

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
January 11, 2022
10:18 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:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good morning,
2 ladies and gentlemen. If I may have your
3 attention, please.

4 Happy New Year to all of you and
5 welcome to the Oyster Bay Town Board for this Town
6 Board meeting of January 11, 2022. We hope and
7 pray that 2022 is a safe and healthy year filled
8 with joy for everyone.

9 For those joining us this morning, you
10 have the opportunity to be heard on matters before
11 the Town Board, as well as during the public
12 comment period at the end of this meeting.

13 As always, this meeting is being
14 live-streamed on social media and on the Town's
15 website, www.oysterbaytown.com. These proceedings
16 are recorded and later transcribed, and your voices
17 are important to us. Statements, comments, and
18 input from the public, relative to meetings, are
19 always welcome and respected as part of the record.

20 To submit comments online, please
21 e-mail publiccomment@oysterbay-ny.gov; or mail us
22 at the Office of the Town Attorney, 54 Audrey
23 Avenue, Oyster Bay, New York 11771.

24 Leading us in prayer this morning for
25 the first meeting of this year is someone I'm very

1 lucky to call a dear friend, someone who is a dear
2 friend to this Board and to this Town, an
3 exceptional member of the clergy, that's Reverend
4 Kent Edmonston of Mount Olive Baptist Church in
5 Oyster Bay.

6 Reverend, the floor is yours.

7 Would you please join us at the podium?

8 REVEREND EDMONSTON: Let us pray.

9 Our Father and our God, we, again, we
10 bow and humble ourselves in this hallowed place
11 thanking you for all that you've already done. For
12 you've been good to us in spite of all that has
13 taken place, and we come today, oh, God, first
14 asking that thou would guide us, oh, thou, great
15 Jehovah, pilgrims through this barren land.

16 Pray, Dear Lord, that you will continue
17 to cover and to keep this council, oh, God. Thank
18 you, dear Lord, for our Supervisor, oh, God, and we
19 thank you, dear Lord, for the wisdom that you have
20 placed in his mind and in his heart. We thank you
21 for those that you've placed around him to hold up
22 his hands.

23 Now, Lord, you know about our Nation,
24 you know about the world, you know all that is
25 going on, and you promised, Dear Father, that you

1 would hear our prayer, and we pray today that you
2 will heal us, that you will deliver, and that you
3 will continue to keep.

4 Thank you for all the blessings of this
5 year.

6 In Jesus' name we pray.

7 Amen.

8 ALL: Amen.

9 SUPERVISOR SALADINO: Thank you,
10 Reverend Edmonston.

11 Thank you for all you do.

12 Now, leading us in the Pledge of
13 Allegiance this morning is Airman First Class
14 Douglas Chandler of the United States Air Force,
15 who served from 1973 to 1975, discharged with an
16 Honorable Discharge.

17 Airman Chandler is not only a deacon,
18 but he is a 19-year employee in the Town of Oyster
19 Bay.

20 Airman Chandler, would you please take
21 the podium, and if everyone would please face the
22 flag and put your right hand over your heart?

23 (Whereupon, the Pledge of Allegiance
24 was recited by Airman Douglas Chandler.)

25 SUPERVISOR SALADINO: Thank you, Airman

1 Chandler. We appreciate that very much.

2 This weekend we celebrated National Law
3 Enforcement Day, and with that in mind, I ask you
4 all to join us in a moment of silence as we pray
5 for the men and women of law enforcement, as well
6 as the brave members of the United States Armed
7 Forces, our Veterans, those in active duty serving
8 in the Homeland and abroad, and, of course, all of
9 our emergency and first responders as well as a
10 group who continues to be tested -- our health care
11 heroes.

12 (Whereupon, a moment of silence was
13 observed by the assemblage present.)

14 SUPERVISOR SALADINO: Thank you.

15 Please be seated.

16 Folks, we have some very exciting
17 presentations and recognitions to begin the first
18 Board meeting of this special year to come, and our
19 first presentation this morning -- my colleagues
20 and I are proud to recognize the community
21 contributions of a longtime friend, Joel Berse.

22 Joel is of Trainville Hobby Depot in
23 Hicksville and coordinates several model train
24 shows every year at holiday time, which support
25 worthwhile causes. The beneficiary was the Oyster

1 Bay Railroad musician -- museum, I'm sorry, the
2 Oyster Bay -- I have music on my mind -- whose
3 mission is to heighten awareness, understanding,
4 and appreciation of the railroad's impact on Long
5 Island life.

6 Due to the support and generosity of
7 entities like Trainville Hobby Depot and its
8 sponsors -- Perillo Oil, Crown Ford and Lionel
9 Trains -- the museum is able to collect, preserve,
10 and teach the railroad heritage of Long Island for
11 present and future generations.

12 We're fortunate to have members of our
13 community like Joel Berse who extend themselves as
14 volunteers and take action that add greatly to our
15 community.

16 Joel, please accept this Citation from
17 the Town of Oyster Bay, along with our great
18 appreciation for your efforts in the Town's highest
19 honor, and I will ask Councilwoman Laura Maier to
20 assist in this presentation to you.

21 Joel, you look like you're chomping at
22 the bit to say something.

23 MR. BERSE: Well, first of all, Happy
24 New Year.

25 SUPERVISOR SALADINO: Happy New Year.

1 COUNCILWOMAN MAIER: Happy New Year.

2 MR. BERSE: Second of all, I want to
3 thank Michele and Rich for coming to the show on
4 Saturday and Laura for coming on Sunday, and I'm
5 hoping when we do this again on March 26th and 27th
6 to help the efforts that Laura is doing with us for
7 the Leukemia and Lymphoma Society, and I hope
8 that's a bigger success than the one that was for
9 the Oyster Bay Railroad Museum.

10 We are very proud that the whole
11 emphasis on Trainville Hobby Depot is to do
12 functions only when people are doing fundraising
13 for worthy causes or to coordinate those events
14 ourselves, and we thank the Town for recognizing us
15 and all the help the Town has given when the last
16 administration of the County abandoned us. So,
17 it's been terrific. The relationship is looking to
18 continue, and the first thing that John Specce said
19 to me when he was leaving on Sunday afternoon, he
20 says, well, I'll see you again next year, so,
21 obviously, the museum really enjoyed it, and we are
22 planning to do it again in November, so thank you
23 very much, and I said enough.

24 SUPERVISOR SALADINO: Joel, you and
25 your team do a wonderful job of keeping this

1 heritage alive, but you also do an amazing service
2 in making the holidays extra special -- especially,
3 for young residents of this Town and, I guess,
4 folks who are young at heart because of the delight
5 of seeing all of the train shows.

6 In a phrase, you keep us on track, and
7 if Councilwoman Maier would be the lead in making
8 this presentation along with all the elected
9 officials in our Town to you, Joel Berse.

10 Let's hear it for Joel Berse.

11 (Whereupon, a Town Citation was
12 presented to Joel Berse followed by a photo
13 opportunity and a round of applause.)

14 SUPERVISOR SALADINO: Okay, ladies and
15 gentlemen, for our next presentation my colleagues
16 and I in Town government are proud to welcome Mark
17 Leff of Massapequa, who is joined by Jim Johnson,
18 the Executive Director of Companions in Courage.

19 Mark spent twenty years working for
20 Sysco and is the Director of Sales Enablement for
21 Fidelis and is an individual whose professional and
22 community efforts have been absolutely exemplary.
23 His devotion to the community and to service in the
24 community has been evident in his advancement of
25 this wonderful organization, Companions in Courage.

1 They're an organization he's strongly
2 supported since 2004 where he is the lead for their
3 Technology Advisory Board. The foundation was
4 founded by NHL Hall of Famer Pat LaFontaine in
5 1997. Those of us who are Islanders fans in the
6 room, and there are many of them, we're hockey
7 fans, Pat LaFontaine, some may know, was the first
8 American-born first round draft pick in NHL
9 history.

10 Before that, the first round draft
11 pick -- the premier player -- was usually from
12 Canada, sometimes from Europe, but it went on and
13 on and then Pat LaFontaine skated onto the scene,
14 and those of you who are Islanders fans remember
15 all he contributed to those Stanley Cup victories.

16 So, Pat LaFontaine, in creating this
17 organization, made their mission quite simple. No
18 child in the fight for life or health should ever
19 have to go through it alone.

20 As a result of Mark's support,
21 Companions in Courage is there to give courage,
22 friendship, compassion, and support to children and
23 their families who are overcoming illness and
24 life-threatening obstacles.

25 Over the years, Mark has worked to get

1 support from Sysco and the executive management
2 team of Sysco for many initiatives that have had
3 great impact on the success of Companions in
4 Courage.

5 In 2007, with support from the Sysco
6 team in San Jose, known as the Santa Connection, it
7 was launched with three hospitals participating.
8 Since then, hundreds of children in Companions in
9 Courage supported hospitals have been thrilled by
10 personal videoconference visits from Santa.

11 He's also been the event director for
12 the Runner's Edge Main Street Mile where every
13 Labor Day weekend, right here in our Town of Oyster
14 Bay, over 500 participants come out to compete in a
15 one-mile run and take part in a post-race
16 fundraiser. And I'm happy to say that I took
17 part -- maybe not in the run, but certainly
18 afterwards -- that has raised over \$200,000 for
19 Companions in Courage since its start in 2005.

20 It is our distinct pleasure to
21 recognize Mark Leff for making a positive
22 difference in our lives and the lives of others and
23 greatly advancing the general welfare of the
24 community. These efforts are remarkable and
25 exceedingly worthy in the Town of Oyster Bay, and

1 that's why we present you, Mark Leff, with our
2 Town's highest commendation.

3 Ladies and gentlemen, let's hear it for
4 Mark Leff.

5 (Whereupon, a round of applause
6 ensued.)

7 SUPERVISOR SALADINO: I'm going to ask
8 my colleagues to come and join us and help out with
9 the presentation, and, let's see, Councilman
10 Labriola, would you like to help take the lead in
11 the presentation to Mark Leff?

12 COUNCILMAN LABRIOLA: Thank you.

13 SUPERVISOR SALADINO: Of course.

14 (Whereupon, a Town Citation was
15 presented to Mark Leff followed by a photo
16 opportunity and a round of applause.)

17 SUPERVISOR SALADINO: Mark, would you
18 like to say a few words?

19 MR. LEFF: I absolutely would.

20 First, I'm very humbled. I really
21 appreciate the honor. I can't thank the Town of
22 Oyster Bay as well as the Village of Farmingdale
23 enough. It's been 17 years. The support we get
24 for the Runner's Edge Main Street Mile every year
25 has been phenomenal.

1 I have vivid memories of the Supervisor
2 playing drums one year at that event --

3 (Whereupon, there was laughter among
4 the assemblage present.)

5 MR. LEFF: -- he joined us for tunes.
6 It brings the community together, but, I think,
7 more importantly, I think about the kids that this
8 helps at the end of the day in all these hospitals.

9 It's grown. You talked about the three
10 hospitals we started with -- what was it, 14 years
11 ago -- and it's grown. This year we did 13
12 hospitals; 90 children got personal Santa visits,
13 and everybody comes together.

14 In light of COVID, Connoisseur Media of
15 Long Island stepped up and has given us their
16 facilities to use over the last two years when we
17 didn't have access to other facilities. It's a
18 team effort. Pat talks about the fact that, as a
19 matter of fact, that it's all about the assists and
20 all about us being members of a team and playing
21 our positions and making our contributions.

22 We thank you so much, Supervisor
23 Saladino and the Town, for all of your support as
24 well, and, once again, I am very humbled by this,
25 and I can't thank you enough for the honor.

1 SUPERVISOR SALADINO: Mark, all of the
2 elected officials -- let's hear it for Mark.

3 (Whereupon, a round of applause
4 ensued.)

5 SUPERVISOR SALADINO: It is a team
6 effort, and we share with you the goal of putting
7 the puck in the net to help children in need.

8 All of the elected officials here and
9 the entire Town of Oyster Bay family are very
10 supportive and appreciative of your efforts, so
11 please accept this from Councilman Labriola, and
12 let's give Mark another big hand.

13 (Whereupon, a round of applause
14 ensued.)

15 COUNCILMAN LABRIOLA: Congratulations,
16 my friend.

17 MR. LEFF: Thank you so much.

18 SUPERVISOR SALADINO: We have another
19 very special presentation that I'm proud to be a
20 part of because it's presented to somebody who I
21 call a very, very good friend.

22 As a nation, we celebrate Martin Luther
23 King, Jr. Day next week, and we will soon
24 commemorate Black History Month. Our diversity is
25 our strength in this great Nation and this great

1 Town. One of the communities, Hicksville, for
2 instance, is the most diverse downtown in all of
3 Long Island, and we're very proud of that, but
4 Oyster Bay also has a rich and diverse history with
5 so many incredible leaders, and we are very
6 fortunate to recognize that.

7 So today provides an ideal backdrop to
8 not only reflect upon the incredible leadership and
9 courage of Dr. Martin Luther King, Jr., but also
10 the contributions being made every day in our
11 Nation and our community by extraordinary people,
12 and one of those people is here with us today.

13 A very extraordinary individual,
14 Reverend Kent Edmonston of Mount Olive Baptist
15 Church here in Oyster Bay, who is this year's
16 recipient of the very prestigious Town of Oyster
17 Bay's Martin Luther King, Jr. Distinguished Service
18 Award.

19 (Whereupon, a round of applause
20 ensued.)

21 SUPERVISOR SALADINO: I'm not done
22 complimenting you yet.

23 This Distinguished Service Award is
24 presented to noteworthy recipients in recognition
25 of their outstanding leadership, achievement,

1 adherence to the principals of a just society and
2 continued progress in support of Dr. King's goals.

3 This prestigious recognition reflects
4 upon the incredible leadership and courage of
5 Dr. Martin Luther King, Jr. and also on the local
6 contributions being made every day in our
7 community. The contributions of people like
8 Reverend Kent Edmonston who provide spiritual
9 guidance, community leadership, mentorship, and is
10 an extraordinary role model for all of us, but he's
11 also a great friend.

12 As I got to know you, sir, and many of
13 us here in Town government have gotten to know you,
14 we enjoy your company, your sense of humor, the way
15 in -- your light touch, but it's a very effective
16 way to get across to people, and you clearly have
17 enormous love for all you meet and all you work
18 with.

19 And we would like to make a very
20 special presentation to you because in this way we
21 recognize you and award you with this incredible
22 plaque in recognition of outstanding leadership and
23 achievement, adherence to the principals of a just
24 society, and continued involvement in support of
25 Dr. Martin Luther King, Jr.'s dream, and this is

1 presented to you, sir, Reverend Kent Edmonston, on
2 January 11, 2022.

3 Lou, would you help me also with this
4 presentation and, Reverend, would you join us up
5 front, please?

6 (Whereupon, a round of applause ensued,
7 a Distinguished Service Award was presented, and a
8 photo opportunity was taken.)

9 SUPERVISOR SALADINO: The Reverend just
10 said I just put him on the spot, which we did, but
11 I'm going to do it again by asking him to share
12 some of his pearls of wisdom with all of us here in
13 Oyster Bay -- pearls, Oyster Bay, it all fits.

14 (Whereupon, there was laughter among
15 the assemblage present.)

16 SUPERVISOR SALADINO: Please.

17 REVEREND EDMONSTON: I am truly humbled
18 today. With all the other awards that have been
19 given for all of the work that is being done here
20 in Oyster Bay, I feel like what I do I'm supposed
21 to do, and I'm just grateful for the friendship
22 with our Supervisor, with this Council, and with
23 the Town, and pray for me.

24 (Whereupon, there was laughter among
25 the assemblage present.)

1 REVEREND EDMONSTON: I need your
2 prayers.

3 That's all the wisdom I have.

4 (Whereupon, a round of applause
5 ensued.)

6 SUPERVISOR SALADINO: You certainly
7 make a difference across the Town, but, especially,
8 up here on the North Shore where Michele Johnson
9 lives and Rich LaMarca lives, and we all recognize
10 -- all of us as a group -- yes, Vicki Walsh is
11 right down the block, but all of us recognize --

12 COUNCILWOMAN WALSH: I know your whole
13 family. He brings the whole family here.

14 REVEREND EDMONSTON: We're off to a
15 great year.

16 SUPERVISOR SALADINO: Let's hear it,
17 again, for Reverend Edmonston.

18 (Whereupon, a round of applause
19 ensued.)

20 SUPERVISOR SALADINO: We will continue
21 to follow in the leadership that you've provided
22 and continue to provide in our community.

23 God bless. We appreciate you very
24 much.

25 REVEREND EDMONSTON: Thank you.

1 SUPERVISOR SALADINO: For the next and
2 final presentation of today's Board meeting, the
3 Oyster Bay Town Board, all of our elected
4 officials, and the Oyster Bay family is incredibly
5 proud to recognize the exemplary service of Matt
6 McCartin of the Nassau County Police Department.

7 Matt is a 27-year veteran of law
8 enforcement, who was recently promoted to the rank
9 of sergeant. Over the years, Sergeant McCartin has
10 been a source of great pride for this department,
11 great pride for this entire Town and its people he
12 so ably and bravely serves.

13 Most recently, Sergeant McCartin served
14 with the Second Precinct's Problem Oriented
15 Policing unit -- or POP -- for six and a half years
16 and worked closely with the Town of Oyster Bay
17 including being present at Oyster Bay Town Hall for
18 Town Board meetings. He's been extremely helpful
19 enabling respectful freedom of speech at these
20 Board meetings and helped to navigate when things
21 were challenging during this pandemic.

22 (Whereupon, there was laughter among
23 the assemblage present.)

24 SUPERVISOR SALADINO: You found that
25 funny, huh?

1 (Whereupon, there was laughter among
2 the assemblage present.)

3 SUPERVISOR SALADINO: His efforts
4 ensured decorum at our meetings and provided our
5 residents with a very safe and comfortable
6 environment for their participation in the
7 democratic process of government, and that's a real
8 big deal.

9 The residents of the Town of Oyster Bay
10 have been so fortunate to be protected and served
11 by individuals like Sergeant McCartin whose
12 experience and knowledge is greatly respected
13 within the community as well as within the ranks of
14 the Nassau County Police Department.

15 While we are sad that he's moving on
16 from the Second Precinct POP unit, we
17 wholeheartedly congratulate him on his well
18 deserved and prestigious promotion.

19 We're proud to take this opportunity to
20 acknowledge and commend Sergeant Matt McCartin for
21 his years of exemplary service to the Town of
22 Oyster Bay, and we join with his colleagues and the
23 citizens of Nassau County in extending best wishes
24 for your professional successes.

25 I want to recognize those who are here

1 with Matt and who serve us so professionally each
2 and every day including Deputy Commanding Officer
3 John Kennedy, Deputy -- let's hear it for John
4 Kennedy, please.

5 (Whereupon, a round of applause
6 ensued.)

7 SUPERVISOR SALADINO: Deputy Inspector
8 Costello is the Deputy Commanding Officer of the
9 Second Precinct.

10 (Whereupon, a round of applause
11 ensued.)

12 SUPERVISOR SALADINO: Police Officer
13 Hadrigan of the Second Precinct's POP unit.

14 (Whereupon, a round of applause
15 ensued.)

16 SUPERVISOR SALADINO: Police Officer
17 Oswald, also of the Second Precinct's POP unit.

18 (Whereupon, a round of applause
19 ensued.)

20 SUPERVISOR SALADINO: Another member of
21 the POP unit from the Second Precinct, Police
22 Officer Lovelace.

23 (Whereupon, a round of applause
24 ensued.)

25 SUPERVISOR SALADINO: And Nassau County

1 Police Department representing the Commissioner,
2 Nassau County Police Department Deputy Chief
3 Stanzoni.

4 (Whereupon, a round of applause
5 ensued.)

6 SUPERVISOR SALADINO: Presenting this
7 award will be Councilwoman Vicki Walsh and our Town
8 Clerk, Rich LaMarca, to say thank you -- and
9 Michele Johnson, of course, from Oyster Bay area,
10 and we thank you enormously. We wish you the best
11 of luck.

12 You've made this Board operation safer
13 and more respectful with your presence and your
14 professionalism. The department's gain is our
15 loss, but the citizens continue to win when you
16 wear the uniform, Matt McCartin.

17 Sergeant, come on up.

18 (Whereupon, a round of applause
19 ensued.)

20 SUPERVISOR SALADINO: We're going to
21 first, though, ask -- come on up, please.

22 We're going to ask Vicki Walsh -- would
23 you like to say a few words on the record?

24 COUNCILWOMAN WALSH: Actually --

25 SUPERVISOR SALADINO: Councilwoman

1 Walsh?

2 COUNCILWOMAN WALSH: -- I'm going to be
3 a few minutes.

4 Matt -- Officer Matt, no matter where
5 we go within the Town of Oyster Bay, it could be
6 Broadway Mall, Hicksville PTA, Dr. Rogers in
7 Syosset -- Judge John Kennedy, I know you can vouch
8 for this -- everybody knows Officer Matt. You've
9 made such a difference, and there are so many
10 stories. Story after story -- even the pizza guy
11 in Jericho -- he has some good stories of people
12 that you've helped, and when I first met you, I
13 asked you what POP meant, and I don't know if you
14 remember, but you said to me it meant Problem
15 Oriented Police, and ever since then, I've called
16 it People Oriented Police because as far as I'm
17 concerned, you always know how to get out there,
18 connect with the people and be pro-active so that
19 it never really turns into a problem.

20 And we appreciate you. We're going to
21 miss you. As far as I see it, this is your home.
22 We're going to lend you to the different towns, but
23 we know you're not going to forget where it all
24 started, and we hope that you come back to visit.

25 And you're leaving us in great hands

1 with Chris and Andy and John.

2 Good luck. Stay safe out there.

3 (Whereupon, a round of applause
4 ensued.)

5 SUPERVISOR SALADINO: Councilwoman
6 Michele Johnson, would you like to say a few words
7 also representing the North Shore?

8 COUNCILWOMAN JOHNSON: Matt has always
9 been here to make sure we're safe, to make sure
10 things run smooth. He's a personal friend and as
11 Vicki said, he's there for everybody. He's a
12 People Oriented Policing person, and we thank you
13 for all that you do. I treasure our friendship,
14 I'm always here for you, and, yes, please come back
15 to visit us.

16 OFFICER McCARTIN: Absolutely.

17 (Whereupon, a round of applause
18 ensued.)

19 SUPERVISOR SALADINO: And Town Clerk
20 Rich LaMarca, also of Oyster Bay, would you like to
21 say a few words?

22 MR. LaMARCA: Yes.

23 Matt, you have been a great treasure to
24 the Oyster Bay community. Even though you didn't
25 live here, you were a very integral part of the

1 community. You've helped me as a civic leader here
2 in Oyster Bay, you've always made yourself
3 available, you've been a reliable and committed
4 public servant. One community's gain is going to
5 be a huge loss for Oyster Bay. You are a true
6 friend, I'm going to miss you greatly, but I know
7 we're going to stay in touch.

8 Congratulations and good luck to you.

9 (Whereupon, a round of applause
10 ensued.)

11 OFFICER McCARTIN: Thank you.

12 (Whereupon, a Town Citation was
13 presented to Sergeant Matt McCartin followed by a
14 photo opportunity.)

15 SUPERVISOR SALADINO: Inspector
16 Stanzoni, would you also please join us?

17 (Whereupon, a photo opportunity was
18 taken.)

19 COUNCILWOMAN WALSH: Come on, guys.
20 POP guys, come up.

21 (Whereupon, a photo opportunity was
22 taken.)

23 SUPERVISOR SALADINO: Marisa, would you
24 take one other photo?

25 Reverend, would you join us as well,

1 please? You're such an important part of
2 representing Oyster Bay.

3 REVEREND EDMONSTON: Make sure to get
4 my face.

5 (Whereupon, there was laughter among
6 the assemblage present and a photo opportunity was
7 taken.)

8 SUPERVISOR SALADINO: Let's hear it
9 again for Matt McCartin.

10 (Whereupon, a round of applause
11 ensued.)

12 SERGEANT McCARTIN: I just want to
13 thank everybody. It's been a long time. I've been
14 a police officer for over twenty years, and I've
15 had a lot of roles. One of the roles in the last
16 five and a half years has been the POP unit, and
17 because of that, I was able to get a different
18 connection with the community as well as the Town
19 of Oyster Bay, so I know all of you.

20 At some point or another, we've all
21 been in contact with each other. We've helped the
22 residents, and, for me, that was very heartfelt,
23 and, you know, I'm leaving it in good hands with my
24 guys over here, and I really appreciate, you know,
25 the collaboration over the years. And you guys

1 made things easy for us, and I hope that I made it
2 easy for you.

3 And I just want to thank you for having
4 us today, you know, me, my colleagues and, you
5 know, my old boss here. I appreciate him coming up
6 from Bayville. I greatly appreciate everything.
7 This is very nice, so I just want to thank you guys
8 again.

9 (Whereupon, a round of applause
10 ensued.)

11 SERGEANT McCARTIN: Thank you guys,
12 again, and, you know, the relationship doesn't end
13 here, you know. You guys all have my number, and,
14 you know, whatever I can do to help, I'll always
15 be, you know, a phone call away, you know. I'll
16 always make things happen for you guys. I promise
17 you that.

18 COUNCILWOMAN JOHNSON: Thank you,
19 Sergeant.

20 SUPERVISOR SALADINO: Thank you to all
21 of you. Let's hear it.

22 (Whereupon, a round of applause
23 ensued.)

24 SUPERVISOR SALADINO: Ladies and
25 gentlemen, one more hand for all of our honorees.

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(Whereupon, a round of applause
ensued.)

SUPERVISOR SALADINO: It is a good day
in the Town of Oyster Bay.

Folks, we have a busy day of work to
come. We have two hearings, and that will be
followed by a break that we'll take for Executive
Session, and then we'll return out for our regular
Action Calendar.

(TIME NOTED: 10:54 A.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
January 11, 2022
10:55 a.m.

HEARING - Finance

To consider an application from the Locust Valley Water District for the issuance of bonds to pay the cost of improvements to the district. (M.D. 11/23/21 #90).

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:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: So with that,
2 Town Clerk Rich LaMarca, will you please poll the
3 Board?

4 MR. LaMARCA: Supervisor Saladino?

5 SUPERVISOR SALADINO: Present.

6 MR. LaMARCA: Councilwoman Johnson?

7 COUNCILWOMAN JOHNSON: Present.

8 MR. LaMARCA: Councilman Imbroto?

9 COUNCILMAN IMBROTO: I'm here.

10 MR. LaMARCA: Councilman Hand?

11 COUNCILMAN HAND: Present.

12 MR. LaMARCA: Councilman Labriola?

13 COUNCILMAN LABRIOLA: Present.

14 MR. LaMARCA: Councilwoman Maier?

15 COUNCILWOMAN MAIER: Present.

16 MR. LaMARCA: Councilwoman Walsh?

17 COUNCILWOMAN WALSH: Present.

18 SUPERVISOR SALADINO: Sir, would you
19 please call the first hearing?

20 MR. LaMARCA: Today's first hearing is
21 to consider an application from the Locust Valley
22 Water District for the issuance of bonds to pay the
23 cost of improvements to the District.

24 SUPERVISOR SALADINO: Counselor, before
25 you get started, I would like to recognize the very

1 prestigious members of the Locust Valley Water
2 District family who are with us today.

3 We are joined by Water Commissioner
4 Charles Savinetti. Thank you for being with us
5 today. We are joined by Water Commissioner
6 Patricia Peterson. Always wonderful to see you
7 here in the Town of Oyster Bay boardroom. We are
8 joined by the Business Manager Jennifer Van Geldick
9 -- did I get that right?

10 MR. INGHAM: Gelder.

11 MS. VAN GELDER: Van Gelder.

12 SUPERVISOR SALADINO: Van Gelder. I'm
13 sorry.

14 MS. VAN GELDER: That's okay.

15 SUPERVISOR SALADINO: From H2M, their
16 consultants Jessica DeMarco and Joseph Todaro, and,
17 of course, their lead counsel, the very prestigious
18 and very learned counselor, Mike Ingham.

19 MR. INGHAM: Good morning.

20 SUPERVISOR SALADINO: And with that,
21 Mr. Ingham.

22 MR. INGHAM: Good morning. I
23 appreciate those introductions.

24 You kind of stole my introductions, but
25 we are all here today to support this bond

1 petition. It's getting a little -- not
2 repetitious, but I think I've been here a dozen
3 times in the past few years. A lot of it has been
4 on 1,4-dioxane, p-phos, and contamination.

5 Fortunately, this time it's not.

6 One point I'd like to do on the
7 introductions before I get started is to say a
8 little about Mr. Savinetti.

9 Mr. Savinetti is not new to the Locust
10 Valley Water District. He served as superintendent
11 for 27 years. He has just retired. He has
12 graciously decided to come back and be on the Town
13 Board. His institutional memory is irreplaceable,
14 and I mean that because I've seen a lot of guys
15 come and go. When you lose superintendents and you
16 lose that mindset, it's a deficit to the District.
17 I'm very proud that Chuck's decided to come back
18 and be with us. He fills the shoes of his uncle,
19 Lou Savinetti, who, I believe, served on the Town
20 Board for 42 years, so we have a lot of
21 institutional memory. We are blessed to have the
22 Savinetti family with us.

23 And without further adieu, I have a
24 small presentation because this is not a
25 1,4-dioxane issue. It is hearken back to the older

1 days where we're looking to get some infrastructure
2 repaired. There's one well involved, and it
3 involves the damage from Hurricane Ida.

4 So briefly, on September 1, 2021,
5 Hurricane Ida struck Long Island especially hard on
6 the North Shore with unprecedented amounts of
7 rainfall in a very short period of time. By virtue
8 of this rainfall, Well #4 was damaged by flooding;
9 thus, rendering out of service for district
10 distribution purposes.

11 On September 2, 2021, Superintendent
12 Scaperotta discussed the flooding of Well #4 with
13 William Provoncha, who is the Director of the
14 Office of Public Water Supply and Protection at
15 Nassau County Department of Health.

16 A few days later, on September 7, 2021,
17 the District's engineer, Mr. Joe Todaro, received a
18 formal letter from Robert Weitzman, also from the
19 Nassau County Department of Public Health.

20 He directed that we shut down Plant #4
21 until we can remediate the water damage and storm
22 harden the structure. That's going to entail a
23 demolition of the structure, replacement of the
24 well, replacement of the underground caustic
25 storage tank, which is used to treat the water,

1 replacement of the caustic systems and the chlorine
2 systems, and that is a process that's going to take
3 a little while, but we can't afford to lose Well #4
4 for the summer season. To do so would jeopardize
5 the District's ability to simultaneously meet peak
6 summer demand for water and fire fighting capacity.

7 By virtue of the above, water
8 commissioners issued an emergency resolution on
9 September 8, 2021, directing both the
10 Superintendent and H2M to affect immediate repairs
11 to Pump House #4 and to raise the same and harden
12 the well site for the 2022 pumping season.

13 You have, as part of the package, Joe
14 Todaro's engineering report. The estimated cost
15 for the storm hardening and reconstruction of Pump
16 House #4, inclusive of soft costs of engineering,
17 legal contingencies, totals \$3,150,000.

18 Unfortunately, this is not an isolated
19 incident. I represent the Port Washington Sewer
20 District, who undertook a similar situation in
21 their main treatment plant in Port Washington, and
22 they intend to shut down their treatment plant.

23 So, it's not unusual, but we have to now storm
24 harden this plant to make sure it doesn't happen
25 again in the future.

1 We've also done the SEQRA, which is
2 required for the bond petition. This is an
3 unlisted action with a negative declaration, and,
4 so, we have it.

5 We appreciate the Board's attention to
6 the fact that we need this bond passed so we can
7 have the funds necessary to restore this well site.

8 Are there any questions from the Board?

9 SUPERVISOR SALADINO: Okay.

10 Does anyone have any questions?

11 (Whereupon, there was no response from
12 the Board.)

13 SUPERVISOR SALADINO: One quick
14 question, Mr. Ingham.

15 The water district you represent has a
16 Board of Elected Officials.

17 To inform the public, can you please
18 explain why New York State has made it necessary
19 for you to come before us to ask for permission for
20 bonding, and, if passed, who would be paying back
21 these bonds?

22 MR. INGHAM: Yes, Supervisor.

23 In a short way to say it -- all the
24 special districts were created in 1932. All of the
25 special districts around New York State were

1 abolished in 1932 by the Kirkland Act unless the
2 residents who lived in that district voted by
3 referendum to keep them independent of the town, so
4 all the districts that come before you were created
5 by a vote of their residents back in 1934.

6 As part of the Kirkland Act, the State
7 recognized that it would be very difficult for
8 local water districts to obtain a good bond rating
9 if they floated bonds for their capital
10 improvements, so what the statute indicates, is
11 that the special district must come to the Town
12 Board and request their assistance in processing
13 the bond so that the Town pledges its full faith
14 and credit to the bond, giving us a lower interest
15 rate; however, it is the residents of each
16 particular district, which are responsible for the
17 repayment of the bonds.

18 So what we do is we raise taxes to pay
19 the bond. Here, it's a very minor amount of money,
20 I believe Jen can assist you with that amount of
21 money, but, Councilman Hand, it's \$50 a year for
22 this bond issue. I can't say de minimus, but it's
23 not a lot on a monthly basis.

24 So it's the taxpayers of each
25 residential commission with the district, which are

1 responsible to repay the bond, and we've done so
2 faithfully over the last 34 years. So the
3 residents of the Town themselves, the general
4 residents of the Town have no responsibility for
5 the payment of the bond.

6 SUPERVISOR SALADINO: So, in short,
7 New York State mandates that the Locust Valley
8 Water District, just like all of the others, when
9 they want to borrow money, when they want to bond,
10 they have to come before the Town Board to get the
11 Town's permission, but it will not be the Town's
12 residents who will be paying back any of these
13 bonds that we've been involved in over the years.

14 It is just the residents -- the
15 consumers -- of that particular district. And this
16 is the same for the fire companies who come before
17 us, all of the water districts, and this is all
18 based on following New York State mandates.

19 MR. INGHAM: That's perfectly correct.

20 SUPERVISOR SALADINO: Thank you.

21 Are there any other questions?

22 (Whereupon, there was no response from
23 the Board.)

24 MR. INGHAM: So on a brief final note.

25 SUPERVISOR SALADINO: Certainly.

1 MR. INGHAM: I want to thank this Board
2 for all the assistance they have been giving to our
3 special districts over the past couple of years.

4 I've been presenting bond petitions to
5 this Board for over thirty years. You have never
6 faltered to be there when we needed you to help us
7 with the situations we confront, whether it's these
8 emerging contaminants or aging infrastructure.

9 So I speak for the industry, I thank
10 each and every one of you as deeply as I can.

11 Thank you very much.

12 SUPERVISOR SALADINO: Mr. Ingham, on
13 behalf of the elected officials in this Town, we
14 thank you for your comments, but your district and
15 every district should be rest assured that we will
16 always be there to work collaboratively with you,
17 whether we're dealing with the challenges of the
18 pandemic and providing for testing and vaccines for
19 your employees and their family members, and that's
20 one of a very long list of shared services.

21 You happen to have an exceptional Board
22 of Elected Officials who are very focused on using
23 their many, many talents to serve their residents,
24 provide the freshest and cleanest drinking water,
25 which has to be one of the top, if not the most

1 important natural resource that we have to offer
2 our residents, so collaborating with your board and
3 your administration of this district is a pleasure
4 and an honor, and you, sir, do a fine job
5 representing them.

6 MR. INGHAM: Thank you, sir.

7 COUNCILWOMAN JOHNSON: Supervisor, I'd
8 just like to say thank you also to Mr. Ingham.

9 You've done a great job over the years,
10 but a thank you to all your Board members, and I
11 congratulate the newest commissioner. I am a
12 resident of Locust Valley, and I truly appreciate
13 what they do all the time for us.

14 They are a call away if anyone has an
15 issue, a leak, anything, and we're very thankful
16 and lucky to have Mr. Lou Savinetti, Sr. with us
17 for so many years doing the right thing and making
18 sure the residents are cared for, so I thank all
19 the Board members, and I thank you for your time.

20 MR. INGHAM: Thank you, all.

21 SUPERVISOR SALADINO: Does that
22 conclude your presentation?

23 MR. INGHAM: It does.

24 SUPERVISOR SALADINO: Okay.

25 Well, with that, before I ask for a

1 motion, I will say that Locust Valley is very lucky
2 to have Michele Johnson continuously thinking of
3 them, representing them while she shares those
4 talents and skills representing every resident
5 throughout the Town, but I know for a fact by
6 working with you, Michele, you've made a difference
7 in keeping Locust Valley on the map and continuing
8 to work diligently to care for their needs.

9 COUNCILWOMAN JOHNSON: Thank you,
10 Supervisor.

11 SUPERVISOR SALADINO: So kudos to you
12 as well.

13 With that, may I have a motion?

14 COUNCILWOMAN JOHNSON: Supervisor, I'll
15 make a motion that this hearing be closed and
16 decision be voted on later today.

17 COUNCILMAN IMBROTO: Second the motion.

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

20 ALL: "Aye."

21 SUPERVISOR SALADINO: Those opposed,
22 "Nay."

23 (Whereupon, there were no "Nay"
24 responses from the Board.)

25 SUPERVISOR SALADINO: The "Ayes" have

1 it.

2 MR. INGHAM: Thank you, guys. Have a
3 great day. Be safe and warm.

4 SUPERVISOR SALADINO: Thank you.

5 MR. LaMARCA: Supervisor, let me just
6 mention that we have Affidavits of Posting and
7 Publication and there is no other correspondence.

8 SUPERVISOR SALADINO: Wonderful.

9 Thank you, Clerk.

10 (TIME NOTED: 11:07 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
January 11, 2022
11:08 a.m.

HEARING - P-1-22

To consider the application of Cedar-Carmans, LLC, fee owner, Treasure Island Swim d/b/a Treasure Island Swim School, lessee, for a Special Use Permit on premises at 900-944 Carmans Road, Massapequa. (M.D. 11/20/21 #34).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

- SUPERVISOR JOSEPH S. SALADINO
- COUNCILWOMAN MICHELE M. JOHNSON
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- 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:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: And, Mr. Clerk,
2 would you please call the second hearing?

3 MR. LaMARCA: The last hearing today is
4 to consider the application of Cedar-Carmans, LLC,
5 fee owner, Treasure Island Swim d/b/a Treasure
6 Island Swim School, lessee, for a Special Use
7 Permit on premises at 900-944 Carmans Road,
8 Massapequa.

9 SUPERVISOR SALADINO: Please state your
10 presence.

11 MS. SIMONCIC: Good morning,
12 Supervisor, Members of the Town Board.

13 My name is Judy Simoncic. I'm an
14 attorney with the firm of Forchelli Deegan Terrana
15 with offices at 333 Earle Ovington Boulevard in
16 Uniondale, appearing this morning on behalf of the
17 applicants.

18 I first want to wish you all a Happy
19 New Year.

20 SUPERVISOR SALADINO: Thank you.
21 Happy New Year.

22 MS. SIMONCIC: The applicants are
23 Cedar-Carmans, LLC, they are the owners of the
24 subject premises; and Treasure Island Swim d/b/a
25 Treasure Island Swim School, they are the lessee of

1 a portion of the premises.

2 And before I begin, I just want to
3 submit some green cards that we have received since
4 we had submitted our Affidavit to the Town.

5 (Whereupon, Ms. Simoncic presented the
6 above-mentioned green cards to Town Clerk Richard
7 LaMarca.)

8 MS. SIMONCIC: With me this morning is
9 Glen Pepper. He is the operator of Treasure Island
10 Swim School and hopes to be operating at this
11 particular location. Mr. Pepper operates eleven
12 other Treasure Island Swim Schools in the Tri-State
13 area and, as I said, will be operating this
14 facility, hopefully.

15 The subject premises is known as
16 Carmans Plaza Shopping Center in Massapequa. It's
17 on the south side of Southern State Parkway on
18 Carmans Road just across from Our Lady of Lourdes
19 Church. It's zoned Neighborhood Business and
20 contains a total lot area of 16.71 acres.

21 I would like to hand up to the Board
22 some exhibits (handing). What I'm handing up is
23 two sheets. The first sheet is a reduced copy of
24 the overall site plan and the second is just a
25 blowup of the area in question where they will

1 intend to operate, just to give you the full
2 perspective.

3 So the shopping center, as I said, is
4 16.71 acres. It contains approximately
5 195,000-square feet of building area within four
6 buildings. There are approximately 33 different
7 commercial tenants within the shopping center. The
8 largest being Key Foods, which is on the north side
9 of the center, Planet Fitness, and the New York
10 State Department of Motor Vehicles.

11 The application today seeks a Special
12 Use Permit to operate a swim school under the name
13 of Treasure Island Swim. Now, if you look at the
14 first sheet that I handed up, you'll see the area
15 outlined in blue. That is the space that Treasure
16 Island is currently under lease to operate a
17 Treasure Island Swim School. It's designated as
18 Tenant Space 182 on the site plan, and it contains
19 a total area of 8,151-square feet.

20 The area outlined in red on the site
21 plan is the area that was formerly occupied by
22 24-Hour Fitness. Now, 24 Hour Fitness was granted
23 a Special Use Permit by this Board in 2017.

24 Unfortunately, when COVID hit in 2019,
25 24-Hour Fitness went out of business. They were

1 forced into bankruptcy.

2 So if you turn to the second page of
3 the exhibits that I handed up, you'll see that the
4 former 24-Hour Fitness area is now broken up into
5 three separate tenancies. The first, which is
6 identified as Tenant Space 180, is about
7 20,000-square feet. That is currently where Planet
8 Fitness operates.

9 The second space, which is currently
10 vacant, is Tenant Space 181. That's about
11 12,000-square feet.

12 The third is Tenant Area 182, which is
13 the area that Treasure Island intends to occupy
14 should the Town Board approve this application and,
15 as I stated, is about 8,151-square feet.

16 Now, in terms of the applicant's
17 proposed swim school use, it's very simple. The
18 former 24-Hour Fitness area contained an Olympic
19 sized pool, a hot tub, showers, toilets, and other
20 areas that will essentially be converted for use as
21 a separate swim school use. So, basically, we just
22 put up a demising wall, and they will be occupying
23 the former area that was part of 24-Hour Fitness.

24 The applicant is only proposing minor
25 modifications to the interior of the space. The

1 only changes are to add changing rooms. Everything
2 else is already laid out. It's all set. This
3 space was, obviously, used for the same
4 recreational type purposes, and it's going to be
5 repurposed for Treasure Island Swim School.

6 Additionally, there are no proposed
7 exterior changes to the building other than the
8 additional wall signage. There are also no site
9 modifications to the shopping center at all. The
10 shopping center is fully developed. It has
11 parking, it has landscaping, it has lighting.

12 In fact, Department of Planning and
13 Development waived site plan approval in connection
14 with this application because there are no proposed
15 external changes to the shopping center itself.

16 Just touching upon parking. With
17 respect to parking, this shopping center does
18 operate pursuant to variances granted by the Zoning
19 Board that have been amended over the years. The
20 recent variance that was granted in 2019 had
21 approved the center with 965 parking spaces. At
22 that time, the total required parking was 1,277
23 spaces.

24 The modification from 24-Hour Fitness
25 to the Treasure Island use has actually reduced the

1 required parking for the overall center. We're
2 going from a variance of 312 to a variance of 226;
3 therefore, we're gaining 86 spaces as a result of
4 these modifications as calculated under the Town
5 Code.

6 With respect to the actual services
7 that Treasure Island intends to offer. They will
8 have safety instruction from six months to 13 years
9 of age, aquatic therapy, there will be lifeguard
10 training, occasional swim birthday parties -- and
11 those will not occur during instruction time -- and
12 they will also have accessory retail sales of swim
13 apparel and other swim, like, goggles, et cetera,
14 that most other facilities do have.

15 As I indicated in the beginning,
16 Mr. Pepper is a very experienced operator of these
17 types of facilities. He's been operating other
18 facilities for 26 years. He's a member of the
19 National Swim Association, as well as other
20 associations. He's continually receiving updated
21 training, and has been certified to operate a swim
22 school for over 26 years. And, again, he operates
23 11 other facilities throughout New Jersey, Queens,
24 Brooklyn and Manhattan. This will be his first
25 facility here on Long Island.

1 Treasure Island is a franchise like
2 other swim schools throughout the area. If the
3 Board is interested with respect to proposed hours
4 of operation, he's planning to be operating Monday
5 through Friday, 9:00 a.m. to 7:30 p.m. and
6 Saturdays and Sundays 9:00 a.m. to 7:30 p.m.

7 And as I indicated, there are three
8 major tenants in the shopping center. DMV, which
9 is the one that's closest to this facility. DMV is
10 closed when they're open on weekends. And the peak
11 hours for this facility are generally after school
12 between 3:00 and 6:00 when DMV is also closed, so
13 there's a symbiotic relationship. And they do
14 share an entrance to the facility. There's a
15 common corridor, but it will work out well because
16 they complement each other, and their peak hours
17 are not at the same times.

18 In conclusion, again, as I indicated,
19 P and D waived site plan approval. The Department
20 of Environmental Resources determined that this is
21 a Type II Action under SEQRA because it is
22 considered a reuse of an existing commercial
23 facility, which is automatically deemed Type II
24 under the regulations and, therefore, will not have
25 any adverse impact on the environment as a matter

1 of fact, as a matter of law.

2 This facility -- the proposed Special
3 Use Permit is consistent with other Special Use
4 Permits granted for this area by the Town Board,
5 and most importantly, due to the reduction in the
6 required amount of parking as a result of this
7 change, we are certainly not going to have any
8 adverse impact on traffic, parking on surrounding
9 roadways.

10 The shopping center, I will point out,
11 is serviced by two signalized intersections, so it
12 provides safe means of ingress and egress, and that
13 is my presentation.

14 If the Board has any questions, I'm
15 happy to answer them.

16 SUPERVISOR SALADINO: Are there any
17 questions?

18 (Whereupon, there was no response from
19 the Board.)

20 SUPERVISOR SALADINO: Okay. I have
21 just a couple of very brief questions for you.

22 Thank you for that presentation.

23 Just to recap for those who may be
24 watching this hearing off-site, if one was to drive
25 on Carman Road, they would see the shopping center

1 they normally see.

2 MS. SIMONCIC: Mm-hmm.

3 SUPERVISOR SALADINO: This application
4 does not break the envelope of the building; only
5 changes the interior, so, therefore, anyone driving
6 by or driving in the parking lot wouldn't see any
7 change except for signage.

8 MS. SIMONCIC: That is correct.

9 Absolutely no change is proposed
10 whatsoever. It's simply interior modifications.

11 SUPERVISOR SALADINO: Simply interior
12 modifications.

13 MS. SIMONCIC: And very minor
14 modifications to the interior because it's already
15 built out for this purpose, for this use.

16 SUPERVISOR SALADINO: And, secondly,
17 you spoke to the different services that they will
18 provide including teaching children and adults to
19 swim, which is, obviously, a life saving important
20 component for Long Island where we all are in the
21 water at one point or another.

22 Will they provide a service to certify
23 lifeguards? Because we hire lifeguards and they're
24 always looking for a place to get their Red Cross
25 certification and to re-up that certification.

1 Will that be one of the services
2 provided to residents who want to work as
3 lifeguards, whether it be at a private pool or, for
4 instance, the Town of Oyster Bay or any other beach
5 or a pool setting?

6 MS. SIMONCIC: Yes. They will be
7 providing lifeguard training at this facility. I
8 believe I indicated that, and, if not, I apologize.

9 SUPERVISOR SALADINO: You mentioned --
10 no, no, no. You mentioned -- I just wanted to make
11 it clear that Red Cross certification and
12 everything a lifeguard needs and that could provide
13 a convenience for them if they're in the area
14 working at one of the pools and so forth to not
15 have to travel to, say, Eisenhower Park or wherever
16 it might be, they could get that certification
17 right there in the local community.

18 MS. SIMONCIC: That is correct. We
19 will be providing that service.

20 SUPERVISOR SALADINO: That's an
21 important piece in deciding on this application.

22 Is there anything else you'd like us to
23 know?

24 MS. SIMONCIC: No. That is it.

25 SUPERVISOR SALADINO: Any other

1 questions from the Board?

2 (Whereupon, there was no response from
3 the Board.)

4 SUPERVISOR SALADINO: Thank you very,
5 very much for your presentation.

6 Clerk, is there any correspondence?

7 MR. LaMARCA: The attorney for the
8 applicant has filed the Affidavit of Service and
9 Disclosure.

10 Communications are as follows: We have
11 memos from the Department of Planning and
12 Development including a review of the required
13 off-street parking.

14 (Whereupon, Councilwoman Michele
15 Johnson exited the Board Room.)

16 MR. LaMARCA: The Nassau County Land
17 and Tax Map indicates the property is Section 53,
18 Block 160, Lots 40A and 40B.

19 According to the Town of Oyster Bay
20 Zoning Maps, the property is located within an "NB"
21 Neighborhood Business Zone.

22 There are no open prior Code
23 Enforcement Bureau cases; however, there are
24 variances and Town Board resolutions on file.

25 There is no further correspondence.

1 SUPERVISOR SALADINO: We will be
2 waiting just a moment, but in the meantime, this,
3 of course, is the Carman Plaza where New York State
4 has the Department of Motor Vehicles, where we have
5 a supermarket, a gas station, a good bagel place,
6 and one heck of a wonderful Cajun food restaurant.
7 One of my personal favorites is right in the same
8 plaza.

9 (Whereupon, Councilwoman Michele
10 Johnson returned to the Board Room.)

11 SUPERVISOR SALADINO: So Councilwoman
12 Johnson, may I have a motion?

13 COUNCILWOMAN JOHNSON: Supervisor, I
14 make a motion that this hearing be adjourned and a
15 decision be reserved.

16 COUNCILMAN IMBROTO: Second.

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

19 ALL: "Aye."

20 SUPERVISOR SALADINO: Those opposed,
21 "Nay."

22 (Whereupon, there were no "Nay"
23 responses from the Board.)

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

1 (TIME NOTED: 11:19 A.M.)

2 MS. SIMONCIC: Thank you.

3 SUPERVISOR SALADINO: Thank you for
4 your presentation, counselor. You did a wonderful
5 job as always.

6 MS. SIMONCIC: Thank you.

7 SUPERVISOR SALADINO: Ladies and
8 gentlemen, at this time, we are going to break for
9 Executive Session to confer with our legal counsel,
10 and then we will be coming back to present our
11 regular Action Calendar.

12 We thank you very much for your
13 patience.

14 May I have a motion?

15 COUNCILWOMAN JOHNSON: Supervisor, I'll
16 make a motion that this meeting be -- I make a
17 motion that we move to Executive Session to discuss
18 proposed and pending litigation.

19 COUNCILMAN IMBROTO: Second.

20 SUPERVISOR SALADINO: May I have a vote
21 on the motion?

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

24 ALL: "Aye."

25 SUPERVISOR SALADINO: Those opposed,

1 "Nay."

2 (Whereupon, there were no "Nay"
3 responses from the Board.)

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

6 We'll be back as quickly as possible.

7 Thank you.

8 (Whereupon, the Executive Session began
9 at 11:20 a.m. and the proceedings resuming at
10 1:04 p.m. as follows with Councilwoman Johnson not
11 present:)

12 SUPERVISOR SALADINO: Ladies and
13 gentlemen, may I have a motion?

14 COUNCILMAN IMBROTO: Supervisor, I move
15 to close the Executive Session.

16 No action was taken.

17 COUNCILMAN HAND: I second the motion.

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

20 ALL: "Aye."

21 SUPERVISOR SALADINO: Those opposed,
22 "Nay."

23 (Whereupon, there were no "Nay"
24 responses from the Board.)

25 SUPERVISOR SALADINO: The "Ayes" have

1 it.

2 (TIME NOTED: 1:05 P.M.)

3 (Whereupon, Town Clerk Richard LaMarca
4 presented a document to Supervisor Joseph
5 Saladino.)

6 SUPERVISOR SALADINO: Does that have to
7 be done before we go to the Action Calendar?

8 MR. LaMARCA: I believe so.

9 SUPERVISOR SALADINO: Karen, does this
10 have to be done (indicating) before we go to the
11 Action Calendar?

12 (Whereupon, Deputy Town Attorney Karen
13 Underwood indicated in the affirmative.)

14 SUPERVISOR SALADINO: It does. Okay.
15 Lou, take care of that.

16 (Whereupon, Councilwoman Michele
17 Johnson returned to the Board Room.)

18 SUPERVISOR SALADINO: May I -- oh, here
19 she is. Here she is.

20 COUNCILWOMAN JOHNSON: Sorry.
21 You're waiting for me?

22 SUPERVISOR SALADINO: That's okay.
23 Take your time.

24 COUNCILWOMAN JOHNSON: For
25 clarification purposes, we're going to reopen the

1 last hearing. I had closed it, but I'm making a
2 motion to reopen the hearing for the purpose to
3 leave the record open for 30 days for public
4 comment.

5 COUNCILMAN IMBROTO: Second the motion.

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

8 ALL: "Aye."

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

11 (Whereupon, there were no "Nay"
12 responses from the Board.)

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

15 COUNCILWOMAN JOHNSON: And now I'm
16 going to make another motion to reclose the
17 hearing.

18 COUNCILMAN IMBROTO: I second that one,
19 too.

20 COUNCILWOMAN JOHNSON: I'm sorry. No.
21 I'm not going to reclose the hearing.

22 Am I reclosing the hearing?

23 No. I'm adjourning the hearing,
24 keeping the record open for 30 days.

25 SUPERVISOR SALADINO: And this is, Town

1 Clerk, this is on which hearing for clarification
2 purposes?

3 MR. LaMARCA: This was on the
4 application of Cedar-Carmans, LLC, fee-owner with
5 regard to Treasure Island Swim School.

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

8 ALL: "Aye."

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

11 (Whereupon, there were no "Nay"
12 responses from the Board.)

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

15 Thank you.

16 (TIME NOTED: 1:07 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
January 11, 2022
1:08 p.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:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: All right.

2 So having that housekeeping business
3 out of the way, Mr. Town Clerk, would you please
4 call the regular Action Calendar for today's Town
5 Board meeting?

6 MR. LaMARCA: May I have a motion to
7 suspend the rules and add Resolution Nos. 15
8 through 19-2022?

9 **RESOLUTION NO. 15-2022;** Resolution
10 directing the Town Clerk to advertise a Notice of
11 Hearing to consider the 2022 Fire Protection
12 Agreements. Hearing date: January 25, 2022. (M.D.
13 1/4/22 #9).

14 **RESOLUTION NO. 16-2022;** Resolution
15 authorizing the Town's Public Employee Blanket Bond
16 Insurance for the period December 21, 2021 through
17 December 31, 2023. Account No. TWN AMS 1910 43030
18 601 0000 000. (M.D. 1/4/22 #12).

19 **RESOLUTION NO. 17-2022;** Resolution
20 authorizing the Town's Property Insurance for the
21 period December 31, 2021 through December 31, 2022.
22 Account No. TWN AMS 1910 43030 601 0000 000. (M.D.
23 1/4/22 #13).

24 **RESOLUTION NO. 18-2022;** Resolution
25 authorizing funds for outside law firm fees and to

1 authorize the Comptroller to make payment for same.
 2 Account No. OTA A 1420 44110 000 0000. (M.D. 1/4/22
 3 #8).

4 **RESOLUTION NO. 19-2022;** Resolution
 5 directing the Town Clerk to advertise a Notice of
 6 Hearing to consider a Local Law entitled "A Local
 7 Law to Amend Chapter 4 Administration of
 8 Government, Article XIV, Department of
 9 Environmental Resources by, deleting and replacing
 10 Sections 4-148 and 4-150, to Amend Chapter 156,
 11 Noise, by deleting and replacing Section 156-3,
 12 Duties and Responsibilities of Town Departments and
 13 to amend Chapter 241 Waterways, by deleting and
 14 replacing Subsection 241-9" Hearing date February
 15 8, 2022. (M.D. 1/4/22 #15).

16 On the motion?

17 COUNCILWOMAN JOHNSON: So moved.

18 COUNCILMAN IMBROTO: Second.

19 MR. LaMARCA: Motion made by
 20 Councilwoman Johnson and seconded by Councilman
 21 Imbroto.

22 ON THE VOTE:

23 Supervisor Saladino?

24 SUPERVISOR SALADINO: "Aye."

25 MR. LaMARCA: Councilwoman Johnson?

1 COUNCILWOMAN JOHNSON: "Aye."
2 MR. LaMARCA: Councilman Imbroto?
3 COUNCILMAN IMBROTO: "Aye."
4 MR. LaMARCA: Councilman Hand?
5 COUNCILMAN HAND: "Aye."
6 MR. LaMARCA: Councilman Labriola?
7 COUNCILMAN LABRIOLA: "Aye."
8 MR. LaMARCA: Councilwoman Maier?
9 COUNCILWOMAN MAIER: "Aye."
10 MR. LaMARCA: Councilwoman Walsh?
11 COUNCILWOMAN WALSH: "Aye."
12 MR. LaMARCA: Motion to suspend the
13 rules and add Resolution No. 15 through 19-2022
14 passes with seven "Ayes."
15 May I have a motion to adopt Resolution
16 Nos. 1-2022 through 19-2022?
17 **RESOLUTION NO. 1-2022;** Resolution
18 authorizing issuance of a refund of a Fall/Winter
19 Ice Hockey Program fee to J. Brown. Account No.
20 PKS A 0001 02001 510 0000. (M.D. 12/7/21 #6).
21 **RESOLUTION NO. 2-2022;** Resolution
22 authorizing acceptance of a monetary donation from
23 Rocco's Voice for Autism through the raising of
24 funds and donations from the organization for a
25 proposed inclusive playground. (M.D. 12/7/21 #7).

1 **RESOLUTION NO. 3-2022;** Resolution
2 authorizing the services of the Saint Francis
3 Hospital Community Outreach bus from February 1,
4 2022 through December 31, 2022, at various Town
5 Parks & Community Centers, at no cost to the Town.
6 (M.D. 12/21/21 #4).

7 **RESOLUTION NO. 4-2022;** Resolution
8 authorizing Change Order No. 2 for Contract No.
9 HVR17-156, Requirements Contract for Cleaning and
10 Inspection of Storm Drainage Systems throughout the
11 Town of Oyster Bay, to provide emergency response
12 services to flooding conditions in the area of Elm
13 Street in Locust Valley. (M.D. 12/21/21 #12).

14 **RESOLUTION NO. 5-2022;** Resolution
15 authorizing acceptance of the design and entrance
16 into the bid and construction phases for TOBAY
17 Center Pavilion Canopy Replacement under Contract
18 DP21-223. (M.D. 12/21/21 #13).

19 **RESOLUTION NO. 6-2022;** Resolution
20 ratifying the procurement of Workers' Compensation
21 Insurance for the youth that are enrolled in the
22 Division's Youth Employment and Training program
23 for the period January 1, 2022 through December 31,
24 2022. Account No. IGA CD 6293 43000 000 CW21.
25 (M.D. 12/28/21 #4).

1 **RESOLUTION NO. 7-2022;** Resolution
2 authorizing the issuance of Bond Anticipation Notes
3 for the acquisition of land for use as the site of
4 a new library for the Gold Coast Library District.
5 (M.D. 12/28/21 #5).

6 **RESOLUTION NO. 8-2022;** Resolution
7 directing the Town Clerk to advertise a Notice of
8 Hearing in connection with the application of
9 A. Pironi & Son, Inc. d/b/a Pironi Homes, fee
10 owner, for a Change of Zone and Revocation of
11 Special Use Permit on premises at 1057 Jericho-
12 Oyster Bay Road, East Norwich. Hearing date:
13 February 8, 2022. (M.D. 12/28/21 #6).

14 **RESOLUTION NO. 9-2022;** Resolution
15 directing the Town Clerk to advertise a Notice of
16 Hearing to consider a Local Law entitled, "A local
17 law to amend the Code of the Town of Oyster Bay,
18 New York, chapter 4 Administration of Government,
19 to delete Article XVII, Highway Department, to
20 amend Chapter 4, Article XI, Public Works
21 Department, by deleting and replacing Sections
22 4-115 AND 4-117, to amend Chapter 64, purchasing,
23 by deleting and replacing Section 64-9, to amend
24 Chapter 84, all terrain vehicles, by deleting and
25 replacing Section 84-6, to amend Chapter 96,

1 dangerous buildings and abandoned buildings, by
2 deleting and replacing Section 96-21.4, to amend
3 Chapter 135, housing standards, by deleting and
4 replacing Section 135-54.B, to amend Chapter 160,
5 notice of defects, by deleting and replacing
6 Section 160-1, to amend Chapter 180, plumbing, by
7 deleting and replacing Section 180-11.A(2), to
8 amend Chapter 182, property maintenance, by
9 deleting and replacing Section 182-22.B, to amend
10 Chapter 201, solid waste, by deleting and replacing
11 Section 201-42.F, to amend Chapter 205, streets and
12 sidewalks, by deleting and replacing Article II,
13 Sidewalks, curbs and gutters, and Article III,
14 excavations and curb cuts, and to amend Chapter
15 242, wireless telecommunications facilities, by
16 deleting and replacing Section 242-16.E." Hearing
17 date: February 8, 2022. (M.D. 12/28/21 #7 & 1/4/22
18 #17).

19 **RESOLUTION NO. 10-2022;** Resolution
20 directing the Town Clerk to advertise a Notice of
21 Hearing to consider a Local Law entitled, "A local
22 law to amend the Code of the Town of Oyster Bay,
23 New York, Chapter 4 Administration of government,
24 to add Article XVII, Sanitation Department, to
25 amend Chapter 4, Article XI, Public Works

1 Department, by deleting and replacing Sections
2 4-115 AND 4-117, to amend Chapter 4, Article XIV,
3 Department of Environmental Resources, by deleting
4 and replacing Sections 148 AND 4-150, to amend
5 Chapter 201, Solid Waste, Part 1, solid waste
6 regulations, Article I, General Provisions, by
7 deleting and replacing Subsections 201-1.9,
8 201-1.12.B, 201-1.22, 201-1.25 AND 201-1.31.

9 Article II, Collection and Container
10 Provisions, by deleting and replacing Subsection
11 201-2.A(1), 201-3.A(1), 201-4.A(1), 201-11 and
12 201-15.

13 Article III, Private Collection;
14 permits; vehicles, by deleting and replacing
15 Subsections 201-18, 201-19, 201-24.B, 201-26,
16 201-27, 201-28, 201-29, Article IV, Public Disposal
17 Facilites, by deleting and replacing Subsections
18 201-38, 201-42.B, 201-42.N, 201-47, 201-47.1,
19 201-48, 201-49, Article VI, Recycling, by deleting
20 and replacing Subsection 201-70, 201-71, 201-72,
21 Part 2, Solid Waste Management, Article VIII,
22 General Provisions, by deleting and replacing
23 Subsection 201-78.1, and deleting Subsection
24 201-78.2, Article IX, Disposal Regulations, by
25 deleting and replacing Subsection 201-79, Article

1 X, Enforcement, by deleting and replacing
2 Subsection 201-80, and to amend Chapter 241,
3 Waterways, by deleting and replacing Subsection
4 41-31A(2)." Hearing date: February 8, 2022. (M.D.
5 12/28/21 #8 & 1/4/22 #16).

6 **RESOLUTION NO. 11-2022;** Resolution
7 directing the Town Clerk to advertise a Notice of
8 Hearing to consider a Local Law entitled, "A Local
9 Law to amend the Code of the Town of Oyster Bay,
10 New York, Chapter 4 Administration of Government,
11 to delete Article XVI, Economic Development
12 Department, and to Amend Chapter 4 Article V,
13 Planning and Development Department, by deleting
14 and replacing Sections 4-53 and 4-55." Hearing
15 date: February 8, 2022. (M.D. 12/28/21 #9 & 1/4/22
16 #14).

17 **RESOLUTION NO. 12-2022;** Resolution
18 directing the Town Clerk to advertise a Notice of
19 Hearing to consider a Local Law entitled, "a Local
20 Law to amend the Code of the Town of oyster Bay,
21 New York, Chapter 4, Administration of Government,
22 to add Article XVI, Information Technology
23 Department, to amend Chapter 4, Article VI, Office
24 of the Comptroller, by deleting and replacing
25 Sections 4-65 AND 4-67, and to amend Article III,

1 Department of General Services, by deleting and
2 replacing Section 4-32" Hearing date: February 8,
3 2022. (M.D. 12/28/21 #10 & 1/4/22 #18).

4 **RESOLUTION NO. 13A-2022;** Resolution/
5 Order pertaining to the decision on the application
6 from the Locust Valley Water District for the
7 issuance of bonds to pay the cost of improvements
8 to the district. Hearing held: January 11, 2022.
9 (M.D. 11/23/21 #90).

10 **RESOLUTION NO. 13B-2022;** Resolution
11 authorizing the issuance of bonds to pay the cost
12 of improvements to the Locust Valley Water
13 District. Hearing held: January 11, 2022. (M.D.
14 11/23/21 #90).

15 **RESOLUTION NO. 14-2022;** Resolution
16 pertaining to the decision on the application of
17 Dejana Industries, LLC, Lessee, 135-165 Cantiague
18 Rock Road, LLC, Fee Owner, for a Special Use Permit
19 and Site Plan Approval for premises located at
20 135-165 Cantiague Rock Road, Westbury. Hearing
21 held: 3/23/21. (M.D. 3/23/21 #4).

22 **RESOLUTION NO. 15-2022;** Resolution
23 directing the Town Clerk to advertise a Notice of
24 Hearing to consider the 2022 Fire Protection
25 Agreements. Hearing date: January 25, 2022. (M.D.

1 1/4/22 #9).

2 **RESOLUTION NO. 16-2022;** Resolution
3 authorizing the Town's Public Employee Blanket Bond
4 Insurance for the period December 21, 2021 through
5 December 31, 2023. Account No. TWN AMS 1910 43030
6 601 0000 000. (M.D. 1/4/22 #12).

7 **RESOLUTION NO. 17-2022;** Resolution
8 authorizing the Town's Property Insurance for the
9 period December 31, 2021 through December 31, 2022.
10 Account No. TWN AMS 1910 43030 601 0000 000. (M.D.
11 1/4/22 #13).

12 **RESOLUTION NO. 18-2022;** Resolution
13 authorizing funds for outside law firm fees and to
14 authorize the Comptroller to make payment for same.
15 Account No. OTA A 1420 44110 000 0000. (M.D. 1/4/22
16 #8).

17 **RESOLUTION NO. 19-2022;** Resolution
18 directing the Town Clerk to advertise a Notice of
19 Hearing to consider a Local Law entitled, "A Local
20 Law to Amend Chapter 4 Administration of
21 Government, Article XIV, Department of
22 Environmental Resources by, deleting and replacing
23 Sections 4-148 and 4-150, to Amend Chapter 156,
24 Noise, by deleting and replacing Section 156-3,
25 Duties and Responsibilities of Town Departments and

1 to amend Chapter 241 Waterways, by deleting and
2 replacing Subsection 241-9." Hearing date
3 February 8, 2022. (M.D. 1/4/22 #15).

4 On the motion, please?

5 COUNCILWOMAN JOHNSON: So moved.

6 COUNCILMAN IMBROTO: Second.

7 MR. LaMARCA: Motion made by
8 Councilwoman Johnson and seconded by Councilman
9 Imbroto.

10 I believe we have a speaker.

11 SUPERVISOR SALADINO: Yes. We have one
12 speaker at this time who will now be recognized to
13 please come up to the podium, Joel Berse.

14 MR. BERSE: Once again, good afternoon.

15 I'm speaking on number -- Resolution 3,
16 Resolution 14, and also we're going to throw public
17 comment in there together per your request.

18 First, on Number 3. Just a quick
19 question that I'm looking for -- several people
20 have asked and also for my own self to know, is
21 this going to have anything to do with a booster
22 shot program for the Saint Francis stuff?

23 SUPERVISOR SALADINO: I'm informed by
24 staff it does not, but that is something that the
25 Town is working on making available.

1 MR. BERSE: All right. Terrific.

2 Because I know --

3 SUPERVISOR SALADINO: But this
4 Resolution is a separate resolution on an entirely
5 separate issue.

6 MR. BERSE: That's great. I just
7 wanted to know if this applied. It doesn't, that's
8 fine. No problem.

9 SUPERVISOR SALADINO: And on 14?

10 MR. BERSE: 14, that one is a very sore
11 subject. I have some bullet points. Not to go
12 through that entire letter that I know Jim
13 McCaffrey distributed to all of you, but he has
14 been intimately involved in this situation with our
15 community.

16 Specifically, we are requesting that on
17 14, you guys vote "Nay" until this can be amended
18 to omit the paint booth from the permissions.

19 Dejana -- let me just go through my
20 bullet point notes -- has not been a good neighbor.

21 When they originally appeared before
22 the Town Board, and also in the community meetings
23 that were arranged, promised that they would keep
24 their doors closed while they were working, and on
25 at least four occasions, I reported it to Jim

1 McCaffrey that the doors were open, the odors were
2 emanating and so was the sounds.

3 There was also a complaint at the
4 community meeting of an oversized apparatus that
5 was being repaired and maintained outside the
6 building that could not fit in the building that
7 was tremendously noisy for hours on end.

8 The problem also is these things that
9 are labeled "aero." I don't know what kind of an
10 apparatus they are, but there's no way they fit in
11 any of those garage doors. So things that they
12 have promised and committed to, they have not
13 followed through on, and it's not a good situation.

14 I know what their company does. It's a
15 vital service. They have been able to operate for
16 years without the permits because of the timeframe
17 and then the pandemic and everything else, but to
18 go beyond what they're doing to put in this paint
19 booth, we, quite frankly, don't trust them to do it
20 the right way or to do what they say.

21 SUPERVISOR SALADINO: Has your civic
22 association held any meetings with the proprietor?

23 MR. BERSE: Yes. Yes.

24 SUPERVISOR SALADINO: What came of
25 these?

1 MR. BERSE: May 11th was the meeting
2 with them.

3 SUPERVISOR SALADINO: And?

4 MR. BERSE: And there was no change.

5 All the times I reported the incidents
6 to McCaffrey were after that meeting, and he --

7 (Whereupon, Mr. Berse's cell phone
8 began to ring with the Batman theme song.)

9 MR. BERSE: Commissioner Gordon is
10 calling me.

11 (Whereupon, there was laughter among
12 the assemblage present.)

13 MR. BERSE: I'm sorry about that. I'll
14 have to call him back.

15 It's just -- I'm bullet pointing it,
16 but all these items were written into that letter.

17 SUPERVISOR SALADINO: I see the letter.

18 MR. BERSE: So we don't trust the fact
19 that this paint booth is, maybe, 25 feet away from
20 the sump. Forgetting about everything else with
21 the community, if they have an accident, then all
22 the chemicals are going to go into the sump.
23 There's nowhere's else for them to go, and it's so
24 close.

25 So this is not an unreasonable request.

1 The other things -- we're not chasing them out of
2 the community, we're dealing with the problems that
3 they haven't acquiesced to that they're supposed
4 to, but this is one that we've got to prevent
5 before it happens.

6 SUPERVISOR SALADINO: Joel, do you know
7 if the dry wells on the property are continuously
8 piped into that sump, or do they just go into a dry
9 well at that location?

10 MR. BERSE: I don't know that answer.

11 SUPERVISOR SALADINO: So how were you
12 able to ascertain that -- how are you able to
13 guarantee that if there's a spill --

14 MR. BERSE: Where they're physically
15 putting the paint booth inside the building. I
16 have driven physically on the property. There's a
17 garage door outside it that is just across this
18 little piece of driveway to where the sump is, so
19 if there's any leakage, it's got to go there.

20 SUPERVISOR SALADINO: Are there dry
21 wells on the property to collect rain water?

22 MR. BERSE: I don't know. I didn't see
23 any, but I didn't really look for them, but right
24 here in this spot, there is nothing.

25 SUPERVISOR SALADINO: Okay.

1 MR. BERSE: So the idea is let them
2 have everything else. And they've been operating
3 without this paint booth for three years plus now.
4 Why do we have to give it to them? They're
5 functioning without it. They're just wanting to be
6 more convenient for themselves to be able to paint
7 on the property, and, to me, like I said, Chernobyl
8 had all the safety things in it, but they didn't
9 expect an accident, and they had one.

10 SUPERVISOR SALADINO: So let's --

11 MR. BERSE: Here we're talking about
12 chemicals and solvents that would go directly into
13 the sump. There's nothing to stop that.

14 SUPERVISOR SALADINO: Again, Joel --
15 Joel, I understand the safety of the community.

16 Every Board member here puts community
17 safety and the safety of the environment and the
18 health of the community first and foremost, so
19 that's very clear, and that's a point I want to
20 make very strong.

21 But when you suggest -- you've already
22 told us that you don't know what they have in the
23 way of safety measures and where runoff goes, but
24 then you've said that you are certain that it will
25 end up in the sump. Let's find out for sure.

1 There are Restrictive Covenants that go
2 along with this, and let's have a meeting where we
3 find out and you find out so you can inform the
4 public as to the facts. This isn't something that
5 -- this is something that, obviously, we want to
6 ensure, and we're going to speak with our legal
7 team to review those Restrictive Covenants.

8 Okay?

9 MR. BERSE: Well, then I wouldn't want
10 it to get an "Aye" vote either. If you want, just
11 table it for that decision.

12 COUNCILMAN IMBROTO: Joel, we had the
13 hearing, and at the hearing this issue came up, and
14 I had asked them to agree to certain Restrictive
15 Covenants that would address exactly what you're
16 talking about.

17 I'm very sensitive to the concerns
18 you're raising. I think Chernobyl is, maybe, a
19 little bit of an overstatement, but we do have
20 those Restrictive Covenants, they have agreed to
21 them.

22 Have you reviewed those, and, if so,
23 are you not satisfied with them?

24 MR. BERSE: I read the entire list of
25 Restrictive Covenants. I understand it, but the

1 problem is, other things that they have agreed to,
2 they did not adhere to.

3 COUNCILMAN IMBROTO: You don't believe
4 that they're going to follow?

5 SUPERVISOR SALADINO: So you're coming
6 here, just so we understand -- is regarding the
7 enforcement of the Restrictive Covenants to address
8 and alleviate those concerns?

9 MR. BERSE: Well, that, you know, that
10 would be after they've done something. I'm trying
11 to prevent them from doing something.

12 COUNCILMAN IMBROTO: I guess my
13 question is, if we were to table it, what would be
14 the purpose, what would change between now and the
15 next time we vote?

16 MR. BERSE: Well, he wants to find
17 out -- he wants to find out if they truly have the
18 mitigation in place.

19 COUNCILWOMAN WALSH: And I think, Lou,
20 we had talked about this one time.

21 Councilman, sorry to interrupt.

22 The different paints that they might be
23 using. Because that makes a big difference. And
24 the ventilation with the new paint. We've had this
25 conversation about adding the paint component to

1 it.

2 SUPERVISOR SALADINO: Those are the
3 Restrictive Covenants?

4 COUNCILMAN IMBROTO: Yeah.

5 SUPERVISOR SALADINO: Councilman, how
6 many Restrictive Covenants are in this agreement?

7 COUNCILMAN IMBROTO: Quite a number.

8 COUNCILMAN LABRIOLA: Nineteen.

9 COUNCILMAN IMBROTO: There's 19
10 Restrictive Covenants.

11 MR. BERSE: Well, there's one
12 specifically that they don't adhere to and that's
13 doing all their mechanical work inside the building
14 because they have apparatus that's too big to go
15 inside. And you have that in there -- in the
16 Restrictive Covenants, that they're not supposed to
17 do mechanical work in the parking lot.

18 COUNCILMAN IMBROTO: Okay.

19 But what I'm saying is that Number 3 of
20 the Restrictive Covenants specifically says that
21 they will have an adequate filtration system that's
22 to ensure a minimum of odor, fumes, and other
23 emissions to emanate from said booth. The spray
24 booth shall not be operated if it's not functioning
25 in the manner in which it's designed and intended

1 to function, which would address that concern.

2 The next one is that all work performed
3 on premises shall be performed indoors. These --

4 MR. BERSE: Well, they're not.

5 COUNCILMAN IMBROTO: But these are the
6 Restrictive Covenants that they would agree to
7 going forward.

8 MR. BERSE: But they're already
9 disobeying that one. That they have apparatus that
10 they repair and maintain on the outside of the
11 building because it's too large to go inside.

12 SUPERVISOR SALADINO: These covenants
13 would have to be adhered to if we pass.

14 COUNCILMAN IMBROTO: Right. This would
15 be going forward.

16 They would sign the bottom of this
17 document, and they would adhere to those
18 Restrictive Covenants. I don't know if there's
19 already existing ones that require them to perform
20 the work indoors, I'm not sure, but this would be
21 going forward.

22 MR. BERSE: But even so, their SOP
23 right now is that they are not doing what they're
24 agreeing to do moving forward, and what's going to
25 get them to change their MO?

1 SUPERVISOR SALADINO: The Restrictive
2 Covenants that they would legally have to adhere to
3 if we, indeed, passed their application.

4 So the part of the process --

5 COUNCILMAN IMBROTO: And they would
6 have to have the mitigation system; otherwise, they
7 would be automatically in violation.

8 MR. BERSE: Well, I don't see anything
9 outside --

10 SUPERVISOR SALADINO: Is that a County
11 Law, Health Department law?

12 COUNCILMAN LABRIOLA: Fire Marshal.

13 MR. BERSE: The Fire Marshal is waiting
14 for you before they do anything. The Planning
15 Commission dumped it on you to make the decision
16 and then they will. They're all sitting here that
17 if something goes wrong, they're going to point to
18 Town of Oyster Bay, well, they said okay, so we
19 did, too.

20 SUPERVISOR SALADINO: That's not what
21 this document means --

22 MR. BERSE: No, no, no. If it passes.

23 COUNCILMAN IMBROTO: Joel, all I'm
24 saying is that they haven't been in violation of
25 these Restrictive Covenants because they're not in

1 effect yet --

2 SUPERVISOR SALADINO: And that this
3 process is forcing their hand in a legal binding
4 agreement. We're happy to bring our counsel up
5 here to explain that.

6 Would you kindly --

7 MR. BERSE: No, no, no. I understand
8 what you're saying to me --

9 COUNCILMAN IMBROTO: And we get what
10 you're saying.

11 MR. BERSE: And I know --

12 SUPERVISOR SALADINO: Which would then
13 make it enforceable.

14 MR. BERSE: -- and I know that we're
15 talking about law, but we're also got to take
16 reality and merge them.

17 The law says we are not going to beat
18 them up now because the rules don't exist formally
19 but the reality is, is they're operating in such a
20 way what's going to make them change internally?

21 SUPERVISOR SALADINO: The Restrictive
22 Covenants is going to make them force their hand.

23 MR. BERSE: Right, but then it's got to
24 be that you got to catch them. Somebody's got to
25 complain, you got to have the right person -- the

1 public safety guys or whoever -- inspectors -- get
2 over there in time to catch them.

3 If the thing is just parked outside by
4 the time you get there, that means they didn't do
5 anything, but the problem will be that they've
6 already done that work on the machine, had it
7 emitting its emissions near the houses, making a
8 lot of noise that it does -- this huge yellow
9 machine is like the rear of a tractor-trailer in
10 its size. I don't know what it does. I've seen
11 it.

12 The first complaint that we got at that
13 May 11th meeting was a resident who said this was
14 going on then, and ever since, whenever I drive by,
15 I take a look at what's going on. Are the doors
16 open? Is the odors going on?

17 Now, this time of the year they're not
18 going to have the doors open because it's going to
19 be too cold, but when it was warmer out, anytime it
20 was over 70 degrees, the doors were open.

21 COUNCILWOMAN MAIER: Joel, so if we
22 table this, we're going to, basically, allow them
23 to continue doing what they're doing. If we move
24 forward with this, we have an enforceable document
25 that they're going to have to sign, that we can

1 enforce to make sure so things that you're saying
2 you're seeing that's being done there we'll be able
3 to enforce that if we move forward with this.

4 SUPERVISOR SALADINO: You've also
5 stated that you don't know -- on your own volition
6 you stated -- you don't know what that piece of
7 equipment is for. So I understand your fear of the
8 unknown.

9 Let's bring our legal counsel up.

10 MR. BERSE: But I'm talking --

11 COUNCILWOMAN WALSH: I think his
12 concern is enforcement.

13 Is that --

14 MR. BERSE: Enforcement is going to be
15 after they've done the damage.

16 COUNCILMAN IMBROTO: You don't believe
17 that they're going to do what they say they're
18 going to do basically?

19 MR. BERSE: Absolutely. Because they
20 haven't proven to follow it now.

21 When you tell people we're not going to
22 work with our garage doors open to disturb the
23 neighborhood, whether it's with the odors of the
24 diesel fuel or the noise of the mechanical
25 equipment, and you keep the doors open, you've told

1 the community you're going to keep them closed and
2 you didn't. You've told the community that you're
3 not going to work on these things outside the
4 building, and they've got it in there to agree to
5 it, but yet they're doing it.

6 COUNCILMAN IMBROTO: But the fifth
7 Restrictive Covenant is that the doors and overhead
8 doors of the facility will be closed during and
9 immediately following painting and during any
10 mechanical or bodywork that generates noise above
11 the ambient level, so they're going to be agreeing
12 to keep them closed.

13 MR. BERSE: They already came up
14 here --

15 COUNCILWOMAN WALSH: They said it
16 verbally even though it wasn't --

17 MR. BERSE: -- in the first hearing
18 that they would do it. They said it in the public
19 meeting they would do it. And there were four
20 specific instances. I don't have the dates written
21 down, Jim might, but I picked up my cell phone
22 while in the car, and I called Jim McCaffrey, and I
23 said, Jim, the doors are open. Jim, I'm smelling
24 this or not smelling this. So it's not like I
25 didn't catch them and do nothing about it and just

1 arbitrarily say it. I reported it to the Deputy
2 Commissioner.

3 And if you want to ask him about it,
4 that's why he said to me when I wrote this letter,
5 give it to you guys before you come up here so you
6 know our position.

7 Now, if you want to vote "Aye" because
8 you think it's the right thing to do, I'm not
9 telling you that I know better than you, but I'm
10 telling you from the reality of living there and
11 the people -- especially in the Jericho Gardens
12 portion of our civic -- we're up in arms about this
13 thing.

14 When the problem is --

15 COUNCILMAN IMBROTO: In a certain sense
16 you do know better because you're there and you see
17 what's going on --

18 MR. BERSE: -- 10:00 in the morning
19 they couldn't --

20 COUNCILMAN IMBROTO: -- so you do know
21 better than we do. We're not there.

22 SUPERVISOR SALADINO: Let's bring our
23 counsel up to shed more light on this okay, Joel?

24 You've made it clear. We are listening
25 to you --

1 MR. BERSE: I understand that, and I'm
2 just --

3 SUPERVISOR SALADINO: I understand
4 you're stressed --

5 MR. BERSE: -- because I don't trust
6 them, I'm frustrated.

7 SUPERVISOR SALADINO: I understand
8 you're frustrated. It comes across -- comments
9 like comparing it to Chernobyl bring your
10 frustration to light.

11 So let's bring our attorney up and
12 listen to what our attorney has to say, and let's
13 go from there.

14 MR. BERSE: Hi.

15 MS. UNDERWOOD: Hi.

16 MR. BERSE: I thought I was turning
17 around to see Frankie.

18 SUPERVISOR SALADINO: So let's let --

19 MS. UNDERWOOD: Do you want me to go to
20 the podium?

21 SUPERVISOR SALADINO: Yes, please.

22 MS. UNDERWOOD: Okay. I was just
23 trying to socially distance.

24 MR. BERSE: That's fine.

25 Here, I'll take my folder.

1 MS. UNDERWOOD: Karen Underwood, Deputy
2 Town Attorney from the Town Attorney's office.

3 Simply put, there's two things going on
4 here. One, there was a public hearing. All the
5 interested parties were able to tell the Board
6 their intent in the use of the premises. Those
7 intentions and the Board's requirements and what
8 they would like to see done at the property were
9 set forth in the Restrictive Covenants.

10 This is the Board's enforceability
11 through its Zoning Code to enforce any missteps
12 taken by the property owners. It would be
13 difficult without having specific enforcement
14 infractions that have not been investigated yet to
15 prevent the owner from proceeding with the
16 application, so these things have been addressed in
17 the Restrictive Covenants including policing of the
18 area.

19 COUNCILMAN IMBROTO: Should they fail
20 to comply with the Restrictive Covenants, what's
21 the remedy?

22 MS. UNDERWOOD: It's enforcement
23 through our Town Zoning Code --

24 COUNCILMAN IMBROTO: So what can happen
25 to them --

1 MS. UNDERWOOD: -- so they would be
2 brought into court and they would be liable up to
3 -- you know, our Zoning Code has criminal
4 implications.

5 SUPERVISOR SALADINO: But we can stop
6 their operation?

7 MS. UNDERWOOD: Yes, we can.

8 SUPERVISOR SALADINO: Okay.

9 So for -- especially for people who may
10 be watching these proceedings, I do want to get
11 some information out to inform Joel, to inform
12 members of the civic association, the community, or
13 anyone who is watching this proceeding.

14 Right now, they have the right to
15 perform certain services at this site, correct?

16 MS. UNDERWOOD: Correct.

17 SUPERVISOR SALADINO: So they currently
18 can be doing what they're -- the service they're
19 providing?

20 MR. BERSE: Excuse me.

21 I thought they don't have the Special
22 Use Permit yet to operate the mechanical facility,
23 but they're being allowed to do it while the
24 process was going on.

25 SUPERVISOR SALADINO: Is that accurate?

1 MR. BERSE: That was my understanding.

2 MS. UNDERWOOD: I'm not sure. I don't
3 want to misrepresent from the Town Attorney.

4 SUPERVISOR SALADINO: Counselor, the
5 point I'd like for you to discuss is that the
6 covenants and restrictions cannot be enforced until
7 their application is approved and they've signed.

8 But they have to sign those covenants
9 and restrictions in order for us to give them the
10 permission to operate there, correct?

11 MS. UNDERWOOD: Correct.

12 The first step is the hearing. The
13 second step is the decision, and attached to that
14 decision is the Restrictive Covenants, which are
15 filed with the Nassau County Clerk, and they run
16 with the land.

17 After this Board makes its decision
18 today, they are signed by the applicant and then
19 from there, the Board can enforce this.

20 SUPERVISOR SALADINO: Is it fair to say
21 that once those are signed, it would put more
22 restrictions and, therefore, more safety for the
23 community in terms of their activities on this
24 site?

25 MS. UNDERWOOD: Yes. That's the

1 purpose of the Restrictive Covenants.

2 MR. BERSE: No, it wouldn't.

3 Because you would be adding the paint
4 booth, which doesn't exist at this point, and
5 that's what we are most concerned about not being
6 allowed to be there in case there would be an
7 accident.

8 We're not saying under normal
9 operations, it wouldn't work, but they really just
10 went like this, oh, it's not going to have anything
11 go wrong with it. It's not made that way.

12 SUPERVISOR SALADINO: But aren't
13 there -- there are 19 Covenants and Restrictions.

14 Among those Covenants and Restrictions,
15 doesn't that include --

16 MS. UNDERWOOD: Yes.

17 SUPERVISOR SALADINO: -- information on
18 how to remediate, how to contain any kind of a
19 release of any kind of a substance?

20 MS. UNDERWOOD: Yes. Yes. I didn't
21 mean to interrupt you.

22 Councilman Imbroto pointed directly to
23 that Restrictive Covenant Number 3 and the list of
24 numerous requirements that are included in this
25 document.

1 MR. BERSE: The community is coming to
2 the realization that they need to be there, but
3 they also are really concerned about it going that
4 next step with the paint booth for an accident, and
5 that was the main thing.

6 And looking to have your wisdom in this
7 to understand that the reality of the law that
8 would get them would be after the fact if something
9 happened, and what we want is not to allow
10 something to potentially happen.

11 SUPERVISOR SALADINO: Joel, I think
12 you're missing one of the important pieces.

13 There are currently no greater
14 restrictions than the General Code of the Town. If
15 this was to pass, they would have to sign and then
16 be liable for those restrictions.

17 MR. BERSE: I'm not missing that boat.

18 What you're saying to me is, you sign
19 the thing, it happens, and it happens in whole,
20 which includes the paint booth.

21 If you want to take the paint booth
22 out, remove the restrictions that go particularly
23 to the paint booth and just say you can't have a
24 paint booth, but you can do everything else here
25 with the restrictions that go along with it.

1 That's what people will acceptably live
2 with, and I think that that's not an unreasonable
3 or unfair thing to request because of what they've
4 been living with on other things, like, right
5 across the street from this is the Superfund site,
6 and that creates an extra layer of ridiculousness
7 from the residents.

8 SUPERVISOR SALADINO: I don't
9 believe --

10 MR. BERSE: No, no. I'm just telling
11 you how the people feel.

12 SUPERVISOR SALADINO: I understand. I
13 understand there's concerns, but what we're trying
14 to get across to you is that the Restrictions and
15 the Covenants, which means the new, intensified
16 rules that the applicant would have to operate
17 under, empowers the Town much more to ensure
18 inspections and so forth, to ensure that safety
19 precautions and equipment is in place.

20 COUNCILMAN IMBROTO: And if they don't
21 do it, we can revoke the permit.

22 MS. UNDERWOOD: Shut down the
23 operation.

24 MR. BERSE: Yeah, but --

25 COUNCILMAN IMBROTO: We can undo --

1 MR. BERSE: -- the horse is out of the
2 barn door already if there is a leak.

3 COUNCILMAN IMBROTO: What did you say?

4 MS. UNDERWOOD: Shut down the
5 operation.

6 COUNCILMAN IMBROTO: We can shut it
7 down, we can revoke the permit --

8 SUPERVISOR SALADINO: You're
9 suggesting --

10 MR. BERSE: We're not looking to shut
11 them down or restrict them from operating the way
12 they are now. They are farming out or going to
13 another one of their locations to do the painting.

14 COUNCILMAN IMBROTO: So your concern is
15 the spray booth?

16 MR. BERSE: That's it. Just get rid of
17 the spray booth from the application.

18 COUNCILMAN IMBROTO: Your concern is
19 the emanation of odors and fumes.

20 MR. BERSE: The emanation of odors is
21 already happening, but if they keep the doors
22 closed that will end.

23 COUNCILMAN IMBROTO: And that's what it
24 says they have to do.

25 MR. BERSE: Okay, but the spray booth

1 is the issue that we were going after to stop and
2 not allow. Let them do everything else. Work out
3 the Covenants and Restrictions accordingly.

4 COUNCILMAN IMBROTO: What's the concern
5 with the spray booth given the Covenants and
6 Restrictions other than you don't believe they're
7 going to follow them?

8 MR. BERSE: Because at the point, you
9 would go to enforce it, it means something
10 happened.

11 SUPERVISOR SALADINO: But why couldn't
12 something happen with all of the other chemicals
13 that they might store there or all of the other
14 operations that they're currently involved in?

15 MR. BERSE: The work that they're doing
16 has ordinary stuff that's not the solvents that go
17 with paint or the paint chemicals or the prepping
18 chemicals. It's a whole different ball of wax.

19 I spoke to two people in the auto body
20 business to understand that there is a definitive
21 difference between the materials that they want to
22 use with this paint booth and what they would do
23 with ordinary mechanics.

24 SUPERVISOR SALADINO: But don't those
25 materials have to be contained, protected, and

1 stored under DEC regulation?

2 MR. BERSE: Absolutely, but what
3 happens if the paint booth fails? What happens if
4 they accidentally back a vehicle in and damage the
5 paint booth? There's all kinds of things that we
6 can avoid by not allowing the paint booth.

7 COUNCILMAN IMBROTO: I understand.

8 Yes, accidents can happen at any site,
9 but --

10 MR. BERSE: Right. But you're allowing
11 this to have that potential.

12 COUNCILMAN IMBROTO: It seems like a
13 very remote possibility.

14 SUPERVISOR SALADINO: Joel --

15 MR. BERSE: Hey, if that's what you
16 want to take as the position --

17 SUPERVISOR SALADINO: Joel. Joel.
18 Joel --

19 MR. BERSE: -- you're going to be
20 disappointing a lot of residents.

21 SUPERVISOR SALADINO: Excuse me,
22 Joel --

23 MR. BERSE: That's all.

24 SUPERVISOR SALADINO: We can't have the
25 back and forth like this. Right now --

1 MR. BERSE: I'm sorry.

2 SUPERVISOR SALADINO: -- right now our
3 counsel has the podium.

4 MR. BERSE: I'm sorry.

5 SUPERVISOR SALADINO: So one of the
6 legal concerns because, obviously, this Board has
7 to act in a process that takes everything under
8 consideration.

9 Counselor, under the situation that
10 Mr. Berse is describing, isn't that -- indeed,
11 couldn't that be the concern of virtually every
12 business that has chemical components, where would
13 we stand legally if we were to stop one business
14 but not stop every auto body business or everyone
15 who has a chemical component to their business
16 because of what might happen even though there are
17 the safety procedures in place that are brought on
18 by the agreement that they have to sign in the
19 Covenants and Restrictions?

20 MS. UNDERWOOD: Right. The Covenants
21 and Restrictions are what keeps all businesses in
22 line with what they're entitled to utilize their
23 property to do.

24 SUPERVISOR SALADINO: And are these
25 Covenants and Restrictions well above and beyond

1 what is the basics of law, not only in Town Code,
2 but DEC law, Nassau County Health Department law?

3 Are they being -- would they be forced
4 to work at a higher standard?

5 MS. UNDERWOOD: Well, that is the
6 purpose of the Restrictive Covenants is to go above
7 and beyond and to give the Town Board the ability
8 to enforce any violation thereof.

9 With regard to --

10 COUNCILMAN IMBROTO: So if they violate
11 it, we can send an inspector, we can give them a
12 summons, they can pay a fine. If they -- per
13 Covenant 18, we could revoke their Special Use
14 permit. So that means we can undo what we did here
15 today. We can say you can no longer do this at the
16 property.

17 MS. UNDERWOOD: And the spray paint --

18 MR. BERSE: But that means something
19 happened already.

20 MS. UNDERWOOD: -- the spray paint
21 booth was specifically mentioned that it shall
22 not -- shall not is a term, a legal term -- shall
23 not be operated if it is not functioning in the
24 manner it was designed and intended to function.

25 COUNCILMAN IMBROTO: So let's say

1 there's an accident like you said. Someone drives
2 through the spray booth. They'll just turn the
3 spray booth off. What's the --

4 SUPERVISOR SALADINO: Or if something
5 spills, there's a method --

6 MR. BERSE: What if it's operating at
7 the time and the stuff all spills out?

8 SUPERVISOR SALADINO: So there's a
9 method and procedure to capture that before --
10 Joel, there's another piece in play here, and,
11 counselor, I'd like you to address this.

12 Let's say we decide to say no and then
13 they bring something called an Article 78, which is
14 a lawsuit. We lose the control over this. Now
15 it's in a judge's hands.

16 Could a judge throw out some or all of
17 those Covenants and Restrictions?

18 MS. UNDERWOOD: Yes.

19 SUPERVISOR SALADINO: So we're faced
20 with a bit of a conundrum, Joel, that if we --
21 right now, we've gotten them to agree to a long
22 list -- 19 additional rules that they have to abide
23 by.

24 If we pass this, they have to sign it
25 before they get their permit, and they have to

1 abide by those. If we say no and they sue in an
2 Article 78 proceeding, now we lose. The community
3 could lose all of those safety Covenants and
4 Restrictions, and it all goes in one judge's hand
5 that we don't have control over. That has to be a
6 part of the thinking.

7 MR. BERSE: I understand the process,
8 and I've been coming before this Town Board for
9 over twenty years before any of you were here.

10 I understand these things, I've seen
11 these things happen, but I'm trying to live in the
12 real world besides the legal world and say you all
13 have to have a conscience as if you lived next door
14 to this --

15 SUPERVISOR SALADINO: Certainly.

16 MR. BERSE: -- and then I'm just going
17 to tell all of you that I want you to vote your
18 conscience what you think of it, stop worrying
19 about the legalese --

20 SUPERVISOR SALADINO: Well, wait a
21 second --

22 MR. BERSE: No, no, no --

23 SUPERVISOR SALADINO: -- Joel, that's
24 ridiculous.

25 MR. BERSE: No, no, no --

1 COUNCILWOMAN JOHNSON: I have to say
2 you're ignoring counsel --

3 MR. BERSE: No, no, no. Stop worrying
4 about the legalese first.

5 COUNCILWOMAN JOHNSON: I have to say
6 this has to stop.

7 Joel, you're going on and on and on.

8 COUNCILMAN LABRIOLA: We can't rehear
9 this case.

10 SUPERVISOR SALADINO: Yeah. Joel,
11 you're trying to create a second hearing and by
12 saying ignore the legal restrictions and the legal
13 aspects of this case is, quite frankly,
14 unprofessional and dangerous to the public.

15 MR. BERSE: I didn't mean ignore. I
16 didn't mean ignore.

17 I meant go to the reality side of it
18 and think of it as if you lived there next to this
19 and how you would feel, and what's going on for
20 years and years and years in that neighborhood.

21 SUPERVISOR SALADINO: But that applies
22 in every situation across every town in America.
23 That's no different than any other situation.

24 If the owner and applicant works in
25 good faith, they have to follow those Covenants and

1 Restrictions.

2 If they don't --

3 MR. BERSE: Okay, but just --

4 SUPERVISOR SALADINO: -- wait a second,
5 if they don't, we are empowered to take this away
6 from them, and then they can't operate at all.

7 I know that you may not want to hear
8 that, but that's the law.

9 MR. BERSE: No, no, no.

10 I'm saying vote your conscience, what
11 you feel is right.

12 Okay?

13 SUPERVISOR SALADINO: When we take into
14 account how our hands are tied by the law --

15 COUNCILMAN IMBROTO: And, Joel, taking
16 into account that's a tally of the factors. Right
17 now, they don't have any of these rules. We're
18 creating more rules to mitigate what you're already
19 saying is happening there, to make sure that that
20 doesn't happen there. The impact of all the
21 concerns that were raised at the hearing by
22 yourself and others have been addressed in these
23 covenants. There aren't -- I don't see on the map
24 that anybody lives next to this place. It's in the
25 Light Industrial Zone --

1 MR. BERSE: No. The back of it goes
2 right onto Jericho Gardens community, the back of
3 it.

4 SUPERVISOR SALADINO: We're not
5 diminishing that, and we are thinking of everyone's
6 rights, but we also have to deal with the real
7 world, as you suggested --

8 MR. BERSE: I got you.

9 SUPERVISOR SALADINO: -- knowing that
10 they could take the Town to court under an Article
11 78 and all of these protective rules and Covenants
12 and Restrictions could be thrown out by a court,
13 out of our control.

14 MR. BERSE: Well, I understand that,
15 and I understand your position, and I appreciate
16 that. I know you understand ours.

17 The problem is, when you look at ours,
18 we are talking about realities that we've been
19 dealing with, living with, et cetera.

20 You're talking about the legal
21 ramifications how people could come against the
22 Town, which --

23 SUPERVISOR SALADINO: But we're also
24 talking about --

25 MR. BERSE: -- is absolutely correct.

1 SUPERVISOR SALADINO: -- our rights to
2 protect the community --

3 MR. BERSE: -- which is absolutely
4 correct. It's absolutely correct.

5 But the problem is, once you are going
6 to act on any of these things, it means something
7 negative happened to the community --

8 COUNCILMAN IMBROTO: Okay, but --

9 MR. BERSE: -- and then after the fact,
10 you then go out and you enforce what they were
11 supposed to do. So that's where the problem in
12 this system lies and --

13 SUPERVISOR SALADINO: Joel.

14 COUNCILWOMAN JOHNSON: Joel.

15 SUPERVISOR SALADINO: Joel. Joel, you
16 are trying to create a second hearing.

17 We've already had the hearing. We
18 understand the issues. I'm not entirely sure that
19 you understand the position that we're in that if
20 we don't act on this, those Covenants and
21 Restrictions will not be in place --

22 MR. BERSE: Well --

23 SUPERVISOR SALADINO: -- it is the
24 action on this that forces the hand of the
25 applicant -- the owner and operator -- to sign

1 these very, very strict Covenants and
2 Restrictions --

3 MR. BERSE: I got you.

4 SUPERVISOR SALADINO: -- that came
5 about by listening to the public at the hearing and
6 forcing the hand, if you will, of the applicant to
7 agree -- and I don't mean forcing their hand -- but
8 getting them to agree to 19 different safety
9 measures above and beyond the Town Code, above and
10 beyond the Health Department Code.

11 COUNCILMAN IMBROTO: And, by the way,
12 this is a Light Industrial Zone, that if this were
13 rejected and this auto use wasn't there, it could
14 be anything else that could be in a Light
15 Industrial Zone, which could be much worse than
16 this.

17 MR. BERSE: We're not saying to reject
18 their current uses. We just don't want the paint
19 booth added.

20 SUPERVISOR SALADINO: But that's what
21 the application is, Joel.

22 We can't start reaching about wants, we
23 wish --

24 MR. BERSE: We sent in lots of
25 correspondence when the record was still open after

1 the hearing.

2 We never got anything back, and when
3 anybody said --

4 SUPERVISOR SALADINO: You got the
5 Covenants and Restrictions, Joel.

6 MR. BERSE: No. But there was no give
7 and take with the Town to us about it.

8 SUPERVISOR SALADINO: Let me put it
9 this way, you have made your position very clear --

10 MR. BERSE: All right then.

11 SUPERVISOR SALADINO: -- I do
12 understand -- we do understand that there are
13 concerns and fears because you've communicated
14 that, and now we have to see what the Board
15 decides, first of all, and, second of all, we have
16 to take into consideration the 19 Covenants and
17 Restrictions that came from that hearing by
18 listening to the public. We have to take into
19 consideration that they're in a zone where there
20 could be uses far worse than the applied for use,
21 and we have to take into consideration that if the
22 owner decides to sue the Town, there is the
23 possibility that they could win an Article 78, and
24 then it would change or maybe throw out those
25 covenants.

1 These are real concerns.

2 MR. BERSE: Okay. Okay. I just --

3 SUPERVISOR SALADINO: And putting the
4 public safety -- wait a second -- you need to know
5 and the public needs to know -- that putting the
6 public safety is first and foremost in any decision
7 we make, and that's why those Covenants and
8 Restrictions are very strong, and we feel -- and
9 with the advice of counsel -- that they are
10 sufficient in protecting the public from the very
11 fears that you're describing.

12 Can you please wrap up, counselor?

13 MR. BERSE: Well --

14 SUPERVISOR SALADINO: Joel --

15 COUNCILWOMAN JOHNSON: That's it.

16 SUPERVISOR SALADINO: -- that's it.

17 You've had more than the allotted time.

18 Could you please just wrap up your
19 conclusion on this application and the strength of
20 those Covenants and Restrictions in protecting the
21 public versus what would happen if we did not have
22 them?

23 MS. UNDERWOOD: Right.

24 So it affords the Town Board the
25 ability to enforce and hold liable the owner of the

1 property not only under our Codes, but to all
2 applicable laws regarding the use of the property,
3 specifically, the paint as you mentioned earlier,
4 all applicable laws concerning the use.

5 MR. BERSE: When you guys go to vote, I
6 just presented what everybody wanted --

7 MS. UNDERWOOD: Thank you.

8 SUPERVISOR SALADINO: My suggestion is
9 that if this application passes, that the owner or
10 operator meets with the community to carefully
11 demonstrate and to go over each and every one of
12 the safety procedures and equipment they have on
13 the site.

14 Can we make sure that that message is
15 delivered?

16 That we would like to see them meet
17 with the civic association and the local residents
18 to show them because the best way to alleviate fear
19 is through education, and they should be educated
20 on what safety procedures, equipment and operations
21 they do have or will have in place to protect the
22 safety of the environment and especially its
23 residents.

24 You'll make sure that takes place and
25 that message is delivered?

1 MR. McCAFFREY: Absolutely.

2 SUPERVISOR SALADINO: Thank you very
3 much.

4 Counselor, do you have anything else
5 for us on this?

6 MS. UNDERWOOD: No, Supervisor.

7 SUPERVISOR SALADINO: Thank you.

8 MR. BERSE: I just had the one comment
9 under public comment that it was an extreme honor
10 today to be on the same program as Matty McCartin.

11 He and I have been great friends, and
12 he's been great to Hicksville his entire time here,
13 and when I was notified he was getting promoted, we
14 have been texting each other and whatever, and when
15 he had his first night, I was, like, good luck
16 tonight, et cetera, and so forth. He deserved
17 everything he got today.

18 SUPERVISOR SALADINO: Thank you, Joel.

19 Okay. We have no other slips for any
20 other speakers, so at this time, let's call for a
21 vote.

22 MR. LaMARCA: Supervisor Saladino?

23 SUPERVISOR SALADINO: "Aye."

24 MR. LaMARCA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."

1 MR. LaMARCA: Councilman Imbroto?

2 COUNCILMAN IMBROTO: "Aye."

3 MR. LaMARCA: Councilman Hand?

4 COUNCILMAN HAND: "Aye."

5 MR. LaMARCA: Councilman Labriola?

6 COUNCILMAN LABRIOLA: "Aye."

7 MR. LaMARCA: Councilwoman Maier?

8 COUNCILWOMAN MAIER: "Aye."

9 MR. LaMARCA: Councilwoman Walsh?

10 COUNCILWOMAN WALSH: "Aye."

11 MR. LaMARCA: Motion to adopt

12 Resolution Nos. 1-2022 through 19-2022 passes with

13 seven "Ayes."

14 The calendar is complete.

15 SUPERVISOR SALADINO: May I have a

16 motion, please?

17 COUNCILWOMAN JOHNSON: Supervisor, I'll

18 make a motion that this meeting be closed.

19 COUNCILMAN IMBROTO: Second.

20 SUPERVISOR SALADINO: All in favor,

21 please signify by saying, "Aye."

22 ALL: "Aye."

23 SUPERVISOR SALADINO: Those opposed,

24 "Nay."

25 (Whereupon, there were no "Nay")

1 responses from the Board.)

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

4 (TIME NOTED: 1:47 P.M.)

5 SUPERVISOR SALADINO: At this time, I'd
6 like to turn the floor over to our Receiver of
7 Taxes, Jeff Pravato -- Jeffrey Pravato, for an
8 announcement.

9 MR. PRAVATO: Thank you, Supervisor.

10 Just to let our residents know, tax
11 bills were sent out first day of business of the
12 year, January 3rd, which was pretty much a record
13 for getting them out, so if you have not received a
14 tax bill, please give our office a call at
15 516-624-6400. You can also e-mail us at
16 receiveroftaxes@oysterbay-ny.gov.

17 If you recently settled your mortgage
18 or sold your house and you are getting the tax
19 bills, please notify us of any changes so we can
20 get you a corrected bill, get the bill out to
21 corrected homeowner. We did do some switching
22 around of our envelopes last year where the tax
23 bill does get forwarded so for a lot of people it
24 really worked out great. We saved residents -- the
25 new residents -- a lot of money in fines and fees

1 by doing that, and we had some great residents that
2 had moved out of the area, gave us a call, let us
3 know who the new owners were and we were able to
4 resend out bills to them, so it really worked out
5 good, Supervisor.

6 SUPERVISOR SALADINO: And Receiver
7 Pravato, for the record, please let our residents
8 know that phone number one more time.

9 MR. PRAVATO: Sure.

10 516-624-6400.

11 And you have until February 10th to get
12 that first half general tax bill without penalty.

13 SUPERVISOR SALADINO: Thank you very
14 much.

15 MR. PRAVATO: Thank you, Supervisor,
16 and you're welcome.

17 SUPERVISOR SALADINO: And I'd also like
18 to add that all of the pertinent information is on
19 our website -- oysterbaytown.com -- including
20 information about our warming centers.

21 Right now, with this cold snap and
22 inclement weather that is predicted throughout the
23 winter, you can get updates by visiting
24 oysterbaytown.com. Our warming centers are open
25 during working hours as a means of protecting our

1 residents, and any other information you need can
2 be obtained by contacting Public Safety or our
3 offices.

4 Thank you very much to everyone for
5 your cooperation.

6 Please stay safe.

7 (TIME NOTED: 1:49 P.M.)

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