

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
June 2, 2020
10:17 a.m.

HEARING - LOCAL LAW

To consider a Local Law entitled: "A Local Law to Amend Chapter 246 Zoning, Section 246-5.5.5 and Section 246-5.2 of the Code of the Town of Oyster Bay. (M.D. 5/12/20 #11).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good morning,
2 ladies and gentlemen and welcome to the Oyster Bay
3 Town Board Meeting of June 2, 2020.

4 We are meeting in Oyster Bay Town Hall
5 North as we normally do with all of our Board
6 members and elected officials here practicing
7 social distance protocols in place.

8 Before we proceed, we would like to
9 take this opportunity to assure residents just how
10 easy it is to participate in our meeting in light
11 of the emergency restrictions and conditions that
12 have been set forth by New York State and to ensure
13 that meetings like this one are accessed online
14 with ample opportunity for the public to
15 participate.

16 In our case, for years residents have
17 been able to view live streaming of our Town Board
18 meetings at OysterBayTown.com. The proceedings are
19 then recorded and later transcribed.

20 The public has the opportunity to be
21 heard on matters brought before the Town Board and
22 during public comment for a period of 10 days
23 following this meeting.

24 In other words, we are keeping the
25 records open and if you would like to be heard on

1 any issue, you can e-mail or write us, and we will
2 continue to keep the rolls open for ten days so
3 that anything you present to the Town Board will
4 become a permanent part of the record.

5 With respect to today's hearing, the
6 public will have until the end of business day on
7 June 12th to submit comments to the subject of any
8 hearing by mailing or delivering comments to the
9 office of our Oyster Bay Town Attorney at 54 Audry
10 Avenue, Oyster Bay, New York 11771.

11 Any comments received will become,
12 again, part of the public record and it is
13 important that you know we want to hear from you.

14 So, just to reemphasize, yes, we are
15 hosting today's meeting virtually. We are all here
16 but statements, comments, input from the public
17 relative to our meeting and our hearings are always
18 welcome, respected and part of the record and
19 considered before any decisions are rendered and
20 the process that we are embracing meets and exceeds
21 all of New York State's requirements.

22 Before we get started, I am going to
23 ask everyone to rise.

24 If Michele, Councilwoman Johnson, would
25 you kindly lead us in the Pledge of Allegiance?

1 (Whereupon, the Pledge of Allegiance
2 was recited.)

3 SUPERVISOR SALADINO: I would like to
4 ask for a moment of silence in recognition and in
5 honor of all those who have passed of COVID, for
6 all our emergency responders, our healthcare heroes,
7 all working for us; also, in mindfulness of all
8 those we have lost over the years defending the
9 rights of this great country.

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

12 SUPERVISOR SALADINO: Thank you.
13 I would just ask you to all remain
14 standing for a moment of prayer.

15 Lord, we ask you to give us the
16 strength, the patience and for foresight to
17 understand the issues before us, to help our
18 communities in every way, to keep people safe in
19 the Town of Oyster Bay and throughout our great
20 nation of the United States of America.

21 We have been the world's leaders all
22 along and we will continue to be that, but, please,
23 Lord, please allow us to come out of this without
24 strife, a better understanding of each other's
25 needs and wants, and the commitment to work with

1 one another in America to bring about safety and
2 peace.

3 God bless this great nation and each
4 and every one of us, and to that we say, Amen.

5 I want to take a couple of minutes
6 before we get started to speak about some of the
7 issues going on in the Town of Oyster Bay that the
8 public has been asking about.

9 We've got great news we received last
10 week, New York State greenlighted the Long Island's
11 Phase 1 for reopening. This allowed construction
12 and manufacturing to restart. It also has allowed
13 retail stores to open for curbside or in-person
14 pickup.

15 This Town Board believes it's critical
16 that we get more industries open and back to work.
17 We all believe that the public can do this safely
18 with assistance and we are here to help our
19 businesses get back up and running and we have
20 continued to lobby and demand from New York State
21 that we get back to business to protect our economy
22 while still protecting the health and safety of our
23 residents. Safety protocols have been put in place
24 in every aspect of Town government.

25 My Town Board colleagues and elected

1 officials here on the Town Board and all of the
2 Town of Oyster Bay have the pleasure of welcoming
3 some of our local merchants back and letting them
4 know how much they were missed and how much we're
5 committed to seeing everyone get back to work in a
6 very product way.

7 We celebrated the reopening of small
8 businesses and gathered with our retailers to
9 remind residents of the benefits of shopping in
10 your hometown. It is critical for everyone to get
11 back out and shop locally. Let's protect the store
12 owners, the businesses, the jobs, the downtowns and
13 all we hold so dear.

14 Yes, shopping on the internet is
15 convenient, but don't forget the protection of
16 others. Just as we've had a tremendous passion to
17 thank our health care heros, our emergency
18 responders, all involved in protecting us, we have
19 to have the same passion to support our businesses
20 and that's what we continue to do.

21 PAUSE New York has severely disrupted
22 businesses negatively impacted the livelihood of
23 thousands of employers and employees.

24 Unemployment has now reached 16 percent
25 on Long Island and we cannot allow it to go any

1 higher. We support the return of small businesses
2 and urge you to support the local mom and pop
3 shops, your local neighborhood stores. Let's help
4 them get back to good health.

5 Shopping at these neighborhood
6 merchants keeps the local dollars in the local
7 economy. Please support these merchants and buy
8 locally. So, this begins with our restaurants.
9 They should have the ability to start serving food
10 outdoors by Phase 2, instead of Phase 3, as Albany
11 has asked. Phase 3 is far too far away.

12 Connecticut has already allowed outdoor
13 dining to return in their state and we should
14 immediately follow suit. Collectively, this Town
15 Board is already looking forward to safe ways to
16 speed up Phase 2, Phase 3 and Phase 4 reopenings.

17 And I thank our residents and I thank
18 our Town Board for joining us yesterday in one of
19 our villages where we were joined by the Supervisor
20 and the Town Board of Hempstead Town, as well as
21 our wonderful elected officials in this great town.

22 We met with all of the mayors across
23 our towns and the business leaders and the heads of
24 the Chambers of Commerce to demand from Albany to
25 reopen outdoor dining as part of Phase 2 which

1 should begin a week from tomorrow.

2 We are not saying you can go out and
3 start doing that. You run the risk of being cited
4 by the County and the State. What we are saying is
5 we will continue to be your voice to lobby and to
6 demand that Albany allow these reopenings as part
7 of Phase 2.

8 So, we pray for everyone out there and
9 we thank everyone for the cooperation and the
10 patience that they have shown in a very, very
11 difficult situation. And we certainly pray for
12 peace and lawfulness in our communities across Long
13 Island and across these United States.

14 To that, I ask Town Clerk Rich LaMarca
15 to please poll the Board.

16 MR. LaMARCA: Supervisor Saladino?

17 SUPERVISOR SALADINO: Present.

18 MR. LaMARCA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: Present.

20 MR. LaMARCA: Councilman Imbroto?

21 COUNCILMAN IMBROTO: Present.

22 MR. LaMARCA: Councilman Hand?

23 COUNCILMAN HAND: Present.

24 MR. LaMARCA: Councilman Labriola?

25 COUNCILMAN LABRIOLA: Present.

1 MR. LaMARCA: Councilwoman Maier?

2 COUNCILWOMAN MAIER: Present.

3 MR. LaMARCA: Councilwoman Walsh?

4 COUNCILWOMAN WALSH: Present.

5 SUPERVISOR SALADINO: All are present.

6 So thank you, everyone.

7 Town Clerk, would you please call the
8 first hearing?

9 MR. LaMARCA: Today's hearing is to
10 consider a local law entitled a Local Law to amend
11 Chapter 246, Zoning Section 246-5.5.5 and Section
12 2465.2 of the code of the Town of Oyster Bay.

13 MR. SCALERA: Good morning, Supervisor,
14 Town Board.

15 Frank Scalera, Chief Deputy Town
16 Attorney.

17 As the Clerk just mentioned, this is a
18 local law to amend Chapter 246 in the Zoning Code
19 regarding apartments over stores.

20 The amendment here basically -- the
21 intent of it is to assist downtowns across Oyster
22 Bay, but at the same time balancing that assistance
23 with transparency and input by both the local
24 residents or local interested parties, as well as
25 this Town Board.

1 So, with that, the particular code
2 246-5.5.5 that addresses apartment over stores, it
3 indicates in the code and in the corresponding
4 schedule of use which is the chart that corresponds
5 to this particular code, it indicates that it's an
6 As-of-Right principal use. It's As-of-Right.

7 What this change does is it eliminates
8 it as As-of-Right, but -- but it continues to allow
9 it by Special Use Permit which, getting back to my
10 initial premise, is for the purposes of interested
11 parties, residents and this Town Board and others
12 who are interested to put input in the entire
13 process.

14 So with that, it's also consistent with
15 the entire Town Comprehensive Zoning Code which
16 basically allows residents on top of the stores;
17 however, it allows it only with Special Use permit.
18 It doesn't allow it As-of-Right.

19 So, consistently with the code for the
20 last 50 years, it didn't allow it except for
21 resident office which you know, this Board knows,
22 if you don't know, resident offices you own the
23 house and you put an office so you're an actual
24 occupant in your own house with your office which
25 is kind of a hybrid.

1 So, getting back to this, it's about
2 continuing to focus on downtowns and the
3 storefronts, but at the same time, balancing it
4 with transparency, openness and further input which
5 never harms us by having input from interested
6 parties.

7 Now, for housekeeping purposes, Public
8 Notice of this hearing was given in connection with
9 this entire action Board calendar today. We did
10 the Public Notice which was published. You also
11 know that the Public Notice was for today,
12 June 2nd. You also know that the Public Notice
13 also allows that the record for this particular
14 hearing on this change stays open until June 12th.

15 So, anybody interested, watching or
16 hearing, can put input in and it will be part of
17 this record up to June 12th. The Supervisor will
18 mention where you can give input.

19 I just want to add, the Public Notice
20 that you can give additional input with the Town
21 Attorney's office, but I can assure you on the
22 record that the Town Clerk's office, the Public
23 Information office, the Supervisor's office and
24 Department of Planning and Development will all
25 accept any e-mails or any input and will

1 incorporate it into the record. The Supervisor
2 will talk more about that.

3 So, Public Notice given, opportunity to
4 be heard. Second housekeeping SEQUA. This is a
5 routine administrative action. So it's Type 2. It
6 doesn't require any further review on the SEQUA.
7 So that housekeeping done.

8 So, that being said, the changes here,
9 the proposed amendment is straightforward. It'll
10 delete that portion in the code but, again, based
11 upon other provisions of the Town code and the
12 Building code and the Zoning code, anybody in
13 downtowns looking to do apartments over stores
14 and/or office, apartment over stores will still be
15 permitted.

16 And if you need any questions on that
17 process on how it's done under Special Use, we have
18 Leslie Maccarone, Commissioner of Planning and
19 Development, for that purpose.

20 SUPERVISOR SALADINO: We'll bring her
21 up in just a moment. And the Board may have
22 questions for you, but I have a couple of questions
23 just to set the record straight so people fully
24 understand what we are doing.

25 We are not doing this to discourage or

1 stop apartments over stores but we are doing this,
2 in fact, to continue our downtown revitalization
3 process to create a better system so the public can
4 be heard, can come out to every hearing so that it
5 will more closely match the model that we've been
6 working on for the last years now -- three years
7 for our downtowns.

8 Is that correct?

9 MR. SCALERA: That's correct.

10 SUPERVISOR SALADINO: Not only are we
11 encouraging this downtown revitalization model
12 through this legislation, but this is not one and
13 done. We'll be doing many other bills to continue
14 to create a process to better revitalize our
15 downtowns.

16 Correct?

17 MR. SCALERA: Correct.

18 SUPERVISOR SALADINO: And in terms of
19 our hearing to the -- to the -- all of the State
20 mandates as it relates to open meetings, as well as
21 our own Town Code that we've been following all
22 along, do we meet or do we exceed the mandates as
23 far as the way we are doing this today?

24 MR. SCALERA: In the way we're doing
25 it, we're exceeding the minimal requirements by the

1 State. So we're exceeding in allowing for more
2 input, transparency as it relates to these
3 applications and as well as presenting these
4 applications.

5 SUPERVISOR SALADINO: And the end
6 result is that we're providing for a system to
7 better -- to have more input from the public
8 because now each of these designs will have to be
9 accompanied by -- that fall into the criteria of
10 course -- will have to be accompanied by our public
11 hearing so we can listen to the business community.
12 We can listen to the Chamber of Commerce. We can
13 listen to the residents of that community. We can
14 listen to anyone who is interested for or against,
15 provide a better template that keeps moving us into
16 the revitalization that we've been promising in our
17 downtowns.

18 MR. SCALERA: That is correct.

19 It allows -- definitely allows input
20 from interested parties. Look, we've always -- we
21 always are looking to improve and you know, folks
22 out there who have lived in this community their
23 whole lives or even if they lived here less than
24 their whole lives are always some of the best
25 indicators of what is good and what is not good and

1 what is -- what can be done well in the communities
2 in which they live and this allows -- this allows
3 for that.

4 SUPERVISOR SALADINO: It actually
5 encourage it -- it encourages better participation
6 from the public, the residents, the Chambers of
7 Commerce, business owners, people who live nearby,
8 for all of this.

9 MR. SCALERA: Right.

10 So, any concerns that anybody may have
11 in this change as to the process of what happens,
12 Commissioner Maccarone can address the actual
13 operations from the Building Department and what
14 has to be done, but it's no different than what
15 this Town has been doing under your administration
16 for the last several years.

17 SUPERVISOR SALADINO: It's a
18 continuation of downtown revitalization --

19 MR. SCALERA: Correct.

20 SUPERVISOR SALADINO: -- process.

21 Before we bring Commissioner Maccarone
22 up, would any of the Board members like to ask any
23 questions of Frank Scalera?

24 (No verbal response given.)

25 SUPERVISOR SALADINO: Very well.

1 MR. SCALERA: Thank you.

2 SUPERVISOR SALADINO: Commissioner
3 Maccarone, would you please step up?

4 How are you today?

5 COMMISSIONER MACCARONE: Good morning,
6 Supervisor, Town Board members, Town Clerk.

7 SUPERVISOR SALADINO: Could you please
8 state your presence?

9 COMMISSIONER MACCARONE: I'm Elizabeth
10 Maccarone, Commissioner of Planning and
11 Development.

12 SUPERVISOR SALADINO: So, we're holding
13 this hearing today to provide better transparency
14 and to provide a continuation of our Downtown
15 Revitalization Plan.

16 Can you add more detail to that,
17 please?

18 COMMISSIONER MACCARONE: Yes.

19 As Deputy Chief Town Attorney Frank
20 Scalera indicated, we are eliminating it from the
21 District use regulations; however, there is a
22 provision in our code that allows for these types
23 of uses to still go before the Town Board for a
24 Special Use Permit. So, this will allow us to have
25 more oversight.

1 This type of development, whether it's
2 apartments over stores in a downtown or in any of
3 the other broader commercial zones, it's not a
4 one-size-fits-all application. And there are times
5 when we need to have oversight of applications that
6 come in with the apartments, whether it's over the
7 stores or the offices, and the density, as well as
8 the proximity of the location to adjoining
9 residential zones, because, obviously, where a
10 commercial property ends and a residential property
11 begins, we have seen applicants or developers come
12 in to try to come in under the current Zoning Code
13 to allow for high-density applications.

14 So, right now, it's a permitted use.
15 So, if they provided all the parking and the
16 setbacks, there would be no oversight by this
17 Board, the Planning Advisory Board or the Zoning
18 Board of Appeals.

19 So, by doing this, we are opening it up
20 for more public participation, Chamber
21 participation, Civics, Town Board and so forth.

22 SUPERVISOR SALADINO: Can you just
23 speak to the fact that this is a continuation of
24 our Downtown Revitalization Plan that we've been
25 talking about; we presented it to the public; we

1 advertised this; we worked with the public in so
2 many ways at different public forums?

3 COMMISSIONER MACCARONE: Yes.

4 My other Deputy, James McCaffrey, he
5 has been very instrumental in studying all
6 surrounding properties and townships and so forth
7 throughout the Hicksville Revitalization Plan. And
8 one of the things that we want to focus in on is
9 the parking requirements.

10 Currently, the code only requires one
11 parking space for every apartment, but it doesn't
12 break it down based upon studios, one bedrooms, two
13 bedrooms, and what we've been seeing, you know,
14 successful other downtowns, they're having a
15 problem now with parking, and they enacted
16 moratoriums to study those effects.

17 So, we don't want to be in a position
18 where we create a sense of a lot of apartments
19 without the proper parking. So we're going to be
20 looking at that as well as part of the whole, you
21 know, specific Downtown Revitalization Plans, to
22 make sure that we do capture the right amount of
23 parking for these types of uses.

24 SUPERVISOR SALADINO: As Commissioner
25 of Department of Planning and Development, in

1 essence our Building Department, what would you say
2 to someone who had the misconception that our
3 intention was to stop residential units over
4 businesses in our downtown?

5 COMMISSIONER MACCARONE: No. That's
6 clearly not the case.

7 We do want to see them in the
8 traditional downtown areas. We are from different
9 parts of the community from the North Shore to the
10 South Shore, and we know where those typical
11 downtown communities take place.

12 So, for example, whether it's here in
13 Oyster Bay or Downtown Broadway, we are still going
14 to allow them through our Special Use Permit, but
15 we want to see that type of development in our
16 downtowns to support the businesses or be able to
17 walk to the train station for transportation to and
18 from places of work.

19 So, we definitely want to see it and we
20 are committed to helping the applicants get through
21 the process. A lot of times people hear the words
22 "Special Use Permit" and they think that it's going
23 to take several months.

24 One of the things when you look at the
25 individual downtowns; for example, here in Oyster

1 Bay, as part of the Special Use Permit process,
2 there is also a parallel path called the Site Plan
3 Review Process.

4 That's typically when we look at
5 landscaping, lighting, parking and so forth, buffer
6 zones. Here in -- let's take specifically Downtown
7 Oyster Bay, the buildings occupy the entire lot.

8 So, the Site Plan Process more or less
9 gets pushed to the side because we will look at
10 elevations and height, but we are not dealing with
11 parking and setbacks and landscaping.

12 So, all those reviews that go back and
13 forth, ultimately do not happen because your just
14 dealing with the building at hand, so we are able
15 to speed up that process.

16 So, you know -- again, people always
17 say, how long does it take to get before the Town
18 Board. When I meet with developers and their
19 engineers, it's very simple. When an application
20 is submitted, we always have comments. That's the
21 process.

22 We go back and forth, but if we send
23 out a comment letter and it takes two months for
24 that letter to be addressed and resubmitted, well,
25 that's two months added to the time.

1 And if we asked for ten items and they
2 resubmit only resubmit five of the ten items, and
3 we have to send another letter, and it takes
4 another two months for that letter to come back, it
5 adds to the time.

6 So, we've taken great strides over the
7 past few years to really work with -- it's not only
8 the developer, it's the engineer and the attorney
9 and sometimes the applicant on the application that
10 we go back and forth and that everybody understands
11 what their roles are. So, when we do send out a
12 comment letter and they submit, we try to get
13 everyone to understand, don't submit in piecemeal,
14 and it has been working, but it's time consuming
15 and it's a lot of going back and forth, but it does
16 work and we're able to process the applications a
17 lot quicker.

18 SUPERVISOR SALADINO: One of the
19 conversations we've had in terms of changing and
20 improving the Town of Oyster Bay is to cut that
21 time down. We created same-day permits for a very
22 long list of applications. Very quick permits,
23 very quick followup and we're very impressed with
24 that and I just want to continue to get the message
25 across.

1 This continues our desire to build cool
2 downtowns where young people will want to live,
3 where it's close to railroad stations and we may --
4 the community, after meeting with them, may want,
5 say, the same theme on the facade, the fronts of
6 the building. This would be one of the ways to
7 enable a theme in the downtown and the
8 construction.

9 COMMISSIONER MACCARONE: Yes,
10 absolutely. That's absolutely correct.

11 SUPERVISOR SALADINO: But most
12 importantly, it will guarantee there will be more
13 public participation because now we have a venue,
14 that hearing, to better listen to the public's
15 wants and how they would like to see the downtowns
16 developed.

17 COMMISSIONER MACCARONE: Yes, that's
18 correct.

19 SUPERVISOR SALADINO: Are there any
20 questions from anyone on the Board? Would anyone
21 like to ask any questions?

22 COUNCILMAN HAND: Commissioner, in
23 addition to the parking, we also -- I'm sorry.

24 SUPERVISOR SALADINO: Go ahead, please.

25 COUNCILMAN HAND: In addition to the

1 parking, we also have the concern of Sanitation in
2 a commercial zone.

3 How you can handle that?

4 COMMISSIONER MACCARONE: Absolutely.

5 I think all of you are familiar or
6 remember the one application that was before the
7 Town Board here in Oyster Bay and the issues of the
8 Dumpster location. Those are all items that would
9 come under the review as well as the purview of the
10 Town Board hearing and any issues that the
11 community may be having with this specific
12 property.

13 COUNCILMAN LABRIOLA: Commissioner,
14 isn't it fair to say that this particular change
15 gives our Town Board more local control over these
16 types of developments where we can invite the
17 public to share their opinion rather than having
18 these developers come in and do this by right?

19 COMMISSIONER MACCARONE: Absolutely,
20 100 percent.

21 COUNCILMAN LABRIOLA: Would you also
22 say that in terms of what vision Long Island has
23 been doing in terms of smart growth and Downtown
24 Revitalization, this particular amendment to our
25 local code, doesn't that -- doesn't this really

1 help us in term of trying to achieve those goals of
2 smart growth?

3 COMMISSIONER MACCARONE: Yes,
4 absolutely, and it gives you, as the Board, the
5 opportunity to hear each of these applications.
6 You're out in the public, you're meeting with the
7 constituents, you know what the people want, don't
8 want, how we can try to achieve a certain project
9 with the best concepts in mind.

10 COUNCILMAN LABRIOLA: Thank you.

11 SUPERVISOR SALADINO: Are there any
12 other questions?

13 (No verbal response.)

14 SUPERVISOR SALADINO: Thank you,
15 Commissioner.

16 COMMISSIONER MACCARONE: Thank you.

17 SUPERVISOR SALADINO: Mr. Scalera, if
18 you'd like to wrap up on the hearing, to close.

19 MR. SCALERA: At this time, we've
20 presented everything we needed to present for the
21 hearing. We're going to keep the record open on
22 the hearing as we mentioned earlier, June 12th.

23 Supervisor, I know you want to mention
24 what particular website people can put in. I
25 think --

1 SUPERVISOR SALADINO: Publiccomment@
2 oysterbay-ny.gov. I'll say that again.

3 Publiccomment, one word,
4 @oysterbay-ny.com. That is one of the ways to get
5 information. You can send your letter or e-mail to
6 my office, to any of our Town Board members. You
7 can send your correspondence to their office.

8 COUNCILWOMAN JOHNSON: Dot gov.

9 SUPERVISOR SALADINO: I'm sorry, did I
10 say dot --

11 MR. LAMARCA: Dot gov.

12 SUPERVISOR SALADINO: Thank you very,
13 very much. I'm smiling under the mask.

14 That again is publiccomment@
15 oysterbay-ny.gov, G-O-V, not dot com.

16 Thank you, Commissioner.

17 MR. SCALERA: So at this point the
18 hearing --

19 SUPERVISOR SALADINO: Force of habit.

20 MR. SCALERA: The hearing is complete
21 at this point in time but, obviously, the record
22 remaining open until June 12th, and I don't know if
23 there are any other papers or affidavits,
24 publication or correspondence, I'll leave that to
25 the Town Clerk.

1 SUPERVISOR SALADINO: And that doesn't
2 necessarily mean that we're forced to vote on it on
3 June 12th, but this is at least the minimum time
4 that we want to give the public to comment on this
5 to ensure that everyone is heard.

6 MR. SCALERA: Right.

7 So, the record remains open until June
8 12th and, of course, decision reserved because we
9 can -- we'll do that at a future date.

10 SUPERVISOR SALADINO: Okay.

11 Town Clerk, any correspondence?

12 MR. LaMARCA: Yes.

13 We have affidavits of postings and
14 publication.

15 We have a letter from Executive
16 Director Meredith Maus from the Oyster Bay Main
17 Street Association which has been distributed to
18 the Town Board and will become part of the official
19 record.

20 There is no other correspondence.

21 SUPERVISOR SALADINO: Thank you.

22 May I have a motion, please?

23 COUNCILWOMAN JOHNSON: Supervisor, I
24 make a motion that this public hearing be closed
25 and public comment period be open until June 12th

1 and decision be reserved.

2 COUNCILMAN IMBROTO: Second.

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

5 ALL: "Aye."

6 SUPERVISOR SALADINO: Those opposed,
7 "Nay."

8 (No verbal response.)

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

11 Thank you.

12 So, our record will remain open until
13 June 12th. You can provide any information that
14 you would like. You can contact us by letter or by
15 e-mail and, again, you can contact my office, the
16 offices of any of the Town Board members or you can
17 send your comments to publiccomment@oysterbay-ny.gov.

18 Thank you very much.

19 (TIME NOTED: 10:46 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
June 2, 2020
10:47 a.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will you continue
2 with the business of the day?

3 MR. LaMARCA: Yes, Supervisor.

4 We have some Resolutions to add to the
5 calendar.

6 May I have a motion to suspend the
7 rules and add Resolution Nos. 293 through 297-2020?

8 **RESOLUTION NO. 293-2020;** Resolution
9 authorizing the scheduling of a Public Hearing to
10 consider the application of the Jericho Water
11 District for the issuance of serial bonds to pay
12 the cost of improvements to the water district.
13 Hearing date: June 16, 2020. (M.D. 5/26/20 #18).

14 **RESOLUTION NO. 294-2020;** Resolution
15 authorizing the issuance of refunding bonds. (M.D.
16 5/26/20 #19).

17 **RESOLUTION NO. 295-2020;** Resolution
18 authorizing the Town of Oyster Bay Animal Control
19 and Adoption Policy. (M.D. 5/26/20 #20).

20 **RESOLUTION NO. 296-2020;** Resolution
21 directing the Town Clerk to publish a Notice of
22 Hearing on a proposed local law entitled: "A Local
23 Law to Amend Chapter 221-Towing, Section
24 221-37-Charges, of the Code of the Town of Oyster
25 Bay." Hearing date: June 16, 2020. (M.D. 5/26/20

1 #21).

2 **RESOLUTION NO. 297-2020;** Resolution
3 authorizing a survey of easement at 185 Central
4 Avenue, Bethpage and to ratify the access agreement
5 between the Town of Oyster Bay and King Kullen
6 Grocery, Inc. Account No. OTA A 1420 44110 000
7 0000. (M.D. 5/26/20 #23).

8 On the motion?

9 COUNCILWOMAN JOHNSON: So moved.

10 COUNCILMAN IMBROTO: Second.

11 MR. LaMARCA: Motion made by
12 Councilwoman Johnson.

13 Seconded by Councilman Imbroto.

14 On the vote:

15 Supervisor Saladino?

16 SUPERVISOR SALADINO: "Aye."

17 MR. LaMARCA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: "Aye."

19 MR. LaMARCA: Councilman Imbroto?

20 COUNCILMAN IMBROTO: "Aye."

21 MR. LaMARCA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. LaMARCA: Councilman Labriola?

24 COUNCILMAN LABRIOLA: "Aye."

25 MR. LaMARCA: Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye."

2 MR. LaMARCA: Councilwoman Walsh?

3 COUNCILWOMAN WALSH: "Aye."

4 MR. LaMARCA: Motion to suspend the
5 rules and add Resolution Nos. 293 through 297-2020
6 passes with seven "Ayes."

7 SUPERVISOR SALADINO: There is one of
8 these Resolutions that I wanted to speak about very
9 briefly because it's very important to my heart, as
10 well as everybody on this Town Board who has been
11 so helpful in the financial recovery of this Town.

12 Bonds are taken to borrow money to
13 repave the roads, to protect the infrastructure and
14 to carry on business. To date, we have paid down
15 the total capital debt of our Town by a net of 207
16 million dollars net less capital debt in this Town.

17 Bonds reach a call date which allow us
18 through the legal process to refinance that bond at
19 a lower interest rate. We have gotten increases in
20 our outlook and our bond rating.

21 So, when a bond reaches that call date
22 and we have -- we're given the opportunity to
23 refinance and save money, we, of course, want to
24 take advantage of that.

25 So, we are refinancing some

1 \$58,240,000. We will be refinancing that in the
2 month of August.

3 We expect -- we don't know what the
4 bond rating -- I'm sorry, what the interest rates
5 will be specifically in August. We do know that we
6 have a financial audit coming out, being made
7 public later on this month. We expect it will show
8 a \$29 million surplus in the Town of Oyster Bay's
9 operating budget.

10 To put that in perspective, at one
11 point there was a deficit in that operating bulge
12 as high as \$44 million. We have balanced the
13 operating budget and now we have a \$29 million
14 surplus which will increase our bond rating and
15 bring down the cost of interest on the bonds.

16 We are aiming for saving \$4 million
17 over the next eight years by refinancing and we're
18 giving permission to go forward out to the market,
19 if you will, to refinance this bond for the savings
20 and that is, personally, very, very important to
21 us. We are continuing to operate in a very
22 financially prudent way to protect our taxpayers,
23 to continue on without a tax increase and continue
24 to show the public we're very serious about
25 bringing this Town to the best financial shape it

1 has ever been in and we're getting there through
2 this process.

3 So, thank you for the opportunity to
4 speak about that. We also have a Resolution -- by
5 the way, that was Resolution 294.

6 In the case of Resolution 297, we have
7 been working diligently with our Board members in
8 this administration on the remediation of the
9 Grumman Navy Plume.

10 It's something that's been important
11 for me for many, many years, but something that
12 every single elected official in this Town has
13 embraced and I really appreciate their work.

14 In order to better protect the
15 community, we are in the process of working out an
16 access agreement with a company, King Kullen,
17 everyone knows of them in Bethpage, to access a
18 part of the property to run a pipe through to keep
19 it from being run through residential
20 neighborhoods.

21 One of today's Resolutions, 297,
22 authorizes a survey. The total cost of the survey
23 is \$87,000. It's more than just a survey, but this
24 reflects the cost of the professional services that
25 have to take place before we can get this easement

1 and Grumman will reimburse the Town of Oyster Bay.
2 Of that \$87,000, they will reimburse us \$72,000 and
3 that is almost an 83 percent, 82.7 percent
4 reimbursement rate. Even better than what the
5 Federal government is doing for us on
6 reimbursements of COVID costs.

7 So, we are happy to continue to get
8 these jobs done and protect our taxpayers at the
9 same time.

10 Are there any questions or comments
11 before we move on?

12 (No verbal response.)

13 SUPERVISOR SALADINO: Seeing that no
14 one has indicated that they would like to ask a
15 question or comment, I will ask the Town Clerk, is
16 there any correspondence?

17 MR. LaMARCA: Yes, Supervisor.

18 We have -- on Resolution 295, we have
19 correspondence from Kate Cifarelli and Lori Prisand
20 that I'd like to distribute now to the Board so
21 that you all have that.

22 SUPERVISOR SALADINO: Okay. Thank you.

23 MR. LaMARCA: (Handing).

24 (Whereupon, there was a pause for
25 perusing the documents.)

1 SUPERVISOR SALADINO: Town Clerk, all
2 of these letters will become a permanent part of
3 the record?

4 MR. LaMARCA: That's correct,
5 Supervisor.

6 SUPERVISOR SALADINO: Thank you.

7 All the Town Board members have been
8 given time to read and review these and, obviously,
9 we've had many times to meet with these folks,
10 these residents and listen to them on numerous
11 occasions on these issue and quite frankly, on many
12 other issues and I'm proud that we continue to
13 listen to our residents and join with them in
14 coming up with policy and coming up with all of the
15 many functions of this Town Board, Town Government,
16 so thank you.

17 Any questions, any comments?

18 (No verbal response.)

19 SUPERVISOR SALADINO: Okay. Then at
20 this point, we'll ask for a vote. We have our
21 mailings on -- proof of mailings and so forth on
22 this -- our postings of this hearing?

23 MR. LaMARCA: Yes, sir.

24 Everything has been posted.

25 May I have a motion to adopt

1 Resolutions Nos. P-10-20 through 297-2020?

2 **PERSONNEL RESOLUTION NO. P-10-20;**

3 Resolution pertaining to personnel of various
4 departments within the Town of Oyster Bay.

5 **TRANSFER OF FUNDS RESOLUTION NO.**

6 **TF-9-20;** Resolution pertaining to transfer of funds
7 within various departments' accounts for the Year
8 2020.

9 **RESOLUTION NO. 282-2020;** Resolution
10 pertaining to site plan review and approval for
11 Eagle Rock Apartments of Woodbury, 92 Fairhaven
12 Boulevard, Woodbury, New York. (M.D. 5/12/20 #9).

13 **RESOLUTION NO. 283-2020;** Resolution
14 authorizing continuation of engineering services
15 and directing the Comptroller to issue an
16 encumbrance relative to Stormwater Management Plan,
17 under Contract No. DPW06-930. Account No. HWY H
18 5197 20000 000 2003 008. (M.D. 5/12/20 #12).

19 **RESOLUTION NO. 284-2020;** Resolution
20 authorizing issuance of a refund to Simply Royal,
21 LLC dba DESI NYC, for a cleanup fee for an event
22 cancelled due to the Covid-19 Pandemic. Account No.
23 TWN TA 0000 00030 416 0000. (M.D. 5/12/20 #15).

24 **RESOLUTION NO. 285-2020;** Resolution
25 authorizing a one-year extension of time in

1 connection with Resolution No. 269-2019, Petition
2 of Kimco Jericho, MI LLC, 585 North Broadway,
3 Jericho, New York, for a Special Use Permit and
4 Approved Site Plan, from the current expiration
5 date of October 6, 2019 to October 6, 2020.
6 (M.D. 5/19/20 #9).

7 **RESOLUTION NO. 286-2020;** Resolution
8 authorizing Extension of Time, Change Order No. 2
9 and Acceptance and Final Payment for Contract No.
10 DPW15-124, Installation of Permanent Generators at
11 Critical Facilities in Massapequa and Massapequa
12 Park. Account No. TWN A 0001 04089 594 0000. (M.D.
13 5/19/20 #11).

14 **RESOLUTION NO. 287-2020;** Resolution
15 pertaining to Contract No. PWC27-20, On-Call
16 Consultant Services relative to Groundwater
17 Monitoring for the Old Bethpage Landfill and for
18 the use of a sub-consultant for the supply of
19 necessary sampling equipment. Account No. DER SR05
20 8160 44800 000 0000. (M.D. 5/19/20 #12 & 5/26/20
21 #14).

22 **RESOLUTION NO. 288-2020;** Resolution
23 pertaining to Contract No. PWC28-20, On-Call
24 Consultant Services relative to Air Monitoring for
25 the Old Bethpage Landfill. Account No. DER SR05

1 8160 44800 000 0000 (M.D. 5/19/20 #13 & 5/26/20
2 #15).

3 **RESOLUTION NO. 289-2020;** Resolution
4 pertaining to Contract No. PWC29-20, On-Call
5 Consultant Services relative to Oversight of
6 Environmental Monitoring Programs for the Old
7 Bethpage Landfill. Account No. DER SR05 8160 44800
8 000 0000. (M.D. 5/19/20 #14 & 5/26/20 #13).

9 **RESOLUTION NO. 290-2020;** Resolution
10 authorizing the Supervisor or his designee to
11 execute Training Agreements with eligible training
12 providers for the purpose of providing classroom
13 training services for job seekers under the
14 Workforce Innovation and Opportunity Act (WIOA),
15 effective July 1, 2020 through June 30, 2023.
16 Account No. IGA CD 6293 48010 000 CW19. M.D.
17 5/19/20 #7 & 5/26/20 #7).

18 **RESOLUTION NO. 291-2020;** Resolution
19 authorizing the Department of Intergovernmental
20 Affairs' Division of Employment and Training to
21 continue Supportive Services to individuals
22 eligible under the Workforce Innovation and
23 Opportunity Act (WIOA), at no cost to the Town of
24 Oyster Bay, effective July 1, 2020 through June 30,
25 2023. Account No. IGA CD 6293 48220 780 CW19, IGA

1 CD 6293 48220 781 CW19, IGA CD 6293 48220 782 CW19
2 and IGA CD 6293 48220 783 CW19. (M.D. 5/19/20 #8 &
3 5/26/20 #8).

4 **RESOLUTION NO. 292-2020;** Resolution
5 authorizing a Site Access Agreement between the
6 Town of Oyster Bay and Northrup Grumman Systems
7 Corporation in connection with Grumman Road East/
8 Hickey Boulevard Conveyance Piping Installation,
9 and for the Supervisor, or his designee to execute
10 said Agreement. (M.D. 5/19/20 #15 & 5/26/20 #22).

11 **RESOLUTION NO. 293-2020;** Resolution
12 authorizing the scheduling of a Public Hearing to
13 consider the application of the Jericho Water
14 District for the issuance of serial bonds to pay
15 the cost of improvements to the water district.
16 Hearing date: June 16, 2020. (M.D. 5/26/20 #18).

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18 authorizing the issuance of refunding bonds. (M.D.
19 5/26/20 #19).

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21 authorizing the Town of Oyster Bay Animal Control
22 and Adoption Policy. (M.D. 5/26/20 #20).

23 **RESOLUTION NO. 296-2020;** Resolution
24 directing the Town Clerk to publish a Notice of
25 Hearing on a proposed local law entitled: "A Local

1 Law to Amend Chapter 221-Towing, Section
2 221-37-Charges, of the Code of the Town of Oyster
3 Bay." Hearing date: June 16, 2020. (M.D. 5/26/20
4 #21).

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6 authorizing a survey of easement at 185 Central
7 Avenue, Bethpage and to ratify the access agreement
8 between the Town of Oyster Bay and King Kullen
9 Grocery, Inc. Account No. OTA A 1420 44110 000
10 0000. (M.D. 5/26/20 #23).

11 On the motion?

12 COUNCILWOMAN JOHNSON: So moved.

13 COUNCILMAN IMBROTO: Second.

14 MR. LaMARCA: Motion made by
15 Councilwoman Johnson and seconded by Councilman
16 Imbroto.

17 On the vote:

18 Supervisor Saladino?

19 SUPERVISOR SALADINO: "Aye."

20 MR. LaMARCA: Councilwoman Johnson?

21 COUNCILWOMAN JOHNSON: I'm recusing on
22 285 and "Aye" on all the rest.

23 MR. LaMARCA: Councilman Imbroto?

24 COUNCILMAN IMBROTO: "Aye."

25 MR. LaMARCA: Councilman Hand?

1 COUNCILMAN HAND: "Aye."

2 MR. LaMARCA: Councilman Labriola?

3 COUNCILMAN LABRIOLA: "Aye," but I'd
4 like to take a moment to explain my vote.

5 MR. LaMARCA: Absolutely.

6 COUNCILMAN LABRIOLA: On Number 295,
7 which is on the animal control and adoption policy,
8 I would just like to state, speaking for myself, of
9 course, that I read through the policy. I spent a
10 lot -- a great deal of time with it.

11 I had many, many questions that I had
12 sent over to our people over at the animal shelter.
13 And I want you to know that they took a great deal
14 of time with me and responded to me in a very
15 thorough and professional way and I was very
16 satisfied with a great deal of what they told me.

17 But one of the things that also came
18 out of it which is not in this policy, was a
19 suggestion that I had made that we should or we
20 should or possibly as a Board or as a policy an
21 animal shelter is to consider a demonstration
22 program where we can do some offsite training for
23 -- and possibly determine whether or not we would
24 have more success with the training of these so-
25 called unadoptable dogs in a more serene and secure

1 location and I know that our Deputy Commissioner
2 had agreed that that is something that we could
3 look at.

4 So, although this policy doesn't
5 specifically or explicitly permit offsite training,
6 it doesn't also prohibit it. So, I would like us
7 to think about that as we go forward that -- and to
8 act upon that, that suggestion where there, you
9 know, we could consider the possibility, a
10 demonstration program at little to no cost to the
11 Town and I have suggested using possibly some land
12 at the Littauer Estate where we have a very secure,
13 very serene area and do what can to see whether or
14 not there is a possibility that some of these dogs
15 can be rehabilitated and adoptable.

16 That's all I ask, but I do vote "yes"
17 on the policy and I also do want to thank our
18 Director of Finance for Resolutions 294 and
19 administration for coming up with, as I read it, a
20 \$5.248 million savings on this refunding. I think
21 it's critically important for us to continue to
22 find ways to save our taxpayers money. We don't
23 know the full effect of what this pandemic will do
24 for us when it's all said and done, how it affects
25 our finances.

1 As the Supervisor said, we are
2 prepared, we are prepared with our surplus, but at
3 the same time, I'm pleased that we're able to find
4 more savings in the way we're refunding these
5 bonds.

6 So, I vote on "Aye" on all.

7 Thank you.

8 MR. LaMARCA: Thank you.

9 Councilwoman Maier?

10 COUNCILWOMAN MAIER: "Aye" on all.

11 MR. LaMARCA: Councilwoman Walsh?

12 COUNCILWOMAN WALSH: "Aye" on all.

13 MR. LaMARCA: Motion to adopt

14 Resolution P-10-20 through 284-2020 passes with
15 seven "Ayes."

16 Motion to adopt Resolution No.

17 285-2020 passes with six "Ayes" and one "recusal."

18 Motion to adopt Resolution No. 286-2020
19 through 297-2020 passes with seven "Ayes."

20 Supervisor, the calendar is complete.

21 SUPERVISOR SALADINO: Thank you, Rich
22 LaMarca.

23 I appreciate your help and I want to
24 thank each and every one of our Board members and
25 elected officials for your participation and

1 incite.

2 If you'd like to stay, you're more than
3 welcome to but at this time, I'm give to give an
4 update on what's been going on in our hospitals and
5 our communities as well as some information --

6 MR. LaMARCA: Supervisor?

7 COUNCILWOMAN JOHNSON: Make a motion to
8 close the meeting.

9 SUPERVISOR SALADINO: Oh, I apologize.
10 Of course, of course.

11 COUNCILWOMAN JOHNSON: I make a motion
12 to close the meeting.

13 COUNCILMAN IMBROTO: Second.

14 SUPERVISOR SALADINO: All in favor of
15 closing this Town Board meeting for June 2, 2020,
16 please signify by saying "Aye."

17 ALL: "Aye."

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

20 (No verbal response.)

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

23 Thank you.

24 MR. LaMARCA: Supervisor, if I may as
25 well before we get into your statement, I just want

1 to mention that we have received three e-mails, two
2 from John Coumatos of Bethpage and one from Neil
3 Levine from Plainview that I'd also like to
4 distribute to the Board members today before we
5 proceed, if I may.

6 SUPERVISOR SALADINO: Yes, please.

7 Of course, these letters, once again,
8 will all be part of the permanent record.

9 Thank you.

10 (TIME NOTED: 11:01 A.M.)

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