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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING

October 15, 2024

10:26 a.m.

SPECIAL PRESENTATION

JOSEPH SALADINO

SUPERVISOR

**

RICHARD LaMARCA

TOWN CLERK

TAKEN BY: ALEXA LORENZO, STENOGRAPHER

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A P P E A R A N C E S

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 (absent)
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
FRANK SCALERA, ESQ. TOWN ATTORNEY

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PRAYER:

Pastor Miguel Vasquez
Living Faith Christian Church, Farmingdale

PLEDGE:

Vietnam Veterans of America Chapter 82
United States Army Sergeant E-5
Richard Rivera

Vietnam Veteran Army Specialist fourth Class
Bob Selby

United States Army Staff Sergeant
Arturo Edwards

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SUPERVISOR SALADINO: Good morning, ladies and gentlemen, and thank you for joining us at our meeting of the Oyster Bay Town Board. For those joining us this morning, you have an opportunity to be heard on matters brought before the Town Board, as well as during the public comment period at the end of the meeting.

As always, this meeting is being live streamed on social media and on the Town's website, which is www.Oysterbaytown.com. These proceedings are recorded and later transcribed.

Please know that your voices are very important to us. Statements, comments and input from the public relative to our meetings is always welcomed and respected. And of course, our rules are that we respect everyone who is speaking at the podium. To submit comments online, you can e-mail us at Publiccomment@oysterbay-ny.gov. I'll give that to you again:
Publiccomment@oysterbay-ny.gov. Or you

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can e-mail us at the Office of the Town Attorney, which is 54 Audrey Avenue, Oyster Bay, New York 11771.

We begin every town board meeting with prayer. Those of you who are here on a regular basis, you know that. And today we have a good new friend leading us in prayer. His name is Pastor Miguel Vasquez, and he's director of prayer and outreach at Living Faith Christian Church in Farmingdale.

Pastor Miguel. Thank you, Pastor. Welcome to Town Hall. The floor is yours. Let's all rise, please.

PASTOR VASQUEZ: Thank you, Supervisor, for this opportunity. My honor and privilege to be able to pray on behalf of this board meeting.

So if we could just lower our heads and close our eyes.

Heavenly Father, we thank you for breathing life into us today, Lord God. And then I have the honor and the privilege, Lord, of using that breath,

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Father God, to lift up this board of the Town of Oyster Bay to you today, asking for your wisdom, your guidance, and your discernment in their decisions. Grant them the strength to lead with integrity, fairness, and compassion.

May they seek the common good, prioritizing justice, peace, and the well-being of the people of Oyster Bay. Guide their hearts to be humble and their minds to be focused on the truth and righteousness. Help them to be good stewards of the responsibility entrusted to them, making choices that reflect your will and promote unity. Protect them from corruption and pride, and give them courage to stand for what is right, even when it is difficult.

And I also want to petition on behalf of Omer Nuetra from Plainview, who is currently being held hostage in the Middle East. Father, I just pray, Lord, that you would make your presence felt to him right now. Lord God, we know that you

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are still creating miracles, Lord God.
And we ask Lord that you would intervene
in a supernatural way, Lord, so that he
would be granted release and come home to
his family.

Father, I pray, Lord, that you would
also fill his family with peace, father,
as they continue to lean on you. Lord,
for your strength, for your entrusting in
your ability, Lord God, your goodness and
your grace.

And we ask all of this in the
glorious name of Jesus. And together we
say, "Amen".

(Whereupon, all, "Amen".)

SUPERVISOR SALADINO: Thank you,
Pastor Miguel Vazquez. Thank you for
joining us. And thank you for your
friendship.

Pastor Vasquez is the director of
prayer and outreach at the Living Faith
Christian Church in Farmingdale.

And of course, all of us continue to
pray for all of the hostages, their

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safety and their return home, especially our Town's favorite son, Omer. Just yesterday was his 23rd birthday. This is his second birthday in captivity.

We continue to pray for all of our brothers and sisters in Israel and here in America, and especially in the Town of Oyster Bay. And yes, very much we ask God to perform a miracle and please bring them all home safely.

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SUPERVISOR SALADINO: With that leading us in the Pledge this morning are some very distinguished Veterans of America, Chapter number 82, in Nassau County. We have with us United States Army Sergeant E-5 Richard Rivera, who served in Vietnam from 1968 to 70 and currently serves as the vice president of the Vietnam Veterans of America, Chapter 82.

Also with us once again, he is always here at the ready to Serve Vietnam Veteran Army Specialist fourth Class Bob Selby, who served in Vietnam from 1968 to 69 with the First Infantry.

And the very special friend of mine and ours here in the Town. You all are dear friends. But United States Army Staff Sergeant Arturo Edwards of Farmingdale, who served in Vietnam from May 1966 to November 1967.

We're able to do our jobs in pursuit of democracy because you did your job keeping America free and protecting our

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values and our nation.

Please proceed in leading us to the
Pledge of Allegiance.

(Whereupon, the Pledge of
Allegiance is said.)

SUPERVISOR SALADINO: Thank you.
Thank you for your brave service. And
once again, we pray for all of those the
men and women in the United States Armed
Forces here in the homeland and
throughout the world. We pray for our men
and women and law enforcement, all of our
first responders, all of our healthcare
heroes. And of course, for a very speedy
release of the hostages. Please bring
them home safely. Thank you.

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SUPERVISOR SALADINO: Ladies and gentlemen, this the time to remind everyone who is here at the board meeting, watching this online and so forth, that this is October and, therefore, Breast Cancer Awareness Month. Far too many residents face the overwhelming shock of a breast cancer diagnosis, and they are flooded with information, worried about loved ones and at times unable to afford treatment, all while staring down life's toughest questions.

During the month of October, we rededicate ourselves to supporting patients and their families, and especially raising awareness about the life saving importance of early screening. Get screened early. Get screened often. Please encourage your loved ones to get the screening that will make the difference in so many cases between life and death.

We honor all of those who have lost

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their lives to this terrible disease, and celebrate the courageous survivors and advocates fighting to beat it, along with the loved ones and medical providers who have their backs every day.

It's also appropriate to remember Mary, who was a beloved member of the Town of Oyster Bay family. Thank you.

Folks, today, the Town Board also, besides our Regular Action Calendar, we host our Budget Hearings this morning and another continued budget hearing, one hearing, but we continue it tonight at 7 p.m. to receive public comment on the 2025 proposed budget.

Just a little bit of information on this budget. I won't go on too long unless there are questions.

Despite the national economy experiencing the highest inflation rate in 40 years, which could be even larger because the federal government only selects certain items to determine inflation. We believe it's even larger

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than that, perhaps one of the largest inflation rates the United States has ever seen. That in mind, it underscores this is the seventh consecutive tax freeze budget proposed by our Administration. This budget contains seven years without a tax increase during the highest inflation rates that we have ever seen.

This budget continues to sustain a \$1.3 million property tax cut that was approved by this Town Board in 2018. That means in total, \$10.4 million are back in your pockets in the pockets of our taxpayers, rather than in the coffers of town government.

This tax freeze is once again possible thanks to spending restraints, efficiencies, debt reduction initiatives, and many more aspects that we have put into place by this Town Board. And I thank them all with great appreciation for their steadfast efforts to be in lockstep as we put our taxpayers first,

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and close behind our taxpayers are the quality of our services, which we are very, very proud of.

The proposed budget for 2025 continues to pay down debt. There has been a net reduction of over \$186 million of net reduction in our capital debt.

Since first taking office, we've successfully reduced the Town's debt by, as I mentioned, upwards of \$186 million, while eliminating the \$44 million multiyear deficit that previously existed.

Through our fiscal conservative budgets, we produced seven consecutive budget surpluses. So we cut taxes, we've been repaving the roads, redoing the fields, upgrading the parks, the bathrooms, replacing the streetlights, protecting all of your property, the Town's facilities. And we've been able to do that by cutting taxes, freezing them, producing surpluses each and every year and bringing down the capital debt. And

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that's something we are all very, very proud of.

The days of deficits are long gone, but don't borrow for operating costs. There are no gimmicks, no one shot revenues. This proposed budget is fully balanced in every aspect and every subgroup of our budget, and it does not rely on any borrowing whatsoever.

We continue to restrict new spending while investing in our roadways. In fact, now 40% of the Town's streets have been repaved on our watch, meaning our watch. And the cost just to mill and repave the street is over \$1 million a mile all in, and the cost of a total rebuild, meaning the drainage, the roadbed, the sidewalks, the curbs, over \$2 million per mile. And we've done 40% of our roads. We have over 700 lane miles of road in this town. So a quick math calculation would lead you to say, wow, how were you able to do all these other things besides just roads? How were you able to replace all the

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fields, rebuild the beach every year when

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that gets destroyed and still have money

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to borrow to replace all the Town's

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lighting, fix all the buildings, replace

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the heating and air conditioning with

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highly efficient equipment, and just

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continue to build up our firewall on our

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data, and all that we do from a computer

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or a data side is very expensive. It goes

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up every year, and yet we continue to do

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that.

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We've also Continued to invest in

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the pools and the resources. We've

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combated zombie homes, taking down over

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25 homes now when that was a major

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problem. People remember that being a

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front page story in our daily newspaper.

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We've combated this and brought down more

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homes than any other municipality on Long

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Island.

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With the economy at the forefront of

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our minds, this proposed budget ensures

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full funding to help our residents find

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meaningful employment and opportunities

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through workshops, classes, partnerships, job fairs, bringing employers and prospective employees together.

We've moved forward in our Department of Planning and Development to prioritize the workforce and to process building applications at a much faster pace. We have many items that are same day permits. People come in and walk out with their permit on the same day. And we've won awards for items like being the most pro solar town on Long Island because of these same day permits.

We've kept outdoor dining open through 2025 at no cost, and we will continue to do that. Back during the pandemic, we were leaders getting state government to provide allow outdoor dining at an earlier phase than the governor had wanted to at the time. We've kept our downtowns vibrant, stores filled, we supported small businesses and not for profit organizations with federal grants, not loans that they had to pay

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back, but grants to all the nonprofits, large and small, to all of the small businesses. Everybody who applied and met the criteria got the grant money. And then we gave \$50,000 grants to Chambers of Commerce to help them to assist with local shop local initiatives.

We funded in this budget an initiative known as Oyster Bay Today, which aims at attracting tourism and boosting the local economy, attracts people to dine and come to Oyster Bay for historical tourism, and we've got plenty of it, and so much so that we believe that President Roosevelt would be very proud to see where our town is at this time. And I've heard that from his great grand nephew directly.

This budget continues to invest that money in downtown revitalization. In Hicksville, nearly 190 new residential units, along with retail and restaurant space, are under construction at numerous locations, 99 Newbridge Road is one of

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them. This represents a \$111 million dollar investment by Alpine Residential Development. It's just one of many, many projects that we have.

In all, over 500 new housing opportunities will be built in Hicksville alone. These projects, along with the \$132 million investment by the MTA for the new Hicksville railroad station, will continue to transform Hicksville. And we are moving very quickly to get shovels in the ground on all of the DRI projects.

Now, plans are developing at the private sector as they transform the Broadway Commons and the former Sears site to be greater economic engines.

Just real quick on our bond rating -- and then I know I'm going on too much. I apologize, but I hope it shows how proud I am, and we are, about where we've gone in this town from 2016, in comparison to today in 2024 as we prepare for 2025 -- we have built our success on our overall operational and financial

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success. We work closely with the Budget Office. We work closely with the Comptroller's office led by consummate professionals with enormous talent. Our financial success has been recognized with nine credit rating upgrades from two independent Wall Street firms, the latest of which was awarded in August. We now have a double AA three and a double AA minus credit ratings. When you think about where we were in 2016, 2017, junk bond status; junk bond status. We cut taxes, which is the opposite of what Wall Street wants you to do. They want you to keep raising taxes to upgrade your credit rating, but instead we cut taxes and we froze them for seven consecutive years. Wall Street would look at that as horrific until they looked carefully on what we have accomplished in every other segment of our finances. They see that we no longer have a deficit. They see the surplus. They see how we've worked to cut back on our capital debt. And they've

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gone over our books with a fine tooth comb and awarded us. Now we're just a few notches away from a perfect Triple-A bond rating while continuing to freeze taxes.

So the services are better than ever before. We're keeping costs down. On average, the average resident pays \$144 a month toward the Town. Everybody knows you have your school taxes and then you have your general taxes. We don't keep all the general taxes. We keep a small portion, about 13% of your property taxes go to the Town of Oyster Bay. And if your home's assessment hasn't changed -- we don't do the assessments that's done out of the County -- If your assessment hasn't changed, your town taxes have not changed. So \$144 a month for all the services that you get. And many of the things you don't see, like our restoring the beach, costs us millions of dollars every year, all of the restorations and making the equipment and the property that you own much, much better for less

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than your monthly cable bill. And some folks who are watching every game out there are paying a lot more than \$144 a month.

Why do I say all this with such enthusiasm? Because we're extremely proud. We don't pat ourselves on the back, but it is budget time. It is our time to report to you where we were, what we've done, and how we've continued to knock the ball out of the ballpark. And we're exceptionally proud about that. I'm not going to read all the other things that we have. It will take all week to give you a long list of all the accomplishments. But in a nutshell, that's where we are.

It's also important to mention that we continue to receive national awards. We received a national award for our transparency in financial reporting. We're off the state Comptroller's stressed, financially stressed list off of it, not downgraded, off of it

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entirely. So this brings me much, much pride. And with that, my office has prepared a preliminary budget. At the last board meeting, that budget was accepted to be received by the Town board and now giving the public lots of time to go over it. And if anybody would like to comment on it, you can fill out a form and we'll call on you.

And that's where we're at. And we'll have our hearing today and tonight. Two opportunities to come and hear about, learn about or comment on the budget. And that's the process we do, and we do it in October every year.

So that's my piece on that. I thank you all for your patience and listening. We're extremely proud of where we're at, and I want to once again thank our financial team, comptroller's office, legal team, everyone involved in this budget, including and especially Mr. Darienzo. So thank you for your fine and talented work. And I thank my board

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members for your cooperation and your
steadfast commitment to both the
taxpayers and to the commitment of the
services. It's greatly appreciated.

So with that, I'm done talking. To
everyone's delight.

(Whereupon, above matter
concludes, 10:50 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, ALEXA LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 15th day of October, 2024.

Alexa Lorenzo
ALEXA LORENZO

\$	23rd ^[1] - 8:4	accepted ^[1] - 23:6	appropriate ^[1] - 12:7
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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING

October 15, 2024
10:50 a.m.

Hearing 1

To Consider the Preliminary Budget for the
Town of Oyster Bay for the Year 2025

JOSEPH SALADINO
SUPERVISOR

**

RICHARD LaMARCA
TOWN CLERK

TAKEN BY: ALEXA LORENZO, STENOGRAPHER

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A P P E A R A N C E S

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 (absent)
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
FRANK SCALERA, ESQ., TOWN ATTORNEY
ROBERT DARIENZO, DIRECTOR OF FINANCE

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SUPERVISOR SALADINO: Mr. LaMarca,
would you please poll the Board?

TOWN CLERK: Absolutely.
Supervisor Saladino?

SUPERVISOR SALADINO: Present.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Present.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: I am present.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Present.

Councilman Labriola is absent.

Councilwoman Maier?

COUNCILWOMAN MAIER: Present.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Present.

TOWN CLERK: We have a quorum.

SUPERVISOR SALADINO: Thank you very
much. We have covered quite a bit. I do
want to just make the announcement then
we will continue. We have so many great
programs coming up. Oyster Fest is this
weekend, both the 19th and the 20th,
right up here in Oyster Bay, on the

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streets and in Theodore Roosevelt Memorial Park. So much going on, it's all free in terms of the no charge to park, no charge to enter, and this will be a wonderful event. All of our events can be seen listed on our website, which is oysterbaytown.com.

With that, Mr. LaMarca, would you kindly all the first hearing.

TOWN CLERK: Today's first hearing is to consider the preliminary budget for the Town of Oyster Bay for the year 2025.

SUPERVISOR SALADINO: Good morning.

MR. DARIENZO: Good morning, Supervisor Saladino and town board members I'm Rob Darienzo, I'm the Town's Director of Finance. I had a speech prepared for today, but I had to throw it all out. You just hit all of the major talking points of your time here.

But the 2025 budget, I want to hit on one thing. It's not the culmination, but it's all part of the process that was set in motion when you first got here.

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The budget in 2025 is very similar to what it was in 2024; whereas, leaving the tax levy the same way it was in this current year, no increase to the residents. Spending is up roughly \$4 million, which is roughly 1%. And that's in the area of medical benefits. We incur roughly a 7 to 10% increase in the medical benefits that we provide to our employees. And we're very proud to provide to our employees, they get a fair salary, and they get the best benefits that money can buy.

SUPERVISOR SALADINO: Just to stop you for a moment, one quick question. So everyone watching at home or here understands. Not only do we provide very high quality benefits, but that is also mandated by New York State; is that correct?

MR. DARIENZO: It's mandated that we provide medical insurance. Absolutely.

So those fees we are budgeting for a \$4 million increase --

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SUPERVISOR SALADINO: And we choose to use the same system that New York State provides to all state employees across the state and school districts, and on and on, other municipalities doing the same plan as the other municipalities.

MR. DARIENZO: I don't have a log of all of what everyone does, but it's my understanding that we have the same plan that most, not everybody has, most.

SUPERVISOR SALADINO: Most. I stand corrected. Okay, thanks.

MR. DARIENZO: We're budgeting a \$4 million increase in 2025 for this purpose, which is the entirety of the increase that's shown in our budget. We're able to increase our budget by \$4 million while not increasing taxes by increasing our interest earnings line. We've budgeted conservatively in interest earnings over the past couple of years. While we've seen interest rates skyrocket, they are starting to come down

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now within the past month. But with that being said, the amount that we're budgeting next year is still inline with what I project interest rates to be next year, which should be enough to cover the increase in health insurance.

Basically, we've been budgeting conservatively on the expense side and the revenue side, so we have room to increase certain revenues without having to hit the tax line. We're not going to be able to hold the line on taxes forever. But we are, again, for the seventh year in a row, able to do so without an issue.

SUPERVISOR SALADINO: Thank you. And just to put it in perspective for the public, last year, we've been doing this since 2017, budgeting very conservatively, downgrading what we expect our revenue to be, upgrading what we expect our expenses to be. By doing that -- it is 2024, so our audit came out in in June of 2024 for our audit for the

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year prior, the '23 audit -- in '23 -- which we also use this same strategy -- in 2023, was there an actual surplus in that one year in terms of our budget?

MR. DARIENZO: In 2023, there was a surplus. It was north of \$10 million.

SUPERVISOR SALADINO: And for 2024, do we expect when June comes around and and they crunch the numbers on our budget to expect another surplus for 2024?

MR. DARIENZO: At this time? We do expect a surplus for 2024. I wouldn't want to project an eight figure surplus north of \$10 million again. But honestly, I've been saying that we shouldn't have a north of a \$10 million surplus for the past three years, and we have each year. So we'd like to under-promise and overdeliver. So as we stand here today, we project a moderate surplus as a part of the results of operations for 2024. And then we'll see next June exactly where that number shakes out. But it will be in the black, not in the red.

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SUPERVISOR SALADINO: And that's the message. It is accurate that we have consistently, after the year is all done, produced a surplus by spending less and controlling our spending and embracing every efficiency. And there's no reason that that won't continue on.

MR. DARIENZO: There is certainly no reason to believe that it won't be great again this year.

SUPERVISOR SALADINO: Does anyone have any questions?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Thank you, Mr. Darienzo.

At this time, is there any member of the public that would like to be heard commenting on our budget??

(Whereupon, no verbal response.)

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

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here at our board meeting would like to heard as it relates to our budget hearing.

Thank you.

So we are going to continue our budget hearing through the evening and not close it down. We need a motion on this.

TOWN ATTORNEY: A motion to adjourn for this evening.

SUPERVISOR SALADINO: Before we do that, is there any correspondence?

TOWN CLERK: We have affidavit of posting and publication. There is no other correspondence, Supervisor.

SUPERVISOR SALADINO: May I have a motion to adjourn for this until this evening at 7 p.m.?

COUNCILWOMAN JOHNSON: Supervisor, I'll make a motion that this hearing be adjourned till tonight at 7 p.m.

TOWN CLERK: I second that.

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

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(Whereupon, all members of
the Town of Oyster Bay Town
Board respond in favor with,
"Aye.")

SUPERVISOR SALADINO: Those opposed,
"Nay".

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: The "Ayes"
have it. Thank you very much.

Mr. Darienzo and Mr. Ballas, thank
you not only for this year, but thank you
year after year. We've talked about where
we want to lead this town you've
delivered over and over. Your talent is
amazing. Your dedication to our
taxpayers, to the success of this town
and to our services is second to none.
And we not only the board, but all the
taxpayers and residents of this town,
greatly appreciate your assistance in in
doing just that, achieving this very high
level of achievement in this town.

Thank you.

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(Whereupon, above matter
concludes, 10:56 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, ALEXA LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 15th day of October, 2024.

Alexa Lorenzo
ALEXA LORENZO

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TOWN BOARD
TOWN OF OYSTER BAY

REGULAR MEETING

October 15, 2024

10:56 a.m.

Hearing 2

HEARING - Local Law

To consider a new Local Law to extend the
Town's Battery Energy Storage
System ("BESS") Moratorium for an additional
six (6) month period. (M.D.
9/24/24 #46)

JOSEPH SALADINO

SUPERVISOR

**

RICHARD LaMARCA

TOWN CLERK

TAKEN BY: ALEXA LORENZO, STENOGRAPHER

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A P P E A R A N C E S

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 (absent)
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
FRANK SCALERA, ESQ., TOWN ATTORNEY
ELIZABETH FAUGHNAN, ESQ. DEPUTY TOWN ATTORNEY

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APPEARED:

Garret Gray, Esq.

Weber Law Group

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SUPERVISOR SALADINO: Would you please call the next hearing?

TOWN CLERK: The second hearing is to consider a new Local Law to extend the Town's Battery Energy Storage System ("BESS") Moratorium for an additional six (6) month period.

SUPERVISOR SALADINO: Good afternoon, Counselor. How are you today?

DEPUTY TOWN ATTORNEY: Good morning, Supervisor and members of the town board. Elizabeth Faughnan, Deputy Town Attorney, Office of Town Attorney. Good morning.

I come to you this morning to present a proposed new local law regarding our (BESS) Battery Energy Storage System Moratorium. And please bear with me. I know that you are all very familiar with the topic and with the moratorium, but for purposes of the record.

On February 27th of this year, the Town Board held a hearing regarding

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enacting a BESS moratorium, which was adopted by Resolution 302-2024. That moratorium became effective on April 15th, when it was filed through the Secretary of State's office.

At our last Town Board meeting on October 1st, the Town Board adopted resolution 773 of 2024, which extended the moratorium from its expiration today until such time as the Town Board could adopt a new local law to extend the moratorium and have it properly filed with the Secretary of State's office.

I come to you this morning to present the new proposed draft local law. As you all know, when today's hearing was advertised on October 1st, by resolution 772 of 2024, the Town Board authorized today's hearing. There was a draft local law attached to that resolution. In consultation with the Department of Environmental Resources and the Office of the Town Attorney, we have made several proposed changes, which all should have

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been received by your office late last week, which basically regarding tweaks in the language of the proposed local law that we're discussing today.

Just to make it clear to members of the public, for instance, the initial draft said it was a local law to adopt a six month moratorium. We simply stated the changes that we are stating it's to adopt a moratorium because the period in the local law will remain six months. But of course, it will be available to the extent by the Town Board, if necessary. We provided that to you last week. We have it. The revised local law has been available on the Town website for members of the public. I also have copies of that local law change here today, in case there are members of the public that would like to see what's been changed since the last Town Board meeting.

Having said all of that, we're all very familiar with the topic. In order to save you from repeating what you already

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2 know, I have with me certified copies of
3 the Town Board minutes from the February
4 27th Town Board hearing regarding the
5 initial moratorium. I also have a copy of
6 the Town Board minutes regarding the
7 hearing held on July 23rd regarding
8 Calpine's request for an exemption from
9 the moratorium. And I also have a
10 certified copy of the minutes of the Town
11 Board hearing held on October 1st
12 regarding that extension of the
13 moratorium. By submitting these to the
14 Town Clerk today, I would like them
15 included in the record, and it is as if
16 each one of those speakers was standing
17 before you here today saying those very
18 same things. So I'm going to hand them
19 up. Clerk now, for the record.

20 (Whereupon, certified copies
21 of February 27th Town Board
22 hearing; July 23rd Calpine;
23 October 1st extension of the
24 moratorium transcripts handed
25 in to the Clerk's Office and to

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be referred to as part of this record.)

SUPERVISOR SALADINO: I'm just going to ask you if you could wrap up by just a couple of sentences, tell the public what the purpose of today's hearing is specifically and in regular speak.

DEPUTY TOWN ATTORNEY: I'm an attorney, so that's hard.

In regular speak. The Town Board had enacted a moratorium, which means that the Town could not receive any new applications and could not act on any applications already received by the Town regarding the installation of a battery energy storage system. So it's like it's frozen in time.

SUPERVISOR SALADINO: Yes, and today the purpose of this hearing is to --

DEPUTY TOWN ATTORNEY: Is for the Town Board to consider a new local law to extend that moratorium for another six month period. Last spring, when the first moratorium was enacted, the State had not

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yet proposed standards for battery energy storage systems. In the time that has passed, the State has come up with proposed standards. They were put out to the public for public comment. The public comment period is closed, but no new standards have been enacted.

This Town is very concerned regarding the safety of our residents and of the environment. We want to protect both. And as a result, it is our recommendation that the Town Board adopt this new moratorium to adopt this new local law, to extend the moratorium for a period of six months.

We have submitted it to the Nassau County Planning Commission, whose next meeting is October 22nd. The Town Board also does have to wait for their recommendation before they can adopt the local law. But is our request that you that you do adopt this law.

SUPERVISOR SALADINO: And one more clarification, please, for the public.

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People have come to me and said, well, why don't you just make this -- why is it every six months? And I tried to explain there's a constitutionality issue there. In very regular terms, can you please explain that to the folks why we're doing this?

DEPUTY TOWN ATTORNEY: Because people have rights in their property. And by just putting a flat moratorium, you're saying essentially your property is not worth and you can't do with it what a property owner believes they can. So the the law does have to allow the ability to appeal the opportunity for the issue to be reassessed, to determine if the situation has changed.

SUPERVISOR SALADINO: And if we had a period much longer than six months and they challenged us in court, we might not win that challenge.

DEPUTY TOWN ATTORNEY: We definitely would not win that challenge.

SUPERVISOR SALADINO: Thank you very

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much. Anything else? Does anyone have any questions for our counsel?

(Whereupon, no verbal response.)

DEPUTY TOWN ATTORNEY: The only thing I would ask, Supervisor, that after members of the public speak, when the Town Board does make its motion later in the day, if you would please close the public portion, but leave the record open for 12 days, which will allow an opportunity for our experts to put in their written opinion and would also allow us to put in the recommendation of the Planning Commission.

SUPERVISOR SALADINO: Thank you.

DEPUTY TOWN ATTORNEY: Thank you, Supervisor.

SUPERVISOR SALADINO: Appreciate it.

At this time, we have some speakers, and we'll move on toward listening to folks who have come here to be heard. Our first speaker today is Doug Augenthaler.

We'll ask everyone to begin by

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giving us their full name and address.
For the record, please.

MR. AUGENTHALER: Good morning. My name is Doug Augenthaler. It's spelled a-u-g-e-n-t-h-a-l-e-r, which is why they call me Doug.

I have a few highlights here. I'm intending to write you all a personal note about my feelings here.

My concerns, number one, lack of transparency. Propel and Jupiter projects are deeply intertwined. They advertise them as being very, very separate projects. But trust me, battery storage is not necessary. We haven't got high voltage lines to feed the power. And the high voltage power lines are useless without battery storage. These are intertwined. They're advertised as separate projects. It's disingenuous of them, at a minimum, to imply that these are separate projects. I have a real problem with that lack of transparency. I have a real problem with people who

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mislead me to my face. I hope the Board has the same concerns that I do.

Second is fire risk. There's obviously a fire risk here. It's a small risk, obviously a small, but it's not a zero risk either. We have volunteer fire departments that are straining with their memberships. How they would respond to this? I have no idea. I haven't spoken to our local fire department. I hope you are speaking to local fire departments about how they can and will respond if there is a fire; God forbid. But it's important to have their input. I hope you're getting them input.

Third issue is timing. What's the rush? Why are we in such a hurry to do this? I'm not anti-green, but I do know from my work that if we wait five, six, seven, eight years, there's going to be better battery technology that doesn't have the same fire risks. There's no reason to do this right now. Why not wait for the better technology?

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If you're concerned about global climate change, understand that science is not fact. Science is the current state of knowledge, which is always changing. And let's hope that science today is wrong, because looking at the power demands of artificial intelligence, looking at the power demands coming from China and from India, we have no hope of hitting global climate targets. No hope. There is zero possibility of hitting those targets. So let's hope that they're wrong, because otherwise we're all done for anyway. There's no rush to do this.

Last issue is private equity. Obviously Jupiter is private equity owned company. They want to get this done quickly. It's important for them to make money for their shareholders, etc.. But that's the problem I worked on Wall Street most of my career. I worked for big Wall Street companies. I know how Wall Street works. They work for shareholders, not for stakeholders. The

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people that live in this community are important stakeholders that need to be taken into account. And private equity, for the most part, really doesn't. And it needs to be very clear understood.

This is a safety issue. There are countless issues in history about things that have gone awry because safety was overlooked or minimized. Boeing being a classic example right now, let's not make the Town of Oyster Bay the next example. Thank you.

SUPERVISOR SALADINO: Our next speaker will be Joan Matthews.

MS. MATTHEWS: Hi. Good morning, everybody.

SUPERVISOR SALADINO: Good morning. Would you kindly begin with your full name and address for the record?

MS. MATTHEWS: You got it. My name is Joan Matthews. I live at 180 Scudders Lane, Roslyn Harbor.

Just to know that I'm just opposing continuing of people progressing without

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a moratorium for the BESS. So I'm talking both behalf on Glenwood Landing as well as any other ones that are coming in the future.

Basically, I'm speaking on behalf of myself and others that cannot be here today because most of the town halls are during work hours. I work in healthcare. Very difficult. I had to pull the personal day to get here today. Sorry if you're seeing me on camera, but I have permission (laughter). So anyway, I had to take a day off, and a lot of people cannot afford to do that. And unfortunately they don't know about stuff that's going on.

So my question to is that the companies that have financial gain, that use paid lobbyists to push their agenda despite the health and safety risks of the residents, are targeted to house the BESS facilities and the power lines connecting to them; are these things being considered? I'm not opposed to

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green energy, but not at the detrimental lifelong, currently unknown cost of human, domestic animals, our pets and then wildlife, which may also affect the food that we ingest because everything eats everything else.

Health and safety in comparison to the limited benefits, especially to those in the immediate as well as surrounding areas that they tend to overlook past 500ft, and then the companies, the reasons why are below.

So the risk contamination of both drinking water aquifers below it, but also to the waterways across the street from the Jupiter as well as to Propel sites. But we also have to know about there's a lot of flooding in the area. There's rising waters, which again, put the ones in Glenwood at risk for fires because that's a catalyst. But remember, also the runoff from our streets, from the fires that have been fought, goes right into our waterways, and that's

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contamination to our sea life. Because a lot of people do local fish, and then we're eating in our restaurants.

What are the long term effects of the chemicals released into the atmosphere for the physical fallout, as well as what we're inhaling? It's going to go down into the aquifers and the outdoor surfaces.

How are we going to even begin to clean every blade of grass and piece of dirt? Who's going to pay for that?

Hazardous air quality for those residents, or more important, to the volunteer fire department. Actually, at the mini mart in Sea Cliff, I did speak to a bunch of firemen -- my whole entire family of volunteer firemen -- and the firemen in Long Island are primarily volunteer. So what's going to entice people to go and try to fight those? My dad many times working all day long, got up in the middle of the night, went to a fire, got up in the morning, went right

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to work. Didn't get to sleep. Did this for many years as do all the people that that volunteer their time. How many people all over are not going to go to that call?

The other thing too is, I know that the Fire Department does have a cease and desist order because Jupiter is telling people that they they support it. A couple of the members of the Fire Department did tell me that Jupiter has sent people that represent them that are firemen, whether they're in your department or New York City Department of Fire, but what happened was they claimed that they were going to teach them about hazardous stuff. They did not. They basically were pushing the benefits of the BESS.

Who knows, are people being bribed by being bought fire trucks or equipment, not even to have to fight these fires? What about the amount of people that flood the ER due to reactions? Think of

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the people that have baseline emphysema, Asthma, Chronic obstructive pulmonary disease. On top of those, healthy people that are now coming in with respiratory issues; can the hospitals handle it?

We live in congested Long Island, so evacuation is not an option. Who's going to pay for that lodging if somebody does have to go somewhere? Because we're already strained to begin with. Who's going to pay for the food, the transportation? And what about those that don't have transportation to leave?

Whose home is really airtight?

Why does Long Island have to bear the BESS facilities and the power lines when the benefit to us is very limited?

Why are we rushing to put something when fire codes are not even up to date, and long term effects aren't even know?

Is the cost of pulling power off the grid at a very cheap price? It might be worth us having to pay more for it to actually use it if we do get to use them.

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Both Jupiter and Propel felt that it's not worth their time to come to our town hall meeting that we had at our high school in Glenwood. Although despite multiple attempts to reach out to them and they felt it was not worth their time.

Also, the companies do need to enlarge the areas for which they're going to plan these things because the air does blow past 500ft. Perfect example is the placement of signs for Calpine. The people I spoke to at the last town meeting, some of our councilmen do live in that area, and they were surprised that we questioned the fact that it's not all industrial. We need to consider rezoning these areas so that these places could not be put in densely populated areas.

Maybe these companies should have to sell power to their own companies upstate.

Home and property values, they may

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change. We do not need to become another Hollywood movie known as Dark Borders, Exposure to DuPont chemicals. Erin Brockovich, who exposed Pacific Gas and Electric Company. We need to think of ways to conserve power and not at people's houses.

So thank you for your time. Let's, wait before it's too late. And let's pause for a good cause for our health and safety. Thank you for your time.

SUPERVISOR SALADINO: Thank you. Thank you also to your family, all the volunteer firefighters. So important that we continue to recognize and appreciate all of those who put their lives and safety at risk for our protection and the protection of our property. And volunteer firefighters, as well as those in law enforcement, do exactly that. We appreciate it.

Just wanted to also point out to everyone that this proposed moratorium is not specific to any one site or any one

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application. It is in general. So thanks for letting me point that out.

 Maria, you are our next speaker.

 MS. SLOVODSKOY: Good morning. My name is Maria Slovodskoy, it's S-l-o-v-o-d-s-k-o-y. I'm live at 20 Sylvia Street and Glen Head. I'm a lifelong resident of Glen Head.

 Of course, I want to support the moratorium. I have very serious concerns regarding this project. And as Doug mentioned, I think that for a long time I didn't understand that these three projects, the windmills, the Propel and the storage unit facility are all interconnected. I think that sometimes maybe lawmakers and business people, they look at a map and they say this looks like a good place for one of these units without taking into consideration the population density of the area.

 All of our schools are within a very close proximity to the storage unit and to the road, Glen Head Road which becomes

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Glenwood Landing Road. Many children walk to school every single day along those roads. And do we know what would happen if they're exposed to these high voltage cables on a daily basis from for nine, ten months of the year? The Glenwood Landing School is a stone's throw away from the battery storage unit; although, the middle school is just up the road, the high school and and the Glen Elementary School.

I'm a retired teacher, and my husband taught also 30 years at the Glenwood Canyon School. Neither one of us can imagine what it would be like to have to shelter in place over 300 children for a couple of days, or possibly even a week if there was some dangerous fire at that battery storage unit. These children are from the ages of 4 or 5 years old to ten year old at the Glen Landon School -- 11, 12. How would that even be handled? And would it even be a safe place to keep them? None of our houses are airtight,

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not to mention the school itself.

Anybody who knows the area -- and I just can't understand this -- it's such a bottleneck. I mean, we love it, right? It's beautiful, it's a great community, but there's no evacuation route. As soon as there is any kind of a big rainstorm with branches coming down or a serious car accident or construction on our roads, there's traffic. You know, you sometimes have to stand through a red light 3 or 4 times to get across Northern Boulevard. There's just no quick way out of the area, if indeed anything were to happen. And there's so many businesses and homes right along the route where Propel is planning to put their high voltage cables.

Finally, we live in a day and age where there's terrorism in the world. When I went to the meeting in the summertime for the battery storage unit they told us that there wouldn't be anybody there, that it would be monitored

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remotely. So what would be the safety of that area for anybody who wants to do us harm? It's on kind of an isolated area. There's nobody down there most of the time. How would we protect that area?

So lots of concerns for the health and safety of of the people that live in this area, but also for our total environment for Long Island. The windmills on the south shore, the cables coming up our community roads, and then the danger of the storage facility, which is a large facility which is generally not put into a residential area, but really into a remote area. Thank you very much for your attention.

SUPERVISOR SALADINO: Thank you very much.

The speaker will be Robert Bozella.

MR. MAZELLA: Robert Mazella, Glenn Head, 36 Beachwood Drive. I'm here as a volunteer representative for the Glen Head/Glen Head Landing Civic Council, once again reiterating how civic

1
2 organizations strongly support an
3 extension of the Town's moratorium on the
4 BESS facilities until local towns have
5 the time to review long term studies to
6 show these facilities are not
7 jeopardizing the health and safety of our
8 neighbors, children, volunteer
9 firefighters and environment.

10 Over the course of the last few town
11 meetings, we've heard many people speak
12 about the hazards associated with lithium
13 battery fires. We also keep hearing about
14 lithium battery fires in the news. Likely
15 realizing there's a public relations
16 issues associated with large scale BESS
17 facilities, the Governor's Office appears
18 to be making an attempt at damage
19 control. Unfortunately, the proposals
20 that everyone is waiting for from the
21 Energy Safety Response Group seemed to
22 reek of the old quote from former Texas
23 Governor Ann Richards, "You can put
24 lipstick on a hog and call it Monique,
25 but it's still a pig". Except in this

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case, we can all call the hog "Bessie".

At the last meeting, I mentioned that in an interview on ABC news, a member of the aforementioned energy safety response group was quoted as saying, "let it burn" when they asked, what do you do if one of these facilities goes on fire, giving mandatory evacuation zone and shelter in place requirements associated with the BESS facility fires. I believe we deserve a better response: Don't let it burn.

So I'd like to ask all of you about your level of comfort with the recommendations that will be coming from this group. When these recommendations are officially issued, I'd ask that you please consult with the Nassau County Fire Marshal's Office to determine if these recommendations truly protect us, or is it simply an attempt to put lipstick on a pig? I believe we should all be taking the advice of people like Joe Rowley. Mr. Rowley is a former

1
2 Sempra executive who built gas-fired and
3 renewable projects across North America,
4 and has said he's against projects that
5 are too close to homes and says large
6 battery projects should be 1000ft away
7 from existing residences. Why anyone
8 would think that placing one of these
9 facilities in a densely populated
10 residential area in a flood zone across
11 the street from the saltwater harbor and
12 in close proximity to three schools and a
13 school bus depot, is beyond any semblance
14 of logical and safe planning.

15 All of us should be very concerned
16 about the Governor's Rapid Act. It is
17 going to result in an appointed person in
18 Albany, some 170 miles away, unilaterally
19 and without any local input, making
20 decisions that can threaten the health
21 and safety of all Long Islanders for what
22 that person is being told might be a
23 greater good. We should never allow Long
24 Island and its residents to be used like
25 that.

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Please extend the moratorium. Fight against the Rapid Act and the erosion of Home Rule, and continue to protect the Long Island and its residents. Thank you for your support.

SUPERVISOR SALADINO: Thank you, Robert.

Before I bring up the attorney for Calpine Corp., is there any other member of the public who would like to be heard?

Please come forward.

MS. COSTELLO: Hello. Good morning. Good morning. Beth Costello, 58 Grove Street, Glenwood Landing.

So thank you very much for your taxes. That's a great thing. Which leads me to my little speech.

Nassau County pays one of the highest property taxes in the country. And hopefully, the voice that you say that we do have is important to this overall moratorium and future battery storage decisions that are made.

So what I would like to know is why

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do the people who pay the taxes and live in this county have less of a say than the battery companies that are coming in, and why should they be approved over us who live in the community and have thrived here and enjoy this quality of life, and are now going to be threatened by outside sources from other companies that say that we have an electric issue? That kind of bothers me. Personally, I don't think that being all electric is a smart thing. And I don't know where all of you stand, but I think it's kind of moronic that we are going to be totally electric by the end of, what, 2050 now?

SUPERVISOR SALADINO: If I may ask you to pause for just a moment. You can stop the clock.

That Legislation did not come from this town, nor would it. And I'm guessing that you know where to focus your ire when it comes to legislation that does this sort of thing, these sort of initiatives.

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MS. COSTELLO: Yes.

SUPERVISOR SALADINO: Okay, that's not us.

MS. COSTELLO: I know.

SUPERVISOR SALADINO: Good. And I just want to clarify one other issue. You seem you posed as a question why one group has more rights over the other, that doesn't exist in this town. And we're very proud of that fact. And the fact that we've already past a moratorium should speak volumes, that that condition does not exist here in the Town of Oyster Bay.

MS. COSTELLO: Yes.

SUPERVISOR SALADINO: Thank you.

MS. COSTELLO: But didn't this lawyer at the beginning say that we might lose in court?

SUPERVISOR SALADINO: In court. I asked the question -- and we have an attorney who can clarify things -- I asked the question because people come to us all the time, why only a six month

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moratorium? We don't want a six month.
We want this, so we want that. And what I explained to them is, first of all, we don't make any decisions until we've heard from everyone on both sides of an issue and give the public time to respond via e-mail, letter or phone call. But what I was trying to point out is the answer to the question, so people understand why we present this as a six month moratorium. Everyone in America, because of the United States Constitution, has constitutional rights as what they can do with their property, including apply to government for a change of use or in this case, for this type of use. So my point was just to explain why we're doing this in a six month period of time, so that we can protect the constitutional rights of anyone making an application. And if we were challenged in court, if we did it differently, a judge might rule against the Town's moratorium. So there is the

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part about our response to the public's ask. But we must do it in a way that is legal, constitutional, and will hold up in court because municipalities get sued quite often. So this is a means of further protecting everyone's rights on all sides of the issue.

MS. COSTELLO: Okay.

SUPERVISOR SALADINO: Does that bring clarity?

MS. COSTELLO: No, I kind of understood that. But when I was saying --

SUPERVISOR SALADINO: You wouldn't want us to put a moratorium in place only to be sued by any applicant of any type of business, and for that to be thrown out. Therefore, there was not a moratorium if it was a type of use you didn't want.

MS. COSTELLO: I understand that.

COUNCILMAN IMBROTO: Does everybody understand this is not about a specific project? This is not a hearing on anything in a specific neighborhood.

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Those are all details that would be on a project by project basis. This is an extension of a moratorium, a general one town wide that already exists. And this is just the hearing to extend the moratorium.

MS. COSTELLO: I understand that, I understand that. But what I'm saying, I'm hoping that our rights as residents of this town really do outweigh the rights of anybody who comes in here and wants -- because this moratorium is going to end one way or another. So what I am saying that what makes our rights more or less than the company who wants to come in here and have rights?

COUNCILMAN IMBROTO: We take your voices very seriously, and we value all of your opinions.

MS. COSTELLO: Well, I really hope that you do fight for us, because I think this is very important to the overall state of this community, the Town, and also the residents. And I understand what

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you're saying.

SUPERVISOR SALADINO: The fact that there's a moratorium in place --

MS. COSTELLO: Yes.

SUPERVISOR SALADINO: I hope answers that question. I can't go too far. I'd prefer to bring the Town Attorney, but I hope that the actions this board has already taken certainly proves the point that we're trying to get across to you. Okay.

MS. COSTELLO: I understand that.

SUPERVISOR SALADINO: Let's turn the clock back on. Please proceed with any comments you would like us to hear.

MS. COSTELLO: You've entered me speechless (laughter). But I do want to bring up something.

SUPERVISOR SALADINO: I promise I'm not speechless (laughter).

MS. COSTELLO: Okay. I understand all of that. But what I am saying that I'm hoping that during this period of the moratorium, it brings up other things

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that may rule this invalid permanently.

Thank you.

SUPERVISOR SALADINO: Thank you very much. Before we bring up the attorney for Calpine, is there anyone else who would like to be heard?

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Okay, then, to close this hearing, Garrett Gray, please.

The only reason I saved the attorney for last is if there are questions and issues that come up from the public.

(Whereupon, member of the public indicates they would like to make a public comment.)

SUPERVISOR SALADINO: Would you mind, if you don't mind. This way any questions or issues that are brought up, they have an opportunity to answer them. And it's not taking sides or any of that.

You know the rules. Please begin by giving us your full name and address for the record.

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MS. PANZECA: Good morning, supervisor and town board. Too many times we hear the word "experiment" regarding these planned projects for Long Island. From a Senator referring to battery storage as a failed experiment, to Channel 12 news reporting on the South Fork Wind project, and the global investments taking place for the experiment off of our shores. We know we need a cleaner way of doing things that will be reliable and responsible, not one that's intermittent, questionable as to supplying our reliable and responsible baseload energy needs. However, we continue to hear experiments and they continue to push these experiments into our communities. This should cause us all pause. These projects don't impact dots on a map. They impact human lives, communities, and our environmental integrity. We do not want to be mitigated after the fact. We rely on you all to ensure our rights, safety and health are

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not infringed upon.

Once again, we expect you all to extend the BESS moratorium and not allow exemptions for poor decision making on the part of PE backed firms. The BESS moratorium will prevent this rush to development and hasty decision making that puts the public's health and safety at risk. This technology offering renewable promises cannot come at the expense of public health, safety or environmental integrity.

There are no long term residential health studies that exist, proving regular operations or the impact of disasters are safe for residents or sole source aquifers, communities or the environment. The 500 foot notification rule might be law, but for communities and something like this BESS, it should be required to notify all residents by now within a few miles, which would be the evacuation zone, and then attend a community town hall with all residents

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2 present and address the concerns of
3 residents. Instead, these BESS companies
4 and their proponents avoid residents. Who
5 is their fiduciary duty to? Who
6 represents the residents? They never
7 addressed the realities of the dangers
8 being pushed on our communities. They
9 should be required to present all sides
10 of the situation to all residents, not
11 just the glossy print sales campaigns to
12 select members of the community.

13 We know the realities of a 2
14 megawatt to 250 megawatt facility event,
15 and at every size, these BESS put
16 resident health and safety at risk. Yet
17 these ticking time bombs are pushed into
18 our community on top of our homes,
19 schools, waterways to meet contracted
20 numbers on a piece of paper over
21 residential safety.

22 Last year in New York alone, we saw
23 fires, thermal runways, evacuation
24 orders, shelters in place, and now, a
25 year later, fire code enhancements are

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being considered. Why were they not considered prior to the first installation of one of these facilities?

Stakeholders are now lobbying these recommendations to ensure that they won't be too costly to their business models. While more codes are needed, these do not go far enough. They never address the root problem, which is the batteries are unstable, which is why this pause is needed.

A sample of what you will find in the recommendations are as follows:

One of the best recommendations I've been told is removing the exemption for the utilities. But now the utilities are lobbying against that.

You have vague peer reviews without specifications that don't hold the reviewer or the BESS operator reliable for resulting events. Why is no one being held accountable?

You has 15 minute BESS personnel dispatch times and four hours for fire

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mitigation to be on site to assist local responders, inclusive of hazmat. Where does that leave residents?

You have fencing signage for not only emergency responders, but for the public that identifies safe distance and site vulnerabilities. What additional risks does that open us up to?

You have remote operations monitoring with no onsite professionals or hazmat fire teams. Why is cyber risk okay in that instance, but when they want to put video monitoring at these sites, it's an issue for stakeholders because of cyber risk? The stakeholders want a best effort and to not be penalized when it comes to ensuring inclusion of first responders in emergency response planning and training.

Stakeholders are lobbying against water supplies. Protocol is for a defensive stance is to let it burn, but why should they not be upheld to supply their own water at their own cost on

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site, so as to cool other containers and prevent the spread of the fires.

None of the recommendations addressed upgrading existing facilities as codes evolve.

BESS penalties or required reimbursements for residents to cover the effects of events, as well as insurance rate increases and declines in homes values when they turn us into high risk communities are not addressed.

There should be substantial upfront bonds for each resident in a five mile radius, as well as those who get their drinking water from our aquifers.

We need this township to enhance zoning code so as to not allow for these dangerous facilities to be anywhere near residential communities, so as to ensure no resident or their home will be impacted in any way by a fire, thermal runaway explosion or their resulting toxins.

We urge you to join with other

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townships throughout Long Island and the State to oppose these projects and the Rapid Act. Join with federal and state elected officials who represent us to ensure home rule is not eroded, our resident voices are heard, our quality of life, health and safety do not come at the expense of unprecedented experimental project.

Let's wait before it's too late and let's pause for a good cause; Our health and safety. Thank you once again for taking the time to hear our comments.

SUPERVISOR SALADINO: Thank you very much.

Is there any other members of the public who would like to be heard on this hearing?

(Whereupon, no verbal response.)

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

All right then, to close Garret

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Gray. Mr. Gray, if you would, please.
Thank you for your patience.

MR. GRAY: Garrett Gray, Weber law Group, 290 Broad Hollow Road, Melville, New York. Again, I am the attorney for Calpine Corporation.

Mr. Supervisor, you began this hearing by noting that moratoria and zoning regulations are in derogation of property rights; therefore, they should be strictly construed and a moratorium should only be in place as long as necessary.

As deputy town attorney Faughnan reported, the final report of the New York Working Group has come out and public comment has closed. The only remaining item is the codification of the report's recommendation, which certainly is not going to take six months.

I understand that this BESS moratorium was initially put in place back in April or so for six months while the New York Fire Working Group was

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2 conducting its study, issuing a draft
3 report. That has passed now. I would
4 therefore propose that an additional six
5 months is not necessary. I would limit it
6 to three months maximum. Indeed, the
7 Suffolk County Planning Commission has
8 said that BESS moratoria should not
9 extend beyond the Fall of 2024, and told
10 Islip and Smithtown that they could only
11 extend their moratorium by a period of
12 three months. And that was due to the
13 fact that the Final Working Group were to
14 come out and even now the public comment
15 is closed.

16 Also, the last speaker urged you to
17 join with what other towns were doing.
18 The Town of Islip, which issued as this
19 town did, a blanket wide moratorium on
20 BESS systems, very recently modified
21 their moratoria to exclude tier one
22 operators, which are 80MW or less, as it
23 did not have the danger that a larger
24 system would have, and, therefore, be
25 required to be within the moratoriums

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confines. Again, we are only 44MW. Jupiter, which is the subject of all the speakers is 275MW, is in a residential neighborhood, abuts waterways; everything that we are not.

In conclusion, I would request that any moratorium extension be limited to three months. If at the end of the three months, the codifications you're looking for have not come out, we can always do it again.

Finally, I would request that you follow the example of the Town of Islip and exclude tier one 80MW or less BESS operators from the moratorium. Thank you.

SUPERVISOR SALADINO: Thank you very much, Mr. Gray.

That's all the speakers that I have at this time.

Is there any correspondence?

TOWN CLERK: We have affidavits of posting and publication. There is correspondence on file and it's been distributed to the Town Board.

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SUPERVISOR SALADINO: May I have a motion?

COUNCILWOMAN JOHNSON: Supervisor, I make a motion that the public portion of this hearing be closed and the public comment be held open for 12 days.

COUNCILMAN IMBROTO: Second.

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

(Whereupon, all members of the Town of Oyster Bay Town Board respond in favor with, "Aye.")

SUPERVISOR SALADINO: Those opposed, "Nay".

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: The "Ayes" have it.

SUPERVISOR SALADINO: Thank you.

I'd like to thank everyone for the very professional way that you handle yourselves at these hearings. We understand that these issues are

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emotional and that there is great concern. That is not lost on us. The way in which you prepare your statements and conduct yourself on both sides of the issue, is something that is greatly appreciated and speaks volumes of the quality of the people in this town.

Thank you very, very much.

(Whereupon, above matter concludes, 11:42 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, ALEXA LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 15th day of October, 2024.

Alexa Lorenzo
ALEXA LORENZO

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING

October 15, 2024
11:42 a.m.

ACTION CALENDAR

JOSEPH SALADINO
SUPERVISOR

**

RICHARD LaMARCA
TOWN CLERK

TAKEN BY: ALEXA LORENZO, STENOGRAPHER

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A P P E A R A N C E S

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 (Absent)
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
FRANK SCALERA, ESQ.,	TOWN ATTORNEY

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SUPERVISOR SALADINO: At this time,
we will call the Regular Action Calendar.

TOWN CLERK: May I have a motion to
table Resolution 774-2024?

On the motion?

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN IMBROTO: Second.

TOWN CLERK: Motion made by
Councilwoman Johnson, seconded by
Councilman Imbroto.

On the vote, Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Aye.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilwoman Maier.

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to table
Resolution 774-2024 passes with six ayes.

1
2 SUPERVISOR SALADINO: I just want to
3 take a moment before they leave to
4 thank -- we have been joined by elected
5 officials of the Locust Valley Water
6 District, including the chairperson of
7 their three member Board of
8 commissioners, Patricia Peterson; thank
9 you for being here. We're also joined by
10 Charles Savinetti, also a commissioner
11 and commissioner, Peter Brown. We
12 appreciate the fine representation that
13 all of you provide our residents and your
14 diligence in ensuring the quality and
15 quantity of clean water in our town and
16 in the Greater Locust Valley area. We
17 just want to recognize that you are here.
18 And thank you for your exemplary service
19 to the people of the communities that you
20 serve.

21 Would you kindly continue?

22 TOWN CLERK: May I have a motion to
23 suspend the Rules and add Resolution 822
24 through 826-2024.

25 On the motion?

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COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN IMBROTO: Second.

TOWN CLERK: Motion made by
Councilwoman Johnson, seconded by
Councilman Imbroto.

On the vote, Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Aye.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilwoman Maier.

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to suspend the
Rules and add Resolution 822 through
826-2024 passes with six ayes and zero
nays.

May I have a motion to adopt
Resolution TF-14-2024 through 826-2024,
noting that Resolution 744-2024 has been

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tabled; on the motion?

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN IMBROTO: Second.

TOWN CLERK: Motion made by Councilwoman and seconded by Councilman Imbroto.

I don't believe we have any speakers for these resolutions, Supervisor.

SUPERVISOR SALADINO: I don't have any slips indicating that anyone would like to be heard on our Regular Action Calendar. If you would like to be heard on the Calendar before we vote on it, would you please signify that at this time.

(Whereupon, no verbal response.)

SUPERVISOR SALADINO: Please let the record reflect that no one has indicated that they would like to speak on our Regular Action Calendar, and with that, time to take a vote.

TOWN CLERK: Supervisor Saladino?

SUPERVISOR SALADINO: Aye.

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TOWN CLERK: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: Aye.

TOWN CLERK: Councilman Imbroto?

COUNCILMAN IMBROTO: Aye.

TOWN CLERK: Councilman Hand?

COUNCILMAN HAND: Aye.

TOWN CLERK: Councilwoman Maier?

COUNCILWOMAN MAIER: Aye.

TOWN CLERK: Councilwoman Walsh?

COUNCILWOMAN WALSH: Aye.

TOWN CLERK: Motion to adopt
Resolution TF-14-2024 passes with six
eyes.

Resolution 744-2024 has been tabled.

Resolution 745-2024 through 826-2024
passes with six ayes and zero nays.

The Calendar is complete.

SUPERVISOR SALADINO: Thank you very
much.

At this time, we are adjourning the
hearing on the budget which will commence
again, at 7 p.m. tonight.

With that, may I have a motion?

COUNCILWOMAN JOHNSON: Supervisor, I

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make a motion that this meeting be
adjourned to 7 p.m. tonight.

COUNCILMAN IMBROTO: Second.

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

(Whereupon, all members of
the Town Board respond in favor
with, "Aye.")

SUPERVISOR SALADINO: Those opposed,
"Nay".

(Whereupon, no verbal
response.)

SUPERVISOR SALADINO: The ayes have
it.

(Whereupon, above matter
concludes, 11:47 a.m.)

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C E R T I F I C A T E

STATE OF NEW YORK)
 : SS.:
COUNTY OF NASSAU)

I, ALEXA LORENZO, a Notary Public for and
within the State of New York, do hereby
certify:

That the above is a correct transcription
of my stenographic notes.

IN WITNESS WHEREOF, I have hereunto set
my hand this 15th day of October, 2024.

Alexa Lorenzo
ALEXA LORENZO

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