
COMMISSIONER OF HUMAN RESOURCES
APPROVED

Meeting of January 8, 2021

RESOLUTION P-2-2021

WHEREAS, The 2021 Budget, adopted October 27, 2020 established the titles and salaries of officers and employees of the Town of Oyster Bay pursuant to Section 27 of Town Law, and other Local Laws relating to the establishment of Town Departments, and Rules and Regulations governing appointments, etc., of employees; and

WHEREAS, The adoption of said 2021 Budget, on October 27, 2020, was by a Resolution of the Town Board; and

WHEREAS, Resolution #P1063, dated December 12, 1972, provides a procedure for the amendment of the Resolution establishing grades, salaries and titles as required and requested by Department Heads,

NOW, THEREFORE, BE IT RESOLVED, That the Budget as adopted be and hereby is amended to reflect the approved additions and deletions as indicated by the attached.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated December 11, 2020, requested Town Board authorization to employ the services of the following companies to provide performers to provide entertainment for GAP Program participants at a total cost of \$2,050.00:

Edu Music Inc.
920 Riverside Drive, #7
Manhattan, New York, 10032
Performance date: Friday, January 29, 2021
Fee: \$500.00

Scott Henderson
13805 Hauser Street
Overland Park, Kansas, 66221
Performance date: Tuesday, February 2, 2021
Fee: \$350.00

Musical Round Up
55 Van Wick Street
Croton on Hudson, New York, 10520
Performance date: Tuesday, March 9, 2021
Fee: \$800.00

Jester Jim Inc.
56 Candido Avenue
Shirley, New York, 11967
Performance date: Friday, March 26, 2021
Fee: \$400.00

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Supervisor, or his designee, is authorized to execute an agreement with the aforementioned companies to provide performers, for the aforementioned dates at a total cost of \$2,050.00, for the purposes of providing entertainment to GAP Program participants; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit, with the funds for said payment to be drawn from Account No. CYS A 7020 47660 000 0000, Special Events.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney

TOWN OF OYSTER BAY
Inter-Departmental Memorandum

December 11, 2020

TO: Memorandum Docket

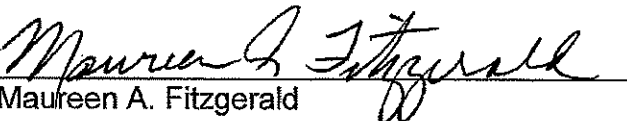
FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: Services for GAP

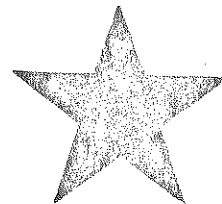
The Department of Community & Youth Services requests Town Board authorization to employ the services of the performers listed on the attached sheet for the dates noted. They will be providing entertainment for GAP Program participants virtually.

The total cost of these services is \$2,050.00. Funds are available in Account CYS A 7020 47660 000 0000, *Special Events*. In accordance with Guideline 5, Section b, of the Town Procurement Policy, these services are exempt from the solicitation, written proposal or requirements of the policy.

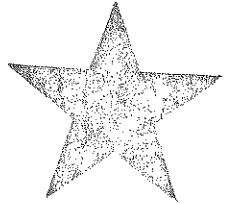
Therefore, it is respectfully requested that the Town Board authorize the Town to enter into an agreement as negotiated and approved by the Town Attorney's Office and further authorize the Supervisor and/or his designee or the Commissioner of Community and Youth Services to execute said agreement.


Maureen A. Fitzgerald
Commissioner

MAF:jd
Attachments



Name / Check Made Payable To	Address	Performance Date	Fee
Edu Music Inc.	920 Riverside Drive, #7 Manhattan, NY 10032	Friday, 1/29/21	\$500.00
Scott Henderson	13805 Hauser Street Overland Park, KS 66221	Tuesday, 2/2/21	\$350.00
Musical Round Up	55 Van Wick Street Croton on Hudson, NY 10520	Tuesday, 3/9/21	\$800.00
Jester Jim Inc.	56 Candido Avenue Shirley, N.Y. 11967	Friday, 3/26/21	\$400.00



Contract

This Contract, made by and between the Town of Oyster Bay's Department of Community and Youth Services, located at 977 Hicksville Road, Massapequa, New York 11758 (hereinafter referred to as "TOWN") and XXX, located at XXXX, XXX, (hereinafter referred to as "CONTRACTOR") in consideration of mutual interests provided for hereby, the parties herein agree as follows:

Performance by: XXXX
Date: XXXX
Time: XXX
Location: XXX
Contact: XXX
Amount: XXXX

In consideration of these services, the TOWN agrees to pay CONTRACTOR the sum of ~~xxxxxxxxxxxxxxxxxxxx~~ dollars. If CONTRACTOR fails to appear, or is incapacitated from rendering a performance through sickness or otherwise, CONTRACTOR shall not receive any compensation. Payment for the above services shall be made upon submission of CONTRACTOR's invoice and the claim form provided by TOWN.

XXX

CONTRACTOR

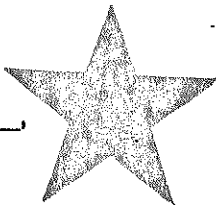
DATE: _____

TOWN OF OYSTER BAY

COMMISSIONER

DATE: _____

Reviewed By
Office of Town Attorney

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated December 10, 2020, advised that on December 4, 2020, the Town received a notice of grant approval from the New York State Department of Labor under the Employment Recovery National Dislocated Worker Grant in the amount of \$203,303.40; and

WHEREAS, Commissioner Sammartano, by said memorandum, requested that the Town enter into a sub-recipient agreement with the New York State Department of Labor for the period from August 27, 2020 through September 30, 2022, pursuant to which sub-recipient agreement the Town can access the grant funding in order to provide emergency recovery workforce services,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Supervisor, or his designee, is authorized to sign a sub-recipient agreement with the New York State Department of Labor in connection with the Employment Recovery National Dislocated Worker Grant, *nunc pro tunc* from August 27, 2020 through September 30, 2022.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Labroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Money
M. J. [Signature]

TOWN OF OYSTER BAY

Inter-Departmental Memo

December 10, 2020

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

SUBJECT: EMPLOYMENT RECOVERY NATIONAL DISLOCATED WORKER GRANT
AUGUST 27, 2020 THROUGH SEPTEMBER 30, 2022

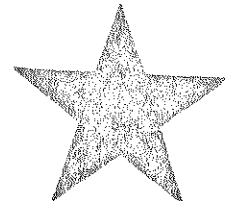
The Department of Intergovernmental Affairs' Division of Employment and Training has received a notice of grant approval in the amount of \$203,303.40 under the Employment Recovery National Dislocated Worker Grant (ER-NDWG) awarded by the United State Department of Labor to the New York State Department of Labor (NYSDOL). Funds are available to the Division for the period August 27, 2020 through September 30, 2022 to provide dislocated workers a full array of Emergency Recovery workforce services. Included will be career services, training services, supportive services, and needs-related payments.

The Department is seeking to enter into a Subrecipient Agreement with NYSDOL for the period August 27, 2020 through September 30, 2022 for the provision of Emergency Recovery workforce services.

Therefore, it is respectfully requested that the Town Board grant authorization for the Supervisor to sign the Subrecipient Agreement.



Frank V. Sammartano
Commissioner



WE ARE YOUR DOL



Andrew M. Cuomo, Governor
Robert Reardon, Commissioner

December 4, 2020

Mr. Joseph S. Saladino
Town Supervisor
Town of Oyster Bay
54 Audrey Avenue
3rd Floor
Oyster Bay, New York 11771

Dear Mr. Saladino:

Congratulations. Your area has been approved for \$203,303.40 under the Employment Recovery National Dislocated Worker Grant (ER-NDWG) awarded by the United States Department of Labor to the New York State Department of Labor (NYSDOL) on September 1, 2020. These funds are available to your local area as of August 27, 2020 through September 30, 2022.

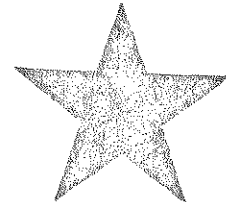
As the pass-through entity of ER-NDWG funds to your local area, NYSDOL is required to execute the attached Subrecipient Agreement incorporating all administrative, fiscal, and operational aspects of the grant to include the following sections:

- I. Subrecipient Master Cover Page
- II. Notice of Obligational Authority (NOA) document
- III. USDOL Grant/Agreement
- IV. Subrecipient Attestation

Allowable program activities under the ER-NDWG include career services, training services, supportive services, and needs-related payments. Eligible participants are:

- Dislocated Workers as defined in Section 3(15) of the Workforce Innovation and Opportunities Act (WIOA).
- Workers laid-off as a result of a disaster, including:
 - workers who are laid off as a result of a quarantine, because they miss work to care for a family member, or because they cannot come to their regular workplace in order to follow social distance requirements; and
 - workers laid off after a business closure related to disruptions caused by a disaster and the efforts to contain it.
- Self-employed individuals unemployed or underemployed because of a disaster
- Long-term unemployed individuals

Federal Terms and Conditions detailed in Section III of the attached Subrecipient Agreement prevail and your local area is limited to spending no more than 10 percent of your allocation on administrative costs.



All expenditures, accruals and obligations allowable under the ER-NDWG program must be reported monthly in PeopleSoft under Program Code 196 for Program Year 2020 (PY20) using the account codes appropriate to Dislocated Worker services and related administrative costs. At the end of this program, funds remaining unexpended will be de-obligated and will no longer be available for use by your Local Workforce Development Area.

Please review the attached Subrecipient Agreement and complete and return the attestation document (Section IV) by **COB, Friday, December 18, 2020**. The attestation requires signature by the Chief Elected Official (CEO) or authorized signatory for the LWDA for the fiscal reporting to NYSDOL.

Any questions concerning this information should be directed to Mr. Henry Daisey, State Representative at 212-775-3346.

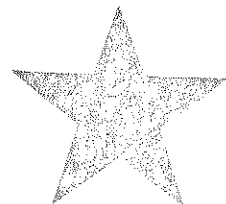
Sincerely,



Russell Oliver
Director
Division of Employment and Workforce Solutions

Attachment(s)

cc: Mr. John Sarcone
Mr. Dennis Palmieri
Mr. Henry Daisey
Ms. Claudia Chiu
Mr. Joseph Hamm





NEW YORK
STATE OF
OPPORTUNITY™

**Department
of Labor**

Subrecipient Agreement
Employment Recovery Dislocated Worker
Grant (ER-NDWG)
Grant #DW-35478-20-60-A-36

Russell Oliver, Director
Division of Employment and Workforce Solutions

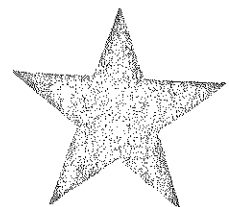


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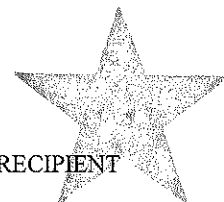
Section I – Subrecipient Cover Page

Section II – Notice of Obligational Authority

Section III – USDOL Grant / Agreement Notification of
Obligation (NOO)

Section IV – Subrecipient Attestation

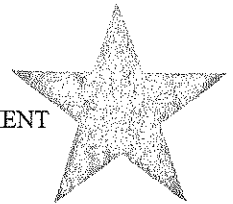
EMPLOYMENT RECOVERY NATIONAL DISLOCATED WORKER GRANT - SUBRECIPIENT
AGREEMENT



SECTION I

SUBRECIPIENT COVER PAGE

EMPLOYMENT RECOVERY NATIONAL DISLOCATED WORKER GRANT - SUBRECIPIENT
AGREEMENT



NYS Department of Labor Division of Employment & Workforce Solutions	Subrecipient Agreement Notification of Award/Obligation: Employment Recovery National Dislocated Worker Grant (ER-NDWG)
	Federal Award Identification Number DW354782060A36
	CFDA No. 17.277
	Federal Award Date September 1, 2020
<i>Under the authority of the Workforce Innovation and Opportunity Act, this grant or agreement is entered into between the above-named Grantor Agency and the following named Subrecipient Awardee, for a project entitled – Employment Recovery National Dislocated Worker Grant.</i>	

Subrecipient:	Joseph S. Saladino Town of Oyster Bay Supervisor
DUNS Number:	[REDACTED]
Project Description:	ER-NDWG - Program Year 2020 Funding
Subaward Period of Performance:	8/27/20 to 9/30/22
Total Funds Committed to Subrecipient (unless otherwise amended)	\$203,303.40
Indirect Cost Rate	To Be Determined
R&D Grant:	Not applicable

Payments to subrecipients will be made via the Notice of Obligational Authority process with subrecipients reporting expenditures, accruals, and obligations via the PeopleSoft Financial application.

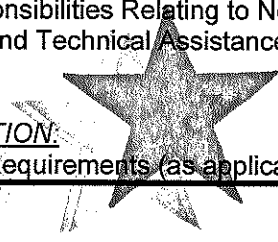
In performing its responsibilities under this subrecipient agreement, the subrecipient assures that it will fully comply with all applicable state and federal rules and regulations including but not limited to the following NYSDOL Technical Advisories, federal regulations, and federal cost principles, including any subsequent amendment:

NYS Department of Labor Technical Advisories:

- TA #16-8 "Monitoring – Local Workforce Development Board Responsibilities Relating to NYS Department of Labor Fiscal Monitoring and Oversight " <http://www.labor.ny.gov/workforcenypartners/ta/ta-16-8-lwdb-oversight-and-monitoring-responsibilities.pdf>
- TA #11-2.4 "Financial Reporting and Cash Draw-down Policy and Procedures for WIOA, Trade Adjustment Act and Other Federal Funding" <http://labor.ny.gov/workforcenypartners/ta/TA11-2-4-Updated-Financial-Reporting-and-Drawdown-Policy.pdf>
- TA #17-4 "Final Fiscal Closeout of Expiring Federal Funds" <https://www.labor.ny.gov/workforcenypartners/ta/ta17-4-final-closeout-of-expiring-funds-002.pdf>
- TA #16-2 "Retention of Records by Local Workforce Development Boards" <http://labor.ny.gov/workforcenypartners/ta/ta-16-2-record-retention.pdf>
- TA #19-4 "Monitoring – Subrecipient Oversight and Monitoring Responsibilities for Chief Elected Officials (CEOs) and Local Workforce Development Boards (LWDBs)" <https://labor.ny.gov/workforcenypartners/ta/ta19-4.pdf>
- TA #19-5 "Monitoring – Local Workforce Development Board (LWDB) Responsibilities Relating to New York State Department of Labor (NYSDOL) Program Monitoring/Oversight and Technical Assistance" <https://labor.ny.gov/workforcenypartners/ta/ta19-5.pdf>

Section III USDOL GRANT / AGREEMENT NOTIFICATION OF AWARD / OBLIGATION:

- Includes Uniform Administrative Requirements, Cost Principles, and Other Requirements (as applicable).





Department
of Labor

SECTION II

NOTICE OF OBLIGATIONAL AUTHORITY

EMPLOYMENT RECOVERY NATIONAL DISLOCATED WORKER GRANT - SUBRECIPIENT
AGREEMENT



**NYS Department of Labor
Division of Employment & Workforce Solutions**

NOTICE OF OBLIGATIONAL AUTHORITY (NOA)

Authorizing Program Year 2020 Employment Recovery National Dislocated Worker Grant (ER-NDWG)
Title 1-B Funding

This funding is authorized for the period 8/27/2020 through 9/30/2022.

Program:	ER-NDWG Program Year 2020
NOA Number:	ER-NDWG PY20-1
Grantor:	Governor of New York through the NYS Department of Labor
FAIN:	[REDACTED]

Local Workforce Development Area (LWDA) Subrecipient Information

LWDA Name:	Oyster Bay
LWDA Assigned Number:	74
DUNS Number:	[REDACTED]
Subrecipient Contact:	Joseph S. Saladino
Subrecipient Contact Title:	Town of Oyster Bay Supervisor

WIOA Title 1-B

Program	CFDA #	Prior Approved Level	Change (per this NOA)	New Level
ER-NDWG PY20	17.277	\$0.00	\$203,303.40	\$203,303.40

NYSDOL Contact Information

Representative Name:	Henry Daisey
Phone Number:	(212) [REDACTED]

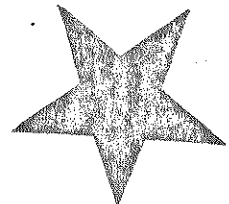
Approval Signature: _____

Russell Oliver

Director

Division of Employment and Workforce Solutions

8/27/2020





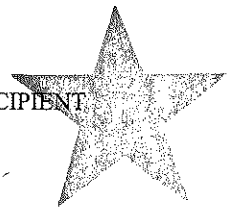
Department
of Labor

SECTION III

USDOL GRANT/AGREEMENT NOTIFICATION OF OBLIGATION (NOO)



EMPLOYMENT RECOVERY NATIONAL DISLOCATED WORKER GRANT - SUBRECIPIENT
AGREEMENT



U.S. DEPARTMENT OF LABOR EMPLOYMENT AND TRAINING ADMINISTRATION (DOL/ETA)	NOTICE OF AWARD (NOA)
Under the authority of the <i>WIOA Sec. 170, National Dislocated Worker Grants</i> , this grant or agreement is entered into between the above named <i>Grantor Agency</i> and the following named <i>Awardee</i> , for a project entitled - NATIONAL DISLOCATED WORKER GRANTS PROGRAM GUIDANCE .	

Name & Address of Awardee: NEW YORK STATE DEPARTMENT OF LABOR STATE OFFICE CAMPUS BUILDING 12, ROOM 516 ALBANY, NEW YORK 12240-0001	Federal Award Id. No. (FAIN): DW-35478-20-60-A-36 CFDA #: 17.277- WIOA National Dislocated Worker Grants / WIA National Emergency Grants (NEGs) Amount: \$12,000,000.00 EIN [REDACTED] DUNS # [REDACTED]
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Accounting Code: 1630-2020-0501742020BD202001740003205DW093A0000AOWI00AOWI00-A90200-410023-ETA-DEFAULT TASK-

Payment Management System DOC#: DW35478S20

The Period of Performance shall be from August 27, 2020 thru September 30, 2022 . Total Government's Financial Obligation is \$12,000,000.00 (unless other wise amended). Payments will be made under the Payments Management System, and can be automatically drawn down by the awardee on an as needed basis covering a forty-eight (48) hour period. The Recipient's application of August 6, 2020, requesting National Dislocated Worker Grant funding in response to the COVID-19 pandemic, is conditionally approved for \$12,000,000. Please see attached Special Conditions of Award. In performing its responsibilities under this grant agreement, the awardee hereby certifies and assures that it will fully comply with all applicable Statute(s), and the following regulations and cost principles, including any subsequent amendments: <u>Uniform Administrative Requirements, Cost Principles, and Audit Requirements:</u> 2 CFR Part 200; Uniform Administrative Requirements, Cost Principles, and Audit Requirements; Final Rule 2 CFR Part 2900; DOL Exceptions to 2 CFR Part 200; <u>Other Requirements (Included within this NOA):</u> Condition(s) of Award (if applicable) Federal Award Terms, including attachments <u>Contact Information</u> The Federal Project Officer (FPO) assigned to this grant is Danielle Worthen-ramos. Danielle Worthen-ramos will serve as your first line point of contact and can be contacted via e-mail - worthen-ramos.daniel@dol.gov . If your FPO is not available, please call your Regional Office at 617-788-0170 for assistance.

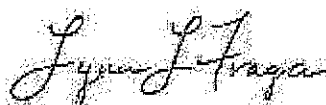
The awardee's signature below certifies full compliance with all terms and conditions as well as all applicable Statutes(s), grant regulations, guidance, and certifications.

Signature of Approving Official - **AWARDEE**

Signature of Approving Official - **DOL / ETA**

See SF-424 for Signature

No Additional Signature Required



Lynn Fraga, September 01, 2020
Grant Officer

COVID-19 EMPLOYMENT RECOVERY DISLOCATED WORKER GRANT

SPECIAL CONDITIONS OF AWARD – MOD 0

Grant Number: DW-35478-20-60-A-36

Recipient: New York State Department of Labor

Project Title: New York - COVID-19 Employment Recovery DWG

The emergency application to request National Dislocated Worker Grant (DWG) funds, received in full on August 6, 2020, is conditionally approved for \$12,000,000. As a condition of this grant award, the recipient must submit a full application via a modification request within 60 business days of the Notice of Award date.

Recipients may opt to request additional funding when submitting the full application containing the budget and plan. It is critical, however, to plan carefully when submitting this request due to the availability of Federal funds. The additional funding requested must be supported by the details provided in the full application.

The full application modification request must be emailed to the Federal Project Officer (FPO) named in the grant agreement. Questions pertaining to the submission of the modification responding to these Conditions of Award must be directed to the FPO as soon as possible.

Please carefully review the following Special Conditions of Award and the attached Federal Award Terms.

A submittal of a full application does not in and of itself constitute approval by the Employment and Training Administration; final approval must be given by the Grant Officer. Once approved, the revised documents will comprise the official modification to this grant agreement and the previous special conditions of award will be resolved.

CONDITIONS OF AWARD

- 1) Submission of a modification request to incorporate the full application, which must include the following:

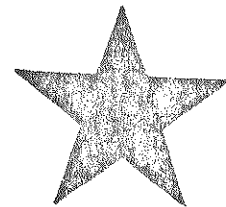
- a. SF-424:

- i. This form must be revised as necessary, reflecting the reduced award (plus additional funding request, if applicable), the approved period of performance, and other revisions required since the form was submitted with the initial application. *It must be signed by the authorized representative.*
 - ii. Include a point of contact (POC) for the grant. The named POC may not also be the Authorized Representative.



- b. SF-424A and accompanying Budget Information Narrative: These documents must reflect the reduced award (plus additional funding request, if applicable). The Budget Narrative must reflect the enclosed Budget Narrative Instruction Sheet.
- c. Suggested documents for the full application are posted at the following Grants.gov link: <https://www.grants.gov/web/grants/view-opportunity.html?oppId=325616>.

Please reference materials for the submission of a new Employment Recovery DWG, as these worksheets collect the same information needed for the submission of your full application. Please note the worksheets themselves are not required; grantees may instead submit the requested information in a format of their choice.



COVID-19 Employment Recovery
National Dislocated Worker Grant
Federal Award Terms
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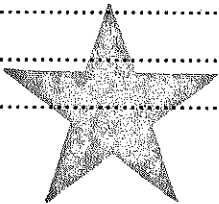
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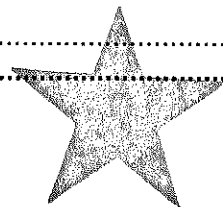
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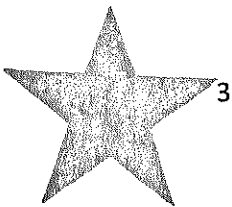
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Attachment A: SF-424 Attachment B: SF-424A Attachment C: Budget Narrative Attachment D:
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1. Order of Precedence

In the event of any inconsistency between the terms and conditions of this Notice of Award and other requirements, the following order of precedence shall apply:

- I. Workforce Innovation and Opportunity Act;
- II. other applicable Federal statutes;
- III. Department of Labor Appropriations Act, 2020, P.L. 116-94 or the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), P.L. 116-136
- IV. Implementing Regulations;
- V. Executive Orders;
- VI. OMB Circulars, including the Uniform Guidance at 2 CFR 200 and 2900;
- VII. Training and Employment Guidance Letter WIOA No. 12-19, Operational Guidance for National Dislocated Worker Grants;
- VIII. other applicable DOL-ETA Directives; and the
- IX. terms and conditions of this award.

2. Notice of Award

The funds that are provided under this Notice of Award must be expended according to all applicable Federal statutes, regulations and policies, including those of the Workforce Innovation and Opportunity Act; the applicable approved State WIOA plan including approved modifications and amendments to the plan, and any waiver plan approved under WIOA Sec. 189(i)(3) or Workforce Flexibility (Workflex) plan approved under WIOA Sec. 190; the negotiated performance levels and policies established pursuant to the Secretary's authority under WIOA Section 116; and the applicable provisions in the appropriations act(s).

The funds shall be obligated and allocated via a Notice of Award (NOA) grant modification. These obligations and expenditures may not exceed the amount awarded by the NOA modification unless otherwise modified by the ETA.

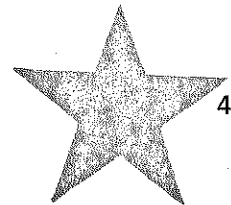
3. Funding Opportunity Announcement

Training and Employment Guidance Letter (TEGL) WIOA No. 12-19 transmits the funding opportunity associated with this award. TEGL No. 12-19 and all applicable amendments are hereby incorporated into the Notice of Award. Award recipients are bound by the authorizations, restrictions, and requirements contained in the TEGL. Therefore, the expenditure of grant funds by the award recipient certifies that the recipient has read and will comply with all the parts that are contained in the NOA.

4. Administrative Law Judge Removal of Award (WIOA)

By drawing down funds, your organization as the award recipient agrees to the provisions of 20 CFR 683.820(b)(6), which states:

"Any organization selected and/or funded under WIOA title I, subtitle D, is subject to having its award removed if an ALJ decisions so orders. As part of this process, the Grant Officer will provide instructions on transition and closeout to both the newly selected grantee and to the grantee whose positions is affected or which is being removed."



5. Federal Project Officer

The DOL/ETA Federal Project Officer (FPO) for this award is:

Name: Danielle Worthen-Ramos

Telephone: (617) 788-0314

E-mail: worthenramosdanielle@dol.gov

The FPO is not authorized to change any of the terms or conditions of the award or approve prior approval requests. Any changes to the terms or conditions or prior approvals must be approved by the Grant Officer through the use of a formally executed award modification process.

6. Indirect Cost Rate and Cost Allocation Plan

☒ A. The recipient submitted an abbreviated emergency application without a budget to request Employment Recovery DWG funding. To charge indirect costs to this grant, the recipient must include in the first modification providing the full budget and plan, a current Federally approved Negotiated Indirect Cost Rate Agreement (NICRA) or current Federally approved Cost Allocation Plan (CAP).

☐ B. A **current** Federally approved NICRA or current Federally approved CAP has been provided – copy attached.

For a NICRA only:

(1) Indirect Rate approved: %

(2) Type of Indirect Cost Rate: _____ Provisional/ final

(3) Allocation Distribution Base: _____

(4) Current beginning and ending period applicable to rate: _____

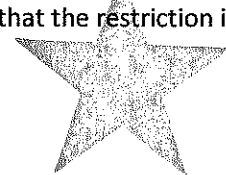
Estimated Indirect Costs are shown on the SF-424A budget form. If a new NICRA is issued during the grant's period of performance, it must be provided to DOL within 30 days of it being issued. Funds may be re-budgeted as necessary between direct and indirect costs as long as it is consistent with 10% Budget Flexibility term within this agreement, grant requirements and DOL regulations on prior approval. However, the total amount of the grant award will not be increased.

Any changes to the budget that impact the Statement of Work and agreed upon outcomes or deliverables will require a request for modification and prior approval from the Grant Officer.

☐ C. (1) _____ Latest NICRA or CAP approved by the Federal Cognizant Agency (FCA) is not current, or

(2) _____ An indirect cost rate proposal or CAP has not been submitted for approval.

URGENT NOTICE: Estimated indirect costs have been specified on the SF-424A, Section B, Object Class Category "j", however only \$ (10% of personnel or indirect which ever is less) will be released to support the indirect costs in the absence of a NICRA or CAP approved by the cognizant agency. The remaining funds which have been awarded for Indirect Costs are restricted and may not be used for any purpose until the recipient provides a signed copy of the NICRA or CAP and document stating that the restriction is



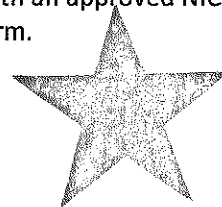
lifted by the Grant Officer. Upon receipt of the NICRA or CAP, the Grant Officer will issue a grant modification to the award to remove the restriction on those funds.

As the award recipient, your organization must submit an indirect cost rate proposal or CAP. These documents should be submitted to the DOL's Division of Cost Determination (DCD) or to the recipient's FCA. In addition, the recipient must notify the Federal Project Officer (FPO) that the documents have been submitted to the appropriate FCA. **If this proposal is not submitted within 90 days of the effective date of the award, no funds will be approved for the reimbursement of indirect costs.** Failure to submit an indirect cost proposal by the above date means the award recipient will not receive further reimbursement for indirect costs until a signed copy of the federally approved NICRA or CAP is provided and the restriction is lifted by the Grant Officer. All indirect costs paid for using grant funds must be returned through the Payment Management System. No indirect costs will be reimbursed without a NICRA or an approved CAP. *The total amount of the DOL's financial obligation under this grant award **will not** be increased in order to reimburse the recipient for higher negotiated indirect costs.*

- ___ D. The award recipient elected to exclude indirect costs from the proposed budget. Please be aware that incurred indirect costs (such as top management salaries, financial oversight, human resources, payroll, personnel, auditing costs, accounting and legal, etc. used for the general oversight and administration of the organization) must not be classified as direct costs; these types of costs are indirect costs. Only direct costs, as defined by the applicable cost principles, will be charged. According to 2 CFR 200.412, if indirect costs are misclassified as direct costs, such costs may become disallowed through an audit.
- ___ E. The award recipient has never received a negotiated indirect cost rate and, pursuant to the exceptions noted at 2 CFR 200.414(f) in the Cost Principles of the Uniform Guidance has elected to charge a de minimis rate of 10% of modified total direct costs (see 2 CFR 200.68 for definition of MTDC) which may be used indefinitely. Governmental departments or agencies that receive more than \$35 million in direct Federal Funding must submit an indirect cost rate proposal and cannot request a de minimis rate. This methodology must be used consistently for all Federal awards until such time as you choose to negotiate for an indirect cost rate, which you may apply to do at any time. (See 2 CFR 200.414(f) for more information on use of the de minimis rate.)

If the DOL is your FCA, as a recipient, your organization must work with DOL's DCD, which has delegated authority to negotiate and issue a NICRA or CAP on behalf of the Federal Government. More information about the DOL's DCD is available at <http://www.dol.gov/oasam/boc/dcd/>. This website has guidelines to develop indirect cost rates, links to the applicable cost principles, and contact information. The DCD also has Frequently Asked Questions to provide general information about the indirect cost rate approval process and due dates for provisional and final indirect cost rate proposals at <http://www.dol.gov/oasam/faqs/FAQ-dcd.htm>.

Starting the quarter ending September 30, 2016, all grant recipients with an approved NICRA or de minimis rate must report indirect costs on their **FINAL** ETA-9130 Form.



7. Approved Statement of Work

The project's narrative is considered the approved Statement of Work. It has been included as Attachment D. If there is any inconsistency between items specified in the project narrative and the program statute, appropriation, regulations, Executive Orders, Uniform Guidance, OMB Circulars, and DOL-ETA directives, the order of precedence will prevail.

8. Approved Budget

The award recipient's budget documents are attached in this Notice of Award. The documents are: 1) the SF-424, included as Attachment A; 2) the SF-424 A, included as Attachment B; and 3) the Budget Narrative, included as Attachment C. As the award recipient, your organization must confirm that all costs are allowable before creating any expenses. Pursuant to 2 CFR 2900.1, the approval of the budget as awarded does not constitute prior approval of those items specified in 2 CFR 200 or your grant award as requiring prior approval. The Grant Officer is the only official with the authority to provide such approval.

9. Return of Funds

Effective October 1st, 2017, the U.S. Department of Labor, Employment & Training Administration will no longer be accepting paper checks for any type of returned funds. All return of funds are to be submitted electronically through the Payment Management System (PMS) operated by the U.S. Department of Health and Human Resources via the same method as a drawdown.

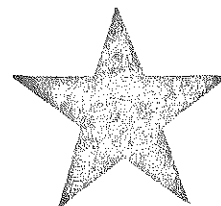
If there are questions regarding the return of funds or your organization no longer has access to PMS, contact the U.S. Department of Labor/ETA Office of Financial Administration via email at: ETA-ARteam@dol.gov for further assistance.

10. Evaluation, Data, and Implementation

As the award recipient, your organization must cooperate during the implementation of a third-party evaluation. This means providing DOL or its authorized contractor with the appropriate data and access to program operating personnel and participants in a timely manner.

11. Resources and Information

Additional resources and information to assist you are located on the ETA website at <https://www.doleta.gov/grants/resources.cfm> and on the Grants Application and Management collection page located on WorkforceGPS.org at <https://grantsapplicationandmanagement.workforcegps.org/>. These sites contain information about the Uniform Guidance, grant terms and conditions, financial reporting, indirect costs, recipient training resources, and other relevant information.



12. Cost Limitation Restrictions

a. Administrative Costs

Administrative costs under this award follow the definition in the Workforce Innovation and Opportunity Act at 20 CFR 683.215.

There is a 15 percent limitation on a DWG project's total administrative costs when the direct recipient is not also serving as the project operator. Unless a written justification is approved by the Grant Officer, administrative costs may not exceed this 15 percent limit. Direct recipients of DWG funds are limited to spending no more than 5 percent of the total award on administrative costs. Project Operators are limited to spending no more than 10 percent of their allocation received from the direct recipient on administrative costs. Compliance with the administrative costs limit is monitored throughout the grant period. Any amounts exceeding this limitation at closeout will be disallowed and subject to debt collection.

For DWG recipients who are also serving as the project operator, the administrative costs limit is 10 percent of the total award.

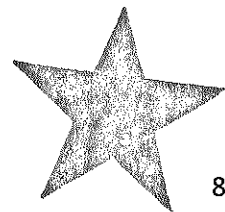
b. Budget Flexibility

Federal recipients are not permitted to make transfers that would cause any funds to be used for purposes other than those consistent with this Federal program. Any budget changes that impact the Statement of Work and agreed upon outcomes or deliverables require a request for modification and prior approval from the Grant Officer.

As directed in 2 CFR 200.308(e), for programs where the Federal share is over the simplified acquisition threshold (currently \$150,000), the transfer of funds among direct cost categories or programs, functions and activities is restricted such that if the cumulative amount of such transfers exceeds or is expected to exceed 10 percent of the total budget as last approved by the Federal awarding agency, the recipient must receive prior approval from the Grant Officer. Any changes within a specific cost category on the SF424(a) do not require a grant modification unless the change results in a cumulative transfer among direct cost categories exceeding 10% of total budget as noted above. It is recommended that your assigned FPO review any within-line changes to your budget prior to implementation to ensure they do not require a modification. For programs where the Federal share is below the simplified acquisition threshold, recipients are not required to obtain the Grant Officer's approval when transferring funds among direct cost categories. This includes transferring direct costs to the indirect cost category contained on the SF424 (a).

c. Consultants

For the purposes of this award, the ETA Grant Officer has determined that fees paid to a consultant who provides services under a program shall be limited to \$710 per day (representing an eight hour work day). Any fees paid in excess of this amount cannot be paid without prior approval from the Grant Officer.



d. Travel

This award waives the prior approval requirement for domestic travel as contained in 2 CFR 200.474. For domestic travel to be an allowable cost, it must be necessary, reasonable, allocable and conform to the non-Federal entities written policies and procedures. All travel must also comply with Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

e. Travel – Foreign

Foreign travel is not allowable except with prior written approval. Prior written approval must be obtained from the Grant Officer through the process described in 2 CFR 200.407 and 2 CFR 2900.16. All travel, both domestic and Grant Officer-approved foreign travel, must comply with the Fly America Act (49 USC 40118), which states in part that any air transportation, regardless of price, must be performed by, or under a code-sharing arrangement with, a US Flag air carrier if service provided by such carrier is available.

f. Travel – Mileage Reimbursement Rates

Pursuant to 2 CFR 200.474(a), all award recipients must have policies and procedures in place related to travel costs; however, for reimbursement on a mileage basis, this Federal award cannot be charged more than the maximum allowable mileage reimbursement rates for Federal employees. The 2018 mileage reimbursement rates are:

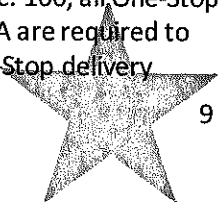
Modes of Transportation	Effective/Applicability Date	Rate per mile
Privately owned automobile	January 1, 2019	\$0.58
Privately owned motorcycle	January 1, 2019	\$0.55

Mileage rates must be checked annually at www.gsa.gov/mileage to ensure compliance.

g. WIOA Infrastructure

WIOA sec. 121(b)(1)(B) and 20 CFR 678.400 require the following programs to be One-Stop partners: A. WIOA title I programs: Adult, Dislocated Worker, and Youth formula programs; Job Corps; YouthBuild; Native American programs; National Farmworker Jobs Program (NFJP); B. Wagner-Peyser Act Employment Service (ES) program authorized under the Wagner-Peyser Act (29 U.S.C. 49 et seq.), as amended by WIOA title III; C. Senior Community Service Employment Program (SCSEP) authorized under title V of the Older Americans Act of 1965; D. Trade Adjustment Assistance (TAA) activities authorized under chapter 2 of title II of the Trade Act of 1974; E. Unemployment Compensation (UC) programs; F. Jobs for Veterans State Grants (JVSF) programs authorized under chapter 41 of title 38, U.S.C.; and G. Reentry Employment Opportunities (REO) programs (formerly known as Reintegration of Ex-Offenders Program (RExO) awarded prior to January 1, 2019 which were authorized under sec. 212 of the Second Chance Act of 2007 (42 U.S.C. 17532).

With the exception of Native American programs established under WIOA sec. 166, all One-Stop partner programs including all programs that are funded under title I of WIOA are required to contribute to the infrastructure costs and certain additional costs of the One-Stop delivery



system in proportion to their use and relative benefits received as required in 20 CFR 678.700 and 678.760. While Native American programs are not required to contribute to infrastructure costs per WIOA 121(h)(2)(D)(iv), they are strongly encouraged to contribute as stated in TEGL 17-16. The sharing and allocation of infrastructure costs between One-Stop partners is governed by WIOA sec. 121(h), WIOA's implementing regulations, and the Federal Cost Principles contained in the Uniform Guidance at 2 CFR part 200 and DOL's exceptions at 2 CFR part 2900. The Federal Cost Principles state that a partner's contribution is an allowable, reasonable, necessary, and allocable cost to the program and is consistent with other legal requirements.

13. Administrative Requirements

a. Assurances and Certifications

The signed SF-424, Application for Federal Assistance, has been included as an attachment to this grant. The individual that signed the SF-424 on behalf of the applicant is considered the Authorized Representative of the applicant. As stated in block 21 of the SF-424 form, the signature of the Authorized Representative on the SF-424 certifies that the organization is in compliance with the Assurances and Certifications form SF-424B (available at <http://apply07.grants.gov/apply/forms/sample/SF424B-V1.1.pdf>). You do not need to submit the SF-424B form separately.

b. Audits

Organization-wide or program-specific audits shall be performed in accordance with Subpart F, the Audit Requirements of the Uniform Guidance which apply to audits for fiscal years beginning on or after December 26, 2014. DOL awards recipients including for-profit and foreign entities that expend \$750,000 or more in a year from any Federal awards must have an audit conducted for that year in accordance with the requirements contained in 2 CFR 200.501. OMB's approved exception at 2 CFR 2900.2 expands the definition of 'non-Federal entity' to include for-profit entities and foreign entities. For-profit and foreign entities that are recipients or subrecipients of a DOL award must adhere to the Uniform Guidance at 2 CFR 200.

c. Changes in Micro-purchase and Simplified Acquisition Thresholds

The Office of Management and Budget memorandum (M-18-18), issued on June 20, 2018, increased the threshold for micro-purchases under Federal financial assistance awards from \$3,500 to \$10,000 and the threshold for simplified acquisitions under Federal financial assistance awards from \$100,000 to \$250,000. Please note that these two threshold increases were effective for all Employment and Training (ETA) grantees as of October 1, 2018. All ETA grantees should carefully review the above-referenced memorandum and make any necessary updates to their financial and administrative policies, procedures and systems as a result of these threshold increases.

d. Closeout/Final Year Requirements

At the end of the grant period, the award recipient will be required to close the grant with the ETA. As the award recipient, your organization will be notified approximately 15 days prior to the end of the period of performance that the closeout process will begin once the grant ends. The information concerning the recipient's responsibilities at closeout may be found at 2 CFR

200.343. During the closeout process, the grantee must be able to provide documentation for all direct and indirect costs that are incurred. For instance, if an organization is claiming indirect costs, the documentation that is required is a Negotiated Indirect Cost Rate Agreement or Cost Allocation Plan issued by the grantee's Federal cognizant agency. Documentation for those approved to utilize a de minimis rate for indirect costs is demonstrated through the grant agreement. Not having documentation for direct or indirect costs will result in costs being disallowed and subject to debt collection. The only liquidation that can occur during closeout is the liquidation of accrued expenditures (NOT obligations) for goods and/or services received during the grant period (2 CFR 2900.15).

e. Creative Commons Attributions License

As required at 2 CFR 2900.13, any intellectual property developed under a competitive award process must be licensed under a Creative Commons Attribution 4.0 (CC BY) license, which allows subsequent users to copy, distribute, transmit and adapt the copyrighted work and attribute the work in the manner specified by the recipient. For general information on CC BY, please visit <http://creativecommons.org/licenses/by/4.0>. The Instructions for marking your work with CC BY can be found at http://wiki.creativecommons.org/Marking_your_work_with_a_CC_license.

f. Equipment

Award Recipients must receive **prior approval** from the Grant Officer to purchase any equipment as defined in the Uniform Guidance at 2 CFR 200.33. Equipment purchases must be made in accordance with 2 CFR 200.313 or 2 CFR 200.439.

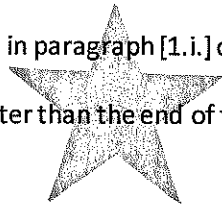
Being awarded this grant **does not** automatically mean you are approved for the equipment specified in a recipient's budget or statement of work unless it is specifically approved by the Grant Officer. If not specified above, the recipient must submit a detailed list describing the purchase to the FPO for review within 90 days of the Notice of Award date. We strongly encourage recipients to submit requests for equipment purchase as early as possible in the grant's period of performance with as many planned pieces of equipment as possible.

Recipients may not purchase equipment in the last funded year of performance which is defined as full program service delivery (not follow up activities), but yet may not be the same as the last twelve months of the period of performance. If any approved acquisition has not occurred prior to the last funded year of performance, approval for that item(s) is rescinded.

g. Federal Funding Accountability and Transparency Act (FFATA)

1. Reporting of first-tier subawards.

- I. *Applicability.* Unless your organization is exempt as provided in paragraph [4.] of this award term, you must report each action that obligates \$25,000 or more in Federal funds that does not include Recovery funds (as defined in section 1512(a)(2) of the American Recovery and Reinvestment Act of 2009, Pub. L. 111-5) for a subaward to an entity (see definitions in paragraph [5.] of this award term).
- II. *Where and when to report.*
 - I. You must report each obligating action described in paragraph [1.i.] of this award term to <https://www.ftrs.gov>.
 - II. For subaward information, you must report no later than the end of the



month following the month in which the obligation was made. (For example, if the obligation was made on November 7, 2010, the obligation must be reported by no later than December 31, 2010.)

- III. *What to report.* You must report the information about each obligating action that the submission instructions posted at <https://www.fsrc.gov> specify.
- 2. Reporting Total Compensation of Recipient Executives.
 - I. *Applicability and what to report.* You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if—
 - I. the total Federal funding authorized to date under this award is \$25,000 or more;
 - II. in the preceding fiscal year, you received—
 - (A) 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - III. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/excomp.htm>.)
 - II. *Where and when to report.* You must report executive total compensation described in paragraph [2.a.] of this award term:
 - a. As part of your registration profile at <http://www.sam.gov>.
 - b. By the end of the month following the month in which this award is made, and annually thereafter.
- 3. Reporting of Total Compensation of Subrecipient Executives.
 - I. *Applicability and what to report.* Unless you are exempt as provided in paragraph [4.] of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if—
 - I. in the subrecipient's preceding fiscal year, the subrecipient received—
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
 - II. The public does not have access to information on the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to

the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <https://www.sec.gov/answers/execomp.htm>.)

- II. *Where and when to report.* You must report subrecipient executive total compensation described in paragraph [3.a] of this award term:
 - I. To the recipient.
 - II. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

4. Exemptions

If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:

- a. Subawards, and
- b. The total compensation of the five most highly compensated executives of any subrecipient.

5. Definitions.

For purposes of this award term:

- a. *Entity* means all of the following, as defined in 2 CFR part 25:
 - I. A Governmental organization, which is a State, local government, or Indian tribe;
 - II. A foreign public entity;
 - III. A domestic or foreign nonprofit organization;
 - IV. A domestic or foreign for-profit organization;
 - V. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
- b. *Executive* means officers, managing partners, or any other employees in management positions.
- c. *Subaward*:
 - I. This term is used as a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - II. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see [2 CFR 200.330]).
 - III. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
- d. *Subrecipient* means an entity that:
 - I. Receives a subaward from you (the recipient) under this award; and
 - II. Is accountable to you for the use of the Federal funds provided by the subaward.
- e. *Total compensation* means the cash and noncash dollar value earned by the executive during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - I. *Salary and bonus.*
 - II. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting

- Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
- III. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - IV. *Change in pension value.* This is the change in present value of defined benefit and actuarial pension plans.
 - V. *Above-market earnings on deferred compensation which is not tax-qualified.*
 - VI. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

h. Intellectual Property Rights

The Federal Government reserves a paid-up, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use for federal purposes: i) the copyright in all products developed under the grant, including a subgrant or contract under the grant or subgrant; and ii) any rights of copyright to which the recipient, subrecipient or a contractor purchases ownership under an award (including but not limited to curricula, training models, technical assistance products, and any related materials). Such uses include, but are not limited to, the right to modify and distribute such products worldwide by any means, electronically or otherwise. Federal funds may not be used to pay any royalty or license fee for use of a copyrighted work, or the cost of acquiring by purchase a copyright in a work, where the Department has a license or rights of free use in such work, although they may be used to pay costs for obtaining a copy which is limited to the developer/seller costs of copying and shipping. If revenues are generated by selling products developed with grant funds, including intellectual property, these revenues are considered as program income. Therefore, program income must be used in accordance with the provisions of this grant award and 2 CFR 200.307.

If applicable, the following needs to be on all products developed in whole or in part with grant funds:

"This workforce product was funded by a grant awarded by the U.S. Department of Labor's Employment and Training Administration. The product was created by the recipient and does not necessarily reflect the official position of the U.S. Department of Labor. The Department of Labor makes no guarantees, warranties, or assurances of any kind, express or implied, with respect to such information, including any information on linked sites and including, but not limited to, accuracy of the information or its completeness, timeliness, usefulness, adequacy, continued availability, or ownership. This product is copyrighted by the institution that created it."

i. Intellectual Property Rights and the Bayh-Dole Act

All small business firms, and non-profit organizations (including Institutes of Higher Education) must adhere to the Bayh Dole Act, which requirements are provided at 37 CFR 401.3(a) and at <https://doleta.gov/grants/pdf/BayhDoleGrantTerm.pdf>. To summarize, these requirements describe the ownership of Intellectual Property rights and the government's nonexclusive, nontransferable, irrevocable, paid-up license to use any invention conceived or first actually

reduced to practice in the performance of work under this grant. These requirements are in addition to those found in the Intellectual Property Rights term provided in this document.

j. Personally Identifiable Information

Award recipients must recognize and safeguard personally identifiable information (PII) except where disclosure is allowed by prior written approval of the Grant Officer or by court order. Award recipients must meet the requirements in Training and Employment Guidance letter (TEGL) 39-11, Guidance on the Handling and Protection of Personally Identifiable Information (PII), found at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=7872.

k. Pre-Award

All costs incurred by the award recipient prior to the start date specified in the award issued by the Department are *incurred at the recipient's own expense*.

l. Procurement

The Uniform Guidance (2 CFR 200.317) require States (as defined at 2 CFR 200.90) to follow the same procurement policies and procedures it uses for non-Federal funds. The state will comply with 200.322 Procurement of recovered *materials* and ensure that every purchase orders or other contract includes any clauses required by section 200.326 Contract provisions. Award recipients must also follow the requirements regarding the competitive award of One-Stop Operators in the Workforce Innovation and Opportunity Act at WIOA Sec. 121(d) and sec. 123.

m. Program Income

The "Addition" method as described in 2 CFR 200.307 must be used in allocating any program income generated for this grant award. Award recipients must expend all program income prior to drawing down additional funds as required at 2 CFR 200.305(b) (5) and 2 CFR 200.307(e). Any program income found remaining at the end of period of performance must be returned to the ETA. In addition, recipients must report program income on the quarterly financial report using ETA-9130 form.

n. Publicity

No funds provided under this grant shall be used for publicity or propaganda purposes, for the preparation, distribution or use of any kit, pamphlet, booklet, publication, radio, television or film presentation designed to support or defeat legislation pending before the Congress or any state or local legislature or legislative body, except in presentation to the Congress or any state or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any state or local government, except in presentation to the executive branch of any state or local government itself. Nor shall grant funds be used to pay the salary or expenses of any recipient or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive Order proposed or pending before the Congress, or any state government, state legislature, or local legislative body other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a state, local, or tribal government in policymaking and administrative processes within the executive branch of that government.



o. Recipient Integrity and Performance Matters

1. If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the award recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available.
2. Proceedings about which you must report. Submit the information required about each proceeding that:
 - a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from either the Federal Government;
 - b. Reached its final disposition during the most recent 5-year period; and
 - c. Is one of the following:
 - I. A criminal proceeding that resulted in a conviction, as defined in paragraph 5. of this award term
 - II. A civil proceeding that resulted in a finding of fault and liability and paying a monetary fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;
 - III. An administrative proceeding, as defined in paragraph 5. of this award term, that resulted in a finding of fault and liability and your payment of either monetary fine or penalty of \$5,000 or more or a reimbursement, restitution, or damages in excess of \$100,000; or
 - IV. Any other criminal, civil, or administrative proceeding if:
 - (A) It could have led to an outcome described in paragraph 2.c.I, II, or III of this award term;
 - (B) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and
 - (C) The requirement in this award term to disclose information about the proceeding does not conflict with applicable laws and regulations.
3. Reporting procedures. Enter in SAM Entity Management area (formerly CCR), or any successor system, the FAPIIS information that SAM requires about each proceeding described in paragraph 2. of this award term. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM (formerly CCR) because you were required to do so under Federal procurement contracts that you were awarded.
4. Reporting frequency. During any period of time when you are subject to the requirement in paragraph 1. of this award term, you must report FAPIIS information through SAM no less frequently than semiannually following your initial report of any proceedings for the most recent 5-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report.

5. **Definitions.** For purposes of this award term:

- a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings). This includes proceedings at the Federal and State level. It does not include audits, site visits, corrective plans, or inspection of deliverables.
- b. Conviction, for purposes of this award term, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere.
- c. Total value of currently active grants, cooperative agreements, and procurement contracts includes —
 - i. Only the Federal share of the funding under any award with a recipient cost share or match; and
 - ii. The value of all options, even if not yet exercised.

p. Reports

All ETA recipients are required to submit quarterly financial and narrative progress reports for each grant award, no later than 45 days after the end of each calendar year quarter:

1. Quarterly Financial Reports.

All ETA recipients are required to report quarterly financial data on the ETA-9130 Form. ETA-9130 reports are due no later than 45 calendar days after the end of each specified reporting quarter. Reporting quarter end dates are March 31, June 30, September 30, and December 31. A final financial report must be submitted no later than 90 calendar days after the grant period of performance ends. A closeout report will be submitted during the closeout process. For additional guidance on ETA's financial reporting, reference Training and Employment Guidance Letter (TEGL) 02-16 and https://www.doleta.gov/grants/pdf/ETA-9130_Financial_Reporting_Resources.pdf

The instructions for accessing both the on-line financial reporting system and the HHS Payment Management System can be found in the transmittal memo accompanying this Notice of Award.

Note – The 9130(G) report for DWGs requires reporting on expenditures related to the training of participants (11b). Those DWGs that provide training services must report them on the 11b line of the 9130(G). Additionally, any expenditures related to transitional jobs must be reported on line 11c of the 9130(G) report.

2. Quarterly Performance Reports.

- a. **Reporting Resources:** DWG recipients must submit Quarterly Performance (QPR) and Quarterly Narrative Reports (QNR) in accordance with Training and Employment Guidance Letter (TEGL) 14-18, "Aligning Performance Accountability Reporting, Definitions, and Policies Across Workforce Employment and Training Programs Administered by the U.S. Department of Labor (DOL)", which may be



found at: https://wdr.doleta.gov/directives/corr_doc.cfm?docn=7611. The requirements for DWG are specifically outlined in Attachment 6 of TEGL 14-18: https://wdr.doleta.gov/directives/attach/TEGL/TEGL_14-18_Attachment-6_Acc.pdf.

Additional resources on DWG performance are available on the DWG performance web page: <https://www.doleta.gov/DWGs/Performance-and-Reporting-Resources/>.

b. Reporting System

Recipients must submit grantee performance reports through the Workforce Integrated Performance System (WIPS): <https://dol.appiancloud.com/suite/>.

To gain access to WIPS, recipients must first create an account. To establish a new user account in WIPS, recipients must follow these steps:

- i. Visit the following website: <https://www.doleta.gov/performance/wips/>
- ii. Select "WIPS Technical Assistance Request"
- iii. Select "DWG" from the program drop-down menu
- iv. Enter the DWG grant number the report request is for
- v. Complete all required fields of the WIPS Technical Assistance Request template
- vi. Under "Description" request a new user account
- vii. Click "Submit"

Once a user account for WIPS is established, grantees must continue to request reporting permissions for the DWG narrative reports for each new grant award. See the QNR section below for more detail.

c. Required Reports

The required reports for all DWG grantees are:

- i. Quarterly Performance Report (ETA 9173) – The DWG Quarterly Performance Report (QPR) is generated from grantee's submission of individual participant record files. Grantees must certify a 9173 QPR each quarter. This report captures participant characteristics, services, and outcomes according to the Participant Individual Record Layout (PIRL) layout:
https://doleta.gov/performance/pfdocs/ETA_9172_DOL_PIRL_1.18.81.pdf

Recipients submit the QPR by uploading their participant record file in WIPS. Note that on the file upload screen under Schema Name, DWG recipients must select "State Integrated Record Schema (SIRS)" from the drop-down menu. Under Target Program, select "National Dislocated Worker Grants" from the drop-down menu.

- ii. Quarterly Narrative Report (ETA 9179) – DWG recipients submit the Quarterly Narrative Report (QNR) using the WIPS reporting system. This report is an opportunity for grantees to share information on project success stories, upcoming grant activities, and promising approaches and

processes. The final quarterly report must summarize the successes and/or challenges in delivering services to the target population, as well as address the topics of sustainability, replicability, and lessons learned. In order to activate the QNR feature in WIPS, grantees must request QNR reporting permissions for each new grant award by following these steps:

- a. Visit the following website:
<https://www.doleta.gov/performance/wips/>
- b. Select "WIPS Technical Assistance Request"
- c. Select "DWG" from the program drop-down menu
- d. Enter the DWG grant number the report request is for
- e. Complete all required fields of the WIPS Technical Assistance Request template
- f. Under "Description", enter a request for QNR reporting permission for that DWG
- g. Click "Submit"

3. Project Implementation Plan.

Recipients must adhere to the Project Implementation Plan submission requirements of their respective regional office, in accordance with 20 CFR 687.150. Contact the assigned Federal Project Officer for further details.

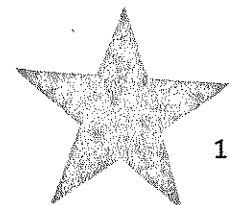
q. Requirements for Conference and Conference Space

Conferences sponsored in whole or in part by the award recipient are allowable if the conference is necessary and reasonable for the successful performance of the Federal Award. Recipients are urged to use discretion and good judgment to ensure that all conference costs charged to the grant are appropriate and allowable. For more information on the requirements and the allowability of costs associated with conferences, refer to 2 CFR 200.432. Recipients will be held accountable to the requirements in 2 CFR 200.432. Therefore, costs that do not comply with 2 CFR 200.432 will be questioned and may be disallowed.

r. Subawards

A subaward means an award provided by a pass-through entity to a subrecipient for the subrecipient to carry out part of a Federal award received by the pass-through entity. It does not include payments to a contractor or payments to an individual that is a beneficiary of a Federal program. A subaward may be provided through any form of legal agreement, including an agreement that the pass-through entity considers a contract.

The provisions of the Terms and Conditions of this award will be applied to any subrecipient under this award. The recipient is responsible for monitoring the subrecipient, ensuring that the Terms and Conditions are in all subaward packages and that the subrecipient comply with all applicable regulations and the terms and conditions of this award (2 CFR 200.101(b)(1)).



s. Supportive Services & Participant Support Costs

When supportive services are expressly authorized by a program statute, regulation, or FOA, this award waives the prior approval requirement for participant support costs as described in 2 CFR 200.456. Costs must still meet the basic considerations at 2 CFR 200.402 – 200.411. Questions regarding supportive services and participant support costs should be directed to the FPO who is assigned to the grant.

t. System for Award Management

1. Requirement for System of Award Management (SAM)

Unless you are exempt from this requirement under 2 CFR 25.110, you as the award recipient must maintain the currency of your information in the SAM until you submit the final financial report required under this award or receive the final payment, whichever is later. This requires that you review and update the information at least annually after the initial registration, and more frequently if required by changes in your information or another award term.

2. Requirement for unique entity identifier

If you are authorized to make subawards under this award, you:

- i. Must notify potential subrecipients that no entity (*see* definition in paragraph [3] of this award term) may receive a subaward from you unless the entity has provided its unique entity identifier to you.
- ii. May not make a subaward to an entity unless the entity has provided its unique entity identifier to you.

3. Definitions

For purposes of this award term:

i. *System of Award Management (SAM)* is the Federal repository where award recipients register to do business with the U.S. government. Additional information about registration procedures may be found at the SAM Internet site (currently at <http://www.sam.gov>).

ii. *Unique entity identifier* means the code that is unique to a registered entity in order to complete its registration on SAM. \iii. *Entity*, as it is used in this award term, means all of the following, as defined at 2 CFR part 25, subpart C:

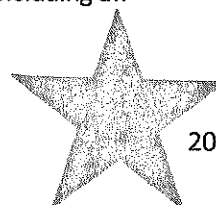
- a. A Governmental organization, which is a State, local government, or Indian Tribe;
- b. A foreign public entity;
- c. A domestic or foreign nonprofit organization;
- d. A domestic or foreign for-profit organization; and
- e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.

iv. *Subaward*:

- a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
- b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see 2 CFR 200.330).
- c. A subaward may be provided through any legal agreement, including an agreement that you consider a contract.

v. *Subrecipient* means an entity that:

- a. Receives a subaward from you under this award; and



b. Is accountable to you for the use of the Federal funds provided by the subaward.

u. SAM Registration Validation

ETA advises grant recipients registered in SAM to log into SAM and review their registration information, particularly their financial information and points of contact. Further, the DUN and EIN numbers must remain active until the grant award closeout process is fully completed. See TEN 18-17 for additional guidance.

v. Vendor/Contractor

The term "contractor", sometimes referred to as a vendor, is a dealer, distributor, merchant or other seller providing goods or services that are required to implement a Federal program. (2 CFR 200.23) These goods or services may be for an organization's own use or for the use of the beneficiaries of the Federal program. Additional guidance on distinguishing between a subrecipient and a contractor (vendor) is provided in 2 CFR 200.330. When procuring contractors for goods and services, DOL ETA recipients and subrecipients must follow the procurement requirements 2 CFR 200.319, which calls for free and open competition.

w. Whistleblower Protection

This grant and employees working on this grant are subject to the whistleblower rights and remedies established at 41 U.S.C. 4712. The recipient shall inform its employees in writing, in the predominant language of the workforce, of employee whistleblower rights and protections under 41 U.S.C. 4712, as described in section 3.908 of the Federal Acquisition Regulation (48 CFR 3.908; note that for the purpose of this term and condition, use of the term "contract," "contractor," "subcontract," or "subcontractor" in section 3.908 should be read as "grant," "grantee," "subgrant," or "subgrantee"). The recipient shall insert the substance of this clause in all subgrants and contracts over the simplified acquisition threshold.

14. Program Requirements

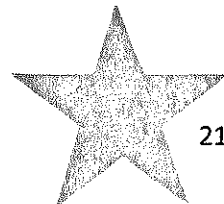
Training and Employment Guidance Letter (TEGL) WIOA No. 12-19 contains the program requirements for this award.

15. Fiscal Year 2020 Federal Appropriations Requirements

a. Fair Labor Standards Act Amendment for Major Disasters

Pursuant to P.L. 116-94, Division A, Title I, Section 108, the Fair Labor Standards Act of 1938 ("FLSA") will apply as if the following language was added to section 7 (the "Maximum Hours" section). This language specifically relates to occurrences of a major disaster (as declared or designated by the State or Federal government) and are applied for a period of two years afterwards. The language is as follows:

"(s)(1) The provisions of this section [maximum hours worked] shall not apply for a period of 2 years after the occurrence of a major disaster to any employee—



“(A) employed to adjust or evaluate claims resulting from or relating to such major disaster, by an employer not engaged, directly or through an affiliate, in underwriting, selling, or marketing property, casualty, or liability insurance policies or contracts; “(B) who receives from such employer on average weekly compensation of not less than \$591.00 per week or any minimum weekly amount established by the Secretary, whichever is greater, for the number of weeks such employee is engaged in any of the activities described in subparagraph (C); and “(C) whose duties include any of the following: “(i) interviewing insured individuals, individuals who suffered injuries or other damages or losses arising from or relating to a disaster, witnesses, or physicians; “(ii) inspecting property damage or reviewing factual information to prepare damage estimates; “(iii) evaluating and making recommendations regarding coverage or compensability of claims or determining liability or value aspects of claims; “(iv) negotiating settlements; or “(v) making recommendations regarding litigation. “(2) The exemption in this subsection shall not affect the exemption provided by section 13(a)(1) [of the FLSA]. “(3) For purposes of this subsection— “(A) the term ‘major disaster’ means any disaster or catastrophe declared or designated by any State or Federal agency or department; “(B) the term ‘employee employed to adjust or evaluate claims resulting from or relating to such major disaster’ means an individual who timely secured or secures a license required by applicable law to engage in and perform the activities described in clauses (i) through (v) of paragraph (1)(C) relating to a major disaster, and is employed by an employer that maintains worker compensation insurance coverage or protection for its employees, if required by applicable law, and withholds applicable Federal, State, and local income and payroll taxes from the wages, salaries and any benefits of such employees; and “(C) the term ‘affiliate’ means a company that, by reason of ownership or control of 25 percent or more of the outstanding shares of any class of voting securities of one or more companies, directly or indirectly, controls, is controlled by, or is under common control with, another company.”

b. Health Benefits Coverage for Contraceptives

Federal funds may not be used to enter into or renew a contract which includes a provision for prescription drug coverage unless the contract also includes a provision for contraceptive coverage. This requirement does not apply to contracts with 1) the religious plans Personal Care’s HMO and OSF HealthPlans, Inc. and 2) any existing or future plan if the carrier for the plan objects to such coverage on the basis of religious beliefs.

In implementing this section, any plan that enters into or renews a contract may not subject any individual to discrimination on the basis that the individual refuses to prescribe or otherwise provide for contraceptives because such activities would be contrary to the individuals’ religious beliefs or moral convictions. Nothing in this term shall be construed to require coverage of abortion or abortion related services.

c. Participant Minimum Age

Pursuant to P.L. 116-94, Division A, Title I, Section 104, funds made available under section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (29 U.S.C.

3224a) must only be used for training individuals and for the related activities necessary to support such training. This training must be in the occupations and industries for which employers are using H-1B visas to hire foreign workers, and it must be provided only to individuals who are older than 16 years of age and who are not currently enrolled in a school within a local educational agency.

d. Privacy Act

No funds can be used in contravention of 5 U.S.C. 552a (the Privacy Act) or regulations implementing the Privacy Act.

e. Prohibition on Contracting with Corporations with Felony Criminal Convictions

The recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months.

f. Prohibition on Contracting with Corporations with Unpaid Tax Liabilities

The recipient may not knowingly enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability.

g. Prohibition on Procuring Goods Obtained Through Child Labor

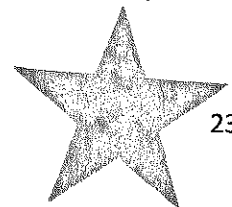
Pursuant to P.L. 116-94, Division A, Title I, Section 103, no funds may be obligated or expended for the procurement of goods mined, produced, manufactured, or harvested or services rendered, in whole or in part, by forced or indentured child labor in industries and host countries identified by the DOL prior to December 20, 2019. DOL has identified these goods and services here: <http://www.dol.gov/ilab/reports/child-labor/list-of-products>.

h. Prohibition on Providing Federal Funds to ACORN

Pursuant to P.L. 116-94, Division A, Title V, Section 521, these funds may not be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations or successors.

i. Reporting of Waste, Fraud and Abuse

No entity receiving federal funds may require employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.



j. Requirement for Blocking Pornography

Pursuant to P.L. 116-94, Division A, Title V, Section 520, no Federal funds may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

k. Requirement to Provide Certain Information in Public Communications

Pursuant to P.L. 116-94, Division A, Title V, Section 505, when issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all non-Federal entities receiving Federal funds shall clearly state:

1. The percentage of the total costs of the program or project which will be financed with Federal money;
2. The dollar amount of Federal funds for the project or program; and
3. The percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources.

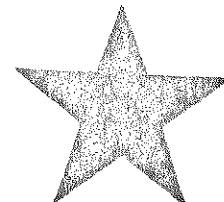
The requirements of this part are separate from those in the 2 CFR part 200 and, when applicable, both must be complied with.

l. Restriction on Health Benefits Coverage for Abortions

Pursuant to P.L. 116-94, Division A, Title V, Section 506 and 507, Federal funds may not be expended for health benefits coverage that includes coverage of abortions, except when the pregnancy is the result of rape or incest, or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself that would, as certified by a physician, place the women in danger of death unless an abortion is performed. This restriction does not prohibit any non-Federal entity from providing health benefits coverage for abortions when all funds for that specific benefit do not come from a Federal source. Additionally, no funds made available through this award may be provided to a State or local government if such government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

m. Restriction on Lobbying/Advocacy

Pursuant to P.L. 116-94, Division A, Title V, Section 503, no federal funds may be used by a grant recipient, other than for normal and recognized executive-legislative relationships, to engage in lobbying or advocacy activities (including, for publicity or propaganda purposes, the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation) designed to support or defeat the enactment of federal, state, or local legislation, regulation, appropriations, order, or other administrative action, except in presentation to Congress or a State or local legislature itself or for participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.



n. Restriction on the Promotion of Drug Legalization

Pursuant to P.L. 116-94, Division A, Title V, Section 509, no Federal funds shall be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications or where there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

o. Restriction on Purchase of Sterile Needles or Syringes

Pursuant to P.L. 116-94, Division A, Title V, Section 527, no Federal funds shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug.

p. Salary and Bonus Limitations

Pursuant to P.L. 116-94, Division A, Title I, Section 105, recipients and subrecipients shall not use funds to pay the salary and bonuses of an individual, either as direct costs or as indirect costs, at a rate in excess of Executive Level II. The Executive Level II salary may change yearly and is located on the OPM.gov website (<http://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/2020/executive-senior-level>). The salary and bonus limitation does not apply to contractors (vendors) providing goods and services as defined in 2 CFR 200.330. Where States are recipients of such funds, States may establish a lower limit for salaries and bonuses of those receiving salaries and bonuses from subrecipients, taking into account factors including the relative cost-of-living in the State, the compensation levels for comparable State or local government employees, and the size of the organizations that administer Federal programs involved including Employment and Training Administration programs. See Training and Employment Guidance Letter No. 5-06 for further clarification, available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2262.

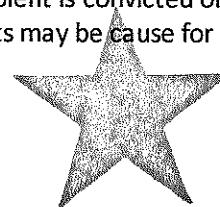
16. Public Policy

a. Architectural Barriers

The Architectural Barriers Act of 1968, 42 U.S.C. 4151 et seq., as amended, the Federal Property Management Regulations (see 41 CFR 102-76), and the Uniform Federal Accessibility Standards issued by GSA (see 36 CFR 1191, Appendixes C and D) set forth requirements to make facilities accessible to, and usable by, the physically handicapped and include minimum design standards. All new facilities designed or constructed with grant support must comply with these requirements.

b. Drug-Free Workplace

The Drug-Free Workplace Act of 1988, 41 U.S.C. 702 et seq., and 2 CFR 182 require that all organizations receiving grants from any Federal agency maintain a drug-free workplace. The award recipient must notify the awarding office if an employee of the recipient is convicted of violating a criminal drug statute. Failure to comply with these requirements may be cause for suspension or debarment.



c. Executive Orders

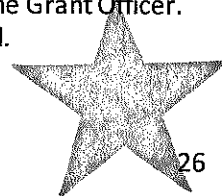
12928: Pursuant to Executive Order 12928, the recipient is strongly encouraged to provide subcontracting/subgranting opportunities to Historically Black Colleges and Universities and other Minority Institutions such as Hispanic-Serving Institutions and Tribal Colleges and Universities; and to Small Businesses Owned and Controlled by Socially and Economically Disadvantaged Individuals.

13043: Pursuant to Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, recipients are encouraged to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented, or personally owned vehicles.

13166: As clarified by Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, dated August 11, 2000, and resulting agency guidance, national origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, recipients must take reasonable steps to ensure that LEP persons have meaningful access to programs in accordance with DOL's Policy Guidance on the Prohibition of National Origin Discrimination as it Affects Persons with Limited English Proficiency [05/29/2003] Volume 68, Number 103, Page 32289-32305. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. Recipients are encouraged to consider the need for language services for LEP persons served or encountered both in developing budgets and in conducting programs and activities. For assistance and information regarding your LEP obligations, go to <http://www.lep.gov>.

13513: Pursuant to Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, dated October 1, 2009, recipients and subrecipients are encouraged to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Recipients and subrecipients are also encouraged to conduct initiatives of the type described in section 3(a) of this order.

13788: Pursuant to Executive Order 13788, by drawing down funds, the recipient agrees to comply with sections 8301 through 8303 of title 41, United States Code (commonly known as the "Buy American Act"). Additionally, no funds may be made available to any person or entity that has been convicted of violating the Buy American Act. For the purposes of this award, the Buy American Act requires the recipient to use, with limited exceptions, only 1) unmanufactured items that have been mined or produced in the United States; and 2) manufactured items that have been manufactured in the United States substantially all from articles, materials, or supplies that were mined, produced, or manufactured in the United States. These requirements do not apply to 1) items for use outside of the United States, 2) items that are not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities and are not of a satisfactory quality; and 3) manufactured items procured under any contract with an award value that is equal to or less than the micro-purchase threshold (currently \$10,000). In order to claim an exception to these requirements under 1 or 2 above, the recipient must get prior approval from the Grant Officer. Prior approval is not needed for purchases under the micro-purchase threshold.



d. Flood Insurance

The Flood Disaster Protection Act of 1973, as amended, 42 U.S.C. 4001 *et seq.*, provides that no Federal financial assistance to acquire, modernize, or construct property may be provided in communities in the United States identified as flood-prone, unless the community participates in the National Flood Insurance Program and flood insurance is purchased within 1 year of the identification. The flood insurance purchase requirement applies to both public and private applicants for the DOL support. Lists of flood-prone areas that are eligible for flood insurance are published in the Federal Register by FEMA.

e. Hotel-Motel Fire Safety

Pursuant to 15 U.S.C. 2225a, the recipient must ensure that all space for conferences, and, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (P.L. 101-391, as amended). Recipients may search the Hotel Motel National Master List at <https://apps.usfa.fema.gov/hotel/> to see if a property is in compliance, or to find other information about the Act.

f. Prohibition on Trafficking in Persons

1. Trafficking in persons.

a. Provisions applicable to a recipient that is a private entity.

I. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not—

(A). Engage in severe forms of trafficking in persons during the period of time that the award is in effect;

(B). Procure a commercial sex act during the period of time that the award is in effect; or

(C). Use forced labor in the performance of the award or subawards under the award.

II. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity—

(A). Is determined to have violated a prohibition in paragraph a.1 of this award term; or

(B). Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either—

i. Associated with performance under this award; or

ii. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR Part 2998.

b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity—

I. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or

II. Has an employee who is determined by the agency official authorized to

terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either—

- (A). Associated with performance under this award; or
- (B). Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by our agency at 29 CFR Part 98.

c. Provisions applicable to any recipient.

- I. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
- II. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - (A). Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - (B). Is in addition to all other remedies for noncompliance that are available to us under this award.
- III. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

d. Definitions. For purposes of this award term:

- I. “Employee” means either:
 - (A). An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
 - (B). Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
- II. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
- III. “Private entity”:
 - (A). Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - (B). Includes:
 - i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - ii. A for-profit organization.
- IV. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

g. Veterans’ Priority Provisions

The Jobs for Veterans Act (Public Law 107-288) requires recipients to provide priority service to veterans and spouses of certain veterans for the receipt of employment, training, and placement services in any job training program directly funded, in whole or in part, by the DOL.

The regulations implementing this priority of service can be found at 20 CFR part 1010. In circumstances where a grant recipient must choose between two qualified candidates for a service, one of whom is a veteran or eligible spouse, the veterans priority of service provisions require that the grant recipient give the veteran or eligible spouse priority of service by first providing him or her that service. To obtain priority of service, a veteran or spouse must meet the program's eligibility requirements. Recipients must comply with the DOL guidance on veterans' priority. ETA's Training and Employment Guidance Letter (TEGL) No. 10-09 (issued November 10, 2009) provides guidance on implementing priority of service for veterans and eligible spouses in all qualified job training programs funded in whole or in part by DOL. TEGL No. 10-09 is available at http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=2816.

17. Attachments

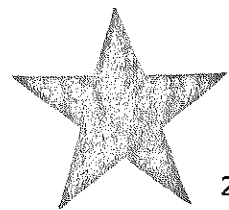
Attachment A: SF-424

Attachment B: SF-424A

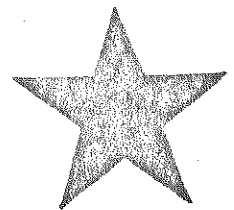
Attachment C: Budget Narrative

Attachment D: Statement of Work

Attachment E: NICRA or Cost Allocation Plan (if applicable)



SF - 424

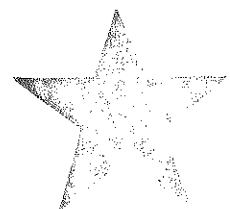


Application for Federal Assistance SF-424		
<div>* 1. Type of Submission: <div><input type="checkbox"/> Preapplication</div><div><input checked="" type="checkbox"/> Application</div><div><input type="checkbox"/> Changed/Corrected Application</div></div>		
<div>* 2. Type of Application: <div><input checked="" type="checkbox"/> New</div><div><input type="checkbox"/> Continuation</div><div><input type="checkbox"/> Revision</div></div>		
<div>* If Revision, select appropriate letter(s): <div></div><div>* Other (Specify): <div></div></div></div>		
<div>* 3. Date Received: <div>08/06/2020</div></div>		
<div>4. Applicant Identifier: <div></div></div>		
<div>5a. Federal Entity Identifier: <div></div></div>		<div>5b. Federal Award Identifier: <div></div></div>
State Use Only:		
<div>6. Date Received by State: <div></div></div>		<div>7. State Application Identifier: <div></div></div>
8. APPLICANT INFORMATION:		
<div>* a. Legal Name: <div>New York State Department of Labor</div></div>		
<div>* b. Employer/Taxpayer Identification Number (EIN/TIN): <div></div></div>		<div>* c. Organizational DUNS: <div></div></div>
d. Address:		
<div>* Street1: <div>State Office Campus Building, Room 516</div></div>		
<div>Street2: <div></div></div>		
<div>* City: <div>Albany</div></div>		
<div>County/Parish: <div>Albany</div></div>		
<div>* State: <div>NY: New York</div></div>		
<div>Province: <div></div></div>		
<div>* Country: <div>USA: UNITED STATES</div></div>		
<div>* Zip / Postal Code: <div>12240-0001</div></div>		
e. Organizational Unit:		
<div>Department Name: <div></div></div>		<div>Division Name: <div></div></div>
f. Name and contact information of person to be contacted on matters involving this application:		
<div>Prefix: <div>Mr.</div></div>		
<div>* First Name: <div>Jack</div></div>		
<div>Middle Name: <div></div></div>		
<div>* Last Name: <div>Dougherty</div></div>		
<div>Suffix: <div></div></div>		
<div>Title: <div>Director of Finance</div></div>		
<div>Organizational Affiliation: <div></div></div>		
<div>* Telephone Number: <div></div></div>		<div>Fax Number: <div></div></div>
<div>* Email: <div>Jack.Dougherty@labor.ny.gov</div></div>		

Application for Federal Assistance SF-424			
* 9. Type of Applicant 1: Select Applicant Type:			
<div>A: State Government</div>			
Type of Applicant 2: Select Applicant Type:			
<div></div>			
Type of Applicant 3: Select Applicant Type:			
<div></div>			
* Other (specify):			
<div></div>			
* 10. Name of Federal Agency:			
<div>Employment and Training Administration</div>			
11. Catalog of Federal Domestic Assistance Number:			
<div>17.277</div>			
CFDA Title:			
<div>WIOA National Dislocated Worker Grants / WIA National Emergency Grants</div>			
* 12. Funding Opportunity Number:			
<div>ETA-TEGL-12-19</div>			
* Title:			
<div>National Dislocated Worker Grants Program Guidance</div>			
13. Competition Identification Number:			
<div></div>			
Title:			
<div></div>			
14. Areas Affected by Project (Cities, Counties, States, etc.):			
<div></div>			
<div>Add AttachmentDelete AttachmentView Attachment</div>			
* 15. Descriptive Title of Applicant's Project:			
<div>New York State Department of Labor COVID-19 Employment Recovery Grant (CERG)</div>			
Attach supporting documents as specified in agency instructions.			
<div>Add AttachmentsDelete AttachmentsView Attachments</div>			

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant	NY-020
* b. Program/Project	ALL
Attach an additional list of Program/Project Congressional Districts if needed.	
	<div>Add AttachmentDelete AttachmentView Attachment</div>
17. Proposed Project:	
* a. Start Date:	03/13/2020
* b. End Date:	03/31/2022
18. Estimated Funding (\$):	
* a. Federal	50,000,000.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	50,000,000.00
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<div><input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on</div>	
<div><input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.</div>	
<div><input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.</div>	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<div><input type="checkbox"/> Yes<input checked="" type="checkbox"/> No</div>	
If "Yes", provide explanation and attach	
	<div>Add AttachmentDelete AttachmentView Attachment</div>
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
<div><input checked="" type="checkbox"/> ** I AGREE</div>	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	Mr.
* First Name:	Jack
Middle Name:	
* Last Name:	Dougherty
Suffix:	
* Title:	Director of Finance
* Telephone Number:	
Fax Number:	
* Email:	Jack.Dougherty@labor.ny.gov
* Signature of Authorized Representative:	Jack Dougherty
* Date Signed:	08/06/2020

SF-424A



SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. NEW YORK COVID-19 Employment Recovery Grant (CERG)	17.277	\$	\$	50,000,000.00	\$	50,000,000.00
2.						
3.						
4.						
5. Totals		\$	\$	50,000,000.00	\$	50,000,000.00

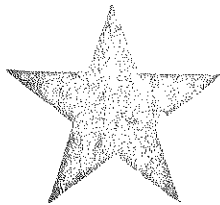
SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total (5)
	(1)	(2)	(3)	(4)	
	NEW YORK COVID-19 Employment Recovery Grant (CERG)				
a. Personnel	\$	0.00	\$	\$	\$ 0.00
b. Fringe Benefits		0.00			0.00
c. Travel		0.00			0.00
d. Equipment		0.00			0.00
e. Supplies		0.00			0.00
f. Contractual		50,000,000.00			50,000,000.00
g. Construction		0.00			0.00
h. Other		0.00			0.00
i. Total Direct Charges (sum of 6a-6h)		50,000,000.00			50,000,000.00
j. Indirect Charges		0.00			0.00
k. TOTALS (sum of 6i and 6j)	\$	50,000,000.00	\$	\$	50,000,000.00
7. Program Income	\$	0.00	\$	\$	0.00

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SECTION C - NON-FEDERAL RESOURCES						
(a) Grant Program		(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS	
8.	NEW YORK COVID-19 Employment Recovery Grant (CERG)	\$ 0.00	0.00	\$ 0.00	\$ 0.00	0.00
9.						
10.						
11.						
12. TOTAL (sum of lines 8-11)		\$ 0.00	0.00	\$ 0.00	\$ 0.00	0.00
SECTION D - FORECASTED CASH NEEDS						
		Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal		\$ 25,000,000.00	\$ 6,250,000.00	\$ 6,250,000.00	\$ 6,250,000.00	\$ 6,250,000.00
14. Non-Federal		\$				
15. TOTAL (sum of lines 13 and 14)		\$ 25,000,000.00	\$ 6,250,000.00	\$ 6,250,000.00	\$ 6,250,000.00	\$ 6,250,000.00
SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT						
(a) Grant Program		FUTURE FUNDING PERIODS (YEARS)				
		(b) First	(c) Second	(d) Third	(e) Fourth	
16.	NEW YORK COVID-19 Employment Recovery Grant (CERG)	\$ 25,000,000.00	\$	\$	\$	
17.						
18.						
19.						
20. TOTAL (sum of lines 16 - 19)		\$ 25,000,000.00	\$	\$	\$	
SECTION F - OTHER BUDGET INFORMATION						
21. Direct Charges:		22. Indirect Charges:				
23. Remarks:						

Budget Narrative





New York's COVID-19 Economic Recovery NDWG Budget Narrative

In accordance with the SF-424A budget form submitted with this application, below is a narrative description of proposed costs of New York State Department of Labor's (NYSDOL's) COVID-19 Economic Recovery Grant (CERG). Proposed costs are described for each cost category listed on the SF424A budget form:

a. Personnel: \$0

No funds are requested for this cost at the state level.

b. Fringe Benefits: \$0

No funds are requested for this cost at the state level.

c. Travel: \$0

No funds are requested for this cost at the state level.

d. Equipment: \$0

No funds are requested for this cost at the state level.

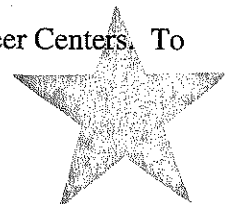
e. Supplies: \$0

No funds are requested for this cost at the state level.

f. Contractual Services: \$50,000,000

The entire \$50 million request will be used to launch the two-pronged strategy described below to serve dislocated workers directly impacted by the COVID-19 crisis:

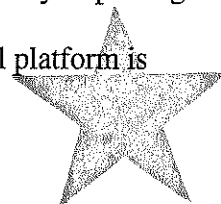
The first prong will require a budget of \$40 million to reinvest and reinforce the traditional, in-person service delivery methods currently used in New York State Career Centers. To





maintain service levels while adhering to the social distancing and density reduction guidelines required by this crisis, additional service locations will be necessary. NYSDOL will issue solicitations to obtain these additional locations, including publication of Requests for Proposals (RFPs) seeking eligible entities in NYS. Anticipated respondents include Local Workforce Development Boards (LWDBs), community colleges, and other eligible entities capable of providing career, training, and supportive services to eligible CERG participants. This procedure will help to achieve the goals of the first prong of the response by allowing NYSDOL to expand the scope of the workforce system and allow us to serve the greatest number of eligible participants, while maintaining the social distancing and density reduction necessary to prevent a second peak in COVID-19 cases. Due to the scope of the COVID-19 Pandemic response, NYSDOL anticipates successful respondents will be providing all career, training, and supportive services (including needs-related payments) described in TEGL 19-16. Funding awarded by NYSDOL to successful respondents will be closely monitored by staff from NYSDOL's Quality Assurance Unit.

The second prong of our approach will involve the development of a comprehensive suite of virtual services to complement the in-person services offered through the conventional workforce system. This second prong will receive the remaining \$10 million in the budget. While NYS is already heavily invested in online services to participants, the goal of this part of our approach is to build upon our investment to develop a comprehensive and immersive virtual career center platform, to minimize or eliminate the need for in-person service delivery for many eligible participants. This platform will allow the NYS Workforce System to serve the swelling number of dislocated workers in NYS without negatively impacting public health. Additional functionality envisioned for the proposed virtual platform is



described in the project narrative. These enhanced virtual services will require additional hardware and software investments at both the system and participant level. NYS will use technology solutions to expand the capacity of workforce system staff to provide virtual career and training services. In addition to the system-level resources to be developed, licensed, or procured, NYS will provide the supportive services and technology resources necessary for participants to access these new virtual services; including small electronic devices and information/data services. To the extent allowable and allocable under the terms of the grant, NYSDOL will use these funds to offset these dual system and participant technology investments.

There will be no administrative costs charged to the grant. NYSDOL will use existing resources to support overall project management functions.

g. **Construction: \$0**

No funds are requested for this cost at the state level.

h. **Other: \$0**

i. **Total Direct Charges: \$50,000,000**

j. **Indirect Charge: \$0**

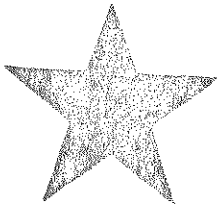
No funds are requested for this cost at the state level.

Grand Total: \$50,000,000 (sum of i and j above)

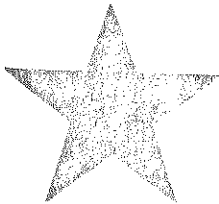
I.) Total Direct Charges: \$50,000,000

J.) Indirect Charges: \$_____0

Total: \$50,000,000

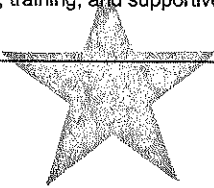


Statement of Work



EMPLOYMENT RECOVERY NATIONAL DISLOCATED WORKER GRANT (DWG)
SUGGESTED PROJECT SUMMARY FOR NEW GRANT REQUEST

General Information
Applicant Name: New York State Department of Labor (NYSDOL)
Project Name: NYS COVID-19 Employment Recovery Grant (CERG)
Indicate the type of qualifying layoff event (one of the following): Mass Layoff, Industry-Wide Layoffs, or Community Impact: Community Impact
Funding Amount Requested: \$50,000,000
Total Number of Planned Participants: 90,260
List all the proposed counties to be served under this project: All
Qualifying Event and Project Implementation
Describe the layoff event(s) impacting dislocated workers and the effect the layoffs had on the project’s proposed geographic area.
<p>On March 11, 2020, the World Health Organization announced that the outbreak of Novel Coronavirus Disease (COVID- 19) can be characterized as a pandemic. Two days later, on March 13, 2020 President Donald J. Trump issued a proclamation declaring a National Emergency concerning the COVID-19 outbreak, beginning on March 1, 2020. New York State (NYS) has been severely impacted by the crisis. As of July 4, 2020 the following statistic summarizes the state of the pandemic in NYS: 4,233,803 individual tests administered, 397,131 positive test results, and 24,904 fatalities. To date, the areas with the most confirmed cases are New York City and the counties of Nassau, Suffolk, Westchester, and Rockland.</p> <p>On March 20, 2020, NYS Governor Andrew Cuomo responded to the pandemic by signing Executive Order No 202.8, (“NYS on PAUSE”). This important directive included a mandate that businesses decrease their non-essential in-office workforce by 100 percent. This unprecedented response to this pandemic by NYS has had a profound ripple effect across the NYS economy. In the 110 days since the beginning of NYS on PAUSE, NYSDOL has processed unemployment insurance claims and made payments to over 2.9 million New Yorkers.</p> <p>Through a course of extensive testing and treatment, social distancing, along with the closure of non-essential business, NYS has successfully flattened the curve on all key metrics advised by the Centers for Disease Control, resulting in daily new infection numbers returning to where things were in March before NYS on PAUSE commenced. While necessary to flatten the curve of new cases, the actions taken have created economic hardship on the residents of NYS that will have cascading consequences for the indefinite future. Workers have been dislocated (some permanently) and many businesses will be unable to recover and resume operations. Without the economic stability provided by steady employment, NYS residents may be faced with economic issues including an inability to meet the costs of basic needs, such as housing, and food, in addition to the direct health effect of the pandemic. As NYS continues to descend from the plateau of COVID-19 cases, it will become necessary to match it with a surge of employment recovery activities. As such, NYS is requesting Employment Recovery National Dislocated Worker Grant funds to assist in the employment recovery efforts necessary to offset the economic impact of the necessary actions taken to prevent the spread of COVID-19.</p> <p>As required by TEGL 12-19 funds will be prioritized for areas most impacted by the pandemic. New York City with over 54% of the positive test results in the state is expected to receive the largest portion of grant funds. However ability to benefit will also factor in as funding will also be prioritized in areas that are in later phases of the state’s reopening plan described on page 2 below. Currently all regions of the state are in the final phase (four) of the economic reopening. This will be monitored closely, as the phase of reopening will impact the state’s ability to provide in-person career, training, and supportive services within a region; and may necessitate a reallocation of funds during the period of performance.</p>



If requesting DWG funding to serve service members transitioning to the civilian workforce, the proposed geographic area for the requested grant must have a higher-than-average demand for services for dislocated members of the Armed Forces and dislocated military spouses. To demonstrate higher-than-average demand, applicants must draw from administrative data sources to document unemployment levels among veterans within a local area for the most recent quarter for which data is available, compared to the same quarter one year ago. Please demonstrate the required higher-than-average demand:

N/A

If the proposed DWG will serve eligible participants affected by trade-impacted layoffs, please provide the status of the Trade Adjustment Assistance (TAA) petition. Have the layoffs been certified as eligible for TAA? Is a determination pending?

As the qualifying layoff event under the CERG is "Community Impact," TAA doesn't precisely apply. The COVID-19 related layoff events that have taken place across the state are too numerous and varied to detail for the purposes of this application. However NYS is dedicated to serve any dislocated worker, including individuals affected by trade-impacted layoffs. Through the initial assessment process, every customer in every Career Center is screened for applicable and necessary career, training, and supportive services - which includes TAA program eligibility screening.

Describe Rapid Response activities and other methods used to establish the projected participant number, the planned career and training services to address the specific needs of the affected workers, and the requested funding amount.

NYS is basing the projected participant count and funding request on the cumulative Community Impact of dislocations large and small across the state. The direct effects of the rapidly increasing number of COVID-19 cases, and the corresponding adoption of data driven public health measures put a severe strain on the NYS economy. Implementing steps to mandate social distancing and reduce worker and customer density resulted in a significant decrease of the non-essential in-office workforce. While necessary and effective in addressing the COVID-19 outbreak in NYS, there have simply been too many worker dislocations to address with existing NYSDOL resources.

As a result of the COVID-19 pandemic and the measures taken to combat it there has been an unprecedented number of business closures and rise in corresponding unemployment. In February 2020 the NYS unemployment rate was 3.9%, in April the rate soared to 15%. For the week ending June 27, NYS experienced a 526% over the year (OTY) increase in Unemployment Insurance initial claims from the same period last year. The cumulative OTY change in initial claims for the period March 14 through June 27 is 1,178%. This staggering number of dislocations and the projected capacity of the NYS workforce system to serve them is the basis of our \$50,000,000 request to provide 90,260 participants with career, training, and supportive services. This number was determined by analyzing recent NDWG projects in NYS and applying the proportion of participants receiving each service type and the cost per service to the \$50,000,000 funding request. We believe this to be an extremely conservative estimate of the state's actual need as the number of customers that are profiled as DWs in OSOS year to date is approximately 970,000. Requesting the full true need of our current circumstances would exceed the total federal funding allocated for COVID-19 NDWG program. NYSDOL anticipates that the virtual service component of the project will allow for service delivery at a lower cost per participant, partially closing the funding gap.

The NYS economy is now being reopened in measured phases and New Yorkers are beginning to return to work. Each region is reopening businesses in phases, with at least two weeks in between each phase. This allows state and local leaders to monitor the effects of the reopening and ensure hospitalization and infection rates are not increasing before moving to the next phase and permitting more economic activity.

The phase-in plan prioritizes businesses considered to have a greater economic impact and inherently low risks of infection for the workers and customers, followed by other businesses considered to have less economic impact, and those that present a higher risk of infection spread.

Phase One allows construction, manufacturing, and wholesale supply-chain businesses to reopen, as well as many retailers for curbside pickup, in-store pickup, or drop-off. Phase-one retail categories include clothing and shoes, electronics and appliances, web and mail-order, florists, jewelry, luggage, and sporting goods, among others. Malls will remain closed.

Agriculture, forestry, fishing, and hunting businesses can also resume, as can landscaping and gardening businesses, drive-in movie theaters, and low-risk recreational activities like socially distant sports such as tennis.

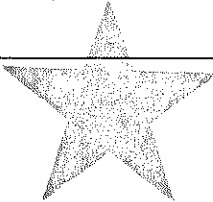
Phase Two allows a wider range of businesses to reopen, including: offices, outdoor dining, places of worship (at 25 percent capacity), and storefront retailers and businesses in the professional-services, finance and insurance, administrative support, and real estate and rental-leasing industries. Salons and barbershops will be also able to reopen with limited capacity, as will car dealerships. For retail, malls will remain closed.

Phase Three focuses on the hospitality industry, allowing restaurants and other food-service businesses to reopen for dine-in service (at 50 percent capacity), and non-hair-related personal care businesses and services, including tattoo and piercing facilities, appearance enhancement practitioners, massage therapy, spas, cosmetology, nail specialty, UV and non-UV tanning, or waxing (at 50 percent capacity). Employees must use a face covering at all times, and customers must wear one except when seated for eat-in dining.

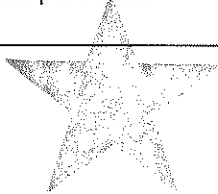
Phase Four, the final phase, will allow schools, and arts, entertainment, and recreation businesses to reopen. Additional phase specific guidance is still being developed. Social distancing, mask use, and capacity limits will be determined in a data driven manner.

Unfortunately, many of the business closures will be permanent due to insufficient cash reserves to survive the extended shut down. Others will reopen at lower capacity as social distancing and customer density requirements remain in effect. As a result, there will be significant increase in Dislocated Workers even after a post-pandemic new normal is attained.

CERG Participants will be identified and triaged appropriately to determine the model of service provision that best meets their needs. NYSDOL has begun modifying the intake and assessment procedure to determine participants' access to and comfort with technology. Those able to benefit from virtual services (as described on page 3 below) will be guided toward these services. Those unable to be served remotely will be seen in-person, with the understanding that for public health reasons proper social distancing and density reduction policies will be enacted that may increase their wait time to be seen. Where possible participants will be provided with instruction and technology assistance to allow those waiting to be seen in person to access virtual services instead.



<p>If the target population has any barriers to employment, provide a description of those barriers.</p>
<p>Given that the target population of the Employment Recovery grant is dislocated workers, and that this is a statewide initiative, any number of barriers will exist when determining a participant's eligibility. We anticipate participants that reflect the cross section of the NYS workforce including those in one or more of the most vulnerable and/or underrepresented special populations defined in TEGL 19-16 (i.e., displaced homemakers; low-income; Indians, Alaska Natives, and Native Hawaiians; individuals with disabilities, including youth who are individuals with disabilities; older individuals; individuals with involvement in the criminal justice system, homeless individuals or homeless children and youths; youth who are in or have aged out of the foster care system; individuals who are English language learners, individuals who have low levels of literacy, individuals facing substantial cultural barriers; eligible migrant and seasonal farmworkers; individuals within two years of exhausting lifetime TANF eligibility; single parents; and long-term unemployed individuals.).</p>
<p>Identify the types of reemployment services to be provided.</p>
<p>Due to the scope of the COVID-19 Pandemic, NYS anticipates providing all career, training, and supportive services (including needs-related payments) described in TEGL 19-16. Upon approval of its full application NYSDOL will issue solicitations, including Requests for Proposals (RFPs), seeking eligible entities in the New York State (NYS), including Local Workforce Development Boards (LWDBs), community colleges, and other eligible entities. As part of their programmatic activities, successful bidders will provide appropriate career, training, and supportive services allowable under the CERG to dislocated workers.</p> <p>As NYS continues its phased economic re-opening and until an effective COVID-19 vaccine is widely available, NYS will continue to adhere to social distancing and density reduction guidelines in public spaces, including the Career Center system. This will result in the unfolding of a new normal for service delivery. Unfortunately, this means that at a time when dislocated workers in NYS need employment services the most, we may find it necessary to reduce the in-person services the workforce system performs best. The global COVID-19 pandemic – and the unprecedented increase in unemployed individuals in its wake – has meant a massive shift, not only in the type of jobs that are available, but also who is looking for work – when, where, and how – and the systems and programs needed to assist and train them. DOL seeks to create and launch comprehensive virtual services to better engage job seekers and businesses and to offset the physical limitations that the pandemic has placed upon our workforce system.</p> <p>NYS is already heavily invested in online services for participants, including the JobZone self-service module of the One Stop Operating System (OSOS) case management platform. Further, for the last 12 years, NYSDOL's workforce system has offered Metrix E-Learning, an online learning management system, to job seekers, giving them access to training for over 100 in-demand certifications. In order to 1) maintain the quality level of service delivery for which the NYS Workforce system is well-known, 2) adapt to the unprecedented barriers that COVID-19 has created in the delivery of those services, and 3) continue the important social distancing and Career Center density reduction necessary to avoid another outbreak, we anticipate that we will continue to increase this investment as we develop and/or purchase new platforms to deliver enhanced and expanded virtual services.</p> <p>These enhanced virtual services will require additional hardware and software investments at both the system and participant level. NYS will use technology solutions to extend the capacity of workforce system staff to provide virtual career and training services. In addition to the system resources to be developed, licensed, and maintained, NYS will provide the supportive services necessary for participants to access these new virtual services; including small electronic devices and information/data services. To the extent allowable and allocable under the terms of the grant, NYSDOL will use funds to offset these dual system and participant technology investments.</p>
<p>Describe how the proposed services will assist participants in securing employment in in-demand jobs.</p>
<p>The NYS workforce system is regionally coordinated and programmatically seamless, delivering workforce training, business services, and statewide job linkages to all New Yorkers. This seamless system, established under Governor Cuomo's Regional Economic Development Council (REDC) initiative, is comprised of local experts and stakeholders from business, academia, local government, and non-governmental organizations. It is driven and informed by a community-based, performance driven model that empowers localities to develop and invest in their own economic future.</p> <p>Successful bidders under NYSDOL's competitive solicitation will be required to align their project with the NYS WIOA Combined Plan and their own region's REDC strategic plan. It is in this way that all bidders under the NYSDOL CERG will be able to effectively coordinate project activities in alignment with the regional economic development vision for their area. Therefore, all services under the CERG will be aligned with state, regional, and local high growth sectors. Further, as restrictions established under Governor Cuomo's "NYS on PAUSE" executive order begin to loosen, every job in NYS will be an in-demand job, and every sector will be a priority sector. Funding will be prioritized for projects addressing high economic impact industry sectors that can benefit even in earlier phases of the phased reopening of NYS, including, but not limited to, construction, wholesale suppliers, and hospitality (as described on page 2), and thus most able to benefit from additional funding. Projects that align with pre-pandemic economic priorities will be given additional priority as they will address both pandemic and long-term economic development needs. These economic priorities include, but will not be limited to healthcare, advance manufacturing, and information technology.</p> <p>The CERG will respond to this workforce demand by training and supporting a steady supply of workers that are ready to fill the void caused by lost jobs as NYS begins to reopen. These dislocated workers will be provided with intensive career, training and supportive services that will help them identify, prepare for, and pursue employment in in-demand, priority sectors determined by the measures described above.</p> <p>In summary, NYS's integrated workforce development system will inform and articulate in-demand occupations from a local, regional, and state perspective. In turn, as the NYS economy reopens, all jobs will be in-demand. As such, CERG services will assist all dislocated workers in finding, applying for, obtaining, and excelling at these new jobs in the wake of the global pandemic.</p>



PERFORMANCE

The DWG program applies performance measures as described in the Workforce Innovation and Opportunity Act (WIOA) Section 116. These include the following:

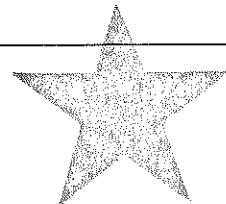
- Planned Employment Rate (2nd Quarter after Exit)
- Planned Employment Rate (4th Quarter after Exit)
- Planned Median Earnings
- Planned Credential Rate
- Planned Measurable Skill Gains Rate

For grantees that are states or outlying areas, state performance goals for the WIOA title I Dislocated Worker Program serve as a basis for each DWG. For grantees that are a local WDB, utilize goals that the local WDB negotiated with the state for the title I Dislocated Worker program as a basis for each DWG. Entities in the WIOA section 166(c) Native American Program use goals established for that program as a basis for DWG performance targets. For these and other eligible entities, goals approved in the DWG application serve as final performance targets.

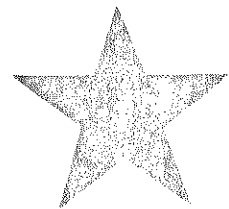
Are the planned performance goals for this project the same as the applicable negotiated goals? Yes or No?

If the above goals are lower than the negotiated goals, please explain why:

Yes



Indirect Cost Rate
N/A



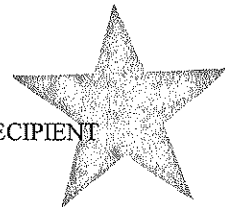


Department
of Labor

SECTION IV

SUBRECIPIENT ATTESTATION

EMPLOYMENT RECOVERY NATIONAL DISLOCATED WORKER GRANT - SUBRECIPIENT
AGREEMENT



Employment Recovery National Dislocated Worker Grant (ER-NDWG)
Subrecipient Attestation

I, _____ [NAME], in my capacity as
_____ [TITLE] and on behalf of
_____ [SUBRECIPIENT NAME], hereinafter referred to as
"Subrecipient":

- affirm and assert that the Subrecipient has received and reviewed the federal Notice of Award, Subrecipient Agreement, and associated attachments, hereinafter collectively referred to as the "Agreement", for the ER-NDWG Grant;
- affirm that the Subrecipient possesses the capacity to fulfill all responsibilities identified in the Agreement and assume liability for funds received; and
- agree to comply with all applicable federal and state statutes, regulations, and award terms and conditions as reflected in the Agreement.

Signature of Chief Elected Official (CEO) or authorized signatory for the Local Workforce Development Area for fiscal reporting to NYS Department of Labor is required below.

Date:		Signature:	
Mr. <input type="checkbox"/>		Typed Name of Signatory:	
Ms. <input type="checkbox"/>			
Other <input type="checkbox"/>			
Title:			
Address 1:			
Address 2:			
City:			
State:		Zip:	
Phone:		E-mail:	

Submittal directions:

An original signature is not required for this attestation. Electronic signatures are acceptable and should be scanned and emailed as a Portable Document Format (PDF) to:
DEWS.aers-taa@labor.ny.gov or Sharie.FitzGibbon@labor.ny.gov

If you prefer to mail the attestation with an original signature, please mail to:

NYS Department of Labor
Division of Employment & Workforce Solutions
Office of Workforce Investments
Gov. Harriman State Office Campus
Building 12, Room 436
Albany, NY 12240



Employment Recovery National Dislocated Worker Grant (ER-NDWG) Subrecipient Attestation

I, _____ [NAME], in my capacity as
 _____ [TITLE] and on behalf of
 _____ [SUBRECIPIENT NAME], hereinafter referred to as
 "Subrecipient":

- affirm and assert that the Subrecipient has received and reviewed the federal Notice of Award, Subrecipient Agreement, and associated attachments, hereinafter collectively referred to as the "Agreement", for the ER-NDWG Grant;
- affirm that the Subrecipient possesses the capacity to fulfill all responsibilities identified in the Agreement and assume liability for funds received; and
- agree to comply with all applicable federal and state statutes, regulations, and award terms and conditions as reflected in the Agreement.

Signature of Chief Elected Official (CEO) or authorized signatory for the Local Workforce Development Area for fiscal reporting to NYS Department of Labor is required below.

Date:		Signature:	
Mr. <input type="checkbox"/> Ms. <input type="checkbox"/> Other <input type="checkbox"/>		Typed Name of Signatory:	
Title:			
Address 1:			
Address 2:			
City:			
State:		Zip:	
Phone:		E-mail:	

Submittal directions:

An original signature is not required for this attestation. Electronic signatures are acceptable and should be scanned and emailed as a Portable Document Format (PDF) to: DEWS.aers-taa@labor.ny.gov or Sharie.FitzGibbon@labor.ny.gov

If you prefer to mail the attestation with an original signature, please mail to:

NYS Department of Labor
Division of Employment & Workforce Solutions
Office of Workforce Investments
Gov. Harriman State Office Campus
Building 12, Room 436
Albany, NY 12240

Reviewed By
Office of Town Attorney

Joe
Cavanaugh

WHEREAS, by Resolution No. 109-1970, adopted on February 17, 1970, the Town Board granted a special use permit to erect and maintain an office building on premises partially zoned Light Industry (4) and partially zoned One-Family Residential (R1-7), said premises being located at 185 Central Avenue, Bethpage, New York, and described as Section 49, Block 293, Lots 37, 50, and 51, on the Land and Tax Map of Nassau County; and

WHEREAS, SPIV Bethpage, LLC, fee owner of the subject premises, has submitted an amended site plan for approval in order to construct a new parking area to accommodate the existing as-of-right office building use; and

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated December 14, 2020, advised that the Department of Planning and Development has reviewed the following twelve (12) drawings prepared by Suzanna Silverstein, P.E., four (4) drawings prepared by Andrew Kelly, R.L.A., one (1) drawing prepared by Christopher Danforth, P.L.S., and eight (8) drawings prepared by Paul Drago, A.I.A.,:

<u>SHEET NO.</u>	<u>TITLE</u>	<u>PREPARED BY</u>	<u>DATED</u>
C1.01	Legends and General Notes	Suzanna Silverstein, P.E.	11/03/2020
C2.00	Overall Layout and Materials Plan	Suzanna Silverstein, P.E.	11/03/2020
C2.01	Layout and Materials Plan – South	Suzanna Silverstein, P.E.	11/03/2020
C2.02	Layout and Materials Plan – North	Suzanna Silverstein, P.E.	11/03/2020
C3.00	Overall Grading and Drainage Plan	Suzanna Silverstein, P.E.	11/03/2020
C3.01	Grading and Drainage Plan – South	Suzanna Silverstein, P.E.	11/03/2020
C3.02	Grading and Drainage Plan – North	Suzanna Silverstein, P.E.	11/03/2020
C5.01	Erosion and Sediment Control Plan	Suzanna Silverstein, P.E.	11/03/2020
C6.01	Site Details – 1	Suzanna Silverstein, P.E.	11/03/2020
C6.02	Site Details – 2	Suzanna Silverstein, P.E.	11/03/2020
L1.01	Planting Plan – South	Andrew Kelly, R.L.A.	11/03/2020
L1.02	Planting Plan – North	Andrew Kelly, R.L.A.	11/03/2020
L2.01	Planting Notes and Details	Andrew Kelly, R.L.A.	11/03/2020
L3.00	Snow Management Plan	Andrew Kelly, R.L.A.	11/03/2020
L4.01	Lighting Plan South	Suzanna Silverstein, P.E.	11/03/2020
R1.01	500' Radius Map	Suzanna Silverstein, P.E.	8/20/2020
SV.01	Topographic and Utilities Plan	Christopher Danforth, P.L.S.	8/20/2020
G-000.00	General Information	Paul Drago, A.I.A.	8/20/2020
G-001.00	Drawing List	Paul Drago, A.I.A.	8/20/2020
A-101.00	Ground Floor Overall Plan	Paul Drago, A.I.A.	8/20/2020

Reviewed By
Office of Town Attorney
Paul Drago

G-000.00	General Information	Paul Drago, A.I.A.	8/20/2020
G-001.00	Drawing List	Paul Drago, A.I.A.	8/20/2020
A-101.00	Ground Floor Overall Plan	Paul Drago, A.I.A.	8/20/2020
A-102.00	Second Floor Overall Plan	Paul Drago, A.I.A.	8/20/2020
A-103.00	Third Floor Overall Plan	Paul Drago, A.I.A.	8/20/2020
A-104.00	Roof Plan	Paul Drago, A.I.A.	8/10/2020
A-200.00	North & South Elevations	Paul Drago, A.I.A.	8/20/2020
A-201.00	East & West Elevations	Paul Drago, A.I.A.	8/20/2020

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by Inter-Departmental Memorandum dated October 27, 2020, submitted an environmental report with respect to the subject proposed action pursuant to Article 8 of the New York State Environmental Conservation Law, State Environmental Quality Review Act ("SEQRA"), and its implementing regulations at 6 NYCRR Part 617, and the Town Environmental Quality Review ("TEQR") law, at Chapter 110 of the Oyster Bay Town Code, which report classifies the subject proposed action as Type II under SEQRA and indicates that such action will not have a significant impact on the environment or is otherwise precluded from environmental review under SEQRA and its implementing regulations,

NOW, THEREFORE, BE IT RESOLVED, That the request by SPIV Bethpage, LLC., fee owner, that the site plan for premises located at 185 Central Avenue, Bethpage, New York, Town of Oyster Bay, County of Nassau, New York, and designated as Section 49, Block 293, Lots 37, 50, and 51, on the Land and Tax Map of Nassau County, be APPROVED, and be it further

RESOLVED, That in accordance with the memorandum of Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, December 14, 2020, the twenty-five (25) drawings described herein are hereby approved.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING & DEVELOPMENT

DATE: DECEMBER 14, 2020

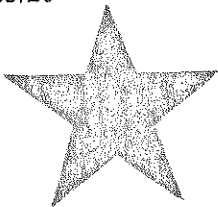
SUBJECT: SITE PLAN AMENDMENT
SPIV BETHPAGE, LLC
185 CENTRAL AVENUE
BETHPAGE, N.Y. 11714
SEC. 49 BLK. 293 LOT 37, 50 AND 51
ZONE: LIGHT INDUSTRY (LI) AND ONE-FAMILY RESIDENCE (R1-7)
SITE PLAN APPLICATION NUMBER: SP 14-20

This Department is in receipt of correspondence, dated November 5, 2020, from Nicholas Cappadora, Esq., on behalf of SPIV Bethpage, LLC. (Property Owner), requesting an amended Site Plan Approval for the above referenced property.

Previously, this site was granted a Special Use Permit through Town Board Resolution Number 109-70, dated February 17, 1970 to erect and maintain an office building on a premises that was zoned Light Industry (LI). Restrictive Covenants associated with said Resolution required that, "...prior to an issuance of a building permit, a landscape architect's plan and a site plan containing, in addition to other information customarily included in a site plan, height and number of stories of proposed building, parking plan, lighting plan, be submitted to the Town Board for its approval." Presently the applicant is looking to amend the Site Plan in order to construct a new parking area to accommodate the existing as-of-right office use. As per Restrictive Covenant Number 1 of Town Board Resolution Number 109-70, prior to the issuance of any building permit, a Site Plan must be submitted to the Town Board for approval.

This Department has reviewed the following twelve (12) drawings prepared by Suzanna Silverstein, P.E., four (4) drawings as prepared by Andrew Kelly, R.L.A., one (1) drawing prepared by Christopher Danforth, P.L.S. and eight (8) drawings prepared by Paul Drago, A.I.A. are identified as follows:

<u>DRWG. NO.</u>	<u>TITLE:</u>	<u>PREPARED BY:</u>	<u>REVISED DATE:</u>
C1.01	Legends and General Notes	Suzanna Silverstein, P.E.	11/03/20
C2.00	Overall Layout and Materials Plan	Suzanna Silverstein, P.E.	11/03/20
C2.01	Layout and Materials Plan – South	Suzanna Silverstein, P.E.	11/03/20
C2.02	Layout and Materials Plan – North	Suzanna Silverstein, P.E.	11/03/20
C3.00	Overall Grading and Drainage Plan	Suzanna Silverstein, P.E.	11/03/20
C3.01	Grading and Drainage Plan- South	Suzanna Silverstein, P.E.	11/03/20
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L3.00	Snow Management Plan	Andrew Kelly, R.L.A.	11/03/20
L4.01	Lighting Plan South	Suzanna Silverstein, P.E.	11/03/20
R1.01	500' Radius Map	Suzanna Silverstein, P.E.	8/20/20
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G-001.00	Drawing List	Paul Drago, A.I.A.	8/20/20
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A-102.00	Second Floor Overall Plan	Paul Drago, A.I.A.	8/20/20
A-103.00	Third Floor Overall Plan	Paul Drago, A.I.A.	8/20/20
A-104.00	Roof Plan	Paul Drago, A.I.A.	8/10/20
A-200.00	North & South Elevations	Paul Drago, A.I.A.	8/20/20
A-201.00	East & West Elevations	Paul Drago, A.I.A.	8/20/20

Also submitted for your review are the following documents:

1. Town Board Resolution Number 232-70, dated March 24, 1970.
2. Town Board Resolution Number 109-70, dated February 17, 1970.
3. Memorandum from George Baptista, Deputy Commissioner, Department of Environmental Resources, dated October 27, 2020.
4. Letter from Nicholas Cappadora dated November 5, 2020.

In addition to the above, it is the recommendation of this Department that, due to the fact that this is an "as-of-right" use for the subject property, further alterations/revisions/amendments to the plans as submitted that are deemed minor in nature by the Commissioner of Planning and Development can be approved without notifying the Town Board in order to expedite nominal changes.

This Department has reviewed the amended Site Plans for the above-captioned property using the standards and requirements of Chapter 246 (Zoning) of the Code of the Town of Oyster Bay. The Department's review finds that the proposed amended Site Plans are in conformance with the guidelines of Chapter 246. Therefore, I recommend the Town Board approve the amended Site Plans herein enumerated in accordance with Chapter 246 of the Code of the Town of Oyster Bay and amend the previous Site Plan Approval granted by Town Board Resolution Number 232-70.


ELIZABETH L. MACCARONE
COMMISSIONER

ELM:jv
Encls.

cc: Legislative Affairs



Planning

**TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO**

October 27, 2020

TO: ELIZABETH L. MACCARONE, COMMISSIONER,
DEPARTMENT OF PLANNING AND DEVELOPMENT

FROM: GEORGE BAPTISTA, JR., DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

SUBJECT: PROPOSED SITE IMPROVEMENTS FOR 185 CENTRAL AVENUE, BETHPAGE;
CLASSIFICATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY
REVIEW ACT (SEQR): TYPE II

LOCATION: 185 CENTRAL AVENUE, BETHPAGE
SECTION:49 BLOCK:293 LOT(S):37, 50 & 51

SITE PLAN NO: SP14-20

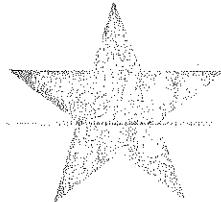
Pursuant to Article 8 of the New York State Environmental Conservation Law, SEQR, and the implementing regulations thereto at 6 NYCRR Part 617, and the Town of Oyster Bay Environmental Quality Review Law (TEQR, Chapter 110 of the Code of the Town of Oyster Bay), the Department of Environmental Resources (DER) has reviewed the above captioned proposed action. In connection with review of this subject action pursuant to SEQR, DER was provided with a set of Site Plans revised August 20, 2020, Site Plan Application dated August 20, 2020, New York State Short Environmental Assessment Form dated August 13, 2020, and a Town of Oyster Bay Short Environmental Assessment Form Addendum, dated August 13, 2020.

On the basis of our evaluation, the Department of Environmental Resources concludes that this proposed action is classified as Type II pursuant to the SEQR Type II Actions List, at 6 NYCRR §617.5(c), item #18, pertaining to "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4 of this Part" and item #9, pertaining to "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities;"

Actions or classes of actions identified as Type II in the above-referenced section of the SEQR regulations have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8, and the SEQR regulations. Inasmuch as the subject proposed action is classified under SEQR's pre-determined Type II Action list, as described above, the Department of Environmental Resources has applied the law and finds that said proposed action does not require the completion of an Environmental Impact Statement (EIS), or any review or other procedural activities pursuant to SEQR/TEQR.


GEORGE BAPTISTA, JR.
Deputy Commissioner

Filepath: DER DEPT FILES/ TYPE II/185 Central Ave, Bethpage



SAHN WARD COSCHIGNANO, PLLC

ATTORNEYS AT LAW

THE OMNI

333 EARLE OVINGTON BOULEVARD

SUITE 601

UNIONDALE, NEW YORK 11553

TELEPHONE: (516) 228-1300

TELECOPIER: (516) 228-0038

E-MAIL: INFO@SWC-LAW.COM

WWW.SWC-LAW.COM

Nicholas J. Cappadora, Esq.

Partner

ncappadora@swc-law.com

November 5, 2020

VIA FEDERAL EXPRESS

Mr. Jeffrey Vitale

Town of Oyster Bay

Department of Planning & Development

74 Audrey Avenue

Oyster Bay, New York 11771

Re: Site Plan Review: SP 14-20

Applicant/Owner: SPIV Bethpage, LLC

Premises: 185 Central Avenue, Bethpage, NY 11714

NCTM: Section 49, Block 293, Lots 37, 50 and 51

Dear Mr. Vitale,

Enclosed please find two (2) signed and sealed sets of revised civil plans prepared by VHB Engineering, dated November 3, 2020 together with a letter of even date submitted in response to your October 19, 2020, comment letter regarding the above project. A copy of your comment letter is also enclosed for your convenience.

As you are aware, this application involves site improvements and interior alterations to modify the existing King Kullen corporate office building for use by NYU Langone as a medical office and ambulatory care facility. No changes are being proposed to the footprint of the existing building.

Department of Environmental Resources ("DER") completed their review of this project and by memorandum dated October 27, 2020, declared the proposed action to be Type II action pursuant to SEQRA and determined that the action did not require any further review. A copy of DER's memorandum is enclosed for your reference.

Upon your satisfactory review of the enclosed documents, we respectfully request that site plan approval be granted, and the matter be placed on the next Town Board agenda for administrative approval.

If you should have any questions, please do not hesitate to contact the undersigned.

Very truly yours,


Nicholas J. Cappadora

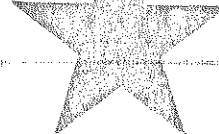
NJC:emr

Encl.

NEW YORK CITY OFFICE • THE CHRYSLER BUILDING • 405 LEXINGTON AVE. 26TH FL., NEW YORK, NY 10174 TELEPHONE (212) 829-4375

SUFFOLK OFFICE • 1300 VETERANS MEMORIAL HIGHWAY, SUITE 100, HAUPPAUGE, NY 11788 TELEPHONE (631) 203-4900

SYOSSET OFFICE • 116 JACKSON AVENUE, SYOSSET, NY 11791 TELEPHONE (516) 921-1000



RECEIVED

Meeting of March 24, 1970

RESOLUTION #232-70

WHEREAS, on February 17, 1970, the Town Board of the Town of Oyster Bay by resolution numbered 109-70 granted to MICHAEL FORTE special permission to erect and maintain an office building on certain premises described at length in said resolution; and

WHEREAS, in connection with the granting of said special permission, the Town Board imposed the condition that prior to the issuance of a building permit, a landscape architect's plan and a site plan be submitted to the Town Board for its approval containing the information mentioned in said condition set forth in said resolution; and

WHEREAS, a "Site Plan" has been submitted for such landscaping and the Director of the Department of Building and Zoning by memorandum to the Town Board and dated March 20, 1970 has recommended that the said Town Board approve the said "Site Plan",

NOW, THEREFORE, BE IT RESOLVED, That the aforesaid "Site Plan" designated drawing #1, project no. 1445 bearing the seal of landscape architect, James M. Huntley, Sr., and the name of Donald F. Pollitt, Inc. and the date of March 10, 1970 submitted herein be and the same hereby is APPROVED.

RESOLUTION ADOPTED: ALL PRESENT VOTING AYE.

cc: Supervisor
Town Board
Town Attorney
Building Dept.
Public Information



RESOLVED, that the application of MICHAEL FORTE for special permission to erect and maintain an office building on the premises described below be and the same hereby is GRANTED:

All that certain plot, piece or parcel of land, situate, lying and being at Bethpage, Town of Oyster Bay, County of Nassau, and State of New York, bounded and described as follows:

Beginning at the corner formed by the southerly right-of-way taking line of Central Avenue and the westerly right-of-way taking line of Wantagh-Oyster Bay Expressway as said right-of-way taking lines are shown on Map of Wantagh-Oyster Bay Expressway, Map No. 819; running thence South 12 degrees 43 minutes 38 seconds west along the aforesaid right-of-way taking line of Wantagh-Oyster Bay Expressway, 827.96 feet to land now or formerly of Bethpage Water District; thence North 85 degrees 32 minutes 08 seconds west along the last mentioned land, 217.07 feet to a monument; thence North 7 degrees 19 minutes east, 2.86 feet; thence North 8 degrees 35 minutes 56 seconds east, 398.84 feet; thence North 17 degrees 36 minutes 00 seconds east, 634.71 feet to the aforesaid right-of-way taking line of Central Avenue; thence South 34 degrees 47 minutes 06 seconds east along the aforesaid right-of-way taking line of Central Avenue, 257.49 feet to the point or place of Beginning.

Excepting Therefrom a strip of land approximately 6 feet in width which has been acquired by the County of Nassau for the widening of Central Avenue.

Said premises are also known and designated on the Nassau County Land and Tax Map as being in Section 49, Block A, Lot 726.

UPON THE FOLLOWING CONDITIONS AND RESTRICTIONS:

1. That prior to the issuance of a building permit, a landscape architect's plan and a site plan containing, in addition to other information customarily included in a site plan, height and number of stories of proposed building, parking plan, lighting plan, be submitted to the Town Board for its approval.
2. That no sanitation pick-up be permitted between the hours of 7 p.m. and 7 a.m. on any day of the week.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Burke	Aye
Councilman Ocker	Aye
Councilman Diamond	Aye
Councilman Healey	Aye
Councilman Christ	Aye
Councilman Yevoli	Aye
Councilman Doolittle	Aye



WHEREAS, the Town offers participation in a Section 125 Flexible Spending Plan for all full-time, permanent employees, which Plan is managed and administered by a Third-Party Administrator, and

WHEREAS, the Department of Human Resources, through its broker, Kurz Planning Inc., has received a proposal from The Preferred Group Plans, Inc., 19 British American Boulevard, West Latham, New York 11203, to remain as Third-Party Administrator for the Town's Flexible Spending Plan, at a rate of \$3.50 per employee per month, nunc pro tunc, for the calendar year commencing on January 1, 2020 through December 31, 2021; and

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated December, 2020, requested that The Preferred Group Plans, Inc., be authorized to remain as the Third-Party Administrator of the Town's Flexible Spending Plan, at a rate of \$3.50 per employee per month, nunc pro tunc, for the calendar year commencing on January 1, 2021 through December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted, and The Preferred Group Plans, Inc., 19 British American Boulevard, West Latham, New York 11203, be authorized, nunc pro tunc, to provide third party administrative services relative to the Town's Flexible Spending Plan, nunc pro tunc, from January 1, 2021 through December 31, 2021, at a rate of \$3.50 per employee per month in an amount not to exceed \$4,000; and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit, the funds for said payment to be drawn from Account No. TWN AMM 9060 80040 000 0000 000.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
Elizabeth A. Saughman

12

Town of Oyster Bay Inter-Departmental Memo

TO: Memorandum Docket

FROM: John Canning
Commissioner of Human Resources

DATE: December 10, 2020

SUBJECT: Flexible Spending Third-Party Administrator 2021

Pursuant to the Town of Oyster Bay Procurement Policy, the Town offers participation in a Section 125 Flexible Spending Plan for all full-time, permanent employees. The Flexible Spending Plan is managed and administered by a Third-Party Administrator (TPA).

The Department of Human Resources through Kurz Planning, Inc. received a proposal from The Preferred Group Plans, Inc. to remain as the TPA for the 2021 calendar year. The Town currently has 74 employees enrolled in the Flexible Spending Plan for 2020. The rate of \$3.50 per person, per month will continue through the 2021. In accordance with the Town of Oyster Bay's Procurement Policy Guideline 6, if the value of services to be provided in this particular area of service will not exceed \$5,000, only one qualified proposal need be obtained.

It is the recommendation of the Department of Human Resources that the Town enter into an agreement with The Preferred Group Plans, Inc., 19 British American Blvd West, Latham, NY 12203. The agreement between the Town of Oyster Bay and The Preferred Group Plan, Inc will be effective **nunc pro tunc** from January 1, 2021 through and including December 31, 2021.

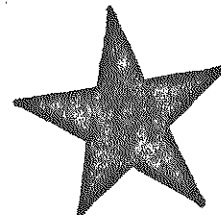
It is further requested that the Town Board authorize and direct the Town Comptroller to make payment to the above mentioned firm from Account No. TWN AMM 9060-80040-000-0000-000 upon receipt of a duly certified claim form and after audit thereof, at an amount not to exceed \$4,000.

The Office of the Inspector General has reviewed the vendor's disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

Respectfully,


JOHN CANNING
COMMISSIONER

Attachment





The Preferred Group

PO Box 15136
Albany, New York 12212
(518) 641-0321 • (800) 573-7474
Fax (518) 641-0325
www.thepreferredgroup.com

BENEFITS ADMINISTRATION

- Section 125 /
Flex Spending Plans
- HRA's
- Self-Insured Dental
- Health & Welfare Funds
- Commuter Reimbursement
- COBRA

GROUP INSURANCE

- Health, Dental, Vision
- Group Life
- Disability, LTC
- NYSUT Benefits
- Supplemental Policies

SERVICE BUREAU

- Lockbox /
Remittance Processing
- Data Entry

Vicky Spinelli
Deputy Commissioner of Human Resources
Town of Oyster Bay
Department of Human Resources
54 Audrey Avenue
Oyster Bay, NY 11771

Dear Ms. Spinelli;

The Preferred Group is requesting a one year extension to the current Flexible Benefits Plan Administration Agreement. We would propose to extend the current rate of \$3.50 pmpm through the January 1, 2021 – December 31, 2021 plan year.

At your convenience, please advise us if this meets with your approval.

Sincerely,

Thomas Collins
President





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
11/16/2020

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER JAEGER & FLYNN ASSOCIATES, INC 30 Corporate Dr Clifton Park NY 12065	CONTACT NAME: Wendy Diaco PHONE (A/C, No, Ext): FAX (A/C, No): E-MAIL: ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Scottsdale Insurance Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:
INSURED The Preferred Group 19 British American Blvd W Latham NY 12110	NAIC #

COVERAGES CERTIFICATE NUMBER: Professional Liab REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY					EACH OCCURRENCE \$
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$
						MED EXP (Any one person) \$
						PERSONAL & ADV INJURY \$
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PRODUCTS - COMP/OP AGG \$
	OTHER:					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY	<input type="checkbox"/> SCHEDULED AUTOS				BODILY INJURY (Per accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY	<input type="checkbox"/> NON-OWNED AUTOS ONLY				PROPERTY DAMAGE (Per accident) \$
						\$
	UMBRELLA LIAB	<input type="checkbox"/> OCCUR				EACH OCCURRENCE \$
	EXCESS LIAB	<input type="checkbox"/> CLAIMS-MADE				AGGREGATE \$
	DED RETENTION \$					\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE OTHER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH)	Y/N				E.L. EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$
						E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability		PFP6029969	11/16/2020	11/16/2021	Each Claim \$1,000,000 Aggregate \$1,000,000 Deductible \$25,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Human Resources
Nov 25 '20 14:02:23

Reviewed By
Office of Town Attorney

CERTIFICATE HOLDER Town of Oyster Bay Department of Human Resources 29 Spring St Oyster Bay NY 11771	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE TRP
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CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/16/2020

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PRODUCER JAEGER & FLYNN ASSOCIATES, INC 30 Corporate Dr Clifton Park NY 12065	CONTACT NAME: Wendy Diaco PHONE (A/C, No, Ext): E-MAIL: ADDRESS: INSURER(S) AFFORDING COVERAGE INSURER A: Hartford Insurance Company of the Midwest INSURER B: Hartford Accident and Indemnity Company INSURER C: Twin City Fire Insurance Company INSURER D: Travelers Casualty & Surety Company of America INSURER E: INSURER F:	NAIC # 37478 22357 29459 31194
INSURED The Preferred Group Inc 19 British American Blvd W, Ste 2 Latham NY 12110		

COVERAGES CERTIFICATE NUMBER: 2020-21 Master Cert REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		01SBABZ7576	04/09/2020	04/09/2021	EACH OCCURRENCE \$ 1,000,000
						DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000
						MED EXP (Any one person) \$ 10,000
						PERSONAL & ADV INJURY \$ 1,000,000
B	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO JECT <input type="checkbox"/> LOC OTHER:		01UECZL4953	04/09/2020	04/09/2021	GENERAL AGGREGATE \$ 2,000,000
						PRODUCTS - COMPIDP AGG \$ 2,000,000
C	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY		01UECZL4953	04/09/2020	04/09/2021	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
						BODILY INJURY (Per person) \$
						BODILY INJURY (Per accident) \$
						PROPERTY DAMAGE (Per accident) \$
A	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE		01SBABZ7576	04/09/2020	04/09/2021	EACH OCCURRENCE \$ 5,000,000
	<input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000					AGGREGATE \$ 5,000,000
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N N	01WBCEV0385	10/24/2020	10/24/2021	<input checked="" type="checkbox"/> PER STATUTE <input type="checkbox"/> OTH-ER
						E.L. EACH ACCIDENT \$ 500,000
						E.L. DISEASE - EA EMPLOYEE \$ 500,000
						E.L. DISEASE - POLICY LIMIT \$ 500,000
D	Crime Excess Crime		106625079 / 8211-3968	11/16/2020	11/16/2021	Employee Theft \$500,000
						Excess Employee Theft \$4,500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Reviewed By
Office of Town Attorney

CERTIFICATE HOLDER Town of Oyster Bay Department of Human Resources 29 Spring St Oyster Bay NY 11771	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
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WHEREAS, Steven C. Ballas, Comptroller, by memorandum dated December 9, 2020, advised the Town Board that in October, 2020, the Town received rebate check No. 9000122925 from PSEG Long Island in the amount of \$1,475.46, in connection with Animal Shelter Interior Lighting Project 2020-1799229. Comptroller Ballas further advised that after the check was deposited, it was determined that the check was issued in error by PSEGLI and should have been issued directly to the Town's vendor, Wesco Distribution, Inc., 500 Prime Place, Hauppauge, NY 11788. Commissioner Ballas further advised the Board that PSEGLI has since communicated to the Town its request that the Town forward payment directly to Wesco Distribution, Inc.; and

WHEREAS, Comptroller Ballas, by said memorandum, recommended that the Town Board authorize payment in the amount of \$1,475.46 to Wesco Distribution, Inc., for the reimbursement of the PSEG rebate arising from Animal Shelter Interior Lighting project 2020-1799229,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Comptroller is hereby authorized to issue a refund in the amount of \$1,475.46 to Wesco Distribution, Inc., 500 Prime Place, Hauppauge, NY 11788 from Account No. PKS A 7110 42200 000 0000, and payment of said refund is to be made upon presentation of a duly verified claim, after audit by the Comptroller.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

TOWN OF OYSTER BAY
Inter-Departmental Memo

December 9, 2020

To: MEMORANDUM DOCKET
From: STEVEN C. BALLAS, COMPTROLLER
Subject: REFUND REQUEST

The Town of Oyster Bay received a PSEG rebate check #9000122925 dated September 30, 2020 for \$1475.46. This rebate check was issued in error by PSEG to the Town. The Town deposited these funds on October 19, 2020. This rebate was for the Animal Shelter Interior Lighting project 2020-1799229. Rebate should have been issued to the vendor, Wesco Distribution, Inc., 500 Prime Place, Hauppauge, NY 11788. PSEG has communicated that payment should be sent directly to Wesco Distribution, Inc. directly by the Town.

Therefore, Town Board approval is requested to issue payment in the amount of \$1,475.46 to Wesco Distribution, Inc., 500 Prime Place, Hauppauge, NY 11788 for the reimbursement of the PSEG Animal Shelter Interior Lighting project. Funds for this purpose are available in PKS A 7110 42200.000 0000.


STEVEN C. BALLAS
COMPTROLLER

Attachments

SCB:cmw



Christine Wiss

From: Cahill, Douglas (N-LMCO) <Douglas.Cahill@pseg.com>
Sent: Tuesday, December 8, 2020 11:43 AM
To: Christine Wiss; Saperstein, Craig
Cc: Frank Frost; Maddy Sabatino
Subject: RE: Subject: Project 2020-1799229: Animal Shelter interior lighting

No, best course of action would be to refund directly to Wesco

Douglas Cahill | Senior Energy Consultant
PSEG Long Island | Commercial Efficiency Program
395 North Service Rd, STE 409 | Melville, NY 11747
[REDACTED]

From: Christine Wiss <cwiss@oysterbay-ny.gov>
Sent: Tuesday, December 8, 2020 11:06 AM
To: Saperstein, Craig <CSaperstein@wescodist.com>; Cahill, Douglas (N-LMCO) <Douglas.Cahill@pseg.com>
Cc: Frank Frost <ffrost@oysterbay-ny.gov>; Maddy Sabatino <msabatino@oysterbay-ny.gov>
Subject: [EXTERNAL] RE: Subject: Project 2020-1799229: Animal Shelter interior lighting

Hi Doug:

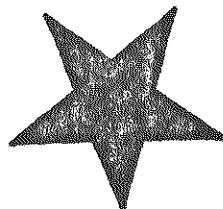
As you are aware, the Town cashed this rebate check in error. We plan to issue a check for this rebate.

Should the "refund" be sent to PSEG and then PSEG re-issue directly to Wesco? We want all records to be as accurate as possible.

Please advise as we would like to proceed as quickly as possible.

Thank you,
~ Christine

Christine M. Wiss
Deputy Comptroller
Town of Oyster Bay
74 Audrey Avenue
Oyster Bay, NY 11771
Phone: 516-624-6447



From: Saperstein, Craig <CSaperstein@wescodist.com>
Sent: Thursday, December 3, 2020 7:46 AM
To: Christine Wiss <cwiss@oysterbay-ny.gov>
Cc: Frank Frost <ffrost@oysterbay-ny.gov>
Subject: Fwd: Subject: Project 2020-1799229: Animal Shelter interior lighting

Good Morning Christine



TOWN OF OYSTER BAY - CASH RECEIPT TRANSMITTAL

EXE201256

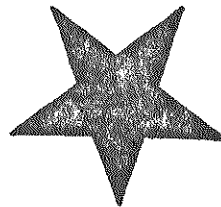
Line #	Deposit Date	BANK	Dept	Fund	Function	Main Acct	Sub Ac.	Auth	Source	OYS	Description	AMOUNT	AREC
1	10/16/20	7867	HWY	DB	0001	01560	506	0000		MISC HIGHWAY CLEANUP COSTS - S 57 BLK		1,044.89	
2	10/16/20	7867	HWY	DB	0001	01570	000	0000		MISC HIGHWAY CLEANUP COSTS - S 57 BLK		750.00	
3	10/16/20	7867	PKS	A	7110	42200	000	0000		PSEG (ret - rebate)		1,475.46	
4	10/16/20	7867	TWN	A	0001	02610	000	0000		NASSAU COURT FINES (all misc)		5,100.00	
5	10/16/20	7867	HWY	DB	0001	01560	506	0000		MISC HIGHWAY CLEANUP COSTS - S 57 BLK		3,626.82	
6	10/16/20	7867	HWY	DB	0001	01570	000	0000		MISC HIGHWAY CLEANUP COSTS - S 57 BLK		750.00	
7	10/16/20	7867	OTA	A	0001	01265	000	0000		LITIGATION EXPENSE (377 forest ltc)		3,500.00	
8													
9													
10													
11													
12													
13													
14													
15													
16													
17													
18													
19													
20													
21													
22													
23													
24													
25													
Total												16,247.17	

Department Finance
Prepared By Roy Seter
Date 10/16/20

From: Maddy Sabatino
Sent: Thursday, December 3, 2020 12:48 PM
To: Maddy Sabatino
Subject: Sent from Snipping Tool

Research ID: 4
Status: Acknowledged

Description:	Check	Tracer:	[REDACTED]
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WHEREAS, Frank M. Scalera, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated December 11, 2020, advised that in order to effectively represent the Town in certain legal matters, the Office of the Town Attorney requires the official transcript from the court reporter designated by the court, and they requested and recommended that the Town Board authorize payment to court designated court reporters for the period beginning January 1, 2021 through December 31, 2021, so that transcripts of proceedings may be ordered by the Office of the Town Attorney, with funds to be drawn from Account No. OTA A 1420 44110 604 0000,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth is hereby accepted, and payments to court mandated court reporters in an amount not to exceed \$7,500.00 is hereby authorized at the rate pre-determined by the Court; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. OTA A 1420 44110 604 0000, upon submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye


Town of Oyster Bay
Inter-Departmental Memo

To : Memorandum Docket
From : Office of the Town Attorney
Date : December 11, 2020
Subject : Court Mandated Court Reporters

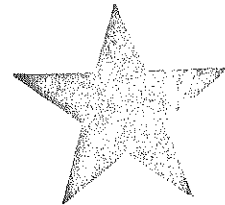
In order to effectively represent the Town in certain legal matters, the Office of the Town Attorney requires the official transcript from the court reporter designated by the court. Despite being employed by the New York State Judiciary, the reporters directly charge the Town – as well as any other party – for any transcript ordered, at a rate that is pre-determined by the Court.

This Office recommends that the Town Board authorize payment of these court designated court reporters for the period beginning January 1, 2021 through December 31, 2021 so that we may obtain copies of transcripts in calendar year 2021. As is customary, the court reporters will submit a Town of Oyster Bay claim form with the transcript(s), which will then be submitted for audit and payment. Funds in an amount not to exceed \$7,500.00 are available in Account No. OTA A 1420 44110 604 0000.

FRANK M. SCALERA
TOWN ATTORNEY


By: Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment



Meeting of January 12, 2021

Resolution No. 7-2021

WHEREAS, by Resolution No. 236-2020, adopted on March 31, 2020, the Town Board authorized the Department of Public Works to enter into an agreement with LiRo Engineers, Inc., pursuant to Contract No. PWC07-20, Lake Avenue C.V.M. Building Extension; and

WHEREAS, Heather V. Sonnenberg, Senior Associate Vice President, LiRo Engineers, Inc., by letter dated December 1, 2020, requested authorization to retain Universal Testing & Inspections Services, Inc., as a sub-consultant to provide concrete testing services pursuant to the requirements of Contract No. PWC07-20; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated December 11, 2020, requested Town Board authorization for LiRo Engineers, Inc., to retain, as a sub-consultant, Universal Testing & Inspections Services, Inc., to provide concrete testing services pursuant to the requirements of Contract No. PWC07-20; and

WHEREAS, Commissioner Lenz, by said memorandum, further advised that the Office of the Inspector General has reviewed the Contract documents, the proposed vendor's disclosure questionnaire and the subconsultant's disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and LiRo Engineers, Inc., is hereby authorized to retain Universal Testing & Inspections Services, Inc., to provide concrete testing services pursuant to the requirements of Contract No. PWC07-20, Lake Avenue C.V.M. Building Extension.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

**TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO**

December 11, 2020

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: USE OF SUB-CONSULTANT
LAKE AVENUE C.V.M. BUILDING EXTENSION
CONTRACT NO. PWC07-20

The office of LiRo Engineers, Inc. has been authorized and directed by Resolution No. 236-2020 to proceed with The Lake Avenue C.V.M. Building Extension, Contract No. PWC07-20. Attached is a letter dated December 1, 2020 concerning a request by LiRo Engineers, Inc. to be authorized to use, as a sub-consultant, Universal Testing & Inspection Services, Inc., for concrete testing relative to the above-captioned project.

The Office of the Inspector General has reviewed the RFP/Contract and the proposed sub-consultant disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

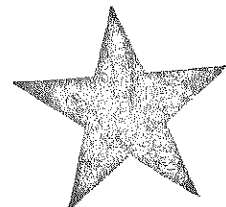
Therefore, it is hereby requested that LiRo Engineers, Inc. be authorized by resolution to use, as a sub-consultant, Universal Testing & Inspection Services, Inc., for concrete testing relative to The Lake Avenue C.V.M. Building Extension, Contract No. PWC07-20.

Richard W. Lenz by:
Eric G. [Signature], Deputy Commissioner
RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

[Signature]
RWL/JCT/MR/BK/IK

c: Steven C. Ballas, Comptroller

PWC07-20 Use of Sub – Universal Testing





LiRo Engineers, Inc.
A LiRo Group Company

235 East Jericho Tpke, Mineola, NY 11501 Telephone 516.746.2350 Facsimile 516.747.1396 www.liro.com

December 1, 2020

Town of Oyster Bay DPW
150 Miller Place
Syosset, NY 11791

Attn.: Commissioner Richard W. Lenz, P.E

Re: Lake Avenue C.V.M Building Extension Located in Oyster Bay, N.Y.
Project H19-185R_Material Sampling and Testing Proposal Approval Request

Dear Commissioner Lenz,

This letter is to request the approval to proceed with retaining Universal Testing & Inspection as a subconsultant for the above referenced project.

Universal Testing & Inspection will provide services for concrete testing (slump, air entrainment, and temperature), collecting cylinders, and concrete cylinder breaks and compaction testing for the subgrade beneath the structure for the above referenced project. Universal Testing & Inspections proposal for this work is attached for your reference.

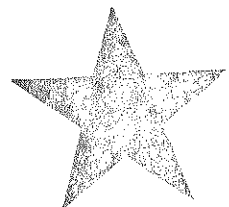
Please contact me directly at (516) 214-8161, should you have any questions or require any additional information.

Very truly yours,
LiRo ENGINEERS, INC.

Heather V. Sonnenberg
Senior Associate Vice President

cc: John Tassone
Matt Russo
Brian Kunzig

Integrated Construction, Design, and Technology Solutions



Meeting of January 12, 2021

Resolution No. 8-2021

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated December 14, 2020, advised that the design for Contract No. H20-206 regarding repairs to the Hicksville Parking Facility, has been completed; and

WHEREAS, Commissioner Lenz, by said memorandum advised that he has approved the plans and specifications submitted, with an estimated construction time for completion of two hundred and seventy (270) days, and recommended that the Department of General Services, Division of Purchasing, proceed with setting a date for receiving bids for said Contract,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and that the Department of General Services, Division of Purchasing, is hereby authorized and directed to contact the Division of Engineering and set a date for receiving bids for Contract No. H20-206.

#

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

DECEMBER 14, 2020

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., AND COMMISSIONER
 DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO
 ENTER BID & CONSTRUCTION PHASES
 REPAIRS TO THE HICKSVILLE PARKING FACILITY ELEVATORS
 CONTRACT NO. H20-206

Town Board Resolution No. 423-2020 authorized Lizardos Engineering Associates, P.C. to perform engineering services relative to the above-mentioned contract.

The design has been completed, and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 270 days.

It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract. They are requested to contact the Division of Engineering to establish a bid date.

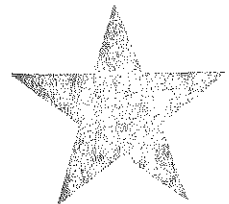
Richard W. Lenz by:
Eric Tuman, Deputy Commissioner
 RICHARD W. LENZ, P.E.
 COMMISSIONER
 DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/*[initials]*/MR/lk

Attachment

cc: Steven Ballas, Comptroller
 Eric Tuman, Commissioner/General Services
 John Bishop, Deputy Commissioner/Highway

H20-206 DOCKET PERMISSION TO BID



WHEREAS, by Resolution No. 803-2019, adopted on December 10, 2019, the Town Board authorized the Department of Public Works to enter into an agreement with Lizardos Engineering Associates, P.C. to provide technical services in connection with Contract No. PWC08-20, On-Call Engineering Services relative to Mechanical Engineering, for a two (2) year period, from January 1, 2020 through December 31, 2021; and

WHEREAS, George A. Lombardo, P.E., LEED AP, President and CEO, Lizardos Engineering Associates, P.C., by letter dated July 27, 2020, described the scope of work to be performed under Contract No. PWC08-20, relative to Design Services for Elevator Replacement at Hicksville Parking Facility, for an amount not to exceed \$174,000.00; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated July 30, 2020, requested Town Board authorization for payment to Lizardos Engineering Associates, P.C., for the aforesaid engineering services under Contract No. PWC08-20, requested that the Town Board authorize Lizardos Engineering Associates, P.C.'s use of Van Deusen & Associates, Inc., for elevator systems services, and Hirani Engineering & Land Surveying, P.C., for structural services, as sub-consultants, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed \$174,000.00 for this purpose; and

WHEREAS, funds in the amount of \$174,000.00 to satisfy said engineering costs are available in Account No. HWY H 5197 20000 000 2003 008,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and payment to Lizardos Engineering Associates, P.C. is hereby authorized for the aforementioned services in connection with Contract No. PWC08-20, On-Call Engineering Services relative to Mechanical Engineering, and be it further

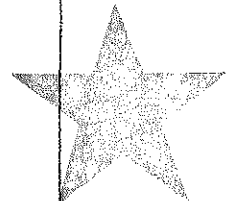
RESOLVED, That the Town Board hereby authorizes Lizardos Engineering Associates, P.C.'s use of Van Deusen & Associates, Inc., for elevator systems services, and Hirani Engineering & Land Surveying, P.C., for structural services, as sub-consultants, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, in an amount not to exceed \$174,000.00, upon presentation of a duly certified claim, after audit, with the funds for said payment to be drawn from Account HWY H 5197 20000 000 2003 008.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Absent
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent



WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated December 7, 2020, recommended that the Town Board authorize payment of a refund in the amount of \$325.00 to Elisa Castovilla for registration fee paid for the Spring In-house Spring Hockey at Bethpage Community Park, which program was cancelled due to the continuing pandemic,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Parks is hereby authorized to issue a refund in the amount of \$325.00, to Elisa Castovilla, 1131 W. Broadway, Hewlett, New York 11557, and payment of said refund is to be made upon presentation of duly certified claims, after audit, by the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from account No. PKS A 0001 02001 510 0000.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
[Signature]

TOWN OF OYSTER BAY
Inter-Departmental Memorandum



TO: MEMORANDUM DOCKET
FROM: Joseph G. Pinto, Commissioner of Parks
DATE: December 7, 2020

SUBJECT: 6U In-House Spring Hockey Refunds
Due to the COVID-19 pandemic and the need for social distancing, the 2020 In-House Spring Hockey program at the TOB Ice Skating Center at Bethpage was canceled commencing March 16, 2020. The Department of Parks respectfully requests Town Board approval to provide refunds to the following In-House Spring Hockey participants for the dollar amount of three hundred twenty five dollars (\$325.00). Please see listing of participants and the breakdown of payment. Kindly Debit Account: PKS A 0001 02001 5100000

In-House Hockey Program Fees:	
Resident: 6U	\$ 225.00 (two hundred twenty five dollars)
Non-Resident	\$ 325.00 (three hundred twenty five dollars)
Resident: 8U, 10U, 12U, 16U	\$ 350.00 (three hundred fifty dollars)
Non-Resident	\$ 450.00 (four hundred fifty dollars)
Family Discounts	\$ 50.00 discount for each additional child (fifty dollars)
JV & Middle Schools	\$4,000.00 per Team (four thousand dollars)

LAST NAME	FIRST NAME	ADDRESS	CITY	STATE	ZIP CODE	REFUND AMOUNT	VENDOR NUMBER
Castovilla	Elisa	1131 W. Broadway	Hewlett	NY	11557	\$ 325.00	

Town Board approval is recommended.


Joseph G. Pinto
COMMISSIONER OF PARKS


CC: Office of Town Attorney

Patricia Woodstock

From: Elisa Artusa <emartusa12@gmail.com>
Sent: Monday, December 7, 2020 10:54 AM
To: Patricia Woodstock
Cc: Gino Lunghi; Jonathan Wing; [REDACTED]
Subject: Re: TOB Spring Hockey refund

Thank you so much.

Please make check payable to
Elisa Castrovilla
1131 W Broadway, Hewlett, NY 11557

On Mon, Dec 7, 2020 at 9:00 AM Patricia Woodstock <pwoodstock@oysterbay-ny.gov> wrote:

Good morning Mr. & Mrs. Castorilla. According to our records, an email was sent (see below) and the responses to the original email followed. If you would like a reimbursement, please complete the form below so that a reimbursement can be made asap.

From: Patricia Woodstock
Sent: Thursday, July 2, 2020 12:14 PM
To: [REDACTED]
Subject: Town of Oyster Bay Hockey

Good afternoon. I am processing your Spring Hockey refund for Nicholas. Please complete the following for reimbursement:

Check Payable to:

Mail check to address:

Thank you.

Trish Woodstock



TOWN OF OYSTER BAY

PKS201020
SUMMARY OF BANK DEPOSIT REPORT

DEPARTMENT: <u>Tob Hockey</u>		LOCATION: <u>Bethpage</u>	
DESCRIPTION OF RECEIPTS: <u>Tob Spring Hockey 2020</u>		CODE #:	
DATE OF RECEIPTS: <u>1/26/20</u>	DATE OF DEPOSITS: <u>1/29/20</u>	AMOUNT: <u>3025 00</u>	
<u>[REDACTED] PEREIRA</u>	CK # <u>1540</u>	<u>200.</u>	<u>00</u>
<u>[REDACTED] HAZELAMBIDIS</u>	<u>794</u>	<u>400</u>	<u>00</u>
<u>[REDACTED] GRANIERI</u>	<u>493</u>	<u>225</u>	<u>00</u>
<u>[REDACTED] CASTORILLA</u>	<u>CASH</u>	<u>325</u>	<u>00</u>
<u>[REDACTED] KHAREYN</u>	<u>261</u>	<u>350</u>	<u>00</u>
<u>[REDACTED] CI</u>	<u>MONEY ORDER #2597510188</u>	<u>525</u>	<u>00</u>
<u>[REDACTED]</u>	<u>296</u>	<u>650</u>	<u>00</u>
<u>[REDACTED] KLEYNER</u>			
<u>[REDACTED] KASIN</u>	<u>400</u>	<u>350</u>	<u>00</u>

NAME OF BANK: ChaseDO NOT WRITE IN SPACE BELOW.
FOR USE BY DIRECTOR OF FINANCE.

CASH RECEIPT NO.

--

TOTAL AMOUNT OF DEPOSITS	<u>3025</u>	<u>00</u>
LAST REPORT YEAR TO DATE		
ADJUSTMENTS		
TOTAL DEPOSITS YEAR TO DATE		


SIGNATURE OF AUTHORIZED EMPLOYEE

NOT TOBAY

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated December 9, 2020, requested and recommended that the Town Board authorize a \$300.00 refund of registration fee be paid to Robert Giordano, 6 Lucille Court, Massapequa, NY, 11758, from Account No. PKS A 0001 02001 510 0000, because of his children's inability to participate in the Town's Winter Ice Hockey Program due to the COVID-19 pandemic,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Parks is hereby authorized to issue a \$300.00 refund to Robert Giordano, from Account No. PKS A 0001 02001 510 0000, and payment of said refund is to be made by the Comptroller upon presentation of duly certified claims, after audit-

-#-

Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

TOWN OF OYSTER BAY

Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Joseph G. Pinto, Commissioner of Parks,

DATE: December 9, 2020

SUBJECT: 8U In-House Winter Hockey Program

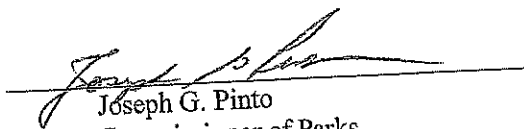
Due to the COVID-19 pandemic and the recent surge in cases, the Department of Parks has received requests from the following individuals to provide refunds to the following parent/payee regarding In-House Hockey programs for the dollar amount of Three Hundred Dollars (\$300.00). The Department of Parks respectfully requests Town Board approval to provide refunds to these individuals. Please see listing of participants and the breakdown of payment. Kindly debit account: PKS A 0001 02001 5100000

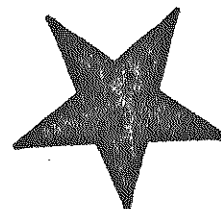
In-House Hockey Program Fees:

Resident : 6U	\$ 225.00 (Two Hundred Twenty-Five Dollars)
Non-Resident	\$ 325.00 (Three Hundred Twenty-Five Dollars)
Resident : 8U, 10U, 12U, 16U	\$ 350.00 (Three Hundred Fifty Dollars)
Non-Resident	\$ 450.00 (Four Hundred Fifty Dollars)
Family Discounts	\$ 50.00 discount for each additional child (Fifty Dollars)
JV & Middle Schools	\$ 4,000.00 per Team (Four Thousand Dollars)

LAST NAME	FIRST NAME	ADDRESS	CITY	STATE	ZIP CODE	REFUND AMOUNT	VENDOR NUMBER
Giordano		6 Lucille Court	Massapequa	NY	11758	300.00	

Town Board approval is recommended.


Joseph G. Pinto
Commissioner of Parks



TOWN OF OYSTER BAY

SUMMARY OF BANK DEPOSIT REPORT

DEPARTMENT: <u>TOB Hockey</u>		LOCATION: <u>Bethpage</u>	
DESCRIPTION OF RECEIPTS: <u>TOB Hockey Water 20-25</u>		CODE #:	
DATE OF RECEIPTS: <u>11/19/20</u>	DATE OF DEPOSITS: <u>12/4/20</u>	AMOUNT: <u>1800</u>	
<u>[REDACTED] Klepper</u>	<u>CK</u>	<u>300</u>	<u>00</u>
<u>[REDACTED] Gelroy</u>	<u>CASH</u>	<u>150</u>	<u>00</u>
<u>[REDACTED] Hamblin</u>	<u>721</u>	<u>300</u>	<u>00</u>
<u>[REDACTED] M...</u>	<u>721</u>	<u>150</u>	<u>00</u>
<u>[REDACTED] Bosch</u>	<u>1118</u>	<u>150</u>	<u>00</u>
<u>[REDACTED] Sulibhavi</u>	<u>2125</u>	<u>150</u>	<u>00</u>
<u>[REDACTED] Auslander</u>	<u>835</u>	<u>300</u>	<u>00</u>
<u>[REDACTED] Rory Giordano</u>	<u>283</u>	<u>300</u>	<u>00</u>
TOTAL AMOUNT OF DEPOSITS		<u>1800</u>	<u>00</u>
LAST REPORT YEAR TO DATE			
ADJUSTMENTS			
TOTAL DEPOSITS YEAR TO DATE			

NAME OF BANK: Chase

DO NOT WRITE IN SPACE BELOW.
FOR USE BY DIRECTOR OF FINANCE.

CASH RECEIPT NO.


SIGNATURE OF AUTHORIZED EMPLOYEE



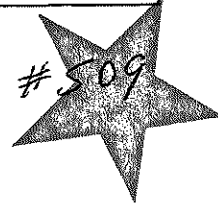
TOWN OF OYSTER BAY
Department of Parks
GENERAL RECEIPT

01694

Name ^{#21} ^{#23} Giordano [REDACTED]		Phone [REDACTED]	
Street 6 Lucille Ct.		Age [REDACTED]	
Town Massapequa		Zip 11758	
Activity Session 3		Location	
Mo./ 11	Day/ 19	Year 20	Received By (PR)
Fee \$ 300			Cash <input type="checkbox"/>

COPY DISTRIBUTION
White - Office
Canary - Accounting
Pink - Program Head
Gold - Registrant

Check ☒ #509



DEPOSIT RECORD COPY

TOWN OF OYSTER BAY



JPMorgan Chase Bank, N.A.
www.Chase.com

NOTE

APR 19 2020

DATE 2
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL

LIST CHECKS SINGLY OR ATTACH LIST

DOLLARS CENTS

CURRENCY

300000

CONF

CHECK 1.D.

150000

21

310000	00
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1116

150.00

12345678910111213141516171819202122232425262728293031323334353637383940414243444546474849505152535455565758596061626364656667686970717273747576777879808182838485868788899091929394959697989910010110210310410510610710810911011111211311411511611711811912012112212312412512612712812913013113213313413513613713813914014114214314414514614714814915015115215315415515615715815916016116216316416516616716816917017117217317417517617717817918018118218318418518618718818919019119219319419519619719819920020120220320420520620720820921021121221321421521621721821922022122222322422522622722822923023123223323423523623723823924024124224324424524624724824925025125225325425525625725825926026126226326426526626726826927027127227327427527627727827928028128228328428528628728828929029129229329429529629729829930030130230330430530630730830931031131231331431531631731831932032132232332432532632732832933033133233333433533633733833934034134234334434534634734834935035135235335435535635735835936036136236336436536636736836937037137237337437537637737837938038138238338438538638738838939039139239339439539639739839940040140240340440540640740840941041141241341441541641741841942042142242342442542642742842943043143243343443543643743843944044144244344444544644744844945045145245345445545645745845946046146246346446546646746846947047147247347447547647747847948048148248348448548648748848949049149249349449549649749849950050150250350450550650750850951051151251351451551651751851952052152252352452552652752852953053153253353453553653753853954054154254354454554654754854955055155255355455555655755855956056156256356456556656756856957057157257357457557657757857958058158258358458558658758858959059159259359459559659759859960060160260360460560660760860961061161261361461561661761861962062162262362462562662762862963063163263363463563663763863964064164264364464564664764864965065165265365465565665765865966066166266366466566666766866967067167267367467567667767867968068168268368468568668768868969069169269369469569669769869970070170270370470570670770870971071171271371471571671771871972072172272372472572672772872973073173273373473573673773873974074174274374474574674774874975075175275375475575675775875976076176276376476576676776876977077177277377477577677777877978078178278378478578678778878979079179279379479579679779879980080180280380480580680780880981081181281381481581681781881982082182282382482582682782882983083183283383483583683783883984084184284384484584684784884985085185285385485585685785885986086186286386486586686786886987087187287387487587687787887988088188288388488588688788888989089189289389489589689789889990090190290390490590690790890991091191291391491591691791891992092192292392492592692792892993093193293393493593693793893994094194294394494594694794894995095195295395495595695795895996096196296396496596696796896997097197297397497597697797897998098198298398498598698798898999099199299399499599699799899910001001100210031004100510061007100810091010101110121013101410151016101710181019102010211022102310241025102610271028102910301031103210331034103510361037103810391040104110421043104410451046104710481049105010511052105310541055105610571058105910601061106210631064106510661067106810691070107110721073107410751076107710781079108010811082108310841085108610871088108910901091109210931094109510961097109810991100110111021103110411051106110711081109111011111112111311141115111611171118111911201121112211231124112511261127112811291130113111321133113411351136113711381139114011411142114311441145114611471148114911501151115211531154115511561157115811591160116111621163116411651166116711681169117011711172117311741175117611771178117911801181118211831184118511861187118811891190119111921193119411951196119711981199120012011202120312041205120612071208120912101211121212131214121512161217121812191220122112221223122412251226122712281229123012311232123312341235123612371238123912401241124212431244124512461247124812491250125112521253125412551256125712581259126012611262126312641265126612671268126912701271127212731274127512761277127812791280128112821283128412851286128712881289129012911292129312941295129612971298129913001

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PLEASE ENTER TOTAL HERE

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code or any applicable collection agreement.

Deposit cash or checks
at most Chase ATMs.
An image of your check can
be printed on your receipt.

My Transaction Summary

Transaction #10
Account Number Ending In: 0206
Checking Deposit \$1,800.00

Cash In	\$250.00
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Further review may result in delayed availability of this deposit

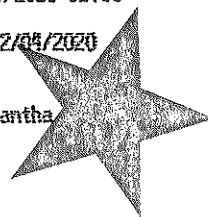
JPMorgan Chase Bank, N.A.
Massapequa, Branch 747344
1-800-935-9333

Your satisfaction matters. Share your feedback at: chase.com/sendusfeedback

Member FDIC, Equal Housing Lender
Please keep your receipt
12/04/2020 09:05

Business Date 12/24/2020
Session #5

Thank you - Samantha
Cashbox #05



Patricia Woodstock

From: Robert Giordano [REDACTED]
Sent: Wednesday, December 9, 2020 9:54 AM
To: Patricia Woodstock
Subject: Re: TOB Winter Hockey - Sunday December 6th

Thank you, so much! Please see information requested below.

MAKE CHECK PAYABLE TO: Robert Giordano

MAIL CHECK TO ADDRESS:

6 Lucille Ct.

Massapequa, NY 11758

On Wed, Dec 9, 2020 at 8:56 AM Patricia Woodstock <pwoodstock@oysterbay-ny.gov> wrote:

Good morning Mr. Giordano and Mrs. Giordano. The Commissioner of Parks has agreed to issue a refund for your two (2) children [REDACTED]. Please complete the below information so that your reimbursement process can begin. Please be aware that because of the dollar amount of \$300, the reimbursement may take some time because the Town Board needs to approve your reimbursement.

MAKE CHECK PAYABLE TO:

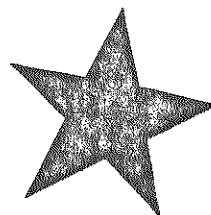
MAIL CHECK TO ADDRESS:

Thank you for your understanding and cooperation.

Respectfully,

Trish Woodstock

From: Jonathan Wing <jwing@oysterbay-ny.gov>
Sent: Monday, December 7, 2020 1:36 PM
To: Robert Giordano [REDACTED]
Cc: Bernard Deschamps <BDeschamps@oysterbay-ny.gov>; LPKOFNOFO@OUTLOOK.COM; John Look



Patricia Woodstock

Reimburse Clinic

From: Jonathan Wing
Sent: Sunday, December 6, 2020 7:08 AM
To: Robert Giordano
Cc: Bernard Deschamps; oldhckypro@aol.com; LPKOFNOFO@OUTLOOK.COM; John Look; Joseph Pinto; Patricia Woodstock
Subject: RE: TOB Winter Hockey - Sunday December 6th

Hi Mr. Giordano

I understand your concern for your family. I will forward your request to the Commissioner for approval.

Thanks!

From: Robert Giordano [REDACTED]
Sent: Saturday, December 5, 2020 8:49 AM
To: Jonathan Wing <jwing@oysterbay-ny.gov>
Subject: Re: TOB Winter Hockey - Sunday December 6th

Hi Jonathan,

I'm sorry for the late notice on this, but with the rising rates in Nassau County I no longer feel comfortable with my boys playing in the 10u program. Our school has been having groups of children quarantine more and more from exposure and I just don't feel like this is a good time for them to play any indoor organized sports. Both [REDACTED] and [REDACTED] are scheduled to start in the [REDACTED] program. Is there a possibility to refund the \$300 fee?

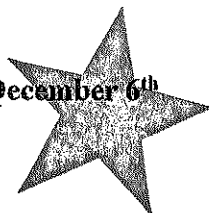
Thank you,

Rob Giordano

On Fri, Dec 4, 2020 at 8:57 PM Jonathan Wing <jwing@oysterbay-ny.gov> wrote:

To Our 10UA/10UB/8UA/8UB/12UB/14UB TOB Hockey Players and Parents,

Here is your reminder, for the start of our Winter 20-21 hockey clinics - Sunday December 6th



10U (A) GROUP - 6:45AM

10U (B) GROUP - 8:00AM

8U (A) GROUP - 9:15AM

8U (B) GROUP - 10:30AM

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated December 15, 2020, recommended that the Town Board authorize payment of a partial refund in the amount of \$2,836.00 to Tracie Razzagone Benson for the issuance of Building Permit Number R2000331, for proposed construction at 32 Lockwood Avenue, South Farmingdale, New York, since the property owner subsequently cancelled the proposed construction, and the Building Permit was amended to maintain the existing construction,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Town Board authorizes payment of a refund in the amount of \$2,836.00, to Tracie Razzagone Benson, 32 Lockwood Avenue, South Farmingdale, New York 11735, and payment of said refund is to be made upon presentation of a duly certified claim, after audit by the Office of the Comptroller; and be it further

RESOLVED, That funds for said payment are to be drawn from Account No. PAD B 0001 02555 000 0000.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
Elizabeth A. Taughman

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

December 15, 2020

TO: MEMORANDUM DOCKET

FROM: OFFICE OF THE COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

SUBJECT: RESIDENT REFUND - TRACIE RAZZAGONE BENSON

Pursuant to the Code of the Town of Oyster Bay, this Department issued Building Permit Number R20000331, dated January 28, 2020, for proposed and existing construction on the premises located at 32 Lockwood Avenue, South Farmingdale, NY 11735. Due to circumstances, the proposed construction was cancelled and the Building Permit was amended to maintain the existing construction. The final fee has been adjusted from \$3,745.00 to \$909.00.

Therefore, in light of the aforementioned facts, a two thousand, eight hundred thirty six dollar (\$2,836.00) refund for the issuance of Building Permit Number R20000331 should be refunded to Tracie Razzagone Benson, 32 Lockwood Avenue, Farmingdale, New York 11735 under account number PAD B 0001 02555 000 0000.


ELIZABETH L. MACCARONE
COMMISSIONER

ELM:km

Department PLANNING + DEVELOPMENT Account PAD 8 0001 02555 000 0000

November 5, 2020

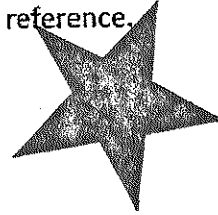
Town of Oyster Bay
Department of Planning and Development
Town Hall – 74 Audrey Ave.
Oyster Bay, NY 11771

Dear Commissioner and Deputy Commissioners:

Per instructions provided by your office and Mr. Michael Esposito, Code Enforcement, enclosed is a copy of the Town Claim Form and check paid by my deceased husband, William E. Benson, Jr. for the now cancelled construction project at 32 Lockwood Ave., Farmingdale, NY.

As stated in my original request, we applied for the permit via architect Brian Fiore and Tim White Home Improvement for construction on our home located at 32 Lockwood Ave. Following the death of my husband, I requested that the permit fee be refunded, minus any associated fees due to Town of Oyster Bay due for maintenance on the existing deck.

I have also provided a copy of the permit and letter of instructions for your reference.



Thank you for your assistance in this matter.

A handwritten signature in black ink, appearing to read "TRACIE RAZZAGONE-BENSON", followed by a long horizontal flourish line.

Tracie Razzagone-Benson

48/229/9

- 1) Verify
- 2) Void
- 3) Refund

Town of Oyster Bay
Department of Planning and Development
74 Audrey Ave.
Town Hall
Oyster Bay, NY 11771

GA 7/9/20

#2,836 Refund

Re: R200000331
Application Number: 19119569
Section/Block/Lot: 48-229-9

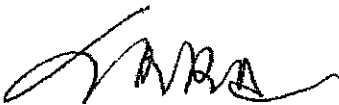
To Whom It May Concern:

This correspondence is to request a refund of permit fees for a building permit that was recently obtained in the name of property owner William Benson, at 32 Lockwood Ave., Farmingdale, NY 11735, Section/Block/Lot 48-229-9. The permittee was Brian Fiore, and Contractor Tim White Home Improvement. A copy of the permit is attached.

The property owner, William Benson passed away unexpectedly on 5/19/2020. Due to these circumstances, the project has been cancelled.

It is hereby requested that a refund for the full amount of the permit fees be refunded and the permits be rescinded. This refund should be issued to the undersigned Tracie Razzagone-Benson, William Benson's surviving spouse and joint tenant of the referenced property.

If there are any additional questions or should additional documentation need to be provided, please contact Tracie Razzagone-Benson at 516-369-0395.

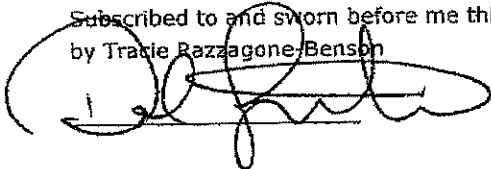


Tracie Razzagone-Benson

State of New York

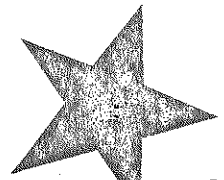
County of Nassau

Subscribed to and sworn before me this 25 day of JUNE, 2020,
by Tracie Razzagone-Benson



DAVID SCHNEIDEWIND
NOTARY PUBLIC, State of NY
No. 01SC6391355
Qualified in Nassau County
Commission Exp. May 6, 2023

TOWN OF OYSTER BAY
2020 JUL - 6 11:29



\$3,745 (Fee)
- \$909 (Deck)

\$2,836



Building Inspector's Report

Date: 7.9.20 Time: AM PM I have reviewed () previous reports.
Owner: Beyan Contractor: Zone R-1
Address: 32 Loughran Ave Address: Sec. 48
Telephone: 578 Telephone: Blk. 129
Lot(s) 9

Permit #(s) R-100521 Type Add Date Issued 12/20 Expiration Date 12/21

Type of Inspection - Excavation Footing Foundation Rough Frame
Final Frame Insulation Final Other Verify

PLEASE NOTE - A field inspection has revealed that the following items are necessary:

To Continue Work:

- ☐ No One Was Home
- ☐ Call For Inspection - (516) 624-6222
- ☐ No Building Plans on Job
- ☐ Need Amended Building Plans
- ☐ Work Does Not Conform to Building Code
- ☐ Work Does Not Conform to
- ☐ Approved Building Plans

To Obtain a Certificate of Occupancy:

- ☐ Must Obtain Electrical Certificate From
- ☐ Approved Electrical Inspection Service For:
- ☐ Must Submit Updated Property Survey
- ☐ Must Obtain Plumbing Approval
- ☐ Must Obtain Permit For:

The items checked below have been observed during the course of the field inspection and require permits.
Failure to obtain permits will result in the delay of the issuance of a Certificate of Occupancy/Compliance.

<input type="checkbox"/> Cellar Entrance	<input type="checkbox"/> Roofed-Over Patio/Deck	<input type="checkbox"/> Solar Heat
<input type="checkbox"/> Deck	<input type="checkbox"/> Second Apartment/Dwelling	<input type="checkbox"/> A/C Unit
<input type="checkbox"/> Dock	<input type="checkbox"/> Shed	<input type="checkbox"/> Dormers
<input type="checkbox"/> Enclosed Porch	<input type="checkbox"/> Swimming Pool	<input type="checkbox"/> Other Structures
<input type="checkbox"/> Extension	<input type="checkbox"/> Swimming Pool Fence	
<input type="checkbox"/> Fence	<input type="checkbox"/> Swimming Pool Heater	
<input type="checkbox"/> Fireplace	<input type="checkbox"/> Swimming Pool Filter	
<input type="checkbox"/> Garage	<input type="checkbox"/> Swimming Pool Accessories	
<input type="checkbox"/> Garage/Converted	<input type="checkbox"/> Swimming Pool Raised Deck	
<input type="checkbox"/> Interior Alterations	<input type="checkbox"/> Skylight	
<input type="checkbox"/> Retaining Wall/Bulkhead		

Comments/Observations/Information:

Int AH & 2nd floor Add Not started
at this time
rear deck with ramps is existing

PLEASE NOTE - All inspections approved are subject to review of file and certification requirements.
You will be notified if any further documentation is required.

Inspection Approved: Yes X No Conditional Approval (See Comments)
Report to Contractor: In Person Left on Premises
Report to Homeowner: In Person By Mail
N.O.V. #: Date Due: Summons #: Date Returnable:
Received By: Inspector's Signature: G. Aiello
Inspector's Extension: (516) 624- 6779

THIS IS A COPY. THE ORIGINAL IS ON FILE IN THE BUILDING DIVISION.

Amendment to Building Permit

R20000331

Town of Oyster Bay
Department of Planning and Development
Phone 516-624-6200



74 Audrey Avenue
Town Hall, Oyster Bay, NY 11771
Fax 516-624-6240

School District Farmingdale Section/Block/Lot 48-229-9 Zone R1-7 Application No. 19110569 ZBA Number ZBA Date Receipt No. 03000005260

Permittee	BRIAN FIORE 208 NORTH WISCONSIN AVENUE MASSAPEQUA, N.Y. 11758 (516) 586-5409	Contractor	MAINTAIN
Property Owner	WILLIAM BENSON 32 LOCKWOOD AVENUE FARMINGDALE, N.Y. 11735 (917) 595-6611	Plumber	
		Electrician	

Address of Actual Construction

32 LOCKWOOD AVENUE FARMINGDALE, NEW YORK 11735	Tenant
Permission Granted for the CONSTRUCTION OF	Estimated Cost of Construction \$181,094 \$12,600

A 39' 3" X 26' 10" (1045 SF) 2ND FLR ADDITION, INTERIOR ALTERATIONS TO THE EXISTING 1ST FLR ENTRY, LIVING ROOM, DINING ROOM, KITCHEN, AND BATHROOM. ONE (1) 6' WIDE SLIDING GLASS DOOR, AN 11' X 7' (77 SF) CONCRETE LANDING WITH PORTICO ROOF OVER, TWO (2) AC UNITS AS PER PLANS BY BRIAN M. FIORE, R.A., DATED 6/26/19.

THE INSTALLATION OF 8 PLUMBING FIXTURES ON THE 2ND FLR (2 WC, 3 LAV, 1 SHWR, 1 BT, 1 WM) AND RELOCATE 4 PLUMBING FIXTURES ON THE 2ND FLR (1 KS, 1 LAV, 1 WC, 1 SHWR) AS PER CODE.

THE MAINTENANCE OF A 23' X 16'-3" (360 SF) WOOD DECK AS PER PLANS BY BRIAN M. FIORE, R.A., DATED 6/26/19.

ALL WORK TO COMPLY WITH T.O.B. APPROVED PLAN DATED 1/17/2020

ZONING REVIEW: ONE FAMILY DWELLING ONLY

10/29/2020 - Amended the Building Permit to remove all proposed construction work. This Building Permit is strictly for the existing deck (TZ).

This Permit has been issued specifically for the construction or maintenance of the improvement listed hereon. The issuance of this Permit shall not be deemed to be an acknowledgement by the Town of Oyster Bay as to the legality of any other improvements to the subject premises. It is specifically understood that the issuance of a Certificate of Occupancy by the Town of Oyster Bay for the improvement listed hereon shall be conditioned upon the issuance of a Building Permit and Certificate of Occupancy for any and all other improvements to the subject premises. A certificate from an approved Electrical Inspection Co. is to be placed on file prior to issuance of a Certificate of Occupancy/Approval/Completion.

Located On	Side Of	Feet	Of	Post Office
S	LOCKWOOD AVENUE	141.30	E	POWELL STREET
				SOUTH FARMINGDALE
DESCRIPTION	FEE	PAID	BALANCE	
APP FEE	100.00	100.00	0.00	
BIDS	2,472.00	2,472.00	0.00	
CA	65.00	65.00	0.00	
CC	35.00	35.00	0.00	
CD	397.00	397.00	0.00	
MAINTAIN	606.00	606.00	0.00	
PLUMBING	170.00	170.00	0.00	
*** FEE TOTALS ***	3,845.00	3,845.00	0.00	
TOTAL PAID AFTER APPLICATION FEE APPLIED:				\$3,845.00
Occupancy of this new building or addition or alteration prior to the issuance of a Certificate of Occupancy will be considered a violation of the Code of the Town of Oyster Bay. Prompt notification by the various contractors for inspection of their various parts of the work will avoid delay in the issuance of the Certificate of Occupancy. Permit and approved plans must be posted on the job site, visible to public inspection, until completion of the work and inspections.				
Changes regardless of size from the stamped approval plans must be submitted to the Department of Planning and Development and approved before changes are made. Approved plans must be retained on the job and available to inspection at all times.				

INSPECTIONS
There are numerous inspection requirements that vary according to the type of structure built or maintained. Some but not all of the required inspections follow:

BUILDING INSPECTIONS:
*Demolition inspections - Check with Building Division.
*Concrete Certifications.
*Soil Conditions - before footings and foundations are poured.
*Forms for footings, keyways and foundations including rebar.
*Water proofing, membranes and insulating
*Foundations set/for shift.
*Framing - wood or steel before mechanicals.
*Framing after mechanicals and before insulating.
*Insulation inspection - before closing.
*Rough enclosed.
*Final inspection(s).

PLUMBING INSPECTIONS
*Underground plumbing - before backfilling.
*Rough plumbing - before closed up and ready for test.
*Final inspection when all fixtures are set.
*Sewer connection - zero tie-in.
*Sanitary systems, (Excavation/Construction).
*Installation or replacement of burners. (oil, gas, electric).
*All Tanks - inground or above. (Check with Building Division for required testing and inspection).
*Pressure tests are required for any natural or propane gas installation.
*Alteration or replacement
*Hydrostatic pressure testing must be witnessed by a plumbing inspector.

DRAINAGE, SITE WORK, & RETAINING WALLS:

Contact Planning and Development site engineer.

ALL PERMITS ISSUED IN CONJUNCTION WITH SITE PLAN REVIEW

Please be advised that a Certificate of Occupancy will not be issued for this project until all of the required landscaping has been installed and inspected, or a performance bond in the amount of \$_____ has been posted with the Town of Oyster Bay

TOWN OF OYSTER BAY

PERMIT RECEIPT

OPERATOR: sgerber
COPY # : 1

7 ITEMS OF 8

Sec:48 Twp:Oyster B Rng: Sub: Blk:229 Lot:9
SBL: 48-229-9DATE ISSUED.....: 01/24/2020
RECEIPT #.....: 01000461411
REFERENCE ID #: 19110569Permit Num: R20000331
SITE ADDRESS: 32 LOCKWOOD AVE
SUBDIVISION:
CITY: FARMINGDALE
IMPACT AREAOWNER: WILLIAM BENSON
ADDRESS: 32 LOCKWOOD AVE
CITY/STATE/ZIP: FARMINGDALE, NY 11735RECEIVED FROM: BENSON WILLIAM&TRACI
CONTRACTOR: TIM WHITE HOME IMPROVEMENT INC LIC # C14418
COMPANY: TIM WHITE HOME IMPROVEMENT INC
ADDRESS: 3839 MERRICK ROAD
CITY/STATE/ZIP: SEAFORD, NY 11783
TELEPHONE: 631-956-7553

FEE ID	UNIT	QUANTITY	AMOUNT	PD-TO-DT	THIS REC	NEW BAL
B-A/C RES	PER UNIT	2.00	200.00	0.00	200.00	0.00
B-BLDG FEE	VALUATION	181,091.00	2272.00	0.00	2272.00	0.00
B-CA	FIXTURES	12.00	65.00	0.00	65.00	0.00
B-CC		1.00	35.00	0.00	35.00	0.00
B-CO	VALUATION	181,091.00	397.00	0.00	397.00	0.00
B-PARTMAIN		1.00	606.00	0.00	606.00	0.00
B-PLMB FEE	FIXTURES	12.00	170.00	0.00	170.00	0.00
TOTAL PERMIT :			3745.00	0.00	3745.00	0.00



Check Details

Account: 360 Checking ...8995
Available Amount: \$3,645.00
Check Amount: \$3,645.00

917-596-6611
WILLIAM BENSON
TRACIE RAZZAGONE-BENSON
32 LOCKWOOD AVE
FARMINGDALE, NY 11735
52-7811/311 THW 168
1/22 2020
PAY TO THE ORDER OF Town of Oyster Bay \$3645.00
Three Thousand Six Hundred Forty Five DOLLARS
CAPITAL ONE 360
FOR Permit Fee William Benson
⑆031176110⑆ 0168

065000090<
CAPITAL ONE, NA
0082881850 01242020
RICHMOND, VA 114 21
Deposit 6824008764
01020401911
For Deposit Only:
Town of Oyster Bay
6824008764

WHEREAS, the Town is involved in a labor law matter involving Jason Ginzburg, a Town employee; and

WHEREAS, the Town maintains a Public Officials and Employees Liability Insurance Policy with ACE American Insurance Company ("ACE"), Scranton, Pennsylvania, authorized by Town Board Resolution No. 81-2020; and

WHEREAS, by letter dated December 10, 2020, ACE confirmed that the aforementioned policy provides coverage to the Town in the above referenced matter; and

WHEREAS, the insurance carrier assigned the law firm of Jackson Lewis, P.C., 58 South Service Road, Melville, New York, to represent the Town's interest in this matter; and

WHEREAS, the insurance policy includes a self-insurance retention provision, which obligates the Town to pay the first \$25,000.00 of defense and/or indemnity costs, either to the aforementioned law firm and/or the insurance carrier or its affiliates, before the insurance carrier assumes any costs; and

WHEREAS, subject to the terms and conditions of the Public Officials and Employees Insurance Policy, Frank M. Scalera, Town Attorney and Matthew M. Rozéa, Deputy Town Attorney, by memorandum dated December 15, 2020, recommended and requested that an amount not to exceed \$25,000.00 be set aside for the aforementioned matter, *nunc pro tunc* from September 11, 2020, with funds to be drawn from Account No. TWN AMS 1910 43010 602 0000 000, in order to satisfy the self-insurance retention thresholds; and

WHEREAS, by said memorandum, the Office of the Town Attorney recommended and requested that the Supervisor, or his designee, be authorized to execute an engagement letter with Jackson Lewis, P.C. in connection with this matter,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted, and subject to the terms and conditions of the Public Officials and Employees Liability Insurance Policy authorized by Town Board Resolution No. 81-2020, an amount not to exceed \$25,000.00 be set aside for the aforementioned lawsuit, *nunc pro tunc* from September 11, 2020, in order to satisfy the self-insurance retention threshold for the payment of defense and/or indemnity costs, to Jackson Lewis, P.C., and/or any indemnity costs to the insurance carrier or its affiliates, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Jackson Lewis, P.C., and/or the insurance carrier or its affiliates, with funds to be drawn from Account No. TWN AMS 1910 43010 602 0000 000 upon submission of a duly certified claim, after audit, and be it further

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Town of Oyster Bay
Inter-Departmental Memo

To : Memorandum Docket
From : Office of the Town Attorney
Date : December 14, 2020
Subject : Public Officials and Employees Liability Policy Claim

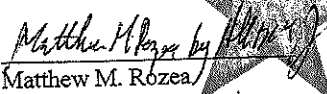
Pursuant to Town Board Resolution No. 81-2020, adopted on January 28, 2020, the Town Board authorized the procurement of a Public Officials Liability insurance policy with ACE American Insurance Company ("ACE") for the period beginning January 28, 2020 through January 28, 2021.

By letter dated September 11, 2020, the Town was placed on notice of potential claims by Jason Ginzburg relating to his employment with the Town. This Office forwarded the notice to the insurance broker that procured the ACE policy in order to place the carrier on notice of the claim. The carrier acknowledged the claim by e-mail dated September 22, 2020. Ultimately, by letter dated December 10, 2020, ACE confirmed coverage and assigned the firm Jackson Lewis, P.C., 58 South Service Road, Melville, New York to defend the Town's interests relative to this matter.

The ACE policy is subject to a \$25,000 self-insured retention limit. Accordingly, this Office recommends and requests that the Town Board authorize the expenditure of an amount not to exceed \$25,000 payable to Jackson Lewis, P.C. to satisfy the ACE policy's self-insured retention limit, *nunc pro tunc* from September 11, 2020. This Office further recommends and requests that the Town Board authorize the Supervisor, or his designee, to execute an engagement letter with Jackson Lewis, P.C. Funds are available in Account No. TWN AMS 1910.43010 602 0000 000.

Attached to this memorandum is a proposed resolution.

FRANK M. SCALERA
TOWN ATTORNEY

By: 
Matthew M. Rozea
Deputy Town Attorney

WHEREAS, Shalini Matani has requested to donate a memorial plaque and a bench to be placed in Theodore Roosevelt Park, Oyster Bay, in memory of Dr. Mukund Matani; and

WHEREAS, the value of the plaque and bench is estimated to be \$880.00, and the monies donated will be deposited into Account No. PKS A 0001 02705 000 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated December 22, 2020, recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of \$880.00 from Shalini Matani to be deposited into Account No. PKS A 0001 02705 000 0000, to purchase a plaque and bench to be placed in Theodore Roosevelt Park, Oyster Bay, in memory of Dr. Mukund Matani.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

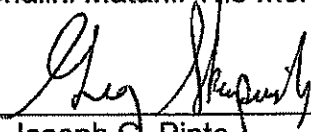
**Town of Oyster Bay
Inter-Departmental Memo**

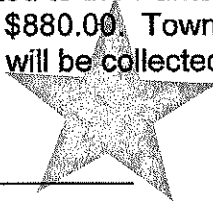
TO: Memorandum Docket
FROM: Joseph G. Pinto, Commissioner of Parks
SUBJECT: Memorial Plaque and Bench
DATE: December 22, 2020

The Department of Parks has received a request from Shalini Matani (letter attached) requesting to donate a memorial plaque and a new bench to be placed at Theodore Roosevelt Memorial Beach and Park in memory of Dr. Mukund Matani.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque and bench will be purchased by Shalini Matani and donated to the Parks Department. The value of the plaque and bench are estimated to be \$880.00. Town Board approval is requested on behalf of Shalini Matani. The monies will be collected in account PKS A 0001 02705 000 0000.


for _____
Joseph G. Pinto
COMMISSIONER OF PARKS



JGP/dc

Diann Codispodo

From: Shalini Matani <[REDACTED]>
Sent: Sunday, November 29, 2020 11:32 PM
To: Diann Codispodo
Subject: Re: Memorial Plaque Guidelines

Dear Diann,

Thank you so much for sending over all the information regarding the memorial bench.

I would like to move forward with this project to honor my father. I would like to donate a memorial bench to be placed in Theodore Roosevelt Memorial Park (off of Audrey Ave in Oyster Bay). The honoree will be Dr. Mukund Matani. At this time, I believe the accompanying plaque should be 8 x 6 with room for a 5 line dedication.

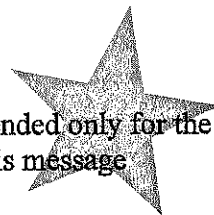
Best wishes,
Shalini Matani

From: Diann Codispodo <dcodispodo@oysterbay-ny.gov>
Sent: Tuesday, November 17, 2020 3:26 PM
To: shalini03@hotmail.com <[REDACTED]>
Subject: Memorial Plaque Guidelines

Hi Shalini attached are the steps to get started and the prices. If you have any further questions feel free to call or email me after 12.

Have a great night,
Diann

This message (including any attachments) may contain confidential information and is intended only for the individual or individuals named. If you are not the intended recipient, you should delete this message immediately. If you received this message in error, please notify the sender immediately.



WHEREAS, the Town of Oyster Bay received an allocation of Water Quality Improvement (WQIP) Funding in the amount of \$2,287,710.00 through the New York State Department of Environmental Conservation ("NYSDEC") for design and construction services in connection with the installation of a new sanitary and waste water treatment system at Tappen Beach; and

WHEREAS, Colin Bell, Deputy Commissioner, Department of Intergovernmental Affairs, by memorandum dated December 28, 2020, advised the Town Board that the WQIP funding awarded in connection with this project is provided to the Town through the 75% reimbursement of eligible expenses incurred towards implementation of the aforesaid project. Receipt of the funding is contingent upon the execution of the State of New York Master Contract between the Town and the NYSDEC; and

WHEREAS, Deputy Commissioner Bell, by said memorandum, requested that the Board authorize the Supervisor, or his designee, to execute the aforesaid Master Contract and thereby secure up to \$2,287,710.00 in WQIP funding made available to the Town by NYSDEC in reimbursement funds for the aforesaid new sanitary and waste water treatment system project at Tappen Beach.

NOW, BE IT RESOLVED, that the request as hereinabove set forth, is hereby accepted and approved, and the Town Supervisor, or his designee, is hereby authorized to enter into a State of New York Master Contract with the New York State Department of Environmental Conservation for an allocation of Water Quality Improvement Funding of up to \$2,287,710.00 to be used for reimbursement of 75% of eligible expenses incurred by the Town in connection with design and construction services incurred in the installation of a new sanitary and waste water treatment system at Tappen Beach.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
Elizabeth A. Taughman

9

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: COLIN BELL, DEPUTY COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

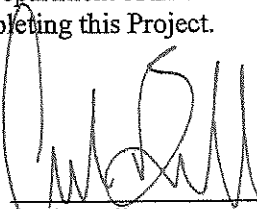
DATE: DECEMBER 28, 2020

SUBJECT: NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
MASTER CONTRACT FOR GRANTS: TAPPEN BEACH SEPTIC SYSTEM
IMPROVEMENT PROJECT

The Town of Oyster Bay has been approved to receive up to \$2,287,710.00 in Water Quality Improvement Program (WQIP) funding through the New York State Department of Environmental Conservation for design and construction services in connection with the installation of a new sanitary and waste water treatment system at Tappen Beach (Project). The WQIP funding awarded in connection with this Project will be provided to the Town through a 75% reimbursement of eligible expenses incurred towards the implementation of the Project.

This Project's primary focus is to positively impact the water quality of one of Long Island's most commercially vital harbors, Hempstead Harbor. This can be achieved by improving the quality of effluent discharged to groundwater from sanitary systems. Presently, the existing sanitary system is undersized and consists of traditional septic tank and leaching fields. Through this Project, the existing sanitary system will be replaced with a new sanitary and waste water treatment system which will provide additional capacity with advanced filtration and disinfection systems.

Receipt of the Water Quality Improvement Program funding is contingent upon the execution of a State of New York Master Contract between the New York State Department of Environmental Conservation and the Town of Oyster Bay. It is therefore respectfully requested that a Town Board Resolution be adopted authorizing the Supervisor and/or his authorized designee to execute a State of New York Master Contract with the New York State Department of Environmental Conservation thereby securing up to \$2,287,710.00 in reimbursement for completing this Project.



Colin Bell
Deputy Commissioner

cc: Richard Lenz, P.E., Commissioner, Department of Public Works

15-21 reso

10604814.242 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Saladino, and upon roll being called, the following were

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: No one.

The following resolution was offered by Councilwoman _Johnson, who moved its adoption, seconded by Councilman Imbroto, to-wit:

RESOLUTION NO. 15-2021

BOND RESOLUTION DATED JANUARY 12, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$7,500,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF EQUIPMENT FOR CONSTRUCTION AND MAINTENANCE PURPOSES, EACH ITEM COSTING \$30,000 OR MORE, IN AND FOR SAID TOWN.

RESOLVED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Thomas M. Fialla
Section 1. For the class of objects or purposes of paying the cost of the acquisition of equipment for construction and maintenance purposes, each item costing \$30,000 or more, in and for the Town of Oyster Bay, Nassau County, New York, including incidental expenses in connection therewith, there are hereby authorized to be issued \$7,500,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$7,500,000, and the plan for the financing thereof is by the issuance of the \$7,500,000 bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision twenty-eight of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class shall have a cost of \$30,000 or more. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in

such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Oyster Bay, Nassau County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds

are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. Upon this resolution taking effect, the same shall be published in summary in Newsday, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

__Supervisor Saladino_____VOTING _AYE_____
__Councilwoman Johnson_____VOTING _AYE_____
__Councilman Imbroto_____VOTING _AYE_____
__Councilman Hand_____VOTING _AYE_____
__Councilman Labriola_____VOTING _AYE_____
__Councilwoman Maier_____VOTING _AYE_____
__Councilwoman Walsh_____VOTING _AYE_____

The resolution was thereupon declared duly adopted.

* * *

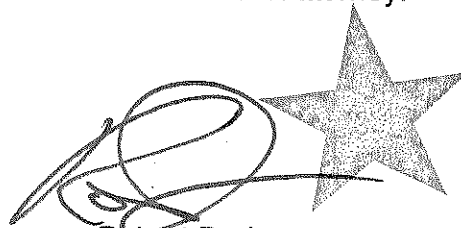
Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Fifteen Year Equipment

Town Board action is required to approve the appropriating resolution for the 2021 Capital Program – Fifteen Year Equipment Purchase. Financing will be by the issuance of serial bonds. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.



Robert Darienzo
Director of Finance

RD/rd
Word/Documents/Docket/2021 15 year

16-21 reso

10604814.241 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Saladino, and upon roll being called, the following were

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: No one.

The following resolution was offered by Councilwoman Johnson, who moved its adoption, seconded by Councilman Imbroto, to-wit:

RESOLUTION NO. 16 -2021

BOND RESOLUTION DATED JANUARY 12, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF THE ACQUISITION OF VARIOUS EQUIPMENT FOR USE IN CONNECTION WITH TOWN FACILITIES, WHICH MAY INCLUDE, BUT IS NOT LIMITED TO, OFFICE EQUIPMENT, COPY MACHINES, MOWERS, BLOWERS, AND BOATS, IN AND FOR SAID TOWN.

RESOLVED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

*Office of Town Auditor
Tamm McPhail*
Section 1. For the class of objects or purposes of paying the cost of the acquisition of various equipment for use in connection with facilities of the Town, which may include, but is not limited to, office equipment, copy machines, mowers, blowers, and boats and incidental expenses in connection therewith, there are hereby authorized to be issued \$3,600,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum costs of the aforesaid class of objects or purposes is \$3,600,000, and the plan for the financing thereof is by the issuance of the \$3,600,000 bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid classes of objects or purposes is five years, pursuant to subdivision eighty-nine of paragraph a of Section 11.00 of the Local Finance Law, as each item in said class shall have a period of probable usefulness of at least five years under one or more of subdivisions thirteen, twenty-eight, twenty-nine, thirty-two, or eighty-one of said paragraph a. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor,

the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Oyster Bay, Nassau County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds

are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary in Newsday, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

- _Supervisor Saladino_____VOTING _AYE_____
- _Councilwoman Johnson_____VOTING _AYE_____
- _Councilman Imbroto_____VOTING _AYE_____
- _Councilman Hand_____VOTING _AYE_____
- _Councilman Labriola_____VOTING _AYE_____
- _Councilwoman Maier_____VOTING _AYE_____
- _Councilwoman Walsh_____VOTING _AYE_____

The resolution was thereupon declared duly adopted.

* * *

Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Five Year Equipment

Town Board action is required to approve the appropriating resolution for the 2021 Capital Program – Five Year Equipment Purchase. Financing will be by the issuance of serial bonds. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.


Robert Darienzo
Director of Finance 

RD/rd
Word/Documents/Docket/2021 5 year

17-21 reso

10604814.243 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Saladino, and upon roll being called, the following were

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: No one.

The following resolution was offered by Councilwoman Johnson, who moved its adoption, seconded by Councilman Imbroto, to-wit:

RESOLUTION NO. 17 -2021

BOND RESOLUTION DATED JANUARY 12, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$235,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF THE PURCHASE OF REPLACEMENT PASSENGER VEHICLES FOR USE BY VARIOUS DEPARTMENTS OF THE TOWN TO REPLACE SIMILAR VEHICLES IN SERVICE FOR ONE YEAR OR MORE, IN THE CASE OF POLICE VEHICLES, OR THREE YEARS OR MORE, IN THE CASE OF ALL OTHER PASSENGER VEHICLES, IN AND FOR SAID TOWN.

RESOLVED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Thomas J. H. H. H.
Section 1. For the class of objects or purposes of paying cost of the purchase of replacement passenger vehicles for use by various departments of the Town of Oyster Bay, Nassau County, New York, to replace similar vehicles in service for one year or more, in the case of police vehicles, or three years or more, in the case of all other passenger vehicles, in and for the Town, including incidental expenses in connection therewith, there are hereby authorized to be issued \$235,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum costs of the aforesaid classes of objects or purposes is \$235,000, and the plan for the financing thereof is by the issuance of the \$235,000 bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid classes of objects or purposes is three years, pursuant to subdivision seventy-seven of said paragraph a. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed three years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in

such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Oyster Bay, Nassau County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for

the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. This resolution, which takes effect immediately, shall be published in summary in Newsday, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
resulted as follows:

- _Supervisor Saladino_____VOTING_ AYE_____
- _Councilwoman Johnson_____VOTING_ AYE_____
- _Councilman Imbroto_____VOTING_ AYE_____
- _Councilman Hand_____VOTING_ AYE_____
- _Councilman Labriola_____VOTING_ AYE_____
- _Councilwoman Maier_____VOTING_ AYE_____
- _Councilwoman Walsh_____VOTING_ AYE_____

The resolution was thereupon declared duly adopted.

* * *

Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Three Year Equipment

Town Board action is required to approve the appropriating resolution for the 2021 Capital Program – Three Year Equipment Purchase. Financing will be by the issuance of serial bonds. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.

 
Robert Darienzo
Director of Finance

RD/rd
Word/Documents/Docket/2021 3 year

18-21 reso

10604814.238

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Saladino, and upon roll being called, the following were

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: No one.

The following resolution was offered by Councilwoman Johnson, who moved its adoption, seconded by Councilman Imbroto, to-wit:

RESOLUTION NO. 18-2021

BOND RESOLUTION DATED JANUARY 12, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$26,400,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY PART OF THE \$27,900,000 ESTIMATED MAXIMUM COST OF THE RESURFACING AND RECONSTRUCTION OF VARIOUS TOWN HIGHWAYS LOCATED THROUGHOUT AND IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Section 1. For paying part of the \$27,900,000 estimated maximum cost of the resurfacing and reconstruction of various Town highways located throughout and in and for the Town of Oyster Bay, Nassau County, New York, including incidental improvements and expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$26,400,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$27,900,000, and the plan for the financing thereof is by (i) the application of \$1,500,000 anticipated to be received under the New York State Consolidated Local Street and Highway Improvement Program ("CHIPS") and (ii) the issuance of the \$26,400,000 bonds authorized hereby, provided, however, that the amount of bonds to be issued shall be reduced by the amount of any State or Federal aid received for the aforesaid class of objects or purposes in excess of the aforesaid \$1,500,000 CHIPS monies.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision twenty of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Oyster Bay, Nassau County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall

comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication

of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the

Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. Upon this resolution taking effect, the same shall be published in summary in Newsday, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call

which resulted as follows:

- _Supervisor Saladino_____VOTING _AYE_____
- _Councilwoman Johnson_____VOTING _AYE_____
- _Councilman Imbroto_____VOTING _AYE_____
- _Councilman Hand_____VOTING _AYE_____
- _Councilman Labriola_____VOTING _AYE_____
- _Councilwoman Maier_____VOTING _AYE_____
- _Councilwoman Walsh_____VOTING _AYE_____

The resolution was thereupon declared duly adopted.

* * *

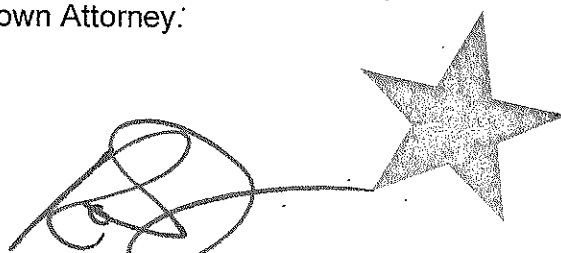
Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program - Highway

Town Board action is required to approve the appropriating resolution for the 2021 Capital Program – Highway Improvements. Financing will be by the issuance of serial bonds. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.



Robert Darienzo
Director of Finance

RD/rd
Word/Documents/Docket/2021 highway

19-21 reso

10604814.240 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Saladino, and upon roll being called, the following were

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: No one.

The following resolution was offered by Councilwoman Johnson, who moved its adoption, seconded by Councilman Imbroto, to-wit:

RESOLUTION NO. 19-2021

BOND RESOLUTION DATED JANUARY 12, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$1,850,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS IMPROVEMENTS TO TOWN-OWNED BUILDINGS FOR TOWN USE, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Section 1. For paying the cost of various improvements to Town-owned buildings for Town use, in and for the Town of Oyster Bay, Nassau County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$1,850,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$1,850,000, and the plan for the financing thereof is by the issuance of the \$1,850,000 bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision ninety of said paragraph a of Section 11.00 of the Local Finance Law, as said class consists of items with a period of probable usefulness of at least ten years under one or more of subdivisions five, eleven, twelve, thirteen, nineteen, twenty, twenty-four, twenty-five, thirty-five or eighty-eight of said paragraph a. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Oyster Bay, Nassau County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

(1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

(2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

(3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. Upon this resolution taking effect, the same shall be published in summary in Newsday, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

- _Supervisor Saladino_____VOTING _AYE_____
- _Councilwoman Johnson_____VOTING _AYE_____
- _Councilman Imbroto_____VOTING _AYE_____
- _Councilman Hand_____VOTING _AYE_____
- _Councilman Labriola_____VOTING _AYE_____
- _Councilwoman Maier_____VOTING _AYE_____
- _Councilwoman Walsh_____VOTING _AYE_____

The resolution was thereupon declared duly adopted.

* * *

Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Improvements to Town Facilities

Town Board action is required to approve the appropriating resolution for the 2021 Capital Program – Improvements to Various Town Facilities. Financing will be by the issuance of serial bonds. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.


Robert Darienzo
Director of Finance

RD/rd
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20-21 reзо

10604814.239 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

The meeting was called to order by Supervisor Saladino, and upon roll being called, the following were

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: No one.

The following resolution was offered by Councilwoman Johnson, who moved its adoption, seconded by Councilman Imbroto, to-wit:

RESOLUTION NO. 20-2021

BOND RESOLUTION DATED JANUARY 12, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$8,200,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY THE COST OF VARIOUS IMPROVEMENTS TO TOWN PARKS, OUTSIDE OF TOWN PARK DISTRICTS, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital purposes hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act to the extent required, have been performed; and

WHEREAS, it is now desired to authorize the financing of such capital purposes; NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Section 1. For paying the cost of various improvements to Town parks, outside of Town Park Districts, in and for the Town of Oyster Bay, Nassau County, New York, including incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$8,200,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$8,200,000, and the plan for the financing thereof is by the issuance of the \$8,200,000 bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision nineteen of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. To the extent such appropriation is not made from other sources, there shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Oyster Bay, Nassau County, New York, by the manual or facsimile signature of the Supervisor and a facsimile of its corporate seal shall be imprinted thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as he shall deem best for the interests of the Town; provided, however, that in the exercise of these delegated powers, he shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 8. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section 70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by Section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 9. The validity of such bonds and bond anticipation notes may be contested only if:

- (1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- (2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- (3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 10. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 11. Upon this resolution taking effect, the same shall be published in summary in Newsday, a newspaper having general circulation in said Town, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 12. This resolution is adopted subject to permissive referendum.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call
which resulted as follows:

- _Supervisor Saladino_____VOTING _AYE_____
- _Councilwoman Johnson_____VOTING _AYE_____
- _Councilman Imbroto_____VOTING _AYE_____
- _Councilman Hand_____VOTING _AYE_____
- _Councilman Labriola_____VOTING _AYE_____
- _Councilwoman Maier_____VOTING _AYE_____
- _Councilwoman Walsh_____VOTING _AYE_____

The resolution was thereupon declared duly adopted.

* * *


Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Parks General

Town Board action is required to approve the appropriating resolution for the 2021 Capital Program – Park Improvements. Financing will be by the issuance of serial bonds. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.


Robert Darienzo
Director of Finance

RD/rd
Word/Documents/Docket/2021 parks general

21-21 re 30

10604814.244 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

PRESENT:

Thomas Hand

- Joseph Saladino
Supervisor
- Michele Johnson
Councilman
- Louis Imbroto
Councilman
- Thomas Hand
Councilman
- Steve Labriola
Councilman
- Laura Maier
Councilman
- Vicki Walsh
Councilman

In the Matter of
the Increase and Improvement of the Facilities
of the All Park Districts in the Town of
Oyster Bay, Nassau County, New York.

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Resolution No. 21-2021
ORDER CALLING PUBLIC HEARING

WHEREAS, the Town Board of the Town of Oyster Bay, Nassau County, New York, has had under consideration the joint increase and improvement of the facilities of all Park Districts in said Town (in the aggregate, the "Park Districts", each, a "Park District"), consisting of the refurbishing and improvement of facilities in all Park Districts, including incidental expenses in connection therewith; and

WHEREAS, the estimated maximum cost to said Park Districts of such joint increase and improvement of facilities is determined to be \$870,000; and

WHEREAS, such cost shall be annually apportioned among such Park Districts by said Town Board, and the amounts so apportioned shall be annually apportioned and assessed upon the several lots and parcels of land within each said Park District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due;

WHEREAS, an environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of all Park Districts, for the particular improvements that have been identified, and it has been determined that such increase and improvement of the facilities of all Park Districts and use will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing on said proposed joint increase and improvement of facilities, pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, shall be held at the Town Hall East, 54 Audrey Avenue, Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of all Park Districts in said Town, referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the Newsday, the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Oyster Bay, Nassau County, New York, will meet at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed joint increase and improvement of the facilities of all Park Districts in said Town, consisting of the refurbishing and improvement of facilities in all Park Districts, including incidental expenses in connection therewith, at an estimated maximum cost of \$870,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned amongst such Park Districts by said Town Board, and the amounts so apportioned shall be levied and collected in each Park District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

An environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of all Park Districts and, for the particular improvements that have been identified, it has been determined that such increase and improvement of the facilities of all Park Districts will not result in any significant environmental effects.

Dated: Oyster Bay, New York
January 12, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF OYSTER BAY,
NASSAU COUNTY, NEW YORK

Richard LaMarca
Town Clerk

Section 3. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

_Supervisor Saladino_____VOTING _AYE_____

_Councilwoman Johnson_____VOTING _AYE_____

_Councilman Imbroto_____VOTING _AYE_____

_Councilman Hand_____VOTING _AYE_____

_Councilman Labriola_____VOTING _AYE_____

_Councilwoman Maier_____VOTING _AYE_____

_Councilwoman Walsh_____VOTING _AYE_____

The order was thereupon declared duly adopted.

* * *

Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Public Hearing – Park Districts

Town Board action is required to approve the resolution calling for a public hearing for Special District Park Improvements in the 2021 Capital Program. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.

 
Robert Darienzo
Director of Finance

RD/rd
Word/Documents/Docket/2021 parks ph

22-21 also

10604814.245 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

PRESENT:

Joseph Saladino

Supervisor

Michele Johnson

Councilman

Louis Imbroto

Councilman

Thomas Hand

Councilman

Steve Labriola

Councilman

Laura Maier

Councilman

Vicki Walsh

Councilman

In the Matter of
the Increase and Improvement of the Facilities
of the Public Parking District in the Town of
Oyster Bay, Nassau County, New York.

Resolution No. 22-2021

ORDER CALLING PUBLIC HEARING

WHEREAS, the Town Board of the Town of Oyster Bay, Nassau County, New York, has had under consideration the increase and improvement of the facilities of the Public Parking District (the "District") in said Town, consisting of the refurbishing and improvement of facilities in said District, including incidental expenses in connection therewith; and

WHEREAS, the estimated maximum cost to said District of such increase and improvement of facilities is determined to be \$4,800,000; and

WHEREAS, such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due;

WHEREAS, an environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of said District and use and it has been determined that such increase and improvement of the facilities of said District and use will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities, pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, shall be held at the Town Hall East, 54 Audrey Avenue, Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of said District in said Town, referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published in the Newsday, the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Oyster Bay, Nassau County, New York, will meet at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Public Parking District (the "District") in said Town, consisting of the refurbishing and improvement of facilities in said District, including incidental expenses in connection therewith, at an estimated maximum cost of \$4,800,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned, levied and collected in said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

An environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of said District and use and it has been determined that such increase and improvement of the facilities of said District and use will not result in any significant environmental effects.

Dated: Oyster Bay, New York
January 12, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF OYSTER BAY,
NASSAU COUNTY, NEW YORK

Richard LaMarca
Town Clerk

Section 3. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

_Supervisor Saladino_____VOTING _AYE_____

_Councilwoman Johnson_____VOTING _AYE_____

_Councilman Imbroto_____VOTING _AYE_____

_Councilman Hand_____VOTING _AYE_____

_Councilman Labriola_____VOTING _AYE_____

_Councilwoman Maier_____VOTING _AYE_____

_Councilwoman Walsh_____VOTING _AYE_____

The order was thereupon declared duly adopted.

* * *

Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Public Hearing – Public Parking

Town Board action is required to approve the resolution calling for a public hearing for Public Parking District Improvements in the 2021 Capital Program. Bond Counsel will prepare said resolution and forward same to the Office of the Town Attorney.

Thank you.



Robert Darienzo
Director of Finance

RD/rd

Word/Documents/Docket/2021 parking ph

23-21 res

10604814.347 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00_ o'clock A.M., Prevailing Time.

PRESENT:

Joseph Saladino

Supervisor

Michele Johnson

Councilman

Louis Imbroto

Councilman

Thomas Hand

Councilman

Steve Labriola

Councilman

Laura Maier

Councilman

Vicki Walsh

Councilman

Resolution No. 23-2021

In the Matter of the Increase and Improvement
of the Facilities of the Town of Oyster Bay
Public Lighting District in the Town of Oyster Bay,
Nassau County, New York

ORDER CALLING PUBLIC HEARING

WHEREAS, the Town Board of the Town of Oyster Bay, Nassau County, New York, has had under consideration the increase and improvement of the facilities of the Town of Oyster Bay Public Lighting District in said Town, consisting of the refurbishing and improvement of facilities in such Public Lighting District, including incidental expenses in connection therewith; and

WHEREAS, the estimated maximum cost to such Public Lighting District of such increase and improvement of facilities is determined to be \$310,000; and

WHEREAS, such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such Public Lighting District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due;

WHEREAS, an environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement and it has been determined that such increase and improvement will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the estimate of cost, pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, shall be held at the Town Hall East, 54 Audrey Avenue, Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of the Town of Oyster Bay Public Lighting District in said Town, referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published, at least ten, but not more than twenty, days prior to the public hearing in the Newsday, a newspaper having general circulation in said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Oyster Bay, Nassau County, New York, will meet at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Town of Oyster Bay Public Lighting District in said Town, consisting of the refurbishing and improvement of facilities in such Public Lighting District, including incidental expenses in connection therewith, at a estimated maximum cost of \$310,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such Public Lighting District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due.

An environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of the Town of Oyster Bay Public Lighting District and it has been determined that such increase and improvement of the facilities of the Town of Oyster Bay Public Lighting District will not result in any significant environmental effects.

Dated: Oyster Bay, New York
January 12, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF OYSTER BAY,
NASSAU COUNTY, NEW YORK

Richard LaMarca
Town Clerk

Section 3. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which
ed as follows:

_Supervisor Saladino_____VOTING _AYE_____
_Councilwoman Johnson_____VOTING _AYE_____
_Councilman Imbroto_____VOTING _AYE_____
_Councilman Hand_____VOTING _AYE_____
_Councilman Labriola_____VOTING _AYE_____
_Councilwoman Maier_____VOTING _AYE_____
_Councilwoman Walsh_____VOTING _AYE_____

order was thereupon declared duly adopted.

* * * *

Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Public Hearing – Public Lighting

Town Board action is required to approve the resolution calling for a public hearing for Public Lighting District Improvements in the 2021 Capital Program. Bond Counsel will prepare said resolution and forward same to the Office of the Town Attorney.

Thank you.

 
Robert Darienzo
Director of Finance

RD/rd
Word/Documents/Docket/2021 lighting ph

24-21 reso

10604814.246 (1000179864)

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 12, 2021, at 10:00 o'clock A.M., Prevailing Time.

Office of Town Attorney
Thomas M. Miller

PRESENT:

- Joseph Saladino
Supervisor
- Michele Johnson
Councilman
- Louis Imbroto
Councilman
- Thomas Hand
Councilman
- Steve Labriola
Councilman
- Laura Maier
Councilman
- Vicki Walsh
Councilman

In the Matter of	:	Resolution No. 24-2021
the Increase and Improvement of the Facilities	:	
of the Solid Waste District in the Town of	:	ORDER CALLING PUBLIC HEARING
Oyster Bay, Nassau County, New York.	:	
	:	

WHEREAS, the Town Board of the Town of Oyster Bay, Nassau County, New York, has had under consideration the increase and improvement of the facilities of the Solid Waste District (the "District") in said Town, consisting of the refurbishing and improvement of the Solid Waste Disposal Facility in said District, including incidental expenses in connection therewith; and

WHEREAS, the estimated maximum cost to said District of such increase and improvement of facilities is determined to be \$720,000; and

WHEREAS, such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due;

WHEREAS, an environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of said District and use and it has been determined that such increase and improvement of the facilities of said District and use will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the estimate of cost, pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Oyster Bay, Nassau County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, shall be held at the Town Hall East, 54 Audrey Avenue, Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of said District in said Town, referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Section 2. The Town Clerk is hereby authorized and directed to cause a notice of said public hearing to be published, at least ten, but not more than twenty, days prior to the public hearing in the Newsday, the official newspaper of said Town, and posted in the manner prescribed by law, which notice shall be in substantially the following form, to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Oyster Bay, Nassau County, New York, will meet at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Solid Waste District (the "District") in said Town, consisting of the refurbishing and improvement of the Solid Waste Disposal Facility in said District, including incidental expenses in connection therewith, at an estimated maximum cost of \$720,000, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due.

An environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of said District and use and it has been determined that such increase and improvement of the facilities of said District and use will not result in any significant environmental effects.

Dated: Oyster Bay, New York
January 12, 2021

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF OYSTER BAY,
NASSAU COUNTY, NEW YORK

Richard LaMarca
Town Clerk

Section 3. This order shall take effect immediately.

The question of the adoption of the foregoing order was duly put to a vote on roll call, which resulted as follows:

- _Supervisor Saladino_____VOTING _AYE_____
- _Councilwoman Johnson_____VOTING _AYE_____
- _Councilman Imbroto_____VOTING _AYE_____
- _Councilman Hand_____VOTING _AYE_____
- _Councilman Labriola_____VOTING _AYE_____
- _Councilwoman Maier_____VOTING _AYE_____
- _Councilwoman Walsh_____VOTING _AYE_____

The order was thereupon declared duly adopted.

* * *

Town of Oyster Bay
Inter-Departmental Memo

December 28, 2020

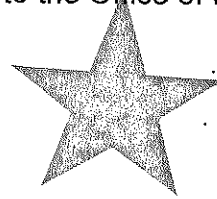
To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: 2021 Capital Program – Public Hearing – Solid Waste District

Town Board action is required to approve the resolution calling for a public hearing for Solid Waste District Improvements in the 2021 Capital Program. Bond Counsel will prepare said resolution and forward same to the Office of the Town Attorney.

Thank you.



Robert Darienzo
Director of Finance



RD/rd

Word/Documents/Docket/2021 solid waste ph

Town of Oyster Bay

Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: December 28, 2020

SUBJECT: Route 107 Median Planting
Hicksville, New York

In connection with the above referenced matter, the New York State Department of Transportation (NYSDOT) requires the Town to maintain a License and Permit Bond, in the amount of \$10,000.00, to ensure the Town's performance of its obligations contained in the Memorandum of Understanding between the Town and the NYSDOT. The Bond is currently provided by Utica Mutual Insurance Company, through its agent, Salerno Brokerage Corporation. The renewal premium, for the period from November 2, 2020 through November 1, 2021, is \$100.00.

A review of the renewal procedure and the Town of Oyster Bay's Procurement Policy indicates that Guideline 6 of the Procurement Policy has been satisfied.

This Office recommends that the Town Board authorize maintaining the License and Permit Bond from Utica Mutual Insurance Company, nunc pro tunc, from November 2, 2020 thru November 1, 2021, through Salerno Brokerage Corporation, at a renewal premium of \$100.00.

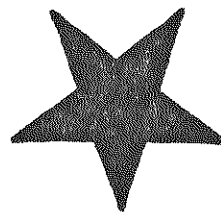
It is requested that this matter be placed on the Town Board calendar for January 12, 2021.

FRANK M. SCALERA
TOWN ATTORNEY



Paul S. Ehrlich
Deputy Town Attorney

PSE:ba
Enclosure
File: 2017-5834.007



WHEREAS, in connection with the Route 107 median planting project, Hicksville, New York, the New York State Department of Transportation (NYSDOT) requires the Town to maintain a License and Permit Bond, in the amount of \$10,000.00, to ensure the Town's performance of its obligations contained in the Memorandum of Understanding between the Town and the NYSDOT; and

WHEREAS, Frank M. Scalera, Town Attorney, and Paul S. Ehrlich, Deputy Town Attorney, by memorandum dated December 28, 2020, recommended that the Town's aforesaid License and Permit Bond, be maintained from Utica Mutual Insurance Company, *nunc pro tunc*, from November 2, 2020 through November 1, 2021, through Salerno Brokerage Corp., at a renewal premium of \$100.00, with funds to be drawn from Account No. HWY DB 5110 44900 000 0000,

NOW THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and the Office of the Town Attorney is hereby authorized to maintain the License and Permit Bond, from Utica Mutual Insurance Company, *nunc pro tunc*, from November 2, 2020 through November 1, 2021, through Salerno Brokerage Corp., at a renewal premium of \$100.00, with funds to be drawn from Account No. HWY DB 5110 44900 000 0000; and be it further

RESOLVED, That the Office of the Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim therefor, after audit.

#

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



SALERNO BROKERAGE CORP.

TOWNS & VILLAGES RISK MANAGEMENT CORP.

HEALTH & FITNESS RISK MANAGEMENT CORP.

117 Oak Drive, Syosset, New York 11791-4625 • 516-364-4044 • Fax: 516-364-5901

October 23, 2020

Mr. Paul Ehrlich
Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, NY 11771

RE: Bond – NYS DOT - \$10,000 Surety Bond
Reason: State Work Permit for maintenance of decorative planting in
median of Rte. 107.
Carrier: Utica Mutual Insurance Co.
Policy #: SU3814227
Policy Term: 11/2/2020 to 11/2/2021

Dear Mr. Ehrlich:

Enclosed is our invoice in the amount of \$100.00, which represents the annual premium for this bond. Please remit payment accordingly. Please note this bond is issued on continuous form.

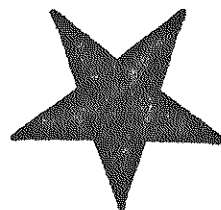
Thank you for the opportunity to be of service. As always please do not hesitate to contact our office if you have any questions.

Very truly yours,

Nicole L. Morton

Nicole L. Morton

NLM:jo
Enc.



WHEREAS, Justin McCaffrey, Commissioner, Department of Public Safety, by memorandum dated December 22, 2020 requested Town Board authorization to enter into a contract with Oreste Joseph Bruni, M.D., 4410 Sunrise Highway, Massapequa, New York 11758, for the inspection of Town owned Automated External Defibrillators (AEDs), and training of Town personnel who operate the AEDs, for an annual cost not to exceed \$3,500.00, with funds available in Account No. DPS A 3010 44900 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Supervisor and/or his designee is hereby authorized to enter into a one (1) year contract with Oreste Joseph Bruni, M.D., 4410 Sunrise Highway Massapequa, New York 11758, for the period January 1, 2021 to December 31, 2021, nunc pro tunc, for the inspection of Town Automated External Defibrillators (AEDs), and the training of Town personnel who operate the AEDs, for an annual cost not to exceed \$3,500.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same from Account No. DPS A 3010 44900 000 0000, upon submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

24

TOWN OF OYSTER BAY

Inter-Departmental Memo


December 22, 2020

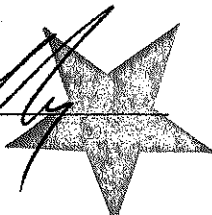
TO: Memorandum Docket
FROM: Justin McCaffrey, Commissioner, Department of Public Safety
Subject: Professional Services AED Oversight

Town Board authorization is requested to enter into an AED (Automated External Defibrillator) Collaborative Medical Agreement ("Agreement") on behalf of the Town of Oyster Bay with Dr. Oreste Joseph Bruni pursuant to the Town's AED Policy and NYS Public Health Law Section 3000-b and execute said agreement by the Supervisor and or his designee for the period of January 1, 2021, to December 31, 2021

In accordance with the Town's Procurement Policy Guideline (6c), the Department of Public Safety has verified with the Comptroller's Office that this professional service is exempt under Guideline 6c of the Procurement Policy.

This service contract is not to exceed three thousand five hundred dollars. Funds for the above contract are available in account DPS A 3010 44900 000 0000 000.


Justin McCaffrey
Commissioner
Department of Public Safety



cc: Town Attorney
Comptroller



AED COLLABORATIVE MEDICAL AGREEMENT

TOWN OF OYSTER BAY

&

DR. JOSEPH BRUNI

January 1, 2021 – December 31, 2021



WRITTEN PRACTICE PROTOCOLS, POLICIES, AND PROCEDURES RELATING TO THE AUTOMATED EXTERNAL DEFIBRILLATION ("AED PROGRAM") of the Town of Oyster Bay.

In order to enhance safety measures for the residents, employees, and visitors of the Town of Oyster Bay facilities and property, an Automated External Defibrillation program (AED Program) has been instituted. This document sets forth the practice protocols, policies, and procedures of the AED Program (the Program Policy), and is deemed incorporated into each collaborative agreement to which the Town of Oyster Bay is or becomes a party.

The policy is designed to assure that the Town of Oyster Bay personnel who operate the AEDs are properly trained, all AED equipment is maintained in good operating condition, and all New York State laws, rules and regulations applicable to the program are strictly adhered to by the Town of Oyster Bay staff.

A. Training

1. Only those who are trained to use AEDs in accordance with the laws of the State of New York shall be authorized to use the AEDs.
2. All authorized personnel must successfully complete a training course in the operation of AEDs approved by a nationally recognized organization approved by the New York State Department of Health for the purpose of training people in the use of AEDs.
3. All authorized personnel must maintain on file with the Town of Oyster Bay, a written certification card or other written evidence satisfactory to the Medical Director Dr. Joseph Bruni, establishing such authorized personnel's successful completion of an approved AED training course.

4. All such certificates must be current and still effective under the standards of the organization that has approved the course to which such certification relates, and only authorized personnel with certifications effective at the time of use of any AED may use the AED.
5. The Town of Oyster Bay will provide ongoing training in the use of AEDs for its authorized personnel to the extent recommended by the organization that has approved the training course attended by authorized personnel.
6. All authorized personnel shall be familiar with and trained to use the specific model of AED owned by the Town of Oyster Bay.

B. Location of AED Units.

- 19 Public Safety Vehicles & Boats
- 2 Town Hall North
- 2 Town Hall South
- 1 Landfill
- 7 DPW Facilities
- 7 Community Centers
- 22 Various Town Parks, Beaches, Pools.

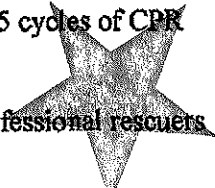
If the Town elects to obtain additional AEDs, this policy shall be amended to reflect such additions, and the location at which same shall be employed.

C. Maintenance and Inspection of the AED Units.

1. The AED will be kept protected in the case, as supplied by the manufacturer, and shall be kept clean, warm, and dry at all times when not in use.
2. The AED is designed to perform routine self-diagnostic tests to verify its operating and battery status. The AED Unit will have both visual and audible status indicators and a special service indicator light. To supplement and verify the self-diagnostic checks built into each unit, The Department of Public Safety and Parks Department shall conduct the following inspections:
 - a. Weekly inspections; a visual inspection of the AED to determine if any of the self-diagnostic tests and the special service lights indicate that attention is required.
 - b. Monthly inspection: On the first business day of each month, the Department of Public Safety and Parks will prepare a monthly inspection report. Each inspection will include observation of all self-diagnostic indicators on the equipment as well as verification that the AED Unit is complete, clean and in good operating condition.

3. If a problem is detected in any such inspection, or if some attention otherwise seems warranted, then the AED should be serviced or attended to immediately. In the event service is needed contact the Department of Public Safety.
4. In the event that such service or attention so warrants, arrangements must be made immediately to have a replaced AED Unit until the AED Unit is serviced or repaired and is again fully functional.

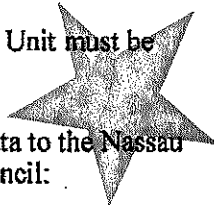
D. In the event of emergency.

1. In the event of any medical emergency, immediately notify the Nassau County Police or local Fire Department by calling 911 for medical assistance, if the situation requires it.
 2. If more than one employee is present in the course of an emergency situation, then one shall contact EMS while the other employee assists and stays with the victim.
 3. Check the victim's Circulation, Airway and Breathing, confirm that victim is unconscious, not breathing and has no pulse or obvious signs of life. If necessary, start CPR until the AED is applied.
 4. Position victim away from water and metal. Place unit by victim's shoulder and turn it on.
 5. Expose victim's chest, and dry or shave the area if necessary.
 6. Apply pads to victim's chest. If needed, plug cables into unit.
 7. Stand clear during rhythm analysis.
 8. Follow prompts from AED unit to (a) press shock button or (b) do not shock but immediately give CPR with the pads remaining in place, starting with chest compressions.
 9. Follow the AED's prompts to analyze the rhythm again after 5 cycles of CPR (about 2 minutes).
 10. Continue steps 8 & 9 until the victim recovers (moves) or professional rescuers arrive and take over.
- 

11. If the victim recovers (moves), check for breathing and put a breathing unresponsive victim in the recovery position (with pads remaining in place) and continue the breathing.
12. After emergency medical service assistance has reached the location of the emergency, trained personnel will remain at the scene to assist EMS personnel.
13. If the victim must be transported from the facility, with the AED Unit employees will determine which hospital the victim is being transported to. Inquiry should be made of the ambulance or emergency vehicle operator. If that information is not available, then the employee should contact the Emergency Medical Provider's office to determine where the ambulance took the victim. Employees should not follow the ambulance.
14. The Town of Oyster Bay and the Emergency Health Care Provider (hereinafter "Medical Director") with which the Town has entered into a collaborative agreement related to this program must file reports with respect to each incident involving use of an AED. Such reports cannot be completed without information contained in computer chips installed within each AED unit. Therefore, it is imperative that the staff retrieve any AED unit that leaves the facility. To that end the AED is equipped with a special quick connect adapter, which allows the electrodes, which are attached to the victim when the AED is in use, to be connected to different brand units of AED's. Therefore, the EMS personnel attending to an incident involving the use of the AED will have the option of disconnecting the electrodes from the AED and connecting the same to AED's that the EMS personnel may have brought to the scene.
15. In any situation in which the AED remains at the scene after it is used, it should be secured by AED trained employees.

E. Documentation requirements.

1. In the event that an AED is used, the following steps are required:
 - A. The authorized personnel using the AED will prepare an incident report.
 - B. The Medical Director must be contacted promptly, and be provided with all relevant data.
 - C. The data on the computer chip installed in the AED Unit must be downloaded.
 - D. The Town of Oyster Bay must report and submit data to the Nassau County Regional Emergency Medical Services Council:
131 Mineola Blvd, Suite 105
Mineola NY 11501-0025, (516) 542-0025.



F. Emergency Health Care Provider.

1. The Town of Oyster Bay has entered into a collaborative agreement with the following Medical Director:

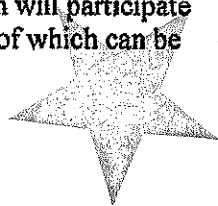
Dr. Joseph Bruni
397 Woodbury Road
Woodbury, NY 11797

If the identity of the Medical Director changes, the Town shall enter into a collaborative agreement with the new Medical Director, and shall submit the new collaborative agreement to REMSCO.

G. Quality Improvement Program.

1. As required by the New York State Health Department, the Town will participate in a regional-approval quality improvement program, the details of which can be obtained from the following location:

Nassau County Regional EMS Council
131 Mineola Blvd. Suite 105
Mineola, NY 11501-3919
(516) 542-0025



Collaborative Agreement Pursuant to Public Health Law 3000-b
Between The Town of Oyster Bay & Dr. Joseph Bruni.

Dear Dr. Bruni,

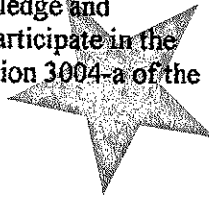
When signed by you and the Town of Oyster Bay below this letter will constitute our agreement with respect to the matters set forth below. We agree as follows:

As you know, the Town of Oyster Bay in connection with its proposed Public Access Defibrillation ("PAD") Program is required by law to have a "collaborative agreement" with an "Emergency Health Care Provider" (which we will refer to as "Medical Director"), as those terms are used in Section 3000-b of the Public Health Law.

The Town of Oyster Bay believes that its proposed PAD Program is an extremely important service to provide to its employees, residents and visitors. The Town of Oyster Bay is pleased that you have expressed an interest in serving as the Medical Director for the PAD Program.

Annexed hereto, and incorporated into this agreement by reference, are written practice, protocols, policies, and procedures that will govern the Town of Oyster Bay proposed PAD Program.

You have represented to the Town of Oyster Bay that you have knowledge and experience in the delivery of emergency cardiac care and that you will participate in the regional quality improvement program pursuant to Subdivision 1 of Section 3004-a of the Public Health Law.



The Town of Oyster Bay hereby retains you, and you agree to be retained by the Town of Oyster Bay, as the Medical Director for the PAD Program for the term, January 1, 2021, through December 31, 2021 for the fee of \$3,600.00. Either party may terminate this agreement at any time, upon thirty (30) days prior written notice. Provided however, that the Town of Oyster Bay may terminate the agreement immediately in the event that you cease to qualify for any reason as the Medical Director under applicable laws, rules and regulations.

Kindly acknowledge your understanding of and agreement to the foregoing by signing in the below space.

We greatly appreciate your assistance.

Town Supervisor and or designee (Print Name) Title

Town Supervisor and or designee (Signature & Date)

Physician Name

Oreste Joseph Bruni, MD
NYS License #180551

Print Name

M.D.

Oreste Joseph Bruni, MD

Date

12/9/20

WHEREAS, Justin McCaffrey, Commissioner, Department of Public Safety by memorandum dated December 21, 2020, advised that pursuant to the Town's firearm policy, psychological screening and testing is required for any employees carrying a firearm, and requested authorization to utilize the services of Stone, McElroy and Associates, 4015 S. Cobb Drive, Suite 265, Smyrna, Georgia 30080 to conduct psychological screening and testing for employees carrying a firearm, for an annual cost not to exceed \$3,500.00, with the funds for said payment available in Account No. DPS A 3010 44900 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Supervisor and/or his designee is hereby authorized to enter into a one (1) year contract with Stone, McElroy and Associates, 4015 S. Cobb Drive, Suite 265, Smyrna, Georgia 30080, for the period January 1, 2021 to December 31, 2021, nunc pro tunc, to conduct psychological screening and testing for an annual cost not to exceed \$3,500.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same from Account No. DPS A 3010 44900 000 0000, upon submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney

TOWN OF OYSTER BAY

Inter-Departmental Memo

December 21, 2020

TO: Memorandum Docket

FROM: Justin McCaffrey, Commissioner, Department of Public Safety

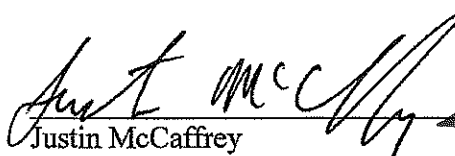
SUBJECT: Professional Services - Psychological Screening and Testing

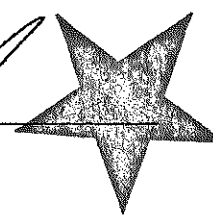
The Department of Public Safety is seeking Town Board authorization to utilize the services of Stone, McElroy and Associates 4015 South Cobb Drive, Suite 265 Smyrna, GA 30080. Pursuant to the Town's firearm policy psychological screening and testing is required for any employees carrying a firearm.

In accordance with the Town's Procurement Policy, the Department of Public Safety has verified with the Comptroller's Office and the Department of General Services that this professional service is exempt under guideline 6(c), services under \$5,000.00 in a calendar year, townwide.

This service contract is not to exceed \$3,5000.00. Funds for the above request are available in Account DPS A 3010 44900 000 0000.

Therefore, we respectfully request the Town Board to authorize the Town to enter into an agreement and authorize the Supervisor and or his designee to execute the agreement for the period of January 1, 2021 to December 31, 2021.


Justin McCaffrey
Commissioner of Public Safety



WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, the CSEA has filed a grievance on behalf of an employee (whose identity was revealed to the Town Board in Executive Session), alleging that the Town failed to assign overtime work to the employee on the basis of seniority; and

WHEREAS, Frank M. Scalera, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memorandum dated December 29, 2020, advised that a Memorandum of Agreement, dated October 22, 2020, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Scalera and Mr. Sabellico, by said memorandum, requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated October 22, 2020.

#

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Thomas M. Sabellico

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET
FROM: Office of the Town Attorney
DATE: December 29, 2020
SUBJECT: Memorandum of Agreement – Town of Oyster Bay with CSEA

The Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Local 881 (“CSEA”), has filed a grievance against the Town of Oyster Bay, on behalf of an employee, whose identity will be revealed to the Town Board in Executive Session, alleging that the Town failed to assign overtime work to the employee on the basis of seniority.

The Town and the CSEA, wishing to resolve the grievance without extended arbitration hearings and possible litigation, have come to agreement and have executed a Memorandum of Agreement, dated October 22, 2020, subject to formal approval by the Town Board. It is requested and recommended that the Town Board ratify the Memorandum of Agreement by adopting a resolution to that effect, which is attached hereto.

Kindly place this matter on the Town Board calendar for the January 12, 2021 Town Board meeting.

FRANK M. SCALERA
TOWN ATTORNEY



Thomas M. Sabellico
Special Counsel

TMS/nb
Attachment



WHEREAS, by Town Board Resolution No. 663-1995, adopted on September 19, 1995, the Town Board authorized the Supervisor to enter into an Agreement with the County of Nassau for the refueling of Nassau County Police Department vehicles at Town of Oyster Bay's fuel facilities; and

WHEREAS, the Agreement has been periodically renewed for additional terms, with the most recent Agreement for the period ending December 31, 2018, having expired; and

WHEREAS, the Town has continued to make its fuel pumps available to Nassau County Police Department vehicles, on a month-to-month basis, while the new Agreement, *nunc pro tunc*, for the five (5) year period January 1, 2019, through and including December 31, 2023, was being drafted; and

WHEREAS, Frank M. Scalera, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated December 28, 2020, have recommended that the Supervisor or his designee be authorized, *nunc pro tunc*, to execute a new Agreement ending December 31, 2023, on behalf of the Town,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and the Supervisor or his designee is hereby authorized and directed to execute the attached Agreement between the Town of Oyster Bay and the County of Nassau on behalf of the Nassau County Police Department, *nunc pro tunc*, for the period from January 1, 2019 through and including December 31, 2023.

#

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

Town of Oyster Bay
Inter-Departmental Memo

TO : MEMORANDUM DOCKET
FROM : Office of the Town Attorney
DATE : December 28, 2020
SUBJECT: Inter-Municipal Agreement with County of Nassau on behalf of
Nassau County Police Department for use of Oyster Bay- Fuel Facilities

By Town Board Resolution No. 663-1995, adopted on September 19, 1995, the Town Board authorized the Supervisor to enter into an Agreement with the County of Nassau for the refueling of Nassau County Police Department vehicles at Town of Oyster Bay's fuel facilities. The Agreement has been periodically renewed; the most recent Agreement expired on December 31, 2018. Since that date, the Town has continued to make its fuel facilities available to Police Department vehicles, on a month-to-month basis, while the new Agreement, *nunc pro tunc*, for the 5 year period January 1, 2019, through and including December 31, 2023, was being drafted.

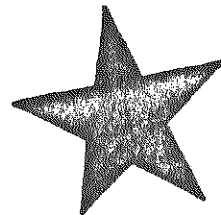
Attached herewith is the new Agreement for a five (5) year period ending December 31, 2023, as well as a proposed resolution. This Office recommends that the Supervisor or his designee be authorized, *nunc pro tunc*, to execute this Agreement, on behalf of the Town.

Attached herewith is the abovementioned Agreement, as well as a proposed resolution. Kindly include this matter on the Town Board action calendar for January 12, 2021.

FRANK M. SCALERA
TOWN ATTORNEY

Elizabeth A. Faughnan
Elizabeth A. Faughnan
Deputy Town Attorney

EAF
Enclosure



WHEREAS, Frank M. Scalera, Town Attorney, and Paul S. Ehrlich, Deputy Town Attorney, by memoranda dated December 29, 2020 and December 31, 2020, recommended that the Town's property insurance coverage for the period December 31, 2020 to December 31, 2021, be obtained, *nunc pro tunc*, from Zurich American Insurance Co. through Salerno Brokerage Corp., at a renewal premium of \$465,779.14, as well as an additional amount of \$10,000.00 for potential premium changes made to the policy for potential new locations and/or increased values during the policy period,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and the Office of the Town Attorney is hereby authorized to secure the Town's property insurance coverage for the period December 31, 2020 to December 31, 2021, *nunc pro tunc*, from Zurich American Insurance Co., through Salerno Brokerage Corp., and the Office of the Comptroller is authorized to issue an encumbrance order in the amount of \$465,779.14 plus an additional amount of \$10,000.00 for changes made to the policy for potential new locations and/or increased values, with funds to be drawn from Account No. TWN AMS 1910 43030 601 0000 000; and be it further

RESOLVED, That the Office of the Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim therefor, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney

1

Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET
FROM: Office of the Town Attorney
DATE: December 29, 2020
SUBJECT: Property Insurance
Supplemental Memo to MD #21 of 12/29/2020

In connection with the Town's property insurance coverage, the Town requested quotes through eight insurance brokers and posted the RFP on the Town's website, and received 22 responses regarding quotes for premiums for property insurance covering the Town's buildings and contents.

The broadest coverage and the lowest premium is available from the Town's insurer for the current period, Zurich American Insurance Co., through Salerno Brokerage Corp. The renewal premium is \$465,779.14, for the period December 31, 2020 to December 31, 2021.

The quote for the premium has increased \$63,229.14 from last year's premium of \$402,500.00 and the deductible has increased from \$50,000.00 to \$100,000.00. These amounts are based upon the amount of property losses sustained by the property insurance industry in the past year as well as concern over the increasing frequency and magnitude of major weather events.

Therefore, this office recommends that the Town's property insurance for the period December 31, 2020 to December 31, 2021 be obtained, *nunc pro tunc*, from Zurich American Insurance Co. for the premium amount of \$465,779.14 with funds to be drawn from Account No. TWN AMS 1910 43030 601 0000 000.

The vendor has completed and submitted the disclosure questionnaire required by the Town.

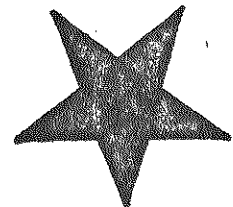
In addition, it is requested that an additional sum of \$10,000.00 be encumbered for possible additional premiums arising from potential new locations and/or increased values that may be added to the policy during the year.

Kindly place this matter on the Town Board action calendar for the Town Board meeting of January 12, 2021.

FRANK M. SCALERA
TOWN ATTORNEY



Paul S. Ehrlich
Deputy Town Attorney



PSE:mz
Enclosure
2017-5834.001



Property Market Disposition:

Markets:	Status	Response
ACE Commercial Risk Services	Declined	Can only offer \$1million Primary
Allied World Assurance Co	Declined	Limited to \$5million of capacity
AmRisc	Declined	Cannot compete against Zurich pricing or T&C's
Arch Insurance Group	Declined	Limited capacity, cannot compete against Zurich
Arrowhead General Ins Agency, Inc	Declined	Not competitive
AXIS Surplus Insurance Company	Declined	Limited capacity
Beazley Group	Declined	Limited capacity
CNA	Declined	Wind Restrictions
Everest National Insurance Co	Declined	Limited Capacity
Intact Insurance	Declined	Excess only
Ironshore Insurance Services, LLC	Declined	Limited capacity
Lexington Insurance Company	Declined	Cannot compete against Zurich pricing or T&C's
RSUI Group, Inc	Declined	Capacity/pricing
Sompo International	Declined	Cannot compete
Starr Surplus Lines Insurance Co.	Declined	Cannot compete against Zurich pricing or T&C's
Swiss Re	Declined	Cannot compete against Zurich pricing or T&C's
Travelers Companies, Inc.	Declined	Wind Exposure
Zurich US	Quoted	n/a
Chubb	Did not quote	Provided indication of in excess of \$600,000
National Union	Declined	
AXA	Declined	
Allianz	Declined	



SALERNO BROKERAGE CORP.

TOWNS & VILLAGES RISK MANAGEMENT CORP.

HEALTH & FITNESS RISK MANAGEMENT CORP.

117 Oak Drive, Syosset, New York 11791-4625 • 516-364-4044 • Fax: 516-364-5901
www.salemoins.com

December 28, 2020

Paul S. Ehrlich, Esq.
Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, NY 11771

RE: Property Insurance Policy RFP
Renewal: 12/31/20

Dear Mr. Ehrlich:

In response to your December 3, 2020 letter requesting an RFP on the property insurance for the Town of Oyster Bay, we are pleased to present a quotation from your current carrier, Zurich as well as a marketing report of the other markets that were approached.

The coverages are equivalent to or broader than those outlined in your RFP letter on December 3rd, 2020:

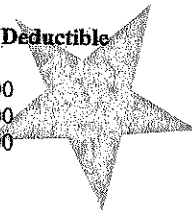
Quote #1: Zurich - \$465,779.14.

For your convenience and information, we are enclosing a copy of the complete renewal proposal prepared by World Wide Facilities on behalf of Zurich Proposal, along with a spreadsheet outlining the coverages.

You will note that the deductible has increased from \$50,000 to \$100,000. However, this is still the broadest and most competitive option in the marketplace.

As you may recall, the Town replaced the property coverage two years ago for the 12/31/2018 renewal with Zurich, due to the excellent flood coverage being provided by Zurich.

Flood Coverage:	Zurich Limit	Zurich Deductible
Flood Aggregate	\$10,000,000	\$100,000
Special Flood Hazard Area	\$5,000,000	\$500,000
Moderate Flood Hazard Area	\$5,000,000	\$250,000





SALERNO BROKERAGE CORP.

TOWNS & VILLAGES RISK MANAGEMENT CORP.

HEALTH & FITNESS RISK MANAGEMENT CORP.

117 Oak Drive, Syosset, New York 11791-4625 • 516-364-4044 • Fax: 516-364-5901
www.salemains.com

Page Two
Town of Oyster Bay

December 28, 2020

Finally, we approached over 20 insurance carriers, the vast majority of them declined to even provide any quotations. Chubb Insurance Company advised their premium would be a minimum of \$600,000, most likely higher. We have enclosed our marketing disposition.

To summarize, the following items are enclosed:

1. Zurich Property Proposal
2. Statement of Values used by Zurich to provide proposal.
3. Spreadsheet summarizing coverages
4. Market Disposition

Once the Town decides as to whether to accept this coverage, we would be pleased to meet with you to assist in the completion of the various forms, so that a formal binder and invoice can be delivered prior to the renewal date of December 31st, 2020.

The Statement of Values must be signed and returned in order to bind the property coverage.

Should you have any questions concerning the enclosures kindly feel free to give me a call.

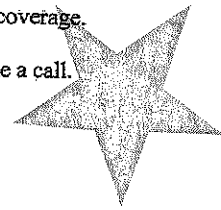
Cordially,

Nicole L. Morton

Nicole L. Morton

NLM:mm

Enc.



**Town of Oyster Bay
Inter-Departmental Memo**

TO : Memorandum Docket
FROM : Office of the Town Attorney
DATE : December 28, 2020
SUBJECT : Property Insurance
Town of Oyster Bay

In order to protect from loss the various properties owned by the Town of Oyster Bay, each year the Town obtains a property insurance policy. The current policy runs from December 31, 2019 through December 31, 2020. Pursuant to the Town's Procurement Policy, a request for proposals for the 2021 policy has been issued and we expect that proposals will be received and evaluated and a carrier will be selected prior to the January 12, 2021 Town Board meeting. This Office is completing its preparation of the papers necessary to obtain the necessary coverage. Additional information will be forwarded to the Docket by supplemental memorandum.

Kindly save a space on the docket for the January 12, 2021 Town Board meeting.

FRANK M. SCALERA
TOWN ATTORNEY


Paul S. Ehrlich
Deputy Town Attorney



PSE:ba
2017-5834.001

WHEREAS, the Town has been identified by the Governor's Office of Storm Recovery as an eligible Subrecipient of Community Development Block Grant Disaster Recovery Program with funding provided through the New York Rising Community Reconstruction Program through the development of Community Reconstruction Zone Plans for communities identified as Community Reconstruction Zones, and Massapequa and the Incorporated Village of Massapequa Park have been identified collectively as a Community Reconstruction Zone, permitting funding through the Block Grant program; and

WHEREAS, the implementation of drainage improvements on Pennsylvania Avenue, Philadelphia Avenue and Front Street, all located within the Incorporated Village of Massapequa Park ("Village"), has been approved for receipt of Block Grant Disaster Recovery funding; and

WHEREAS, Frank M. Scalera, Town Attorney, and Jeffrey Lesser, Deputy Town Attorney, by memorandum dated January 4, 2021, have advised that an Intermunicipal Agreement is required to effectuate performance of the work, with funds received through the Block Grant Disaster Recovery program; and

WHEREAS, Colin Bell, Deputy Commissioner, Intergovernmental Affairs, by memorandum dated December 30, 2020, has advised that the subject project is for the implementation of drainage improvements on Pennsylvania Avenue, Philadelphia Avenue and Front Street within the Village, and that the project is to be funded exclusively through the Block Grant Disaster Recovery Program; and

WHEREAS, the Office of the Town Attorney, by said memorandum has requested that the Town Board authorize the Supervisor or his designee to execute an Inter-Municipal Agreement in order for the Town to engage in the project within the Village,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted, and the Supervisor or his designee is hereby authorized to execute an Inter-Municipal Agreement with the Village of Massapequa Park in order to perform the project within the Village.

- # -

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Town of Oyster Bay
Inter-Departmental Memo

TO: Memorandum Docket
FROM: Office of the Town Attorney
DATE: January 4, 2021
SUBJECT: Authorization to Enter into an Inter-Municipal Agreement
With the Village of Massapequa Park
Supplemental to MD#22 Docket of 12-29-2020

The Town of Oyster Bay ("Town") has been identified by the Governor's Office of Storm Recovery ("GOSR") as an eligible Subrecipient of Community Development Block Grant Disaster Recovery ("CDBG-DR") Program funding provided through the New York Rising Community Reconstruction Program ("NYCRP"). NYCRP is a grant program designed to fund the development of Community Reconstruction Zone Plans for communities identified by GOSR as Community Reconstruction Zones ("CRZ") and to provide the funding required to complete certain projects identified within the Plan. Massapequa and the Incorporated Village of Massapequa Park (collectively "The Massapequas") have been identified collectively as one CRZ by GOSR and has been approved for receipt of CDBG-DR funding.

The implementation of drainage improvements on Pennsylvania Avenue, Philadelphia Avenue and Front Street, all located within the Incorporated Village of Massapequa Park ("Village"), has identified for CDBG-DR funding. To complete the project within the Village, an Intermunicipal Agreement between the Town and Village is required.

The Intermunicipal Agreement requires the Village to indemnify and hold harmless the Town for any damages, arising out of the activities performed, as well as to obtain insurance coverage in connection with the work. All costs associated with this Project are to be funded pursuant to CDBG-DR funding and any costs in excess of these funds are to be incurred by the Village, with no monetary contribution by the Town.

Authorization is requested for the Supervisor or his designee to execute the proposed Inter-Municipal Agreement.

FRANK M. SCALERA
TOWN ATTORNEY

Jeffrey Lesser
Deputy Town Attorney

JAL:jl
Attachment

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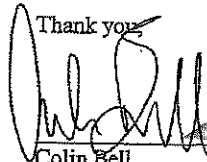
Town of Oyster Bay
Inter-Departmental Memo

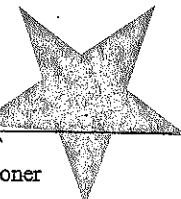
TO: FRANK M. SCALERA, TOWN ATTORNEY
ATTN: JEFFREY LESSER, DEPUTY TOWN ATTORNEY
FROM: COLIN BELL, DEPUTY COMMISSIONER
INTERGOVERNMENTAL AFFAIRS
DATE: DECEMBER 30, 2020
SUBJECT: REQUEST FOR DEVELOPMENT ON AN INTERMUNICIPAL AGREEMENT WITH
MASSAPEQUA PARK

The Town of Oyster Bay (Town) has been identified by the Governor's Office of Storm Recovery (GOSR) as an eligible Subrecipient of Community Development Block Grant Disaster Recovery (CDBG-DR) Program funding provided through the New York Rising Community Reconstruction Program (NYCRP). The New York Rising Community Reconstruction Program is a grant program designed to fund the development of Community Reconstruction Zone Plans for communities identified by GOSR as Community Reconstruction Zones and in turn; to provide the funding required to complete certain projects identified within the Plan. Massapequa and the Village of Massapequa Park (The Massapequa's) have been identified collectively as one CRZ by GOSR. As such, The Massapequa's NY Rising Community Reconstruction Plan has been developed and projects within that Plan have been subsequently approved for receipt of CDBG-DR funding.

One of the projects identified through The Massapequa's Community Reconstruction Plan and approved for receipt of CDBG-DR funding is the implementation of drainage improvements to be undertaken on Pennsylvania Avenue, Philadelphia Avenue and Front Street; all within the boundaries of the Incorporated Village of Massapequa Park. As the Town is the selected recipient of the CDBG-DR funding and this project being located within the Village; an Intermunicipal Agreement between the Town and Village allowing for the Town to complete this project within the boundaries of the Village is recommended.

Please prepare an Intermunicipal Agreement with the Incorporated Village of Massapequa Park for the purposes detailed above. Upon receipt of draft IMA I will work with the Village and internally to advance the IMA to full-execution. Feel free to contact me should require additional information.

Thank you

Colin Bell
Deputy Commissioner



INTER-MUNICIPAL AGREEMENT

DATED: January , 2021

PARTIES: THE TOWN OF OYSTER BAY, a municipal corporation of the State of New York, having its principal office and place of business at Town Hall, 54 Audrey Avenue, Oyster Bay, New York 11771, hereinafter referred to as the "TOWN"; and

THE INCORPORATED VILLAGE OF MASSAPEQUA PARK, a municipal corporation, having its principal place of business located at 151 Front Street, Massapequa Park, N.Y., hereinafter called the "VILLAGE",

WITNESSETH:

WHEREAS, the VILLAGE has requested to enter into an Inter-Municipal Agreement ("Agreement") with the TOWN; and

WHEREAS, the United States Congress passed the Disaster Relief Appropriations Act of 2013, appropriating funds to impacted States, through the United States Department of Housing and Urban Development, for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in areas impacted and distressed as a result of severe weather events; and

WHEREAS, the TOWN has entered into a Subrecipient Agreement with the Housing Trust Fund Corporation allowing for the Town to receive Community Development Block Grant Disaster Recovery funding for the Town to perform certain projects within the boundaries of the TOWN; and



WHEREAS, the TOWN is able to assist the VILLAGE in its operations to provide recovery and remediation of damage pursuant to Community Development Block Grant Disaster Recovery Subrecipient Agreement;

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements hereinafter set forth, the parties hereto do agree as follows:

FIRST: The TOWN shall be responsible for performing the activities detailed in Exhibit "A", which may be amended from time to time, and is hereby incorporated by reference ("Project Description/Work"). The TOWN shall perform the tasks and deliverables contained in the Project Description in accordance with the terms of the Subrecipient Agreement, which may require the general cooperation and assistance, access, and timely licensing or similar reviews/processing from and of the VILLAGE;

SECOND: The Parties shall arrange and coordinate the schedule of work in such a manner so as to achieve the timely completion of the tasks and deliverables contained in the Project Description;

THIRD: The TOWN shall notify the Village in writing at least ten (10) days in advance of the scheduled mobilization date of the selection of any contractor for commencement of work.

FOURTH: The term of this Agreement shall be for the completion of the Work, and this Agreement shall terminate upon the satisfactory completion of the Parties' obligations and responsibilities as required herein.

FIFTH: The TOWN shall have no further and/or ongoing responsibility for the Work, including maintenance thereof, upon completion of the tasks and deliverables contained

in the Project Description. The VILLAGE shall be solely responsible for the maintenance of the services, structures and apparatuses, including to any drainage facilities within the Village.

SIXTH: It is understood by the Parties that any monetary obligations regarding the TOWN pursuant to the Project Description is limited to funds received pursuant to the Subrecipient Agreement for this specific Work. Any costs associated with the Work which is in excess to any funds received pursuant to the Subrecipient Agreement for this specific Work shall be borne by the VILLAGE and such funds shall be due and owing to the Town. The TOWN shall timely advise the VILLAGE of the exhaustion of aforementioned funds for the Work, at which time the VILLAGE shall reimburse the TOWN, on a monthly basis, for reasonable costs associated with the Work remaining following exhaustion of funds. Failure of the VILLAGE to reimburse the TOWN for the aforementioned reasonable costs shall subject this Agreement to termination upon ten (10) days' notice.

SEVENTH: The VILLAGE, to the maximum extent permitted by law, shall indemnify and hold harmless the TOWN, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorneys' fees and disbursements) and damages, arising out of or in connection with the activities pursuant to this Agreement.

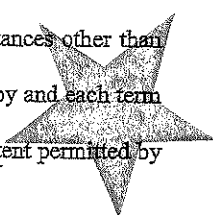
EIGHTH: Except where otherwise provided in the Agreement, including in paragraph "SEVENTH", this Agreement may be cancelled by either party upon sixty (60) days' written notice to the other party. Such notice shall be sent by certified mail, return receipt requested to the Town Attorney's Office of the Town or to the Village Clerk, as the case may be. A notice shall be deemed to have been given: in the case of hand delivery, at the time of delivery,

in the case of registered or certified mail, when delivered or two Business Days after mailing; or in the case of overnight courier service, on the Business Day after the same was sent.

NINTH: The VILLAGE shall obtain insurance coverage in regard to the work performed pursuant to this Agreement, and provide Certificates of Insurance with respect to comprehensive general liability in amounts per occurrence of not less than \$1,000,000.00 and \$2,000,000 in the aggregate and shall name the TOWN as an additional named insured. A copy of relevant endorsements are to be provided to the TOWN.

TENTH: It is understood and agreed that this Agreement embodies the entire understanding of the parties with regard to Project Description and Work performed, and may not be extended or modified except in writing, and subscribed by both parties hereto. This Agreement may be executed in any number of duplicate originals, and each duplicate original shall be deemed to be original. This Agreement may be executed in any number of counterparts; each of which counterpart shall be deemed an original and all of which together constitute a fully executed agreement even though all signatures do not appear on the same document. The Agreement may also be signed and delivered utilizing electronic signatures sent via electronic mail in "pdf" format. Such electronic signatures shall be binding upon the signatory.

ELEVENTH: If any term of this Agreement or the application thereof to any person or circumstances shall to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

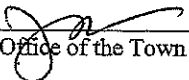


TWELFTH: It is expressly agreed that this instrument represents the entire agreement of the Parties and that all previous understandings are merged in this Agreement.

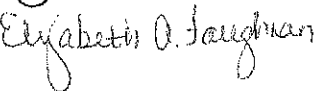
THIRTEENTH: This Agreement is subject to Town Board ratification.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed and these presents to be signed by the proper officials thereof pursuant to resolutions duly adopted by the respective Boards of said parties.

REVIEWED: TOWN OF OYSTER BAY


Office of the Town Attorney

BY _____

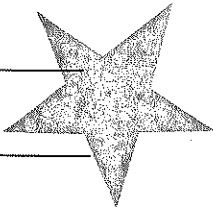


TITLE: _____

VILLAGE OF MASSAPEQUA PARK

BY: _____

TITLE: _____



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

On this day of , 2021, before me personally came
_____, to me known, who, being by me duly sworn, did depose and say that
he resides at _____; that he is the _____ of the Town
of Oyster Bay, the municipal corporation described herein and which executed the foregoing
instrument; that this agreement is authorized by order of the Town Board of said corporation, and
that he signed his name thereto by like order.

Notary Public

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

On this day of , 2021, before me personally came
to me known, who, being by me duly sworn, did depose and say that he resides in Massapequa
Park, New York, ant that he is the Mayor of the Incorporated Village of Massapequa Park, the
municipal corporation described herein and which executed the foregoing instrument; that this
agreement is authorized by order of the Board of said corporation, and that he signed his name
thereto by like order.

Notary Public

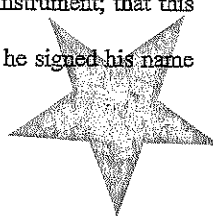
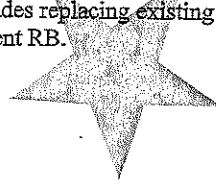


EXHIBIT "A"

This project will increase the available storage and detention in 3 storm water recharge basins (RBs) within Massapequa Park. Work will consist of removing material within these RBs and raising the outlet elevation controls in them. The project also raises the roadway elevation on Philadelphia Ave between Front Street and Pennsylvania Avenue and includes replacing existing drainage structures and adding an additional drainage outfall into the adjacent RB.



Town of Oyster Bay
Inter-Departmental Memo

To: Memorandum Docket
From: Office of the Town Attorney
Date: December 28, 2020
Subject: Authorization to Enter into an Inter-Municipal Agreement with the Village of Massapequa Park

This Office is preparing a resolution for authorization to enter into an Inter-Municipal Agreement with the Village of Massapequa Park.

Kindly reserve a space on the Action Calendar for the January 12, 2021 Town Board meeting. Additional information will be detailed in a supplemental memorandum.

FRANK M. SCALERA
TOWN ATTORNEY

By: _____

Jeffrey Lesser
Deputy Town Attorney

JAL:jl

WHEREAS, on August 18, 2020, the Town Board authorized a lease agreement with VIP Auto Group of Long Island, Inc. ("VIP") pursuant to which VIP would store new automobiles on a fourteen acre prepared surface at the Town DPW facility at 150 Miller Place, Syosset (the "Property") for an initial ten year term at a rental rate of \$840,000.00 in Year One, and increasing to \$916,800.00 in Year Ten; and

WHEREAS, Frank M. Scalera, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memoranda dated December 28, 2020 and January 4, 2021, advised that due to certain weather and drainage conditions which manifested subsequent to execution of the lease agreement, the Town was unable to deliver possession of the Property as previously agreed, prompting VIP to approach the Town about a modification of the lease agreement to reflect the actual date VIP takes possession of the respective portions of the Property; and

WHEREAS, as of January 1, 2021, the Town delivered thirteen of the fourteen acres that the lease agreement contemplates, subject to certain punch list items with the remaining one acre to be delivered to VIP on or about April 1, 2021; and

WHEREAS, Messrs. Scalera and Rozea, by the aforementioned memoranda, requested and recommended that the Supervisor, or his designee, be authorized to execute a first modification of the lease agreement, *nunc pro tunc* from January 1, 2021, pursuant to which rent shall be prorated to account for the unforeseen delay in delivery of the property, with all remaining terms, conditions, and obligations contained within the previously authorized lease agreement to remain unmodified and in full force and effect,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth is accepted and approved, and the Supervisor, or his designee, is authorized to execute a first modification of the lease agreement with VIP Auto Group of Long Island, Inc., *nunc pro tunc* from January 1, 2021.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
[Signature]

Town of Oyster Bay Inter-Departmental Memo

To: Memorandum Docket

From: Office of the Town Attorney

Date: January 4, 2021

Subject: Modification of Lease Agreement with VIP Auto Group of Long Island, Inc.
Supplemental to MD No. 23, December 29, 2020

On August 18, 2020, the Town Board authorized a lease agreement with VIP Auto Group of Long Island, Inc. ("VIP") pursuant to which VIP would store new automobiles on a fourteen acre prepared surface at the Town DPW facility at 150 Miller Place, Syosset (the "Property"). To summarize the initial lease terms, VIP agreed to lease the Property for an initial ten year term, with the possibility of up to three renewals of five years each. The rent amount in the first year is \$840,000.00, and increases to \$916,800.00 in Year Ten.

Due to certain weather and drainage conditions which manifested subsequent to execution of the lease agreement, the Town was unable to deliver possession of the Property as previously agreed. In light of the above, VIP approached this Office about a modification of the lease agreement to reflect the actual date VIP takes possession of the respective portions of the Property. As of January 1, 2021, the Town delivered thirteen of the fourteen acres that the lease agreement contemplates, subject to certain punch list items. Until certain other on-going drainage matters are addressed and rectified, the remaining one acre will not be accepted by VIP. The Town anticipates delivering the remaining one acre on or about April 1, 2021.

Under the proposed modification to the lease agreement, rent shall be prorated accordingly. All remaining terms, conditions, and obligations contained within the previously authorized lease agreement dated October 1, 2020 shall remain unmodified and in full force and effect.

This Office requests and recommends that the Town Board authorize the Supervisor, or his designee, to execute a modification to the lease agreement dated October 1, 2020 between the Town and VIP, nunc pro tunc from January 1, 2021. A proposed resolution authorizing such modification is attached hereto.

FRANK M. SCALERA
TOWN ATTORNEY

By:



Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment
2020-7637

MODIFICATION TO AGREEMENT OF LEASE

I. PARTIES TO LEASE; LEASE MODIFIED; DATE MODIFIED:

THIS MODIFICATON TO THE AGREEMENT OF LEASE modifies and changes the lease made on the 1st day of October, 2020, between the Town of Oyster Bay, a municipal corporation organized under the laws of the State of New York, having its principal office at 54 Audrey Avenue, Oyster Bay, New York, and VIP Auto Group of Long Island Inc., a domestic corporation, maintaining its principal offices at 3195 Hempstead Turnpike, Levittown, New York 11756, for a parcel of real property which is a certain portion of land designated on the Nassau County Land and Tax Map as Section 15, Block H, Lots 243, 244, p/o 247 and p/o 248, within the Department of Public Works (DPW) complex, 150 Miller Place, Syosset, New York 11791. The date of this modification is January 1, 2021.

II. TERMS OF LEASE MODIFIED:

The following terms of the lease are modified and changed as indicated:

a. The section entitled No. 1 "Term" of the Agreement of Lease shall be modified to read as follows:

1. Term:

The initial term of this Agreement (the "Term") shall be for a period of ten (10) years from and including the commencement date of January 1, 2021 through and including December 31, 2030 subject to the terms, conditions and other applicable provisions of this Agreement.

b. The section entitled No. 3 "Rental Rates" B shall be modified to read as follows:

3. Rental Rates:

B. During the Lease Term the Monthly Fixed Minimum Rent shall be as follows:

<u>Period</u>	<u>Amount</u>
From 01/01/2021 to 03/31/2021	\$195,000.00 in Monthly Installments of \$65,000.00
From 04/01/2021 to 12/31/2021	\$630,000.00 in Monthly Installments of \$70,000.00
From 01/01/2022 to 12/31/2022	\$848,000.00 in Monthly Installments of \$70,700.00
From 01/01/2023 to 12/31/2023	\$856,800.00 in Monthly Installments of \$71,400.00
From 01/01/2024 to 12/31/2024	\$865,200.00 in Monthly Installments of \$72,100.00
From 01/01/2025 to 12/31/2025	\$873,600.00 in Monthly Installments of \$72,800.00
From 01/01/2026 to 12/31/2026	\$882,000.00 in Monthly Installments of \$73,500.00
From 01/01/2027 to 12/31/2027	\$890,400.00 in Monthly Installments of \$74,200.00
From 01/01/2028 to 12/31/2028	\$898,000.00 in Monthly Installments of \$74,900.00
From 01/01/2029 to 12/31/2029	\$907,800.00 in Monthly Installments of \$75,650.00
From 01/01/2030 to 12/31/2030	\$916,800.00 in Monthly Installments of \$76,400.00

III. INTERIM OCCUPANCY:

Due to site conditions and inclement weather the site was not available when originally anticipated. The tenant was storing approximately Two Hundred and Fifty (250) vehicles on the site until commencement of the Lease Term.

IV. PRE-PAID RENT:

The Tenant has paid to the Landlord the sum of \$70,000.00 which shall be applied to Rental when due.

V. DRAINAGE CONDITIONS:

Due to Weather and Site Drainage Conditions an approximately one acre portion of the site will not be available until on or about April 1, 2021. The balance of the site, approximately thirteen (13) acres was occupied as of January 1, 2021.

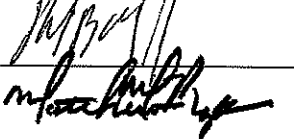
VI. PUNCH LIST

1. The chain link fence located behind the existing trailer, on the southerly boundary, at the front entrance to the property, to be replaced so that there is a continuous fence enclosure of the property up until the berms that were constructed by the Town on the other perimeter of the property.
2. The southerly entrance near the animal shelter has ruts to be addressed by RCA placement and Reinforcement.
3. In the front portion of the lot near the animal shelter entrance there are still significant holes on the property that also need RCA placement and reinforcement.
4. The keys to be provided.
5. Undelivered portion of the property to be delivered in accordance with Schedule B of the Agreement of Lease.

VII. MODIFICATION AGREEMENT AS PART OF LEASE:

This agreement shall be attached to and be a part of the Agreement of Lease. To the extent any of the provisions of this Amendment expressly amend or otherwise conflict with the provisions of the Agreement of Lease, the provisions of the Amendment shall control. All the other provisions of the Lease shall remain in full force and effect.

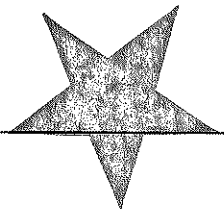
REVIEWED



TOWN OF OYSTER BAY

SUPERVISOR

VIP AUTO GROUP OF LONG ISLAND Inc



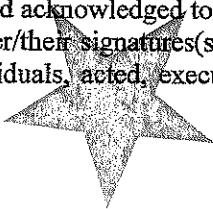
STATE OF NEW YORK)
:ss
COUNTY OF NASSAU)

On the ____ day of January, in the year 2021, before me, the undersigned, personally appeared, _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures(s) on the instrument,, the individual(s), or the person upon behalf of which the individuals, acted, executed the instrument.

Notary Public

STATE OF NEW YORK)
:ss
COUNTY OF NASSAU)

On the ____ day of January, in the year 2021, before me, the undersigned, personally appeared, _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures(s) on the instrument,, the individual(s), or the person upon behalf of which the individuals, acted, executed the instrument.



Notary Public

**Town of Oyster Bay
Inter-Departmental Memo**

To: Memorandum Docket

From: Office of the Town Attorney


Date: December 28, 2020

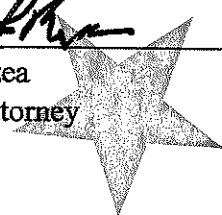
Subject: Modification of Lease Agreement with VIP Auto Group of Long Island, Inc.

This Office is preparing a resolution to authorize a modification to the Town's lease agreement with VIP Auto Group of Long Island, Inc.

Kindly reserve a space on the docket. Additional information will be detailed in a supplemental memorandum.

FRANK M. SCALERA
TOWN ATTORNEY

By: 
Matthew M. Rozea
Deputy Town Attorney



MMR:mmr
Attachment
2020-7637

Reviewed By
Office of Town Attorney

WHEREAS, Frank M. Scalera Town Attorney and Paul S. Ehrlich, Deputy Town Attorney, by memorandum dated January 4, 2021, advised that the Office of the Town Attorney negotiated an easement agreement with the South Farmingdale Water District ("District"), regarding the installation below grade at Ellsworth W. Allen Town Park, and maintenance, of a District water main and appurtenances; and

WHEREAS, in connection with the proposed agreement, the Town will grant an easement to the District through a specified portion of Ellsworth W. Allen Town Park to allow the District to install and thereafter maintain water mains, service lines and other appurtenances which will supplement the District's water distribution system and enhance the District's ability to provide water service to the South Farmingdale Water District. The parameters of the easement are set forth in the "Water Main Easement Map for Ellsworth W. Allen Town Park" prepared by Gayron de Bruin Land Surveying and Engineering, P.C., dated November 27, 2019, which is made part of the Agreement as Schedule "A". Once the water main is constructed, the easement will be used for the benefit of Town residents by enhancing the ability to the District to provide water service to the South Farmingdale Water District. Granting of this easement to the District will serve the public interest of the residents of the Town; and

WHEREAS, by said memorandum, the Office of the Town Attorney recommended and requested that the Supervisor, or his designee, be authorized to execute the easement agreement with the South Farmingdale Water District,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth is accepted and approved, and the Supervisor, or his designee, is authorized to execute the aforesaid easement agreement with the South Farmingdale Water District.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Town of Oyster Bay
Inter-Departmental Memo

To: Memorandum Docket
From: Office of the Town Attorney
Date: January 4, 2021
Subject: Easement Agreement with South Farmingdale Water District

This office negotiated an easement agreement with the South Farmingdale Water District ("District"), regarding the below-grade installation and maintenance of a water main and appurtenances at Ellsworth W. Allen Town Park ("Park") to be used by the District's community water supply system.

In connection with the proposed agreement, the Town will grant to the South Farmingdale Water District an easement to install and maintain water mains and required appurtenances below grade at Ellsworth W. Allen Town Park to be utilized as part of the District's water supply system, and will, as part of the easement agreement, permit the District to enter upon the Park premises at any and all times for the purpose of inspection and/or repair, maintenance and replacement of the District's water supply equipment. The parameters of the easement are set forth in the "Water Main Easement Map for Ellsworth W. Allen Town Park" prepared by Gayron de Bruin Land Surveying and Engineering, P.C., dated November 27, 2019.

The District's use of the easement will not require the construction of any buildings or other above-ground structures at the park. Granting of this easement to the District will promote and enable the safe flow of water to the South Farmingdale area and serve the public interest of the residents of the Town.

This Office recommends and requests that the Supervisor, or his designee, be authorized to execute the easement agreement (copy attached). Kindly suspend the rules and place this matter on the action calendar of the January 12, 2021 Town Board meeting.

FRANK M. SCALERA
TOWN ATTORNEY

By: 

Paul S. Ehrlich
Deputy Town Attorney

PSE:/
Attachment
2020-7678

WATER MAIN AND EASEMENT AGREEMENT

THIS AGREEMENT, made as of the _____ day of _____, 2021, between the TOWN OF OYSTER BAY, a municipal corporation with an address at 54 Audrey Avenue, Oyster Bay, New York 11771, hereinafter referred to as the "GRANTOR," and the SOUTH FARMINGDALE WATER DISTRICT, a municipal corporation with an address at 40 Langdon Road, South Farmingdale, New York 11735, hereinafter referred to as the "DISTRICT."

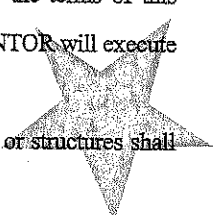
WITNESSETH:

The GRANTOR, for valuable consideration, does hereby grant unto the DISTRICT, its successors and assigns, a right-of-way and easement over, through and under, and ingress and egress to the premises hereinafter described, for the purpose of laying, installing, repairing and maintaining water mains, water service lines, laterals, pipes, appurtenances and fire hydrants as part of the water supply system of the DISTRICT, together with the right to install, lay, repair, replace and maintain other utility lines within the easement for any DISTRICT purpose, together with the right to enter in and upon said premises at any and all times for the purpose of inspection and/or repair, maintenance and replacement of any and all of the aforesaid.

The premises which are the subject of this Agreement are described on Schedule "A" annexed hereto and made part hereof, and which are shown on a "Water Main Easement Map for Ellsworth W. Allen Town Park" prepared by Gayron de Bruin Land Surveying and Engineering PC dated 11/27/2019.

The GRANTOR covenants that it is seized of the premises which is the subject of this agreement in fee simple and has good right to convey the same, that there are no mortgages on the premises; that the DISTRICT shall quietly enjoy the said premises subject to the terms of this Agreement; that said premises are free from all encumbrances and that the GRANTOR will execute or procure any further necessary assurance of the title to said premises.

The GRANTOR covenants and agrees that no construction of buildings or structures shall



be permitted within the aforesaid easement area, and that this covenant shall be construed as a covenant running with the land.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

SOUTH FARMINGDALE WATER DISTRICT

TOWN OF OYSTER BAY

By:

RALPH A. TORIA,
CHAIRMAN

By:

JOSEPH S. SALADINO
SUPERVISOR

Reviewed By
Office of Town Attorney

Б.М.
Барацкая

Record and Return To:
Willis B. Carman, Esq.
Carman, Callahan & Ingham, LLP
280 Main Street, 2nd Floor
Farmingdale, NY 11735
Phone: 516-224-3514

COUNTY OF NASSAU)

Notary

COUNTY OF NASSAU)

~~Notary~~

WILLIS B. CARMAN
Notary Public, State of New York
No. 02CA5015364
Qualified in Nassau County
My Commission Expires July 19, 2015

Commencing at a point, said point being the corner formed by the northerly side of Motor Avenue and the easterly side of Heisser Lane, thence easterly along the northerly side of Motor Avenue the following two courses and distances:

1. North 77° 52' 35" East a distance of 550.55 feet to a point marked by a rebar and cap;
2. North 79° 12' 01" East a distance of 188.39 feet to the point of beginning.

Running thence from said point of beginning the following nineteen (19) courses and distances:

1. North 00° 15' 38" East a distance of 844.38 feet through Ellsworth Allen Town Park to a point;
2. North 47° 59' 41" West a distance of 35.26 feet to land now or formerly of the South Farmingdale Water District;
3. Along said lands South 84° 01' 32" East a distance of 36.49 feet to a point marked by a concrete monument;
4. South 00° 15' 38" West a distance of 322.72 feet through Ellsworth Allen Town Park to a point;
5. South 87° 38' 27" East a distance of 45.16 feet to a point;
6. North 84° 21' 03" East a distance of 38.44 feet to a point;
7. South 79° 44' 02" East a distance of 65.75 feet to a point;
8. North 79° 04' 46" East a distance of 361.05 feet to a point;
9. North 82° 20' 33" East a distance of 127.07 feet to a point;
10. North 79° 23' 24" East a distance of 347.93 feet to a point on the westerly line of lands now or formerly of 55 Motor Avenue Co., LLC;
11. Along said lands South 10° 48' 00" East a distance of 10.00 feet to a point;
12. South 79° 23' 24" West through Ellsworth Allen Town Park a distance of 348.22 feet to a point;
13. South 82° 20' 33" West a distance of 127.04 feet to a point;
14. South 79° 04' 46" West a distance of 362.63 feet to a point;
15. North 79° 44' 02" West a distance of 66.22 feet to a point;
16. South 84° 21' 03" West a distance of 37.75 feet to a point;
17. North 87° 38' 27" West a distance of 45.50 feet to a point;
18. South 00° 15' 38" West a distance of 529.55 feet to a point marked by a concrete monument on the northerly side of Motor Avenue;
19. South 79° 12' 01" West a distance of 10.19' to the point or place of beginning.

Containing 18,775± square feet or 0.4310± acres

SCHEDULE "A"

**Combined Real Estate Transfer Tax Return,
Credit Line Mortgage Certificate, and
Certification of Exemption from the
Payment of Estimated Personal Income Tax**

See Form TP-584.1, Instructions for Form TP-584, before completing this form. Print or type.

Schedule A Information relating to conveyance

Grantor/transferor	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantor)	Social Security number (SSN)
<input type="checkbox"/> Individual	TOWN OF OYSTER BAY	
<input type="checkbox"/> Corporation	Mailing address	SSN
<input type="checkbox"/> Partnership	54 AUDREY AVENUE	
<input type="checkbox"/> Estate/Trust	City State ZIP code	Employer Identification Number (EIN)
<input type="checkbox"/> Single member LLC	OYSTER BAY NY 11771	
<input type="checkbox"/> Multi-member LLC	Single member's name if grantor is a single member LLC (see instructions)	Single member EIN or SSN
<input checked="" type="checkbox"/> Other		
Grantee/transferee	Name (if individual, last, first, middle initial) (<input type="checkbox"/> mark an X if more than one grantee)	SSN
<input type="checkbox"/> Individual	SOUTH FARMINGDALE WATER DISTRICT	
<input type="checkbox"/> Corporation	Mailing address	SSN
<input type="checkbox"/> Partnership	40 LANGDON ROAD	
<input type="checkbox"/> Estate/Trust	City State ZIP code	EIN
<input type="checkbox"/> Single member LLC	FARMINGDALE NY 11735	14-6002751
<input type="checkbox"/> Multi-member LLC	Single member's name if grantee is a single member LLC (see instructions)	Single member EIN or SSN
<input checked="" type="checkbox"/> Other		

Location and description of property conveyed

Tax map designation Section, block & lot (include dots and dashes)	SWIS code (six digits)	Street address	City, town, or village	County
S48-B518-L306,327,331	282489	45 Motor Avenue	FARMINGDALE	NASSAU

Type of property conveyed (mark an X in applicable box)

1 <input type="checkbox"/> One- to three-family house	6 <input type="checkbox"/> Apartment building	Date of conveyance	Percentage of real property conveyed which is residential real property _____ % (see instructions)			
2 <input type="checkbox"/> Residential cooperative	7 <input type="checkbox"/> Office building	<table><tr><td>month</td><td>day</td><td>year</td></tr></table>		month	day	year
month	day			year		
3 <input type="checkbox"/> Residential condominium	8 <input type="checkbox"/> Four-family dwelling					
4 <input type="checkbox"/> Vacant land	9 <input checked="" type="checkbox"/> Other Park					
5 <input type="checkbox"/> Commercial/industrial						

**Condition of conveyance
(mark an X in all that apply)**

a. <input checked="" type="checkbox"/> Conveyance of fee interest	f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)	i. <input type="checkbox"/> Option assignment or surrender
b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____ %)	g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)	m. <input type="checkbox"/> Leasehold assignment or surrender
c. <input checked="" type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____ %)	h. <input type="checkbox"/> Conveyance of cooperative apartment(s)	n. <input type="checkbox"/> Leasehold grant
d. <input type="checkbox"/> Conveyance to cooperative housing corporation	i. <input type="checkbox"/> Syndication	o. <input checked="" type="checkbox"/> Conveyance of an easement
e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E)	j. <input type="checkbox"/> Conveyance of air rights or development rights	p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part 3)
	k. <input type="checkbox"/> Contract assignment	q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state
		r. <input type="checkbox"/> Conveyance pursuant to divorce or separation
		s. <input type="checkbox"/> Other (describe) _____

For recording officer's use	Amount received	Date received	Transaction number
	Schedule B, Part 1 \$		
	Schedule B, Part 2 \$		

Schedule B - Real estate transfer tax return (Tax Law Article 31)**Part 1 - Computation of tax due**

1. Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, mark an X in the Exemption claimed box, enter consideration and proceed to Part 3) <input checked="" type="checkbox"/> Exemption claimed	1.		
2. Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)	2.		
3. Taxable consideration (subtract line 2 from line 1)	3.		
4. Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3	4.		
5. Amount of credit claimed for tax previously paid (see instructions and attach Form TP-584.1, Schedule G)	5.		
6. Total tax due* (subtract line 5 from line 4)	6.		

Part 2 - Computation of additional tax due on the conveyance of residential real property for \$1 million or more

1. Enter amount of consideration for conveyance (from Part 1, line 1)	1.		
2. Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A)	2.		
3. Total additional transfer tax due* (multiply line 2 by 1% (.01))	3.		

Part 3 - Explanation of exemption claimed on Part 1, line 1 (mark an X in all boxes that apply)

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, New York State, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada) ☒
- b. Conveyance is to secure a debt or other obligation ☐
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance ☐
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts ☐
- e. Conveyance is given in connection with a tax sale ☐
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F ☐
- g. Conveyance consists of deed of partition ☐
- h. Conveyance is given pursuant to the federal Bankruptcy Act ☐
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property ☐
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment ☐
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, § 1401(e) (attach documents supporting such claim) ☐

* The total tax (from Part 1, line 6 and Part 2, line 3 above) is due within 15 days from the date of conveyance. Make check(s) payable to the county clerk where the recording is to take place. For conveyances of real property within New York City, use Form TP-584-NYC. If a recording is not required, send this return and your check(s) made payable to the NYS Department of Taxation and Finance directly to the NYS Tax Department, RET, Return Processing, P.O. Box 5045, Albany NY 12205-0045. If not using U.S. Mail, see Publication 55, Designated Private Delivery Services.

Schedule C - Credit Line Mortgage Certificate (Tax Law Article 11)

Complete the following only if the interest being transferred is a fee simple interest.
This is to certify that: (mark an X in the appropriate box)

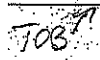
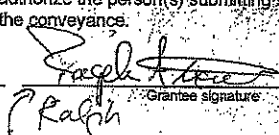
1. ☐ The real property being sold or transferred is not subject to an outstanding credit line mortgage.
 2. ☐ The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
 - a. ☐ The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
 - b. ☐ The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
 - c. ☐ The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
 - d. ☐ The maximum principal amount secured by the credit line mortgage is \$3 million or more, and the real property being sold or transferred is not principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Note: for purposes of determining whether the maximum principal amount secured is \$3 million or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

 - e. ☐ Other (attach detailed explanation).
3. ☐ The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
 - a. ☐ A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
 - b. ☐ A check has been drawn payable for transmission to the credit line mortgagee or mortgagee's agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
4. ☐ The real property being transferred is subject to an outstanding credit line mortgage recorded in _____ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is _____. No exemption from tax is claimed and the tax of _____ is being paid herewith. (Make check payable to county clerk where deed will be recorded.)

Signature (both the grantors and grantees must sign)

The undersigned certify that the above information contained in Schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of their knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.

Grantor signature 	Title 	Grantee signature 	Title
Grantor signature 	Title 	Grantee signature 	Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you marked b, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place? If no recording is required, send this return and your check(s), made payable to the NYS Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 6046, Albany, NY 12206-0046. If not using U.S. Mail, see Publication 55, Designated Private Delivery Services.

Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law Article 22, § 663)

Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

If the property is being conveyed by a referee pursuant to a foreclosure proceeding, proceed to Part 2, mark an X in the second box under *Exemption for nonresident transferors/sellers*, and sign at bottom.

Part 1 - New York State residents

If you are a New York State resident transferor/seller listed in Form TP-584, Schedule A (or an attachment to Form TP-584), you must sign the certification below. If one or more transferor/seller of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

Certification of resident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law § 663(a) upon the sale or transfer of this real property or cooperative unit.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date

Note: A resident of New York State may still be required to pay estimated tax under Tax Law § 685(c), but not as a condition of recording a deed.

Part 2 - Nonresidents of New York State

If you are a nonresident of New York State listed as a transferor/seller in Form TP-584, Schedule A (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law § 663(c), mark an X in the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor/seller, that transferor/seller is not required to pay estimated personal income tax to New York State under Tax Law § 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

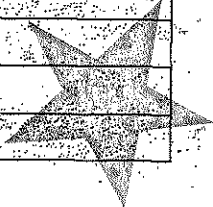
If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on Form TP-584-I, page 1.

Exemption for nonresident transferors/sellers

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor/seller (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law § 663 due to one of the following exemptions:

- ☐ The real property or cooperative unit being sold or transferred qualifies in total as the transferor/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from _____ Date _____ to _____ Date _____ (see instructions).
- ☐ The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- ☐ The transferor or transferee is an agency or authority of the United States of America, an agency or authority of New York State, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date
Signature	Print full name	Date



WHEREAS, after receipt and review of proposals received in response to a duly issued Request for Proposals for the provision of insurance for the fire companies under contract with the Town pursuant to the New York State Volunteer Firefighters' Benefit Law Policy (VFBL), the Town Board adopted Resolution No. 760-20, on December 8, 2020, authorizing the Office of the Town Attorney to secure such coverage from the New York State Public Entities Safety Group 497, which is underwritten by the New York State Insurance Fund and is managed by Fleury Risk Management, 28 Corporate Drive, Suite 104, Clifton Park, N.Y. 12065, for the period from January 1, 2021 to January 1, 2022, for the East Norwich Volunteer Fire Co. #1; and

WHEREAS, Frank M. Scalera, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated January 5, 2021, informed the Board that due to the new insurer's application process and internal controls, coverage could not be provided on January 1, 2021 and that the Town must procure alternate coverage; and

WHEREAS, Frank M. Scalera, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by said memorandum dated January 5, 2021, recommended that the New York State Volunteer Firefighters' Benefit Law Policy (VFBL), be secured from Fire Districts of New York Mutual Insurance Company, 1 Blue Hill Plaza, PO Box 1609, Pearl River, NY 10965, *nunc pro tunc*, for the period from January 1, 2021 to January 1, 2022, for the East Norwich Volunteer Fire Co. #1, with a premium in an amount not to exceed \$1,544.00,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and the Office of the Town Attorney is hereby authorized to secure the New York State Volunteer Firefighters' Benefit Law Policy (VFBL) for the East Norwich Volunteer Fire Co. #1, from Fire Districts of New York Mutual Insurance Company, 1 Blue Hill Plaza, PO Box 1609, Pearl River, NY 10965, *nunc pro tunc*, for the period from January 1, 2021 to January 1, 2022, for the East Norwich Volunteer Fire Co. #1, with a premium in an amount not to exceed \$1,544.00, and that the Office of the Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim, after audit, with said funds to be drawn from Account No. TWN SF12 3410 47790 000 0000; and be it further

RESOLVED, That Resolution No. 760-20, adopted on December 8, 2020, authorizing the procurement of a New York State VFBL Policy from the New York State Public Entities Safety Group 497, for the period from January 1, 2021 to January 1, 2022, for the East Norwich Volunteer Fire Co. #1, is hereby rescinded.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

10

Town of Oyster Bay Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : January 5, 2021

SUBJECT: New York State Volunteer Firefighters' Benefit Law Policy - East Norwich only

After receipt and review of proposals received in response to a duly issued Request for Proposals for the provision of insurance for the fire companies under contract with the Town pursuant to the New York State Volunteer Firefighters' Benefit Law Policy (VFBL), the Town Board adopted Resolution No. 760-20, on December 8, 2020, authorizing the Office of the Town Attorney to secure such coverage from the New York State Public Entities Safety Group 497, which is underwritten by the New York State Insurance Fund and is managed by Fleury Risk Management, 28 Corporate Drive, Suite 104, Clifton Park, N.Y. 12065, for the period from January 1, 2021 to January 1, 2022, for the East Norwich Volunteer Fire Co. #1.

Due to the new insurer's application process and internal controls, coverage could not be provided on January 1, 2021, and therefore the Town must procure alternate insurance.

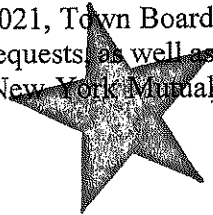
This Office has reviewed the other proposal received in response to the Request for Proposals, and now recommends that this insurance be secured from Fire Districts of New York Mutual Insurance Company, 1 Blue Hill Plaza, PO Box 1609, Pearl River, NY 10965, *nunc pro tunc*, for the period from January 1, 2021 to January 1, 2022, for the East Norwich Volunteer Fire Co. #1, with a premium in an amount not to exceed \$1,544.00.

Funds are available in Account No. TWN SF12 3410 47790 000 0000.

Kindly suspend the rules and include this item on the January 12, 2021, Town Board Action Calendar. Submitted herewith is the proposed Resolution for the foregoing requests, as well as a copy of Resolution No. 760-20, and the insurance quote from Fire Districts of New York Mutual Insurance Company.

EAF
Enclosure
GS4299

FRANK M. SCALERA
TOWN ATTORNEY



Elizabeth A. Faughnan
Elizabeth A. Faughnan
Deputy Town Attorney

QUOTATION ONLY

THIS IS NOT A POLICY OR A BINDER

Fire Districts of New York Mutual Insurance Co.

NCCI No.: 18236

FIRE DISTRICTS OF NEW YORK MUTUAL, P.O. BOX 22185, New York, NY 100872185
(845) 352-8855

(Workers' Compensation Policy)

1. FEIN: 112342902

The Insured: East Norwich Volunteer Fire Co #1, Inc.

Quote No.

1-FDM-FC-00693320-2021

Mailing Address: 900 Oyster Bay Road
East Norwich, NY 11732

2. The policy period is from 01/01/2021 To 01/01/2022 12:01 A.M Standard time, at the insured's mailing address.

3. A. Workers Compensation Insurance: Part One of the policy applies to the Workers Compensation Law of the states Listed here:
New York

B. Employers Liability Insurance: Part Two of the policy applies to work in each state listed in Item 3. A.

The limits of our liability under Part Two are: Bodily Injury by Accident \$ 100,000 each accident
Bodily Injury by Disease \$ 500,000 policy limit
Bodily Injury by Disease \$ 100,000 each employee

C. Other State Insurance: Part Three of the policy applies to the states, if any, listed here: None

D. This policy includes these endorsements and schedules:

WC 00 00 01 A WC 00 00 00 C Signature Page WC 00 04 14A WC 00 04 19 WC 00 04 21D WC 00 04 22B
WC 00 04 25 WC 31 03 08 WC 31 06 18 A C-105 WC 31 03 19 J

4. The premium for this policy will be determined by our Manuals of Rules, Classifications, Rates and Rating Plans.
All information required below is subject to verification and change by audit.

Classification	Code No.	Premium Basis Total Estimated Annual Remuneration	Rate Per \$100 of Remuneration	Estimated Annual Premium
1) CLERICAL OFFICE WORKERS, NOC	8810	18,550.00	.19	35.00
2) CUSTODIAL	9026	6,518.00	6.83	445.00

Schedule Rate Plan	0.0000	\$0
Estimated Manual Premium		\$ 480
Min Premium Adjustment		\$ 705
Terrorism Risk Insurance Program	5.70%	\$ 14
National Disasters & Catastrophic	1.00%	\$ 3
Estimated Standard Premium		\$ 1,185
New York State Assessment	11.80%	\$ 142
Security Fund	0.00%	\$0
Expense Constant		\$ 200
Estimated Annual Premium		\$ 1,544

Annual Minimum Premium: \$ 1,385.00

THIS QUOTATION IS NOT VALID AFTER 30 DAYS FROM THE ISSUE DATE

Producer: Harbor Insurance Agency, LLC

5 Flint Road
Amity Harbor, NY 11701

Countersigned by: _____

Issue Date 12/04/2020

Rate Board File No.

Reviewed By
Office of Town Attorney
Elizabeth A. Faughnan

WHEREAS, Frank M. Scalera, Town Attorney and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated December 7, 2020, recommended that the New York State Volunteer Firefighters' Benefit Law Policy (VFBL), for the East Norwich Volunteer Fire Co. #1, be secured from the New York State Public Entities Safety Group 497, which is underwritten by the New York State Insurance Fund and is managed by Fleury Risk Management, 28 Corporate Drive, Suite 104, Clifton Park, N.Y. 12065, for the period from January 1, 2021, through and including January 1, 2022, with an upfront premium payment in the amount of \$876.00,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and the Office of the Town Attorney is hereby authorized to secure the New York State Volunteer Firefighters' Benefit Law Policy (VFBL), from the New York State Public Entities Safety Group 497, for the period from January 1, 2021, through and including January 1, 2022, for the East Norwich Volunteer Fire Co. #1, with an upfront premium payment of \$ 876.00, and that the Office of the Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim, after audit, with said funds to be drawn from Account No. TWN SF12 3410 47790 000 0000.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board, the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

WHEREAS, by Resolution No. 184-2016, adopted on April 5, 2016, and Resolution 567-2020, adopted October 6, 2020, the Town Board enacted procedures for conducting meetings and hearings of the Town Board of the Town of Oyster Bay; and

WHEREAS, these procedures having been in place for four (4) years, the Town Board after reviewing the procedures finds it desirable to revise and amend said procedures,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board does hereby designate and adopt the following Rules of Procedure pursuant to New York State Town Law § 63 and, subject to the other provisions of New York State Law and the Town Code of the Town of Oyster Bay, these Rules shall govern the meetings of the Town Board of the Town of Oyster Bay:

PART A: INTERACTION WITH LAW AND SEVERABILITY

SECTION 1. These procedures are to be interpreted as supplementing, and not replacing, prior legislative enactments applicable to town operations and the conduct of Town Board meetings. Such legislative enactments include statutes, rules and regulations of the State of New York, and the Town Code of the Town of Oyster Bay.

SECTION 2. Nothing in these procedures shall be construed as expanding, reducing or limiting the powers or rights specifically granted by law to the Town Board and/or any member thereof, nor shall these procedures be construed as altering the number of votes specifically required by law for the taking of official action.

SECTION 3. If a court of competent jurisdiction finds any provision(s) of this Resolution invalid or unenforceable, in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the court's decision to be invalid or unenforceable, and all other provisions of this Resolution shall not be affected thereby and shall remain in full force and effect.

PART B: TOWN ATTORNEY AS PARLIAMENTARIAN

SECTION 1. Questions regarding the interpretation of these procedures which arise during a meeting of the Town Board shall be decided by the Town Attorney who shall act as Parliamentarian.



meeting. All individuals attending the public meeting are allowed to photograph and tape or video record public meetings so long as the photography or recording is done in a manner which does not interfere with the meeting. The Presiding Officer may make the determination that the photography or recording is being done in a manner that interferes with the meeting after taking into consideration attendant movement and activity, distance from the deliberations of the Board, noise, size of equipment, ability of the public to participate in the meeting notwithstanding the photography or recording, and any other pertinent factor. If the Presiding Officer makes the determination that the photography or recording is interfering with the meeting, the Presiding Officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the photography or recording to be stopped. Any individual violating this section shall be given a verbal warning by the Presiding Officer to cease the conduct. In the event the individual refuses to cease, the Presiding Officer shall request that the individual leave the Board Room. Upon a refusal to leave on request, the Presiding Officer shall then verbally direct the individual to leave the Board Room. Upon refusal of said direction, the Presiding Officer may seek assistance of law enforcement to remove the individual.

SECTION 4 – Signs and Banners. Members of the public may display signs and/or banners at public meetings so long as the signs or banners do not interfere with the meeting, do not obstruct the view of other attendees, do not violate the fire code, and do not contain obscene language. The Presiding Officer may make the determination that the signs or banners interfere with the meeting after taking into consideration attendant movement and activity, distance from the deliberations of the Board, the size of the sign or banner, ability of the public to participate in the meeting notwithstanding the sign or banner, and any other pertinent factor. If the Presiding Officer makes the determination that the sign or banner is interfering with the meeting, the Presiding Officer may request an accommodation to avoid the interference and if not sufficient or complied with, order the sign or banner be removed.

Any individual violating this section shall be given a verbal warning by the Presiding Officer to cease the conduct. In the event the individual refuses to cease, the Presiding Officer shall request that the individual leave the Board Room. Upon a refusal to leave on request, the Presiding Officer shall then verbally direct the individual to leave the Board Room. Upon refusal of said direction, the Presiding Officer may seek assistance of law enforcement to remove the individual.

SECTION 5 - Executive Session Policy. It is the policy of the Town Board to conduct Town business in an open fashion and to make available as much information as may

- e. Any decision relating to the enforcement of the Decorum Rules by the Presiding Officer may be overturned by a vote of the majority of the Board Members following a motion, duly seconded.

Public Hearings. Speakers, other than the applicant or its attorneys or experts, shall have five (5) minutes to address the Board on the specific matter that is the subject of the Public Hearing before yielding to the next speaker. Speakers may not yield their time to other speakers. All of the rules and guidelines set forth in the section above, entitled "General Requirements" and "Decorum Rules" shall apply.

Action Calendar. During the period identified as "Opportunity for the public to address the board on resolutions only," speakers may address the Board only on pending resolutions. Speakers shall identify all resolutions upon which they wish to speak on the form noted above and shall limit their remarks as to those resolutions only. Speakers shall have three (3) minutes to address the Board on each identified resolution, but not to exceed ten (10) minutes in total. A timer shall be utilized that will beep or produce another sound to indicate that a speaker's time limit for addressing resolutions has been reached. Upon being notified that his or her time limit has been reached, a speaker shall cease speaking, leave the lectern, and return to his or her seat. Speakers may not yield their time to other speakers. All of the rules, procedures and guidelines set forth in the section above, entitled "General Requirements" and "Decorum Rules" shall apply.

Public Comment. During the period identified as "Public Comment" speakers shall have five (5) minutes to address the Board. Speakers may not yield their time to other speakers. All remarks shall be addressed to the Town Board. The public comment period is designed for comments only. Board members shall not be required to answer questions or respond to comments, but may respond to questions or comments at their discretion or may direct the question or comment to the appropriate individual to respond. A timer shall be utilized that will beep or produce another sound to indicate that a speaker's five (5) minute time limit for Public Comment has been reached. Upon being notified that his or her time limit has been reached, a speaker shall cease speaking, leave the lectern, and return to his or her seat. All of the rules and guidelines set forth in the section above, entitled "General Requirements" and "Decorum Rules" shall apply. The presiding officer may modify these guidelines if warranted.

SECTION 3 - Use of Recording and Electronic Equipment. All individuals shall place their respective cell phones and electronic devices in silent mode during the public

2. Rules for the Speaker:

- a. All remarks shall be directed to the Board as a body. Remarks shall not be directed to any individual Board member, to any of the Town's staff nor to any member of the audience.
- b. The speaker shall not disrupt, delay, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, making threats of violence or threats against public order and security, or otherwise violating these Decorum Rules and Procedures.

3. Rules for the Public: Members of the public in the audience shall not engage in any of the following activities during a Town Board meeting:

- a. Members of the public shall not shout out or speak out when not recognized by the Presiding Officer.
- b. Members of the public shall not disrupt, delay, or otherwise impede the orderly conduct of the proceedings by defaming, intimidating, making personal insults, making threats of violence or threats against public order and security, or otherwise violating these Decorum Rules and Procedures.

4. Enforcement of Decorum Rules.

- a. If these Decorum Rules or Rules and Procedures (collectively "Rule or Rules") are violated, the Presiding Officer shall request the individual or individuals violating a Rule or Rules to stop the violation and the Presiding Officer will issue a verbal warning that the individual or individuals will be required to leave the Board Room if they do not stop the violation of the Rule or Rules.
- b. If the individual or individuals refuse to stop the violation(s), the Presiding Officer shall cut off comment or debate and shall verbally request that the individual or individuals leave the Board Room.
- c. If the individual or individuals refuse to leave when a verbal request is issued by the Presiding Officer, the Presiding Officer shall verbally direct the individual or individuals to leave the Board Room.
- d. If the individual or individuals refuse the direction from the Presiding Officer, the Presiding Officer may seek the assistance of law enforcement to remove the individual or individuals.

SECTION 2 - Guidelines for Public Comment. Members of the public will be allowed to address the Board during Public Hearings, Action Calendar and/or Public Comment periods according to the guidelines set forth below.

General Requirements. Each speaker will submit his/her name and address upon a form to be provided by the Town Clerk or his/her designee. On such form, the speaker shall also indicate whether he/she wishes to speak or comment on a Public Hearing, Action Calendar item, i.e., resolution, or Public Comment. Speakers must be recognized by the Presiding Officer, and shall be called to speak in the order determined by the Presiding Officer. Speakers must step to the front of the room and speak into the microphone at the lectern. Speakers are not to approach the dais without invitation and are directed to make their remarks from the lectern. No materials (records, documents, etc.) may be placed on the dais or presented to the Board unless either authorization is requested and granted by the Presiding Officer or a Board member specifically requests to see such materials. All materials that are granted authorization or requested by a Board member for presentation shall be presented to the Town Clerk who shall pass it the Board. Speakers' remarks shall be addressed to the Board as a body and not to any specific Board member, nor to any of the Town's staff or other members of the audience.

Decorum Rules

1. Purpose of Decorum Rules:

- a. To ensure that the meetings of the Town Board are conducted in a way that allows the business of the Town of Oyster Bay to be effectively undertaken and to ensure that the Decorum Rules are understood by individual or individuals attending Town Board meetings.
- b. To ensure that members of the public who attend meetings of the Town Board can be heard in a fair and impartial manner.
- c. To ensure that the meetings of the Town Board are conducted in a professional and respectful manner that is open to all viewpoints and which is protective of the content of each speaker's speech.
- d. To prevent and address behavior that prevents the Town Board from conducting orderly and efficient meetings.

SECTION 3 – Voting. Pursuant to New York State Town Law each member of the Town Board shall have one vote. The vote upon every question shall be taken with the Supervisor voting first, and then by each Councilperson voting in order of seniority. Each Board Member may vote “aye,” “no,” “abstain,” or recuse.

SECTION 4 - Order of Business. The order of business shall be:

- Call to order
- Citations and Public Service Announcements
- Roll Call
- Pledge of Allegiance
- Public Hearings
- Action Calendar (Resolutions)
- Opportunity for the Public to Address the Board on Resolutions Only
- Adjournment
- Public Comment

The order of business need not be followed if the Supervisor, as Presiding Officer, determines that it is appropriate to deviate.

SECTION 5 – Minutes. Minutes of all Town Board meetings shall be the responsibility of the Town Clerk who, pursuant to approval from the Town Board, may employ the services of an individual to take minutes. Minutes of a public meeting shall consist of a record or summary of all motions, proposals, resolutions and any other matter formally voted upon and the vote thereon. Minutes of an executive session shall be taken of any action that is taken by formal vote and shall consist of a record or summary of the final determination of such action and the vote thereon; provided, however, that such summary need not include any matter which is not required to be made public by the New York State Freedom of Information Law. Minutes need not contain a summary of the discussion leading to action taken or include verbatim comments unless a majority of the Board resolves to have the Clerk do so.

PART E: RULES AND PROCEDURES

SECTION 1 - General Rules of Procedure. The Supervisor shall preside at meetings of the Town Board. In the Supervisor’s absence the Senior Councilperson shall preside. There is no limit to the number of times a Town Board member may speak on a question. Motion to close or limit debate may be entertained but shall require the affirmative vote of four (4) members of the Board.

SECTION 2. Decisions of the Town Attorney made pursuant to Part B Section 1 hereof may be appealed to the full Board by motion of any member of the Town Board, duly made, seconded and adopted.

SECTION 3. Robert's Rules of Order shall control the procedure of all meetings of the Board to the extent that Robert's Rules of Order are not contradicted by these Rules of Procedure.

PART C: MEETINGS

SECTION 1 - Regular Meetings. The Town Board generally will hold regular meetings on Tuesdays, with at least one meeting per calendar month. Such regular meetings shall commence at 10:00 AM or 7:00 PM, as determined by a Resolution adopted by the Town Board, and all meetings shall be conducted in the Boardroom at Town Hall, 54 Audrey Avenue, Oyster Bay, New York. At the discretion of the Town Board, the location of regular meetings may be changed to accommodate anticipated larger audiences than the Boardroom can accommodate. Any deviation from this schedule shall be determined by the Town Board.

SECTION 2 - Special Meetings. Special Meetings of the Town Board are all those Town Board meetings other than regular meetings. A special meeting may be called by the Supervisor or by the written request of two (2) members of the Town Board, by giving at least two days' notice in writing to members of the Town Board of the time when and the place where the meeting is to be held, in accordance with New York State Town Law §62.

SECTION 3 - Executive Sessions. Executive Sessions shall be held in accordance with the New York State Public Officers Law §105. All executive sessions shall be conducted during a public meeting.

PART D: POLICIES

SECTION 1 – Quorum. A quorum of the Town Board shall be required to conduct business. A quorum of the seven (7) member Board shall be four (4) members.

SECTION 2 – Agendas. The agenda for a public meeting is published on or before the Friday preceding the Tuesday meeting. A proposed resolution may be added to the Agenda (Action Calendar) at or during a public meeting by the consent of a majority of the Town Board.

legally and practically be disseminated. The New York State Open Meetings Law authorizes the Board to conduct business in executive session in a number of areas. These include: 1. Matters which will imperil the public safety if disclosed; 2. Matters which may disclose the identity of a law enforcement agent or informer; 3. Information relating to criminal investigations which would imperil effective law enforcement if disclosed; 4. Discussions relating to proposed, pending or current litigation; 5. Collective bargaining negotiations; 6. Personnel matters relating to particular individuals; and 7. The proposed acquisition, sale, or lease of real property or securities when disclosure would substantially affect the value. The Board recognizes that it is authorized to use executive sessions in these and other situations. To maintain confidentiality and to encourage the uninhibited discussion of the subject matter in executive session, all statements made and positions taken by all participants must remain confidential and may not be disclosed by any participant unless and until disclosure of such information as may be legally disseminated is authorized by affirmative vote of four (4) members of the Board. It has been and continues to be the practice of the Board that all members of the Board, acting together, come to agreement by consensus on the specific information which is to be released to the public in accordance with the New York State Open Meetings Law, the suitable vehicle for reporting that information, and the timing of the reporting.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

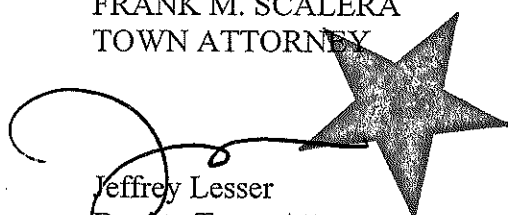
Town of Oyster Bay Inter-Departmental Memo

TO : MEMORANDUM DOCKET
FROM : Office of the Town Attorney
DATE : January 4, 2021
SUBJECT: Amendment of Resolution No. 567-2020
Town Board Meeting Rules of Decorum

This Office proposes to amend Resolution No. 567-2020, adopted on October 6, 2020, which set forth the Rules of Decorum to be followed at Town Board meetings. The proposed resolution is attached hereto.

It is requested and recommended that the Town Board suspend the rules and adopt the attached resolution at the Town Board meeting scheduled for January 12, 2021.

FRANK M. SCALERA
TOWN ATTORNEY



Jeffrey Lesser
Deputy Town Attorney

JAL:jl
Attachment
2016-5528

S:\Attorney\RESOS 2020\MD & RESO\MD Decorum JAL.docx

WHEREAS, by Resolution No. 336-2019, adopted on May 21, 2019, the Town Board approved a list of appraisal firms, including Lynch Appraisal Ltd., to be utilized for appraisal assignments as needed; and

WHEREAS. Frank M. Scalera, Town Attorney, and Harold B. Mayer, Jr., Deputy Town Attorney, by memorandum dated January 7, 2021, recommended that Lynch Appraisal, Ltd., 15 Dewey Street, Huntington, New York 11743, be authorized to perform an appraisal of 47 West Barclay Street, Hicksville, New York 11802, more particularly described as Section 11, Block 185, Lots 2 and 8 on the Land and Tax Map of Nassau County, for a fee of \$3,500.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted, and Lynch Appraisal Ltd. is hereby authorized to perform an appraisal of 47 West Barclay Street, Hicksville, New York 11802, more particularly described as Section 11, Block 185, Lots 2 and 8 on the Land and Tax Map of Nassau County, for a fee of \$3,500.00; and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. OTA A 1420 44800 000 0000; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
1/13/21

12

Town of Oyster Bay Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : OFFICE OF THE TOWN ATTORNEY

DATE : January 7, 2021

SUBJECT: 47 West Barclay Street, Hicksville, New York 11802 and
more particularly described as Section 11, Block 185, Lots 2 and 8
on the Land and Tax Map of Nassau County

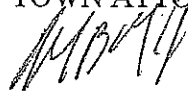
The Town Board, by Resolution No. 336-2019, adopted on May 21, 2019, approved a list of appraisal firms, including Lynch Appraisal Ltd., to be utilized for appraisal assignments as needed.

Town Board authorization is requested to engage the services of Lynch Appraisal, Ltd., 15 Dewey Street, Huntington, New York 11743 to prepare an appraisal of the above referenced property for a fee of \$3,500.00. The Town is currently paying fees for rental of the above property to provide additional commuter parking for residents. Said appraisal will be utilized for determining the fair market purchase price and rental value of said property.

Funds for payment shall be drawn from Account No. OTA A 1420 44800 000 0000. Submitted herewith is the Resolution for the foregoing request, as well as the proposal submitted by Lynch Appraisal, Ltd.

Kindly suspend the rules and place this matter on the Town Board Action Calendar of January 12, 2021.

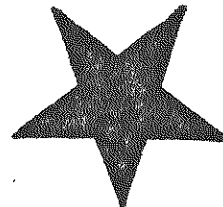
FRANK M. SCALERA
TOWN ATTORNEY



Harold B. Mayer, Jr.
Deputy Town Attorney

HBM:aml
Attachments
File: GS4835

S:\Attorney\Resos 2021\MD&Reso\Lynch Appraisal 47 Barclay Hicks 1.7.2021.docx



WHEREAS, pursuant to Resolution No. 821-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into an agreement with CorVel Enterprise Comp, Inc. ("CorVel") to provide Third-Party Administrative Services for the Town of Oyster Bay Workers' Compensation Program, with two (2) one-year extension options; and

WHEREAS, pursuant to Resolution No. 779-2019, adopted on December 10, 2019, the Town Board authorized the Town to exercise the first one-year extension option for the period January 1, 2020 through December 31, 2020, with CorVel to provide Third-Party Administrative Services, in an amount not to exceed \$300,000.00; and

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated January 8, 2021, advised that CorVel requested that the Town exercise the second and final extension option and, by the same memorandum, Commissioner Canning requested that the Town Board authorize the second and final one-year extension option, *nunc pro tunc*, for the period January 1, 2021 through December 31, 2021, with CorVel in an amount not to exceed \$300,000.00 with funds to be drawn from Account No. TWN AMW 9040 84030 000 0000 000,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Town Board hereby exercises the second and final one-year extension option with CorVel Enterprise Comp, Inc. to provide Third-Party Administrative Services for the Town of Oyster Bay Workers' Compensation Program, *nunc pro tunc*, for the period January 1, 2021 through December 31, 2021, in an amount not to exceed \$300,000.00, and authorizes the Supervisor or his designee to execute any such documentation to effectuate this extension, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. TWN AMW 9040 84030 000 0000 000, upon submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

13

Town of Oyster Bay
Inter-Departmental Memo

To: Memorandum Docket

From: John Canning, Commissioner
Department of Human Resources

Date: January 8, 2021

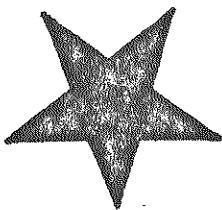
Subject: CorVel Enterprise Comp, Inc. - Workers' Compensation Program TPA

Pursuant to the Town of Oyster Bay Procurement Policy and by Resolution No. 821-2018 adopted on December 11, 2018, the Town Board authorized entering into an agreement with CorVel Enterprise Comp, Inc. for the period of January 1, 2019 through December 31, 2019. Said agreement provided for two (2) one-year extension options for 2020 & 2021. The Department of Human Resources is in receipt of the attached letter from CorVel Enterprise Comp, Inc., the current Third-Party Administrator for the Town's Workers' Compensation Program, indicating that they would like to continue providing services by exercising the second and final extension option as provided in the contract.

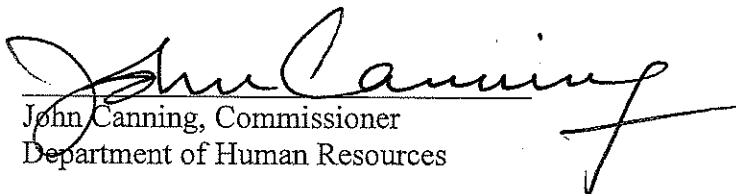
In accordance with Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy, the Department of Human Resources is requesting that the Town Board exercise the second option to renew the agreement between the Town and CorVel Enterprise Comp, Inc., located at 2010 Main Street, Suite 600, Irvine, California 92614. The requested renewal will be effective **nunc pro tunc** from January 1, 2021 through and including December 31, 2021 at an amount not to exceed \$300,000 per annum. Funds are available in Account TWN AMW 9040 84030 000 0000 000.

The Office of the Inspector General has reviewed the vendor's disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

Kindly suspend the rules and include this matter on the January 12, 2021 Town Board action calendar.



Sincerely,


John Canning, Commissioner
Department of Human Resources

JC/jbw
Attachments

AMENDMENT # 2

This Amendment is entered into and this 3rd day of December 2020 by and between CorVel Enterprise Comp, Inc., (CorVel) and Town of Oyster Bay (Customer).

Whereas, CorVel and Customer entered into the Services Agreement with an Effective Date of April 1, 2019 as amended (the "Agreement") pursuant to which CorVel agreed to provide Customer certain third party claims administration services and bundled certain managed care services.

Now, therefore, in consideration of the mutual promises and covenants contained herein, the parties agree to:

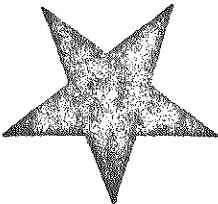
- As pursuant to Section 8A Term of the Agreement whereby Customer has agreed to renew the Agreement for an additional one (1) year Renewal Term for the second of two optional one year renewal terms that are available under the Agreement effective January 1, 2021 through December 31, 2021.
- Remove and replace in its entirety Exhibit B ("Fees") of the Agreement with the attached hereunder Exhibit A to this Amendment.
- Amend the Agreement adding the following Description of Services (Revised Case Management Schedule and Telehealth Services) attached hereunder as Exhibit B to this Amendment.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, CorVel and Customer have caused this Amendment to be executed by the persons authorized to act in their respective names.

TOWN OF OYSTER BAY

By: _____
Print Name: _____
Title: _____
Date Signed: _____



CORVEL ENTERPRISE COMP, INC.

By: DocuSigned by: Brandon O'Brien
0BEC3D8CB4084FF...
Print Name: Brandon O'Brien
Title: CFO
Date Signed: 12/3/2020

CORVEL HEALTHCARE CORPORATION

By: DocuSigned by: Brandon O'Brien
0BEC3D8CB4084FF...
Print Name: Brandon O'Brien
Title: CFO
Date Signed: 12/3/2020

EXHIBIT A

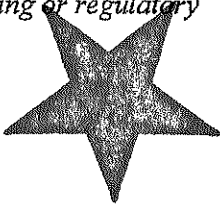
(1) During Initial Term. Fees during the Initial Term of this Agreement shall be as follows:
Claims Administration

Description	Pricing
Data Conversion	Waived
Claim Intake/First Notice of Loss Intake	Waived
24/7 Nurse Triage	Waived
Incident Only Reporting	Waived
Annual Administration Fee Includes: State Filing Requirements 15-8 Filing and Recovery Two in Person Claims Reviews per Year Annual Stewardship Report and Presentation Access to OSHA Reporting Module Ad-Hoc and Standard Reporting Physical & Electronic Storage for Open Claims	\$5,175.00 per year
Care ^{MC} User IDs Up to 5 Users Each User over 5	Included \$250.00/user/year
Annual Banking Fees (per account)	One account included Wells Fargo Bank
Additional Account(s)	\$1,000.00/account
Subrogation	25% of Savings
Legal Bill Auditing	2.5% of gross legal charges reviewed. Note: fees will never exceed the savings generated
Indexing and OFAC Compliance	\$15.00 per index
Telehealth Services	Fee Schedule or U&C Value by

Workers' Compensation Claims Administration

Description	Pricing
Life of Contract Flat Annual Fee Includes: 104 new Medical Only and 108 new Indemnity claims annually Assumption of 20 existing Medical Only and 200 Indemnity tail Per claim Fee if maximum number new of claims is reached:	\$134,000.00
Medical-Only	\$165.00** per claim
Indemnity	\$950.00 per claim
Employer's Liability	\$950.00 per claim

****Medical Only claims requiring the following work will be invoiced at the rates shown here. Claims previously invoiced as a Medical Only will be invoiced based on the difference between this rate and the amount previously invoiced. This increase is limited to claims with paid medical expense exceeding Five Thousand Dollars (\$5,000.00); claims requiring investigation to determine compensability, apportionment, medical causation, and subrogation; claims where medical benefits are disputed or denied, or claims where defense counsel is retained to respond to a legal proceeding or regulatory matter.**



Account Management and Technical Support

Description	Pricing
Account Management Staff	Included
Training – onsite and online	Included
Technical support	Included
State EDI files	Included
Monthly reporting	Included
Standard Ad hoc report programming for	Included
Customized Ad hoc report programming for	Up to \$200.00 per hour
Communication materials/posters	Pass through printing cost

Medicare Agent Reporting

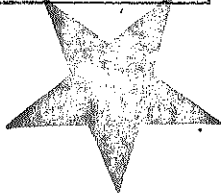
Description	Pricing
Set up and engagement	Waived
Monthly Maintenance	Waived
Quarterly Reporting	Waived

Medical Bill Review Services

Description	Pricing
Fee Schedule and Usual & Customary	8% of total savings
Professional Review	8% of savings
PPO Network	8% of savings
Enhanced Bill Review	8% of savings
Implant Review	8% of savings
Fee Negotiations	8% of savings
Duplicate Bill Processing	No Charge
State EDI	Included
Clearinghouse Services	Included
Scanning/OCR	Included
Initial 1099 Provider Notification Letter	Included
Minimum Transaction Fee	\$5.95
State EDI	Included
Scanning OCR	Included
Maximum Fee Cap	\$15,000.00

Patient Management

Description	Pricing
Telephonic Case Management	\$106.00 per hour
Field Case Management*	\$106.00 per hour
Vocational Rehabilitation*	\$106.00 per hour
Specialty Services (Catastrophic*, Life Care Planning, Medical Cost Projection Medicare Set Asides)	\$200.00 per hour
Return to Work Coordinator*	\$1056.00 per hour
Vocational Case Management*	\$106.00 per hour
Utilization Review (MG-2 / Variance)	\$155.00 Plus Peer Review Fees



Patient Management continued

Description	Pricing
Peer Review / Physician Advisor (C-4Auth or Complex MG-2) Review	\$285.00 per review
Clinical Modeling Physician Case Management	Included \$300 per hour*

*Physician Case Management Administration rate at \$50.00 per hour.

Per Invoicing Processing Fee of \$39.00

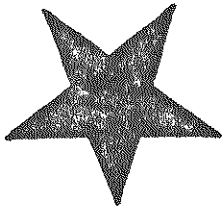
*Mileage and travel expenses billable

Pharmacy Benefit Program

Description	Pricing
Retail Pharmacies	
Brand	AWP Minus -13% + \$3.75 dispensing fee
Generic	AWP Minus -21% + \$3.75 dispensing fee
Mail Order	
Brand	AWP Minus -14% + \$2.75 dispensing fee
Generic	AWP Minus -23% + \$2.75 dispensing fee
Pharmacy Interventions	
Certified Pharmacy Technician	Included
Rx Nurse	\$106.00 per hour
Pharmacy Review	\$375.00 per review
Cognitive Behavioral Therapy	\$250.00 per Hour
Medication Review	\$250.00 per Hour

Specialty Network Services

Description	Pricing
Diagnostic Imaging Services – (New York Rates)	
*Other states quoted at time of service	
MRI Plain	\$525.00
MRI with Contrast	\$625.00
MRI with / without Contrast	\$800.00
CT Plain	\$300.00
CT with Contrast	\$350.00
CT with / without Contrast	\$400.00
All other services	100% of allowable reimbursement
Age of Injury (at time of referral)	\$150.00
Age of Injury (after date of service)	\$200.00
DME Network	Fee quoted at time of service
Transportation Services	Fee quoted at time of service
Translation Services	Fee quoted at time of service



The above pricing per claim is based on handling of all claims that occur and are reported during the agreement period. They will be handled until closed or until the end of the agreement period, whichever comes first. Rates on claims that occur outside of the United States are subject to alternative pricing to be discussed prior to start of the contract. At the end of the Renewal Term and each year thereafter, all fees outlined on the claims and managed care pricing sheet will be subject to an automatic increase of the greater CPI or three and a half percent (3.5%).

Any service not identified in this proposal will be provided at a later time.

Outgoing Transition Fees as pursuant to Section 8E
Description

Fee if termination after the Initial Term of the agreement:

Tail Claim Transfer \$60,000.00 (this is a one-time fee to transfer the tail claims, if and when they are transferred)

Fee if termination after the first Renewal Term under agreement:

Tail Claim Transfer \$40,000.00 (this is a one-time fee to transfer the tail claims, if and when they are transferred)

Fee if termination after any subsequent year under agreement:

Tail Claim Transfer \$20,000.00 (this is a one-time fee to transfer the tail claims, if and when they are transferred)

(2) Fees for Additional Professional Services: If Customer requires any additional professional services from CorVel relating to the Services or the CareMC Application, including but not limited to integration of the CareMC Application with EDI or other Customer systems, Customer shall submit a written request to CorVel for such services. CorVel shall, in good faith, consider providing such services at its then-current professional services fee rate and standard terms and conditions.

(3) Fees Adjustments for Regulatory Changes: If, at any time during the Term of this Agreement, regulatory or legislative changes impact CorVel's business operations and add to CorVel's costs of providing the Services, CorVel may (a) increase its fees for one or more Services upon written notice to Customer, or (b) terminate this Agreement upon ninety (90) days written notice to Customer.

(4) Billing and Payments for Case Management. CorVel will invoice Customer monthly for all fees related to Case Management Services directly to the specific claims file. Billing for Case Management is based on actual time per activity. Activity is based on ten (10) minute, a sixth (.17) of an hour, units. Time billed that exceeds the base billing unit multiple, i.e., 10 minutes, 20 minutes, etc., will be converted to the next billing unit.

This document contains confidential and proprietary information of the Parties and may not be disclosed or duplicated without the prior written consent of the Parties.

Town of Oyster Bay Amendment 2 (2nd Option Renewal) to TPA Services Agreement 11-17-20

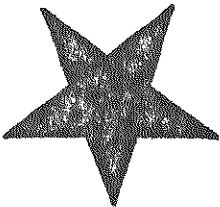


EXHIBIT B
Case Management Services
Terms and Conditions

1. DESCRIPTION OF SERVICES

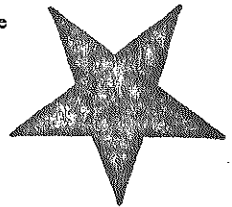
- (a) Case management services are provided to manage a claimant's case in order to identify the most appropriate rehabilitative treatment and/or most cost-effective health care alternatives ("Case Management Services"). Case managers may confer with the adjuster, attending physician, other medical providers, employer(s), attorney(s), the patient and the patient's family.
- (b) In certain states if requested by Customer, Case Management Services may include vocational rehabilitation services.

2. DELIVERY OF SERVICES

- (a) CorVel shall provide Case Management Services to Customer upon receipt by CorVel of specific requests from Customer as mutually agreed by both parties under the special handling instructions.
- (b) Telephonic Case Management: Telephonic case management ("TCM") includes a four-point contact with claimant, employer, claims professional and provider. CorVel case managers ("CMs") do the following: (i) facilitate communication among all appropriate parties regarding the diagnosis, prognosis and treatment plan provided by claimant's treating physician, (ii) channel or direct claimant to a PPO Network provider as appropriate, (iii) monitor and facilitate treatment planning, (iv) coordinate early return to work, and (v) subsequently provide periodic assessments of treatment and return to work plans. CMs may recommend additional services or coordinate claim closure, as appropriate.
- (c) Medical/Field Case Management: CorVel's medical/field case management ("MCM") personnel perform field based case management services as directed by the employer and/or Authorized TPA which may include on-site contact with claimant, employer, and provider, as well as telephonic communication with the claims professional. MCM's provide the CM services set forth in Section A above.
- (d) Vocational Case Management: Vocational case management services may include the following: (i) coordinating return to work, (ii) providing job analysis, (iii) assisting with job placement, (iv) providing expert testimony, (v) assisting with job development, (vi) providing job analysis of essential and non-essential duties for employers under the American's With Disabilities Act, (vii) providing vocational testimony, (viii) providing advice regarding job seeking skills, and (ix) providing transferable skills analysis.
- (e) Utilization Review:
 - (i) CorVel's utilization management program reviews proposed inpatient hospital admissions and ambulatory care to determine the appropriateness, frequency,

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Town of Oyster Bay Amendment 2 (2nd Option Renewal) to TPA Services Agreement 11-17-20

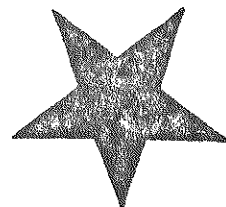


length of stay, and setting for such proposed treatment. In addition, CorVel can monitor and assess the appropriate utilization of treatment for all orthopedic and soft tissue injuries requiring ambulatory diagnostics and treatment.

- (ii) CorVel nurses make recommendations to the claims adjuster based on nationally accepted medical guidelines, including Optimed Managed Care System, a clinical protocol software; the American College of Occupational and Environmental Medicine (ACOEM) Occupational Medicine Practice Guidelines: Evaluation and Management of Common Health Problems and Functional Recovery in Workers; other nationally accepted treatment practice guidelines, as well as any state mandated treatment guidelines.
- (iii) Any nurse recommendations for limitation or denial of care based on lack of medical necessity are reviewed by a CorVel Physician Advisor. The Physician Advisor makes a final recommendation to the claims adjuster to approve or deny. If a final recommendation is made to deny treatment, the treating physician is notified in writing of the decision and the appeals process.

3. PROFESSIONAL FEE

- (a) CorVel's case management nurses and vocational rehabilitation counselors are required to be licensed in the jurisdictions they provide patient care or counseling. CorVel's case managers may provide care in multiple jurisdictions. Such case managers are required to maintain multiple state licenses and corresponding continuing education credits in maintaining these licenses. Additionally, CorVel's case managers are required to utilize up to date nationally recognized treatment guidelines, including American College of Occupational and Environmental Medicine (ACOEM), Official Disability Guidelines (ODG) and the MDGuidelines. An incremental professional fee as described hereunder in Exhibit B ("Fees") shall be invoiced to Customer for the substantial costs associated with obtaining and maintaining the national guidelines for CorVel's case management nurses. Such professional fee allows CorVel to maintain the applicable licenses and certifications for CorVel's case managers as well as keeping appropriate treatment guidelines up to date.



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Town of Oyster Bay Amendment 2 (2nd Option Renewal) to TPA Services Agreement 11-17-20

TELEHEALTH SERVICES
Terms and Conditions

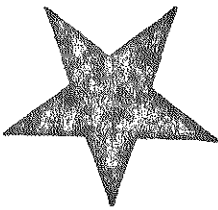
CorVel provides telehealth services through a network of employed and contracted physicians and non-physician practitioners (collectively the “Health Providers”) who use a secure web-based telehealth platform provided by American Well Corporation (the “Platform”).

CorVel shall provide Telehealth visits to Customer’s injured claimants who opt for such service for a level of care determinations related to their work injuries through its 24/7 nurse triage telephone line, or through CorVel’s direct Telehealth access line. A Telehealth visit is a single synchronous virtual consultation through the American Well platform between a Health Provider and an injured claimant (“Telehealth”).

CorVel’s 24/7 triage nurses are trained to provide an initial assessment and will provide immediate referral to medical care when needed. Nurses may refer to a Telehealth Health Care Provider TeleMedicine as appropriate (i.e., musculo-skeletal injuries).

- Telehealth visits are always an “option” for the injured claimant.
- If opted by the injured claimant, CorVel connects the injured claimant to a physician immediately via a computer, tablet or phone.
- If the injured claimant decides that he/she does not want a Telehealth visit, CorVel will immediately offer to schedule the injured claimant with a traditional, in-person PPO medical provider located at a convenient, clinic-based location.

CorVel’s Telehealth services will be made available to injured claimants with an existing claim, as an alternative means of obtaining medical care, where the injured worker requests such care.



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Town of Oyster Bay Amendment 2 (2nd Option Renewal) to TPA Services Agreement 11-17-20

WHEREAS, pursuant to Resolution No. 821-2018, adopted on December 11, 2018, the Town Board authorized the Town to enter into an agreement with CorVel Enterprise Comp, Inc. ("CorVel") to provide Third-Party Administrative Services for the Town of Oyster Bay Workers' Compensation Program, with two (2) one-year extension options; and

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated November 20, 2019, advised that CorVel requested that the Town exercise the first extension option and, by the same memorandum, Commissioner Canning requested that the Town Board authorize the first one-year extension option for the period January 1, 2020 through December 31, 2020, with CorVel in an amount not to exceed \$300,000.00 with funds to be drawn from Account No. TWN AMW 9040 84030 000 0000 000,

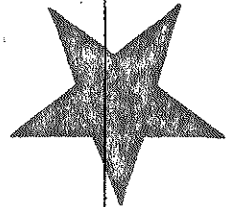
NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Town Board hereby exercises the first one-year extension option with CorVel Enterprise Comp, Inc. to provide Third-Party Administrative Services for the Town of Oyster Bay Workers' Compensation Program, for the period January 1, 2020 through December 31, 2020, in an amount not to exceed \$300,000.00, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. TWN AMW 9040 84030 000 0000 000, upon submission of a duly certified claim, after audit.

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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye



Reviewed By
Office of Town Attorney
[Signature]

AMENDMENT # 1

This Amendment is entered into 16th day of December 2019 by and between CorVel Enterprise Comp, Inc., (CorVel) and Town of Oyster Bay (Customer).

Whereas, CorVel and Customer entered into the Services Agreement with an Effective Date of April 1, 2019 (the "Agreement") pursuant to which CorVel agreed to provide Customer certain third party claims administration services and bundled certain managed care services.

Now, therefore, in consideration of the mutual promises and covenants contained herein, the parties agree to:

- As pursuant to Section 8A Term of the Agreement whereby Customer has agreed to renew the Agreement for an additional one (1) year Renewal Term for the first of two optional one year renewal terms that are available under the Agreement effective January 1, 2020 through December 31, 2020.

All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, CorVel and Customer have caused this Amendment to be executed by the persons authorized to act in their respective names.

TOWN OF OYSTER BAY

By: *Joseph Saladino*
Print Name: Joseph Saladino
Title: TOWN SUPERVISOR
Date Signed: 12/17/2019

CORVEL ENTERPRISE COMP, INC.

By: *Brandon O'Brien*
Print Name: Brandon O'Brien
Title: CFO
Date Signed: 12/16/2019

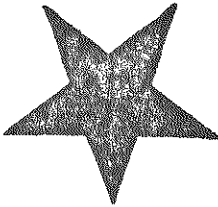
Reviewed By
Office of Town Attorney

[Signature]

Reviewed By
Office of Town Attorney

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Town of Oyster Bay Amendment 1 (Renewal) to TPA Services Agreement 12-16-19 FINAL



WHEREAS, by Resolution No. 821-2018, adopted on December 11, 2018, the Town Board authorized and directed CorVel Corporation to provide Third Party Administrative Services for the Town of Oyster Bay Workers' Compensation program; and

WHEREAS, the proposal and the proposed agreement submitted by CorVel Corp. recites that the said Third Party Administrative Services would be provided by CorVel Corp. through CorVel Enterprise Comp, Inc., which provides claims management services, and CorVel Healthcare Corporation, which provides managed care services; and

WHEREAS, both CorVel Enterprise Comp, Inc. and CorVel Healthcare Corporation are wholly-owned subsidiaries of CorVel Corporation,

WHEREAS, Joseph Nocella, Town Attorney, and Raymond J. Averna, Deputy Town Attorney, by memorandum dated March 8, 2019, recommend that Town Board Resolution No. 821-2018 should be amended to substitute CorVel Enterprise Comp, Inc. and CorVel Healthcare Corporation in place and stead of CorVel Corporation.

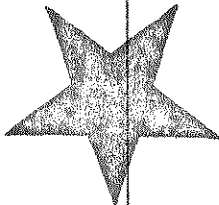
NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and Town Board Resolution No. 821-2018 is hereby amended to substitute CorVel Enterprise Comp, Inc. and CorVel Healthcare Corporation in place and stead of CorVel Corporation.

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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilman Muscarella	Absent
Councilman Macagnone	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Absent

cc: Supervisor
Town Attorney
Comptroller



Reviewed By
Office of Town Attorney
[Signature]

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated December 5, 2018, requested and recommended Town Board authorization for the Supervisor, or his designee, to enter into a one (1) year agreement with CorVel Corporation, 2010 Main Street, Suite 600, Irvine, California 92614, from January 1, 2019 through December 31, 2019, with two (2) one (1) year extension options, for said firm to provide Third-Party Administrative Services for the Town of Oyster Bay Workers' Compensation program, and

WHEREAS, John Canning, Commissioner, Department of Human Resources, by said memorandum, stated that since CorVel Corporation would be a new Third-Party Administrator, and he therefore requested and recommended that in order to provide for a smooth transition, that the Town Board authorize the Department of Human Resources to continue to utilize the services of the Town's current Third-Party Administrator, Nicholas DeSibio, P.C., with the same terms and conditions in their current contract for the period January 1, 2019 through March 31, 2019, for an amount not to exceed \$70,000.

NOW, THEREFORE, BE IT RESOLVED, That the abovementioned requests are hereby accepted and approved, and the Supervisor, or his designee, is hereby authorized and directed to enter into a one (1) year agreement with CorVel Corporation from January 1, 2019 through December 31, 2019, with two (2) one (1) year extension options, for said firm to provide Third-Party Administrative Services for the Town of Oyster Bay Workers' Compensation program, in accordance with the abovementioned terms; and be it further

RESOLVED, That, in order to provide for a smooth transition, the Department of Human Resources is authorized to continue to utilize the services of the Town's current Third-Party Administrator, Nicholas DeSibio, P.C., with the same terms and conditions in their current contract for the period January 1, 2019 through March 31, 2019, for an amount not to exceed \$70,000; and be it further

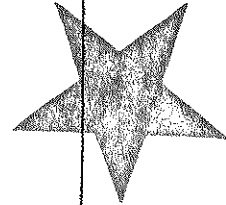
RESOLVED, That the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed \$300,000.00, and to pay CorVel Corporation for services rendered, upon presentation of a duly certified claim, after audit, with funds to be drawn from Account No. TWN AMW 9040 84030 000 0000 000, and to issue an encumbrance order in an amount not to exceed \$70,000.00, and to pay Nicholas DeSibio, P.C., for services rendered, upon presentation of a duly certified claim, after audit, also from Account No. TWN AMW 9040 84030 000 0000 000.

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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller
Human Resources



Reviewed By
Office of Town Attorney

CorVel Enterprise Comp Services Agreement

This CorVel Enterprise Comp Services Agreement (this "Agreement") is entered into as of the Effective Date set forth below, by and between CorVel Enterprise Comp, Inc. and CorVel Healthcare Corporation, (collectively "CorVel") and the customer identified below ("Customer") to govern Customer's rights to use certain of CorVel's managed care and claims management services. This Agreement consists of and incorporates the following components:

This Cover and Signature Page

General Terms and Conditions

- Exhibit A: Selected TPA Claims Administration Services and Managed Care Services
- Exhibit B: Fees
- Exhibit C: CareMC License Agreement
- Exhibit C-1: My Care Smartphone App Attachment
- Exhibit D: CorVel Certificate of Insurance
- Exhibit E: Customer Insurance Coverage Limits

1. Effective Date: April 1, 2019
2. CorVel Address and Contact: CorVel Corporation
2010 Main Street, Suite 600
Irvine, California 92614
Attn: Director, Legal Services
Phone: (949) 851-1473
Fax: (949) 851-1469
Email: Corporate_Legal@corvel.com
3. Customer Address and Contact: Town of Oyster Bay
54 Audrey Avenue
Oyster Bay NY 11771
Attn: Richard LaMarca
Phone: 516-624-6439
Fax: 516-624-6489
Email: rlamarca@ovsterbay-ny.gov

By signing below, each party acknowledges his/her agreement with the terms and conditions of this Agreement and represents and certifies that he/she is authorized to sign on behalf of and to bind each of the respective signatories to all of the terms and conditions of this Agreement as of the Effective Date.

CORVEL ENTERPRISE COMP, INC.:

By: Richard Schimpf
Name: Richard Schimpf
Title: President
Date: 3/8/19

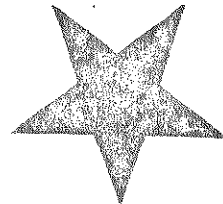
TOWN OF OYSTER BAY NY:

By: Joseph C. Salas
Name: JOSEPH C. SALAS
Title: SUPERVISOR
Date: 3/12/2019

Reviewed By
Office of Town Attorney

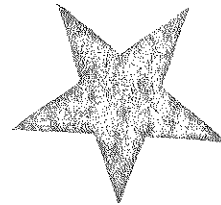
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Town of Oyster Bay NY TPA Services Agreement with My Care App FINAL 03-7-19



CORVEL HEALTHCARE CORPORATION:

By: Richard Schupp
Name: Richard Schupp
Title: President
Date: 3/10/19



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Town of Oyster Bay NY TPA Services Agreement with My Care App FINAL 03-7-19

WHEREAS, pursuant to the Town Code, Town employees are entitled to representation by counsel in proceedings involving that employee's work duties, with the associated costs to be borne by the Town; and

WHEREAS, in connection with certain recent proceedings, involving skills and the utilization of resources beyond those that can be supplied by the Office of the Town Attorney, counsel was obtained to represent two employees, who were identified to the Town Board in executive session; and

WHEREAS, Frank M. Scalera, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memorandum dated January 11, 2021, recommend that the Procurement Policy be waived and the law firm of Foley Griffin, LLP, 666 Old Country Road, Suite 305, Garden City, New York be authorized to represent said employees in said recent proceedings,

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendation of Frank M. Scalera, Town Attorney, and Thomas M. Sabellico, Special Counsel, the law firm of Foley Griffin, LLP, 666 Old Country Road, Suite 305, Garden City, New York is and was authorized to represent the employees in said recent proceedings; and be it further

RESOLVED, That the Town Board finds a waiver of the Procurement Policy to be proper, due to the time sensitive nature of the proceedings, and the unique skills required to handle the proceedings; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, in an amount not to exceed \$11,800.00, nunc pro tunc to October 28, 2014, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, upon submission of a duly certified claim, after audit.

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The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye