

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
July 9, 2019
10:29 a.m.

HEARING - LOCAL LAW

To consider a Local Law entitled, "A Local Law to Amend Chapter 203 Speed Limits, Section 203-9, 35 miles per hour, at Specific Locations of the Code of the Town of Oyster Bay New York" (M.D. 6/11/19 #17).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Now, I ask the
2 Town Clerk to please poll the Board.

3 MR. ALTADONNA: Supervisor?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: Here, Clerk.

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILMAN HAND: She is en route.

11 MR. ALTADONNA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: Present, Clerk.

13 MR. ALTADONNA: Councilman Hand?

14 COUNCILMAN HAND: Here.

15 MR. ALTADONNA: Councilman Labriola?

16 COUNCILMAN LABRIOLA: Here.

17 SUPERVISOR SALADINO: It is now time to
18 call our first hearing.

19 MR. ALTADONNA: Hearing Local Law to
20 consider Local Law entitled, "A Local Law to Amend
21 Chapter 203 speed limit, Section 203-9, 35 miles
22 per hour at specific locations of the Code of The
23 Town of Oyster Bay, New York."

24 MS. FAUGHNAN: Good morning,
25 Supervisor, Members of the Town Board.

1 Elizabeth Faughnan, Deputy Town, Town
2 Attorney's office.

3 This item comes to us today, this is a
4 request to delete a Provision in the Town Code,
5 specifically in Section 203-9, that provides for
6 35 mile an hour speed limit on Lexington Avenue
7 here in Oyster Bay Hamlet.

8 Lexington Avenue, as we all know, is
9 between South Street in Oyster Bay and West Main
10 Street. So, in general terms, it's from Teddy
11 Roosevelt School all the way up to the Speedway gas
12 station.

13 The current speed limit 35 miles an
14 hour. As happens with many of these hearings, a
15 resident contacted both County Legislature Josh
16 Lafazan's office as well as Town of Oyster Bay
17 concerned about speeding on the road. A meeting
18 was held with the resident, with County Legislature
19 Lafazan, as well as with members of the Nassau
20 County Police Department, and the resolution of
21 that meeting was that the police department would
22 increase enforcement on Lexington Avenue to enforce
23 the current speed limit, as well as the Town of
24 Oyster Bay would review the current speed limit at
25 35 miles an hour and determine if perhaps a

1 reduction is in order.

2 As a result of that review, this
3 proposed Local Law comes to you today to delete the
4 provision in the Town Code that provides for 35
5 mile an hour speed limit, and we do not have to
6 enact a provision to set it at 30 miles per hour
7 because Section 203-2C provides that unless there
8 is a specific higher speed limit, in essence,
9 default speed limits on roads in the Town of Oyster
10 Bay is 35 miles per hour. So by deleting the
11 provision providing for 35 mile an hour speed limit
12 automatically the speed limit would be reduced to
13 30 miles per hour.

14 I have copies of the Local Law with me
15 today for the record and for the members to review
16 and it is our hope that you, Members of the Board
17 and Supervisor find this to be appropriate and that
18 at a later date you will enact this new Local Law.

19 SUPERVISOR SALADINO: Are there any
20 questions?

21 COUNCILMAN MACAGNONE: It's pretty
22 straightforward.

23 COUNCILMAN IMBROTO: I think it's a
24 good idea.

25 SUPERVISOR SALADINO: Thank you.

1 MS. FAUGHNAN: Thank you, Supervisor.

2 SUPERVISOR SALADINO: Is there anyone
3 in the public who would like to be heard on this
4 hearing?

5 (No verbal response given.)

6 SUPERVISOR SALADINO: Please let the
7 record reflect that no one has indicated that they
8 would like to be heard.

9 May I have a motion?

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

13 COUNCILMAN MACAGNONE: Second.

14 SUPERVISOR SALADINO: Is there any
15 correspondence on this?

16 MR. ALTADONNA: We have affidavits of
17 publications.

18 There are no other correspondence.

19 SUPERVISOR SALADINO: Thank you very
20 much.

21 All in favor please signify by saying,
22 "Aye."

23 This is on closing the hearing.

24 ALL: Aye.

25 SUPERVISOR SALADINO: Opposed "Nay."

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(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

Thank you very much.

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

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
July 9, 2019
10:34 a.m.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
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taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: At this point, we
2 will call for the regular Action Calendar.

3 MR. ALTADONNA: May I have a motion to
4 adopt Resolution P-13-19 through Resolution No.
5 432?

6 **PERSONNEL RESOLUTION NO. P-13-19;**

7 Resolution pertaining to personnel of various
8 departments within the Town of Oyster Bay.

9 **TRANSFER OF FUNDS RESOLUTION NO.**

10 **TF-12-19;** Resolution pertaining to Transfer of
11 Funds within various departments accounts for the
12 Year 2019.

13 **RESOLUTION NO. 398-2019;** Resolution
14 pertaining to the Dock Application of Michael
15 Pesce, 55 Anchor Drive, Massapequa, New York. (M.D.
16 6/4/19 #16).

17 **RESOLUTION NO. 399-2019;** Resolution
18 authorizing the 2019 Fall Cultural Arts Enrichment
19 Program, retention of professional services of
20 instructors; for the Supervisor or his designee to
21 execute the agreements and for the Commissioner of
22 Community & Youth Services to process any necessary
23 refunds. Account No. CYS A 7020 47660 000 0000.
24 (M.D. 6/11/19 #4).

25 **RESOLUTION NO. 400-2019;** Resolution

1 granting request of Greys Quintero to donate a
2 memorial plaque and bench to be placed in Anchor
3 Park in memory of Tyler Abizeid. (M.D. 6/11/19 #5).

4 **RESOLUTION NO. 401-2019;** Resolution
5 granting request of Sylvia Marcus to donate two
6 memorial plaques and bench to be placed in Theodore
7 Roosevelt Memorial Park and Beach in memory of
8 Melinda Ehrlich. (M.D. 6/11/19 #6).

9 **RESOLUTION NO. 402-2019;** Resolution
10 pertaining to the Dock Application of John C.
11 McShane, 4 East Hamilton Avenue, Massapequa,
12 New York. (M.D. 6/11/19 #12).

13 **RESOLUTION NO. 403-2019;** Resolution
14 authorizing the Town-wide Senior Trips for
15 September, October, November and December, 2019 and
16 for the Commissioner of Community & Youth Services
17 to make any necessary changes. (M.D. 6/18/19 #4).

18 **RESOLUTION NO. 404-2019;** Resolution
19 authorizing employment of the services of a judging
20 staff to adjudicate for the 2019 Car Show Long
21 Island event at Tobay Beach to be held September
22 22, 2019. Account No. TWN TA 0000 00085 438 0000.
23 (M.D. 6/18/19 #5).

24 **RESOLUTION NO. 405-2019;** Resolution
25 granting request of Dina Juhasz to donate a

1 memorial plaque and bench to be placed in Theodore
2 Roosevelt Memorial Park and Beach in memory of
3 Joseph Juhasz. (M.D. 6/18/19 #6).

4 **RESOLUTION NO. 406-2019;** Resolution
5 granting request of Anita Watterson to donate a
6 memorial plaque and bench to be placed in Parklet
7 F5 in Farmingdale, in memory of Ani Yavruoglu.
8 (M.D. 6/18/19 #7).

9 **RESOLUTION NO. 407-2019;** Resolution
10 authorizing issuance of a refund of the fee for the
11 fall 2018 Ice Hockey Clinic at Town of Oyster Bay
12 Ice Skating Center at Bethpage to S. Klein. Account
13 No. PKS A 0001 02001 510 0000. (M.D. 6/18/19 #8).

14 **RESOLUTION NO. 408-2019;** Resolution
15 authorizing issuance of a refund of the fee for the
16 Spring Hockey Program at the Town of Oyster Bay Ice
17 Skating Center at Bethpage to A. Reiser. Account
18 No. PKS A 0001 02001 510 0000. (M.D. 6/18/19 #9).

19 **RESOLUTION NO. 409-2019;** Resolution
20 authorizing issuance of a reimbursement check to
21 Town employee S. Vosilla for a pesticide
22 certification fee valid through April 21, 2022.
23 Account No. PKS SP 7110 44900 000 0000. (M.D.
24 6/18/19 #10).

25 **RESOLUTION NO. 410-2019;** Resolution

1 amending Resolution No. 183-2019 to add two
2 additional instructors in connection with Fitness
3 Workshops. Account No. PKS A 7110 47660 000 000.
4 (M.D. 6/18/19 #11).

5 **RESOLUTION NO. 411-2019;** Resolution
6 authorizing a first 90-day extension of Contract
7 No. SE002A-19, Glass Recycling Pilot Program for
8 the Town of Oyster Bay, at the same prices,
9 conditions and terms provided for in the present
10 contract, commencing July 15, 2019 through
11 October 12, 2019. (M.D. 6/18/19 #19).

12 **RESOLUTION NO. 412-2019;** Resolution
13 pertaining to expenditures for residential document
14 scanning for the Department of Planning and
15 Development from July 15, 2019 through the
16 project's completion. Account No. PAD H 8997 26000
17 000 1508 002. (M.D. 6/18/19 #20).

18 **RESOLUTION NO. 413-2019;** Resolution
19 directing the Town Clerk to publish a Notice of
20 Hearing on the proposed amendments to the Code of
21 the Town of Oyster Bay, New York, amending Chapter
22 233 of the said Code pertaining to parking,
23 stopping, crossing, loading zones, thru traffic,
24 trucking operations and other traffic regulations.
25 Hearing Date: July 30, 2019. (M.D. 6/18/19 #21).

1 **RESOLUTION NO. 414-2019;** Resolution
2 authorizing a first one-year extension option of
3 the agreement with the Town's ethics counsel
4 through July 31, 2020. Account No. OTA A 1420 44110
5 000 0000. (M.D. 6/18/19 #22).

6 **RESOLUTION NO. 415 - 2019;** Resolution
7 authorizing employment of the services of various
8 performers for GAP Programs and for the Supervisor
9 or his designee to execute agreements, which will
10 be paid for by *Friends of the Community Services*
11 *Dept., Inc.* (M.D. 6/25/19 #4).

12 **RESOLUTION NO. 416-2019;** Resolution
13 authorizing issuance of a refund for Summer
14 Recreation fee at Syosset-Woodbury Park to C.
15 Spyropoulo. Account No. PKS A 0001 02001 510 0000.
16 (M.D. 6/25/19 #5).

17 **RESOLUTION NO. 417-2019;** Resolution
18 establishing fees for various Town of Oyster Bay
19 sponsored Co-Ed Adult Sport and Fitness Programs.
20 Account No. PKS A 0001 02001 510 0000. (M.D.
21 6/25/19 #6).

22 **RESOLUTION NO. 418-2019;** Resolution
23 authorizing renewal of membership in the New York
24 Association of Training and Employment
25 Professionals for the Division of Employment and

1 Training for the period July 1, 2019 through
2 June 30, 2020, being paid with WIOA funding.
3 Account No. IGA CD 6293 47900 000 CW18. (M.D.
4 6/25/19 #11).

5 **RESOLUTION NO. 419-2019;** Resolution in
6 support of the Oyster Bay Main Street Association's
7 grant application to the New York Main Street
8 Program Downtown Anchor Program for the purpose of
9 completing structural improvements to 108 South
10 Street, Oyster Bay. (M.D. 6/25/19 #12).

11 **RESOLUTION NO. 420-2019;** Resolution in
12 support of the Trust for Public Land's grant
13 application to the Environmental Protection Fund
14 for the purpose of completing a feasibility study
15 relative to the extension of the Empire State
16 Trail. (M.D. 6/25/19 #13).

17 **RESOLUTION NO. 421-2019;** Resolution
18 pertaining to Modification of Restrictive Covenants
19 at premises located at Bagga Plaza, Syosset,
20 Section 15, Block F, Lots 845, 1384 and 1469. (M.D.
21 6/25/19 #14).

22 **RESOLUTION NO. 422-2019;** Resolution
23 pertaining to settlement of negligence claim;
24 Claimant: Theresa Kiely, Nassau County Index No.
25 607558/2015, Matter ID No. 2015-4707. Account No.

1 TWN AMS 1910 43010 602 0000 000. (M.D. 6/25/19 #17).

2 **RESOLUTION NO. 423-2019;** Resolution
3 authorizing the Parks Department to adopt a program
4 entitled "Adopt-a-Spot" in connection with local
5 parklets. (M.D. 6/25/19 #18).

6 **RESOLUTION NO. 424-2019;** Resolution
7 authorizing an Agreement with the Incorporated
8 Village of Sea Cliff, commencing July 9, 2019
9 through July 8, 2021, in connection with
10 maintenance of Sea Cliff Beach and Town property
11 near Harry Tappen Beach, and for the Supervisor, or
12 his designee, to execute said agreement. (M.D.
13 6/25/19 #20).

14 **RESOLUTION NO. 425-2019;** Resolution
15 authorizing an Extension of Time, Quantity
16 Increase/Decrease, Change Order No. 1 and
17 Acceptance for Contract No. DP17-167-PH1, Expansion
18 of Ellsworth W. Allen Park Phase 1, Farmingdale,
19 NY. (M.D. 6/25/19 #22).

20 **RESOLUTION NO. 426-2019;** Resolution
21 granting request from Iglesia Cristiana Manantial
22 Abierto, Inc. for Town assistance in conducting
23 their church community outreach event to be
24 held June 29, 2019, to use municipal parking lot
25 H-8 and various Town equipment for the event. (M.D.

1 6/25/19 #23).

2 **RESOLUTION NO. 427-2019;** Resolution
3 granting request from the Locust Valley Chamber of
4 Commerce, for Town assistance in conducting their
5 Annual Summer Sidewalk Sale on August 3, 2019, to
6 utilize Municipal Parking Lot LV-1 and for the use
7 of various Town equipment for the event. (M.D.
8 6/25/19 #24).

9 **RESOLUTION NO. 428-2019;** Resolution
10 granting a request from the Oyster Bay-East Norwich
11 Chamber of Commerce, for Town assistance in
12 conducting their Annual Autobahn Car Show to be
13 held July 11, 2019, as well as a rain date of
14 July 18, 2019, on Audrey Avenue, Oyster Bay. (M.D.
15 6/25/19 #25).

16 **RESOLUTION NO. 429-2019;** Resolution
17 appointing Louis B. Imbroto, Councilman, as a
18 marriage officer to perform a wedding ceremony on
19 July 14, 2019. (M.D. 6/25/19 #26).

20 **RESOLUTION NO. 430-2019;** Resolution
21 amending Resolution No. 210-2019, Summer Beach,
22 Ramp and Joseph H. Saladino Memorial Marina at
23 Tobay Operation and Fee Schedule to reduce a jet
24 ski/waverunner charge. (M.D. 6/25/19 #28).

25 **RESOLUTION NO. 431-2019;** Resolution

1 pertaining to Award of Contract No. DP18-181,
2 Installation of Sidewalk at Theodore Roosevelt
3 Elementary School Located in Oyster Bay; (M.D.
4 6/25/19 #21 & 7/2/19 #16).

5 **RESOLUTION NO. 432-2019**; Resolution
6 pertaining to the decision for the application of
7 550 Hicksville Realty Corp. and Gramarcy Point
8 Realty Corp., fee owners, and LSC Development, LLC,
9 contract vendee, for a Special Use Permit and Site
10 Plan Approval for premises located at 550 West Old
11 Country Road, Hicksville, New York. Hearing held:
12 May 21, 2019. (M.D. 4/23/19 #16).

13 COUNCILWOMAN JOHNSON: Councilwoman
14 Johnson is here.

15 MR. ALTADONNA: Councilwoman Johnson is
16 here.

17 On the motion?

18 COUNCILMAN MUSCARELLA: So moved.

19 MR. ALTADONNA: Second.

20 COUNCILMAN MACAGNONE: Second.

21 MR. ALTADONNA: Thank you, Councilman
22 Macagnone.

23 That second was strong.

24 SUPERVISOR SALADINO: We have a
25 speaker, Arthur Adelman.

1 MR. ADELMAN: Good morning, Supervisor,
2 Board Members, Councilwoman Johnson.

3 Arthur Adelman, 110 Dubois Avenue,
4 Sea Cliff, New York.

5 I put a note in to speak regarding the
6 request for the transfer of funds.

7 SUPERVISOR SALADINO: Yes.

8 MR. ADELMAN: On three items there that
9 I'm trying to clarify. One is for \$5,750 to go
10 towards investigation firm for contracts.

11 I would like to know what that is
12 because I don't see where that is in the --

13 SUPERVISOR SALADINO: Okay.

14 Why don't you ask all your questions
15 and take a seat and we'll get you answers.

16 MR. ADELMAN: The other one was for
17 additional funds of \$26,000 for the Building
18 Department's IT maintenance for the building permit
19 system software.

20 I didn't know we had to come up with
21 more money for that.

22 And the third is approximately \$284,000
23 for sidewalk work in the Oyster Bay Hamlet. I'm
24 curious if that has to do with the Resolution at
25 the end -- I forget what number it was -- regarding

1 the sidewalks at the Teddy Roosevelt Elementary
2 School, if that's tied in.

3 That's it for today.

4 SUPERVISOR SALADINO: Thank you.

5 Please take your seat and we'll get you
6 some information.

7 So, let's start off by asking our Town
8 Attorney to come forward to speak about the money
9 we need.

10 Just so everyone knows, we pass the
11 Town budget before the year begins, and it allots
12 certain moneys to each department, and then when
13 departments have needs that change, that come up,
14 within their budget, we continue to come back for
15 those expenditures even when we've already approved
16 that amount even when it does not increase the
17 amount that that department will spend, but it's
18 understandable that moneys have to be transferred
19 in order to continue to do business.

20 Mr. Nocella, would you please state
21 your presence?

22 MR. NOCELLA: Certainly.

23 Joseph Nocella, Town Attorney.

24 SUPERVISOR SALADINO: So you've asked
25 your department for investigative services which

1 costs money and you've asked for \$5,750.

2 Can you tell us how that will be used
3 and where it's being transferred from?

4 MR. NOCELLA: Yes.

5 It's going to be transferred into
6 investigative budget so we can perform necessary
7 examinations and inspections, so on and so forth
8 regarding personal injury matters. Also regarding
9 matters concerning IT and development and other
10 functions which have arisen or the need for which
11 has arisen that did not -- had not arisen before.

12 SUPERVISOR SALADINO: You don't know
13 how many injuries there will be and how many
14 lawsuits will be brought to the Town during the
15 year, correct?

16 MR. NOCELLA: That's correct. We can
17 only make an estimate as time goes by.

18 SUPERVISOR SALADINO: Estimates.

19 MR. NOCELLA: Six months into the year,
20 we sometimes learn that a greater amount is
21 necessary to perform those functions.

22 SUPERVISOR SALADINO: In terms of
23 performing those functions for every municipality
24 across the State, someone gets injured and they
25 come -- and they bring a lawsuit and we have to

1 have data and documentation in order to fight that
2 suit.

3 MR. NOCELLA: That's absolutely
4 correct.

5 There is another example, too,
6 independent of the examination or the inspections
7 that are being done, investigative services on
8 personal injury, there is also due diligence that
9 is required when something like, for example, a new
10 concessionaire or a new contract is brought to our
11 attention, and during the RFP process, we have to
12 investigate the principals and perform other
13 functions along those lines. Not dissimilar, but
14 separate and distinct from what the Inspector
15 General may be doing. That always required
16 additional funds.

17 SUPERVISOR SALADINO: Does anyone on
18 the Board have any questions of Mr. Nocella?

19 COUNCILMAN MACAGNONE: Not about that
20 issue.

21 SUPERVISOR SALADINO: That's everything
22 from that department.

23 Thank you very much.

24 MR. NOCELLA: Thank you.

25 SUPERVISOR SALADINO: Do we have a

1 representative of the Building Department?

2 I see Department Commissioner Mr. Zike.

3 Would you please step forward and state
4 your presence?

5 DEPUTY COMMISSIONER ZIKE: Good
6 morning, Supervisor, Members of the Town Board.

7 Timothy Zike, Deputy Commissioner,
8 Department of Planning and Development.

9 The question I assume that was brought
10 up was why are we transferring funds.

11 SUPERVISOR SALADINO: Yes.

12 DEPUTY COMMISSIONER ZIKE: Very simply,
13 last year when we budgeted our money for the
14 software and maintenance of our Building Department
15 database, it was factored into one account.

16 Based on the practices through the
17 Comptroller's office, they had asked for accounting
18 purposes to have it transferred into a different
19 account, just for auditing purposes. So, all it
20 is, is the same money that was slotted for software
21 maintenance was in one account, and for accounting
22 purposes and accounting principles, being
23 transferred into another account.

24 SUPERVISOR SALADINO: All in an effort
25 to improve upon the way we are accounting for our

1 budgets in the departmental budgets.

2 DEPUTY COMMISSIONER ZIKE: Absolutely.

3 Like I said, it was requested by the
4 Comptroller's office directly

5 SUPERVISOR SALADINO: So we are not
6 spending more in this account, you're just changing
7 the account in the way it's recorded?

8 DEPUTY COMMISSIONER ZIKE: Absolutely.

9 SUPERVISOR SALADINO: Thank you very
10 much.

11 DEPUTY COMMISSIONER ZIKE: You're
12 welcome.

13 SUPERVISOR SALADINO: Do we have a
14 representative from the Comptroller's office?

15 Would you step forward, Ms. Wiss?

16 Would you please state your presence?

17 DEPUTY COMPTROLLER WISS: Sure.

18 Good morning, Supervisor, Town Board.

19 Christine Wiss, Deputy Comptroller.

20 SUPERVISOR SALADINO: Can you reflect
21 upon the statement Deputy Commissioner Zike just
22 made?

23 DEPUTY COMPTROLLER WISS: That's
24 absolutely correct. There is no budget increase.
25 It is just for accounting purposes only, moving

1 from one account to the other so that the moneys
2 are recorded properly.

3 SUPERVISOR SALADINO: Can you give us a
4 little bit of a brief understanding of why?

5 DEPUTY COMPTROLLER WISS: For
6 accounting purposes, it was in other contracts.
7 It's really not in other contracts. It is IT
8 maintenance and we want it in an IT maintenance
9 line, so it is properly recorded when our auditors
10 review the books.

11 SUPERVISOR SALADINO: Thank you very
12 much.

13 Does anyone have any questions?

14 (No verbal response given.)

15 SUPERVISOR SALADINO: Thank you very
16 much.

17 DEPUTY COMPTROLLER WISS: You're
18 welcome.

19 SUPERVISOR SALADINO: Last question was
20 about moneys used for the sidewalk program. I
21 believe that is Highway.

22 Do we have a representative from DPW
23 here? I see our Commissioner is here.

24 COMMISSIONER LENZ: Good morning.

25 My name is Richard Lenz, Commissioner

1 of Department of Public Works and Highway.

2 Unfortunately, I always bring
3 everything with me, I do not have this Resolution.
4 This docket -- does anyone have it I can look at
5 it?

6 COUNCILMAN IMBROTO: We all do.

7 (Paperwork handed to Commissioner Lenz.)

8 COMMISSIONER LENZ: All these accounts
9 are -- these are IGA accounts. So this would be a
10 grant -- for grant funding purposes and the grant
11 funding, yes, that ties into also the Teddy
12 Roosevelt Elementary School that we are working on.
13 That comes up later.

14 SUPERVISOR SALADINO: We are receiving
15 those funds from New York State?

16 COMMISSIONER LENZ: This is money that
17 comes from the Federal Government and we were able
18 to get a grant to do sidewalks for the elementary
19 school and this needed to be transferred from one
20 account, like you're saying, it's not an increase
21 or anything. It's just increase -- transferring
22 from one account to this other account that we can
23 then pay for the sidewalk repairs.

24 SUPERVISOR SALADINO: Okay, and it is
25 tied to the Oyster Bay program --

1 COMMISSIONER LENZ: Yes, it is.

2 SUPERVISOR SALADINO: I just ask one
3 more thing.

4 COMMISSIONER LENZ: Sure.

5 SUPERVISOR SALADINO: Please ensure
6 that our Inspector General looks over all of this
7 to make sure we get his blessing on it as well.

8 COMMISSIONER LENZ: Yes.

9 SUPERVISOR SALADINO: Thank you very
10 much.

11 Any other questions from the Board
12 members?

13 (No verbal response given.)

14 SUPERVISOR SALADINO: Okay. That's the
15 only slip we have.

16 Do we have any correspondence?

17 MR. ALTADONNA: No, no correspondence.

18 SUPERVISOR SALADINO: Then I'd like to
19 ask for a vote.

20 MR. ALTADONNA: A motion was made by
21 Councilman Muscarella.

22 Seconded by -- a strong second by
23 Councilman Macagnone.

24 For the record, Councilwoman Johnson is
25 in attendance.

1 On the vote:

2 Supervisor?

3 SUPERVISOR SALADINO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 COUNCILMAN MUSCARELLA: "Aye."

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: I vote no on

8 417, 430. I vote no on 432. I'm not against

9 public storage, but I think on a major road like

10 Old Country Road we are missing a great opportunity

11 to put mix use apartments, some business there as a

12 Gateway to the Town.

13 On 422, I'm looking at Commissioner

14 Lenz. We're paying out a large sum of money for a

15 trip and fall at one of our railroad parking lot.

16 Do we have periodic inspections of the

17 parking lots or can we make -- set it up. Like

18 after a storm, the parking lot is checked to make

19 sure there are no potholes that someone is going to

20 trip and fall.

21 COMMISSIONER LENZ: Absolutely.

22 COUNCILMAN MACAGNONE: Thank you, sir.

23 "Aye" on all the rest.

24 MR. ALTADONNA: Councilman Macagnone,

25 just to clarify, no on 417, no on 430, and no on

1 432?

2 COUNCILMAN MACAGNONE: Yes, sir.

3 MR. ALTADONNA: Councilwoman Johnson?

4 COUNCILWOMAN JOHNSON: I vote "Aye" on
5 all.

6 MR. ALTADONNA: Councilman Imbroto?

7 COUNCILMAN IMBROTO: "Aye" on all.

8 MR. ALTADONNA: Councilman Hand?

9 COUNCILMAN HAND: "Aye" on all.

10 MR. ALTADONNA: Councilman Labriola?

11 COUNCILMAN LABRIOLA: "Aye" on all.

12 And I just want to explain my vote on
13 432.

14 I want to commend Town Attorney Joe
15 Nocella for taking into consideration a lot
16 concerns of the Board Members and the members of
17 the communities adjacent to this development. I
18 think it satisfies that.

19 So "Aye" on 432 also.

20 MR. ALTADONNA: Resolutions P13-19
21 through 416 passes with seven "Ayes."

22 417 passes with six "Ayes" and one
23 "Nay."

24 418 through 429 passes with seven
25 "Ayes."

1 430, six "Ayes" and one "Nay."

2 431, seven "Ayes."

3 432, six "Ayes" and one "Nay."

4 The calendar is complete.

5 SUPERVISOR SALADINO: Thank you.

6 I'm going to take a moment of personal

7 -- I'm going to ask Mr. Rosea to please step

8 forward.

9 I wish you had asked that question

10 earlier before the vote because I had the same

11 question on that legal issue that you had,

12 Councilman.

13 Councilman Macagnone had a question

14 about an injury and a settlement and I saw that

15 number and I said what's going on here. And I then

16 asked the question and once I heard the

17 explanation, quite frankly it made a lot more sense

18 to me.

19 COUNCILMAN MACAGNONE: I understand

20 what the legal department did. Please don't get me

21 wrong. I just want --

22 SUPERVISOR SALADINO: Let's bring him

23 up.

24 COUNCILMAN MACAGNONE: -- for the

25 future, we're proactive to prevent it from

1 happening.

2 SUPERVISOR SALADINO: I get that.

3 COUNCILMAN MACAGNONE: We have enough
4 foremen on the road that they can check the parking
5 lots as they are driving through.

6 SUPERVISOR SALADINO: Not only parking
7 lots, but everywhere where pedestrians --

8 COUNCILMAN MACAGNONE: Everything, yes.

9 SUPERVISOR SALADINO: Absolutely.

10 COUNCILMAN MACAGNONE: Supervisor, I
11 know the legal department does a great job under
12 Town Attorney Nocella. I'm not worried about that.
13 I'm not worried about the settlement. Just going
14 forward to be proactive to prevent.

15 MR. NOCELLA: Right. To make sure
16 these trip hazards, for example, are remediated
17 before anything does happen.

18 COUNCILMAN MACAGNONE: Yes, sir.

19 That was my only question.

20 MR. NOCELLA: Understood.

21 COUNCILMAN MACAGNONE: Pat does a great
22 job.

23 SUPERVISOR SALADINO: Everyone does a
24 great job in that department and we appreciate it.

25 Counselor, you and I had a

1 conversation, we had a conversation with the legal
2 team because I had concerns about this one.

3 MR. NOCELLA: Right.

4 SUPERVISOR SALADINO: Why did this
5 costing so much? And quite frankly, about all the
6 settlements. Looking at each one very, very
7 carefully. And you then explained to me what it
8 costs us, whether it be outside counsel, what it
9 costs to get the documents, what it costs to bring
10 in experts, medical records, and so on and court
11 costs which quite frankly, I think a lot of the
12 public should know just what it costs when people
13 sue us so they have an understanding. This isn't
14 all going to the -- when you see what it costs us
15 just to go to court, it starts to really make sense
16 to settle out some of these cases.

17 Can you add to that?

18 MR. NOCELLA: Absolutely.

19 In this particular case, the plaintiff
20 was a nurse who works on her feet. The allegations
21 are that as a result of her injury, she was going
22 to be permanently in a situation where she was
23 going to affect her posture, her gait, her means of
24 walking. The amount of time she could spend on her
25 feet. It would affect her earning capacity

1 throughout the rest of her life. It would affect
2 her ability to function throughout the rest of her
3 life as a nurse.

4 SUPERVISOR SALADINO: In a case like
5 this, put aside what the award is, what would it
6 cost us to go to court on a case of this type which
7 is not the largest?

8 MR. NOCELLA: Right.

9 COUNCILMAN IMBROTO: Even on a minor
10 case.

11 SUPERVISOR SALADINO: Very good point,
12 thank you.

13 MR. NOCELLA: In fact, that was your
14 question and I started talking about the
15 plaintiff's issues. I should have answered your
16 question directly. I apologize for that and I
17 appreciate Councilman Imbroto bringing it back up.

18 We're going to be spending close to
19 10,000 to \$15,0000 on a case of this nature because
20 among other things, they would have an expert
21 talking about her quality of life, a medical expert
22 as well talking about the affects of this damage to
23 her foot on her ability to function for the rest of
24 her life.

25 We would be spending for a medical

1 doctor to examine her records, thousands of dollars
2 and then we would be spending more thousands of
3 dollars to have that medical expert -- I'm talking
4 about a doctor, ideally a professor of medicine who
5 is teaching medicine coming into court to rebut
6 what her expert would be saying. Those experts
7 alone, I'm just talking medical experts. Those
8 medical experts alone would easily run up to
9 \$15,000.

10 COUNCILMAN IMBROTO: That's handling
11 the case inhouse without any legal fees?

12 MR. NOCELLA: That's correct.

13 COUNCILMAN IMBROTO: That's just the
14 cost of going to court?

15 MR. NOCELLA: That is correct.

16 Then there is also the court reporters
17 for depositions. Numerous depositions will be
18 taking place. There are the investigators which
19 you saw there was a transfer of funds to increase
20 the amount of money available for us to perform our
21 investigations. The investigations can be -- I
22 don't think the case in this particular plaintiff's
23 circumstances because her injuries were real and
24 the effect on her quality of life was real, but if
25 someone claims that they were out of work because

1 they damaged themselves, we might have
2 investigators follow them to find out whether or
3 not they actually are out of work or they're out on
4 a volleyball court or running a mile and they're
5 actually --

6 SUPERVISOR SALADINO: We read about
7 these types of stories --

8 MR. NOCELLA: Precisely.

9 SUPERVISOR SALADINO: -- in newspapers
10 over and over.

11 MR. NOCELLA: We have court reporters.
12 We have medical experts. We have to demand medical
13 records. We have the time that is spent travelling
14 to and from court. We have --

15 SUPERVISOR SALADINO: Court fees.

16 MR. NOCELLA: -- court fees.

17 Thank you.

18 COUNCILMAN IMBROTO: The cost of
19 actually getting medical records, paying for
20 records.

21 MR. NOCELLA: Yes. Depending on how
22 extensive they are and where you are getting them
23 from it can 25 cents per page to \$1 per page. It
24 can be extremely voluminous.

25 A person can go back to -- they can

1 walk into a walk-in clinic at one moment and then
2 be sent to a chiropractor or orthopedist or even a
3 neurologist and then they have follow-up visits and
4 then in the hospital and hospital records are
5 extremely voluminous, that alone easily --

6 COUNCILMAN IMBROTO: A single MRI film
7 is hundreds of dollars just to get a copy of the
8 film.

9 MR. NOCELLA: That's correct.

10 SUPERVISOR SALADINO: This aside from
11 whether or not -- how a judge rules in that case
12 and what we have to pay out in the award --

13 MR. NOCELLA: Right.

14 SUPERVISOR SALADINO: -- should we go
15 to court.

16 We had multiple conversations about
17 this situation, right?

18 MR. NOCELLA: Yes, we did.

19 SUPERVISOR SALADINO: I had multiple
20 conversations with other members of your staff on
21 this issue, right?

22 MR. NOCELLA: That is true, yes.

23 SUPERVISOR SALADINO: With an eye
24 looking toward how we can save money and do this
25 the best possible way.

1 MR. NOCELLA: Right.

2 SUPERVISOR SALADINO: So when we vote
3 for a settlement like this, it is taking the more
4 prudent approach to settle this rather than roll
5 the dice and take a risk of having to spend all of
6 those court costs in addition to the award.

7 MR. NOCELLA: That's right.

8 We can spend all that money and still
9 lose and the verdict would become even higher than
10 anything we settle for.

11 COUNCILMAN MACAGNONE: Mr. Nocella, how
12 much would it cost a foreman on his route during
13 the day checking this kind of stuff?

14 MR. NOCELLA: That's a very fair
15 question to which I don't know exactly the answer.

16 COUNCILMAN MACAGNONE: Settlement --

17 MR. NOCELLA: Yes. I was about to say
18 that. I agree with your statement, yes.

19 SUPERVISOR SALADINO: Which is a good
20 point. I'm not sure why you're voting against it.

21 COUNCILMAN MACAGNONE: I didn't vote
22 against it.

23 SUPERVISOR SALADINO: I'm sorry.

24 COUNCILMAN MACAGNONE: I voted for it.

25 SUPERVISOR SALADINO: You brought up a

1 very good point.

2 Thank you, Mr. Nocella.

3 So, I will once again ask our Parks
4 Commissioner and our team from DPW to continue on
5 the program that we've established to get out,
6 inspect everything, make sure your inspectors are
7 reminded every day to be on the look-out for
8 dangerous conditions.

9 Councilman Macagnone is 100 percent
10 right. We need to continue that on a daily basis.

11 Okay, guys. Ladies and gentlemen,
12 thank you.

13 Thank you, Councilman.

14 COUNCILMAN MACAGNONE: Thank you.

15 I want a copy of that minute that you
16 said that.

17 SUPERVISOR SALADINO: We have to meet
18 with counsel in Executive Session, and then after
19 that, we'll come back out and listen to public
20 comments -- actually, we just have one slip on this
21 and I really think we should listen to the one
22 gentleman rather than make him wait.

23 COUNCILMAN MACAGNONE: Bend the rules?

24 SUPERVISOR SALADINO: May I have a
25 motion?

1 COUNCILMAN MACAGNONE: We can't go to
2 Executive Session. We can't --

3 COUNCILMAN IMBROTO: We have to be in
4 the meeting to go to Executive Session.

5 COUNCILMAN MACAGNONE: You want to
6 suspend the rules and take public comment?

7 SUPERVISOR SALADINO: Let's --

8 COUNCILMAN MUSCARELLA: Supervisor, I
9 make a motion that this Town Board go into
10 Executive Session for the purpose of discussions --

11 COUNCILMAN IMBROTO: Councilman, I
12 think we would like to hear public comment.

13 COUNCILMAN MACAGNONE: Suspend the
14 meeting.

15 So to public comment and then restart
16 meeting.

17 COUNCILMAN MUSCARELLA: I make a motion
18 to suspend the rules and go to public comment at
19 this moment.

20 COUNCILMAN MACAGNONE: I'll second
21 that.

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

24 ALL: "Aye."

25 SUPERVISOR SALADINO: All opposed,

1 "Nay."

2 (No verbal response given.)

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

5 (TIME NOTED: 10:53 A.M.)

6 (Whereupon, the proceedings resumed at
7 10:55 as follows:)

8 COUNCILMAN MUSCARELLA: Supervisor, I
9 make a motion to unsuspend the rules and go back
10 into session.

11 COUNCILMAN MACAGNONE: Second.

12 SUPERVISOR SALADINO: All in favor
13 please signify by saying "Aye."

14 ALL: "Aye."

15 SUPERVISOR SALADINO: Those opposed,
16 "Nay."

17 (No verbal response given.)

18 SUPERVISOR SALADINO: Thank you ladies
19 and gentlemen.

20 We are going to go --

21 COUNCILMAN MUSCARELLA: I'd like to
22 make a motion that this Town Board go into
23 Executive Session for purposes of discussion
24 regarding proposed, pending or current litigation.

25 COUNCILMAN MACAGNONE: Second.

1 SUPERVISOR SALADINO: All in favor
2 please signify by saying "Aye."

3 ALL: "Aye."

4 SUPERVISOR SALADINO: Opposed, "Nay."
5 (No verbal response given.)

6 SUPERVISOR SALADINO: We are going to
7 go into Executive Session and then come out to
8 report if there is anything to report at that time.

9 Thank you.

10 (Whereupon, the Executive Session began
11 at 10:55 a.m. and ended at 11:18 a.m. and the
12 proceedings resumed as follows:)

13 COUNCILMAN MUSCARELLA: Supervisor,
14 I'll make a motion that the Executive Session is
15 closed.

16 No action has been taken.

17 COUNCILMAN MACAGNONE: Second.

18 SUPERVISOR SALADINO: All in favor,
19 please signify by saying "Aye."

20 ALL: "Aye."

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

23 May I have a motion?

24 COUNCILMAN MUSCARELLA: Supervisor,
25 I'll make a motion to close the meeting.

1 COUNCILMAN MACAGNONE: Second.

2 SUPERVISOR SALADINO: All in favor,
3 please signify by saying "Aye."

4 ALL: "Aye."

5 SUPERVISOR SALADINO: Opposed "Nay."
6 (No verbal response given.)

7 SUPERVISOR SALADINO: The "Ayes" have
8 it.

9 Thank you very, very much everyone for
10 being here with us.

11 And, once again, reiterating the great
12 news that our independent audit has shown that
13 there is no more ongoing deficit in our budget and
14 we have over a 17 million dollar surplus which
15 after paying our bills and putting money in reserve
16 works out to \$8.2 million in reserve for the first
17 time in seven years and the first time in ten years
18 we will not be doing any short-term borrowing for
19 cash flow purposes for the first time in ten years.

20 We are exceptionally proud of that.

21 Thank you very much, ladies and
22 gentlemen.

23 (TIME NOTED: 11:21 A.M.)

24

25