

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
May 23, 2017
7:15 p.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, I'd like to ask you all to rise, please.

3 We are going to start this Board
4 meeting with a moment of silence to recognize the
5 lives lost and those injured in the Manchester,
6 England bombing.

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

9 SUPERVISOR SALADINO: Thank you.

10 To lead us in prayer, please welcome
11 Rabbi Chanan Krivisky of MiYaD Synagogue in
12 Jericho.

13 Five years ago, Rabbi Chanan and Aliza
14 Krivisky and their children began this community
15 based division called MiYaD. MiYad has rapidly
16 become a dynamic Jewish organization which services
17 a broad spectrum of Jewish families throughout our
18 town. Now, it's many congregants have MiYaD as
19 their spiritual home. Really a Jewish home away
20 from home filled with warmth and meaning and
21 inspiration.

22 Rabbi Krivisky.

23 (Whereupon, a prayer was recited by
24 Rabbi Krivisky.)

25 SUPERVISOR SALADINO: Thank you.

1 And now to lead us in the Pledge of
2 Allegiance, I would like to call upon Mr. Thomas
3 Enright.

4 As you may recall, Mr. Enright spoke so
5 eloquently and passionately with such great respect
6 for our nation and for this Town at the last Town
7 Board meeting. I felt that it was only fitting to
8 invite him to join us today and to lead us in the
9 Pledge.

10 Mr. Enright was born in Dublin and
11 immigrated to the United States in the mid 1950s.
12 He is a proud veteran of the United States Army and
13 has made his home in Bethpage for over thirty years
14 and we are exceptionally proud to be led in the
15 Pledge of Allegiance to this great nation by a
16 great veteran, Mr. Enright.

17 (Whereupon, the Pledge of Allegiance
18 was recited and led By Thomas Enright.)

19 SUPERVISOR SALADINO: Thank you.

20 Mr. Enright, God bless you and God
21 bless your family.

22 And now as an important step in the
23 ever evolving Town of Oyster Bay, I turn the floor
24 over to Councilman Chris Coshignano.

25 COUNCILMAN COSHIGNANO: Thank you,

1 Supervisor, and thank you for the opportunity to
2 address the residents and the Town Board this
3 evening.

4 Tonight I should really be at at my
5 eldest son's baseball game at Marino Field or my
6 younger son's soccer practice at Roosevelt Park,
7 and I mean no disrespect, but I think you'll
8 understand where I'm going in a second.

9 Over the past sixteen years, I have had
10 the privilege of serving the residents of the Town
11 of Oyster Bay as Councilman. On a daily basis, has
12 been my mission to assist our residents with any
13 matter, large or small, that came their way. It's
14 been deeply fulfilling to serve our residents.

15 I've come to a point in my life when my
16 service to my family needs to take on a more
17 prominent role. During my time in office, I
18 married an amazing woman and she is here with me
19 this evening. Thank you. We have three beautiful
20 children.

21 God blessed us in a way that I cannot
22 articulate. However, it is no longer possible for
23 me to dedicate the time and effort that is required
24 to do the job of Councilman the way I have done it
25 over the past sixteen years.

1 I have been fortunate enough to serve
2 this great Town, the Town my grandfather came to in
3 1902, a Town that I love, a Town that I've lived in
4 my entire life and plan to still reside here with
5 my family and we want to raise our children here.

6 So over the past twenty-five years,
7 I've served in various capacities in this great
8 Town.

9 Now, it's time for me to move on, do
10 the right thing by my family. My mission will now
11 be to be the best husband, the best father, the
12 best son and the best attorney I can possibly be
13 while still remembering that I must find some time
14 to continue to be active and help our community
15 together.

16 I want to thank the Supervisor and the
17 Town Board members, as well as the Town Clerk and
18 Receiver of Taxes for serving with me. And special
19 thanks to the Town employees.

20 I've had a terrific assistant,
21 Meredith. Thank you. Before that, Beth. You guys
22 helped me greatly, along with all the Town
23 employees, for always making me look good, as well
24 as all the people who supported my efforts,
25 especially my family and friends, and I thank them

1 for their great support over all these many years.

2 I've always done my best. I believe I
3 carried myself with honesty, dignity and integrity
4 in the spirit of helping others. And God and our
5 residents gave me great opportunity to serve. I
6 took it very seriously, I hope I did a good job,
7 and for this, I will always be thankful.

8 So, for me, that's it.

9 I have a letter for you, Mr. Altadonna,
10 and my term here has ended and I thank you all for
11 listening to me.

12 Thank you.

13 (Applause.)

14 SUPERVISOR SALADINO: Well, there you
15 have heard from Chris Coshignano, and I would like
16 to thank Chris for his many years of dedicated
17 service to the Town of Oyster Bay.

18 Of the twenty-five years that he has
19 been in a plethora of government service,
20 distinguished service, sixteen of those years he's
21 been a member of the Town Board. It is not an easy
22 life, it is -- there is tremendous sacrifices that
23 go with serving as an elected official in any
24 capacity.

25 COUNCILMAN COSHIGNANO: They told me to

1 take my sign. They want to get rid of me.

2 SUPERVISOR SALADINO: Chris, you've
3 worked very hard and -- Chris, you've worked very
4 hard and you've given of yourself and your family
5 has sacrificed tremendously. I know you're joined
6 with your wonderful wife, Elisabetta. You've been
7 married to for fourteen years. She's been so
8 supportive. You were a Town Councilman when she
9 married you, so she has been --

10 COUNCILMAN COSHIGNANO: For some
11 reason, she did that.

12 SUPERVISOR SALADINO: She still did
13 that, but she's been so supportive and so helpful
14 throughout that entire process as have been your
15 children, Isabella, Angelo and Luca have always
16 been there for mom and dad, have understood the
17 sacrifices you've made, but they've also sacrificed
18 tremendously, as is the case with every family of
19 an elected official.

20 We want to thank all of you for your
21 service. We want to thank you for your sacrifice
22 and you will forever be remembered and appreciated
23 and loved by the Town of Oyster Bay family and all
24 its residents for your many years of service to
25 this Town.

1 COUNCILMAN COSHIGNANO: Thank you.

2 That means a lot.

3 SUPERVISOR SALADINO: God bless you.

4 (Applause.)

5 SUPERVISOR SALADINO: In an effort to
6 continue the business of the Town of Oyster Bay,
7 I'd like to now make a motion that we appoint Town
8 of Oyster Bay resident, Thomas Hand, to fulfill the
9 unexpired term of Chris Coshignano as a member of
10 the Town of Oyster Bay Board.

11 May I have second?

12 COUNCILMAN MUSCARELLA: I'll second the
13 motion.

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

16 All opposed.

17 COUNCILMAN MACAGNONE: No.

18 SUPERVISOR SALADINO: The "Ayes" have
19 it.

20 Congratulations.

21 COUNCILMAN MACAGNONE: I'd like to have
22 a roll call on that, please.

23 SUPERVISOR SALADINO: Certainly.

24 Certainly.

25 Town Clerk, would you please call the

1 role?

2 MR. ALTADONNA: On the vote, Supervisor
3 Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: I feel that it
9 is wrong to appoint someone who is designated as
10 the party's candidate for office. If this was
11 three weeks ago, it might have been a different
12 story. Open and transparent, I don't know.
13 Therefore, I will not vote for this gentleman
14 tonight, no.

15 (Applause.)

16 MR. ALTADONNA: Councilwoman Alesia?

17 COUNCILWOMAN ALESIA: While I've met
18 Mr. Hand on several occasions and I do intend to
19 vote for him in the voting booth, I think that it's
20 inappropriate to appoint him at this time;
21 therefore, I vote no.

22 (Applause.)

23 MR. ALTADONNA: Councilwoman Johnson?

24 COUNCILWOMAN JOHNSON: (No response.)

25 (Whereupon, there was a discussion held

1 off the record.)

2 MR. ALTADONNA: We are going to go back
3 to call for a roll call.

4 SUPERVISOR SALADINO: We are going to
5 call for a roll call.

6 The Clerk will call the roll call.

7 MR. ALTADONNA: Supervisor Saladino?

8 SUPERVISOR SALADINO: Present.

9 MR. ALTADONNA: Councilman Muscarella?

10 COUNCILMAN MUSCARELLA: Present.

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: Here.

13 MR. ALTADONNA: Now, we have an issue
14 because Councilman Coshignano was supposed to do
15 this.

16 COUNCILMAN COSHIGNANO: I'm still here.

17 MR. ALTADONNA: Councilwoman Alesia?

18 COUNCILWOMAN ALESIA: Here.

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: Here.

21 MR. ALTADONNA: Councilman Imbroto?

22 COUNCILMAN IMBROTO: Present.

23 MR. ALTADONNA: Now, to the vote.

24 SUPERVISOR SALADINO: Call for a motion
25 to appoint Town of Oyster Bay resident Tom Hand to

1 the Oyster Bay Town Board for the unexpired term of
2 Former Councilman Chris Coshignano.

3 COUNCILMAN MUSCARELLA: I'll second the
4 motion.

5 MR. ALTADONNA: Motion made by
6 Supervisor Saladino, seconded by Councilman
7 Muscarella.

8 On the vote, Supervisor Saladino?

9 SUPERVISOR SALADINO: "Aye."

10 MR. ALTADONNA: Councilman Muscarella?

11 COUNCILMAN MUSCARELLA: "Aye."

12 MR. ALTADONNA: Councilman Macagnone,
13 no?

14 COUNCILMAN MACAGNONE: Still no for the
15 same reasons.

16 MR. ALTADONNA: Councilwoman Alesia is
17 no.

18 Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: "Aye."

20 MR. ALTADONNA: Councilman Imbroto?

21 COUNCILMAN IMBROTO: "Aye."

22 I think it is very important that the
23 people have representation on this Board and that a
24 seat doesn't remain vacant.

25 MR. ALTADONNA: Motion carries.

1 SUPERVISOR SALADINO: Thank you.

2 Tom Hand, will you please step up to
3 the podium?

4 (Applause.)

5 (Whereupon, Thomas Hand was sworn in as
6 a Councilman of the Town Board of the Town of
7 Oyster Bay by Supervisor Saladino at 7:29 p.m. as
8 follows:)

9 SUPERVISOR SALADINO: I, state your
10 name --

11 COUNCILMAN HAND: I, Thomas Hand --

12 SUPERVISOR SALADINO: -- do solemnly
13 swear --

14 COUNCILMAN HAND: -- do solemnly
15 swear --

16 SUPERVISOR SALADINO: -- to uphold the
17 Constitution of the United States of America --

18 COUNCILMAN HAND: -- to uphold the
19 Constitution of the United States of America --

20 SUPERVISOR SALADINO: -- the
21 Constitution of the State of New York --

22 COUNCILMAN HAND: -- the Constitution
23 of the State of New York --

24 SUPERVISOR SALADINO: -- and the
25 Constitution and By-Laws and the Rules and

1 Regulations of the Town of Oyster Bay --

2 COUNCILMAN HAND: -- and the
3 Constitution and By-Laws and the Rules and
4 Regulations of the Town of Oyster Bay --

5 SUPERVISOR SALADINO: -- and I further
6 swear to execute the duties --

7 COUNCILMAN HAND: -- to execute the
8 duties --

9 SUPERVISOR SALADINO: -- as Councilman
10 of the Oyster Bay Town Board --

11 COUNCILMAN HAND: -- as Councilman of
12 the Town of Oyster Bay Board --

13 SUPERVISOR SALADINO: -- to the best of
14 my abilities --

15 COUNCILMAN HAND: -- to the best of my
16 abilities --

17 SUPERVISOR SALADINO: -- so help me
18 God.

19 COUNCILMAN HAND: -- so help me God.

20 SUPERVISOR SALADINO: Congratulations.
21 (Applause.)

22 SUPERVISOR SALADINO: Would you like to
23 say a few words?

24 COUNCILMAN HAND: Supervisor Saladino,
25 distinguished Town Council, thank you for

1 appointing me Councilman.

2 I am honored and humbled to represent
3 the Town of Oyster Bay. I look forward to working
4 with each and every one of you and our staff for
5 the betterment of our Town and its citizens. I
6 realize that words are not enough. It will be
7 actions that validate performance.

8 In closing, I want to ensure the
9 citizens of our Town that I will draw from my
10 business, municipal and academic background and
11 work tirelessly on behalf of our community.

12 I wish outgoing Councilman Chris
13 Coshignano all the best in his future endeavors and
14 I would like to thank him for his service to our
15 community.

16 Thank you.

17 (Applause.)

18 (Whereupon, a discussion was held off
19 the record.)

20 SUPERVISOR SALADINO: Can we have your
21 attention, please?

22 Thank you.

23 Do we have a motion?

24 COUNCILMAN MUSCARELLA: Wait until
25 Rebecca sits down.

1 Supervisor, I make a motion that this
2 Town Board go into Executive Session to discuss
3 proposed, pending and current litigation.

4 COUNCILMAN MACAGNONE: Second.

5 SUPERVISOR SALADINO: All in favor,
6 signify by saying "Aye."

7 ALL: "Aye."

8 SUPERVISOR SALADINO: Opposed, no?

9 (No verbal response given.)

10 SUPERVISOR SALADINO: The "Ayes" have
11 it.

12 We will take a break for approximately
13 ten minutes or so for our legal Executive Session.

14 Thank you.

15 (Whereupon, the Executive Session began
16 at 7:33 p.m. and ended at 7:54 p.m. and the
17 proceedings resumed as follows:)

18 COUNCILMAN MUSCARELLA: Supervisor, I
19 move to close the Executive Session.

20 No action has been taken.

21 COUNCILMAN MACAGNONE: I'll second.

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

24 ALL: "Aye."

25 SUPERVISOR SALADINO: All opposed, nay?

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(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you.

For the purposes of the public, an
Executive Session is a legal process for us to get
advisement from Counsel. Many times, and in this
case, something that is sensitive due to litigation
and which prevents us from going -- from having
this discussed in public, but it's all done by law
and by the book.

(TIME NOTED: 7:55 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
May 23, 2017
7:56 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: We have some more
2 good news in the Town of Oyster Bay ladies and
3 gentlemen that I am so incredibly proud of.

4 This evening, the Oyster Bay Town Board
5 takes pride in recognizing the heroic actions of
6 three outstanding individuals. Two of them are
7 Town of Oyster Bay Bay Constables, Rob Wallace and
8 Jim Altadonna.

9 They joined forces with a local Long
10 Island clammer, Jeffrey Muglia, of Amity Harbor.
11 On the morning of Wednesday, May 3rd, Jeffrey was
12 out on his normal tour of harvesting when he saw
13 two kayakers fall into the frigid waters and began
14 to suffer from hypothermia.

15 Those of you who spend time in the
16 water or maybe in the medical field know that
17 hypothermia is deadly, very deadly, very quickly.

18 Jeff Muglia called the -- got on his
19 radio, on Channel 16, to make that distress
20 calling. Our Bay Constables heard the call and
21 immediately went in pursuit to the location in the
22 Great South Bay.

23 The two kayakers had capsized and they
24 fell into the frigid waters and our Bay Constables,
25 Jim Altadonna and Rob Wallace, responded very

1 quickly using their professionalism and their
2 training. Mr. Muglia alerted them that the
3 kayakers were in distress, and our Bay Constables
4 arrived very quickly.

5 And realizing the victim was dying of
6 hypothermia, our Bay Constables immediately went
7 into action. Mr. Muglia pulled one of the victims
8 out of the water and onto the safety of his craft.
9 And realizing that the other victim had made his
10 way to the shoreline out on a marsh island, there
11 was only one way to get to that victim.

12 While Rob Wallace expertly steadied the
13 boat, Jim Altadonna immediately jumped in the
14 water, three feet of water, two feet of mud, a very
15 difficult situation to traverse. He made an
16 athletic beeline right to the victim, hoisted him
17 on his shoulder and turned around right through
18 that water and mud and made a beeline back to the
19 boat in time to get that victim, who was already
20 unconscious, onto the vessel.

21 The two of them got the other victim
22 onto their vessel and transported them. Speed to
23 Tanner Park where there was an waiting ambulance
24 and those victims were transported to Good
25 Samaritan Hospital where their lives were saved.

1 These exceptional individuals acted
2 quickly and heroically and rendered lifesaving aid
3 and deserve the special recognition and to be
4 thanked, recognized and appreciated by this Board.

5 You put your own lives at risk to save
6 the lives of the others and I'd like to ask up
7 here, our Town of Oyster Bay Bay Constables and our
8 heroes, Rob Wallace, Jim Altadonna and clamor Jeff
9 Muglia, to be recognized by this Town Board.

10 Ladies and gentlemen, our heroes.

11 (Applause.)

12 SUPERVISOR SALADINO: You know, each
13 and every one of us are proud, but I'd like to ask
14 our Council Members, would you please, Lou Imbroto,
15 make this presentation to Mr. Muglia?

16 Would you, Tom Hand, make this
17 presentation to Rob Wallace?

18 And I'm going to ask an incredibly
19 proud father, someone who looks up to his son,
20 someone who has worked very hard to build, not a
21 very mature and well thinking man, but to train a
22 hero, Jim Altadonna, our Town Clerk, I'd like you
23 to present this to your son.

24 (Applause.)

25 SUPERVISOR SALADINO: Ladies and

1 gentlemen, again, let's hear it for our heroes.

2 (Applause.)

3 SUPERVISOR SALADINO: Really great work
4 guys. This really speaks to the importance of the
5 Town of Oyster Bay services. While we continue to
6 look for ways to save money, while we continue to
7 handle the finances of our Town in a very
8 responsible way, certain expenditures are quite
9 important and this speaks to the expenditures that
10 involve our Bay Constables.

11 A mistake on the water can easily turn
12 into a tragedy, easily turn into fatalities and
13 their efforts were exceptional and heroic.

14 There are other heroes in the Town of
15 Oyster Bay and some of them are of special needs.
16 And I'd like to take a moment to acknowledge and
17 congratulate all of our athletes that participated
18 in the 2107 Special Olympics Spring Games hosted by
19 the Town of Oyster Bay and the Bethpage School
20 District this past Saturday.

21 I was very proud to be there with many
22 of my colleagues to root on our athletes, to see
23 the hundreds of volunteers, to see students from
24 Bethpage School District and School Districts
25 across Long Island as they all came to the Town of

1 Oyster Bay and to the Bethpage community to
2 celebrate and raise up and look up to some really
3 incredible children and young men and women.

4 It was a tremendous day and it was made
5 possible by the great team at Special Olympics led
6 by Diane Colonna, Bethpage Superintendent Terry
7 Clark and his staff at the Bethpage School
8 District, who really did a fabulous job. The great
9 team of the Town of Oyster Bay including and in
10 addition to the sponsors, like our friends at
11 Coca-Cola and 7-11 and many others.

12 And I will tell you that these
13 athletes, each and every one, are shining examples
14 of what can be accomplished when we focus on the
15 positives and we focus on achievement rather than
16 limitations.

17 Too many times people are quick to jump
18 to the negative every time a situation arises, but
19 we really should remember these special people,
20 these athletes, these exceptional individuals who
21 cling to the positives and show us what it means to
22 strive for greatness. Their courage, determination
23 and athleticism were both remarkable and clearly
24 inspiring. And I -- and we want to publicly thank
25 them for letting us share in this very special day.

1 Also, want to remind people that we
2 have special programs going on, including a hearing
3 where we are going to be listening to experts and
4 convey a very powerful message to the DEC and to
5 other state agencies as we continue to call on
6 complete containment and remediation of the Grumman
7 Navy Plume.

8 This hearing will bring together the
9 State as well as local experts to provide our
10 residents with up-to-date information on the scope,
11 on the history and the science behind the cleanup
12 of the Grumman Navy Plume.

13 During my years as a New York State
14 Assembly Member, I was one of the loudest voices in
15 Albany, and I continue and now join with my
16 colleagues on the Oyster Bay Town Board and my
17 other colleagues in government to pass -- demanding
18 action, not only partial action, not only wellhead
19 treatment, but complete hydraulic containment in
20 all of our aquifer systems.

21 Our aquifer is very rare, the only one
22 of its type in the world. It is a limited supply
23 of our most precious resource and we will continue
24 to lead the way to get it cleaned up properly and
25 I'm very happy to partner with Governor Cuomo, who,

1 along with the New York State Legislature, has put
2 in the budget 2.5 billion dollars, the most in
3 history for water remediation and cleanup programs
4 across this State.

5 So we are finally getting closer to
6 making this a reality and now it's time to keep
7 New York state moving toward building the
8 infrastructure to stop the plumes migration, remove
9 the harmful chemicals, TCE, PCE, 1-4 dioxane,
10 radon, all of the chemicals in this water, so we
11 can continue to protect our residents not only now,
12 but for many generations to come.

13 We'll also be talking about Hicksville
14 Downtown Tevitalization, listening to the
15 residents, listening to the wants of the community,
16 and responding to the community's wants, which has
17 been our mantra, is our motivation, and what this
18 administration will continue to do.

19 (TIME NOTED: 8:05 P.M.)
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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
May 23, 2017
8:06 P.M.

HEARING P-2-17

To consider the application of Adults and Children with Learning and Developmental Disabilities, Inc., for a Special Use Permit to construct a three-story 48 unit congregate care facility located in a Light Industry Zone on premises located at 857-857A South Oyster Bay Road, Bethpage, New York. (M.D. 4/25/17 #15).

**JOSEPH SALADINO
SUPERVISOR**

**JAMES ALTADONNA JR.
TOWN CLERK**

P R E S E N T:

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

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JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: So now it's time
2 to get to our public hearings.

3 And without further ado, I will ask the
4 Clerk to call the first hearing P-02-17.

5 MR. ALTADONNA: Hearing P-02-17 to
6 consider the application of Adults and Children
7 with Learning and Developmental Disabilities, Inc.,
8 for a special use permit to construct a three-story
9 48-unit congregate care facility located in a light
10 industry zone on premises located at 857-857A South
11 Oyster Bay Road, Bethpage, New York.

12 SUPERVISOR SALADINO: Good evening.

13 MR. FORCHELLI: Good evening
14 Mr. Supervisor, members of the Board.

15 My name is Jeff Forchelli, 333 Earle
16 Ovington Boulevard, Uniondale, New York, and I
17 represent the applicant, Adults and Children with
18 Learning Disabilities and Developmental
19 Disabilities, known as ACLD.

20 The property in question is known as
21 857 and 857A, South Oyster Bay Road in Bethpage.
22 It's Section 46, Block G, Lot 66. It's in the LI
23 zone.

24 The property is 3.66 acres and it's on
25 the east side of South Oyster Bay Road, 876 feet

1 south of Stuart Avenue. It has 276 feet frontage
2 on South Oyster Bay Road.

3 The property is presently improved with
4 a two-story building of approximately 23,000 square
5 feet, which is used as a medical and dental
6 facility. That's closest to the frontage on South
7 Oyster Bay Road, and in the rear of the property is
8 a one-story nursing home facility at the southwest
9 corner of the property.

10 The surrounding area -- this is a part
11 of the old Grumman property, probably the western
12 most part of it -- and to the north of the property
13 is more ACLD facilities, which are used by ACLD and
14 then there's a pharmacy. To the east of the
15 property is the extensive Cablevision, now Altice,
16 offices and parking lots and an area of grassy
17 area, which is a land bank parking lot. That's in
18 the general business zone.

19 South of the property is a bank and
20 further south is an Extended Stay Hotel and to the
21 west, there are various commercial uses and there
22 are some one family residences to the west --
23 northwest of the property.

24 What we're seeking tonight is a special
25 use permit to construct a three-story, 48 unit,

1 48 unit, in this case means 48 beds -- there'll be
2 no doubling up in the rooms -- congregate care
3 nursing home facility on the north east corner of
4 the property. And of the 48 rooms, 12 of them will
5 be used as a nursing home and 36 units will be
6 congregate care. So what we're seeking tonight is
7 a special use permit for the congregate care units
8 and we're seeking site plan approval for the site.

9 Now, with respect to the current use of
10 the site, we were before the Town in 2001 and
11 secured approval for the two buildings that are
12 there, which is the medical dental facility and
13 also a nursing home in the rear.

14 And at that time, there were further,
15 further phases of the project would be two more
16 nursing home buildings in the rear.

17 I'd like to offer into the record, a
18 number of exhibits.

19 The first one is the Resolution of the
20 Planning Advisory Board granting site plan to
21 the -- to the site as it currently exists.

22 The second exhibit that I'd like to
23 submit is Interdepartmental Memo from the Town
24 Attorney to the -- to the Town Attorney from the
25 Commissioner of Environmental Resources at the

1 time, and this is put in for the purpose of showing
2 that -- and it states here, ACLD is contemplating
3 two additional nursing homes, also Phases 3 and 4,
4 which will require subsequent site plan approvals.
5 So it was always anticipated that there would be
6 more building on the site.

7 And the third exhibit is the site plan
8 from the 2011 application where the two buildings
9 that were not built, but what were Phases 3 and 4
10 are marked in yellow.

11 So, by this application, what we're
12 actually seeking is to modify Phases 3 and 4 of the
13 application by replacing two previously approved
14 buildings which would be exclusively nursing homes
15 and replacing them with a larger building which, as
16 I said, would be 48 units, 12 of which will be
17 nursing home units and 36 will be congregate care
18 in accordance with the Town code definition of
19 that.

20 The new combined development will
21 require 183 parking spaces; we provide 200.

22 Now, in conjunction with this process
23 where we filed an application almost a year ago,
24 our architects and engineers have responded to all
25 of the inquiries from the Town of Oyster Bay and

1 the various departments, environmental, Building
2 and Zoning, and so on, and we believe that based
3 upon the proposed uses and the location on this
4 site, there will be very little, if any, impact on
5 the community while serving a need in the community
6 for some of the most vulnerable in our society.

7 And, Supervisor, you were speaking
8 before about the Special Olympics, well, we have
9 residents of these buildings who need aid just like
10 some of our most vulnerable people.

11 Now, I think you all know, and I
12 wouldn't presume that you don't because I know you
13 know very much of what goes on this Town, what --
14 what type of facility this is. And I know the
15 hours a little bit later than it might have been
16 because you had the other business to take care of,
17 but I have with us today, Bob Goldsmith, who is the
18 Executive Director of ACLD.

19 I also have our traffic expert, Wayne
20 Muller, from his firm, and I also have our
21 architect here who would be happy to answer
22 questions if you want them answered.

23 I think everything that they would say
24 tonight, they have said in response to all the
25 Town's questions. And accordingly, if you don't

1 want to ask them questions, we're fine to rest on
2 the presentation as it's gone so far in the prior
3 submissions.

4 COUNCILMAN MACAGNONE: Mr. Forchelli,
5 the exterior is going to look like the existing
6 building? I mean, it's a beautiful building. It's
7 going to match that kind of exterior?

8 MR. FORCHELLI: Our architect is here.
9 I submit this for the record.

10 MR. ALTADONNA: Thank you.

11 COUNCILWOMAN ALESIA: Mr. Forchelli,
12 one of the residents asked if you could explain
13 what congregate care is.

14 MR. FORCHELLI: Congregate care is for
15 residents 62 years of age or older and they live in
16 a facility where they can't take care of themselves
17 on a full-time basis. They're not -- they're
18 somewhere in between. You know, the continuum goes
19 from, you go into a house, maybe you go into a
20 condo or townhouse, then maybe you go into assisted
21 living, then you go into a nursing home, and then
22 beyond.

23 And this is in between living on your
24 own and living in a nursing home and you have to be
25 62 years of age or older and they provide services

1 to a degree. Some get just meals, some get taken
2 to doctors by -- by step vans or what have you,
3 some get -- get their medication by nurses so many
4 times a day. But it's people who just can't live
5 on their own and they need this help and it's a
6 much more reasonable way than putting everybody in
7 a nursing home.

8 COUNCILWOMAN ALESIA: And I also -- oh,
9 sorry.

10 I have one follow-up question,
11 Mr. Forchelli.

12 You mentioned that there are residences
13 northwest of the property.

14 Is that -- are they a reasonable
15 distance? Have you been in touch with the
16 residents that live there? Have they any current
17 issues with the use that's going on now?

18 MR. FORCHELLI: I would like to show
19 you, I brought with me and maybe we can hand these
20 out, hand these out to the Board Members, these are
21 aerial photos of the area and the proposed building
22 is just about in the middle of this picture.

23 And if you looked at 857 South Oyster
24 Bay Road, if you moved your finger an inch to the
25 right, there's an open area. That's where the

1 building is. So if you look to the north, you see
2 parking lot. If you look to the northwest where
3 the housing is up on the top left-hand corner,
4 there's buildings that's -- that shielded.

5 So this facility will be virtually seen
6 by very, very little people in the parking lots and
7 not much else. So I don't think it has much of a
8 visual -- visual impact.

9 And as I'm sure the Board knows, with
10 an assisted living and with nursing home, the
11 traffic is almost nonexistent.

12 COUNCILWOMAN ALESIA: Sadly, right?

13 MR. FORCHELLI: Sadly, right.

14 COUNCILMAN MACAGNONE: Mr. Forchelli,
15 how many employees will be there?

16 MR. FORCHELLI: Four.

17 COUNCILMAN MACAGNONE: Four. Okay,
18 thank you.

19 MR. FORCHELLI: And, you know, they're
20 part of -- we have other buildings in the facility
21 so a lot of the employees will be serving the
22 people who are already there -- who are coming into
23 the facility now with medical and dental and so on.

24 SUPERVISOR SALADINO: How many total
25 employees? Four at time, I believe.

1 MR. FORCHELLI: Yes.

2 SUPERVISOR SALADINO: How many total
3 employees?

4 MR. FORCHELLI: Four at a time, three
5 shifts, 12 -- probably 60.

6 SUPERVISOR SALADINO: May I ask a
7 question or two of your traffic expert?

8 MR. FORCHELLI: Sure.

9 This is Wayne Muller.

10 MR. MULLER: Good evening.

11 Wayne Muller with the firm of RMS
12 Engineering. Our offices are at 355 New York
13 Avenue, Huntington, New York.

14 Thank you.

15 SUPERVISOR SALADINO: Can you speak to
16 us in your study of this?

17 How would this facility affect
18 neighborhood traffic?

19 MR. MULLER: Well, as indicated on the
20 aerials supplied by Mr. Forchelli, and as indicated
21 on the site plans prepared by my firm, the access
22 to the -- we'll call it the ACLD campus, will be --
23 will not change from what it is today.

24 Currently, there are three driveways to
25 the facility. The northernmost driveway serves as

1 an entrance only for vehicles to circulate in a
2 clockwise fashion around the site.

3 The central driveway is for in and out
4 traffic. This will be for out -- for exiting
5 vehicles only.

6 And then the southerly driveway is for
7 entering and exiting vehicles so there will be no
8 change to the access.

9 Based on our studies, and as
10 Mr. Forchelli has indicated, that the traffic
11 generated by these types of facilities is extremely
12 low so we do not anticipate, based on our studies,
13 any significant impacts or any impact to traffic
14 conditions on South Oyster Bay Road as it relates
15 to the construction of this facility.

16 As Mr. Forchelli indicated, the
17 property is situated in a light industrial zone.
18 There are other uses that could be developed on
19 that one parcel of property that could generate a
20 lot more traffic. Similar to a traditional medical
21 office that would generate a lot more traffic.

22 So from an overall perspective, we do
23 not anticipate any significant impacts, the traffic
24 conditions within the area surrounding the site.

25 COUNCILMAN MACAGNONE: Garbage pickup

1 will be during regular business hours, not 3:00 in
2 the morning or anything?

3 MR. MULLER: Correct.

4 COUNCILMAN MACAGNONE: I'm just making
5 sure.

6 MR. MULLER: As indicated by
7 Mr. Forchelli and as shown on the plans prepared by
8 my firm, we exceed the Town's parking requirements
9 so we're not seeking a variance for parking. We
10 actually provide more parking on the parcel that
11 the congregant care facility is being developed on
12 than is being required by the Town ordinance.

13 SUPERVISOR SALADINO: And between
14 employees and visitors and such, how many
15 additional vehicles at any one do you estimate?

16 MR. MULLER: I mean, the code, as the
17 parking calculation would indicate 46, our
18 experience would be significantly less than that.
19 Maybe 14 or 15 at any one given time associated
20 just with the congregate care facility.

21 During our observations of the activity
22 at the overall ACLD campus, we did not -- we had we
23 had not seen any significant impacts to parking
24 conditions on the overall campus so we do not
25 believe that there will be an issue from the

1 traffic generated by and nor the parking generated
2 by the facility.

3 SUPERVISOR SALADINO: Because safety is
4 very, very important, crucial to us.

5 Does any signage or light or traffic
6 control need to be installed to ensure absolute
7 safety to our residents in anyone travelling on
8 South Oyster Bay Road?

9 MR. MULLER: Based on our analysis, no,
10 the driveways as currently designed and upon the
11 introduction of the traffic generated by the -- the
12 congregant care facility, there will be no changes
13 to the way they operate.

14 South Oyster Bay Road in this vicinity
15 is two lanes northbound and two lanes southbound
16 with a center left-turn lane.

17 We do not believe that there -- that
18 any modifications to the traffic control at any of
19 the three driveways is warranted as a result of the
20 construction of this project.

21 SUPERVISOR SALADINO: So you don't
22 believe that any time, will they need a
23 deceleration or an acceleration lane?

24 MR. MULLER: I do not believe so.

25 SUPERVISOR SALADINO: Thank you.

1 MR. MULLER: Thank you.

2 SUPERVISOR SALADINO: Anyone else?

3 Thank you.

4 MR. MULLER: Thank you.

5 SUPERVISOR SALADINO: May we speak with
6 your Executive Director?

7 MR. FORCHELLI: Absolutely.

8 Bob Goldsmith.

9 Just with regard to traffic, the South
10 Oyster Bay Road traffic from this site to the
11 expressway now has reduced traffic from trucking so
12 the site is actually better than it was a number of
13 years ago with less large trucks going to the old
14 Grumman facility.

15 COUNCILMAN MACAGNONE: I live off South
16 Oyster Bay Road, and there's quite a bit of
17 traffic.

18 MR. FORCHELLI: I'm just saying it
19 doesn't have a lot of those big trucks that are
20 prohibited now.

21 AUDIENCE MEMBER: Yes, it does.

22 ANOTHER AUDIENCE MEMBER: Yes, it does.
23 It's constant.

24 SUPERVISOR SALADINO: Please.

25 Order, please.

1 COUNCILMAN MUSCARELLA: Does ACLD want
2 any other facility like this within the Town or the
3 County or any other facility that you know of?

4 MR. GOLDSMITH: Well, basically, it
5 looks like basically some of our homes.

6 We just took over for six homes from
7 the state which will become twelve homes when we
8 move them into the community and they are severely
9 impaired individuals and so I would say we have
10 experience.

11 I've also been responsible for running
12 ICF, medicare facilities before, so this is not
13 something new to us and I hope --

14 COUNCILMAN MUSCARELLA: Are you going
15 to model it after another facility that you know
16 of?

17 MR. GOLDSMITH: We went to Maryhaven
18 out in Suffolk County and I had Board members go
19 with me and we met the Sister out there and we took
20 a full view of the community before I got the
21 go-ahead with my Board to move forward.

22 SUPERVISOR SALADINO: Sir, can you talk
23 to us about any conversation or meetings you had
24 with the public in regard to this application?

25 MR. GOLDSMITH: We have the sign out

1 front that there was -- is a hearing tonight, but
2 as Jeff Forchelli stated, basically, the entire
3 property, on all sides, doesn't have community.

4 One side is Bethpage. One side is CVS.
5 In the back is Maltese, so there really isn't any
6 neighborhood.

7 More than happy to speak to anybody,
8 but there was a sign put out front that there would
9 be a hearing tonight.

10 COUNCILMAN MACAGNONE: I've known your
11 facility for many years. I've never received one
12 complaint from any resident.

13 You guys do great work there.

14 MR. GOLDSMITH: Thank you very much.

15 I would just like to add that we
16 received the Council and Quality of Leadership
17 Certification of the 400-plus agencies in New York
18 State. There are about 20 that have this
19 certification and that's the Gold standard, and we
20 have that now.

21 SUPERVISOR SALADINO: Have you received
22 any communication, e-mails, letters, phone calls in
23 regard to this application?

24 MR. GOLDSMITH: No.

25 SUPERVISOR SALADINO: In regard to any

1 other problem on this site?

2 MR. GOLDSMITH: No.

3 SUPERVISOR SALADINO: And have you
4 had -- has your organization had contact programs
5 that involve the community at large?

6 MR. GOLDSMITH: We have the federally
7 qualified healthcare health center and we received
8 the certification somewhere in 2015 and the reason
9 for the federally qualified health care center is
10 so we can have a reverse integration. We can have
11 members from the community come free of charge or
12 on a sliding scale, and over the last year, the
13 growth in the clinic has gone from 1,400 patients
14 to over 2,000 patients, and that is serving people
15 in the community, in the Bethpage area, anybody,
16 Hicksville, anybody that can come in.

17 And I want to tell, you're welcome to
18 take a visit. It is gorgeous. It is state of the
19 art, gorgeous. We also have four dental chairs as
20 well as five exam rooms. We have three primary
21 care physicians that we provide other services as
22 well. And where the building is, if people have to
23 be taken to the clinic, we will be easily taking
24 care of them and we also have telemedicine which we
25 hope to also utilize to help them.

1 SUPERVISOR SALADINO: What would the
2 typical service rendered there be?

3 MR. GOLDSMITH: We would -- they would
4 be relatively independent, but we would offer
5 services just like we do the community, like Meals
6 on Wheels, transportation, all the congregate care
7 items that were listed that don't come to the top
8 of my head, but were in the Town definition of
9 congregate, care and all of that would be offered
10 to the community, including laundry, we'd do that
11 as well.

12 SUPERVISOR SALADINO: Are there any
13 activities that would take place in this facility
14 that would present any harm, any safety issue to
15 anyone in the facility or anyone working there or
16 anyone in the area?

17 MR. GOLDSMITH: Absolutely not.

18 SUPERVISOR SALADINO: Is there anything
19 that would go on there that would add additional
20 noise into the community outside of the building?

21 MR. GOLDSMITH: No.

22 When we visited Maryhaven, it was very
23 quiet, and we will support the people with whatever
24 they need.

25 SUPERVISOR SALADINO: The services,

1 likely the medical services you provide to the
2 community, will you continue to provide those at
3 the same level?

4 MR. GOLDSMITH: Absolutely. It's a
5 condition of being a federally qualified healthcare
6 center.

7 SUPERVISOR SALADINO: Is there any
8 other information you'd like us to know about as we
9 contemplate this application?

10 MR. GOLDSMITH: We have been an
11 excellent partner with the Town. The Town has
12 supported so many of the things that we do. Houses
13 in Plainview and Syosset, Seaford, and -- I mean,
14 we have Oyster Bay, there's one house very close to
15 us here and we appreciate the partnership that has
16 taken place with the Town over the years.

17 SUPERVISOR SALADINO: Is there instance
18 where a resident of this facility could present any
19 kind of a harmful condition to anyone in the
20 community, any other resident, or to any employee
21 there?

22 MR. GOLDSMITH: No. No, sir.

23 SUPERVISOR SALADINO: Thank you for
24 your thoroughness.

25 Any other questions?

1 MR. GOLDSMITH: Thank you. Thank you
2 very much.

3 MR. FORCHELLI: That concludes our
4 presentation and we respectfully request that you
5 consider it favorably.

6 Thank you.

7 SUPERVISOR SALADINO: Thank you.

8 COUNCILMAN MACAGNONE: Thank you.

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

11 MS. McMINTRY: Yes, I have a question.

12 SUPERVISOR SALADINO: Why don't you come
13 up. Is it on this application?

14 MS. McMINTRY: Yes. I'm just curious.

15 SUPERVISOR SALADINO: Why don't you come
16 up and state your name for the record, please?

17 MS. MCMINTRY: Lynne McMintry,
18 3 Mickinocot (phonetic) Court.

19 I'm just curious, the congregate care
20 and assisted living, what's the difference? I'm
21 just curious.

22 SUPERVISOR SALADINO: Would the Council
23 or the Executive Director like to answer that,
24 please?

25 MR. FORCHELLI: Yes.

1 Bear with me one second.

2 MS. MCMINTRY: I'm curious. I just
3 don't understand because I know that Medicare, for
4 nursing homes, they pay down.

5 Assisted living, you pay for.

6 How does this --

7 COUNCILWOMAN ALESIA: I think -- and I
8 don't mean to certainly interrupt Mr. Forchelli,
9 but I -- is it because we didn't define what ACLD
10 is?

11 MS. MCMINTRY: No, no. I'm just
12 curious as to how congregate care -- I know that
13 they're giving the medical things that -- well,
14 maybe they can explain it to me. I'm just curious.

15 MR. FORCHELLI: If you recall, years
16 ago, many years ago when assisted living was
17 starting to grow in Oyster Bay and we were putting
18 in facilities, defining the facilities became a
19 real challenge for the Town Board and the Town of
20 Oyster Bay was and at the forefront of doing it,
21 and, ultimately, they came down with the definition
22 which was congregate care/assisted living facility.

23 And it's preferred for persons over the
24 age of 62 or older, providing a range of living
25 accommodations, personal care services, and support

1 facilities. Such services may include 24-hour all
2 night nursing services, units occupied by
3 residents, staff, personnel, meal preparation,
4 laundry services, room cleaning, common
5 entertainment and recreation facilities,
6 transportation for routine social and medical
7 appointments, and counseling.

8 And so it basically was not everyone
9 needs the same services. Some people need help
10 with their medication, some people need help with
11 the laundry, some people want to -- need 20 meals a
12 week or 21 meals a week in a facility, some don't.
13 So it's -- it's of a facility that is tailored to
14 the needs of the individual residents, provided
15 they comply with the over 62 years of age
16 limitation.

17 MS. McMINTY: (Inaudible.)

18 MR. FORCHELLI: No, costs can differ
19 according to services required.

20 MS. McMINTY: Thank you.

21 SUPERVISOR SALADINO: And for clarity
22 to the public, can you please describe to us the
23 mission of ACLD?

24 MR. FORCHELLI: I'd rather have
25 Mr. Goldsmith, so I don't get it wrong.

1 MR. GOLDSMITH: Our mission is to
2 provide an enviable life for the people that we
3 support. It means that we want them to have a life
4 of respect and dignity and give them all the
5 necessary assistance that they require to do that,
6 to create independence to the maximum level. We
7 provide a continuum of service in all the service
8 that we do so the person can be in the least
9 restrictive environment. We transition people from
10 homes to apartments to independent living where
11 they are eligible to do it.

12 SUPERVISOR SALADINO: Terms of the --
13 Oh, I'm sorry, go ahead.

14 COUNCILMAN MUSCARELLA: What's the
15 target market of the people? The population that
16 you're targeting to be in this facility?

17 MR. GOLDSMITH: Well, are you talking
18 about the area?

19 COUNCILMAN MUSCARELLA: No, in this
20 facility.

21 Are you talking about the disabled that
22 reach out?

23 MR. GOLDSMITH: There would be 36
24 people from the community who are typical 62 years
25 of age and there would be 12 apartments for the

1 disabled in the development that would meet the
2 requirements as well. And that creates an
3 integrated, and in my history, it's two populations
4 that help each other out and work very well
5 together and there really aren't any -- some of the
6 issues as the Supervisor asked whether they happen.
7 They really meld very well together.

8 SUPERVISOR SALADINO: And can you
9 please tell us and tell the public both internally
10 and externally, who provides oversight for your
11 organization?

12 MR. GOLDSMITH: The Office of People
13 With Developmental Disabilities which is the sole
14 entity that provides oversight for us.

15 They are then controlled by the
16 Department of Health, which provides the money
17 aspect of it. But all the reviews, quality, again,
18 is made by the Office of People with Developmental
19 Disabilities.

20 SUPERVISOR SALADINO: And internally in
21 your organization?

22 MR. GOLDSMITH: I have a Chief
23 Compliant Officer with four staff, so we take
24 nothing for granted.

25 SUPERVISOR SALADINO: Are there any

1 other questions?

2 Thank you, sir.

3 COUNCILMAN MACAGNONE: Keep up the good
4 work.

5 SUPERVISOR SALADINO: Any other member
6 of the public that would like to be heard on this
7 application?

8 May I have a motion? Is there any
9 correspondence on this?

10 We have someone else? Please step
11 forward. Sure. No problem.

12 Would you please state your name and
13 address for the record?

14 MS. LUKASIK: Tonya Lukasik, 55 Briggs
15 Street.

16 I just had a couple regarding that
17 property.

18 Originally, did it receive Industrial
19 Development Agency aid; and if so, will you be
20 revising your application for that? Did you
21 receive pilot on that property?

22 MR. GOLDSMITH: It was.

23 MS. LUKASIK: No, you didn't receive
24 any assistance from the idea? Was that through the
25 Industrial Development Agency?

1 MR. GOLDSMITH: It was a regular bond.

2 MS. LUKASIK: Okay. So it had nothing
3 to do with -- I know that the Grumman has had that
4 focus, okay.

5 And did you conduct a SECRA
6 environmental review? Do you have formal paperwork
7 that kind of follows the State Environmental law?

8 MR. FORCHELLI: We were required to
9 file an Environmental Assessment form, a long form
10 and that's reviewed by the Town's consultants. And
11 then maybe if they want, changes are made, and then
12 they report back to the Town, and I believe they
13 have reported back to the Town.

14 MS. LUKASIK: And has that been made
15 public? I know that there's the Hicksville Gardens
16 Association, and also there's a lot of Bethpage
17 civic groups, so if they haven't been reached out
18 to, is that information that is immediately should
19 have?

20 SUPERVISOR SALADINO: Give your
21 information, your contact information to the Town
22 Clerk, so we can make sure you get that.

23 MS. LUKASIK: Sure. And then other
24 questions.

25 If there's a change of view --

1 SUPERVISOR SALADINO: Just if we can,
2 yes.

3 MR. NOCELLA: Excuse me, I'm sorry to
4 interrupt, but the speaker should actually address
5 her questions up to dais and then she can perhaps
6 list them all and then you can call up
7 Mr. Forchelli or someone else to respond to
8 questions.

9 SUPERVISOR SALADINO: Thank you.
10 This is, in part, to make sure that we
11 have all off this on the record.

12 MS. LUKASIK: Also, for the taxes, if
13 there's a change of use with the permit, does that
14 then render this property tax exempt?

15 SUPERVISOR SALADINO: Let's get that
16 question answered as well. They're already tax
17 exempt.

18 MR. FORCHELLI: It already is tax
19 exempt.

20 SUPERVISOR SALADINO: Yeah. No change.

21 MS. LUKASIK: So is it -- it wasn't
22 clear from the description, is this a demolition of
23 the existing building or is it a buildup?

24 SUPERVISOR SALADINO: No, what you have
25 here is a location. I don't know if you can see

1 this from the podium, but if you see this spot here
2 in the back, that's apparently unpaved.

3 The entire footprint is currently
4 unpaved; is that correct?

5 MR. FORCHELLI: Yes.

6 SUPERVISOR SALADINO: Yes, the entire
7 footprint is currently unpaved. There's a copy
8 right there for you to take a look at. Take your
9 time, please. It's in red it looks like. The
10 L-shaped footprint in red.

11 MS. LUKASIK: And is this part of the
12 existing Grumman site? I mean, has there been
13 remediation in terms of the soil or any health
14 issues? There's that also.

15 SUPERVISOR SALADINO: We'll get that
16 question answered as well.

17 Mr. Forchelli, can you answer that
18 question, please, for us?

19 MS. LUKASIK: You want me to just list
20 all the questions first or how do you want me to do
21 that? Whichever is easy.

22 SUPERVISOR SALADINO: I think we'll do
23 them one at a time.

24 What's your preference?

25 MR. FORCHELLI: As you may or may not

1 know, I was involved with the Grumman property
2 since 1994 and so on. The Grumman property, when
3 Grumman started to sell, was entirely listed as a
4 Superfund site, just as a matter of by DEC of what
5 they did because of the facility.

6 And then, parcel by parcel, they would
7 be delisted and parcels were sold, Cablevision
8 bought the headquarters building and then there
9 were senior citizen housing built and all of this
10 site, with the exception of the plumes, and I
11 could -- give you a lot of credit, Mr. Supervisor,
12 for staying on top of that issue, the plumes are
13 still being remediated and so on but as far as this
14 site goes, this site is clean and that's what all
15 the reports have shown.

16 SUPERVISOR SALADINO: Have you had the
17 opportunity to go over the reports with your staff
18 to ensure --

19 MR. FORCHELLI: I haven't reviewed them
20 now because these buildings are already there and
21 the whole area has been developed up and down South
22 Oyster Bay Road, but that really wasn't where
23 manufacturing occurred.

24 The manufacturing occurred down in the
25 buildings on the Navy property and also the

1 buildings south of there and this piece of property
2 was a clean piece of property and it was delisted.
3 DEC would not delist the property until tests were
4 done of all the sites and they were delisted one by
5 one.

6 SUPERVISOR SALADINO: This property,
7 for the purposes of public information, this
8 property is north of the Grumman headquarters and
9 Bethpage?

10 MR. FORCHELLI: But this property is
11 actually on the western-most part of the property
12 and it's north of the buildings where the
13 manufacturing was done.

14 MS. LUKASIK: Did they actually test
15 this property over here?

16 MR. FORCHELLI: Oh, yeah. They tested
17 everything before they did this.

18 MS. LUKASIK: Because I know that there
19 was a radium hotspot that popped up, you know,
20 miles away from this site.

21 SUPERVISOR SALADINO: That's in a
22 different location.

23 MS. LUKASIK: A different location, but
24 looking at Grumman's history, they've had activity
25 throughout most of this.

1 SUPERVISOR SALADINO: I can assure you
2 of this, that the DEC has fully tested all the
3 sites as it relates to the Grumman Navy plume, as
4 it relates to the TCE, the PCE, radon, 1-4 dioxane
5 as well as many other contaminants including
6 unregulated contaminants that we're now studying.

7 MS. LUKASIK: So there will no
8 remediation or kind of --

9 SUPERVISOR SALADINO: The remediation
10 that would take place as associated with the
11 Grumman Navy plume takes place at a much deeper
12 depth, but we will confirm that there is no
13 contamination on the surface because I believe
14 that's what you're referring to.

15 MS. LUKASIK: Yes.

16 And then, this parcel here -- just
17 because I don't know if everyone can see it in the
18 public, it's vacant right now, so if the current
19 structure received tax exempt status, right now, is
20 this parcel also considered tax exempt? If it
21 doesn't have a use, if there's no structure on it,
22 then is the applicant paying taxes on that right
23 now?

24 SUPERVISOR SALADINO: Let's have
25 Counsel answer your question.

1 Would you step up please to give a full
2 answer to this question?

3 MR. FORCHELLI: The entire site is
4 owned by ACLD and it's tax exempt. We're just
5 building on a vacant portion of it. The entire
6 site is tax exempt as -- which is what an applicant
7 would apply for and when they build another
8 building on it, it goes on the tax exempt property.

9 Just like sometimes a house of worship
10 or something will have a facility and then they'll
11 build a parish house or something else, well, the
12 land where you build a parish house is exempt while
13 the church owns the property. So this is a similar
14 type situation.

15 SUPERVISOR SALADINO: Does this follow
16 the same rules, regulations, and laws of every
17 other site of its type through the State of
18 New York?

19 MR. FORCHELLI: Yes, it does.

20 MS. LUKASIK: But just to clarify, the
21 property right now, you're asking for a change of
22 use.

23 What is this listed right now according
24 to the Town?

25 MR. FORCHELLI: We're not asking for a

1 change of use. It's zoned light industrial which
2 permits a nursing home as a matter of right so we
3 don't need anything for that. And for congregate
4 care facility, the Town in its ultimate wisdom
5 years ago when it adopted a congregate care laws,
6 said we want to have a better handle on it, so we
7 want to make you come for special use permits so we
8 can look and make sure that it's done properly and
9 that's what tonight is all about.

10 MS. LUKASIK: This is a complex. I
11 guess, so I'm clear, there was no building on this
12 parcel that was vacant, then how would it have
13 not -- how would it have been considered non exempt
14 if you just didn't build on it yet? You've got
15 this site here that you definitely have a structure
16 that's dedicated to that kind of service?

17 MR. FORCHELLI: Right. But the
18 whole -- the whole entire site, the building in the
19 front, this and this, are all tax exempt as a site.

20 MS. LUKASIK: Via who? Via the Town?

21 MR. FORCHELLI: It's all tax exempt.
22 You file for a nonprofit trials for tax exempt
23 status and under Section 421 of the real property
24 law, if you meet the criteria, you get tax exempt
25 status.

1 And the Town and the County is not very
2 liberal in giving out tax exemptions. You have
3 to -- you have to prove every inch of your
4 entitlement to it. And these, they are exempt now
5 and it will be remain as such.

6 MS. LUKASIK: So you can do that in
7 County, I guess, and Town law that if it's just a
8 parcel, even if it's purchased and owned by the
9 entity, if it's basically just dirt, it can be
10 nonexempt. I mean, it could have been another
11 change down the road.

12 MR. FORCHELLI: It's all exempt now
13 because we own the whole parcel.

14 MS. LUKASIK: But you haven't been
15 paying taxes on it, I guess, from the time of
16 purchase to today?

17 And the last thing --

18 SUPERVISOR SALADINO: From the time
19 they were granted this status.

20 MS. LUKASIK: Just to clarify because
21 I'm not very clear with this congregate
22 description, will there be psychiatric inpatient
23 kind of work here?

24 SUPERVISOR SALADINO: Excellent
25 question.

1 Can we speak with your Executive
2 Director? Please step up to microphone, podium.

3 Thank you.

4 MR. GOLDSMITH: There will be all kinds
5 of supports available, but the intent is not
6 psychiatric care or an inpatient center. This is
7 where people will live and this will be their basic
8 living facility, but we will not leave them without
9 supports. Social work, psychological supports,
10 nursing assistance, transportation, Meals on
11 Wheels, but it is not an inpatient psychiatric
12 facility. It is not.

13 MS. LUKASIK: Will you have a
14 psychiatrist on site?

15 MR. GOLDSMITH: I have a psychiatrist
16 at the FQHC.

17 As a matter of fact, I have three or
18 four of them.

19 MS. LUKASIK: And will they be there 24
20 hours if this a locked unit?

21 MR. GOLDSMITH: It's not a locked unit.
22 It's a congregate -- it's not a locked unit.

23 MS. LUKASIK: I'm in the mental health
24 field and I understand what that means so that's
25 why I --

1 MR. GOLDSMITH: A locked unit is when
2 you have people that have medical issues that are
3 overwhelming that they're in a locked facility and
4 they have to be committed.

5 These are people that want to come live
6 in this facility. They have to have a choice to
7 come there.

8 MS. LUKASIK: So can they voluntarily
9 leave the site?

10 MR. GOLDSMITH: They can do whatever
11 they like. They're free to go.

12 MS. LUKASIK: Okay. If there is
13 psychiatric diagnoses and you have individuals that
14 are able to leave the site, I know you talked about
15 public safety issues and that area is such a --

16 MR. GOLDSMITH: You're
17 mischaracterizing what's going on.

18 We're not talking about people living
19 who have psychiatric problems. These are people
20 who can live independently and are currently living
21 independently in the community and they may want to
22 sell their house and live in the one-bedroom
23 facility that we have because they need some more
24 supports.

25 MS. LUKASIK: Okay. Because somebody

1 had used the description before, severely impaired.

2 MR. FORCHELLI: It is dealing with
3 their ability intellectually that they won't be
4 severely impaired.

5 These are going to be people who have a
6 disability, but it is more limited because they
7 have to live independently and care for themselves.

8 When I was talking about other
9 facilities we run, we run facilities who have
10 people that need 24-hour nursing care and we have
11 people on trachs. We're not talking -- there's
12 always this misconception of the difference between
13 an IDD population and psychiatric population and
14 there is a big difference. We have people who have
15 limitations on the medical side.

16 MS. LUKASIK: Do you have descriptions
17 more of this kind of content that you could provide
18 to the civic groups in the area and the residents?

19 SUPERVISOR SALADINO: Ma'am, may I make
20 a suggestion?

21 I think one of the aspects of this
22 application is for the residents to find out as
23 much information as possible.

24 Would you provide this resident with
25 your card and would you contact Mr. Goldsmith and

1 take a tour of the current facility so -- and we'd
2 be happy to have any civic association member join
3 you from -- from the area to also take a tour at
4 the same time or at a different time so that the
5 community can understand as much as possible and
6 that any misconceptions would be cleared up.

7 MS. LUKASIK: And just one last
8 question.

9 Do you have -- someone had mentioned a
10 clinic, so is there an intake kind of area?

11 MR. GOLDSMITH: It's a regular
12 community and I would call it a health center.

13 It's a federally qualified healthcare
14 center. We take exception to the word clinic
15 because we work to make sure that people have short
16 waiting times in a location that I would want to go
17 to or anyone or any other adult would walk into.

18 I would love to show you that facility
19 because it is state of the art, with Panorex for
20 X rays, we have psychiatrists that do medication.
21 We do -- we have primary medical care, neurological
22 care, gynecology.

23 MS. LUKASIK: Last question.

24 Do you do anything in terms of drug
25 addiction?

1 MR. GOLDSMITH: We do not.

2 MS. LUKASIK: So if there was a patient
3 that came to you, to the clinic --

4 MR. GOLDSMITH: We wouldn't turn
5 anybody away, but we would refer them out. You
6 need a license. It's an Article 32 license, which
7 we do not hold.

8 MS. LUKASIK: And what service would
9 then connect to get that?

10 MR. GOLDSMITH: There's all sorts of
11 connections in the County.

12 MS. LUKASIK: You guys have that
13 coordinated, too?

14 MR. GOLDSMITH: We have -- as a matter
15 of fact, I have a -- yes, I do.

16 SUPERVISOR SALADINO: Okay. So you'll
17 be contacting Mr. Goldsmith and you'll be visiting
18 the site and getting an opportunity to ask all the
19 questions you'd like?

20 MR. GOLDSMITH: Okay.

21 SUPERVISOR SALADINO: One last
22 question, ma'am.

23 What we didn't hear, we'd like to get
24 feedback from the residents.

25 Are you in favor of an application like

1 this or are you opposed to an application or are
2 you still reserving your thoughts?

3 MS. LUKASIK: Having familiarity with
4 the entire Grumman site, having worked before with
5 other tax exempt projects, considering that is a
6 group here and I'm a therapist, and a group one, I
7 can't make a comment right now. There would have
8 to be a hold on it.

9 SUPERVISOR SALADINO: Fair enough.

10 Mr. Forchelli, would you make sure that
11 the civic associations in the surrounding immediate
12 community get some information?

13 MR. FORCHELLI: Yes.

14 I'd just like to point out though that
15 the application is for a 48 room building which is
16 12 nursing home units which get a greater care and
17 36 congregate care living. The other facilities
18 are all there. The healthcare is already there.
19 That's not going to change.

20 We're just talking about 48 people who
21 are going to be fortunate enough to be able to live
22 in a community and get the services that they need
23 in order to live a productive or life in dignity
24 for the rest of their life for the rest of the time
25 they're living there. It's not about a health

1 clinic. That's already there. This is just about
2 48 lucky people who are going to be able to live
3 here.

4 SUPERVISOR SALADINO: Well, we thank
5 you for bringing that to our attention, and we
6 would appreciate that you and the staff there
7 provide as much information to the public.

8 We will not be making a decision this
9 evening. We want to give plenty of time for the
10 public to provide us with comment in writing and
11 e-mail to let us know how they feel on this. And
12 the more education we can provide to the public,
13 the better neighborly relationship will be created.

14 MR. FORCHELLI: Thank you.

15 SUPERVISOR SALADINO: Thank you, sir.

16 May I have a motion?

17 COUNCILMAN MUSCARELLA: Any
18 correspondence?

19 MR. ALTADONNA: The attorney for the
20 application has filed his affidavit of services and
21 disclosures.

22 The communications are as follows: We
23 have memos from the Department of Planning and
24 Development, as per present review procedures, the
25 required offstreet parking for a three-story 48-

1 unit congregate care facility is 370 spaces. The
2 site plan submitted depicts a total of 484 spaces.

3 The Nassau County land and lot map
4 indicates the property is Section 46, Block G, Lots
5 61, 64, 66, and 96.

6 According to the Town of Oyster Bay's
7 zoning maps, the property is located within the
8 light industrial zone. There are no code
9 compliance cases or variances on the subject
10 premise; however, there are Town Board Resolutions
11 on file.

12 There is no further correspondence.

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

16 COUNCILMAN MACAGNONE: Second.

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

19 ALL: "Aye."

20 SUPERVISOR SALADINO: All opposed,
21 signify by saying nay.

22 (No verbal response given.)

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

25 Thank you very much.

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This decision will be reserved.
(TIME NOTED: 8:50 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
May 23, 2017
8:51 P.M.

HEARING P-1-17

To consider the application of Sunrise Mall, LLC, for a Special Use Permit to allow the establishment of a two-level Restaurant and public assembly use on premises located at One Sunrise Mall, Massapequa, New York. (M.D. 4/25/17 #14).

**JOSEPH SALADINO
SUPERVISOR**

**JAMES ALTADONNA JR.
TOWN CLERK**

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: Clerk, would you
2 please call hearing P-1-17?

3 MR. ALTADONNA: Yes, sir.

4 Hearing P-1-17 to consider the
5 application of Sunrise Mall L.L.C. for a special
6 use permit to allow the establishment of a
7 two-level restaurant and public assembly used on
8 premise located at One Sunrise Mall, Massapequa,
9 New York.

10 SUPERVISOR SALADINO: Let's give a
11 moment for folks to get resettled so that we can
12 hear your application.

13 Thank you. Okay. You may proceed.

14 MR. BAKER: Thank you.

15 Good evening, Mr. Supervisor, Members
16 of the Board.

17 My name is Daniel Baker, law firm,
18 Certilman, Balin, Adler & Hyman, 90 Merrick Avenue,
19 East Meadow, New York 11554.

20 Good evening. I am appearing tonight
21 on behalf of the owner and applicant of what is
22 known as the Sunrise Mall. The owner is Sunrise
23 Mall, LLC which is an affiliated company with the
24 Westfield Corporation, which owns the mall.

25 We're here tonight for an application

1 to construct a new Dave and Buster's Restaurant in
2 the mall.

3 I'm going to give you a little bit of
4 history. I think maybe for the benefit of the
5 newer Board members, then I will ask a couple of
6 people to come up and speak. We have a
7 representative from Dave and Buster's who will give
8 you an overview of what they are all about
9 operationally and then I will ask our Traffic
10 Expert to speak as well.

11 We do have other people from our
12 project team. Certainly, if you have questions for
13 our engineer, architect, representative from the
14 mall, certainly, we can -- we can do all that, but
15 I think these two people will probably give you the
16 best information that, that you can have.

17 So we're talking about the Sunrise Mall
18 which is Sunrise Highway and Carmans Road in
19 Massapequa. I'm going to guess that everybody's
20 pretty familiar with that property. It sits in a
21 light industrial zoning district in the Town which
22 is -- because of the uses here requiring a special
23 use permit for not only Dave And Buster's, but most
24 everything that -- that operates at the mall.

25 Retail is covered under the original

1 approval, so anything that is retail at the mall is
2 covered. We don't come back in for those types of
3 uses, but we do come back for uses that were not
4 originally approved, such as restaurants or things
5 of that nature.

6 So, the last time, I think, I was here
7 with the Board, we were seeking special use permits
8 in 2010/2011 for a number of restaurants and a
9 fitness center.

10 The fitness center was constructed and
11 has been operational for quite some time and doing
12 well there, but the restaurants, there were four of
13 them with different themes, were all one restaurant
14 group and, unfortunately, after we had gotten the
15 approvals and everything was starting to proceed,
16 the restaurant group could not pull it together and
17 it did not happen.

18 Since that time, restaurants have come
19 in. There is a new -- a new restaurant operating
20 which I understand is doing very well and that's
21 called Bar Louie.

22 In addition, Home Goods is coming in to
23 the same sort of set from Macy's up through what
24 was the former Wal-Mart and that's really what
25 we're talking about tonight, I'll get to that.

1 And there is still more to come, but
2 the general theme is that the owner and operator of
3 the mall is doing everything they can to make this
4 a great property again, like it was, you know, many
5 years ago.

6 But as you may or may not know, the
7 business of owning malls or retail centers like
8 this is very difficult and the obvious reason is
9 because of online shopping.

10 So to make a property like this
11 successful, you have to have a variety of uses.
12 More of a lifestyle center rather than just, you
13 know, a traditional shopping mall that it used to
14 be. So with this, they're always looking for good
15 uses like Dave and Buster's, and we believe it's a
16 perfect use for this site.

17 You may all know that Wal-Mart occupied
18 the -- the anchor that -- the anchor area that sat
19 right in the middle of the mall facing Sunrise and
20 Carmans. They vacated about two years ago,
21 year-and-a-half ago, and since that time, Westfield
22 has worked tirelessly to try and fill the space and
23 they have. Dick's Sporting Goods opened not too
24 long ago. Again, a great use, and I think one
25 that's very appreciated by the surrounding public.

1 Dave and Buster's will take up a second
2 piece of the former Wal-Mart and that will leave a
3 smaller area that we believe is going to be a
4 furniture store, but that deal isn't inked yet.

5 So, this is just making great use of,
6 you know, what was a big space that vacated and is
7 probably going to do much better, not only for the
8 operator of the mall, but the public in general.

9 Dave and Buster's is taking 30 --
10 approximately 38,000 square feet. Most of that
11 will be on the second level, but they have an
12 entryway on the first level and that's how you
13 would get up there.

14 The hours of operation for Dave and
15 Buster's is 11:00 a.m. through midnight, Sunday
16 through Thursday, and two -- 10:00 a.m. through
17 2:00 a.m. Friday and Saturday, consistent with
18 existing restaurant uses at the mall already.

19 So we're just trying to do the same
20 thing that is going on and will allow them to
21 operate successfully.

22 Currently, the mall has its own
23 security and close circuit television security
24 systems. There are always two security personnel
25 at the mall; one typically in the security office

1 and one that does a patrol, either by car or foot
2 throughout the mall.

3 Dave and Buster's will also be adding
4 its own security so they will have, during the
5 weekdays, one person and two on the weekends to
6 keep everything secure. They will also have their
7 own closed circuit TV that will keep track of
8 everything.

9 So, at this point, I think it's
10 probably a good idea to give you a little more
11 detail about Dave and Buster's, so I will ask --
12 let me get it right -- Jill Valachovic to please
13 step up.

14 SUPERVISOR SALADINO: Good evening.

15 MS. VALACHOVIC: My name is Jill
16 Valachovic. I'm with Dave and Buster's. My
17 address is 2481 Manana Drive, Dallas, Texas.

18 Supervisor and Council Members, thank
19 you so much for the opportunity to speak to you
20 about this project for the Sunrise Mall. I want to
21 briefly introduce you to Dave and Buster's.

22 The first question we get, is there a
23 Dave and a Buster and the answer is, yes. They
24 were two businessmen in Little Rock, Arkansas.
25 Buster had a restaurant and Dave had an arcade and

1 they realized over time that guests were going back
2 and forth to each other's establishments. Over the
3 course of, what I would say, two or three beers,
4 they decided to put up an awning between those two
5 businesses and there was our first Dave and
6 Buster's.

7 In 1982, they packed their bags and
8 moved to Dallas where our current corporate
9 headquarters are and opened the very first
10 location.

11 Almost 35 years later and over 90
12 locations in 34 states and over 15,000 employees,
13 we're still going strong. Dave and Buster are no
14 longer part of the company's leadership, but Buster
15 remains our philanthropic ambassador with our
16 national partner Make-A Wish.

17 We are publicly traded on the Nasdaq
18 under the symbol "play." As a concept, we offer
19 the combination of eat, drink, play, watch, all
20 under one roof which is actually what sets us apart
21 from all other competitors. We have a full-service
22 menu and drink offering throughout the location
23 along with a state of the art arcade with at least
24 150 to 180 games. We also have a dedicated sports
25 viewing area.

1 It's the best attributes of
2 entertainment and casual dining all in one
3 location. In addition to eat, drink, play, watch,
4 we offer corporate and social events to our guests.
5 We have dedicated special events space for birthday
6 parties, wedding rehearsals, corporate events, team
7 building, youth or community gatherings.

8 Our proposed location in the Sunrise
9 Mall via approximately 38,000 square feet and have
10 approximately 140 to 160 employees.

11 We know that our locations are large
12 with a lot of moving parts and so the course --
13 over the course of 35 years, we've created house
14 policies to allow our guests to have the most
15 enjoyable and safe experience.

16 Our house policies include no one under
17 the age of 18 can come into our building without a
18 responsible adult at least 25 years or older. Only
19 six minors to each responsible adult allowed.

20 Once they're in the building, they're
21 not allowed to roam free so you're not going to see
22 children in the game room with their parents in the
23 dining room. If we see that type of activity, we
24 will be sure and reunite them.

25 Our internal house policies also

1 include requiring all managers and servers to be
2 ServSafe certified. ServSafe is a national
3 restaurant association program for responsible
4 alcohol service.

5 In addition to ServSafe, we use the
6 BARS program, which is a secret shopper program to
7 make sure that our employees ID all guests under
8 30. There are HR ramifications if they don't
9 follow that protocol.

10 In closing, thanks again for
11 considering our application and we're here to
12 answer any questions.

13 SUPERVISOR SALADINO: Questions?

14 COUNCILMAN MACAGNONE: Yes.

15 The hours of operation, is 2:00 a.m. a
16 deal breaker?

17 My concern is people drinking alcohol,
18 2:00 a.m., getting on the roads, it's very scary
19 over that area.

20 MS. VALACHOVIC: I will say, in
21 general, to that question, I believe that there are
22 actually establishments in the area that stay open
23 until 2:00 a.m. We want just want to make sure that
24 it's a competitive advantage for all of us.

25 COUNCILMAN MACAGNONE: Okay.

1 SUPERVISOR SALADINO: Councilman?

2 COUNCILMAN MUSCARELLA: Yes.

3 I want to state, you're corporate
4 owned. Every Dave and Buster's is corporate owned,
5 no franchises?

6 MS. VALACHOVIC: Correct. No
7 franchises. We're all corporate owned.

8 COUNCILMAN MUSCARELLA: You had a
9 location in Farmingdale that closed.

10 MS. VALACHOVIC: We did.

11 COUNCILMAN MUSCARELLA: That did not
12 work out well?

13 MS. VALACHOVIC: That lease was
14 actually up. That was a former Jillian's location
15 that we got in an acquisition in 2006 and when that
16 location closed, our lease was up and the landlord
17 wanted to do something else with the property.

18 COUNCILMAN MACAGNONE: You're doing
19 okay in Hicksville?

20 MS. VALACHOVIC: Westbury.

21 COUNCILMAN MACAGNONE: Westbury.

22 MS. VALACHOVIC: Yes, that location is
23 doing well.

24 COUNCILMAN MACAGNONE: Last thing.

25 Do you have an in-house loss control

1 department?

2 MS. VALACHOVIC: We do. We actually
3 have our Director of Security, James Brousseau,
4 that's in charge of that loss prevention.

5 SUPERVISOR SALADINO: Questions?

6 A few questions, please.

7 Please tell us about what you do for
8 security on location and immediately off site.

9 MS. VALACHOVIC: Do you mind if I allow
10 our Director of Security to answer that question?

11 SUPERVISOR SALADINO: Yes.

12 MR. BROUSSEAU: James Brousseau, also
13 2481 Manana Drive, Dallas, Texas.

14 I'm sorry. What was your question
15 again?

16 SUPERVISOR SALADINO: I'd like to know
17 what your security plan is on site and immediately
18 off site.

19 MR. BROUSSEAU: As Jill said, we have
20 our house policies that we do at all of our
21 locations. We have full CCTV throughout the
22 location as well. There's pretty much every inch
23 of the location, you can see on some way, shape, or
24 form through our CCTV system and most -- the
25 majority of our locations, depending on our

1 business needs, will have some sort of contractor
2 off duty uniformed security there in the building
3 as well. The actual staffing depends on the
4 business needs of the location.

5 As the gentleman said, we had planned
6 to put one there at -- minimum, at least one during
7 the week on weekdays, two on weekends. And, again,
8 those hours would vary depending on the business
9 needs of the actual location.

10 SUPERVISOR SALADINO: How many people
11 do you have in the building at your busiest times?

12 MR. BROUSSEAU: Our peak business is
13 from Friday through Sunday. We would have two on
14 Friday and Saturday evenings.

15 SUPERVISOR SALADINO: Two security
16 people.

17 How many employees all together on
18 site?

19 MR. BROUSSEAU: All of the employees?

20 SUPERVISOR SALADINO: How many
21 employees in total at one time will be in the
22 facility at your peak hours?

23 MS. VALACHOVIC: During our peak hours,
24 we usually have around 60 employees.

25 SUPERVISOR SALADINO: 60 employees.

1 Not in total, just on site at any one
2 time.

3 MS. VALACHOVIC: Correct.

4 SUPERVISOR SALADINO: Okay. Thank you.

5 Just a couple questions of you.

6 Going back to the hours of operation as
7 Councilman Macagnone stated, that also is of
8 concern to me. It was stated that this was
9 comparable to other locations.

10 Are there other facilities in the
11 Sunrise Mall that are currently open until
12 2:00 a.m?

13 MR. BAKER: Yes. I'm going to ask
14 Virginia Pepe. She's a general manager.

15 MS. PEPE: Yes, sir.

16 Currently, Bar Louie, which is open and
17 operating in the center, is open until those hours.

18 SUPERVISOR SALADINO: How long has that
19 been operating?

20 MS. PEPE: Bar Louie opening on
21 February 17th.

22 SUPERVISOR SALADINO: Of 2017?

23 MS. PEPE: That is correct.

24 SUPERVISOR SALADINO: How many square
25 feet is it? What's your occupancy is what I'm

1 looking for.

2 MS. PEPE: Our occupancy at the mall
3 currently?

4 SUPERVISOR SALADINO: What is your
5 occupancy at Bar Louie's?

6 MS. PEPE: 208 is their occupancy.

7 SUPERVISOR SALADINO: 208.

8 What is the occupancy of Dave and
9 Buster's?

10 MR. BAKER: More than that. 554.

11 SUPERVISOR SALADINO: 554; 208.

12 COUNCILMAN MACAGNONE: Now, Bar Louie,
13 I understand that last month there was an incident
14 with an intoxicated person, some damage in the
15 mall, fought with a police officer and was arrested
16 if I remember Newsday correctly.

17 MR. BAKER: A police officer was
18 arrested?

19 COUNCILMAN MACAGNONE: The patron was
20 arrested.

21 MS. PEPE: There was an individual who
22 was able to get into the mall off hours. He did do
23 some damage within the center. All of that was
24 repaired overnight, almost immediately. With the
25 damage that happened, he was arrested very quickly.

1 There actually was a police officer who was in the
2 parking lot and he was apprehended very quickly.

3 COUNCILMAN MACAGNONE: Thank you.

4 MR. BAKER: Matter of fact, I think the
5 Nassau Police do pretty regular patrols of the
6 property as well.

7 MS. PEPE: That's correct.

8 SUPERVISOR SALADINO: I know it was
9 asked before, but I want to make this absolutely
10 clear so that we fully understand your flexibility
11 in terms of hours of operation.

12 MS. VALACHOVIC: At this point, we are
13 not able to make that decision.

14 We'd like to understand what your
15 recommendation is and let us take it back to our
16 Executives and help them understand your concerns.

17 SUPERVISOR SALADINO: Fair enough.

18 We'd like to hear from some of the
19 public to get some of that input as well.

20 Commissioner?

21 UNKNOWN COMMISSIONER: Supervisor, I
22 think you just need to go back over the occupancy
23 rate. I think you had mentioned that it's like
24 554. That might be for the restaurant, but for the
25 entire facility, I think you just need to clarify

1 that on the record.

2 UNKNOWN SPEAKER: Thank you,
3 Commissioner.

4 You mean for the entire mall?

5 UNKNOWN COMMISSIONER: No, no. For Dave
6 and Buster's -- and for the record.

7 COUNCILMAN MACAGNONE: And the arcade
8 area?

9 UNKNOWN COMMISSIONER: It's a lot
10 higher so I think just for the Board to have a full
11 understanding of the application.

12 MR. BAKER: Thank you.

13 Kristen DeLuca is our engineer from
14 Bohler Engineering, so I'll ask her to assist with
15 this.

16 MS. DELUCA: 1,610. That includes back
17 of the house.

18 SUPERVISOR SALADINO: What are your
19 days of the year that you have the highest -- or
20 maybe day of week that you the highest occupancy?

21 MR. BAKER: Friday through Sunday.

22 SUPERVISOR SALADINO: So on typical
23 Friday through Sunday and at what time of the day
24 or evening are you at peak?

25 MS. VALACHOVIC: Somewhere around

1 7:00 to 9:00 p.m.

2 SUPERVISOR SALADINO: 7:00 to 9:00 p.m.
3 you're at your peak?

4 MS. VALACHOVIC: Dinnertime hour,
5 right.

6 SUPERVISOR SALADINO: Okay.
7 How much does that go down once we're
8 well past the dinner hour and the -- what might be
9 considered the adult hours of drinking and so
10 forth?

11 MS. VALACHOVIC: It depends on the
12 location.

13 Typically, mall locations, it will
14 phase out a lot quicker than our freestanding
15 buildings, so I can help get that information for
16 you from, you know, mall locations, but it goes
17 down dramatically.

18 We have a lot people that come in after
19 they go to dinner and they play games. We give
20 them something else to do besides, you know, drink
21 and eat all night, so they come in and play games
22 after they've had dinner elsewhere.

23 SUPERVISOR SALADINO: What about after
24 school hours when the youth -- or earlier on a
25 Friday night or Saturday afternoon, early Saturday

1 night, can you talk to us about those hours?

2 MS. VALACHOVIC: Typically,
3 particularly in mall locations, we do have
4 children, families that come in and we skew much
5 higher families.

6 During the day on Saturdays and during
7 the Summertime, we have lots of families that come
8 in with things to do if it's raining outside or if
9 it's too hot, so it just depends on the time of
10 year, what's happening outside, and, you know,
11 what's going on in the community.

12 SUPERVISOR SALADINO: Okay.

13 MS. VALACHOVIC: Did that answer your
14 question?

15 SUPERVISOR SALADINO: Yes, thank you.

16 MR. BAKER: I remember many rainy days
17 when my kids were little going to Dave and
18 Buster's, for sure.

19 MS. VALACHOVIC: Excuse me.

20 Also, to help answer your question,
21 included in the application is our peak time chart.
22 It actually tells you what percentage and
23 percentage of business during the hours of
24 operation and the days for an average store.

25 SUPERVISOR SALADINO: Thank you.

1 MR. BAKER: If no more questions, may
2 be an appropriate time now to bring our Traffic
3 Engineer up.

4 Paul Going from Atlantic Traffic, and
5 he'll speak a little bit about the site.

6 Just so that everybody understands, as
7 with any special use permit, we also are required
8 under the Town Code to seek site plan review and
9 approval of this.

10 This is just an interior renovation, so
11 it really isn't having much impact physically to
12 the site, even though the use might be a little
13 different. And just so the Board understands, the
14 mall currently operates under a parking variance
15 that has been granted in the past. This is not
16 going to intensify that variance or require us to
17 go to the Board of Appeals for any activity. It is
18 not required for this.

19 MR. GOING: Good evening.

20 Paul Going, Atlantic Traffic and Design
21 Engineers, located at 2929 Expressway Drive North
22 in Hauppauge.

23 We've prepared a letter report which
24 was originally dated January 30th of 2017, later
25 revised March 20th, and we did a separate letter

1 later March 21st of 2017. Those were reviewed
2 by -- by the Town's traffic professional at
3 LK McLean.

4 The site has just under one million
5 square feet of grossly simple area currently.
6 As -- as previously you heard, 38,000 square feet
7 of the former Wal-Mart is going -- is proposed to
8 become the Dave and Buster's. There are some --
9 some other actions going on which you also heard
10 about which were the subject of previous
11 applications having the restaurants as well as the
12 fitness center.

13 For the purpose of looking at the
14 traffic at the site, we considered the restaurants
15 to be new, even though they're already approved and
16 the -- your Town professionals had asked us to do
17 that.

18 So, a total of 55,940 square feet of
19 the former Wal-Mart will become the Dave and
20 Buster's and in these other restaurants that --
21 that are there.

22 And that includes the Bar Louie because
23 when we first did our report, Bar Louie wasn't open
24 yet. There's also an additional 6,000 square feet
25 of retail space proposed so the application

1 actually has a net increase of only 6,000 square
2 feet which is less than one percent of the mall.

3 We -- we took a look at the traffic
4 generated by the mall using rates published by the
5 Institute of Transportation Engineers and Trip
6 Generation, the 9th Edition published in 2012, and
7 for the mall, we used the shopping center use
8 for -- for the retail, the fitness center use for
9 the fitness center, and the restaurant use for the
10 restaurants.

11 Now, for the Dave and Buster's, your
12 traffic professional had actually provided to us
13 some research that was done by another firm which
14 was done in 2010 in which they looked at traffic
15 and parking demand at four stand-alone Dave and
16 Buster's and those were -- those were located in
17 Atlanta, Cleveland, St. Louis, and San Diego, but
18 this was the data he suggested we use and it was
19 actually good and helpful data.

20 So we calculated the trips generated by
21 the mall currently and then calculated what -- what
22 trips would be generated with the addition of the
23 Dave and Buster's and we specifically focused on
24 the weekday evening peak hour and the Saturday
25 midday peak hour.

1 Those are the times when malls are
2 typically the busiest coinciding when you're roads
3 are typically at their busiest. So what we
4 projected was an addition of 109 peak hour trips in
5 the weekday evening peak hour, and 84 peak hour
6 trips in the Saturday midday peak hour.

7 As you know, the mall has excellent
8 access. It has four signalized driveways, two on
9 Sunrise Highway, two on Carmans Road and that 109
10 trips is just over what we typically use as a
11 threshold of 100 trips to determine whether or not
12 there's any significance to the traffic, and based
13 on my discussion, again, with your travel
14 professional, as well as my own experience, given
15 the access configuration at the site, which isn't
16 being changed at all, and given the number of trips
17 that are generated by the proposed use in the peak
18 hours, my conclusion is that there'd be no impact
19 to traffic.

20 SUPERVISOR SALADINO: Excuse me, sir.

21 Did you say no impact to traffic
22 whatsoever?

23 MR. GOING: Let me restate that.

24 No significant impact traffic.

25 Thank you.

1 As previously mentioned, a parking
2 variance was previously approved for the site. My
3 firm had done a pretty detailed study of the
4 parking situation for that variance. 5.8 percent
5 variance was granted under the application for the
6 fitness center and the restaurants.

7 Recalculating the parking demand or
8 parking requirement for the site with the Dave and
9 Buster's and the other changes, the -- we're
10 actually at 4.845 percent, so we are not more
11 intense than that variance that was previously --
12 previously granted.

13 If there are any questions?

14 SUPERVISOR SALADINO: Any questions
15 anyone?

16 (No response.)

17 SUPERVISOR SALADINO: Thank you.

18 MR. GOING: Thank you.

19 MR. BAKER: Thank you.

20 Unless there are any other questions
21 for anyone on our team, that would conclude our
22 presentation.

23 If you have any, please let me know.

24 SUPERVISOR SALADINO: Have you had a
25 chance to speak to residents about the application?

1 MR. BAKER: We have not had anybody
2 approach us or come to either me, through sending
3 out the notices, and we've posted signs also for
4 the hearing. Nobody at the mall has heard anything
5 and I'm not aware of anything coming through the
6 Town.

7 COUNCILMAN MACAGNONE: I will say that
8 years ago, we had a major problem with the
9 residents in the mall, but since the new ownership
10 took over, they have really squashed that and
11 they're working well with the residents.

12 MR. BAKER: Thank you, Mr. Councilman.

13 I think that's true. My own
14 experience, which started when Westfield bought the
15 mall in approximately 2005, I've been working with
16 them since.

17 We've been before this Board, we've
18 been before the Zoning Board several times and, you
19 know, while there's always going to be something
20 that might come up with a large property like this,
21 whether it's a broken fence or something that can
22 be corrected, my experience has been that Westfield
23 has tried to do that and I know that Virginia is
24 very responsive if anybody ever has an issue.

25 Certainly, if they come to you, you can

1 refer them to -- to me or her, that's always been
2 the case and, you know, they've always tried to fix
3 whatever needs fixing, if there is anything.

4 COUNCILMAN MACAGNONE: They've gone
5 above and beyond.

6 MR. BAKER: And the hope here really is
7 to continue that so that this -- this will be a
8 place that everybody in Massapequa and the Town of
9 Oyster Bay will -- will want to go to shop rather
10 than having to drive to Roosevelt Field or Walt
11 Whitman or any other competitor.

12 SUPERVISOR SALADINO: Thank you.

13 Are there any other questions?

14 Okay. We have a public speaker.

15 First of all, is there any
16 correspondence?

17 MR. ALTADONNA: Public speaker first.

18 SUPERVISOR SALADINO: Joanne O'Connell
19 of Eastgate Road in Massapequa Park.

20 MS. O'CONNELL: Good evening.

21 SUPERVISOR SALADINO: Good evening.

22 Could you start off by just stating
23 your name and your address?

24 MS. O'CONNELL: Yes.

25 Joanne O'Connell 105 Eastgate Road,

1 Massapequa Park.

2 I live directly behind Penney's. I
3 don't know what the laws are about sending out
4 these notices, but it doesn't say anything on here
5 of where this thing's going, it doesn't tell you
6 the name of the restaurant and I think that's kind
7 of deceptive to the people in the neighborhood that
8 did get this.

9 I did not get a letter about Bar
10 Louie's. I am not happy that they are now allowed
11 to stay up until 1:00 in the morning. The police
12 that come around only come around when they're
13 called except for the mounted police that -- that
14 literally go through to give people tickets for
15 uninspected vehicles on weekends, and I can tell
16 you this because I'm retired, and I'm home every
17 day 24/7.

18 So as far as police going in there, I
19 don't see it. I do see every once in a while, a
20 truck going around at the mall, but that's when we
21 call.

22 We have called on things as ridiculous
23 as cars revving their motors, trying to get over
24 snow hills because they are idiots and run over it
25 or kids that are going to get killed because their

1 security don't see them coming down these snow
2 piles and going right into traffic. We've had kids
3 back there running remote control cars. We have
4 all kinds of things.

5 This isn't just a picnic living there.
6 They -- Ruby Tuesday's -- when Ruby Buffet went in,
7 we had the food court open, now we have Bar Louie's
8 open, and now they want to put in another
9 restaurant. The odors that come down, because
10 we're on a lower elevation than the Sunrise Mall,
11 is horrible.

12 Do I not want to see industry come in?
13 Of course, I do, but we -- we signed on to this and
14 it was going to be a shopping mall, not Restaurant
15 Row, and I really think that you should take that
16 into consideration because this 1:00 and 2:00
17 ordeal is nothing fun when you hear cars
18 screeching, doing donuts in the middle of the
19 parking lot at 2:00 in the morning.

20 And you're going to hear the trucks
21 coming through because they don't just go out one
22 way; they'll go out the another way.

23 So, no, I know this, four residents
24 that live directly behind Penney's that is not too
25 thrilled about this.

1 And my question is if this is going in,
2 it's going where Wal-Mart was? It has nothing to
3 do with Penney's?

4 MR. MUSCARELLA: It's the eastern side.

5 MS. O'CONNELL: What is the exits that
6 these people are going to be allowed to use to
7 leave the parking -- leave the restaurant or
8 whatever at 2:00 in the morning, because I don't
9 know if they gate things off?

10 MR. BAKER: They would be the same
11 exits that are currently used.

12 The mall does not close off exits at
13 any time now and there is no plan to do so.

14 MS. O'CONNELL: So we could have
15 anybody walking through the mall and going out any
16 exit?

17 COUNCILMAN MACAGNONE: The mall exits.

18 MR. BAKER: You mean the actual
19 building?

20 They'll be entering and leaving through
21 the Dave and Buster's entry on the front side of
22 the mall.

23 MS. O'CONNELL: Okay. But there's --
24 so then they won't be allowed to leave going
25 through the mall?

1 MR. BAKER: No.

2 COUNCILMAN IMBROTO: What time does the
3 exit to mall close?

4 MS. O'CONNELL: The mall actually
5 closes at 10:00.

6 MR. BAKER: 9:30.

7 MR. MUSCARELLA: The question is, will
8 there be an exit or an entrance in -- from the mall
9 into the restaurant, that's the question.

10 MR. BAKER: There will be, but --

11 MS. WARREN: My name is Lisa Warren
12 with Dave and Buster's, 2481 Manana Drive, Dallas,
13 Texas.

14 So our facility will have two points of
15 ingress and egress. One is from the outside. You
16 go into the lobby and then upstairs to the space.

17 Can I step to the Board? So here
18 you're on a lower level. You come in from outside
19 and you come up these stairs to our main reception
20 desk. So that's one way of getting in and out of
21 the Dave and Buster's.

22 Second is from the mall corridor over
23 here on this side. This entrance is only open at
24 the same time that the mall would be open.

25 MS. O'CONNELL: So nobody will be able

1 to leave?

2 MS. WARREN: So after mall hours, which
3 is 9:30, this is closed. Closing your exit.

4 MS. O'CONNELL: Will you be closing
5 your exit then also?

6 MS. WARREN: Off the mall corridor,
7 yes.

8 So after mall hours, there's only one
9 entrance and exit, which is the one leads directly
10 to the parking lot.

11 MS. O'CONNELL: Okay.

12 So there won't -- nobody will be
13 allowed to rove around and go through the mall to
14 get out?

15 MS. WARREN: Right.

16 MS. O'CONNELL: Okay. That's all I
17 have to say.

18 Thank you.

19 SUPERVISOR SALADINO: Thank you.

20 MS. O'CONNELL: I'd like to show you
21 this. I'd like to show you this. It doesn't give
22 you the restaurant or where it's going to be and I
23 think that was a little deceptive.

24 COUNCILMAN MACAGNONE: There should be
25 a phone number on there for you to get information

1 or something.

2 MS. O'CONNELL: I'm just saying it
3 would alleviate a lot of frustration.

4 COUNCILMAN MACAGNONE: It gives you the
5 phone number of the applicant.

6 MR. BAKER: I will just say for the
7 record, we don't create the notice. That's given
8 to us by the Town.

9 COUNCILMAN MACAGNONE: Understood.
10 That's what I'm saying.

11 Internally, we might have to change
12 that.

13 SUPERVISOR SALADINO: What we'd like to
14 ask, if you have time and you have the interest, to
15 meet with their representatives and if you don't
16 mind asking -- reaching out to ensure that the
17 other residents that you referenced today also have
18 the opportunity to meet, even if it's on more than
19 one occasion.

20 MS. O'CONNELL: The reason why I came
21 here was because we suspected that this was going
22 to be at JC Penney's.

23 Our property line is about -- little
24 bit over 130 feet from the rear entrance of
25 JC Penney's, and we were concerned about next

1 getting a letter stating they wanted to put up one
2 of their very nice signs, but we don't want it in
3 our backyard.

4 SUPERVISOR SALADINO: Certainly.

5 MS. O'CONNELL: I mean, this is like
6 just living on the next block with no house there,
7 and that's the reason why I actually came, because
8 of that.

9 We were -- and I have letter stating
10 from two other people and the third just couldn't
11 make it, they had three children, they couldn't do
12 it.

13 SUPERVISOR SALADINO: Well, can you
14 convey to us, now that you have learned of the
15 location of this?

16 MS. O'CONNELL: The location is fine,
17 but I'm still not happy what they -- what are they
18 going to do about the odors that come out from the
19 cooking, and the time is, to me, just ridiculous.

20 I don't think we need another bar in
21 that neighborhood open until even 1:00 and if I
22 would have gotten the letter about Bar Louie's
23 being open until 1:00, I would have come.

24 I never got a letter in reference to
25 that being the establishment opening or even being

1 constructed.

2 But no, I don't think we really need
3 it.

4 MR. BAKER: Just to that point, Bar
5 Louie was in one of the spaces that was previously
6 approved when we came to the Town Board many years
7 ago.

8 MS. O'CONNELL: Right.

9 But they set a precedent of being
10 allowed to stay open until 1:00 and now you can
11 siphon off of that.

12 MR. BAKER: Well, the precedent is
13 those are the hours of operation that we're allowed
14 to do like any other establishment.

15 MS. O'CONNELL: Right, but we, as the
16 public, didn't know that.

17 SUPERVISOR SALADINO: Well, let's focus
18 up here, please.

19 So we need to make sure that all the
20 residents questions are answered and we have to
21 give the residents time to respond to the Board
22 because we want your input.

23 MS. O'CONNELL: What are they going to
24 do about the odors?

25 SUPERVISOR SALADINO: That's a very

1 good question.

2 What do you have in the way of a
3 suppression system to suppress smoke, odors and
4 other issues -- Sanitation?

5 MS. O'CONNELL: Before you address
6 them, one question.

7 Is the food court and Ruby Buffet self-
8 contained because the odors that we get during the
9 humidity or the way the wind blows, you wouldn't
10 know it?

11 SUPERVISOR SALADINO: All right.

12 Let's make sure we get those questions
13 answered for you right now.

14 Can we address that first, please?

15 MS. O'CONNELL: Thank you.

16 MS. PEPE: Virginia Pepe, General
17 Manager, Westfield Sunrise, address, One Sunrise
18 Mall.

19 We currently have compactors that
20 handle all of the waste at the mall. All of our
21 compactors are located inside of loading docks at
22 the mall. We have a housekeeping crew as well as a
23 service company. The service company is the waste
24 hauler who services the compactors at least once a
25 week, sometimes twice a week, depending on how full

1 they are, and we do powerwash those loading docks
2 regularly with a deodorizer.

3 MS. O'CONNELL: But that doesn't do
4 anything with the odors that come from the --

5 COUNCILMAN IMBROTO: Are you talking
6 about cooking odors?

7 MS. O'CONNELL: Yes. The ones from the
8 restaurant.

9 COUNCILMAN IMBROTO: She's talking
10 about cooking odors.

11 MS. O'DONNELL: The ones from the
12 restaurants, from the food court and Ruby Buffet.

13 SUPERVISOR SALADINO: Mrs. O'Connell,
14 because we want to be thorough with this, are you
15 having any trouble with odors as it relates to the
16 dumpsters?

17 MS. O'CONNELL: No.

18 SUPERVISOR SALADINO: That's not an
19 issue, okay.

20 MS. O'CONNELL: No, that's not the
21 issue.

22 SUPERVISOR SALADINO: Let's address
23 cooking odors and other ventilation issues.

24 MS. O'CONNELL: So there isn't anything
25 for those other two places?

1 MS. PEPE: I'm not an engineer who
2 would know specifically. I know that every tenant
3 is required to have proper ventilation is required,
4 more than likely, for cooking for fire code.

5 I would have to confirm what type of
6 filtration systems are used beyond that.

7 MS. O'CONNELL: What are they going to
8 use then?

9 MS. PEPE: That's what the architect
10 will speak to.

11 MS. O'CONNELL: Okay.

12 SUPERVISOR SALADINO: Do you have any
13 other questions of them?

14 MS. O'CONNELL: No, that was it.
15 Thank you.

16 SUPERVISOR SALADINO: Okay. It is very
17 important though that you follow up and contact
18 them because I want to make sure that they not only
19 answer other questions you might have --

20 MS. O'CONNELL: We just don't want
21 people walking out the rear entrance and getting in
22 their cars and had a couple a drinks and decided,
23 well, let's play, because these people that do go
24 back there, they run their cars all hours of the
25 night, they race each other back there and nobody

1 seems to know it.

2 By the time we call the police, they're
3 already gone, they've already had their fun, but
4 they could have killed somebody, more or less,
5 themselves.

6 So we are concerned about, you know,
7 people exiting out the rear parking lot. You can
8 understand that.

9 MR. BAKER: I appreciate that and I
10 think the answer is they can't go to their cars
11 there because the access will only be through the
12 front.

13 MS. O'CONNELL: Okay.

14 SUPERVISOR SALADINO: All of the Town
15 Board members are very concerned about the safety.

16 COUNCILMAN MACAGNONE: But, Mr. Baker,
17 they can drive around to the west side of mall?

18 MS. O'CONNELL: Yes.

19 MR. BAKER: Yes, they can, but anybody
20 can do that in any public --

21 MS. O'CONNELL: And they do there,
22 believe me.

23 MR. BAKER: -- facility that isn't
24 fenced or gated off so, you know, the owner can be
25 as vigilant as possible by having security on

1 board.

2 COUNCILMAN MACAGNONE: If you're not
3 open until 1:00 or 2:00 in the morning, we wouldn't
4 have this problem at 1:00 or 2:00 in the morning.

5 MR. BAKER: But that can happen at --
6 respectfully, it can happen at 9:00, 10:00, 11:00,
7 whatever time of the day that people are
8 patronizing this establishment or any others.

9 So, again, I think the best answer is
10 having proper security, being vigilant about
11 protecting against whatever it might be, whether
12 it's cars late at night, you know, speeding in the
13 back there or anything else so...

14 COUNCILMAN MACAGNONE: So you're saying
15 the mall is going to put extra security in the
16 parking lot?

17 MR. BAKER: No, but they have security.

18 COUNCILMAN IMBROTO: It sounds like
19 Mrs. O'Connell was saying the security is
20 inadequate as it is.

21 MS. O'CONNELL: It is inadequate. It
22 is.

23 I have to call there because
24 construction crews are doing things in the back
25 that they're not supposed to be doing. Generators

1 are running. They are using power tools. And
2 because of the elevation of the mall, it hits us.
3 It's almost like an echo. It comes right -- I can
4 almost hear people talking word for word in my
5 upstairs, what they're talking at the rear
6 entrance, so I am concerned.

7 The guys are very nice, but I've also
8 called there and they said, oh, we don't have
9 anybody we can call and then you call the mall and
10 the mall says, oh, yes, we do, they're allowed to
11 call us.

12 Well, then you must have done something
13 to your employees that they're afraid to call you.

14 SUPERVISOR SALADINO: Mrs. O'Connell,
15 do you ever hear construction work going on, on a
16 Sunday?

17 MS. O'CONNELL: Yeah, I hear
18 construction work whenever they're please to do it.

19 SUPERVISOR SALADINO: From the mall
20 site?

21 MS. O'CONNELL: The other day they had
22 somebody building something in there that they
23 threw the wood into a Dumpster. The Dumpster isn't
24 by the mall, the Dumpster is like 50 feet from the
25 back of the house, and they're throwing wood in all

1 day long, fine. They piled it up too high. Now
2 they got to throw it out of the Dumpster onto the
3 floor. And now they have to get another Dumpster
4 to be brought in and dropped.

5 And if you've ever heard these people
6 drop these Dumpsters, we're afraid they're gonna
7 come through the backyard. And now they have to
8 pick up the wood and throw it back into the
9 Dumpster. So the construction sometimes is
10 really -- because I think that the security doesn't
11 know what's actually going on and stays on top of
12 these people so that they avoid what they're not
13 supposed to be doing and I end up calling.

14 You know, they're very nice. I'm very
15 nice to them. I understand their problem but they
16 got to be able to call somebody, and if not, I end
17 up calling the police.

18 SUPERVISOR SALADINO: When you call the
19 mall, do you get an adequate response? Do they
20 take care of the situation quickly?

21 MS. O'DONNELL: Usually. Usually.

22 I can't say 100 percent, but usually,
23 yes.

24 SUPERVISOR SALADINO: Would you also
25 take a business card from the manager of the mall?

1 MS. O'CONNELL: I have it. I've spoken
2 to them.

3 SUPERVISOR SALADINO: You have that as
4 well. Okay.

5 And can we get a commitment that you'll
6 reach out to the residents and find out who the
7 other residents are so we can get all of their
8 questions addressed?

9 MS. O'CONNELL: I'll tell them when I
10 get home. I would just like for you to address the
11 odor from the construction that you're going to be
12 doing. Okay. Thank you.

13 MR. BAKER: Yes.

14 You have our commitment that we will
15 speak to --

16 SUPERVISOR SALADINO: Thank you,
17 Mrs. O'Connell.

18 MR. BAKER: -- anybody that has a
19 question or wants more information from us. We're
20 certainly happy to do that.

21 SUPERVISOR SALADINO: Thank you.

22 MR. BAKER: At this time, I'd like our
23 architect just to talk about the -- the odor
24 question that came up before.

25 MR. CARGISCO: Nicholas Cargisco,

1 SBLM Architects, 33 Walt Whitman Road, Huntington
2 Station, Suite 204.

3 Just concerning the kitchen equipment,
4 it is all fully self-contained and properly
5 filtered before it gets to the outside. This is
6 filters essentially right above where the cooking
7 is done and the air that goes outside is clean for
8 all applicable codes.

9 COUNCILMAN IMBROTO: What kind of
10 filters are they? Are they charcoal? How is the
11 air filtered?

12 MR. CARGISCO: I don't have the
13 specific type of filter. It actually it's -- I
14 know it is a multiple filter process. I couldn't
15 tell you each individual.

16 COUNCILMAN IMBROTO: Okay.
17 Is that something that you could
18 provide us?

19 MR. CARGISCO: Absolutely. That's part
20 of equipment specifications that will be submitted
21 upon --

22 COUNCILMAN IMBROTO: Are you familiar
23 with the equipment at the food court?

24 MR. CARGISCO: I am not.

25 COUNCILMAN IMBROTO: Okay.

1 COUNCILMAN MACAGNONE: Now, is this
2 standard filters for every Dave and Buster's and
3 are there any complaints anywhere?

4 MR. CARGISCO: Not that I'm aware of.

5 MS. VALACHOVIC: Yes.

6 We build all of our kitchens with
7 similar equipment packages. To my knowledge, we
8 don't have any complaints of odor and we have
9 probably -- if we say we have close to 100
10 locations, I would say almost half are in malls.
11 It's pretty even, maybe 60/40 and we haven't had
12 this complaint.

13 COUNCILMAN MACAGNONE: Thank you.

14 COUNCILMAN IMBROTO: Is anyone from
15 Westfield familiar with the type of filtration
16 system that's being used at the food court?

17 MR. BAKER: I don't think anybody here
18 right now is, but I could provide that information.

19 COUNCILMAN IMBROTO: Okay.

20 MR. ALTADONNA: Supervisor?

21 SUPERVISOR SALADINO: Yes.

22 MR. ALTADONNA: There's such a thing
23 called an ansul system and I know it very well and
24 you know it very well from our days with Smoking
25 House. It's a water-based system and that system

1 is guaranteed 100 percent not to let any odor
2 emissions out and it has been proven and I think
3 anything that would go forward would have to
4 include that system because no one should live with
5 odors behind their house.

6 COUNCILMAN MACAGNONE: Agreed.

7 SUPERVISOR SALADINO: Thank you for
8 your input.

9 That's something for the mall to look
10 into. We'd like to get some more details on that.

11 MS. PEPE: Yes, sir.

12 I know that that is the system that was
13 installed for one of the new tenants that is going
14 into the food court. That system was just
15 installed.

16 SUPERVISOR SALADINO: Thanks.

17 COUNCILMAN IMBROTO: I have one more
18 question.

19 I remember -- I don't know whether if
20 it was at Jillian's or Dave and Buster's in
21 Farmingdale used to operate a nightclub.

22 Is this proposal proposing to operate a
23 nightclub of any sort?

24 MS. PEPE: No.

25 COUNCILMAN IMBROTO: Okay.

1 SUPERVISOR SALADINO: Thank you.

2 MR. BAKER: Thank you very much.

3 SUPERVISOR SALADINO: Is there any
4 other public comment on this application?

5 MR. McKENNA: I have a question.

6 Good evening.

7 Kevin McKenna, Syosset, New York.

8 They talked about the security and you
9 had mentioned that you'd have 60 people on site at
10 a particular time and only two of them are security
11 and it sounds like they're an outside security
12 firm.

13 In light of what's going on today, have
14 you -- what's your security plan? You mentioned
15 the cameras. Who's watching those cameras? Are
16 they being watched in Texas or are they watched by
17 one of those two people and would you consider
18 hiring someone who, you know, say ex-law
19 enforcement or are you just hiring some minimum
20 wage kid who's gonna hang out with all the people
21 drinking? What's your plan?

22 SUPERVISOR SALADINO: If I could ask
23 you to please step up so we can explore some of
24 these -- this information?

25 MR. BAKER: To answer the question on

1 the cameras, they're viewable, both by me or by
2 people at our headquarters location as well as
3 inside the location. They're recorded digitally so
4 we can provide evidence to police should we need to
5 do so if an incident does occur.

6 The -- for the exact security that we
7 would employ, generally what we do and what we do
8 in Westbury is we employ usually some type of sworn
9 law enforcement through a third-party security
10 agency called off duty services and most of those
11 people are off duty Nassau County, Suffolk County
12 law enforcement officers.

13 So, no, we did not hire \$10.00 an hour
14 kid so. Also, the two officers that we mentioned
15 would be our minimum that we would use. We staff
16 to the needs of the business so if the location is
17 busier and the business requires, that we would
18 staff heavier to do that.

19 COUNCILMAN MACAGNONE: I'm sure you're
20 putting a great investment in and see a need for
21 security. You want people to feel safe because if
22 you're going there, you'll staff it accordingly.

23 MR. BAKER: Exactly, sir.

24 SUPERVISOR SALADINO: Any other
25 questions?

1 (No response.)

2 SUPERVISOR SALADINO: Thank you.

3 If there are no other speakers, can you
4 please speak to us about any correspondence?

5 MR. ALTADONNA: The attorney for the
6 applicant has filed his Affidavits of Service and
7 Disclosure.

8 The communications are as follows: We
9 have memos from the Department of Planning and
10 Development. As per present review procedures, the
11 required off street parking for this application
12 and the remainder of the Sunrise Westfield Mall is
13 6,048 spaces. The proposed available parking is
14 5,755 parking spaces.

15 The site received a variance from the
16 Zoning Board of Appeals for the reduction of 344
17 off street parking spaces. The applicant is
18 proposing a reduction of 293 spaces which will not
19 exceed the previously approved variance.

20 The Nassau County Land and Tax Map
21 indicates the property is Section 48 Block 602 Lots
22 1-4, 10-22, 24-29, 34, 36, and 37.

23 According to the Town of Oyster Bay's
24 Zoning maps, the property is located within the
25 light industrial L-I zone. There are several code

1 compliance cases and variances on the subject
2 premise. There is also Town Board Resolutions on
3 file. There is no further correspondence.

4 SUPERVISOR SALADINO: May I have a
5 motion?

6 MR. MUSCARELLA: Supervisor, I'll make
7 a motion that this public hearing be closed and the
8 decision be reserved.

9 COUNCILMAN MACAGNONE: Second.

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

12 ALL: "Aye."

13 SUPERVISOR SALADINO: Opposed, Nay?
14 (No verbal response given.)

15 SUPERVISOR SALADINO: Motion carries.
16 Thank you.

17 MR. BAKER: Thank you very much.

18 SUPERVISOR SALADINO: Does the
19 stenographer need a break at this time?

20 THE STENOGRAPHER: Yes.

21 SUPERVISOR SALADINO: We are going to
22 give the stenographer a five-minute break.

23 Thank you.

24 (TIME NOTED: 9:40 P.M.)

25

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
May 23, 2017
9:59 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, if I can have your attention, we're
3 going to call the Resolution Calendar.

4 Town Clerk, please.

5 MR. ALTADONNA: Okay.

6 Please bear with me. We have some
7 changes and we have a lot of -- or three or four
8 Resolutions to read into the minutes.

9 Is Councilman Imbroto coming back?

10 SUPERVISOR SALADINO: Yes.

11 MR. ALTADONNA: May I have a motion to
12 table Resolution P 12-17 and Resolution No. 294?

13 Personnel Resolution No. P-12-17;
14 Resolution pertaining to personnel of various
15 departments within the Town of Oyster Bay.

16 Resolution No. 294-2017; Resolution to
17 amend Resolution No. 83-2016 in connection with
18 Contract No. PWC 005-16, Historic Preservation and
19 Special Events Consultant Services. (M.D. 5/16/17
20 #26).

21 On the motion?

22 MR. MUSCARELLA: So moved.

23 COUNCILMAN MACAGNONE: Second.

24 MR. ALTADONNA: Motion made by
25 Councilman Muscarella, seconded by Councilman

1 Macagnone.

2 On the vote, Supervisor Saladino?

3 SUPERVISOR SALADINO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: "Aye."

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: "Aye."

8 MR. ALTADONNA: Councilwoman Alesia?

9 COUNCILWOMAN ALESIA: "Aye."

10 MR. ALTADONNA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye."

12 MR. ALTADONNA: Councilman Imbroto?

13 Where is he?

14 (No response.)

15 Councilman Hand?

16 COUNCILMAN HAND: "Aye."

17 MR. ALTADONNA: Motion to table

18 Resolution P-12-17 and 294 passes with six "Ayes."

19 COUNCILMAN MACAGNONE: Excuse me.

20 Clerk, on 294, we never suspended the
21 rules and put it on the table yet to take it off.

22 MR. ALTADONNA: Let me check that.

23 Okay. Well, I will do that right now
24 because that's the next one.

25 Get it all on the record and then we'll

1 straighten it out.

2 May I have a motion to suspend the
3 rules and add Resolutions 291 through 294?

4 Resolution No. 291-2017; Resolution
5 directing the Town Clerk to advertise a Notice of
6 Hearing to consider a Local Law to add Chapter 242
7 of the Code of the Town of Oyster Bay entitled,
8 "Wireless Telecommunications Facilities" and to
9 Revise Sections of Chapter 246-5 of the Code.
10 Hearing date June 6, 2017. (M.D. 5/16/17 #22).

11 Resolution No. 292-2017; Resolution
12 authorizing litigation against any and all
13 individuals and/or entities responsible for any
14 losses sustained by the Town as a result of prior
15 concessionaires' operations at and involving the
16 Town of Oyster Bay Golf Course, TOBAY Beach, and
17 Tappen Beach. (M.D. 5/16/17 #23).

18 Resolution No. 293-2017; Resolution
19 authorizing the Town to become a member in The Long
20 Island Water Conference, which includes
21 participation in an inter-municipal purchasing
22 agreement, and to secure a contractor through said
23 agreement to make emergency repairs to the
24 chlorinator pump at the TOBAY Beach facility.
25 Account No. PKS H 7197 20000 000 1502 001. (M.D.

1 5/16/17 #25).

2 Resolution No. 294-2017; Resolution to
3 amend Resolution No. 83-2016 in connection with
4 Contract No. PWC 005-16, Historic Preservation and
5 Special Events Consultant Services. (M.D. 5/16/17
6 #26).

7 On the motion?

8 COUNCILMAN MACAGNONE: Excuse me.

9 How about 297?

10 MR. ALTADONNA: That's another one.

11 That's a resuspend.

12 COUNCILMAN MACAGNONE: Okay.

13 Thank you.

14 MR. ALTADONNA: And a Walk-On. Okay.

15 But thank you for being diligent.

16 On the motion?

17 MR. MUSCARELLA: So moved.

18 COUNCILMAN MACAGNONE: Second.

19 MR. ALTADONNA: Motion made by

20 Councilman Muscarella, seconded by Councilman

21 Macagnone.

22 On the vote, Supervisor Saladino?

23 SUPERVISOR SALADINO: "Aye."

24 MR. ALTADONNA: Councilman Muscarella?

25 MR. MUSCARELLA: "Aye."

1 MR. ALTADONNA: Councilman Macagnone?

2 COUNCILMAN MACAGNONE: "Aye."

3 MR. ALTADONNA: Councilwoman Alesia?

4 COUNCILWOMAN ALESIA: "Aye."

5 MR. ALTADONNA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: "Aye."

7 MR. ALTADONNA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: "Aye."

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 Motion to suspend the rules and add
12 Resolution Nos. 291 through 294 passes with seven
13 "Ayes."

14 Now, we have some Walk-Ons.

15 COUNCILMAN MACAGNONE: Now, can we
16 table 294?

17 MR. ALTADONNA: We did.

18 You want me to reread it?

19 Can I have a motion to table Resolution
20 No. 294?

21 COUNCILMAN MUSCARELLA: So moved.

22 COUNCILMAN MACAGNONE: Second.

23 MR. ALTADONNA: Motion made by
24 Councilman Muscarella, seconded by Councilman
25 Macagnone.

1 On the vote, Supervisor Saladino?
2 SUPERVISOR SALADINO: "Aye."
3 MR. ALTADONNA: Councilman Muscarella?
4 COUNCILMAN MUSCARELLA: "Aye."
5 MR. ALTADONNA: Councilman Macagnone?
6 COUNCILMAN MACAGNONE: "Aye."
7 MR. ALTADONNA: Councilwoman Alesia?
8 COUNCILWOMAN ALESIA: "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: Motion to table
16 Resolution No. 294 passes with seven "Ayes."
17 May I have a motion to resuspend the
18 rules and add the following Walk-On Resolutions:
19 295 through 297?
20 Now, I have to read all of them into
21 the minutes:
22 "Resolution No. 295, "Whereas, Michael
23 Browner, Cruise Night Committee Chairperson of the
24 Oyster Bay Chamber of Commerce, Inc., P.O. Box 21,
25 Oyster Bay, New York 11771, has requested a letter

1 dated April 14, 2016, the use of six complete
2 barricades and ten orange cones, the closure of
3 Audrey Avenue from South Street past Spring Street
4 down lower Audrey Avenue to Rail Road Museum. The
5 closure of Spring Street from West Main Street
6 north to lower Audrey Avenue and then along the
7 southerly edge of the Gazebo triangle to its west
8 end corner and the use of municipal parking, field
9 0-8 on the east side of the lower Audrey Avenue
10 just north of Audrey Avenue for its Classic Car
11 Cruise Night to be held every Tuesday evening
12 between the hours of 5:30 through 10:00 p.m., from
13 a May 10th -- I'm sorry, from May 30, 2017 through
14 September 26, 2017; and

15 "Whereas, John P. Bishop, Acting Deputy
16 Commissioner of the Highway Department by
17 Memorandum dated May 15, 2017 has advised that the
18 Highway Department is able to and will provide six
19 complete barricades and ten orange cones to the
20 Chamber of Commerce for the evening requested; and

21 "Whereas, this Town Board deems this
22 event to be an appropriate and worthwhile endeavor
23 and has determined that the approval of this
24 request will benefit the residents of the Town of
25 Oyster Bay.

1 "Now, therefore, be it resolved, that
2 the request is herein above set forth and it's
3 hereby approved by the Highway Department, is
4 hereby authorized to provide six and ten orange
5 cones, the closure of Audrey Avenue from South
6 Street past Spring Street down lower Audrey Avenue
7 to Rail Road Museum, the closure for Spring Street
8 from West Main Street to lower Audrey Avenue and
9 then along the southern edge of the gazebo triangle
10 to its western corner and the municipal parking
11 field 0-8 on the east side of lower Audrey Avenue,
12 just north of Audrey Avenue to the Oyster Bay
13 Chamber of Commerce and for its Classic Car Night
14 to be held every Tuesday evening at 5:30 p.m.
15 through 10:00 p.m. from May 30, 2017 through
16 September 26, 2017 subject to the following
17 conditions:

18 "The Oyster Bay Chamber of Commerce,
19 Inc. will supply itself "no parking" signs required
20 for the event.

21 "The use of all Town property for these
22 activities shall in each and every case be
23 conformed with the direction of the Commissioner of
24 the Department of Highway or its duly authorized
25 representative.

1 "The said organization will comply with
2 all ordinances of the Town of Oyster Bay both in
3 conduct in afore-described activities and its use
4 of Town property and the said organization shall
5 file with the Town Clerk, a certification or
6 certificate of insurance indicating that the
7 organization is covered by general liability
8 insurance in the amount of one million dollars with
9 a general agreement of two million in naming the
10 Town as an additional insured in connection with
11 the afore-described activities."

12 Now, we have 276.

13 "Whereas, Janet Buehler, co-chair,
14 Hicksville Chamber of Commerce, P.O. Box 7,
15 Hicksville, New York 11802 by letter dated March 1,
16 2017 has requested the use of Municipal Parking
17 Fields H-5, H-6 in Hicksville, Town of Oyster Bay,
18 New York on June 4, 2017 from 8:00 a.m. until
19 8:00 p.m. on the posting of "no parking" signs in
20 the said lot for June 4, 2017 for Hicksville
21 Chamber of Commerce's 15th Annual Hicksville Summer
22 Street Fair as well as 10 complete barricades and
23 15 yellow SORT pails to be delivered on Friday,
24 June 2, 2017 and picked up Monday June 5, 2017; and

25 "Whereas, the Hicksville Chamber of

1 Commerce, Inc. has contacted Shila Shah-Gavnoudias,
2 P.E., Commissioner of Nassau County Department of
3 Public Works to grant permission for the closing of
4 Jerusalem Avenue, a county road; and

5 "Whereas, John Bishop, Deputy
6 Commissioner of Highway Department, by Memorandum
7 dated May 15, 2017, has advised that the above-
8 mentioned property and equipment will not be
9 required for use by the Town at that time and that
10 the Highway Department has no objection to
11 providing same to Hicksville Chamber of Commerce;
12 and

13 "Whereas, the Town Board deems this
14 event to be an appropriate and worthwhile endeavor
15 and has determined that the approval of this
16 request will benefit the residents of the Town of
17 Oyster Bay.

18 Now, therefore, be it resolved, that
19 the request hereinabove set forth hereby approved
20 and the Department of Public Works and the Highway
21 Department are hereby authorized to provide the use
22 of Municipal Parking Fields H-5 and H-6 in
23 Hicksville on Sunday, June 4th, from 8:00 a.m.
24 until 8:00 p.m. and the posting of "no parking"
25 signs in said lots for the Hicksville Chamber of

1 Commerce's 15th Annual Hicksville Summer Street
2 Fair as well as ten complete barricades and 15
3 yellow SORT pails to be delivered on Friday,
4 June 2, 2017 and picked up on Monday, June 5, 2017,
5 subject to the following terms and conditions:

6 "The use of all Town property and
7 equipment shall be in conformance with the
8 direction of the Commissioner of the Highway
9 Department or his duly authorized representative.

10 "The organization shall comply with all
11 ordinances of the Town of Oyster Bay, both in its
12 use of Town property and equipment and in the
13 conduct of the aforementioned activity.

14 "The said organization shall file a
15 Certificate of Insurance in the office of the Town
16 Clerk indicating the said organization maintains
17 general liability insurance in the amount of one
18 million dollars each occurrence and two million
19 general aggregate naming the Town of Oyster Bay and
20 the county of Nassau as additional insured in
21 connection with the aforementioned activities."

22 297, "Whereas, in connection with the
23 Supervisor, Joseph S. Saladino's directive to
24 determine the rates and authority of
25 telecommunication carriers to install wireless

1 broadband and fiber optic equipment upon municipal
2 right of ways, the Office of the Town Attorney
3 issued a request for proposal for Special Counsel
4 service in connection there to; and

5 "Whereas Joseph Nocella, Town Attorney,
6 and Frank M. Scalera, Chief Deputy Town Attorney,
7 by Memoranda dated May 23, 2017 has advised that
8 the Office of the Town Attorney received two
9 responses, each of which were evaluated according
10 to the criteria set forth in the Town's Procurement
11 Policy and in accordance with Guideline 9 thereof;
12 and

13 "Whereas, the Town Procurement Policy
14 requires at least three qualified proposals;
15 however, the Office of the Town Attorney sent their
16 request for proposal to top ranked law firms on
17 Long Island, and therefore, a good faith, adequate
18 effort was made to obtain the requisite amount.

19 "Accordingly, the Office of the Town
20 Attorney has complied with the provisions of the
21 Procurement Policy; and

22 "Whereas, following such review, it is
23 recommended that the Town Board of the Town of
24 Oyster Bay, the Town Board authorize the retention
25 of Berkman, Henoch, Peterson, Peddy &

1 Fenchel, P.C., 100 Garden City Plaza, Garden City,
2 New York 11530, to serve as Special Counsel to the
3 Office of the Town Attorney in connection with
4 certain telecommunication matters including
5 litigation; and

6 "Whereas Joseph Nocella, Town Attorney
7 and Frank M. Scalara, Chief Deputy Town Attorney,
8 by the aforementioned memorandum recommend that the
9 Town Board authorize Berkman, Henoeh, Peterson,
10 Peddy & Fenchel, P.C., 100 Garden City Plaza,
11 Garden City, New York 11530, to be retained in the
12 amount not to exceed \$35,000 with funds to be drawn
13 from Account Number OTA A 1420 44110 000 0000, and
14 that the Office of the Town Attorney, aided by
15 Berkman, Henoeh, Peterson, Peddy & Fenchel, P.C.,
16 100 Garden City Plaza, Garden City, New York 11530,
17 PLLC, be authorized to commence litigation against
18 all parties that are deemed to be responsible for
19 damages sustained by the Town and its residents in
20 connection with the installation of
21 telecommunications equipment upon municipal right
22 of way.

23 "Now, therefore, be it resolved, that
24 the recommendations as herein above set forth are
25 accepted and that the Town Attorney is hereby

1 authorized to retain Berkman, Henoch, Peterson,
2 Peddy & Fenchel, P.C., 100 Garden City Plaza,
3 Garden City, New York 11530, for the purpose of
4 determining the rights and authority of
5 telecommunication carriers to install cellular,
6 wireless, broadband and fiber optic equipment upon
7 municipal right of way and for purposes of
8 commencing litigation against any and all parties
9 deemed responsible for damages sustained by the
10 Town and its residents in connection with the
11 installation of telecommunications equipment upon
12 municipal right of ways, and

13 "Be it further Resolved that the Office
14 of the Town Attorney aided by Berkman, Henoch,
15 Peterson, Peddy & Fenchel, P.C. is hereby
16 authorized to commence such litigation, and.

17 "Be it further resolved that the
18 Comptroller is hereby authorized and directed to
19 make payments in the amount not to exceed \$35,000
20 with funds to be drawn from account number OTA A
21 1420 44110 000 0000 upon submission of duly
22 certified claims after audit.

23 COUNCILMAN MUSCARELLA: So moved.

24 COUNCILMAN MACAGNONE: Second.

25 MR. ALTADONNA: Motion was made by

1 Councilman Muscarella, seconded by Councilman
2 Macagnone.

3 On the vote, Supervisor Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: "Aye."

9 MR. ALTADONNA: Councilwoman Alesia?

10 COUNCILWOMAN ALESIA: "Aye."

11 MR. ALTADONNA: Councilwoman Johnson?

12 COUNCILWOMAN JOHNSON: "Aye."

13 MR. ALTADONNA: Councilman Imbroto?

14 COUNCILMAN IMBROTO: "Aye."

15 MR. ALTADONNA: Councilman Hand?

16 COUNCILMAN HAND: "Aye."

17 Motion to resuspend the rules and add
18 the following Walk-On Resolutions 295 through 297
19 passes with seven "Ayes."

20 No, we'll call the whole regular Action
21 Calendar, noting that we've tabled Resolution
22 P-12-17 and we've tabled 294.

23 May I have a motion to adopt
24 Resolutions No. TF-7-17 through Resolution No. 296?
25 Transfer of Funds Resolution No.

1 TF-7-17; Resolution pertaining to Transfer of Funds
2 within various departments accounts for the Year
3 2017.

4 Resolution No. 255-2017; Resolution
5 authorizing the employment of the services of a
6 judge to adjudicate for the "Suburban Art League
7 Annual Open Show" for the Town of Oyster Bay
8 Awards, scheduled to be held June 16, 2017.
9 Account No. CYS A 7020 47660 000 0000. (M.D.
10 5/2/17 #4).

11 Resolution No. 257-2017; Resolution
12 authorizing the Department of Community & Youth
13 Services to sponsor *Battle of the Bands* during the
14 2017 "Music Under the Stars" on August 5, 2017 at
15 John J. Burns Town Park, Massapequa. (M.D. 5/2/17
16 #5).

17 Resolution No. 258-2017; Resolution
18 authorization the Department of Community and Youth
19 Services to obtain an explosive permit for the
20 fireworks display at the *Salute to America* program
21 on July 11, 2017 at John J. Burns Town Park,
22 Massapequa, and to authorize the Town Clerk to
23 waive the Town's portion of fees for said permit.
24 Account No. CYS A 7020 41800 000 0000. (M.D. 5/2/17
25 #6).

1 Resolution No. 259-2017; Resolution
2 authorizing the contracts with various performers
3 and/or their agents for the 2017 "Music Under the
4 Stars" concert series including *Salute to America*
5 and *Movies by Moonlight*. Account No. CYS A 7020
6 47660 000 0000. (M.D. 5/2/17 #7).

7 Resolution No. 260-2017; Resolution
8 authorizing a waiver of the fee for the beach and
9 pool passes and membership for the 2017 beach/pool
10 season for the family of fallen New York City
11 Firefighter and Bethpage resident, William Tolley.
12 (M.D. 5/2/17 #8).

13 Resolution No. 261-2017; Resolution
14 authorizing an agreement for Cablevision Master
15 Services, for a three-year period and to authorize
16 the Supervisor, or his designee, to sign said
17 agreement after negotiation by the Town Attorney.
18 Account No. CMP A 1315 46410 000 0000. (M.D.
19 5/2/17 #10).

20 Resolution No. 262-2017; Resolution
21 authorizing and directing the Town Clerk to
22 advertise a "Notice of Application" for Edwin A.
23 Goodman, to erect, maintain, improve, and/or repair
24 a dock, float, bulkhead or other mooring at 91 Cove
25 Road, Oyster Bay, New York. (M.D. 5/2/17 #11).

1 Resolution No. 263-2017; Resolution
2 pertaining to Settlement of Negligence Claim of
3 P & J. Dankowitz. (M.D. 5/2/17 #12).

4 Resolution No. 264-2017; Resolution
5 authorizing the issuance of a refund of a Parking
6 Permit fee to B. D. Parker, for a permit that is no
7 longer needed. Account No. HWY ST 0001 01721 000
8 0000. (M.D. 5/2/17 #13).

9 Resolution No. 265-2017; Resolution
10 pertaining to on-call engineering services relative
11 to Environmental Science for Contract No. PWC
12 12-16, Harbor Management for 2017. Account No. DER
13 A 8090 44500 000 0000. (M.D. 5/2/17 #14).

14 Resolution No. 266-2017; Resolution
15 pertaining to on-call engineering services relative
16 to Environmental Science for Contract No. PWC
17 12-16, Shellfish Management Programs for 2017.
18 Account No. DER A 8090 44500 000 0000. (M.D. 5/2/17
19 #15).

20 Resolution No. 267-2017; Resolution
21 pertaining to on-call engineering services relative
22 to Groundwater Monitoring at Old Bethpage Landfill
23 for Contract No. PWC27-16. Account No. DER SR 05
24 8160 44800 000 0000. (M.D. 5/2/17 #17).

25 Resolution No. 268-2017; Resolution

1 pertaining to on-call engineering services relative
2 to Emission Sampling at Old Bethpage Landfill for
3 Contract No. PWC28-16. Account No. DER SR 05 8160
4 44800 000 0000. (M.D. 5/2/17 #18).

5 Resolution No. 269-2017; Resolution
6 pertaining to on-call engineering services relative
7 to Oversight of Groundwater Treatment Facility for
8 Contract No. PWC 29-16. Account No. DER SR 05 8160
9 44800 000 0000. (M.D. 5/2/17 #19).

10 Resolution No. 270-2017; Resolution
11 pertaining to on-call engineering services relative
12 to Laboratory Analysis of Air and Water Samples for
13 the Old Bethpage Landfill for Contract No.
14 PWC30-16. Account No. DER SR 05 8160 44800 000
15 0000. (M.D. 5/2/17 #20).

16 Resolution No. 271-2017; Resolution
17 pertaining to on-call engineering services relative
18 to the Solid Waste Disposal Complex for Contract
19 No. PWC31-16. Account No. DER SR 05 8160 44800 000
20 0000. (M.D. 5/2/17 #21).

21 Resolution No. 272-2017; Resolution
22 granting request from the Incorporated Village of
23 Massapequa Park, to use one roll-off container for
24 the Village of Massapequa Park's Fireworks event at
25 Brady Park from June 30th through July 6, 2017.

1 (M.D. 5/2/17 #22).

2 Resolution No. 273-2017; Resolution
3 authorizing the use of a sub-contractor for
4 Contract No. PWC 32-16, On-call assistance relative
5 to the Department of Environmental Resources.
6 Account No. DER A 8090 44500 000 0000. (M.D.
7 5/2/17 #23).

8 Resolution No. 274-2017; Resolution
9 pertaining to on-call engineering services relative
10 to Operation and Development of O.B.S.W.D.C. for
11 Contract No. PWC 31-16. Account No. DER SR 05 8160
12 44800 000 0000. (M.D. 5/2/17 #24).

13 Resolution No. 275-2017; Resolution
14 authorizing the issuance of a refund for a picnic
15 permit at Marjorie R. Post Community Park to E.
16 Toro. Account No. PKS A 0001 02025 523 0000. (M.D.
17 5/9/17 #4).

18 Resolution No. 276-2017; Resolution
19 authorizing the issuance of a refund for a
20 registration fee for the Town's Youth Ice Hockey
21 League at the Town of Oyster Bay Ice Skating Center
22 to W. Seid. Account No. PKS A 0001 02001 510
23 0000. (M.D. 5/9/17 #5).

24 Resolution No. 277-2017; Resolution
25 authorizing the issuance of a refund for a

1 registration fee for the Town's Kickboxing Class at
2 the Hicksville Athletic Center to A. Londner.
3 Account No. PKS A 0001 02001 510 0000. (M.D. 5/9/17
4 #6).

5 Resolution No. 278-2017; Resolution
6 authorizing the issuance of a refund for a
7 registration fee for the Town's Kickboxing Class at
8 the Hicksville Athletic Center to E. Lamb. Account
9 No. PKS A 0001 02001 510 0000. (M.D. 5/9/17 #7).

10 Resolution No. 279-2017; Resolution
11 authorizing the issuance of a refund for a
12 registration fee for the Town's Summer Recreation
13 Program at Syosset-Woodbury Community Park to L.
14 Schwartz. Account No. PKS A 0001 02001 510 0000.
15 (M.D. 5/9/17 #8).

16 Resolution No. 280-2017; Resolution
17 authorizing the award of Engineering Services for
18 Contract No. H17-152 - Preparation of Contract
19 Documents for various highway requirements
20 contracts. Account No. HWY H 5197 20000 000 1503
21 008. (M.D. 5/9/17 #25).

22 Resolution No. 281-2017; Resolution
23 pertaining to an agreement for Lead Paint Testing
24 Services, commencing June 1, 2017 and ending
25 May 31, 2018 with an option clause for two one-year

1 extensions and for the Supervisor or his designee
2 to sign said agreement. (M.D. 5/9/17 #13).

3 Resolution No. 282-2017; Resolution
4 pertaining to Workforce Innovation and Opportunity
5 Act, Career & Employment Options, Inc., In-School
6 Youth Program. (M.D. 5/9/17 #15 & 5/16/17 #8).

7 Resolution No. 283-2017; Resolution
8 authorizing an appointment to the Zoning Board of
9 Appeals. Account No. PAD B 8010 11000 000 0000.
10 (M.D. 5/9/17 #16).

11 Resolution No. 284-2017; Resolution
12 pertaining to settlement of penalties assessed by
13 the New York State Department of Labor, Division of
14 Safety and Health, Public Employee Safety and
15 Health Bureau with respect to conditions at
16 Bethpage Community Park and Department of Public
17 Works in Syosset; Account No. Town A 1989 47900 000
18 0000. (M.D. 5/9/17 #17).

19 Resolution No. 285-2017; Resolution
20 pertaining to Contract No. PWC 06-16, On-Call
21 Engineering Services relative to Contract
22 Administration for sidewalk replacement for
23 Highway. Account No. HWY H 5197 20000 000 1503
24 008. (M.D. 5/9/17 #18 & 5/16/17 #17).

25 Resolution No. 286-2017; Resolution

1 authorizing award of construction Contract No.
2 DP15-132 Oyster Bay Golf Course C.V.M. Building
3 Roof Replacement. Account No. PKS H 7197 20000 000
4 1502 001. (M.D. 5/9/17 #19).

5 Resolution No. 287-2017; Resolution
6 pertaining to Contract No. PWC 07-16, On-Call
7 Engineering services relative to Civil Engineering
8 for repairs and improvements at various Town pools.
9 Account No. PKS H 7197 20000 000 1504 013. (M.D.
10 5/9/17 #20 & 5/16/17 #16).

11 Resolution No. 288-2017; Resolution
12 granting request from the Chamber of Commerce of
13 the Massapeguas, Inc., for Town assistance in
14 conducting their Annual Community Street Festival
15 on June 4, 2017, to have Town Ordinance Chapter
16 82-3 waived and to use various Town equipment for
17 the event. (M.D. 5/9/16 #24).

18 Resolution No. 289-2017; Resolution/
19 Order calling a public hearing to consider the
20 application of the Jericho Water District for Bond
21 Financing for Improvements to said water district.
22 Hearing date: June 6, 2017. (M.D. 5/9/17 #26).

23 RESOLUTION NO. 290-2017; Resolution
24 directing the Town Clerk to advertise a Notice of
25 Hearing to consider a Local Law to amend Chapter 64

1 of the Code of the Town of Oyster Bay to add a new
2 Section 64-11 to Chapter 64 entitled "Purchasing in
3 relation to prohibiting the Town from entering into
4 contracts with certain individuals or companies."
5 Hearing date June 6, 2017. (M.D. 5/9/17 #27).

6 Resolution No. 291-2017; Resolution
7 directing the Town Clerk to advertise a Notice of
8 Hearing to consider a Local Law to add Chapter 242
9 of the Code of the Town of Oyster Bay entitled,
10 "Wireless Telecommunications Facilities" and to
11 Revise Sections of Chapter 246-5 of the Code.
12 Hearing date June 6, 2017. (M.D. 5/16/17 #22).

13 Resolution No. 292-2017; Resolution
14 authorizing litigation against any and all
15 individuals and/or entities responsible for any
16 losses sustained by the Town as a result of prior
17 concessionaires' operations at and involving the
18 Town of Oyster Bay Golf Course, TOBAY Beach, and
19 Tappen Beach. (M.D. 5/16/17 #23).

20 Resolution No. 293-2017; Resolution
21 authorizing the Town to become a member in The Long
22 Island Water Conference, which includes
23 participation in an inter-municipal purchasing
24 agreement, and to secure a contractor through said
25 agreement to make emergency repairs to the

1 chlorinator pump at the TOBAY Beach facility.
2 Account No. PKS H 7197 20000 000 1502 001. (M.D.
3 5/16/17 #25).

4 On the motion?

5 MR. MUSCARELLA: So moved.

6 COUNCILMAN MACAGNONE: Second.

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

10 Supervisor, you have multiple speakers
11 on all of these Resolutions.

12 SUPERVISOR SALADINO: Our first speaker
13 will be Dr. David Berg of Syosset.

14 Good evening.

15 DR. BERG: Good evening.

16 SUPERVISOR SALADINO: Would you please
17 give us your name and address for the record?

18 DR. BERG: Sure.

19 Dr. David Berg, 190 Berry Hill Road,
20 Syosset, New York.

21 SUPERVISOR SALADINO: Thank you.

22 MR. BERG: Town Supervisor Saladino and
23 Town of Oyster Bay Council Members, my name is
24 Dr. David Berg. I am a long time Town of Oyster
25 Bay resident and I come before you tonight to

1 discuss the issue of the installation of many cell
2 towers throughout our Town and what needs to be
3 done regarding this plague upon our community.

4 There are potential health risks like
5 potential carcinogenic effects, headaches, sleeping
6 disturbances, eye and testicular conditions and
7 many other health concerns associated with RF
8 radiation being emitted by these cell towers 24
9 hours a day, seven days a week, 365 days a year.
10 They don't have an off switch.

11 Therefore, guidelines for the testing
12 of these cell towers must be established similar to
13 testing of other radiographic types of equipment;
14 for example, X rays get tested on a quarterly
15 basis. CAT scan equipment gets tested on a
16 bimonthly basis.

17 All researchers and scientists agree
18 that until more long-term studies are performed,
19 people should reduce exposure, not increase
20 exposure like in the case of putting these
21 facilities 25 feet away from children's bedrooms
22 like what Crown Castle has done.

23 These towers have been shown to reduce
24 property values in some instances up to 10 or 15
25 percent. Considering the high property values of

1 homes within the Town of Oyster Bay, this would be
2 an extremely high burden placed upon its residents
3 and homeowners.

4 These many cell towers are also ugly,
5 obtrusive, and not within the pristine aesthetic
6 character of our community. Residents within our
7 community of Tobay spend hundreds, if not
8 thousands, of dollars per year improving and
9 maintaining the exterior aesthetics of their homes
10 and properties.

11 The following are a set of remedies
12 that the residents are immediately requesting and
13 expect immediate action from the Town of Oyster
14 Bay.

15 Number one, immediate removal of the
16 poles with no equipment on them and immediate
17 relocation -- and immediate relocation of the poles
18 with equipment installed on them.

19 I'm quoting now current, current, not
20 proposed, but current Town of Oyster Bay zoning
21 law.

22 "It states, the applicant," in this
23 case, Crown Castle, "shall also prepare and submit
24 a study which demonstrates a public need for such a
25 tower based upon an area service plan which

1 minimizes the number of such facilities within the
2 Town, maximizes call location and shared use of
3 existing or proposed towers."

4 Now, here's the important part of this
5 zoning ordinance that is existing on the books
6 today.

7 "And analyzes alternatives which may be
8 available to minimize visual impacts and exposure
9 levels."

10 Clearly, Crown Castle is in violation
11 of this existing ordinance because placing many
12 cell towers just 25 five feet away from children's
13 bedrooms is not minimizing exposure or visual
14 impact; it's increasing it.

15 Regarding the pole by my own home, I'm
16 constantly reminded by the Town of Oyster Bay, a
17 corner house is considered having two front yards.

18 Well, that pole is right outside,
19 direct visual impact to my front yard. An attempt
20 to stealth these poles, to minimize visual impact
21 as stated in your current ordinance was not even
22 attempted. Again, another clear violation.

23 Number two --

24 SUPERVISOR SALADINO: Dr. Berg, there's
25 a set -- a time limit set.

1 This is a very, very important issue
2 and I'm very interested in hearing all of your
3 testimony.

4 DR. BERG: I'm almost done.

5 SUPERVISOR SALADINO: Oh, I thought you
6 had a long list.

7 There were just two items?

8 Dr. Berg: I'm just going to run
9 through it right now.

10 SUPERVISOR SALADINO: Thank you.

11 MR. BERG: Number two, we, the
12 residents request very strict Town of Oyster Bay
13 ordinances and regulations regarding the placement,
14 construction and modification of these
15 telecommunication facilities, power that's given to
16 you by Section 704 of the Telecommunications Act of
17 1996. Enacting these new stricter ordinances are a
18 great first step.

19 But that leads me to our next request,
20 Number three.

21 The residents want proper
22 administration and enforcement of these ordinances
23 and regulations. Our neighboring town of Hempstead
24 is using a company known as a Center for Municipal
25 Solutions to make recommendations regarding the

1 administration and enforcement of their ordinances.

2 The following is a quote from them.

3 I quote, "regulations seldom determine
4 the state of the deployment. Actually, it's seldom
5 the actual policies adopted that create adversarial
6 situations and slow deployment. Rather, it's
7 primarily a matter of how the policies are
8 administered coupled with the degree of knowledge
9 and expertise of the persons analyzing the
10 applications. It is having an intimate knowledge
11 of the law and how the applicants true technical
12 needs and knowing how to achieve the goals of both
13 the applicant and the community that enables a
14 win/win scenario," end quote.

15 This company's recommendations enables
16 communities like ours often for the first time to
17 make informed decisions about all of their options
18 or rights. They focus on striking a balance
19 between the needs of the community and those of the
20 carrier creating win/win situations. This helps
21 protect the nature and character of a community
22 like ours by enabling the community, if it desires,
23 to require the facility to have the least visual
24 impact, all of this at no cost to the Town.

25 You see, Council Members, Supervisor,

1 ordinances without proper administration and
2 enforcement are just words on a paper.

3 In conclusion, regarding this plague of
4 many cell towers, also known as wireless
5 telecommunications facilities, which are springing
6 up all over our community, well, this is like a
7 natural disaster. You didn't create it, but your
8 offices require you to address it.

9 Thank you for your time and
10 consideration.

11 COUNCILMAN MACAGNONE: Thank you,
12 Doctor.

13 SUPERVISOR SALADINO: Thank you,
14 Dr. Berg.

15 I just have a couple of questions for
16 you.

17 First of all, you're going to be very
18 happy to know that as soon as this came to my
19 attention, we stopped providing permits for this
20 and we are now engaged with a top law firm.

21 Through an appropriate bidding process,
22 we have the lowest bidder. We went out to eleven
23 different firms. We found one that is one of the
24 best and it was the lowest of those who responded
25 in the cost to the Town and they happen to have an

1 excellent reputation. They have done work
2 assisting the Town of Hempstead, in Nassau County,
3 Suffolk County, the Town of Cheektowaga, Upstate
4 New York, and the Village of Muttontown.

5 We are taking this very seriously. We
6 have stopped giving permits for these as soon as we
7 realized -- as soon as I realized that these
8 permits were going out, you and I met with
9 residents and now we are going through a very, very
10 aggressive process to push back and to get these
11 removed wherever possible, to get them moved from a
12 residential areas, because I don't believe they
13 belong in residential areas, and to begin a process
14 to take every legal step, as you know, you're in a
15 business where you have to adhere to the law.

16 Can you tell us how long that repeater
17 antenna has been near your property?

18 DR. BERG: I don't have -- I'm probably
19 one of the seven properties that just has a pole
20 there.

21 Crown Castle did come about three,
22 three-and-a-half weeks ago with a crew with the
23 equipment on their truck and their hard-hats and
24 their yellow vests and they were going to install
25 the equipment onto this naked utility pole.

1 However, that was the same day that we
2 contacted -- that News 12 came over to our pole and
3 did a little story. This about three,
4 three-and-a-half weeks ago.

5 Well, they saw News 12 there, they made
6 a few phone calls on their cell phone, they got
7 back in their trucks, put on their seatbelts and
8 drove away, so, I guess for us, it was good timing.

9 SUPERVISOR SALADINO: Have you had any
10 situation where or where you heard of, perhaps, a
11 patient who's having a medical problem that you
12 could perhaps relate to the RF signal?

13 DR. BERG: Yes. These -- yes,
14 Supervisor. I do have patients who have
15 pacemakers. Okay.

16 The other issue for me personally,
17 again, I didn't want to come to the Town and -- and
18 state my own personal issue because I believe it's
19 Town issue. It's actually, to be honest with you,
20 a nationwide issue. Okay.

21 SUPERVISOR SALADINO: This is a
22 nationwide issue.

23 This is not a Town of Oyster Bay issue.

24 MR. BERG: California, they're having
25 it all over, correct. New Jersey.

1 SUPERVISOR SALADINO: Yes, based on the
2 federal law that strips municipalities of the
3 rights to demand where they go but we do have
4 certain options and we are grasping every option to
5 use a full throttle approach against it.

6 MR. BERG: Well, I have patients, just
7 so that you are aware because I have -- I have a
8 home office where I live. I purchased the house.

9 The home, for the last 60 years, was
10 owned by doctors, okay. I'm the third doctor
11 there.

12 SUPERVISOR SALADINO: Any with cancer?

13 DR. BERG: Well, that's what I was
14 going to get to. I have some patients that have
15 pacemakers. Okay. This EMF radiation can affect
16 pacemaker operation. Okay.

17 Secondly, I perform certain nerve
18 testing, known as EMG/NCV, maybe you've heard of
19 that type of test. Okay. It enables a doctor to
20 know whether the nerves are functioning properly.
21 Okay.

22 That EMF radiation can affect the
23 results of those tests as well. Okay. So for me,
24 it's critical to get this, obviously, moved to
25 another location. Okay. But it's important,

1 imperative for everyone involved because we don't
2 want these near our children.

3 SUPERVISOR SALADINO: By the way, I
4 happen to concur with you, and most of our Board
5 Members feel the same way. We don't want them in
6 residential areas, we don't want them near our
7 children. We're as -- and schools obviously and so
8 forth -- and we're as concerned as you are and as
9 concerned as every resident and that's why the good
10 news today, that we are engaging with this law firm
11 which has one of the best reputations in New York
12 State, if not in the nation in dealing with these
13 new technologies, in dealing with pushing back
14 against these companies.

15 And just to clarify, you have any
16 patients in addition to the pacemaker issues with
17 cancer issues associated with this?

18 DR. BERG: Well, I don't want to
19 mention it because, again, I don't like to -- when
20 I approach a Town Board, I don't like to
21 personalize it. This is obviously a community
22 issue, but I have -- I have a son who was diagnosed
23 with cancer a year ago. Okay.

24 SUPERVISOR SALADINO: I'm so sorry.

25 MR. BERG: And he was just a couple of

1 months ago deemed in remission of his cancer. He
2 underwent treatment. He's in remission.

3 He also just graduated Binghamton
4 University as a pre-med major and he's going on to
5 medical school over at the College of Osteopathic
6 Medicine over by NYIT. I'm sure some of you may be
7 aware of that.

8 He's staying local. Okay. And he was
9 going to stay at our home to save some money as far
10 as room and board goes and commute, obviously, ten
11 minutes away to -- to the school. Well, this pole
12 is literally about 55 feet away from his bedroom.

13 SUPERVISOR SALADINO: Has there been
14 equipment on that pole?

15 DR. BERG: Again, there is no equipment
16 on the pole which leads me to a question for you,
17 Supervisor and the Board, if you allow me.

18 I understand you used the term rescind
19 the permits. Okay. If the permits are rescinded
20 and there are a poles sitting there with no
21 equipment on them, why can't those poles just be
22 removed? I understand an issue.

23 SUPERVISOR SALADINO: Let's get your
24 question answered because our legal team has
25 already been started on this and we have engaged

1 one of the top firms to help us fight this and to
2 give us the leverage.

3 You know, as does the public, as I've
4 explained to them, that the federal government has
5 tried to tie our hands and we have demanded in
6 letters, to the press, and every way possible, that
7 our federal representatives, our federal senators,
8 amend the law, allow us to stop and shut these off
9 until a full medical examination can take place, an
10 in-depth study to get the public's questions
11 answered.

12 And by the way, I'm so sorry about your
13 son's situation, and I'm glad to hear he's in
14 remission and I hope he is -- he continues to be in
15 remission, and I wish him the best of luck as he
16 becomes a D.O.

17 Is that your area of expertise as well?

18 MR. BERG: I'm a chiropractor, and his
19 uncle is a cancer surgeon, so he decided to go
20 halfway to be a doctor who has some holistic
21 qualities.

22 SUPERVISOR SALADINO: That's wonderful.

23 Let's get that question answered from
24 our Town Attorney. Let's speak to this issue.

25 MR. BERG: I just wanted to make a

1 statement.

2 I understand the complexities of
3 removing a pole with a equipment because the
4 company can then come back and say well, you have
5 damaged our equipment. Okay. That could be an
6 issue, but I'm talking about naked poles right now
7 without any equipment on them and, obviously,
8 without any permits.

9 SUPERVISOR SALADINO: Let's get the
10 legal opinion and let's start looking at this from
11 the beginning.

12 MR. NOCELLA: In the first instance,
13 for your direction, sir, we have revoked the
14 permits and we've stopped all -- we issues a cease
15 and desist letter to stop any further
16 implementation of these.

17 You mention, Dr. Berg, the Center for
18 Municipal Solutions. The firm that we are
19 engaging, in appropriate circumstances, works
20 closely -- I'm quoting from their proposal.

21 DR. BURG: I'm sorry. When you say
22 firm, you mean the law firm?

23 MR. NOCELLA: Their law firm.

24 Works closely with the Center for
25 Municipal Solutions, once of the few national

1 telecommunications experts that provides its
2 services exclusively to municipalities and not to
3 the telecommunications industry.

4 They work closely with -- they work
5 almost exclusively on behalf of municipalities in
6 order to address the very concerns that you have
7 which is why their proposal stood out and was also
8 cost effective.

9 We've -- we need this engagement as
10 quickly as possible to address the very issues and
11 the complexities having now followed the
12 Supervisor's direction in revoking the permits as
13 to what to do with the poles. I'll be on the phone
14 with them tomorrow determining what actions we can
15 take.

16 MR. BERG: Because the way I look at
17 and the way most of these other residents look at
18 it, you're talking about naked utility poles,
19 there's no equipment on them. They now have no
20 permits to be there.

21 Why are they there? Let's take them
22 down.

23 SUPERVISOR SALADINO: Dr. Berg, we are
24 in the process of working with one of the very best
25 firms available that deals with this issue

1 specifically to help us craft the strongest code
2 amendment that you will find in America. We are
3 focused on fighting them tooth and nail with every
4 last resource we have to make sure we are
5 protecting the residents and protecting the
6 integrity of the utilities strip.

7 At my direction, and with the support
8 of this Town Board, we are going to fight them
9 tooth and nail to stop putting these in residential
10 neighborhoods.

11 You know and the public knows that the
12 federal law is tying our hands. We will not stop
13 at that. You know because we've had the
14 conversation before numerous -- in detail that the
15 Town of Oyster Bay has already filed suit, as did
16 17 other municipalities. Almost everyone lost
17 those suits, but we are not stopping there. I
18 believe the residents are right. I believe of the
19 importance of standing strong with the residents.

20 We are going to go through the process
21 legally, dot every I and cross every T to have the
22 best result here and to build the leverage so that
23 we can motivate them to move these poles away from
24 homes.

25 I share your concerns, your ideology,

1 and the feelings of all of the residents and my
2 colleagues that we have to make a strong statement,
3 and if it means being the biggest fight in the
4 nation, if it means being the national leader, we
5 are going to continue this fight for our residents
6 and for doing the right thing.

7 I'd ask that you please give your
8 specific information to our Town Attorney at this
9 time so that we can make your -- that pole outside
10 your home in the utility strip one of the highest
11 priorities and that we can use every means, every
12 legal means we have to fight them to show good
13 faith effort to remove that pole.

14 All right. Thank you.

15 MR. BERG: Okay.

16 Thank you very much and, again, thank
17 you for hearing my concerns and the concerns of the
18 residents this evening.

19 SUPERVISOR SALADINO: We are in lock
20 step with you and all of the residents because we
21 understand this dilemma and we will continue to be
22 the leader in the nation.

23 Thank you.

24 (Applause.)

25 SUPERVISOR SALADINO: Our next speaker

1 is Mr. Kevin McKenna.

2 MR. MCKENNA: Kevin McKenna, Syosset,
3 New York.

4 Did I hear you say you tabled P-12-17?

5 MR. ALTADONNA: Yes, that's correct, as
6 well as 294.

7 MR. MCKENNA: Resolution No. 273, I
8 notice that had there was a little bit more backup
9 on some of the Resolutions, but for some reason,
10 the backup on this one really didn't give any
11 explanation as to what it was for.

12 Could anyone tell me what it was for?
13 I would think that you know since you're voting on
14 it. I just couldn't understand what it was.

15 SUPERVISOR SALADINO: Thank you, Tim.

16 COMMISSIONER PEARL: Resolution 273
17 was authorization for D & B Engineers and
18 Architects to utilize a subcontractor for traffic
19 engineering.

20 D & B was one of the companies that was
21 previously -- back in the end of last year -- think
22 it was reso -- give me one second -- Resolution 702
23 from 2016. A DER went out for special consultant
24 services RFP and it was awarded to two separate
25 companies.

1 MR. MCKENNA: What project -- what
2 project is it for?

3 COMMISSIONER PEARL: This particular
4 project it's for all of them. Whatever project
5 that they be doing when we assign them projects.
6 This particular resolution is going to allow them
7 to utilize LK McLean to do those traffic studies.

8 MR. MCKENNA: For what? Traffic study
9 for what?

10 COMMISSIONER PEARL: For whatever the
11 project requires. We assign that. This particular
12 resolution was established originally for -- they
13 did actually discuss this tonight for about Dave
14 and Buster's, for the traffic survey for Dave and
15 Buster's that was done for that particular program.
16 If I'm not mistaken, I think there's been some
17 misunderstanding in that some questions have been
18 coming into the Town in regards to this company
19 doing traffic studies with Syosset Park projects.
20 That is not the case.

21 MR. MCKENNA: So you can go on the
22 record right now and say that this resolution has
23 nothing to do with the Syosset Park project?

24 COMMISSIONER PEARL: I can't say that
25 because I don't know if we're going to utilize them

1 in the future to review anything to do with Syosset
2 Park project.

3 MR. McKENNA: So what you're saying is
4 that you authorized a Resolution -- by the way,
5 this resolution was authorized in March. I think
6 it was March 23rd if my memory serves me correct.
7 It was signed off and requested in March and here
8 we are, in May, voting on it, and it did say it's
9 for a traffic study. I've got to believe that
10 there's a traffic study in mind for you to bring
11 this to a vote.

12 COMMISSIONER PEARL: This is
13 specifically for D & B to utilize a subcontractor,
14 if needed, for traffic studies because when we do
15 all of our environmental reviews, we don't have an
16 environmental traffic engineer on our staff so we
17 don't want to utilize just one company such as CSF
18 or just D & B so when we do a review of an
19 environmental project that comes in, if it's very
20 technically detailed, obviously, we can't do that
21 in-house; we have to utilize a sub-consultant.

22 We had assign D & B the project of Dave
23 and Buster's because also when you do these
24 reviews, there's a time period that we have to have
25 it done by. Usually, it is within 30 days, so we

1 were coming and getting a little bit overwhelmed in
2 our department. We're trying to do a lot of the
3 simple ones in house.

4 MR. McKENNA: You're saying -- and I'm
5 learning right now -- you're saying that if you
6 do -- you would do the traffic study for Dave and
7 Buster's, why wouldn't they be the ones that are
8 doing it?

9 COMMISSIONER PEARL: Well, it depends
10 on the size of the project.

11 COUNCILMAN MACAGNONE: Mr. McKenna, a
12 lot of times, the applicant does one but the Town
13 has, you know, the applicant always going to tell
14 you that the traffic's no big deal and that's why
15 the Town does one, so we get a different viewpoint.

16 MR. McKENNA: Okay. The way that I
17 read it, because it was vague, I was under the
18 impression that it --

19 COUNCILMAN MACAGNONE: Thank you,
20 Mr. Pearl.

21 MR. McKENNA: So you're saying that you
22 don't know right now what you're going to use this
23 for?

24 COUNCILMAN PEARL: As projects come in.

25 MR. McKENNA: Right. As it comes in.

1 So you don't have a project right now
2 that you know that you're going to use the traffic
3 study for?

4 COMMISSIONER PEARL: Well, let me just
5 back up a little bit.

6 This original -- this original
7 Resolution was for work that was done on
8 March 27th. When we put this in, it was, I guess,
9 a clerical error on our part because we actually
10 amended this memo to reflect [inaudible] back to
11 March 27th. I don't believe it was in the backup
12 in that particular memo, but that change would be
13 reflected.

14 COUNCILMAN MACAGNONE: Commissioner
15 Pearl, can we be assured that prior to any work
16 done or plans done for the Syosset Park, that we
17 will have a separate vote for the traffic engineer
18 that we'll be using?

19 COMMISSIONER PEARL: Well, if I may,
20 the DEIS, that traffic study is being done by DHB,
21 which is by the applicant. We already assigned
22 Cashin, Spinelli & Ferretti to review that process.
23 They have their traffic engineers on staff so when
24 we did our review process, they reviewed DHB's
25 findings for the Town on our behalf so that was

1 already being done in the initial DEIS, and as a
2 matter of fact, we're still waiting on their
3 response to our comments.

4 MR. McKENNA: The only problem with
5 that and just my two cents is that the traffic
6 study that's in the VHB, DEIS report is from
7 two years ago.

8 So that's why I, when I read this, I
9 thought that because you know that that traffic
10 study was done years ago and today is lot a
11 different than even a year ago, one would make me
12 think that this is for the Syosset Park so as the
13 Councilman just said, that would be great if you
14 could I -- I want to the tie this into, you know,
15 Councilman Coshignano is gone, we had talked about
16 getting an --

17 COUNCILMAN MACAGNONE: Independent.

18 MR. McKENNA: -- getting an independent
19 consultant for the whole project in light of
20 transparency because of a lot of different reasons.
21 Now, Council Coshignano's gone.

22 COUNCILMAN MACAGNONE: I still support
23 that, Mr. McKenna. I think it's a great idea.

24 With something this big -- this big of
25 a project, got to get it right the first time.

1 There's no second bite at the apple. I agree with
2 you. There should be an independent consultant.

3 MR. McKENNA: I appreciate you agreeing
4 with me.

5 I've e-mailed Councilman Imbroto a few
6 different times asking his opinion on this and as
7 much as he responds, I just can't even get a
8 feeling from him as to his position on it. I've
9 e-mailed overs, I've gotten no response, so it's is
10 a very important matter and I think it's time that
11 that you guys decide whether or not you're for this
12 you're against it.

13 You, Supervisor, you know, you talk
14 about the Grumman situation and, you know, we're
15 years down the road, you need to be safe here and
16 careful and you can't have interested parties,
17 financially interested parties deciding what should
18 and should not go on this site. Because there's
19 testing that's going on right now by the DEC and --
20 you just need to have an independent consultant.

21 SUPERVISOR SALADINO: Mr. McKenna, are
22 you suggesting that the DEC is working in cahoots
23 with a private developer to change or somehow
24 adjust the results of the study?

25 MR. McKENNA: I didn't say that. I

1 said that right now, there is a recent change in
2 the DEC's plan on one of the sites and there's
3 testing that they have asked to have happen.

4 SUPERVISOR SALADINO: So that you
5 know --

6 MR. McKENNA: And -- let me just
7 finish.

8 And I foiled -- I foiled -- it's
9 actually a good time to bring this up and then I
10 won't even take time on the other ones. But I
11 foiled, back on -- and this is a very, very
12 important matter which you say you're concerned
13 about -- back in April, I foiled --

14 SUPERVISOR SALADINO: We really don't
15 need to go down that road. Please tell us the
16 information.

17 MR. McKENNA: The Town of Oyster Bay is
18 obligated every certain period over the past five
19 years to do testing of the soil, the gases. I was
20 going to read it, but there's no need.

21 SUPERVISOR SALADINO: Let's get an
22 answer for you.

23 Can you tell us Commissioner --

24 MR. McKENNA: I -- can I just finish?

25 SUPERVISOR SALADINO: I was going to

1 get you an answer on the testing.

2 MR. McKENNA: I didn't ask you the
3 question yet.

4 I foiled the test results of this and I
5 got a response back from the Clerk's office which
6 comes from the Environmental Department and it said
7 that within 20 days, that a determination would be
8 made that I would get those results.

9 That was in April. I received another
10 letter dated May 22nd basically saying that --

11 SUPERVISOR SALADINO: Excuse me,
12 Mr. McKenna.

13 MR. McKENNA: -- you can't provide the
14 information, so I'm concerned that --

15 SUPERVISOR SALADINO: What is your
16 question, sir?

17 MR. McKENNA: -- you don't have the
18 test results and that's why I think that you need
19 to get an independent consultant to make sure that
20 you get the proper results on these site because
21 you apparently don't have them.

22 SUPERVISOR SALADINO: Thank you,
23 Mr. McKenna, for your testimony. It is greatly
24 appreciated.

25 Our next speaker is Robert Ripp of --

1 MR. McKENNA: So you're not interested
2 in the independent consultant?

3 SUPERVISOR SALADINO: We are very
4 interested in that.

5 You've had ten minutes to give us
6 information like everyone else and we appreciate
7 that testimony.

8 MR. McKENNA: What would be the next
9 step that would happen as a Board to try to decide
10 whether or not that's something that's possible or
11 not?

12 SUPERVISOR SALADINO: We are going to
13 be going through that process and we will
14 clearly --

15 MR. McKENNA: What's the process?

16 SUPERVISOR SALADINO: Sir, you may use
17 your time as you wish --

18 MR. McKENNA: I'm asking you a very
19 legitimate question.

20 What is this process that the Board
21 will take to decide this?

22 SUPERVISOR SALADINO: I know you'll be
23 coming back up during the public comment period, so
24 let's return to this and let the next person have
25 their time.

1 MR. McKENNA: And maybe by that time
2 you can figure out what the process is.

3 Thank you.

4 SUPERVISOR SALADINO: Our next speaker
5 is Robert Ripp of Massapequa.

6 MR. RIPP: My name is Robert Ripp. I'm
7 from Massapequa, New York.

8 Before we begin, I would just --

9 SUPERVISOR SALADINO: Would you kindly
10 give us your address?

11 MR. RIPP: 77 Sunset Road, Massapequa,
12 New York.

13 I just want to touch on rules of
14 decorum before I start.

15 SUPERVISOR SALADINO: Well, it's part
16 of your time. I guess you are going to use it as
17 you wish.

18 MR. RIPP: That's okay. That's all
19 right.

20 I just want to say is that I hope you
21 recognize that you allow ten minutes and I have the
22 floor for ten minutes. The rules of decorum that I
23 shouldn't be interrupted.

24 SUPERVISOR SALADINO: Well, when we're
25 going over those rules, it's important to point out

1 that everyone must abide by the rules and --

2 MR. RIPP: You're running my time now,
3 you're --

4 SUPERVISOR SALADINO: And also that
5 people's conduct, when they're not speaking and
6 they're sitting here, must be respectful of others.

7 MR. RIPP: I agree with you.

8 SUPERVISOR SALADINO: I would ask that
9 you please keep that in mind for all Board
10 meetings.

11 MR. RIPP: You know, I agree with you
12 and I think that the rules of decorum should be
13 adhered to on all sides here.

14 And in all fairness, I'd ask you to
15 reset the clock now that we've come to a conclusion
16 on that. I mean, it's only a minute, but you did
17 use some of my time.

18 I do have ten minutes, right?

19 COUNCILMAN MUSCARELLA: We got it. We
20 stop it.

21 MR. ALTADONNA: Are you talking to me?
22 I stopped it.

23 SUPERVISOR SALADINO: We are also going
24 to be respectful and we hope that all residents
25 will be respectful.

1 MR. RIPP: Listen, what I wanted to
2 start out with is the cell phone tower thing. I've
3 done as much research as can and I notice,
4 Mr. Saladino, that you constantly have said that
5 the Town has sued, but I've yet to find one lawsuit
6 that the Town has instigated. It looks like the
7 Town has been sued a number times over a -- taking
8 back permits.

9 SUPERVISOR SALADINO: Let's get that
10 question answered.

11 MR. RIPP: Hold on a second. Let me
12 get my ten minutes in. You keep interrupting me.

13 SUPERVISOR SALADINO: Well, if you are
14 going to make a claim -- don't you want the public
15 to hear the truth?

16 MR. RIPP: Fair.

17 If you'd like for me to finish my
18 statement and then reply because you're jumping --
19 I didn't even finish what I'm saying and you're
20 already interrupting me.

21 I mean, I really would prefer --

22 SUPERVISOR SALADINO: We just want an
23 honest discourse.

24 MR. RIPP: If I can get my ten minutes
25 and just speak without being interrupted. I didn't

1 even get done saying what I was saying and you're
2 interrupting me already. Okay.

3 What I wanted to say was, to the best
4 of my knowledge, what I've been able to determine
5 is the Town has been sued a number of times. One
6 time was by AT&T specifically because we revoked
7 the special use permits. I've yet to find an
8 incident where the Town has sued any of the
9 telecommunication companies. If you could point
10 one out to me, I'd appreciate it. Okay.

11 Getting into Resolution 285, all right,
12 this is -- this is a Resolution we spoke about a
13 number of things. This is the -- this is in the
14 sidewalk, the sidewalk deal you have going on.

15 This Resolution -- we now want to
16 provide a two-year contract to \$50,000 a year to
17 this company, Schneider Engineering, so they can
18 review the sidewalk work.

19 The last time I was up here, I was able
20 to explain a few things about the sidewalk program,
21 but I learned more, so I'd really like to explain
22 these things to you and to the public because --

23 SUPERVISOR SALADINO: It is also
24 important to point out that you came -- last time
25 you were here, you came here making claims and we

1 found out from our experts that they were not the
2 case, so it's important --

3 MR. RIPP: I don't even know what
4 you're talking about. You're interrupting me.

5 SUPERVISOR SALADINO: So my point is --
6 my point is that there has been a pattern of you
7 coming to this Board meeting, which you have the
8 right to do, but to provide information that
9 doesn't happen to be true.

10 MR. RIPP: That is -- I disagree. I
11 disagree.

12 SUPERVISOR SALADINO: Of course, you
13 would.

14 MR. RIPP: For instance, you just
15 said -- you just said that the Town -- I'll give
16 you a good one.

17 You told me that you knew that 25
18 people were interviewed for Justin McCaffrey's job,
19 but you refused to identify who those 25 people
20 are. Okay. So -- so, whatever.

21 All right. Listen, in the sidewalk
22 program, back in 2013, the Town amended the law.
23 Okay. So that -- so that if you feel -- if the
24 Town -- they included a law that -- that was
25 sidewalk compliance required and you passed a law

1 so that if the Town deemed that your sidewalk had
2 to be repaired and you -- and you refused to repair
3 it, that the Town could go ahead and repair the
4 sidewalk and then place the cost of the sidewalk
5 repair on -- against a person's property tax.

6 And then later on, excuse me, at the
7 same time, July 12th, that was the same day that
8 you passed a law that allowed you to go after
9 people for not violated -- for violating your
10 sidewalk code and then placed the cost of it
11 against their property tax, the same day you ended
12 the sidewalk repair subsidy program. This is
13 July 12th. Okay.

14 You went on to pass another Resolution,
15 599-2016 that claim that the purpose of that
16 contract is for -- is for the replacement of
17 residential concrete within the Town's right of way
18 for which request have been received prior to the
19 termination of the sidewalk program. Supposedly
20 you terminated the sidewalk program, but then you
21 went and you passed another Resolution to continue
22 doing it.

23 Now, we spoke at the last meeting where
24 the Town has been sending out threatening letters
25 to sidewalk people. Fix your sidewalk or else.

1 Now, I discovered that you've also passed a number
2 of Resolutions -- this one is just --

3 SUPERVISOR SALADINO: Just so we're
4 clear, Mr. Ripp, the Town doesn't send threatening
5 letters.

6 MR. RIPP: I have it right in front of
7 me. I read it last time.

8 SUPERVISOR SALADINO: They're
9 informative and that's a position that you are
10 taking.

11 MR. RIPP: Okay.

12 So I can read it again for you but --
13 all right. So -- so now, here are the Resolutions
14 where the Town vote -- you've actually voted to
15 place the sidewalk repair against the resident's
16 property tax.

17 Now, back in March 21st, the Town
18 presented this Resolution 94 of 2017. If you don't
19 know, I was actually in court today on it. The
20 restraining order still stands against the Town
21 because the Town violated the open meetings law
22 when you passed this Resolution.

23 Now, we spoke about this because the
24 day that -- the day that you proposed this
25 Resolution, the only piece of information that was

1 given to the -- given to the residents is this
2 simple phrase, "Resolution pertaining to award of
3 construction contract 8-16-146, concrete
4 replacement throughout the Town of Oyster Bay."

5 You listed memorandum docket
6 information, but you didn't provide it. I
7 mentioned at the last meeting that I thought it was
8 very strange that this resident, Paul Molinari, was
9 able to come up here and speak in depth about this
10 Resolution when nobody knew what it was about and
11 what was going on.

12 As a matter of fact, The Court approved
13 the TRO because they agreed that nobody could know
14 what was happening, but yet Mr. Molinari knew what
15 was happening.

16 Mr. Molinari spoke at the last meeting
17 and he explained what an expert he is and how great
18 he was in school, but he never explained how he
19 knew what was going on prior to this meeting with
20 this.

21 Today -- today we're in court because
22 you passed Resolution 251. All that 251 did was
23 supersede Resolution 94 so that you continue paying
24 Leza (phonetic) the \$4 million for this terminated
25 sidewalk repair.

1 What's ironic is I was told by Frank
2 Scalera, Town Attorney Frank Scalera, that Land Tek
3 walked off this job and it necessitated a rebid,
4 which I don't have any proof that anything was
5 rebid, but then Leza got the job. Actually, I do
6 have proof because what's interesting is even
7 though Land Tek walked of the job allegedly so Leza
8 could pick it up, you accepted bids from Land Tek
9 for the -- for the rest of the job.

10 Now, I like to speak about Resolution
11 289. This is for a hearing for upcoming Jericho
12 Water District. I've been doing some research on
13 water districts and I started in Massapequa and
14 there's some interesting things because I think
15 this has something to do with ethics and probably a
16 conflict of interest.

17 Because I determined that Mr. Carman,
18 the Deputy Town Supervisor, his firm -- this is the
19 way that it works in the Massapequa Water District
20 -- I'm not sure about Jericho yet -- but they award
21 contracts every year for consulting agreements. No
22 big contracts. They just give them out year after
23 year. Now, Joe Pinto had the contract for about a
24 decade as the account consultant with the
25 Massapequa Water District.

1 Why he wouldn't be working the
2 Comptroller's Office now instead of the Parks
3 Department is beyond me, but also I noticed --

4 SUPERVISOR SALADINO: Mr. Ripp.

5 MR. RIPP: Excuse me, sir. I also
6 noticed that --

7 SUPERVISOR SALADINO: Mr. Ripp, I'm
8 just going to point out something.

9 MR. RIPP: Stop the clock, please.

10 SUPERVISOR SALADINO: There has -- wait
11 a second. You're not in charge of the clock.
12 Let's just be clear about that.

13 We have a pattern of you coming to
14 meetings and if you have testimony for us, fine.

15 MR. RIPP: I do and I'm giving it to
16 you right now.

17 SUPERVISOR SALADINO: But, Mr. Ripp, we
18 are not going to entertain more of your attacks.

19 MR. RIPP: These are not attacks.

20 SUPERVISOR SALADINO: Well, you have in
21 the past.

22 MR. RIPP: No, no, no, I haven't and
23 you're burning my time again because you don't want
24 to hear the pertinent issues.

25 SUPERVISOR SALADINO: Mr. Ripp, it's

1 not that --

2 MR. RIPP: The fact is that Mr. Carman
3 is the legal counsel to the Massapequa Water
4 District.

5 SUPERVISOR SALADINO: No, he's not.

6 MR. RIPP: Yes, he is. I have his
7 contract.

8 SUPERVISOR SALADINO: Mr. Ripp, that is
9 wrong information --

10 MR. RIPP: No, it's not.

11 What I would like to ask is before the
12 Jericho Water District comes up here, I think that
13 we should identify any other Town employees that
14 may or may not have consulting contracts with any
15 of the Water Districts because there could be a
16 possible conflict of interest.

17 SUPERVISOR SALADINO: Mr. Ripp, our
18 Town employees fill out financial disclosure forms
19 that are now more detailed than they have ever been
20 before since we took office --

21 MR. RIPP: If we had an issue with the
22 Massapequa Water District --

23 SUPERVISOR SALADINO: The point is,
24 Mr. Ripp --

25 MR. RIPP: If we had an issue with the

1 Massapequa Water District right now and they're
2 represented by Mr. Carman's firm, how could
3 Mr. Carman be working for the Town of Oyster Bay
4 and for another municipality at the same time?

5 SUPERVISOR SALADINO: Mr. Carman does
6 not represent the Massapequa Water District.

7 MR. RIPP: His firm does represent the
8 Massapequa Water District. And I'll tell you what?
9 Tomorrow, if you would ever open up or accept one
10 of my e-mails, I'll e-mail you his contract because
11 I have it. I foiled it and I have it. Okay.

12 So now, Resolution 292 --

13 SUPERVISOR SALADINO: Mr. Ripp --

14 MR. RIPP: Resolution 292, I'd like to
15 move on.

16 SUPERVISOR SALADINO: Mr. Ripp, before
17 you move on, you come to these meetings, you make
18 accusations that are not true.

19 MR. RIPP: I'm not making any
20 accusations. I'm stating fact. You, sir, say
21 things that are not true. Okay.

22 Resolution 292 --

23 SUPERVISOR SALADINO: I don't believe
24 that's the case.

25 MR. RIPP: I don't know why you want to

1 argue with me about anything?

2 292 --

3 SUPERVISOR SALADINO: And there's been
4 a pattern here.

5 MR. RIPP: I brought this up at the
6 last meeting.

7 Frank Scalera spoke about six months
8 ago about evidently trying to recoup money from
9 Harendra Singh.

10 In Resolution 292, it looks like the
11 Town Attorney -- it's hard to tell because your
12 backup, you have one piece of information that
13 says, "This office is finalizing a Summons and
14 Complaint relative to certain claims against
15 individuals and entities associated with losses
16 sustained by the Town, a result of prior
17 concessionaires operations."

18 So what I'd like to know is -- number
19 one, I never thought I would say this, but it
20 appears that the Town of Oyster Bay is representing
21 themselves in this action and I never thought I
22 would say that you need to hire outside counsel,
23 but based on my experience with The Office of the
24 Town Attorney, if we want to get our money back
25 from Mr. Singh, I think we need to hire outside

1 counsel on this.

2 But I also don't understand, the
3 residents of the Town have been waiting for years
4 to find out what's going on with Mr. Singh, the
5 SRB, are we going to get the money back, and now
6 you starting -- you start a new procedure and
7 you're coming out with a Resolution that has no
8 backup material with it. It doesn't explain
9 anything. It doesn't tell anybody -- it doesn't
10 even say that we're going after Singh or anybody.
11 It just says that we're starting litigation.
12 You're asking for permission for litigation.

13 Resolution 284, the -- evidently, the
14 New York State Department of Labor Division to
15 Safety and Health Public Employee made a couple
16 of -- assessed a couple penalties against the Town
17 for safety violations.

18 I was wondering if you could explain
19 the safety violations.

20 SUPERVISOR SALADINO: Thank you,
21 Mr. Ripp, that's your time and we appreciate your
22 testimony.

23 MR. RIPP: Mr. Saladino, we'll see you
24 at public comment, sir.

25 SUPERVISOR SALADINO: I'm sure we'll be

1 reading all about it.

2 Our next speaker is Robert Fryer of
3 Woodbury.

4 MR. FREIER: Hi.

5 Robert Freier, 33 Chestnut Lane in
6 Woodbury, New York.

7 I want to try to go as quick as
8 possible because I want to get to Massapequa to
9 celebrate Christine Pellegrino's resounding win
10 tonight so very exciting news.

11 As far as -- now, I guess I would
12 normally if things were different, but in light of
13 your recent mailer that was a blatant political
14 mailer --

15 SUPERVISOR SALADINO: Mr. Freier, are
16 you here to speak about a Resolution or are you
17 here to make political statements?

18 MR. FREIER: I am speaking about a
19 Resolution. Please stop interrupting me.

20 SUPERVISOR SALADINO: Because this is
21 not the --

22 MR. FREIER: Please stop interrupting
23 me.

24 SUPERVISOR SALADINO: Sir, this is not
25 the venue for a --

1 MR. FREIER: I am talking about a
2 Resolution.

3 SUPERVISOR SALADINO: -- candidate to
4 make political statements.

5 MR. FREIER: I am talking about a
6 Resolution.

7 Now, can I get my time restarted
8 because you interrupted me?

9 SUPERVISOR SALADINO: Sir, please tell
10 us what you would like to say. You could just
11 leave it the way it is. Please tell us what you
12 would like state on the Resolutions. I know you
13 want to come back for the public comment.

14 MR. FREIER: Okay.

15 On Resolution 259, July 29th, now
16 you're trying to get elected, I know you haven't
17 been elected, but you're trying to get elected to
18 be Town Supervisor.

19 July 29th in Burns Park, Music Under
20 the Stars, the Joe Saladino band is playing.

21 SUPERVISOR SALADINO: What does that
22 have to do with these Resolutions?

23 MR. FREIER: Because that's -- it's
24 part of that Resolution. It's actually on that
25 Resolution.

1 SUPERVISOR SALADINO: This is the story
2 on that for clarity.

3 We're playing as a donation to the
4 Town, not charging a dollar and the entire Music
5 Under the Stars program, which has the same amount
6 of appearances, is costing the taxpayers 45 percent
7 less this year.

8 We are working with sponsorships for
9 everything including our fireworks show and we are
10 saving the taxpayers --

11 MR. FREIER: You are running for
12 election. You are trying to get elected to the
13 Board. You are self-promoting yourself --

14 SUPERVISOR SALADINO: Mr. Freier --

15 MR. FREIER: -- by playing in a band.

16 SUPERVISOR SALADINO: Mr. Freier --

17 MR. FREIER: -- with Town workers
18 speaking -- with Town workers there --

19 SUPERVISOR SALADINO: Mr. Freier --

20 MR. FREIER: You're paying for lights.
21 You're paying for sound.

22 SUPERVISOR SALADINO: Mr. Freier, as a
23 resident of this Town, it is legal to make a
24 donation to the Town and that's what we're doing.
25 It has no cost.

1 MR. FREIER: It's blatant self-
2 promotion of yourself.

3 SUPERVISOR SALADINO: Sir, speaking as
4 a Democrat candidate for the Town Council, it's not
5 a surprise that you would take these positions.

6 MR. FREIER: Just like -- just like the
7 mailer you sent out at our expense, which I hope
8 you will pay the taxpayers back --

9 SUPERVISOR SALADINO: I'm glad you
10 brought that up because the reality is, I've spoken
11 with many residents and whether you realize it or
12 not, not all residents have access to the Internet.

13 And as I go from event to event, I
14 speak to people. I spoke to Eleanor from Syosset
15 recently.

16 She said, thank you for giving me this
17 information. And I asked her a few questions about
18 that, and she said, please continue to keep me
19 posted on what you're doing.

20 We are going to put more and more
21 information into any mailer, governmental
22 information --

23 MR. FREIER: How much did that mailer
24 cost us?

25 SUPERVISOR SALADINO: Governmental

1 information --

2 MR. FREIER: How much did that mailer
3 cost us?

4 SUPERVISOR SALADINO: Like how to get
5 how to get help, who the elected officials are to
6 call --

7 MR. FREIER: There wasn't even a phone
8 number on that.

9 SUPERVISOR SALADINO: The people are to
10 call to get responses and to get assistance.

11 MR. FREIER: There wasn't even a phone
12 number on that. There wasn't even a way --

13 SUPERVISOR SALADINO: As a matter of
14 fact, there was a way to get e-mail information and
15 the reason we do that, Mr. Freier, the reason we do
16 that is to collect up as much e-mail as possible to
17 shift from mail to e-mail wherever possible.

18 But there are senior citizens that I
19 care about that want and ask for information. If
20 you don't have the same feelings toward them, I
21 can't control that.

22 MR. FREIER: You're very transparent,
23 Unelected Supervisor.

24 SUPERVISOR SALADINO: But I care about
25 that. I want to --

1 MR. FREIER: We see right through you.

2 SUPERVISOR SALADINO: I want to point
3 out that this is not the venue for you to make
4 political statements --

5 MR. FREIER: I'm not making a political
6 statement.

7 SUPERVISOR SALADINO: -- and it's very
8 clear --

9 MR. FREIER: You're playing in a band
10 promoting yourself.

11 SUPERVISOR SALADINO: For free to the
12 taxpayers.

13 MR. FREIER: You're paying in a --
14 right. Sanctioned by the Town of Oyster Bay.

15 SUPERVISOR SALADINO: You don't have to
16 attend this.

17 MR. FREIER: Who booked the band?

18 SUPERVISOR SALADINO: You don't have to
19 attend it, Mr. Freier.

20 MR. FREIER: Who chose to have you
21 appear that night? Who chose to have you?

22 SUPERVISOR SALADINO: You don't have to
23 attend if you don't want.

24 MR. FREIER: Answer my question.

25 Who chose to have you appear that night

1 in a band? Did you?

2 SUPERVISOR SALADINO: Mr. Freier, you
3 don't have to attend.

4 Does the public want free music that's
5 been donated?

6 MR. FREIER: Who chose the Joe Saladino
7 Band to play at Burns Park on July 29th?

8 SUPERVISOR SALADINO: Mr. Freier --

9 MR. FREIER: Answer that question.
10 Whose decision was that?

11 SUPERVISOR SALADINO: Mr. Fryer, your
12 political shenanigans are not going to get you
13 anywhere.

14 If you would like to --

15 MR. FREIER: A lot of people in this
16 room would like to know, who made that decision for
17 the Joe Saladino Band to play on July 29th at Burns
18 Park?

19 SUPERVISOR SALADINO: Is that what's
20 going to continue here?

21 MR. FREIER: Answer the question.

22 SUPERVISOR SALADINO: Are going to use
23 this for your political gain just because you
24 didn't -- you weren't successful last time --

25 MR. FREIER: You playing --

1 SUPERVISOR SALADINO: I've heard your
2 comments.

3 MR. FREIER: Oh my God.

4 SUPERVISOR SALADINO: And I've heard
5 the lies that you've been perpetrating to the
6 public.

7 MR. FREIER: Yes.

8 SUPERVISOR SALADINO: And I really
9 don't have the patience for it.

10 MR. FREIER: Why can't you even answer
11 any question?

12 SUPERVISOR SALADINO: Because, sir,
13 you're using this governmental platform for your
14 political shenanigans.

15 (Laughter and outbursts from the
16 audience.)

17 SUPERVISOR SALADINO: You know what?
18 We're going to have order in this room.
19 We're going to have order in this room, and if you
20 can't abide by the respectful process, then we're
21 just not going to include you.

22 We're not -- I didn't come down from
23 Albany to entertain a circus, and quite frankly,
24 some people in this room should be ashamed of
25 themselves.

1 So if you have something to add, some
2 testimony on these Resolutions that is not a
3 political platform --

4 MR. FREIER: I have a question.

5 Who chose to have the Joe Saladino Band
6 perform July 29th?

7 SUPERVISOR SALADINO: Sir --

8 COUNCILWOMAN JOHNSON: Where are we at
9 on this one Resolution?

10 SUPERVISOR SALADINO: This is taking
11 advantage of the people who come here for real
12 information, not for political banter. Okay.

13 What else would you like to make as
14 your statement?

15 MR. FREIER: You're not answering that
16 question? Once -- okay.

17 SUPERVISOR SALADINO: I answered the
18 question. It's free for the public.

19 MR. FREIER: Who chose your band?

20 SUPERVISOR SALADINO: What else would
21 you like to make -- you can use your time the way
22 you want to, but I didn't come down here --

23 MR. FREIER: That's all. All right.

24 SUPERVISOR SALADINO: -- to entertain
25 your political circus.

1 MR. FREIER: I'll skip the rest of the
2 questions, so I can go celebrate with Christine
3 who's replacing you in your seat.-

4 SUPERVISOR SALADINO: Well, again,
5 you're making political statements.

6 MR. FREIER: Thank you.

7 SUPERVISOR SALADINO: The best of luck
8 to you, sir.

9 MR. FREIER: (Inaudible.)

10 SUPERVISOR SALADINO: That's very
11 childish.

12 You know, we have rules of decorum here
13 and I realize that a number of people left here are
14 clearly here for politics. They've been nominated
15 to run as Democrats and they're here to stir things
16 up as -- as they wish, but we're not going to use
17 the public's time for the political circus that
18 we've seen.

19 And quite frankly, the number of people
20 who come here, feel proud about themselves and go
21 home and get on the Internet and say whatever they
22 want and not worry about the truth --

23 (Outburst from audience members.)

24 SUPERVISOR SALADINO: Sir, sir.

25 We're not going to put up with

1 shenanigans from the gallery. And that's the
2 public -- that's the comment.

3 Is there anyone else would like to
4 comment on these Resolutions?

5 (No response.)

6 SUPERVISOR SALADINO: Can I have a vote,
7 please?

8 (Inaudible comment from an audience
9 member.)

10 SUPERVISOR SALADINO: Come on up.
11 Can you please state your name and
12 address for the record?

13 MR. OSTRICK: Sure.

14 My name is Jack Ostrick, One Elm Street
15 in Woodbury, New York.

16 SUPERVISOR SALADINO: Thank you.

17 This is on the Resolutions.

18 MR. OSTRICK: Yes. It's related to the
19 prior questions regarding the cell phone towers.

20 SUPERVISOR SALADINO: Okay.

21 MR. OSTRICK: Just -- my only question
22 was, is there a timeframe that we can think about
23 as to when we may see Town ordinance be suggested
24 and then potentially voted on regarding --

25 SUPERVISOR SALADINO: Yes. Let's get

1 some help from our Town Attorney's office.

2 So, this evening, we have engaged a
3 firm, and let's go through the process a little
4 bit.

5 MR. NOCELLA: Yes, we've engaged in a
6 law firm. They will be drafting a proposed
7 ordinance.

8 The Resolution, I think, is prepared
9 already that will allow for a public hearing to be
10 held on the ordinance. We will welcome input from
11 the public. We have experts who have drafted code
12 provisions and we welcome input from all the
13 (inaudible) regarding the nature of the ordinance
14 and its effects and its enforcement as well as from
15 our department heads.

16 After the public hearing is closed, it
17 then will be put up for a vote before the Town
18 Board at the next Town Board meeting. Shortly
19 thereafter, the docket becomes a local law. It
20 amends our Town Code.

21 AUDIENCE MEMBER: We can't hear you.

22 (Inaudible.)

23 SUPERVISOR SALADINO: Come on, Joe
24 Nocella. Why don't you step over here, so that we
25 can provide information to everyone who is here?

1 MR. NOCELLA: The amendment to the Town
2 Code in the drafting of the provisions that you're
3 asking about require first that we have a public
4 hearing. It has been noticed already for June the
5 6th.

6 We will be proposing a draft
7 Resolution -- not a draft Resolution, a draft code
8 provision.

9 We expect, now that we have -- are
10 going to engage this law firm who have drafted for
11 other municipalities, very strict, very helpful
12 code provisions, that they will have one in very
13 short order for us that we will then be able to
14 publish.

15 After it's been published at the
16 June 6th hearing -- we may need more time after
17 June 6th, it depends upon how quickly it's drafted
18 -- but by more time, I mean, perhaps a subsequent
19 Board meeting.

20 We would then welcome comments from the
21 public as well as input from our department heads
22 and from other experts.

23 Incidentally, the telecommunications
24 industry, just like the public, has a right to
25 comment on it.

1 But after all public comments, we'll
2 have a final code provision which would put -- be
3 put to a vote by the Board and it's effectively
4 adopted as a local law.

5 And then it's on our books and it's a
6 code provision. We're talking about a matter of
7 weeks.

8 MR. OSTRICK: And the publication would
9 be at the Board meeting, not publicly provided
10 before that?

11 My question would be that they would
12 provide the publication for the June 6th Board
13 meeting. It doesn't really give public forum an
14 opportunity to ask or spend any time thinking or
15 researching about it if it's published at the
16 meeting and then handed to the public.

17 So, that's it.

18 SUPERVISOR SALADINO: So I think what
19 we're looking at here -- well, okay, we've engaged
20 one of the top law firms in this.

21 We are changing the Code and we're
22 going to protect as many of the public's rights as
23 is possible. It's very important that you realize
24 that the federal government has tied every town and
25 every village, every municipality across the United

1 States and have given us very narrow options -- a
2 very narrow number of options as what we can do.

3 We are going to continue to fight
4 vehemently to stop the proliferation of these
5 repeaters.

6 So you want to --

7 MR. OSTRICK: I was just trying to
8 understand the process by which the public could
9 see it first.

10 My concern would be, we show up at the
11 Board meeting, it's placed down in front of us and
12 then it says, okay, what are your comments.

13 You know, that wouldn't give me
14 opportunity to think intelligently about it.

15 SUPERVISOR SALADINO: To research it.

16 MR. NOCELLA: And you're -- I'm sorry,
17 Supervisor.

18 SUPERVISOR SALADINO: Go ahead.

19 MR. NOCELLA: You're quite right and
20 under those circumstances, if, in fact, it were
21 published that very day and that was the first time
22 that anybody got to see it, we would, of course,
23 extend the time.

24 We're trying to act with all due speed
25 because this is -- this problem has come up on us

1 so swiftly and overwhelmed so many of our residents
2 and so many members of the Town of Oyster Bay
3 government, but we're also going to make sure that
4 we do it correctly and in all the proper steps.

5 I believe we may have something that
6 will be online and ready to be distributed or
7 handed out to anybody who requests it in advance of
8 June 6th. If I'm mistaken and it's done just
9 before or on that day, it would be appropriate and
10 proper that we have additional time granted for
11 anybody who wants to add their comments or to
12 review it and to research it. But that would be,
13 again, perhaps for the sake of speed, another two
14 weeks to go to the next Town Board meeting.

15 But we will not be doing this in a
16 sloppy way. It will be done with all deliberate
17 speed, but appropriately and effectively, so that
18 the job is done correctly and right.

19 MR. OSTRICK: I just wanted to make
20 sure I got time to circulate it to my residents.

21 SUPERVISOR SALADINO: Okay.

22 MR. OSTRICK: So that they could have
23 an opinion. That was it.

24 SUPERVISOR SALADINO: Certainly.

25 MR. NOCELLA: I think we can assure you

1 that will happen.

2 MR. OSTRICK: Thank you.

3 SUPERVISOR SALADINO: Thank you.

4 Thanks for coming down tonight.

5 (Inaudible comment from audience
6 member.)

7 SUPERVISOR SALADINO: Sure. Come on
8 up. Come up together. Absolutely, that's fine.

9 AUDIENCE MEMBER: We're neighbors.

10 MS. MENDUNI: Hi.

11 My name is Rosalee Menduni, 2 Calvert
12 Drive.

13 Thank you for hearing us and our
14 concerns.

15 SUPERVISOR SALADINO: Of course.

16 MS. MENDUNI: We, you know, unbeknownst
17 to us, suddenly have these cell phone towers. We
18 didn't get to have a say in it and I'm very
19 appreciative that you're backing us 100 percent.

20 SUPERVISOR SALADINO: 100 percent.

21 MS. MENDUNI: I personally have an
22 autoimmune disease and migraines and I struggle
23 with my health every day. I work with children and
24 I have a corner house. There's a cellphone tower
25 50 feet from my bedroom. I can't speak on my cell

1 phone because I get shooting pains in my head. I
2 can't wait for research to happen. I do have two
3 health studies here. One from Harvard Medical
4 School that I could read you about and one from --
5 you know Cold Spring Labs?

6 SUPERVISOR SALADINO: Of course.

7 MS. MENDUNI: They just did a big
8 study, like, millions of dollars study, proving,
9 you know, showing \$25 million dollar animal study
10 showing that it's causing cancer and all these
11 other type of things.

12 SUPERVISOR SALADINO: Can we have
13 copies of that?

14 MS. MENDUNI: Absolutely. I have both
15 of those things.

16 SUPERVISOR SALADINO: What I will do is
17 forward that. Not only will we look at it, but
18 I'll also forward it to our United States Senators.

19 MS. MENDUNI: I've written to them, you
20 know, but while this is happening, I have to sleep,
21 you know, not even 50 feet away from this cell
22 phone tower, and there's one on both sides of my
23 block.

24 SUPERVISOR SALADINO: I understand.

25 MS. MENDUNI: And, you know, it's

1 impacting personally, my own health, and the
2 children that I see. I have a small practice, an
3 occupational therapist.

4 You know, I understand they're going to
5 do the studies, but I don't know when.

6 Should I read this?

7 Do you want to say something.

8 SUPERVISOR SALADINO: Well, what we're
9 actually doing to clarify is we're pushing the
10 federal government, our United States Senators, to
11 change the law quickly and to allow us to stop all
12 of these repeaters while we're waiting for the
13 results of the study. The study that when -- they
14 have based the law on is -- it was concluded prior
15 to 1996 and we believe that they should change the
16 law, give us the rights to decide where these go,
17 and do this study.

18 MS. MENDUNI: Are they activated at
19 this point?

20 SUPERVISOR SALADINO: Some of them are.

21 MS. MENDUNI: How would I know if ours
22 was activated?

23 SUPERVISOR SALADINO: We would ask for
24 an RF meter reading at your site.

25 MS. MENDUNI: I read that in the

1 newspaper article that you were asking for that.

2 How would I get that to happen?

3 SUPERVISOR SALADINO: If you'll leave
4 your information with our Town Attorney, we will
5 ask, we'll reach out to the FCC and to the
6 contractor and ask them to tell us when they're
7 taking that meter reading.

8 MS. MENDUNI: We asked the people what
9 they were doing and they told us they had, you
10 know, we called the Town and they said they didn't
11 know anything about it.

12 SUPERVISOR SALADINO: This is why
13 we're --

14 MS. MENDUNI: Had something to do with
15 your electrical, they said. They just poo-pooed
16 the whole thing.

17 AUDIENCE MEMBER: They said, "Just call
18 your electric company."

19 SUPERVISOR SALADINO: Yeah, you're
20 talking about people who are out there actually --

21 AUDIENCE MEMBER: No. We called the
22 Town. My husband called the Town. There is a pole
23 going up right across the street --

24 SUPERVISOR SALADINO: Do you know what
25 office you spoke with? Okay.

1 If you leave your information, please,
2 with our Town Attorney, we'll keep you updated on
3 our progress with this.

4 Go ahead.

5 MR. LOWITT: My name is Andy Lowitt, I
6 live 12 Calvert Drive in the same block with my
7 neighbors here.

8 I just wanted to commend you for the
9 actions you've taken.

10 SUPERVISOR SALADINO: Thank you.

11 MS. MENDUNI: For the record, I'm
12 looking forward to seeing you perform.

13 But the same questions I have, my main
14 concerns, we just invested in a dormer, significant
15 amount of money, put the dormer up. It's been
16 permitted, CO, and, obviously, now we have a cell
17 phone tower at 50 -- approximately 50 feet high
18 looking straight at our dormer and about six houses
19 down on the other side, we have another 50 foot
20 tower.

21 I don't know why Calvert Drive has to
22 have two cell phone towers at 50 foot when Calvert,
23 most people can't even find it on the map.

24 The one on the corner by my dormer is
25 also very close to Southwoods Middle School and

1 Syosset High School, so, obviously, concerns. And
2 I did notice the tower on Berry Hill Road in front
3 of -- diagonally across from Berry Hill is only at
4 about 30 -- 25 to 30 feet high. My understanding
5 was they had to be at a 50-foot height based on the
6 FCC regulations, so I just wanted to inquire about
7 that as well.

8 SUPERVISOR SALADINO: Okay.

9 If you give your information to our
10 Town Attorneys -- go ahead, please.

11 MS. MENDUNI: The other towns that are
12 able to do 1,500 feet away, how did they get away
13 with it if it's federally -- you know, the laws are
14 federal?

15 SUPERVISOR SALADINO: This is why we
16 reached out to the best firm. We went through the
17 RFP process and we chose the best firm who was
18 actually the lower of the two bidders that -- who
19 did respond and we have a top firm to help us
20 rewrite this and go through the process. And if we
21 have to litigate, we litigate. Whatever it will
22 take to protect our residents.

23 MS. MENDUNI: What can we do because I
24 have many families --

25 SUPERVISOR SALADINO: To help us?

1 MS. MENDUNI: -- that didn't even know
2 about it. There's many families that couldn't be
3 here tonight because of their children and, you
4 know, so we represent a lot of people.

5 But would numbers help?

6 SUPERVISOR SALADINO: Yes.

7 MS. MENDUNI: I mean, how can we help
8 as a community?

9 SUPERVISOR SALADINO: We need to flood
10 the offices.

11 MS. MENDUNI: I need a gun.

12 I mean, I'm really -- it's really
13 affecting me personally, but not just me and, you
14 know, because I'm in a weakened position, it's
15 going to affect me more, but other people are being
16 affected whether they know it or not. It's a very
17 serious, you know, condition.

18 SUPERVISOR SALADINO: We agree and
19 we're taking this very, very seriously. If you
20 would give your information, please, we'll contact
21 you and we have a number of ways that -- that you
22 could help us with letter writing to our federal
23 senators and I'm hoping the more they hear, the
24 more they will be motivated to change the law.

25 And once we have the ability -- we'll

1 be taking the steps in court and the legal steps
2 that we can, but once they change the law and give
3 us the right to decide where they go, none of them
4 will be in residential neighborhoods.

5 MS. MENDUNI: How long -- you don't
6 know how long this will take?

7 SUPERVISOR SALADINO: We will keep you
8 posted on that and we will be moving as quickly as
9 you can.

10 The last speaker spoke about wanting
11 the public to see it, which is a very reasonable
12 request. But each step can be done quickly or each
13 step can be -- we're going to make sure it's done
14 appropriately.

15 We have a good legal team and we're
16 hiring the best people and taking this very, very
17 seriously, so we'll be happy to keep you apprised
18 of the progress.

19 MS. MENDUNI: Thank you.

20 SUPERVISOR SALADINO: You're very
21 welcome, and I feel your frustration on this. I'm
22 as frustrated as you are, but I'm -- we are also
23 very motivated to push back and act solely for our
24 residents. Yes.

25 MS. YORK: I'm also -- I'm Joan York.

1 Also on Calvert Drive, Number 4. I thank you for
2 the promises that you're making to try -- I'm a
3 little skeptical when I hear, we'll try to get most
4 of them moved. I understand people esthetically
5 don't like poles.

6 SUPERVISOR SALADINO: We will to get
7 all of them removed.

8 MS. YORK: But ours are -- it's a very
9 short block. There's seven houses. One on either
10 side, so these towers are literally towering over
11 us.

12 You know, they say that they lose the
13 power as it gets down to the ground, but when your
14 second floor as at eye level, it's, you know, it's
15 really like a blight on the neighborhood.

16 I was concerned not only, you know, I
17 saw your flyer also about transparency and I'm
18 like, yes, this is great, this is what we need, but
19 I have to say, I did put in two calls to the office
20 last week. Each time I was told, to your specific
21 office, I would get a call back. I followed up
22 with an e-mail today.

23 I don't know how to get this
24 information if I don't get a response. And I do
25 feel that -- I do feel that, you know, the hearing,

1 I know that you're putting something in Newsday in
2 the little legal section tomorrow morning, but I
3 don't really feel that it's being publicized as
4 much as, you know, like, if you could do a flyer
5 for something like that.

6 Maybe you could do a little bit more of
7 an outreach via e-mail or something that doesn't
8 cost the taxpayers money and let the community
9 know.

10 As I said, when we called to see what
11 was being constructed, we were told by the Town of
12 Oyster Bay we don't -- we have no idea, no permits
13 were given.

14 That's upsetting to hear.

15 SUPERVISOR SALADINO: We're changing
16 our Town Code. As soon as I found out about this
17 situation, we sprang into action. We've hired the
18 legal team to help us be successful with this.

19 MS. YORK: I appreciate that.

20 SUPERVISOR SALADINO: We will be -- we
21 will be demanding the removal of these towers.

22 MS. YORK: There's only one last thing
23 I want to say about the testing and these
24 standards.

25 You know, very often, like, I've had

1 the occasion at my workplace for OSHA to come in
2 and it was very -- it was not a good air quality
3 situation, and OSHA said, you know, when people
4 come in and test emissions or radiation, they're
5 all going to pass because the standards, for
6 example, in the school I worked at, the standards
7 are really for factories.

8 So, you know, you have -- you could say
9 that these are the emissions or the radioactivity
10 is normal but that doesn't mean it's healthy. You
11 know, it might meet the standards, but there's a
12 very high bar, and so, you know, when you say
13 testing will be done. If the testing comes back
14 and says, oh, it's under the limits, I mean, I've
15 already read that, and we know that's what they're
16 going to say. It doesn't mean it's a good or
17 healthy situation, and I think you'll agree that
18 when we're paying for 50-year-old homes,
19 20-something thousand dollars in taxes a year,
20 these are not new homes, we're paying that for
21 quality of -- quality of life and this is
22 definitely impacting.

23 SUPERVISOR SALADINO: First of all, we
24 share all of your concerns and we are taking every
25 action that's legal for us to take.

1 MS. YORK: Okay. So we'll all stay
2 involved.

3 SUPERVISOR SALADINO: On the tax
4 situation, I know it opens up a long discussion,
5 but the majority of your taxes were forced upon you
6 by School Districts and those school boards that
7 control that.

8 MS. YORK: It just seems kind of
9 ironic, like, if you want to extend your deck, you
10 have to send letters to neighbors within all around
11 and go through, but yet they can put this tower up
12 without notifying anyone.

13 SUPERVISOR SALADINO: This is exactly
14 why we're so frustrated with the federal
15 government.

16 MS. YORK: But did you give the
17 permits? You know, we hear federal government, but
18 Crown Castle, whatever the name is saying that
19 worked with you on the locations.

20 That's not accurate?

21 SUPERVISOR SALADINO: Well, the
22 situation is that Crown Castle went to the Highway
23 Department and the system that was in place in the
24 past. The Town sued to try to stop them in the
25 past. It was not successful like the vast majority

1 of lawsuits on Long Island and probably throughout
2 the country.

3 So, now, we are taking more legal
4 means, clearly tightening it up and I hope you'll
5 stick with us as you watch the progress of changing
6 the Code tremendously, taking every step possible,
7 and then using that leverage to demand that they
8 remove the ones that are there near residential
9 homes.

10 MS. YORK: We'll do what we can if you
11 stay in touch with us and let us know.

12 SUPERVISOR SALADINO: We will and I
13 apologize.

14 Thank you.

15 MS. YORK: Thank you.

16 SUPERVISOR SALADINO: All right. It
17 seems as though that's all on the Resolutions.

18 MR. ALTADONNA: I'll call for the
19 votes.

20 SUPERVISOR SALADINO: Please.

21 MR. ALTADONNA: Motion was made by
22 Councilman Muscarella, seconded by Councilman
23 Macagnone.

24 On the vote from TF-7-17 through
25 Resolution No. 297 noting that P-12-17 was tabled

1 and Resolution 294 was tabled.

2 On the vote, Supervisor Saladino?

3 SUPERVISOR SALADINO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: "Aye."

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: "Aye" on all

8 except for 259.

9 Without financial condition, I applaud
10 the Supervisor for trying to get sponsors and
11 everything else, but we shouldn't be having
12 concerts this Summer.

13 We really should be cutting back and
14 preserving so, "Aye" on all but, no on 259.

15 (Applause.)

16 MR. ALTADONNA: Councilwoman Alesia?

17 COUNCILWOMAN ALESIA: I have, I guess,
18 a question or point of clarification.

19 Before I vote on 280 which is the
20 Highway Contract Resolution, Supervisor, I spoke
21 earlier today to your Deputy Supervisor.

22 I've been asking for a work session to
23 discuss the way that we are allocating our road
24 work resources and he was kind enough to tell me
25 that we would be able to have a work session on

1 June 6th.

2 I just wanted to verify with you --

3 SUPERVISOR SALADINO: Yes.

4 COUNCILWOMAN ALESIA: -- that we will
5 have a work session on June 6th to address the
6 resident's concerns. Okay.

7 Then I am "Aye" as to all of them.

8 MR. ALTADONNA: Councilwoman Johnson?

9 COUNCILWOMAN JOHNSON: "Aye."

10 MR. ALTADONNA: Councilman Imbroto?

11 COUNCILMAN IMBROTO: I abstain on 297
12 just because at one point, used to work for that
13 firm and I vote "Aye" on the rest of the
14 Resolutions.

15 MR. ALTADONNA: Councilman Hand?

16 COUNCILMAN HAND: I abstain based on my
17 newness to the position except for 295 that I've
18 been briefed with and I say "Aye" to 295.

19 MR. ALTADONNA: Motion TF-7-17 to 258
20 passes with six "Ayes" and one "abstention."

21 259 passes with five "Ayes," one "nay"
22 and one "abstention."

23 260 through 293 passes with seven
24 "Ayes" -- I'm sorry. Six "Ayes," one "abstention."

25 294 was tabled.

1 295 passes with six "Ayes" and one
2 "abstention."

3 296, six "Ayes," and one "abstention."

4 297 -- I'm sorry.

5 Which one did you abstain on? 297.

6 You abstain on 295 or 297.

7 297 passes with five "Ayes" and two
8 abstentions.

9 295 was seven "Ayes."

10 Calendar is complete.

11 Okay.

12 Now, you have your public comment.

13 COUNCILMAN MUSCARELLA: Supervisor,
14 I'll make a motion to close the meeting.

15 Just a moment.

16 COUNCILMAN HAND: Okay.

17 I'd like to amend to an "Aye" on 272 as
18 well as 295.

19 MR. ALTADONNA: 272.

20 COUNCILMAN MACAGNONE: Good catch,
21 Matt.

22 MR. ALTADONNA: Let the record reflect
23 272 is an "Aye," passes with seven "Ayes."

24 And what was the other one?

25 COUNCILMAN HAND: 295.

1 MR. ALTADONNA: 295 passes with six
2 "Ayes" and one "abstention."

3 COUNCILWOMAN ALESIA: That's what he
4 meant.

5 MR. ALTADONNA: Are we sure?

6 COUNCILMAN HAND: 297.

7 I wrote it down as 295 so I'm voting
8 "Aye" for 272 and 297.

9 MR. ALTADONNA: Okay. So 297 then will
10 pass with seven "Ayes."

11 COUNCILMAN HAND: And "abstention" on
12 295.

13 MR. ALTADONNA: 295, which also Imbroto
14 abstained on.

15 COUNCILMAN IMBROTO: No, I abstained on
16 297.

17 MR. ALTADONNA: 297, okay. So 295
18 passes with six "Ayes" and one "abstention."

19 I believe we are complete and we will
20 check the record to make sure it's correct.

21 SUPERVISOR SALADINO: Thank you.

22 I appreciate your clarity, and just to
23 point out, it's 11:30 p.m. and you've been at it
24 since 9:00 a.m.

25 MR. ALTADONNA: Thank you very much.

1 COUNCILMAN MUSCARELLA: Supervisor,
2 I'll make motion to close to meeting.

3 AUDIENCE MEMBER: Excuse me, I filled
4 out a form. I'm waiting to be called.

5 MR. ALTADONNA: No, that's public
6 comment. You'll be called on public comment.

7 COUNCILMAN MACAGNONE: I'll second.

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

10 ALL: "Aye."

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

13 (No verbal response given.)

14 SUPERVISOR SALADINO: Motion passes.
15 Thank you.

16 (TIME NOTED: 11:31 P.M.)

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