary of State.

3 COUNCILMAN MACAGNONE: Counselor, is it
4 on the calendar to be adopted today?

5 MS. FAUGHNAN: No, it's not.

6 COUNCILMAN MACAGNONE: Thank you.

7 MS. FAUGHNAN: Sure.

8 SUPERVISOR SALADINO: Are there any
9 other questions?

10 (No verbal response given.)

11 SUPERVISOR SALADINO: Would any of our
12 residents like to be heard on this issue?

13 MR. ALTADONNA: I would like to be
14 heard on this issue.

15 SUPERVISOR SALADINO: Why don't you
16 wait until the end of the meeting? We've been
17 through this a number of times, Jim.

18 MR. ALTADONNA: I think it is helpful.

19 SUPERVISOR SALADINO: I really think it
20 is appropriate that you speak at the end of the
21 meeting during the public --

22 MR. ALTADONNA: But this is a hearing.

23 SUPERVISOR SALADINO: We've been
24 through this so many times, Jim.

25 COUNCILMAN MACAGNONE: He is a resident

1 and any resident has a right to speak on a hearing.

2 SUPERVISOR SALADINO: Okay. Let's
3 bring our Town Attorney up again because this is a
4 constant process that we are dealing with.

5 COUNCILMAN MACAGNONE: Jim, can you
6 step down from your seat for a minute while you
7 speak?

8 MR. ALTADONNA: Of course, I will.

9 SUPERVISOR SALADINO: I'd just like to
10 know the appropriateness of this request.

11 MR. NOCELLA: Well, with respect to the
12 timing of this, that's entirely within your
13 control, Supervisor.

14 So if you prefer to have the comments
15 such as they are from whomever is going to make
16 them, that is within your discretion. If that's
17 the answer that you need for now.

18 SUPERVISOR SALADINO: So we're not
19 voting on this today. It's appropriate that
20 everyone who would like to speak, speak during the
21 public comment portion, rather than the back and
22 forth that goes on and on.

23 We've discussed this before, we've
24 looked carefully at the Town Code, we've also
25 looked at the role of Town Clerks in other towns

1 throughout the state on this issue, And I believe
2 that's in the best interest of everyone.

3 It's not as though we are making a
4 decision without hearing from everyone, including
5 our Town Clerk.

6 MR. NOCELLA: Well, that is true.

7 What I was addressing thought is simply
8 the timing of anybody's comments.

9 COUNCILMAN IMBROTO: The order.

10 MR. NOCELLA: The order. That's
11 correct.

12 Not the actual role of Mr. Altadonna.

13 COUNCILMAN IMBROTO: Does the Town
14 Clerk have the right to speak during the hearing?
15 That's the question.

16 MR. NOCELLA: Well, the Town Clerk --
17 Okay. Here's the ruling that I have to give.

18 If there's going to be a hearing and
19 the Supervisor would like to hold off on comments
20 by everybody until a certain point, that is within
21 his discretion.

22 COUNCILMAN MACAGNONE: But the hearing
23 comments should be on the hearing while the hearing
24 is open.

25 MR. NOCELLA: That is true. The

1 hearing has to be held open in order for the
2 comments to be made.

3 SUPERVISOR SALADINO: Is that what
4 we're doing today? We're holding this hearing open
5 and voting on it at a future Board meeting?

6 MR. NOCELLA: Yes. That is correct.

7 Apart from that, with respect to this
8 recurring issue as you referred to it, we have
9 looked at other boards where people are sitting.

10 Like Mr. Stefanich, ex officio, and
11 like Mr. Altadonna, ex officio, but without a
12 speaking role or a voting role.

13 In the event that Mr. Altadonna wants
14 to exercise his right as a resident or a citizen to
15 speak he can do so, but he would have relinquish
16 his role as Town Clerk.

17 And by that I mean, I think would be in
18 his interest that this be held open, so that he'll
19 have another opportunity.

20 The ruling is very simple, if he wants
21 to speak and exercise his rights as a citizen,
22 he'll have to one of his deputy Town Clerks preside
23 as Town Clerk over the meeting. I think that may
24 come as a change to Jim and a bit of a surprise.

25 So, again, I think it's in your best

1 interest to wait so that you can then have some
2 deputy preside over the meeting, and then you would
3 be in the same position as everybody else who is
4 sitting here choosing to exercise their right as a
5 citizen.

6 SUPERVISOR SALADINO: So what you're
7 telling us is the Town Clerk has to make a
8 decision, either he's here in his paid position to
9 represent his office and do the work as the Town
10 Clerk, or to take a seat in the gallery and wait to
11 be called on like every other resident and then
12 we're happy to bring him up.

13 MR. NOCELLA: That's precisely right.

14 And given that, at this moment, he
15 hasn't had that opportunity to make that decision,
16 I think it's actually in his best interest, unless
17 he wants to relinquish his right to speak, to wait
18 until later to make his comments.

19 SUPERVISOR SALADINO: Now, in terms of
20 procedure and policy, in terms of all of the Town
21 Clerks throughout Long Island and even the State, I
22 know we have a member of the Town Board who used to
23 be a previous Town Clerk here, was a member of the
24 Town Clerk's Association, is it custom -- is it the
25 procedure -- normal procedure -- of Town Clerks to

1 take on this role?

2 MR. NOCELLA: You mean as a --

3 SUPERVISOR SALADINO: Do we see Town
4 Clerks across Long Island going back and forth in
5 this dynamic of part of the meeting as Town Clerk,
6 part of the meeting as a resident speaking --

7 MR. NOCELLA: No.

8 SUPERVISOR SALADINO: -- on issues,
9 part -- and bouncing back and forth through the
10 meeting?

11 MR. NOCELLA: No. We don't see that.

12 SUPERVISOR SALADINO: So it's highly
13 irregular?

14 MR. NOCELLA: It is irregular.

15 SUPERVISOR SALADINO: And I'm not
16 disputing the right to First Amendment rights.

17 MR. NOCELLA: No. I understand what
18 you're saying.

19 SUPERVISOR SALADINO: In terms of
20 procedure that Town Boards follow throughout the
21 State.

22 MR. NOCELLA: And that's why the only
23 way to adjust the rights that Mr. Altadonna has as
24 both Clerk and also as resident is to ask him in
25 advance, when he knows he's going to be making a

1 ruling, to have somebody else perform the Town
2 Clerk functions. And then he could be in the
3 audience -- in the gallery like everybody else, put
4 in his slip and come up and speak as a citizen, but
5 not do both or bounce back and forth as you put it.

6 SUPERVISOR SALADINO: Okay. So then
7 it's clear.

8 At the end of the meeting if the Town
9 Clerk would like to speak like every other resident
10 during public comments, he is free to do so.

11 MR. NOCELLA: Yes.

12 SUPERVISOR SALADINO: Thank you very
13 much.

14 COUNCILMAN MACAGNONE: Mr. Nocella, can
15 you clarify that, please?

16 MR. NOCELLA: Certainly.

17 COUNCILMAN MACAGNONE: He couldn't just
18 step down for -- and appoint a Clerk for that basis
19 for that time when he's speaking, and then resume
20 his role after he speaks.

21 MR. NOCELLA: No, he cannot, and I'll
22 explain why.

23 COUNCILMAN MACAGNONE: Please.

24 MR. NOCELLA: Yes. Because right now
25 he is an employee on the clock being paid, as

1 opposed to everybody else who's come and either
2 taking time out from their jobs or --

3 COUNCILMAN MACAGNONE: No. Let's not
4 say "everyone else." Because I see quite a few
5 Town employees here.

6 SUPERVISOR SALADINO: But they're here
7 in the capacity as Town employees.

8 (Speaking over each other.)

9 SUPERVISOR SALADINO: As a Commissioner
10 or Deputy Commissioner to adhere to answer our
11 questions --

12 COUNCILMAN MACAGNONE: Correct.

13 SUPERVISOR SALADINO: -- to assist with
14 policies.

15 COUNCILMAN MACAGNONE: I understand
16 that.

17 MR. NOCELLA: I can answer that
18 question quite effectively.

19 You see, these Town employees who are
20 here are largely here to answer questions. They
21 are not here in their capacity as individual
22 citizens.

23 COUNCILMAN IMBROTO: They're not here
24 to offer their personal views. If someone from the
25 Town Attorney's office comes down and says, "I have

1 a comment about this" on Town time, that would be
2 improper.

3 COUNCILMAN MACAGNONE: Thank you,
4 Councilman.

5 Town Attorney Nocella has a way of
6 speaking very good language to me, so I enjoy it.

7 COUNCILMAN LABRIOLA: If I could also
8 just add something, Mr. Nocella.

9 As a former Town Clerk, I can speak
10 honestly and openly and tell you that I've never
11 spoken from the Town Clerk's chair during the
12 Action Calendar.

13 That's what I was questioning last time
14 I brought up the issue. It was during the call of
15 the Action Calendar.

16 In this case, we have a hearing. I
17 understand if the Clerk wants to speak as a member
18 of the public, you're saying that he should do so
19 at end of the hearing, but during the Action
20 Calendar is my question to you as parliamentarian.

21 I haven't seen any Town Clerk and I was
22 a member of the Town Clerk's Association, and I was
23 Town Clerk for many years here, but I've never seen
24 a Town Clerk speaking and asking questions.

25 Now, I'll tell you one of the reasons

1 is the point of privilege you have as Town Clerk is
2 that during the formulation of our Calendar, there
3 are several dockets. Two, sometimes three dockets
4 before. The Clerk has a personal privilege that
5 can call any council member, the supervisor staff,
6 any commissioner, any department head, any deputy
7 at any time to ask questions before the Calendar is
8 called. To ask it while the Calendar is being
9 called seems to me -- basically, I think abusing
10 that privilege, because the privilege that exists
11 as an officer of this Town is that he can call at
12 any time he wants during the formulation of our
13 Calendar.

14 So that was the point. I know that's
15 not specific to this hearing, but that was the
16 point I was making last time.

17 MR. NOCELLA: I hear you, but may I
18 suggest instead of "abuse" we say "conflict."

19 There's some conflict and some tension
20 between the two roles.

21 Again, at least with -- for today,
22 because I think this might be taking Mr. Altadonna
23 as a bit of surprise, he should be permitted to
24 resume his role as Town Clerk, and then later on,
25 as you've asked, Supervisor, let him speak.

1 SUPERVISOR SALADINO: Fine.

2 MR. NOCELLA: But on a going-forward
3 basis, if Mr. Altadonna knows that he wants to make
4 comments as a citizen, then he'll have to anoint --
5 or appoint, I should say, one of his deputies to
6 preside over the meeting and perform the functions,
7 taking the role, taking the votes, reading into the
8 record matters that may have been walked on, so on
9 and so forth and not be functioning as a Town
10 employee on Town time. He'd have to relinquish
11 that right so that he could then be in the gallery
12 and then address the Town Board as a citizen.

13 That's the only way I can think of that
14 would balance Mr. Altadonna's rights to speech, but
15 at the same time his obligations, and I would say
16 even his privilege, to function as Town Clerk.

17 COUNCILMAN LABRIOLA: Thank you.

18 COUNCILMAN MACAGNONE: Now,
19 Mr. Nocella, in the 350-plus years with this Town,
20 we've never had this written -- the function of a
21 Town Clerk to speak or Receiver of Taxes to speak
22 during a hearing, it never came up to the best of
23 your knowledge until last meeting?

24 MR. NOCELLA: No.

25 It actually did come up the very, very

1 first time, my first month here, when we were
2 dealing with the concession presentations during
3 the workshop.

4 And, at that time, it was decided that
5 perhaps as a courtesy, because Mr. Altadonna had a
6 contribution to make, we would all benefit by
7 allowing him to, but no rule or precedent was
8 established by that. And that was the very first
9 time that Mr. Altadonna spoke.

10 SUPERVISOR SALADINO: But in terms of a
11 precedent though, we've already established that
12 the previous Town Clerk, Mr. Labriola, did not do
13 that. We've reached out to Vinnie Corcintino to
14 see if she was doing that and the answer was no,
15 never. Joanne Reya --

16 COUNCILMAN MACAGNONE: I know that
17 Martha Offerman has done it in the past.

18 SUPERVISOR SALADINO: I was not aware
19 of that.

20 COUNCILMAN MACAGNONE: He wasn't
21 employed --

22 SUPERVISOR SALADINO: That's right. I
23 only came to the Town two years ago. I wasn't here
24 during the past administration as some were.

25 MR. NOCELLA: But I have another

1 response to what --

2 COUNCILMAN MACAGNONE: You were
3 employed when Mrs. Offerman was here.

4 SUPERVISOR SALADINO: No.

5 MR. NOCELLA: I have another response
6 to what Councilman Macagnone is saying.

7 If you go back to -- for example, in
8 2017, it was a matter of courtesy and a matter of
9 discretion that almost everybody agreed to at the
10 time.

11 But as Mr. Altadonna begins to exercise
12 or choose to exercise his rights as a citizen more
13 and more frequently, we can't continue to extend
14 that degree of courtesy. And that doesn't mean he
15 can't come up here and speak; he can.

16 SUPERVISOR SALADINO: We made it very
17 clear. At the end of the meeting -- we're not
18 voting on this today. At the end of the meeting,
19 he's free to speak like everyone else, and I'm more
20 than happy to provide him with that opportunity.

21 COUNCILMAN MACAGNONE: And/or submit a
22 letter or an e-mail to the Board.

23 SUPERVISOR SALADINO: Of course.

24 A letter -- that's also something
25 that's a very good point. He always has the

1 opportunity, just like everyone else, to submit a
2 letter or an e-mail and we're happy to read that
3 correspondence.

4 MR. NOCELLA: Yes.

5 SUPERVISOR SALADINO: Thank you very
6 much. We really appreciate it.

7 Okay.

8 Is there anyone else who would like to
9 speak on this hearing?

10 (Inaudible chatter.)

11 SUPERVISOR SALADINO: Of course.

12 MR. McKENNA: Kevin McKenna, Edna
13 Drive, Syosset, New York.

14 Mr. Supervisor, you had advocated
15 tremendously when you were appointed and elected as
16 the Supervisor to openness and transparency.

17 I can't understand how you just spent
18 and wasted all our time here trying to shut down --

19 SUPERVISOR SALADINO: There is no waste
20 of time.

21 MR. McKENNA: -- trying to shut down a
22 request in transparency.

23 COUNCILWOMAN JOHNSON: It has nothing
24 do with the hearing, Kevin.

25 SUPERVISOR SALADINO: Kevin, what does

1 this have to do with garbage pails? We're holding
2 a hearing on garbage pails. What does this have to
3 do with garbage pails? I'll ask you to please keep
4 your comments to the subject of the hearing as is
5 the rules of the Town of Oyster Bay.

6 Okay?

7 MR. McKENNA: Okay.

8 SUPERVISOR SALADINO: Thank you.

9 MR. McKENNA: What it has to do with
10 the hearing is that the public would like to
11 hear --

12 SUPERVISOR SALADINO: And they'll get
13 the opportunity during public comments today. So
14 we're not deciding on this today. Perhaps you
15 didn't hear.

16 MR. McKENNA: No. I heard you. My
17 hearing aids are working today.

18 SUPERVISOR SALADINO: Okay. So we're
19 not deciding on this today. Everyone has an
20 opportunity to speak today --

21 MR. McKENNA: I understand that. The
22 problem --

23 SUPERVISOR SALADINO: -- and to send a
24 letter and to send the correspondence. And we're
25 happy read and consider all of those from everyone

1 equally. The issue is that one person asked to
2 speak in way that's not equal to the others. And
3 we're going to continue to adhere to the protocols
4 of the Town of Oyster Bay.

5 What would you like to tell us in terms
6 of the weight of garbage pails, in terms of the
7 issue --

8 MR. McKENNA: What I would like to tell
9 you is that --

10 SUPERVISOR SALADINO: -- the injuries
11 of the Town employees we're protecting? The
12 workforce you heard about someone reaching into a
13 pail and getting stuck by a needle. That's very
14 serious.

15 MR. McKENNA: I understand.

16 And there's also been injuries having
17 to do with the trucks in the Town of Oyster Bay.

18 Did you know that?

19 SUPERVISOR SALADINO: What would you
20 like to tell us today to help us to consider this
21 issue of the subject of the hearing we're on right
22 now?

23 Please keep your remarks focused on the
24 hearing.

25 Thank you.

1 MR. McKENNA: Okay.

2 Are you reading right now from a text
3 that's being sent to you?

4 SUPERVISOR SALADINO: I'm looking at
5 you right in the eyes, sir.

6 COUNCILWOMAN JOHNSON: Kevin.

7 SUPERVISOR SALADINO: Would you please
8 stick to the hearing?

9 Kevin, we're not -- we just went
10 through this the other day with Jericho School
11 Board. We're not going to repeat that kind of
12 issue. I'm going to ask you to please use your
13 time --

14 MR. McKENNA: What happened with the
15 Jericho School Board?

16 SUPERVISOR SALADINO: Okay. You're off
17 subject.

18 COUNCILMAN IMBROTO: Mr. McKenna, do
19 you have anything to say about the subject matter
20 of this hearing?

21 COUNCILWOMAN JOHNSON: Anything to
22 stay.

23 SUPERVISOR SALADINO: Would you like to
24 talk about the subject?

25 MR. McKENNA: No, no. You just brought

1 up the Jericho School Board. What happened? Tell
2 us. It's all on video. Tell us your
3 interpretation.

4 SUPERVISOR SALADINO: This just
5 supports the issue of trying to keep our speakers
6 focused on the protocols of the Town.

7 MR. McKENNA: You know what? I'm gonna
8 let go --

9 COUNCILMAN MACAGNONE: Mr. McKenna,
10 anything about these trash cans?

11 MR. McKENNA: Yes. I have a
12 suggestion.

13 Do you know how that you put the igloos
14 recently in different locations for the recycling?

15 COUNCILMAN MACAGNONE: For the glass
16 bottles?

17 MR. McKENNA: For the glass bottles and
18 all that.

19 COUNCILWOMAN JOHNSON: Yes.

20 And...

21 MR. McKENNA: Do you know that?

22 You don't want to respond to a
23 resident --

24 SUPERVISOR SALADINO: Kevin, what would
25 you like to tell us? You can use your time almost

1 any way you want. We are here to listen.

2 MR. MCKENNA: Why don't you consider
3 putting an igloo in the center of neighborhoods --

4 SUPERVISOR SALADINO: That was Phase 2
5 that I announced at the Board meeting when we spoke
6 about this. Perhaps you weren't here at that time,
7 but we announced that we have three phases on the
8 glass recycle --

9 MR. MCKENNA: No. I'm talking about
10 for the garbage. The people --

11 COUNCILMAN IMBROTO: You think we
12 should have -- like for the igloos at people's
13 houses?

14 MR. MCKENNA: The people have to buy
15 new garbage cans, why don't you put an igloo in the
16 neighborhoods.

17 SUPERVISOR SALADINO: They would fill
18 up --

19 MR. MCKENNA: And then give the people
20 tax credits so they can dump their garbage into the
21 igloos.

22 Thank you very much.

23 SUPERVISOR SALADINO: Thank you.

24 Is there anyone else who would like to
25 speak, please step forward.

1 We have an expert now, a former
2 engineer.

3 MR. MOLINARI: I'm not a solid waste
4 engineer. Waste water -- drinking water, yes. I
5 would use my expertise on that.

6 SUPERVISOR SALADINO: Okay.

7 Would you kindly begin, Paul, by giving
8 us your name and address for the record?

9 MR. MOLINARI: Paul Molinari, 332 West
10 Nicholai Street, Hicksville.

11 I support this legislation going to a
12 32-gallon pail. I know the weights on some of
13 these. You know, they get very heavy. I know my
14 daughter lives up in the Plymouth area. It's all
15 mechanical with these big large pails.

16 And as for the issue for raccoons, I
17 live three houses away from a storm water basin. I
18 know we have raccoons in there. I've seen them. I
19 have possums in there. I have a 32-gallon pail, a
20 plastic pail probably cost me not even 20 bucks. I
21 don't even put the lid on it anymore. I just put
22 it out there with the garbage. The animals do not
23 get in it. So if somebody wants to put it where
24 they have a cover, the animals are not going to get
25 into their garbage. You put the garbage out in a

1 plastic bag like I used to do, the animals get into
2 it. They rip it apart no matter what's in there.
3 So I would support this legislation. I don't think
4 it's a significant burden on a household to buy a
5 20, \$25 garbage can to protect the safety of our
6 workers.

7 Thank you.

8 SUPERVISOR SALADINO: Thank you, sir.

9 Is there anyone else who would like to
10 be heard on this?

11 (No verbal response given.)

12 SUPERVISOR SALADINO: Do we have any
13 correspondence?

14 MR. ALTADONNA: We have affidavits of
15 postings and publications.

16 There is no other correspondence.

17 SUPERVISOR SALADINO: Okay.

18 May I have a motion, please?

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

22 COUNCILWOMAN JOHNSON: Second.

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

25 ALL: "Aye."

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SUPERVISOR SALADINO: Those opposed
"Nay."
(No verbal response given.)
SUPERVISOR SALADINO: The "Ayes" have
it.
(TIME NOTED: 11:16 A.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
MAY 21, 2019
11:17 a.m.

HEARING P-4-19

To consider the application of 550 Hicksville Realty Corp., et al. for a Special Use Permit to allow for construction and operation of a self-storage facility for premises located at 550 West Old Country Road, Hicksville, New York. (M.D. 4/23/19 #16).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILMAN JOSEPH D. MUSCARELLA

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: Okay.

2 Would the Town Clerk please call the
3 third hearing?

4 MR. ALTADONNA: Hearing P-4-19 to
5 consider the application of 550 Hicksville Realty
6 Corp., et al, for a Special Use Permit to allow for
7 construction and operation of a self-storage
8 facility for premise located at 5550 West Old
9 Country Road, Hicksville, New York.

10 MR. FARRELL: Good morning, Supervisor,
11 Members of the Board.

12 For the applicant, John C. Farrell with
13 the firm of Sahn Ward Coschignano. The office is
14 at 333 Earle Ovington Boulevard, Suite 601,
15 Uniondale, New York.

16 With me today are Chris Michalek from
17 SGW Architects, Andrew Nee from VHB Engineering and
18 Jake Siconsevich from LSC Development. They'll be
19 here to answer any questions should the Board have
20 any regarding the project that I am not able to
21 answer.

22 The subject property is located on the
23 north side of Old Country Road. It's about 450
24 feet east of Duffy Lane, Hicksville. It's
25 identified on The Nassau County land tax map as

1 Section 11, Block 484, Lots 42 and 43. Combined,
2 the two tax lots are 1.65 acres. It's a split zone
3 property which is why we're here. The front
4 portion of the property is zoned General Business
5 and the rear portion of the property, about the
6 rear 130 feet or so are zoned Light Industrial.

7 It's presently improved with a
8 three-story office building that was built in the
9 mid '60s. It's kind of fallen into disrepair over
10 the years. It's not really been well-maintained.
11 It is under tenanted. It's really just not a great
12 property.

13 We are here today to seek a special
14 permit to demolish that building and construct a
15 new three-story self-storage facility. The
16 building would be slightly less than 133,000 square
17 feet and it will comply with all required setbacks,
18 buffers, height. We will require a parking
19 variance -- a minor parking variance, which we will
20 seek from the Zoning Board should this Board grant
21 our special permit and site plan approval.

22 COUNCILMAN IMBROTO: What's a minor
23 variance?

24 MR. FARRELL: It's less than 50
25 percent. You know, we're seeking reduction from

1 37.

2 COUNCILWOMAN JOHNSON: 37 is a lot.

3 MR. FARRELL: Well, 37 spaces are
4 required. We're providing 23. We've provided
5 traffic reports and parking studies during the
6 site-plan process to show that we do have
7 sufficient on-site parking.

8 In addition, we'll two interior loading
9 spaces so that we can get any larger trucks in that
10 need be. We don't anticipate this to be that type
11 of operation. It will generally be smaller more
12 personal deliveries. Self-storage facilities, I
13 think people get the idea from those TV shows that,
14 you know, it's people who are storing their junk in
15 there, it's the average citizen. That's actually
16 not really the case.

17 Self-storage facilities play a big part
18 in supporting small businesses. They provide
19 storage space for their inventory and things like
20 that so that they don't have to pay extra rent
21 within a building, and they can actually use the
22 floor space that they're renting for the sale of
23 their product.

24 So in the morning you'll see a lot of
25 people that have, like, kiosks at the mall.

1 They'll go into the storage facility, collect some
2 inventory, bring it over to the mall and that's
3 where they'll sell their things. So it's really
4 more --

5 COUNCILMAN IMBROTO: How many storage
6 units are there?

7 MR. FARRELL: I'm sorry?

8 COUNCILMAN IMBROTO: How many storage
9 units will there be?

10 MR. FARRELL: There will be about 1100
11 units of varying sizes.

12 COUNCILMAN IMBROTO: You're saying a
13 lot of them would be used everyday by people
14 storing their wares for --

15 MR. FARRELL: No. That's not the case.

16 COUNCILMAN IMBROTO: Well, I'm not
17 saying that's the case. It sounded like you said
18 that's the case.

19 MR. FARRELL: No. I said that's who
20 you would see. It's not that frequent traffic.

21 Self-storage facilities are a
22 significantly lower traffic generator than any of
23 the other permitted businesses in a General
24 Business District. You know, General Business, you
25 can have a convenience store, a Dunkin' Donuts, a

1 Starbucks, you know, any kind of retail operation.
2 Even an office building, which is permitted in
3 General Business, is going to produce more traffic
4 especially during the rush hour time than a
5 self-storage facility.

6 COUNCILMAN IMBROTO: What is the
7 parking requirement for a storage facility?

8 MR. FARRELL: It's one space per 4,000
9 square feet.

10 COUNCILMAN IMBROTO: Okay. Because
11 there is some reference to 1 per 100 units.

12 MR. FARRELL: No. It's one space for
13 4,000 square feet for a self-storage facility.

14 COUNCILMAN IMBROTO: Okay. You said
15 this is because of the split zoning.

16 Which zone allows self-storage.

17 MR. FARRELL: Self-storage is permitted
18 as of right in a Light Industrial zone.

19 COUNCILMAN IMBROTO: And that's the
20 rear part of the property?

21 MR. FARRELL: That's the rear part of
22 the property.

23 It requires a special permit in the
24 General Business District. This use -- when we
25 redevelop the property, obviously, it's going to be

1 a significant upgrade over the existing building
2 currently. There's about 20 square feet of
3 landscaping on the property, which is all located
4 right in the front of the building. There are just
5 a bunch of bushes and some overgrown grass there
6 now.

7 Once this building is built, we are
8 going to have buffers on the east side of the
9 building and the south side of the building, as
10 well as a grass area off in the -- I'm sorry -- the
11 north side, not the south side. The north side
12 will have the buffer. There will also be a grass
13 area in that north area as well. So it will be a
14 significant amount of landscaping that is going to
15 be added to the site.

16 The subject use fits within the
17 character of the community. Those of you who have
18 been to the site or been to this area, I'm sure
19 you're all familiar with it. Right now, there
20 is -- to the west of us, there is an Econo Lodge
21 that has seen better days, a gas station and a
22 restaurant that is currently -- I believe it's
23 currently closed.

24 To the north of us are a number of
25 industrial properties. There's a mini storage

1 facility, which is like a one-story storage
2 facility. There is a Sunbelt Tool Rental, a heavy
3 equipment rental facility to the north. And then
4 going to the east, we have the -- immediately
5 adjacent is the Honda dealership. It sells ATV and
6 things like that. Then there is a gas station and
7 then Stop and Shop, and I believe there's a Dunkin'
8 Donuts further down from that.

9 To the south on the other side of Old
10 Country Road, there are residential dwellings, but
11 they all front on Acre Lane, I believe is the name
12 of street. So, this will be to rear of them.

13 Clearly, this use is in character with
14 the surrounding community. There's no real
15 distinct architectural theme that we're trying to
16 match up. It's really just a hodgepodge. I think
17 this going to be the start of, you know, some
18 significant redevelopment, especially in this
19 immediate triangle where you have the vacant
20 restaurant next door and some of those industrial
21 properties to the north of us.

22 If the Board has any questions, I would
23 be happy to answer them.

24 COUNCILMAN MACAGNONE: I noticed that
25 the storage place to the north has vehicle storage.

1 Is this planned for this site?

2 MR. FARRELL: Absolutely not.

3 Absolutely not. No. We're going to keep the
4 parking available for the residents -- for the
5 occupants of the facility.

6 SUPERVISOR SALADINO: Are there any
7 questions?

8 COUNCILMAN MACAGNONE: Hours of
9 operation?

10 MR. FARRELL: I believe it is typically
11 8:00 in the morning to 6:00 at night, we'll have
12 staff. People will be able to access the site from
13 6:00 to 10:00. They'll have a pass code and key to
14 their locker. But after 10:00, it will be shut
15 down. There won't be any access.

16 COUNCILMAN MACAGNONE: Okay.

17 Thank you.

18 COUNCILMAN LABRIOLA: I have a
19 question.

20 LSC Development is going to manage the
21 building once -- and I notice there are three
22 cooperations involved in the Petition.

23 LSC is going to take the building once
24 it's -- it's going to be the lessee?

25 MR. FARRELL: LSC is going to be the

1 owner of the property. They're acquiring the
2 property from the two entities that currently own
3 the site. They will develop the facility and --
4 are they going to manage -- then it will be -- the
5 developer LSC will then retain Extra Space
6 Self-Storage to operate the facility.

7 COUNCILMAN LABRIOLA: LSC is acquiring
8 after the Zoning is complete -- after the building
9 is up, then they purchase?

10 MR. FARRELL: No.

11 Once the zoning is complete, once we've
12 obtained our special permit here and our variances
13 from the Zoning Board, LSC will acquire the
14 property. They will close on the purchase of the
15 land.

16 They will then secure the building
17 permits and develop the site. Once they are pretty
18 much, you know, getting into the development part
19 of it, then they will enter into a agreement with
20 Extra Space Self-Storage who will then manage the
21 facility and brand the facility.

22 That's typically how -- that's how most
23 of these self-storage jobs work. You have
24 developers and then they bring in operators.

25 COUNCILMAN MACAGNONE: Does Extra Space

1 have any other facilities in the township?

2 MR. FARRELL: In the town, I don't
3 believe they have any in Oyster Bay, no.

4 COUNCILMAN MACAGNONE: Any close by
5 that we could go by and take a look at; do you
6 know?

7 MR. FARRELL: I don't know, but
8 I can --

9 COUNCILMAN MACAGNONE: I will check.
10 Thank you.

11 MR. FARRELL: Okay. Okay.

12 COUNCILMAN LABRIOLA: Just so I'm
13 clear, the 550 Realty Associates and Gramercy Point
14 are selling the property to LSC Development which
15 is an Illinois-based corporation, as I understand
16 it, and then they are going to enter into a
17 contract with Extra Space and they're going to
18 manage the property?

19 MR. FARRELL: Correct.

20 COUNCILMAN LABRIOLA: During the hours
21 you stated?

22 MR. FARRELL: Yes.

23 COUNCILMAN MACAGNONE: Actually,
24 there's one in Sunnyside Boulevard, Plainview.

25 MR. FARRELL: I was not aware of that.

1 They could have acquired that. The self-storage
2 facilities, they sell them a lot. So, you'll get
3 like Men on the Move will have one and then they'll
4 sell to Cube Smart and then Cube Smart will
5 transfer to another one. They do rebranding a lot.

6 COUNCILMAN MACAGNONE: You're saying,
7 it might not be Extra Space down the road, it might
8 be somebody's else?

9 MR. FARRELL: It could be.

10 COUNCILMAN MACAGNONE: Okay.

11 MR. FARRELL: I can't tell you what's
12 going to happen after we develop the site.

13 I can tell you, my client --

14 COUNCILMAN IMBROTO: Which is the case
15 for any project?

16 MR. FARRELL: Right, exactly.

17 I mean, I can tell you that my client
18 is negotiating with Extra Space Self-Storage and
19 it's their intent to take over the facility and
20 operate the facility.

21 If Extra Space at some point has -- you
22 know gets, bought by a larger corporation and they
23 decide to rebrand it as another self-storage
24 facility, I can't speak to that at this point.

25 COUNCILMAN MACAGNONE: Understood.

1 SUPERVISOR SALADINO: I do believe it's
2 important for the record to point out any covenants
3 and restrictions would have to follow through no
4 matter who owns the property.

5 MR. FARRELL: Yes, absolutely.

6 COUNCILMAN MACAGNONE: Good point.

7 MR. FARRELL: You know, maintenance of
8 the property and keeping it in good shape are, you
9 know, certainly would run with the land and would
10 be the obligation of whoever took over the property
11 in the future.

12 COUNCILMAN LABRIOLA: Can you discuss
13 your plans for security, for monitoring the site --
14 what did you say, 1,100 spaces?

15 MR. FARRELL: It's 1,100 units.

16 COUNCILMAN LABRIOLA: So people could
17 be coming up to the property until 10:00 p.m.

18 What is your security plan in terms of
19 monitoring for loitering, vagrants?

20 MR. FARRELL: Everybody has a pass code
21 that's unique to them. So when they put it in, you
22 know that they have entered the site. It's going
23 be gated so they're not going to be able to get in
24 without that access. Then once they're in the
25 facility, they have cameras in all the corridors

1 and the hallways to make sure that there is nobody
2 there that shouldn't be there, and if there is,
3 they'll have them on camera.

4 COUNCILMAN LABRIOLA: Do you have any
5 renderings of what it will look like?

6 COUNCILMAN IMBROTO: I see the
7 schematics and everything. I don't see --

8 MR. FARRELL: I thought we provided
9 them with our submission package (handing).

10 COUNCILMAN IMBROTO: You have these
11 color pictures? Nobody has this.

12 Could we have copies of this?

13 MR. FARRELL: You can keep that.

14 COUNCILMAN MACAGNONE: Could you please
15 provide us all with copies? Please, e-mail to us
16 or e-mail it to the Clerk?

17 MR. FARRELL: We'll make sure that the
18 Board gets the color renderings.

19 COUNCILMAN MACAGNONE: Thank you.

20 COUNCILMAN IMBROTO: It looks pretty
21 nice.

22 COUNCILMAN LABRIOLA: So there'll be a
23 manager on site up until 10:00 p.m.?

24 MR. FARRELL: Correct.

25 COUNCILMAN LABRIOLA: Is the manager --

1 just in terms of procedure, is the manager
2 responsible to make sure that everybody vacates the
3 property after 10:00 p.m.? Is that how that works?

4 MR. FARRELL: I'll bring up Andrew so
5 he can answer.

6 MR. NEE: Andrew Nee, VHB Engineering.

7 To go back to the hours of operation,
8 as counsel indicated, there's are typical office
9 hours of around 8:00 to 6:00. The applicant does
10 wish to reserve the right on a case-by-case basis
11 for a certain clientele that they receive.

12 Obviously, everyone gets pass codes,
13 but essentially on a case-by-case basis, they may
14 receive 24-hour access to facility, but that's a
15 case-by-case basis. That's not granted to
16 everyone.

17 As far as security for the site, there
18 is a state-of-the-art security system in place or
19 would be in place, and as counsel indicated, there
20 would be access codes so you have a record, a
21 chronological record of everyone that rented a unit
22 that enters and exits the site.

23 COUNCILMAN LABRIOLA: Are there any
24 prohibitions on what can be stored on site?

25 MR. NEE: Yes. Every tenant enters

1 into an agreement with stipulations of not storing
2 any elicited materials or chemicals.

3 COUNCILMAN IMBROTO: Hazardous
4 materials --

5 MR. NEE: Yes, 100 percent.

6 COUNCILMAN IMBROTO: Do you have a copy
7 of what those restrictions are?

8 MR. NEE: I do not have a draft copy.

9 COUNCILMAN IMBROTO: Would you provide
10 a copy to us?

11 MR. NEE: Yes, we can work with the
12 applicant to prepare copy of a draft of the
13 contract.

14 COUNCILMAN MACAGNONE: Is there a
15 procedure that -- I know they'll be 1100 units --
16 that it will be known -- for argument's sake,
17 Resident B will not bring in explosives or store
18 even propane tanks. Is there --

19 MR. NEE: Definitely not allowed.

20 COUNCILMAN MACAGNONE: But how do you
21 stop that?

22 MR. NEE: I mean you're saying bringing
23 it in at 5:00 in the morning or something to that
24 effect?

25 COUNCILMAN MACAGNONE: Yes.

1 MR. NEE: Like I said, those people
2 with access are on a case-by-case basis. So, if
3 it's -- you have to provide justification as to why
4 you need that. It's not just given to anyone.

5 MR. FARRELL: Everything is also
6 recorded. So there are cameras -- if somebody is
7 bringing a propane tank, we have it on video.

8 COUNCILMAN MACAGNONE: Thank you.
9 Great answer.

10 COUNCILMAN IMBROTO: Is anyone
11 reviewing the recordings? I mean, if the place is
12 not manned before 9:00 a.m., but it's open much
13 earlier?

14 MR. NEE: It would be typically the
15 procedure our manager or whoever is on site first
16 thing in the morning would review the footage over
17 night and they also have the code, so they'd know
18 whether three people entered the site or no people
19 entered the site.

20 COUNCILMAN HAND: As a followup, are
21 the premises subject to inspection?

22 MR. FARRELL: I believe -- and I don't
23 know if Extra Spaces agreement has this. They all
24 operate a little bit differently. I believe that
25 if there is a suspicion that there is something

1 improper in a unit, our manager would contact the
2 person that has that unit and have them come in and
3 open the unit with a manager there so that they
4 could inspect the unit to make sure that there is
5 nothing improper being stored there.

6 COUNCILMAN MACAGNONE: Before we vote
7 on this, can you get the procedures to the Town
8 Attorney's office, please?

9 MR. FARRELL: Yes.

10 SUPERVISOR SALADINO: Are the customers
11 provided a list of components, items that are not
12 permitted?

13 MR. FARRELL: It's in their agreement.
14 It's in every standard self-storage agreement.

15 There's -- basically anything you can't
16 bring on a plane is, you know, in terms of
17 explosives and ammunition and things like, that are
18 not permitted to be stored.

19 SUPERVISOR SALADINO: What about food
20 items? Do you allow the storage of food items,
21 things that would attract pests?

22 MR. FARRELL: No perishable items.

23 SUPERVISOR SALADINO: Dry food?

24 MR. FARRELL: I mean --

25 SUPERVISOR SALADINO: In containers

1 which could be chewed through?

2 MR. FARRELL: We'd have have to look at
3 the specific list. We don't know. We never really
4 got into that.

5 We are usually more concerned with
6 things that could cause significant harm to the
7 facility, damage to the facility, things like that,
8 generally speaking.

9 COUNCILMAN MACAGNONE: Unfortunately,
10 Counselor, we have to worry about the residents.

11 MR. FARRELL: I understand.

12 COUNCILMAN MACAGNONE: Rats, rodents
13 going into a unit to eat.

14 MR. FARRELL: Honestly, I don't think
15 that's ever going to be an issue with these
16 facilities. They are pretty tight and pretty well
17 secured. I don't think you're going to get a lot
18 of that, but every facility has rodent control
19 protocol. They will constantly be monitoring for
20 that.

21 Again, it's also interior.

22 COUNCILMAN IMBROTO: It hasn't been an
23 issue on Sunnyside Boulevard, Plainview.

24 MR. FARRELL: It's all interior, too.
25 It's not like the old mini-storage facilities

1 where you had basically external garage doors that
2 make that access a little easier for animals. This
3 is all interior, climate controlled.

4 COUNCILMAN MACAGNONE: Basically, they
5 have to go through the lobby to get to their unit?

6 MR. FARRELL: Yes.

7 COUNCILMAN MACAGNONE: Good.

8 That's reassuring.

9 COUNCILMAN IMBROTO: Do you have an
10 expert to speak about traffic?

11 MR. NEE: My office prepared the
12 traffic report. I can answer any questions on
13 that.

14 COUNCILMAN IMBROTO: Do you have a
15 presentation?

16 MR. NEE: Not a written formal
17 presentation.

18 COUNCILMAN IMBROTO: Just what you
19 submitted?

20 MR. NEE: So, there is the June 22,
21 2018 traffic and parking analysis that my office
22 submitted to the DER, office of the DER,
23 summarizing both traffic impacts and parking to
24 substantiate.

25 I believe, to go back to your point

1 before, that's where the 1 per 100 came from.

2 COUNCILMAN IMBROTO: You expect 1 per
3 100 is required which is less than our Town
4 requirement and less than what you're providing?

5 MR. NEE: Correct.

6 We provide almost double at 1 per 100
7 units, one space.

8 SUPERVISOR SALADINO: Any other
9 questions?

10 COUNCILMAN LABRIOLA: My question was
11 with regards to the climate control.

12 You had mentioned that it's climate
13 controlled, so all of these units are going to be
14 heated?

15 When you say "climate control," what
16 kind of control mean --

17 MR. FARRELL: Climate control means the
18 temperature will be maintained at a consistent
19 temperature in the building.

20 COUNCILMAN IMBROTO: In the building,
21 not in each unit?

22 MR. FARRELL: In the building, yes.

23 The building will be maintained at that
24 unit -- at that temperature.

25 COUNCILMAN LABRIOLA: But the units are

1 not climate controlled then? That's what I'm
2 trying to --

3 MR. FARRELL: No.

4 COUNCILWOMAN JOHNSON: Are you renting
5 space? Where are you going with this?

6 COUNCILMAN LABRIOLA: No. No. I'm just
7 curious.

8 MR. FARRELL: It's the whole building.
9 It is maintained at a consistent temperature.

10 Generally, if it's maintained at a
11 consistent temperature inside the unit itself is
12 going to be roughly the same temperature, maybe
13 slightly cooler, but it will be maintained at a
14 single temperature.

15 COUNCILMAN LABRIOLA: My biggest
16 concern though is, again, this access, this 24-hour
17 access that was mentioned and I was just -- I'm
18 looking towards the Town Attorney and I'm hoping
19 that there will be sufficient, adequate covenants
20 and restrictions with regards to that access.

21 I personally think if you're going to
22 allow any access to the building, there should be
23 an employee on the premises at the time that access
24 is granted. I don't think that people should be
25 coming and going, even on a case-by-case basis

1 because of the fact that it is adjacent to
2 residential properties just across the street which
3 is why you're here with a Special Use Permit.

4 COUNCILWOMAN JOHNSON: I'm just curious
5 the way it's usually run these facilities. It's a
6 self-storage.

7 COUNCILMAN IMBROTO: That's what makes
8 it self-storage.

9 COUNCILWOMAN JOHNSON: Off-hours. I'm
10 just wondering if that's proforma for this kind of
11 a building.

12 MR. FARRELL: That's typically what the
13 standard -- industry standard, is that it's
14 self-storage. We're granting access to people to
15 be able to come and go as they please.

16 Again, this is not the older facilities
17 where everything is external and you have an
18 external garage. I know when I worked in the Town
19 Attorney's office in the Town of Babylon, we had a
20 facility that had all external doors. There were a
21 couple of people there that were not good renters
22 from that facility and they were using their unit
23 as a party place and they were all hanging out
24 there at night and making noise.

25 This is all internal, inside a

1 building. It's no different than an office
2 building that doesn't have 24-hour security. We
3 have office space. We can come and go as we
4 please. We have a key to the building. We have a
5 key to the office door. It's very common to have
6 that.

7 COUNCILMAN LABRIOLA: It's common in a
8 Light Industrial zone whereas you're in a mixed
9 zone and most of the property is in the General
10 Business zone. And that's my point, is that when
11 you're adjacent to residential properties, I think
12 that -- we don't know if Extra Space Storage is
13 going to honor the covenants and restrictions. We
14 don't know who's going to be there in the future.

15 I'm just hoping that the Town Attorney
16 -- I'm asking the Town Attorney to make sure that
17 the covenants and restrictions that are in place
18 will be applicable to any contract vendee or lessee
19 of the place.

20 MR. FARRELL: Covenants and
21 restrictions run with the land, so they get
22 recorded in the County Clerk's office. So anybody
23 who buys the property or enters into a long-term
24 lease for the property and conducts a title search
25 will be able to see those covenants and

1 restrictions.

2 The Town is very good about making them
3 part of the record in the Planning Department. So
4 if you go to pull the plans, you will see that
5 there were covenants and restrictions filed. You
6 can look at those covenants and restrictions. They
7 are fully enforceable by this Board.

8 If somebody is not honoring the
9 covenants and restrictions, the recourse is for the
10 Town to revoke the Special Permit and revoke the
11 Certificate of Occupancy after a hearing is
12 conducted and things are done to make sure that
13 they are not in compliance and that's how they are
14 typically enforced.

15 In addition, you have the Town code
16 which provides mechanisms for enforcing various
17 ordinances, noise, debris and not running the
18 property correctly.

19 COUNCILMAN LABRIOLA: Thank you.

20 SUPERVISOR SALADINO: Any other
21 questions?

22 COUNCILWOMAN JOHNSON: No.

23 Thank you.

24 COUNCILMAN IMBROTO: I'll say that I
25 live down the road from one of the other storage

1 facilities that is operated by this company and
2 they've always been good neighbors. We never had
3 any issues with them.

4 SUPERVISOR SALADINO: So, I would like
5 to hear from you or one of the experts here today
6 in terms of the design for vehicles on site.

7 My experience is that when it comes to
8 self-storage, you have compact cars there. You'll
9 have personally owned SUVs. You'll have large box
10 trucks sometimes being driven by a professional
11 driver, sometimes being driven by someone who has
12 very little experience at driving that larger
13 vehicle in terms of -- to deliver or to remove
14 their belongs from their facility.

15 What have you taken into consideration
16 to provide the highest level of safety for everyone
17 using this, as well as the convenience in terms of
18 having the proper amount of space to negotiate in
19 these areas? How will they deal with this so there
20 are no accidents on site?

21 MR. FARRELL: I'm going to have Andrew
22 Nee come up and address that, the traffic
23 circulation, because they designed the site plan.

24 SUPERVISOR SALADINO: Thank you.

25 MR. NEE: So, to speak to your point,

1 Supervisor, starting with the site entrance, we've
2 met with Nassau County and coordinated with them
3 the minimum 30-foot curb cut access that was
4 required and we also provided truck-turn analysis
5 for approximately a 30-foot box truck -- truck-turn
6 analysis for the curb cut which we coordinated with
7 the County and provided them truck turns --

8 SUPERVISOR SALADINO: What is the
9 largest -- I guess you can tell us in length -- the
10 largest vehicle design for to utilize this site?

11 MR. NEE: A fire truck.

12 SUPERVISOR SALADINO: A fire truck.

13 MR. NEE: Yes.

14 So, the hammerhead at the back of the
15 side, the odd shaped triangle shape, that can fully
16 accommodate a full sized fire truck turning around
17 within the site. So a 30-foot box truck, mind you
18 that it might be driven -- a U-Haul driven by
19 someone moving their personal belongings into one
20 of the units.

21 SUPERVISOR SALADINO: With no
22 experience?

23 MR. NEE: With no experience, but
24 that's a significant area for them to be able to
25 turn around, not to mention the two loading bays as

1 well.

2 SUPERVISOR SALADINO: Now, to get
3 access to the loading bays in terms of ingress and
4 egress from that site, is there sufficient room and
5 widths for that vehicle, that large box truck or
6 similar vehicle to come in and out while other
7 vehicles are also utilizing the site, let's say
8 it's a busy Saturday?

9 MR. NEE: Correct, yes.

10 There's certainly substantial room and,
11 obviously, there'd be need for certain discretion
12 of yielding, but that's typical in any of these
13 situations where a box truck might be leaving the
14 loading bay at the same time someone may be
15 entering the site, but that's just a matter of
16 understanding your surroundings and --

17 SUPERVISOR SALADINO: And a resident
18 who might just have a hand truck or could be
19 carrying boxes, they don't have to use the loading
20 bay, they can use the front doors? There is an
21 elevator on site?

22 MR. NEE: Yes. There are two elevators
23 within the site that are accessed by the loading
24 bay.

25 SUPERVISOR SALADINO: Do the doors

1 allow for people with disabilities or people who
2 are carrying things -- are they automatic doors?
3 Are there any automatic doors on site?

4 MR. MICHALEK: Christopher Michalek,
5 SGW Architect.

6 Yes. There are automatic doors. They
7 are very much like a grocery store sliding door.

8 SUPERVISOR SALADINO: Okay.

9 Thank you.

10 Are there any other questions?

11 COUNCILMAN MACAGNONE: I do.

12 Did we contact the Hicksville Fire
13 Department and get their input and their approval?

14 MR. NEE: We reached out to Hicksville
15 Fire Department.

16 We have not had an opportunity to meet
17 with them yet. But we also made a submission to
18 Nassau County Fire Marshal. We have a minor list
19 of comments from them about signage and pavement
20 markings.

21 They've also requested a letter from
22 Hicksville Fire Department indicating that they've
23 reviewed the site for compliance with their
24 apparatus, which we need to provide before we
25 receive site plan approval from the Nassau County

1 Fire Marshal.

2 COUNCILMAN MACAGNONE: Thank you.

3 SUPERVISOR SALADINO: This is all on a
4 slab, there's no basement, there's no storage in
5 the basement?

6 MR. NEE: No basement.

7 SUPERVISOR SALADINO: There's no
8 heating system in the basement, anything
9 combustible in the basement?

10 MR. NEE: No basement.

11 COUNCILMAN IMBROTO: The surrounding
12 properties on Old Country Road are the Econo Lodge
13 and Honda -- the car dealership?

14 MR. NEE: Restaurant

15 COUNCILWOMAN JOHNSON: Restaurant.

16 COUNCILMAN IMBROTO: Right, and the
17 abandoned restaurant.

18 SUPERVISOR SALADINO: Any other
19 questions?

20 COUNCILWOMAN JOHNSON: No.

21 Thank you.

22 SUPERVISOR SALADINO: Thank you very
23 much.

24 Is there anyone -- yes, please step
25 forward.

1 MR. MOLINARI: Paul Molinari, 332 West
2 Nicoli Street, Hicksville.

3 I have questions concerning access to
4 the site from Old Country Road because I remember
5 when we -- when Bolla came before the Board, you
6 know to get approval at that gas station at the
7 corner of Duffy Avenue and Old Country Road, there
8 was always problems there with people making left-
9 hand turns or U-Turns where they shouldn't be to
10 get to the gas station.

11 Now, I realize this is -- the
12 properties only maybe another 50 feet down from
13 them because you have the abandoned restaurant.

14 But my concern would be, how are you
15 going to allow access to the site? Are you going
16 to allow left-hand turns for people heading east on
17 Old Country Road into the site? Are you going to
18 allow left-hand turns coming out of that site?

19 COUNCILMAN MACAGNONE: Good point.

20 MR. MOLINARI: That's an issue at the
21 Stop & Shop. There is only one sign across five
22 lanes of traffic that says "No left-hand turns."

23 I walk my neighborhood every day.
24 Sometimes I go down to the Stop & Shop area,
25 wherever I walk. And I have seen a lot of people

1 just making those left-hand turns coming out. I
2 wouldn't want to see that happening where this
3 facility is now because you already have a left-
4 hand queue line to Charlotte Avenue which goes
5 almost all the way to that point.

6 At certain times of the day, there so
7 many cars -- that queue line is completely filled.
8 I think my concern is on access to the site. How
9 is it going to be regulated getting into it and out
10 of it?

11 COUNCILMAN IMBROTO: Otherwise, what's
12 your impression of the --

13 MR. MOLINARI: I haven't seen the
14 plans. I don't think there's any problem.

15 You have a gas station there. You have
16 the abandoned restaurant.

17 COUNCILMAN IMBROTO: There's not a whole
18 lot there.

19 MR. MOLINARI: You have the Honda. It's
20 not a car dealership. It's a motorcycle
21 dealership. You have the Econo Lodge, which we
22 kindly refer to in Hicksville as the murder hotel.

23 COUNCILWOMAN JOHNSON: You can put the
24 bodies in the self-storage.

25 COUNCILMAN MACAGNONE: It will be cold.

1 COUNCILMAN IMBROTO: And now it's part
2 of the record of this hearing.

3 MR. MOLINARI: Okay. Thank you.

4 That's my concern I'd like see that be
5 addressed.

6 COUNCILWOMAN JOHNSON: Thank you, Paul.

7 SUPERVISOR SALADINO: Thank you.

8 Yes, please come forward.

9 COUNCILWOMAN JOHNSON: Can he answer
10 the question about traffic?

11 SUPERVISOR SALADINO: Yes.

12 Would you like to address that traffic
13 issue? Just one moment, please. I was going to do
14 it at the end, but this is fine, too.

15 MR. NEE: We had the opportunity to
16 meet Nassau County DPW who has jurisdiction over
17 Old Country Road. They have approved the curb cut
18 as proposed and provided a letter indicating as
19 such.

20 We are also required to go through the
21 entire 239F Referral Process. I have not gotten
22 any indication from them that they may restrict
23 lefts in or out of the site, but that's up to their
24 purview, and they would be able make that
25 determination whether -- based on their knowledge

1 just like of the surrounding area as that gentleman
2 mentioned, whether it is appropriate or not and
3 would impose limitations if they deem so.

4 COUNCILMAN IMBROTO: It's still
5 forthcoming?

6 MR. NEE: Yes.

7 SUPERVISOR SALADINO: Thank you.

8 I'm also going to ask representatives
9 from my office to coordinate with the Town
10 Attorney's office and Public Safety because,
11 obviously, there is an enforcement issue here and
12 to look at anything that we may be able to suggest
13 to them to assist with the safety at this location.

14 Please step forward.

15 Can you begin please by giving us your
16 full name and address?

17 MS. PROANA: Good morning, Supervisor,
18 Council Members.

19 My name is Cecilia Proana. My address
20 is 130 Acre Lane, Hicksville, New York. I reside
21 across the street from this proposed site.

22 I also happen to be an attorney, so in
23 terms of full disclosure, letting you know.

24 The reason I'm here is because I'm
25 concerned about this site. Previously, there was a

1 restaurant, which is currently abandoned. Most
2 likely, it's abandoned because of the noise level
3 and the lighting that happened constantly in that
4 area. I'm concerned about three main issues that
5 they mentioned, the access to 24-hour access to
6 this facility, the apparent lack of security, and
7 the possible issues with rodents in the area.

8 The person that made the presentation
9 indicated that our properties face Acre Lane.
10 That's true, but our backyards are on Old Country
11 Road; therefore, any time we're having a barbecues
12 or family outings in the backyard, we'll be subject
13 to whatever traffic or activity is going on across
14 the street.

15 I'm all in favor of the beautification
16 of Hicksville. I've been living there for thirty
17 years. I'm a proud member of Hicksville, but I'm
18 concerned about anything that would violate the
19 community or anything that would obstruct or be a
20 nuisance to our area.

21 It sounds like there's going to be
22 constant traffic in the area. There's going to be
23 people who have constant access to the area. So I
24 would like to see that those accessed to the area
25 are limited in some way. They said there are

1 certain people that would have access to that.

2 What percentage of people would have
3 access to that? Also, like you mentioned, I don't
4 want any bodies being stored in the facility. So
5 that's a concern to me.

6 I want to know what are their
7 limitations. I'd like to see that as well and see
8 what the site is going to look like. I understand
9 it's going to be a three-levels. Are there going
10 to be any neon lights? Is it going to be a bright
11 yellow structure that I'm going to have to look at
12 constantly from my backyard?

13 These are questions that I have for
14 them and, hopefully, I can have access to that
15 information.

16 SUPERVISOR SALADINO: Counselor,
17 excellent questions.

18 We really appreciate you taking the
19 time to be here with us.

20 I will point out that the applicant
21 spoke to 6:00 a.m. to 10:00 p.m. for the hours of
22 operation.

23 Do you find that reasonable?

24 MS. PROANA: I think that it should be
25 limited to maybe 8:00 a.m. to 6:00 p.m. People do

1 have to work and have different schedules and if
2 there are trucks coming in the area, constantly
3 commercial traffic going into the area, that might
4 be a concern. It may disturb people in their daily
5 life.

6 SUPERVISOR SALADINO: In terms of
7 people working, after you're done, I'm going to ask
8 the applicant please come up and answer these
9 questions.

10 I'm assuming the reason that 6:00 p.m.
11 would be a problem for those who utilize the site
12 because they work too and they would need time to
13 get a truck and get it loaded after work.

14 COUNCILMAN IMBROTO: I certainly
15 wouldn't be able to access the site if it closed at
16 6:00 p.m. I don't think most people would be able
17 to --

18 SUPERVISOR SALADINO: I think it's a
19 fair to let -- right. It's a convenience issue.
20 But let's allow -- if you don't mind, allow the
21 applicant to answer that and I would also like to
22 address the question with the applicant on
23 shielding and what they put in place to be
24 respectful of the neighbors.

25 I'm with you. Nobody wants bright

1 lights shining in their windows and their backyard
2 all night long. We get that.

3 MS. PROANA: We've had that issue
4 before that's why it's a concern to me. I'd to
5 know if there are going to be any noise buffers
6 also on the south side. He did mention the east
7 side and north side. I'd like to know if there is
8 anything buffering the noise on the south side
9 which is where my backyard is located.

10 SUPERVISOR SALADINO: And right along
11 with your questions, Counselor, I will also ask
12 them about the frequency of traffic on site as it
13 compares to say the restaurant that used to be
14 there, so we can get a sense, and you and the
15 neighbors can get a sense to understand how many
16 vehicles come through in week or on a weekend for a
17 self-storage facility this size with this many
18 units as compared to, say, the restaurant that was
19 there previously, a restaurant of that square foot.

20 So you and the neighbors and the Board
21 can get an understanding of is this -- because
22 you'll always be allowed to build something there.

23 MS. PROANA: Of course. I understand
24 that.

25 SUPERVISOR SALADINO: So we and the

1 neighbors should keep in mind the comparison of
2 having a self-storage unit facility versus a
3 restaurant versus a gas station or what have you to
4 compare those uses and get a sense of what the
5 neighborhood might expect in the event we approve
6 the application.

7 MS. PROANA: They had mentioned that
8 businesses have access to 24 hours sites, but they
9 don't have trucks that are coming in and out of the
10 facility or people that are going in constantly 24
11 hours.

12 Usually, a business is 9:00 to 5:00,
13 and there are some people that come after hours.
14 If there is access to this building 24 hours, that
15 means additional traffic, additional people.

16 SUPERVISOR SALADINO: Yes.

17 We will ask -- all excellent questions,
18 Counselor.

19 While you're still up, is there any
20 other question that you would like them to answer?

21 MS. PROANA: Those are my main
22 concerns.

23 Thank you for your time.

24 SUPERVISOR SALADINO: Of course, a
25 restaurant wouldn't be closed at 5:00 p.m. If there

1 was a restaurant --

2 MS. PROANA: But the restaurant
3 operated until 10:00 p.m., but the noise level was
4 manageable and people were in and out. They
5 weren't having access to the facility 24 hours.

6 That's my concern.

7 SUPERVISOR SALADINO: Okay.

8 We'll ask those questions right now and
9 we really appreciate you coming in with excellent
10 questions.

11 MS. PROANA: Thank you so much,
12 Supervisor.

13 COUNCILWOMAN JOHNSON: In regards to
14 that also, what are the hours of operation at the
15 gas station and is there --

16 MR. FARRELL: The gas station I believe
17 is 24 hours.

18 COUNCILWOMAN JOHNSON: The gas station
19 is 24 hours.

20 Then how many cars are going down Old
21 Country Road a day in that cycle?

22 MR. FARRELL: I don't know exactly.

23 I believe it's in our traffic report
24 about the number of cars that go down Old Country
25 Road during the course of the day.

1 I can tell you from experience, I've
2 done a lot of these facilities across Long Island.
3 You're not going to find lower traffic or noise
4 generating facility than a self-storage facility.

5 In our peak time on a Saturday
6 afternoon between 12:00 and 2:00 we will probably
7 get a total of 40 trips, 40 vehicle trips which
8 means cars in and out, 40 total in a two-hour
9 period. 7-Eleven can do that in a half hour, you
10 know, fifteen minutes on a Monday morning. This is
11 going to be -- you know, there's not going to be
12 any noise generated by this site.

13 SUPERVISOR SALADINO: Could you just
14 repeat that again because you really brought to
15 light a comparison to a 7-Eleven at that site which
16 would be legal use, I am going to assume at that
17 location?

18 MR. FARRELL: 7-Eleven would be legal
19 use and they could probably generate 40 trips in a
20 half-hour period on a Monday morning.

21 SUPERVISOR SALADINO: And in comparison
22 what do you predict with this facility?

23 MR. FARRELL: The busiest this will
24 ever be -- the busiest timeframe for a self-storage
25 facility is 40 trips in a two-hour period on

1 Saturday. On a Saturday, you're going to have much
2 lower traffic along Old Country Road in this area.
3 This is kind of a light area for traffic on Old
4 Country Road once you get east of the Wantagh
5 Parkway.

6 So, you know, on a Saturday afternoon,
7 you're going to have much less traffic going in and
8 out, up and down Old Country Road, that's when
9 you're going to have the most business going into
10 the self-storage facility. Like I said, it's 40
11 cars in and out in that two-hour period.

12 SUPERVISOR SALADINO: Can you talk to
13 us about a slower period, perhaps a Sunday morning
14 or perhaps, say, on a Monday, can you give the
15 residents an idea of what to expect?

16 MR. FARRELL: We don't even analyze it
17 because on a Sunday morning, on a Sunday, we're
18 probably going to get zero trips before noon. So,
19 it's just not that type not that type business.

20 COUNCILMAN IMBROTO: In my experience,
21 I've seen more people making U-turns in the parking
22 lot from 7-Eleven than actually accessing the
23 facility.

24 SUPERVISOR SALADINO: Of course, part
25 of this process is to listen to the residents, to

1 answer --

2 MR. FARRELL: Absolutely.

3 SUPERVISOR SALADINO: -- their questions
4 and to give them an idea of what they might expect
5 in the event that this application is approved.

6 MR. FARRELL: 100 percent and that's
7 why -- and it's also I just want to clear up one
8 point. We're not replacing the restaurant. It's
9 the office building next to the restaurant that is
10 coming down. So that's already a three-story
11 building that we're replacing. You know, it's a
12 little bit bigger because it's a little bit wider
13 and a little bit longer, but it's a three-story
14 building for a three-story building. All of the
15 site lighting is going to be maintained on site.
16 That's industry standard every industry I deal
17 with. Any time I deal with a commercial project,
18 the goal is to retain all of the site lighting on
19 site. We don't want spillage. We don't want it
20 affecting the residents. If there is an issue, the
21 resident can certainly reach out to the operator of
22 the facility and it will get addressed.

23 SUPERVISOR SALADINO: Do you plan for
24 lighting on the side of the building that faces the
25 residents' homes?

1 MR. FARRELL: No.

2 That would be on the front of the
3 building, so no.

4 SUPERVISOR SALADINO: Will there be any
5 lighting, whether it's street lighting, whether
6 it's overhead lighting, attached to the building or
7 not, on the sides of the buildings that are in
8 direct view of the residents' homes?

9 MR. NEE: The southern exposure of the
10 building facing Old Country Road is what the
11 neighbors to the south would see and there is no
12 proposed lighting on -- exterior site lighting on
13 that facade. More likely that they would see the
14 existing street lights that are there today than --

15 COUNCILMAN MACAGNONE: How about the
16 signage, will there be a sign on the outside lit
17 up? If you guys want to look at this picture --

18 MR. NEE: Interior illuminated is what
19 the architect was able to indicate.

20 SUPERVISOR SALADINO: And in an effort
21 to calm the concerns of our residents, in covenants
22 and restrictions, would you agree to shielding on
23 any lighting that would travel over onto their
24 property?

25 MR. NEE: The photometric plan that we

1 submitted indicates no spillage, but, yes, that
2 would be considered an appropriate covenant.

3 SUPERVISOR SALADINO: And in terms of
4 noise the residents, obviously, that you heard from
5 have spoken about noise, would there be a
6 generator, an air conditioning unit, heating unit
7 anywhere place close to their side of the building
8 that could create noise for the residents
9 throughout the night while people are sleeping,
10 while they are trying to enjoy their backyards?

11 MR. MICHALEK: There will be no
12 generator on site. There will be air conditioning
13 units on the roof placed towards the center of the
14 structure significantly far enough back from the
15 front facade. You probably couldn't even see them
16 from the street.

17 SUPERVISOR SALADINO: Can you create a
18 buffer to reduce sound from these units on the
19 residents' homes?

20 MR. MICHALEK: We can do a mechanical
21 screen around those units to help reduce sound.

22 COUNCILMAN MACAGNONE: To shoot them
23 up?

24 MR. FARRELL: It's also, just to bring
25 up this point, the existing building has

1 mechanicals on the roof that are not shielded.
2 They're older units. The newer units are made to
3 run much more efficiently. They are much quieter,
4 so they don't generate that much noise to begin
5 with, so I think that in addition to --

6 MR. MICHALEK: Just to further detail
7 on the climate control aspect of these buildings,
8 it is not a full-blown commercial like rooftop
9 unit. These are residential style air-conditioning
10 condensers on the roof. So it's like your little
11 3-ton air conditioner you have in your house, but
12 there's maybe six of them on the roof.

13 SUPERVISOR SALADINO: What is the
14 distance from those units to the property line to
15 south where the residents live?

16 MR. MICHALEK: We would have to verify
17 that information.

18 COUNCILWOMAN JOHNSON: Do you know what
19 the noise level would be from different distances
20 if that would make sense to you?

21 SUPERVISOR SALADINO: Yes.

22 I'm going to compare that to the
23 distance of a homeowner --

24 COUNCILWOMAN JOHNSON: Commissioner
25 Maccarone, did you review this whole proposal

1 before it got to us?

2 COMMISSIONER MACCARONE: Yes. The
3 Department did review it.

4 In terms of the lighting, the
5 photometrics was submitted --

6 Elizabeth Maccarone, Commissioner of
7 Planning and Development.

8 The plan was reviewed by the
9 department. The photometrics for the lighting on
10 the property is in compliance on the plan to our
11 code. It shows Zero foot candles at the perimeter
12 of the site. Any lights that are on the building
13 will have to be shielded to prevent glaring into
14 neighboring properties.

15 So the plans, as indicated by the
16 architect, I believe there are no light packs on
17 the front of the building. They are on the two
18 sides and the rear.

19 If a light is glaring across Old
20 Country Road into the residents' property, they
21 have two choices, they could reach out to the
22 operator or they could reach out to the Town of
23 Oyster Bay and we would send out an inspector to
24 verify whether or not it complies with the code or
25 not or if it did not comply, we would make sure

1 that they put a shield on the light to get into
2 compliance.

3 That happens a few times during the
4 year. We have light complaints and we go out.

5 In terms of the mechanicals, they're on
6 the roof. We have not looked at the building plans
7 yet because the Zoning has not been put into place;
8 however, they will have comply with screening and
9 so forth. So all of these -- those types of issues
10 all get addressed and they will be addressed. If
11 they aren't, we will go back out and make sure that
12 they are in compliance with the Town's codes.

13 COUNCILWOMAN JOHNSON: Thank you.

14 COUNCILMAN LABRIOLA: Commissioner,
15 before you step away, in your experience, and I
16 know the Deputy's here also, when the Town Board
17 has granted Special Use Permits for warehousing
18 like this, the hours of operation that you're
19 accustomed to in a General Business zone, I know
20 that the rear portion is Light Industrial, but
21 what's your -- based on your experience, what are
22 the hours of operation granted from prior Special
23 Use Permits for this type of operation?

24 COMMISSIONER MACCARONE: I personally
25 can't speak to it, but you have to think of other

1 uses in the General Business zone. If a deli were
2 to go in to a General Business zone, which is very
3 common, that deli may open at 6:00 a.m. to prep for
4 the breakfast crowd. Then it could stay open until
5 10:00, 11:00. Same thing with a restaurant. A
6 restaurant can stay open until midnight. This
7 Board did approve the ordinance having to do with
8 when it abuts residential.

9 Again, this property does not abut
10 residential. The residential is across a few lanes
11 of traffic, you know, on Old Country Road, but,
12 technically, they could operate 24 hours unless
13 this Board chose to -- because they are here before
14 the Town Board, you could impose restrictions.

15 COUNCILMAN LABRIOLA: Well, the
16 difference here is there are going to be no
17 employees present on a 24-hour access on a
18 case-by-case basis whereas what you're talking
19 about in retail use, there are employees there.

20 COMMISSIONER MACCARONE: Absolutely.

21 So this Board absolutely can impose
22 covenants and restrictions having to do with the
23 employees or the hours of operation.

24 They are here before this Board because
25 a portion of the property is in the General

1 Business. Typically, warehousing or self-storage
2 facilities, they are permitted uses in a Light
3 Industrial zone in the middle of an industrial
4 park. In this instance, you know, we have the
5 split zone, and that's why they're here.

6 COUNCILMAN LABRIOLA: Can you research
7 your records for me before a vote is taken? I know
8 that we are reserving decision --

9 COMMISSIONER MACCARONE: Absolutely.

10 COUNCILMAN LABRIOLA: And just let me
11 know what prior experiences has been for prior Town
12 Board's granting the Special Use Permit in a
13 General Business zone.

14 COMMISSIONER MACCARONE: Sure. We'll
15 get you that information.

16 COUNCILMAN LABRIOLA: Thanks. Thank
17 you very much, Commissioner.

18 SUPERVISOR SALADINO: Thank you.

19 MR. FARRELL: I can speak to one
20 application that I did for another self-storage
21 operator that required a Special Use Permit and the
22 hours were not restricted.

23 The property was in Plainview and it's
24 across from that New Beechwood Development, but,
25 you know, I don't think on this use -- even though

1 there aren't employees present on site, as we said,
2 anybody that accesses the site is going to be
3 recorded accessing the site. We're going to know
4 who's there. We're going to have them on camera.
5 We're going to know what they are doing.

6 You know, again, trips after -- between
7 6:00 and 10:00 or even on a 24-hour basis are going
8 to be very rare, but we do like to provide that
9 access the way other self-storage facilities
10 provide access.

11 Again, there are employees on site at
12 the Bolla Market which operates 24 hours a day.
13 That generates significantly more traffic.

14 I can tell you from experience, the
15 employees do not leave the facility that they are
16 in, the convenience store for any reason if
17 something goes on in the parking lot. The best
18 they'll do is call the police.

19 So, you know, I think that this use is
20 going to be much less impactful on a 24-hour basis
21 than a restaurant, a deli, a bagel store, any of
22 those uses that can go in As-of-Right.

23 These uses have been very successful
24 across the country, across Long Island, operating
25 on the same model that we're proposing today

1 without significant complaint or significant
2 issues.

3 So I would just urge the Board to take
4 that into consideration when considering, you know,
5 restricting the hours in any way, but I appreciate
6 that.

7 SUPERVISOR SALADINO: Would anyone else
8 like to be heard?

9 Yes, please, step forward.

10 MR. ADRIAN: My name is Scott Adrian.
11 I reside 74 Avalon Circle, Smithtown, New York.

12 I work for the Operating Engineers,
13 Local 138 Nassau/Suffolk.

14 I'm here speaking on behalf of our
15 membership that lives in the Town of Oyster Bay and
16 we are 100 percent against this company today
17 building this building, reasons being that they are
18 building two right now. They build them 100
19 percent nonunion and we have no union
20 representation on the job sites, whether it be
21 operating engineers or building trades.

22 SUPERVISOR SALADINO: Does anyone have
23 any questions?

24 COUNCILMAN MACAGNONE: Do they pay area
25 standards?

1 MR. ADRIAN: No. I know that from
2 walking around the job and talking to --
3 interviewing the employees in New Hyde Park.

4 COUNCILMAN IMBROTO: Have they ever
5 discussed that with you at any point?

6 MR. ADRIAN: Excuse me?

7 COUNCILMAN IMBROTO: Have they ever
8 expressed a willingness to discuss that with you at
9 any point?

10 MR. ADRIAN: I tried to talk to them.
11 They don't want to talk to me. I tried to talk to
12 this gentleman, Paul Bergen. He won't call me
13 back. He won't give us the opportunity to let our
14 area GCs give them numbers to work on the jobs and
15 then employ area subs that employ all the unions to
16 work on these sites.

17 SUPERVISOR SALADINO: Well, we would
18 certainly encourage a conversation taking place
19 between your members and the owners, the
20 applicants.

21 MR. FARRELL: I'd like to address that,
22 if I may.

23 SUPERVISOR SALADINO: Scott, do you
24 have anything else?

25 MR. ADRIAN: No, sir, not unless I need

1 to address him.

2 SUPERVISOR SALADINO: Certainly.

3 MR. FARRELL: The president of LCS
4 Development, John Nicolich, reached out by phone
5 and by e-mail to the Nassau/Suffolk Building Trades
6 Council. He sent an e-mail at the direction of the
7 woman he spoke with there -- I believe it was one
8 of the secretaries in the office, to Matt Arich.

9 We have not received a response, but we
10 have reached out the Building Trades Union to talk
11 to them. We reached out originally on April 29th
12 and then we reached out again last week on May 14th
13 when we hadn't heard back to try and start a
14 dialogue regarding this project to see if we can
15 work something out with the unions.

16 COUNCILWOMAN JOHNSON: Did you reach
17 out specifically to Local 138?

18 MR. FARRELL: No, we didn't but we
19 reached out to --

20 COUNCILWOMAN JOHNSON: That would be
21 crane operators, right?

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

24 COUNCILWOMAN JOHNSON: It's a steel
25 building, so you would need a crane operator.

1 MR. FARRELL: I did not know that there
2 were conversations with Mr. Bergen.

3 Obviously, you know, we'll have to have
4 a talk with him, but we did reach out to the
5 Building Trades Council because that's what I've
6 recommended to my clients on all of their
7 commercial developments.

8 COUNCILMAN MACAGNONE: I have known
9 Matt very well. I know he always gets back to
10 people so...

11 MR. FARRELL: I saw the e-mail.

12 COUNCILMAN MACAGNONE: I'm not saying
13 you didn't.

14 MR. FARRELL: I saw the e-mail to him.
15 My client says he didn't get back -- I know Matt as
16 well. I know John Shepard very well. I know they
17 are very responsive when people reach out to them.
18 I can't explain what happened here, but we have
19 tried to reach out.

20 SUPERVISOR SALADINO: So why don't we
21 suggest this?

22 You have Scott here. Take his contact
23 information, pass it along, and he's stated he's
24 willing to speak to anyone on this application.

25 MR. FARRELL: Sure.

1 SUPERVISOR SALADINO: And we would
2 greatly appreciate any efforts you might make to
3 facilitate that conversation.

4 MR. FARRELL: Sure.

5 Absolutely, Supervisor.

6 SUPERVISOR SALADINO: Is there anyone
7 else who would like to be heard on this
8 application?

9 Yes, sir. Please step forward.

10 MR. GALLAGHER: Good morning.

11 My name is Kevin Gallagher, resident of
12 Hicksville, 23 Edgewood Drive. I also have a
13 business in Hicksville.

14 I'm just a little bit concerned with
15 the storage facilities that's are being built in
16 Hicksville within a two to three-mile square mile
17 radius.

18 Basically, Hicksville was built with
19 attics, basements, et cetera, for storage. By us
20 creating these storage centers, what we're doing is
21 we're just opening areas for people to rent out
22 basements, illegal basements, converting attics
23 into illegal apartments.

24 You go down any block down in
25 Hicksville -- I've been in Hicksville for over

1 fifty-some odd years. Any block you go down in
2 Hicksville, the cars that are parked on the blocks
3 is unbelievable compared to ten or fifteen years
4 ago.

5 So an average house that maybe had six
6 people in it when I was growing up, now has maybe
7 twelve on occasion. So they're not -- the purpose
8 of the storage centers is not for businesses or
9 anything like that. It's to me just creating more
10 apartment use in Hicksville. So that's -- I just
11 wanted to say that.

12 I'm also a tenant of the building also.
13 I've been in the building for 28 years. The front
14 of the building we describe as rather interesting.
15 You guys keep describing the restaurant as
16 abandoned. I believe they're opening a Chinese
17 restaurant within the next six weeks over there.

18 So I'm a little confused by some of the
19 things being presented here today.

20 SUPERVISOR SALADINO: Is there a sign
21 on that building that would lead you to believe
22 that?

23 MR. GALLAGHER: Yes, there is.

24 I'm a tenant in the building. So, I've
25 been in the building since 1991. I'm also a title

1 company, settlement company. So I'm pretty
2 familiar with the zoning and so on.

3 But I just again very concerned for
4 Hicksville and I hope the Board and Council is
5 feeling the same way because it is changing
6 dramatically.

7 Thank you for your time.

8 COUNCILMAN IMBROTO: Just so you don't
9 think this is unique to Hicksville, I mean in
10 Plainview where there is already a self-storage
11 facility, there is another one being built I'd say
12 less than 1,000 feet away.

13 MR. GALLAGHER: Well, 1000 feet away is
14 ridiculous. Okay.

15 First of all, are you familiar with how
16 many storage centers are in Hicksville in the one-
17 mile area? You seem pretty --

18 COUNCILMAN IMBROTO: (Indiscernible.)

19 MR. GALLAGHER: Go ahead.

20 I happen to know how many there are.
21 There are about five of them within a mile and a
22 half area.

23 I mean, how many storage units do you
24 need in one area? Why don't we put one in
25 Massapequa or Plainview, or somewhere else?

1 COUNCILMAN IMBROTO: Say Plainview has
2 two on one street --

3 MR. GALLAGHER: Excuse me, this is
4 five. This is five within a mile and a half area.
5 Five. You're just creating a disaster.

6 So does anybody else want to comment on
7 that?

8 COUNCILMAN IMBROTO: And if you do have
9 concerns about illegal housing, please give my
10 office a call or call --

11 MR. GALLAGHER: Just drive up in any
12 block in Hicksville and you'll see there used to be
13 20, 30 cars maybe on a block or if that. Now,
14 there's maybe 40 to 60 cars on an average block and
15 it's due to these storage facilities that you used
16 to store your stuff in an attic or basement and now
17 that's no longer happening.

18 You're creating these things that --
19 you're opening up Extra Space suddenly there's 15
20 people living in one house. That's a problem.

21 COUNCILMAN MACAGNONE: I will say that
22 the Department of BD is doing an excellent job
23 trying to enforce in Hicksville and throughout the
24 Town of Oyster Bay.

25 I know myself and my colleagues have

1 reached out to them and they try to do the best
2 they can according to the laws. It doesn't happen
3 right away, but they do a great job.

4 MR. GALLAGHER: I understand that.

5 I'm also extremely concerned with the
6 stop and go traffic on Old Country Road. Most of
7 these storage facilities -- I don't know how far
8 depth this is going to be in the actual gate that's
9 going to let you into this facility, but if it's
10 not deep enough, you're going to have cars lined up
11 on Old Country Road, not just Saturday, Sunday;
12 Monday through Sunday. Lined up. It's a two-lane
13 road.

14 It's a pretty -- I'll give you the
15 exact amount of cars that go by. Approximately
16 50,000 cars drive down Old Country Road daily. So,
17 I mean, this isn't a slow area like this
18 gentleman's referring to. This is a very, very
19 busy area.

20 SUPERVISOR SALADINO: We want to be
21 very responsive to your concerns.

22 So I'm going to give you two
23 suggestions, please, if you don't mind.

24 MR. GALLAGHER: Sure.

25 SUPERVISOR SALADINO: One is to speak

1 to our Commissioner of Planning and Development,
2 Leslie Maccarone -- Commissioner, would you raise
3 your please -- in regard to illegal housing because
4 there is a procedure and if you have information
5 for us, we would very much appreciate that.

6 MR. GALLAGHER: One other thing I'd
7 like to bring up.

8 He mentioned 7-Eleven. You know, there
9 are not 7-Elevens every mile or so. He made a
10 comparison with 7-Eleven. Well, you made a
11 comparison with 7-Eleven.

12 Why don't we just build 7-Elevens on
13 every other corner? I mean, it's the same type of
14 thing.

15 SUPERVISOR SALADINO: The second
16 suggestion I'm going to make is, if you don't mind,
17 after this one particular hearing is over and that
18 frees up this staff, why don't stay around if you
19 have the time --

20 MR. GALLAGHER: I have the time.

21 SUPERVISOR SALADINO: -- to meet with
22 them please and discuss with them some of your
23 concerns and let's find out which ones of them have
24 they already addressed --

25 MR. GALLAGHER: I'm also a tenant of

1 the building.

2 Am I going to be notified at a
3 reasonable time to vacate -- you don't know? I
4 mean, I need to know this. I've been there for 28
5 years -- I didn't start practicing law five years
6 ago. I've been doing this for 28 years. I need
7 notification, not twenty minutes or three weeks.

8 SUPERVISOR SALADINO: We understand
9 your concerns --

10 MR. GALLAGHER: I've been in that
11 particular spot for years. My family has been in
12 that building for over forty years. We have a law
13 firm out of the building, a settlement company and
14 title company. We've been there for years.

15 SUPERVISOR SALADINO: So let's do this,
16 because you have every right to know what your
17 headed to. We have not made a decision yet.

18 The information you're providing us is
19 very important just like everyone else's.

20 MR. GALLAGHER: All right.

21 SUPERVISOR SALADINO: Part of that
22 process, I believe, is to speak to their counsel
23 today, to let them know, to exchange information to
24 let them now how important it is and stress that
25 the owner of the property -- we haven't made a

1 decision yet. So we don't know what the outcome
2 will be, but the owner of the property does owe
3 you, at the very least, an open line of
4 communication so you and the other tenants know
5 where you're standing. Are you staying? Are you
6 out in a year? Are you out in three years?

7 MR. GALLAGHER: Excuse me, 1,100
8 storage units.

9 How I look at that is 1,100 storage
10 units, I look at that as 1,100 homes have access to
11 1,100 storage units to continue to what I'm trying
12 to say to you.

13 SUPERVISOR SALADINO: We promise you we
14 will take all of this into consideration.

15 MR. GALLAGHER: I hope you do. I
16 really, really hope you do.

17 SUPERVISOR SALADINO: So why don't you
18 stay around and after the hearing speak to the
19 counsel? That's in part what he's here for to
20 listen to the public. Some of these issues may
21 have already been addressed and just didn't come
22 out in the presentation and some of these issues
23 may still need to be addressed. We want to make
24 sure --

25 MR. GALLAGHER: Are you aware,

1 Supervisor, how many actual storage centers are in
2 Hicksville?

3 SUPERVISOR SALADINO: You just told us
4 five.

5 MR. GALLAGHER: Are you aware of how
6 close they are together?

7 SUPERVISOR SALADINO: Density, yes.

8 MR. GALLAGHER: Thank you.

9 SUPERVISOR SALADINO: Thank you very
10 much, sir.

11 Anyone else that would like to be heard
12 on this application?

13 Of course. Mr. McKenna, of course.

14 And I ask you to refrain your comments
15 to this application.

16 MR. McKENNA: Kevin McKenna, Edna
17 Drive, Syosset, New York.

18 I just want to compliment the Town
19 Board especially Councilman Imbroto and Councilman
20 Labriola. It's really, really good to see the Town
21 Board start to ask good questions and be concerned
22 about all different things.

23 You brought up the propane tanks and
24 talked about security. I just want -- by the way,
25 I also worked at 550 Old Country Road, and I'm

1 very, very familiar with the building.

2 What the applicant did not mention at
3 all is that the Wantagh Parkway entrance and exit
4 is right next door.

5 So you guys might want to ask if the
6 traffic study has included the exit and entrances
7 from the Wantagh Parkway. It's a very dangerous
8 situation pulling out of that building currently
9 and I agree that the traffic in and out is minimal,
10 but you're going have box trucks coming in and out,
11 and keep in mind that the Wantagh Parkway does not
12 allow commercial vehicles. Those box trucks are
13 not going to be able to go on the Wantagh, so it's
14 going to increase traffic coming up Broadway from
15 the Expressway which is already a disaster.

16 But real quick, on the propane tanks,
17 they talked about how they are going to monitor the
18 building. I have used self-storage and many of you
19 have. You pull in, you unload your truck off
20 hours, right? Somebody needs to be monitoring the
21 inside of that building realtime. You have
22 residents across the street. Right? And
23 somebody's bringing in propane -- we live in a
24 dangerous era right now. Somebody has to be
25 watching the camera to see the person taking the

1 materials out of the truck, putting it in the
2 square that they're going to rent. It has to be
3 monitored realtime because they can put something
4 in there that could sit there for twelve hours
5 until they look at the video and it could explode.
6 You have residents across the street.

7 And my question that I'm going to end
8 up is, I posted this Resolution that came out on
9 Friday afternoon on my Facebook page to make the
10 Hicksville residents aware of this hearing today.

11 I'd like to know from the applicants if
12 they notified any of the residents in the immediate
13 area so that they would know about this hearing
14 today. What really shocks me is that you guys and,
15 again, I appreciate your questions, you're asking
16 more questions today than you asked on the
17 predecided decision on the Marriott Hotel.

18 Thank you very much.

19 SUPERVISOR SALADINO: Is there anyone
20 else who like to be heard on this application.

21 Counselor?

22 MR. FARRELL: In terms of the use of
23 the facility, as I stated, you know, these
24 facilities are largely used by commercial users.

25 Doctors use them for storing paper.

1 Lawyers use them for storing files. Commercial
2 tenants use them for storing their inventory. This
3 is not a largely residential use facility. It's
4 just not.

5 In terms of the number of facilities in
6 Hicksville, the number of facilities has to do with
7 the demand. If there wasn't a demand for it, they
8 wouldn't build it. Nobody would invest, you know,
9 tens of millions of dollars to demolish an existing
10 building and build new building if it was going to
11 go out of business in a week. You know it is just
12 not the way things go.

13 You know, in terms of the notice to the
14 tenants, that's up to the landlord. The building
15 is what it is. I have been to the building. You
16 can certainly drive by the building. The building
17 is not in good shape. It is not well maintained by
18 the current owner. It is very underutilized. It's
19 under tenanted.

20 The owner of property is going to have
21 to give notice -- proper legal notice to all his
22 tenants that do not have valid leases. He's going
23 to have to give them the legal notice that's
24 required for them to vacate. If they don't vacate,
25 he's going to have to bring in eviction proceedings

1 to having them removed.

2 You know, with regard to the number box
3 trucks, again, this is not going to be a largely
4 commercial, you know, like box truck facility.
5 There is sufficient room on site to get the trucks
6 in and out. The gate will not be closed when the
7 building is open from 8:00 in the morning until
8 6:00 at night. The gate will be open for the
9 parking lot. You can drive in, pull in, park your
10 car, bring your stuff in.

11 So cars backing up onto Old Country
12 Road during peak traffic times, is probably not
13 going to happen.

14 COUNCILMAN IMBROTO: Cars are already
15 backed up during peak traffic times in that area.
16 I drive past that area every day.

17 MR. FARRELL: I'm talking about out of
18 that site onto Old Country Road. If they were
19 going to impede traffic, the County DPW will impose
20 a number of restrictions on us. They are very
21 thorough with their analyses of Old Country Road
22 and all their roads. In terms of access if the
23 County -- I've been through it many times where the
24 County has restricted no left turn even where it
25 wasn't warranted, if they believe that it's going

1 to make a safer traffic condition.

2 In terms of monitoring the video for
3 propane tanks, all I can say is, we monitor the
4 site as best we can. As the building exists right
5 now, somebody could have a key to that building, go
6 in, store 1,000 propane tanks in the back. There
7 is no security. There is no 24-hour people on site
8 and they could blow up the building tomorrow and
9 there would be nothing to it.

10 COUNCILMAN IMBROTO: But realistically
11 a self-storage facility lends itself to that more
12 than an office building --

13 MR. FARRELL: I disagree with that.

14 COUNCILWOMAN JOHNSON: I mean how do we
15 know who is driving around with a propane tank in
16 the back of their car?

17 These are things that not necessarily
18 can be monitored on a daily basis. This goes on
19 millions of times a day across the country. There
20 are storage facilities.

21 I just think people need to make sure
22 they're doing what they should be doing lawfully.
23 They sign a lease. I don't think this is something
24 that we can actually mandate that someone's there
25 making sure they're not carrying in explosives.

1 This goes on everywhere. I'm just a little
2 concerned that this is overburdensome on that type
3 of facility because it happens every day.

4 MR. FARRELL: And, you know, I think we
5 are all live in a time where we realize that a bad
6 person with a bad intent is not going to be stopped
7 by a guy in a uniform standing at a front desk.

8 If somebody has a bad intent and wants
9 to make something happen, they're going to find a
10 way to make it happen. I don't think a
11 self-storage facility in Hicksville is going to be
12 the primary target for that. You know, I could be
13 wrong. I don't want to say that but, you know, it
14 could be -- it could be, but I highly doubt it.

15 SUPERVISOR SALADINO: Just one quick
16 question.

17 MR. FARRELL: Yes.

18 SUPERVISOR SALADINO: On this issue
19 that we are spending quite a bit of time.

20 The facility, if approved, will have
21 cameras throughout the entire perimeter of the
22 building rolling 24 hours at a time?

23 MR. FARRELL: Yes. We will have --

24 SUPERVISOR SALADINO: And you will be
25 saving that video?

1 MR. FARRELL: Yes, yes.

2 And, in terms of --

3 COUNCILMAN MACAGNONE: The staff will
4 do the best they can to ensure Public Safety, not
5 only that facility, but our residents to the south?

6 MR. FARRELL: Absolutely. Absolutely.

7 I mean, I don't think it is in Extra
8 Space Self-Storage's best interest to run a poor
9 facility. You know, a bad reputation, is a bad
10 reputation. I don't think they want that carrying
11 to all the facilities they own throughout the East
12 Coast.

13 In terms of Hicksville rentals and
14 things, I can't speak to that. You know, I think
15 it is unfair to place the burden on my client for
16 illegal rentals in Hicksville. I don't think
17 self-storage is the impetus behind illegal rentals.
18 I think it's more of high school taxes that
19 probably lead to illegal rentals.

20 People not being able to afford a home
21 on Long Island probably leads to more illegal
22 rentals than the proliferation of self-storage
23 facilities.

24 Obviously, that's a bigger question for
25 much smarter people than me. You know, I've been

1 practicing law for twenty years, presenting these
2 cases for twenty years. Not five; twenty. And,
3 you know, that's what I have seen. You know, taxes
4 and property values keep people in rental
5 apartments, not self-storage facility.

6 COUNCILMAN LABRIOLA: What was your
7 notification radius on this petition?

8 MR. FARRELL: Whatever the Town
9 requires. I believe it's a 100-foot radius we have
10 to send the notification to and I think we had to
11 send certified to all the adjoining property
12 owners.

13 So everybody -- people within 100 --

14 COUNCILWOMAN JOHNSON: Not tenants,
15 just the property owners.

16 MR. FARRELL: Yeah, just the property
17 owners. Yeah.

18 You know, again, if the tenants in the
19 building don't know what's going on --

20 COUNCILWOMAN JOHNSON: Do you know how
21 long this building has been for sale?

22 MR. FARRELL: We've been in contract
23 with them for two years. We've been working on
24 this application for two years. So, if his
25 landlord isn't notifying him, I don't know what to

1 say. I mean, they are not bringing in new tenants.
2 The building is under tenanted. I think the
3 writing should be on the wall.

4 COUNCILMAN MACAGNONE: Mr. Farrell, is
5 this application posted in front of the building?

6 MR. FARRELL: If the Town Code requires
7 it, then we posted it.

8 COUNCILMAN MACAGNONE: Commissioner?

9 COMMISSIONER MACCARONE: I believe it's
10 going to be read into the record because they have
11 to hand in their paperwork to Legislative Affairs.
12 So, I think at the end when the Town Clerk --

13 COUNCILMAN MACAGNONE: But it was
14 posted and it went out?

15 COUNCILMAN IMBROTO: Did you comply
16 with all the requirements?

17 MR. FARRELL: Yes. Absolutely. We
18 complied with all the notification requirements.

19 COUNCILMAN MACAGNONE: Tenants would
20 have been able to see the sign that -- that's all
21 we're getting at.

22 MR. FARRELL: Yes.

23 COUNCILMAN LABRIOLA: Just a couple of
24 more questions, Mr. Farrell.

25 How many current tenants have leases in

1 the building?

2 MR. FARRELL: I don't know. We don't
3 own the building, so we don't know. They're
4 supposed to be out by the time we close.

5 COUNCILMAN LABRIOLA: So all of these
6 tenants have consistent termination clauses, it's
7 all consistent on the transfer of property? Is
8 that how it --

9 MR. FARRELL: We have no idea. I don't
10 believe we've done an exchange of leases yet.

11 As far as I knew, there were no valid
12 leases anymore. I believe everything was on a
13 month-to-month tenancy, but I could be wrong.

14 COUNCILMAN LABRIOLA: I would just
15 suggest that the owner -- I know there is no owner
16 representation here today, right?

17 MR. FARRELL: No. The owner doesn't
18 even respond to us.

19 COUNCILMAN LABRIOLA: -- to coordinate
20 with the Town Attorney's office to ensure at
21 adequate notice.

22 MR. GALLAGHER: The sign was put up on
23 Friday.

24 SUPERVISOR SALADINO: Sir, we have a
25 process here.

1 I asked that you speak to -- because
2 I'm very respectful of your feelings and every
3 issue you brought today and they are all very
4 important to us. And I ask that you meet with the
5 applicant's attorney after the meeting to discuss
6 this, but please understand we're going to leave
7 the record open. We're going to ensure that every
8 resident can send a letter to us, an e-mail and let
9 us know --

10 MR. GALLAGHER: (Inaudible.)

11 SUPERVISOR SALADINO: Sir, we've been
12 at this for a little while.

13 I know I've been here --

14 MR. GALLAGHER: (Inaudible.)

15 SUPERVISOR SALADINO: Sir, we're going
16 to take everything under consideration. And I can
17 ensure you of that.

18 SUPERVISOR SALADINO: Would you please
19 continue.

20 MR. FARRELL: I think I've addressed
21 all of the salient points.

22 I think based on the record that we've
23 presented to the Board, I think a Special Permit is
24 certainly warranted in this case. I think this is
25 going to be a benefit to the community. It's

1 certainly going to be an improvement to this
2 particular site. And I hope and implore the Board
3 to approve it as quickly as possible.

4 SUPERVISOR SALADINO: Thank you.

5 I'll ask, if you're available, to stay
6 around and speak to any residents that have
7 questions and want to get more information from you
8 or have information passed along to the applicant.

9 MR. FARRELL: Be happy to.

10 SUPERVISOR SALADINO: Thank you very
11 much.

12 Any other questions from the Board?

13 (No verbal response given.)

14 SUPERVISOR SALADINO: There are no
15 questions.

16 Is there any correspondence?

17 MR. ALTADONNA: The attorney for the
18 applicant has filed his Affidavit of Services and
19 disclosure and the communications are as follows:

20 We have Memos from the Department of
21 Planning and Development including a view of the
22 required offstreet parking. The Nassau County Land
23 Tax Map indicates the property is Section 11, Block
24 484, Lots 42 and 43.

25 According to the Town of Oyster Bay

1 Zoning Map, the property is located within a GB,
2 General Business, and LI, Light Industrial Zone.

3 There is no open code compliance cases
4 as well as variances, any Town Board resolution on
5 file.

6 There is no further correspondence.

7 SUPERVISOR SALADINO: May I have a
8 motion, please?

9 COUNCILMAN MACAGNONE: I'll make a
10 motion that this hearing be closed and decision be
11 reserved.

12 COUNCILWOMAN JOHNSON: Second.

13 SUPERVISOR SALADINO: All in favor
14 please signify by saying "Aye."

15 ALL: "Aye."

16 SUPERVISOR SALADINO: Those opposed,
17 "Nay."

18 (No verbal response given.)

19 SUPERVISOR SALADINO: The "Ayes" have
20 it.

21 Thank you.

22 We are going to take a ten-minute
23 recess so our stenographer --

24 (Whereupon, a discussion was held off
25 the record between Supervisor Saladino and

1 Councilwoman Johnson.)

2 SUPERVISOR SALADINO: Even better use of
3 time, we are going to go into Executive Session so
4 that we can deal with our counsel, and our
5 stenographer can get a break.

6 May I have a motion?

7 COUNCILMAN MACAGNONE: I move that the
8 Board enter Executive Session for A, discussion
9 regarding proposed pending or current litigation,
10 and, B, collective negotiations pursuant to Article
11 14 of the Civil Service Law.

12 COUNCILWOMAN JOHNSON: Second.

13 SUPERVISOR SALADINO: All in favor
14 please signify by saying "Aye."

15 ALL: "Aye."

16 SUPERVISOR SALADINO: Those opposed,
17 "Nay."

18 (No verbal response given.)

19 SUPERVISOR SALADINO: The "Ayes" have
20 it.

21 We will be back shortly.

22 Thank you.

23 (Whereupon, the Executive Session began
24 at 12:32 p.m. and ended at 1:58 p.m. and the
25 proceedings resumed as follows:)

1 COUNCILMAN MACAGNONE: I'd like to make
2 a motion to reopen the meeting.

3 We had to close Executive Session. We
4 got briefed on some current legal issues. No
5 action was taken.

6 And the collective bargaining
7 negotiations will be voted on later in this
8 meeting.

9 COUNCILWOMAN JOHNSON: Second.

10 SUPERVISOR SALADINO: All in favor
11 please signify by saying "Aye."

12 ALL: "Aye."

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

15 (No verbal response given.)

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

18 We, at this time, are ready to --

19 MR. ALTADONNA: We have another
20 hearing.

21 (TIME NOTED: 1:59 P.M.)

22

23

24

25

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
MAY 21, 2019
2:00 p.m.

HEARING - FIRE PROTECTION

To consider Fire Protection Contracts. (M.D. 4/23/19 #34 # & M.D. 4/30/19 #23).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILMAN JOSEPH D. MUSCARELLA

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: Yes, yes, yes.

2 The Town Clerk will now call the next
3 hearing.

4 MR. ALTADONNA: Fire protection, to
5 consider fire protection contracts.

6 MS. FAUGHNAN: Good afternoon,
7 Supervisor, Members of the Town Board.

8 Elizabeth Faughnan, Deputy Town
9 Attorney, Town Attorney's office.

10 As you know, and I belabor this issue
11 each time, and I apologize, some areas in the Town
12 of Oyster Bay have an actual fire district with
13 elected commissioners that set a budget and elected
14 commissioners that are elected by the residents.

15 They set the budget that they need and
16 each year they pass the budget and tax are imposed
17 on those residents.

18 In certain areas in the Town of Oyster
19 Bay, in several of the unincorporated hamlets, for
20 lack of better terminology, there is a private
21 nonprofit company that provides fire protection
22 services. Since there are no elected commissioners
23 because there is no actual fire district, the Town
24 Board stands in those shoes and actually contracts
25 with those independent companies to provide fire

1 protection services to the Town's residents.

2 Today the purpose of this hearing is
3 for Town to approve those contracts for the year
4 2019 and with respect to the Oyster Bay Fire
5 Protection area to approve a two-year contract for
6 2019 and 2020.

7 There is one contract with the Village
8 of Farmingdale for the residents of the Northeast
9 Farmingdale Fire Protection District; the reason
10 being the Farmingdale Fire Department is actually a
11 division of the Village. Just as they have the
12 Department of Parks, Department of Public Works,
13 they have a Fire Department. So the Village is the
14 one that sets the budget. Their budget is within
15 that 2 percent tax cap. We actually have a
16 contract with the Village for the fire protection
17 provided to our residents that are beyond the
18 Village boundaries but within the fire department's
19 area to protect.

20 COUNCILMAN MACAGNONE: Basically, it's
21 the northeast corner on the Suffolk border. It's
22 just cut off by the Village.

23 MS. FAUGHNAN: And just to -- I have a
24 lot of information here and again, I don't want to
25 belabor it, it's been a long morning for everybody,

1 but the Farmingdale Fire Department, the Town
2 portion that is covered by the department is less
3 than 10 percent of what that fire department
4 covers.

5 So what you're looking at are a lot of
6 different numbers that you may say none of the
7 these bear any resemblance to the other. The
8 reason being in Greenvale, for instance, the Town
9 of Oyster Bay has contracts with two Roslyn
10 companies for the Greenvale District. We have less
11 than 1 percent of their protection area. So what
12 we pay is less than 1 percent of their annual
13 budget.

14 For someone like Plainview, we pay 100
15 percent of their annual budget.

16 For the Oyster Bay companies, we pay
17 approximately 55 percent of their budget. So
18 that's why the numbers may not bear any resemblance
19 to one another.

20 I will tell you that when we looked at
21 all the numbers, and I've got what the increases
22 are for the two Oyster Bay companies, the numbers
23 for '19 and '20 are the same amounts that the
24 contract was in 2018, so there is a Zero percent
25 increase.

1 For the Glenwood company, there is a
2 one and a quarter percent increase. All of them
3 are in line with those percentages of increase.
4 The only one that may appear to be higher than last
5 year is Farmingdale and the reason being because,
6 again, we're a portion of protection district, each
7 year the Village Clerk looks at the assessed
8 evaluation and determines what percentage of the
9 assessed evaluation in the entire fire protection
10 district is from the Town of Oyster Bay houses.

11 So this year, our homes increased a
12 little bit more in value which is why the budget
13 amount may appear to be more than 2 percent, but,
14 in fact, it's not because they were subject to that
15 overall 2 percent tax cap.

16 Have I thoroughly confused everybody
17 this morning -- this afternoon? Okay.

18 I'm just going to go over what the
19 amounts are for the year 2019. This would be fire
20 protection nunc pro tunc back from January 1st to
21 December 31, 2019, and again for the two Oyster Bay
22 companies, it would also be for the calendar year
23 2020 at the same amounts. So we are requesting
24 contracts with the Bayville Fire Company for the
25 amount of \$32,554. With the Glenwood Hook and

1 Ladder Engine & Hose Company No. 1 contract,
2 \$691,132.97. The contract with Incorporated
3 Village of Farmingdale would be \$106,209.81. The
4 contract with Plainview Volunteer Fire Company is
5 \$5,263,467. The contract with Roslyn Highlands,
6 \$15,943. The contract with Rescue Hook and Ladder
7 Company No. 1 of Roslyn would be \$16,311. There
8 would be an additional contract with the Bayville
9 Fire Company for certain territory in the amount of
10 \$7,360. And then a contract with the Wantagh Fire
11 District for protection services down at Tobay
12 Beach for \$7,180. And that amount is the same as
13 was charged in 2018.

14 For then for calendar years 2019 and
15 2020, we are requesting a contract with the
16 Atlantic Steamer Fire Company for \$503,629.62. And
17 with the Oyster Bay Fire Department \$503,500.90.

18 Any questions?

19 COUNCILWOMAN JOHNSON: No. Thank you.

20 Thank you, Ms. Faughnan.

21 Anybody else?

22 SUPERVISOR SALADINO: Is there any
23 correspondence?

24 MR. ALTADONNA: We have affidavits of
25 postings and publications.

1 There is no other correspondence.

2 SUPERVISOR SALADINO: Thank you.

3 Is there anyone else who would like to
4 be heard on this?

5 Yes. Arthur, please come forward.

6 MR. EDELMAN: Arthur Edelman, Dubois
7 Avenue, Sea Cliff, New York.

8 One question, does the Glenwood/Glen
9 Head fire contract include the cost of the fire
10 hydrants in their budget? Do we know?

11 MS. FAUGHNAN: It does not. It does
12 not include the cost of the hydrants rentals. None
13 of these amounts do.

14 They simply cover the contracts with
15 the actual fire companies or in the case of
16 Farmingdale with the Village. Some contracts do
17 include the cost of LOSAP. Some do not. We pay
18 LOSAP separately as a sponsor of the LOSAP program.

19 SUPERVISOR SALADINO: Would anyone like
20 to be heard on this hearing?

21 (No verbal response given.)

22 SUPERVISOR SALADINO: Let the record
23 reflect that no one has shown that they'd like to
24 be heard.

25 May I have a motion, please?

1 COUNCILMAN MACAGNONE: I make a motion
2 that this hearing be closed and the decision be
3 voted on later in a meeting.

4 COUNCILWOMAN JOHNSON: Second.

5 SUPERVISOR SALADINO: All in favor
6 please signify by saying "Aye."

7 ALL: "Aye."

8 SUPERVISOR SALADINO: Those opposed,
9 "Nay."

10 (No verbal response given.)

11 SUPERVISOR SALADINO: The "Ayes" have
12 it.

13 All right. Being there are no more
14 hearings, it's time to move on to our regular
15 Action Calendar.

16 (TIME NOTED: 2:07 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
MAY 21, 2019
2:08 p.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILMAN JOSEPH D. MUSCARELLA

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: Please call the
2 regular Action Calendar.

3 MR. ALTADONNA: May I have a motion to
4 table Resolution No. 337?

5 On the motion?

6 COUNCILMAN MACAGNONE: So moved.

7 COUNCILWOMAN JOHNSON: Second.

8 MR. ALTADONNA: Motion made by
9 Councilman Macagnone, second by Councilwoman
10 Johnson.

11 On the vote:

12 Supervisor?

13 SUPERVISOR SALADINO: "Aye."

14 MR. ALTADONNA: Councilman Macagnone?

15 COUNCILMAN MACAGNONE: "Aye."

16 MR. ALTADONNA: Councilwoman Johnson?

17 COUNCILWOMAN JOHNSON: "Aye."

18 MR. ALTADONNA: Councilman Imbroto?

19 COUNCILMAN IMBROTO: "Aye."

20 MR. ALTADONNA: Councilman Hand?

21 COUNCILMAN HAND: "Aye."

22 MR. ALTADONNA: Councilman Labriola?

23 COUNCILMAN LABRIOLA: "Aye."

24 MR. ALTADONNA: Motion to table

25 Resolution No. 337 passes with six "Ayes."

1 May I have a motion to suspend the
2 rules and add Resolution No. 340?

3 **RESOLUTION NO. 340-2019;** Resolution
4 authorizing the Town to enter into a license
5 agreement with The Morgan Center for use of space
6 at the Hicksville Athletic Facility from June 1,
7 2019 through May 31, 2021. (M.D. 5/14/19 #20)

8 On the motion?

9 COUNCILMAN MACAGNONE: So moved.

10 COUNCILWOMAN JOHNSON: Second.

11 MR. ALTADONNA: Motion made by
12 Councilman Macagnone, second by Councilwoman
13 Johnson.

14 On the vote:

15 Supervisor?

16 SUPERVISOR SALADINO: "Aye."

17 MR. ALTADONNA: Councilman Macagnone?

18 COUNCILMAN MACAGNONE: "Aye."

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: "Aye."

21 MR. ALTADONNA: Councilman Imbroto?

22 COUNCILMAN IMBROTO: "Aye."

23 MR. ALTADONNA: Councilman Hand?

24 COUNCILMAN HAND: "Aye."

25 MR. ALTADONNA: Councilman Labriola?

1 COUNCILMAN LABRIOLA: "Aye."

2 MR. ALTADONNA: Motion to suspend the
3 rules and add Resolution No. 340 passes with six
4 "Ayes."

5 We have a Walk-on Resolution.

6 May I have a motion to resuspend the
7 rules and add the following Walk-on Resolution No.
8 341 which is a Resolution pertaining to retention
9 of specific counsel to the Town Attorney in
10 connection with litigation Murphy versus Town of
11 Oyster Bay, et al, Account No. OTAA142044110000000.

12 On the motion?

13 COUNCILMAN MACAGNONE: So moved.

14 COUNCILWOMAN JOHNSON: Second.

15 MR. ALTADONNA: Motion made by
16 Councilman Macagnone, second by Councilwoman
17 Johnson.

18 On the vote:

19 Supervisor?

20 SUPERVISOR SALADINO: "Aye."

21 MR. ALTADONNA: Councilman Macagnone?

22 COUNCILMAN MACAGNONE: "Aye."

23 MR. ALTADONNA: Councilwoman Johnson?

24 COUNCILWOMAN JOHNSON: "Aye."

25 MR. ALTADONNA: Councilman Imbroto?

1 COUNCILMAN IMBROTO: "Aye."

2 MR. ALTADONNA: Councilman Hand?

3 COUNCILMAN HAND: "Aye."

4 MR. ALTADONNA: Councilman Labriola?

5 COUNCILMAN LABRIOLA: "Aye."

6 MR. ALTADONNA: Motion to resuspend the
7 rules of procedure and add Walk-on Resolution No.
8 341 passes with six "Ayes."

9 May I have a motion to adopt Resolution
10 P-9-19 through Resolution 341, noting that 337 was
11 tabled? I just found out we are tabling 321 as
12 well?

13 COUNCILMAN MACAGNONE: Town attorney,
14 are we suggesting I make a motion to Table 321?

15 MR. NOCELLA: Yes, that's correct, yes.

16 COUNCILMAN MACAGNONE: I make a motion
17 to table Resolution No. 321-2019.

18 COUNCILWOMAN JOHNSON: Second.

19 MR. ALTADONNA: I'll call for a vote.

20 SUPERVISOR SALADINO: Please.

21 MR. ALTADONNA: Motion to table
22 Resolution 321 --

23 COUNCILMAN MACAGNONE: I make a
24 motion --

25 MR. ALTADONNA: I'm just writing. I'll

1 be there.

2 Motion was made by Councilman Macagnone
3 and second by Councilwoman Johnson.

4 On the vote:

5 Supervisor?

6 SUPERVISOR SALADINO: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: "Aye."

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILWOMAN JOHNSON: "Aye."

11 MR. ALTADONNA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: "Aye."

13 MR. ALTADONNA: Councilman Hand?

14 COUNCILMAN HAND: "Aye."

15 MR. ALTADONNA: Councilman Labriola?

16 COUNCILMAN LABRIOLA: "Aye."

17 MR. ALTADONNA: I'll start again.

18 May I have a motion to adopt
19 Resolutions P-9-19 through Resolution 341, noting
20 that 321 and 337 are tabled?

21 **PERSONNEL RESOLUTION NO. P-9-19 and**
22 **P-10-19;** Resolutions pertaining to personnel of
23 various departments within the Town of Oyster Bay.

24 **TRANSFER OF FUNDS RESOLUTION NO.**
25 **TF-9-19;** Resolution pertaining to Transfer of Funds

1 within various departments accounts for the Year
2 2019.

3 **RESOLUTION NO. 317-2019;** Resolution
4 authorizing the acceptance of a donation of a
5 memorial bench and plaque, to be placed in Theodore
6 Roosevelt Memorial Park and Beach, from Jonathan
7 King in memory of Richard Oliver Schwartz. (M.D.
8 4/30/19 #4).

9 **RESOLUTION NO. 318-2019;** Resolution
10 authorizing the acceptance of a donation of two
11 memorial plaques and two benches, to be placed in
12 Sunset Park, from Jim Kaplan in memory of Glen E.
13 Kaplan and Sal and Angela Scrimenti. (M.D. 4/30/19
14 #5).

15 **RESOLUTION NO. 319-2019;** Resolution
16 authorizing the Supervisor to enter into a second
17 one-year extension of a contract providing lead
18 based testing services for the Division of
19 Community Development's Residential Rehabilitation
20 program from June 1, 2019 through May 31, 2020.
21 Account No. IGA CD 8668 48250 731 CD 19. (M.D.
22 4/30/19 #12).

23 **RESOLUTION NO. 320-2019;** Resolution
24 authorizing the acceptance of a donation of up to
25 60 tree and shrub seedlings from the New York State

1 Department of Environmental Conservation through
2 the "Trees for Tribs Buffer in a Bag Program" and
3 to authorize the Supervisor or his designee to
4 execute documents in connection with this program
5 as necessary. (M.D. 4/30/19 #14).

6 **RESOLUTION NO. 322-2019;** Resolution
7 authorizing payment of 2019 membership dues for
8 Building Inspectors Association of Nassau County
9 (BIANCO). Account No. HWY DB 5110 44900 000 0000.
10 (M.D. 4/30/19 #18).

11 **RESOLUTION NO. 323-2019;** Resolution
12 authorizing the Supervisor or his designee to
13 execute agreements for the 2019-2020 Distinguished
14 Artists Concert series to be held on various dates
15 and locations. Account No. CYS A 7020 47660 000
16 0000. (M.D. 5/7/19 #6).

17 **RESOLUTION NO. 324-2019;** Resolution
18 authorizing the issuance of a refund of a boat slip
19 fee at Tappen Marina to R. Weydig. Account No. PKS
20 A 0001 02025 526 0000. (M.D. 5/7/19 #7).

21 **RESOLUTION NO. 325-2019;** Resolution
22 authorizing award of Request for Proposal - Online
23 Auction Services for Surplus Town Property.
24 RFP001-2019. (M.D. 5/7/19 #9).

25 **RESOLUTION NO. 326-2019;** Resolution

1 authorizing an agreement to provide Bond and
2 Disclosure Counsel services from May 23, 2019
3 through May 22, 2022, and authorizing the
4 Supervisor or his designee to execute said
5 agreement. (M.D. 5/7/19 #12).

6 **RESOLUTION NO. 327-2019;** Resolution
7 authorizing the issuance of a refund for an
8 overpayment for concrete work to P. Vella. Account
9 No. TWN DB 0000 00380 000 0000. (M.D.
10 5/7/19 #13).

11 **RESOLUTION NO. 328-2019;** Resolution
12 accepting the design and entrance into the bid
13 phase for Contract DP19-199, Western Waterfront
14 East Side Dock Installation. (M.D. 5/7/19 #14).

15 **RESOLUTION NO. 329-2019;** Resolution
16 accepting the design and entrance into the bid
17 phase for Contract DP19-188, TOBAY Beach 9/11 Wall
18 of Honor. (M.D. 5/7/19 #15).

19 **RESOLUTION NO. 330-2019;** Resolution
20 authorizing acceptance and final payment on
21 Contract No. DP16-136, Improvements to Pool Filter
22 Systems at Various Town Parks. (M.D. 5/7/19 #16).

23 **RESOLUTION NO. 331-2019;** Resolution
24 pertaining to Contract No. PWC 12-18, On-Call
25 Engineering Services relative to Environmental

1 Sciences for Stormwater Pollution Prevention Plan
2 Review and Inspections. Account No. HWY H5197 20000
3 000 1903 008. (M.D. 5/7/19 #17).

4 **RESOLUTION NO. 332-2019;** Resolution
5 granting request from Church of St. Rose of Lima in
6 Massapequa for Town assistance in conducting their
7 Family Festival to be held July 18th through
8 July 27, 2019, for posting of temporary "no
9 parking" signs on various streets and to use
10 various Town equipment for the event. (M.D. 5/7/19
11 #18).

12 **RESOLUTION NO. 333-2019;** Resolution
13 granting request from Oyster Bay-East Norwich
14 Chamber of Commerce for Town assistance in hosting
15 their Classic Cruise Nights, to be held Tuesday
16 evenings May 28th through September 24, 2019, with
17 the exception of June 18, to use Municipal Parking
18 Field 0-8, posting of temporary "no parking" signs
19 and to use various Town equipment. (M.D. 5/7/19
20 #19).

21 **RESOLUTION NO. 334A-2019;** Resolution
22 related to settlement of a grievance filed in
23 connection with work out of title. (M.D. 5/7/19 #20
24 and 5/14/19 #19).

25 **RESOLUTION NO. 334B-2019;** Resolution

1 related to settlement of a grievance filed in
2 connection with employee promotion. (M.D. 5/7/19
3 #20 and 5/14/19 #19).

4 **RESOLUTION NO. 334C-2019;** Resolution
5 related to settlement of a grievance filed in
6 connection with lag payroll. (M.D. 5/7/19 #20 and
7 5/14/19 #19).

8 **RESOLUTION NO. 334D-2019;** Resolution
9 related to settlement of a grievance filed in
10 connection with collection of Union dues collected
11 from part-time employees. (M.D. 5/7/19 #20 and
12 5/14/19 #19).

13 **RESOLUTION NO. 334E-2019;** Resolution
14 related to settlement of a grievance filed in
15 connection with the reinsertion of Step 1 on Salary
16 Schedules. (M.D. 5/7/19 #20 and 5/14/19 #19).

17 **RESOLUTION NO. 334F-2019;** Resolution
18 related to settlement of a claim related to hours
19 of pay for certain holidays concerning task
20 completion. (M.D. 5/7/19 #20 and 5/14/19
21 #19).

22 **RESOLUTION NO. 335-2019;** Resolution
23 pertaining to the sale of vacant strip lot adjacent
24 to 10 Brockmeyer Drive, Massapequa, NY. (5/7/19 #22
25 and 5/14/19 #18).

1 **RESOLUTION NO. 336-2019;** Resolution
2 authorizing the retention of Real Estate
3 Appraisers. Account No. OTA A 1420 44110 000 0000.
4 (M.D. 5/7/19 #24).

5 **RESOLUTION NO. 338A-2019;** Resolution/
6 Order pertaining to the decision for the
7 application of the South Farmingdale Water District
8 for issuance of serial bonds for improvements to
9 said Water District. Hearing held: May 21, 2019.
10 (M.D. 4/23/19 #14).

11 **RESOLUTION NO. 338B-2019;** Resolution
12 authorizing the issuance of serial bonds to pay the
13 cost of improvements to the South Farmingdale Water
14 District. Hearing held: May 21, 2019. (M.D. 4/23/19
15 #14).

16 **RESOLUTION NO. 339-2019;** Resolution
17 pertaining to the decision for the Fire Protection
18 Contracts. Hearing held: May 21, 2019. (M.D.
19 4/23/19 #34 & M.D. 4/30/19 #23).

20 **RESOLUTION NO. 340-2019;** Resolution
21 authorizing the Town to enter into a license
22 agreement with The Morgan Center for use of space
23 at the Hicksville Athletic Facility from June 1,
24 2019 through May 31, 2021. (M.D. 5/14/19 #20).

25 On the motion?

1 COUNCILMAN MACAGNONE: So moved.

2 COUNCILWOMAN JOHNSON: Second.

3 MR. ALTADONNA: Motion made by
4 Councilman Macagnone and second by Councilwoman
5 Johnson.

6 Now, we have speakers.

7 SUPERVISOR SALADINO: The first speaker
8 is Arthur.

9 MR. EDELMAN: Arthur Edelman, Dubois
10 Avenue, Sea Cliff, New York.

11 You tabled one question I had today.
12 Actually, the only question -- I'm going to drop it
13 down to one item. That would be 2E on the transfer
14 of funds.

15 When I was researching this item, I was
16 very excited to see that we even have a service
17 called Geese Peace Canines. Very excited to see
18 that we take care of part of the geese problems in
19 the town.

20 My question is, do we own the dogs or
21 are they owned by the company that we utilize to
22 work with the dogs?

23 COUNCILMAN MACAGNONE: Commissioner
24 Pearl?

25 SUPERVISOR SALADINO: Dan, come up,

1 please.

2 MR. PEARL: The Geese Peace dogs are
3 owned by the Town. They go home with their
4 handlers. In theory, the handlers own them, but
5 they are Town property.

6 COUNCILMAN MACAGNONE: They do a great
7 job.

8 MR. PEARL: We have two of them --
9 actually, we more than two. We are up to three
10 now.

11 MR. EDELMAN: Then I would support the
12 transfer of funds for \$1,500 for grooming services
13 for our ample employees, our canine employees.
14 That's it today.

15 Thank you.

16 SUPERVISOR SALADINO: Would anyone else
17 like to be heard on any of these Resolutions?

18 I don't have slips on that from anyone
19 else.

20 (No verbal response given.)

21 SUPERVISOR SALADINO: Let the record
22 reflect no one has raised their hand.

23 Would anyone on the Board like to be
24 heard?

25 (No verbal response given.)

1 SUPERVISOR SALADINO: Okay. Is there
2 any correspondence?

3 MR. ALTADONNA: No, not on the Action
4 Calendar.

5 SUPERVISOR SALADINO: Okay.

6 MR. ALTADONNA: I'll call for a vote.

7 SUPERVISOR SALADINO: That being said,
8 let's have our vote.

9 MR. ALTADONNA: Supervisor?

10 SUPERVISOR SALADINO: "Aye."

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: I'm going to say
13 "Aye" on all but, guys, I'm looking at the Town
14 Attorneys, 317 and 318 donations of bench.

15 I'm still waiting to see the Resolution
16 for the donation of the mural over in Hicksville,
17 please.

18 MR. NOCELLA: It is in draft form and
19 will be coming.

20 COUNCILMAN MACAGNONE: Thank you.

21 MR. ALTADONNA: Councilwoman Johnson?

22 COUNCILWOMAN JOHNSON: I vote "Aye" on
23 all of them.

24 MR. ALTADONNA: Councilman Imbroto?

25 COUNCILMAN IMBROTO: I abstain on 341.

1 I vote "Aye" on all others.

2 MR. ALTADONNA: Councilman Hand?

3 COUNCILMAN HAND: "Aye."

4 MR. ALTADONNA: Councilman Labriola?

5 COUNCILMAN LABRIOLA: "Aye" on all.

6 MR. ALTADONNA: Motion to adopt

7 Resolutions P-9 through 330 passes with six "Ayes."

8 331 was tabled.

9 321, I'm sorry. 321, okay. 321 was
10 tabled.

11 322 through 336 was passed with six
12 "Ayes" including A, B, C, D, E and F on 334.

13 337 was tabled.

14 338A, 338B, 339, 340 passes with six
15 Ayes."

16 341 passes with five "Ayes" and one
17 "Abstention."

18 Calendar is complete.

19 COUNCILMAN MACAGNONE: Supervisor, I'd
20 like to make a motion that this hearing be closed
21 -- this meeting be closed.

22 COUNCILWOMAN JOHNSON: Second.

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

25 ALL: "Aye."

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SUPERVISOR SALADINO: Those opposed,
"Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you, and thank you to you very
much.

COUNCILMAN MACAGNONE: Good job.

(TIME NOTED: 2:15 P.M.)