

APPROVED  
John Lanning  
COMMISSIONER OF HUMAN RESOURCES

Meeting of February 11, 2020

RESOLUTION P-4-2020

WHEREAS, The 2020 Budget, adopted October 29, 2019 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 2020 Budget, on October 29, 2019, 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

Meeting of February 11, 2020

Resolution No. TF-3-2020

RESOLVED, That the Comptroller be and he hereby is directed to Transfer Funds within the various Departments Accounts as indicated:

ITEM NO.	DEPT.	AMOUNT	FROM
006-20	EXE	\$25,000.00	TWN A 9901 90000 000 0000
			TO
		\$25,000.00	TWN A 9785 60000 000 0000

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Reviewed By  
Office of Town Attorney



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

2A

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

February 3, 2020

**To:** Memorandum Docket  
**From:** Robert Darienzo, Director of Finance  
**Subject:** Transfer of Funds

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In order to provide funds in the General Fund for the purchase of equipment on a deferred payment basis, the following transfer of funds is hereby requested:

Transfer from:							
TWN	A	9901	90000	000	0000	Debt Service	\$ 25,000.00
Transfer to:							
TWN	A	9785	60000	000	0000	Debt Principal	\$ 25,000.00

Thank you.

  
Robert Darienzo  
Director of Finance



RD/rd  
cc: Town Attorney (with 9 copies)  
Word/Documents/Docket/TOF 2020 installment purchase

Reviewed By  
Office of Town Attorney

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated January 16, 2020, requested that the Town Board authorize Town Wide Senior Trips for March and April, 2020, as listed below, and authorize the Commissioner of Community and Youth Services to make adjustments, deletions or changes, as needed, provided that in the event of change, participants are permitted to receive a full refund if the change is not to his or her preference:

<u>Date</u>	<u>Place/Event and Cost</u>	<u>Cost Includes</u>
Friday, March 6, 2020	St. Patrick's Day Celebration Irish Coffee Pub \$70.00	Luncheon Transportation by Town Bus, if required Entertainment by the Celtic Angels
Wednesday, April 1, 2020	John Engeman Theater "Sister Act" \$67.00	Transportation by Town Bus, if required Ticket to Show

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and the abovementioned Town Wide Senior Trips for March and April, 2020 are hereby authorized, and are to be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts; and be it further

RESOLVED, That the Commissioner of the Department of Community and Youth Services, or her designee, is authorized to make any adjustments, deletions, or changes, as needed, to the above schedule, provided that in the event of any change, each participant is permitted to receive a full refund if the change is not to his or her preference.

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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



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# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

January 16, 2020

TO: Memorandum Docket

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

SUBJECT: Town Wide Senior Trips for March & April

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The Department of Community & Youth Services is requesting Town Board authorization to provide Town Wide Senior Trips for March & April (see attachment).

The Department also requests authorization for the Commissioner of Community and Youth Services to make adjustments, deletions or changes, as needed, provided that in the event of change, participants are permitted to receive a full refund if the change is not to his or her preference.

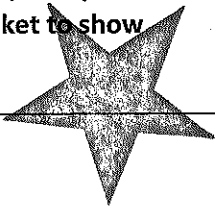
The Town Wide Senior Trips is to be conducted pursuant to the Department of Community and Youth Service's procedures for self-sustaining accounts.

  
Maureen A. Fitzgerald  
Commissioner

MAF:dw  
Attachment  
cc: Town Attorney (Original +9 copies)

**2020**  
**TOWN WIDE SENIOR TRIPS**  
**March & April**

Date	Place & Cost	Includes
Friday, March 6 <sup>th</sup>	St. Patrick's Day Celebration Irish Coffee Pub \$70.00	<ul style="list-style-type: none"><li>• Luncheon</li><li>• Transportation by Town Bus, if required</li><li>• Entertainment by the Celtic Angels</li></ul>
Wednesday, April 1st	John Engeman Theater "Sister Act" \$67.00	<ul style="list-style-type: none"><li>• Transportation by Town Bus, if required</li><li>• Ticket to show</li></ul>



WHEREAS, Sondra Camhi has offered to donate a memorial plaque to be placed under an existing tree at Marjorie R. Post Community Park, Massapequa, in memory of her late husband, Israel Horowitz; and

WHEREAS, the value of the plaque is estimated to be \$380.00, and the monies will be collected and deposited into Account No. PKS A 0001 02705 000 0000 and used to purchase the plaque; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 14, 2020, has 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 \$380.00 from Sondra Camhi, for a plaque to be placed under an existing tree at Marjorie R. Post Community Park, Massapequa, in memory of her late husband, Israel Horowitz.

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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

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

**TO:** Memorandum Docket  
**FROM:** Joseph G. Pinto, Commissioner of Parks  
**SUBJECT:** Memorial Plaque  
**DATE:** January 14, 2020

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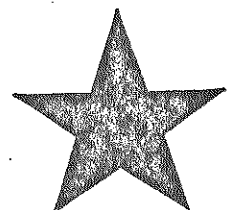
The Department of Parks has received a request from Sondra Camhi (letter attached) requesting to donate a memorial plaque to be placed under an existing tree at Marjorie R. Post Community Park in memory of Israel M. Horowitz.

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

The plaque will be purchased by Sondra Camhi and donated to the Parks Department. The value of the plaque is estimated to be \$380.00. Town Board approval is requested on behalf of Sondra Camhi. The monies will be collected in account PKS A 0001 02705 000 0000.

  
\_\_\_\_\_  
Joseph G. Pinto  
COMMISSIONER OF PARKS

JGP/dc  
C: Town Attorney (original +9 copies)  
ATTACHMENT



## Diann Codispodo

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**From:** Sandi <[REDACTED]>  
**Sent:** Wednesday, November 13, 2019 1:15 PM  
**To:** Diann Codispodo  
**Cc:** Sondra Camhi  
**Subject:** Adopting a tree

Grounds and Recreation Department  
Town of Oyster Bay

November 12, 2019

To whom this may concern:

I am interested in adopting a tree in Marjorie Post Park, Massapequa. With the help of the Park Manager, a tree already in the park has been chosen. I would like, also, to arrange that a plaque be placed under the tree to honor my late husband, Israel M. Horowitz.

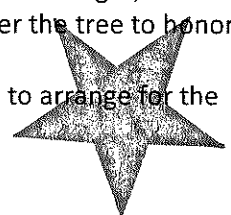
Upon your approval of my request, I will contact Diann Codispodo, who has been most helpful, to arrange for the wording of the plaque.

Thank you for your consideration of this request.

Respectfully,

Sondra Camhi

[REDACTED]  
Sent from my iPad



WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 574-2017, adopted on September 12, 2017, granted the Petition of BOLLA EM REALTY, LLC, fee owner, (the "applicant"), for Site Plan Approval to reflect the addition of a 510 square foot addition to the existing convenience store building on the premises located at 20-40 Hicksville Road, Plainedge, Town of Oyster Bay, County of Nassau, State of New York and described as Section 49, Block E, Lots 43 and 219 on the Land and Tax Map of Nassau County; and

WHEREAS, the Code of the Town of Oyster Bay, Chapter 246, Section 6.8, Expiration, provides that the approval of a signed site plan shall expire in the event that an application has not been made for a building permit within one year after the date the site plan was signed, unless an extension of the time is granted; and

WHEREAS, the Town Board, by Resolution No. 516-2018, adopted on August 14, 2018, granted BOLLA EM REALTY, LLC, a one (1) year extension of time until September 12, 2019, to apply for a building permit, upon the same terms and conditions effective pursuant to Resolution No. 574-2017; and

WHEREAS, the applicant, through its attorneys, Brown & Altman, LLP, by letter dated January 7, 2018, requested an extension of time from the current expiration date of September 12, 2019, to apply for a building permit; and

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated January 15, 2020, recommended that a second one (1) year extension of time to apply for a building permit be granted from the current expiration date of September 12, 2019 to September 12, 2020, nunc pro tunc,

NOW, THEREFORE, BE IT RESOLVED, That the request of Brown & Altman, LLP, attorneys for fee owner, and upon the recommendation of Commissioner Maccarone, the request for a second one (1) year extension of time from the current expiration date of September 12, 2019, to apply for a building permit, is hereby GRANTED, to September 12, 2020 nunc pro tunc, and the same terms and conditions effective pursuant to Town Board Resolution No. 574-2017, adopted on September 12, 2017, shall prevail.

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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	Recused
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney

*Ralph P. Healy*

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TOWN OF OYSTER BAY  
**Inter-Departmental Memo**

January 15, 2020

**To :** MEMORANDUM DOCKET

**From :** ELIZABETH MACCARONE, COMMISSIONER  
DEPARTMENT OF PLANNING & DEVELOPMENT

**Subject :** **REQUEST FOR EXTENSION OF TIME**  
**TOWN BOARD RESOLUTION # 574-2017**  
**PETITION OF BOLLA EM REALTY, LLC**  
**40 (a/k/a 100) HICKSVILLE ROAD, PLAINEDGE, NY**  
**SECTION 49 BLOCK E LOTS 43 AND 219**

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This Department is in receipt of correspondence, dated January 7, 2020 from David N. Altman, Brown & Altman, LLP, requesting an extension of time to obtain a certificate of occupancy for the above captioned premises (see attached).

It is my recommendation that a one (1) year extension of time should be granted from the current expiration date of, September 12, 2019 to September 12, 2020, *nunc pro tunc*.

The same terms and conditions should prevail as contained in Town Board Resolution No. 574-2017, dated September 12 2017.

  
ELIZABETH L. MACCARONE  
COMMISSIONER

ELM/dg  
Enclosure

cc: Legislative Affairs (9 copies w/att.)

1/7/20

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B R O W N & A L T M A N , L L P

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538 BROADHOLLOW ROAD • SUITE 301  
MELVILLE, NEW YORK 11747  
516-222-0222 TELEPHONE • 516-222-0322 FACSIMILE  
KBDA@BROWNALTMAN.COM • WWW.BROWNALTMAN.COM

January 7, 2020

**VIA HAND DELIVERY**

Elizabeth L. Maccarone, Commissioner  
Planning and Development  
Town of Oyster Bay  
54 Audrey Avenue  
Oyster Bay, NY 11771

Re: Request for an Extension of the Town of Oyster Bay (the "Town") Town Board Site Plan Approval to Bolla EM Realty, LLC ("Bolla") in connection with the property located at 40 (a/k/a 100) Hicksville Road, Plainedge, New York (the "Property"); Nassau County Tax Map Identification Number: Section 49, Block E, Lots 43 & 219 granted by the Town Board on August 10, 2010 (number 791-2010), as amended on September 12, 2017 by Town Board Resolution (number 574-2017), and further amended on August 14, 2018 by Town Board Resolution (number 516-2018)  
**Town Board Resolution Numbers 574-2017 and 516-2018**

Dear Commissioner Maccarone:

We represent Bolla in connection with the Property. In accordance with Section 246-6.8.1 of the Town Code, Bolla respectfully requests a one (1) year renewal of the August 14, 2018 Town Board Site Plan approval (copy enclosed).

After receiving the Town Board Approval in September 2017, Bolla has been seeking to develop a fast food/fast casual restaurant within the existing convenience store. Bolla, through its counsel, Brown & Altman, LLP, and engineers, High Point Engineering, met with the Town Planning and Development staff to discuss the intended modification in early Spring 2018. On April 24, 2018, Town Planning and Development staff advised that it is permissible under the applicable Restrictive Covenants recorded in the Nassau County Clerk's Office in Liber 12652, page 527 (copy enclosed), provided Bolla obtains an amended Site Plan approval.

On August 14, 2018, the Town Board granted Bolla's application to amend the September 12, 2017 Site Plan to provide for a 510 square foot addition to the existing convenience store (copy enclosed).

Bolla remains in discussions regarding the development of a fast food/fast casual restaurant and respectfully requests a renewal of the Site Plan Modification and an extension of time to apply for a building permit.

Enclosed you will find one (1) check made payable to the "Town of Oyster Bay" in the amount of \$250.00, representing the Site Plan approval renewal fee.

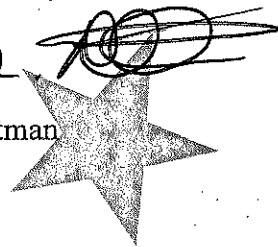


Should you have any questions concerning the foregoing or require additional information please do not hesitate to contact our office. Thank you for your consideration and anticipated approval of Bolla's request.

Very truly yours,



David N. Altman



Encls.

Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 791-2010, adopted on August 10, 2010, the Town Board granted Site Plan Approval to KINGS PLAINEDGE REALTY, LLC, fee owner, and KINGS PLAINEDGE SUPER CENTER, INC., lessee, for premises located at 20-40 Hicksville Road, Plainedge, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 49, Block E, Lots 43 and 219 on the Land and Tax Map of Nassau County; and

WHEREAS, BOLLA EM REALTY, LLC, became the successor by merger to KINGS PLAINEDGE REALTY, LLC, by a Certificate of Merger, which was duly filed in the Office of the Secretary of State for the State of Delaware on November 27, 2013, and the New York State Division of Corporations on November 29, 2013; and

WHEREAS, BOLLA EM REALTY, LLC, fee owner, by letter dated April 4, 2007, from its attorneys, Harris Beach PLLC, has requested Amended Site Plan Approval to add a 510 square foot addition to the existing convenience store building on the premises; and

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated August 21, 2017, has advised that the Department of Planning and Development has reviewed the following five (5) amended plans prepared by Christopher M. Tartaglia, P.E., High Point Engineering, Farmingdale, New York:

SHEET NO.	TITLE	PREPARED BY	DATE
SP-1	SITE PLAN	Christopher M. Tartaglia, P.E.	04/19/2017
SP-2	GRADING, DRAINAGE & UTILITY PLAN	Christopher M. Tartaglia, P.E.	04/19/2017
SP-3	SOIL EROSION CONTROL PLAN	Christopher M. Tartaglia, P.E.	04/19/2017
A-100.00	FLOOR PLAN	Christopher M. Tartaglia, P.E.	03/03/2017
A-200.00	BUILDING ELEVATIONS	Christopher M. Tartaglia, P.E.	03/03/2017

WHEREAS, said Commissioner further reported that the plan submitted complies with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommended Town Board Approval for the site plan enumerated herein,

NOW, THEREFORE, BE IT RESOLVED, That the request of Harris Beach PLLC, attorneys for BOLLA EM REALTY LLC, fee owner, dated April 4, 2017, requesting that the Site Plan approved by the Town Board by Resolution No. 791-2010, be amended to reflect the addition of a 510 square foot addition to the existing convenience store building on the premises located at 20-40 Hicksville Road, in Bethpage, Town of Oyster Bay, County of Nassau, State of New York, said premises being described at Section 49, Block E, Lots 43 and 219, be APPROVED, and be it further

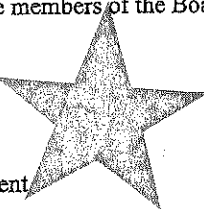
RESOLVED, That in accordance with the memorandum of Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, dated August 21, 2017, the five (5) plans described hereinabove is hereby approved.

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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	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Planning & Development



Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 574-2017, adopted on September 12, 2017, granted the Petition of BOLLA EM REALTY, LLC, fee owner, (the "applicant"), for Site Plan Approval to reflect the addition of a 510 square foot addition to the existing convenience store building on the premises located at 20-40 Hicksville Road, Plainedge, Town of Oyster Bay, County of Nassau, State of New York and described as Section 49, Block E, Lots 43 and 219 on the Land and Tax Map of Nassau County; and

WHEREAS, the Code of the Town of Oyster Bay, Chapter 246, Section 6.8, Expiration, provides that the approval of a signed site plan shall expire in the event that an application has not been made for a building permit within one year after the date the site plan was signed, unless an extension of the time is granted; and

WHEREAS, the applicant, through its attorneys, Brown & Altman, LLP, by letter dated July 25, 2018, requested an extension of time from the current expiration date of September 12, 2018, to apply for a building permit; and

WHEREAS, Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated July 27, 2018, recommended that a one (1) year extension of time be granted from the current expiration date of September 12, 2018, to apply for a building permit,

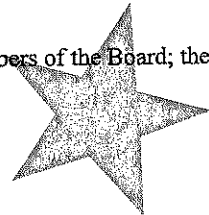
NOW, THEREFORE, BE IT RESOLVED, That the request of Brown & Altman, LLP, attorneys for Petitioner, for a one (1) year extension of time from the current expiration date of September 12, 2018, to apply for a building permit, is hereby GRANTED, and the same terms and conditions effective pursuant to Town Board Resolution No. 574-2017, adopted on September 12, 2017, shall prevail.

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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 Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor  
Town Attorney  
Comptroller  
Planning & Development



Meeting of August 10, 2010

RESOLUTION 791-10

WHEREAS, KINGS PLAINEDGE REALTY, LLC, fee owner, and KINGS PLAINEDGE SUPER CENTER, INC., lessee, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit and Site Plan Approval to erect a gasoline station with four (4) pump islands, a truck fueling area with three (3) diesel dispensers, and a 2,000 square foot convenience store in a "GB" District (General Business), at 20 - 40 Hicksville Road, Plainedge, New York and described as Section 49, Block E, Lots 43 and 219 on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on June 8, 2010, and adjourned and continued on July 13, 2010, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town Board of the Town of Oyster Bay, after having reviewed the recommendations of the Town Environmental Quality Review Division, did, by Resolution No. 768-10, adopted on August 10, 2010, declare and find that the subject application will not have a significant effect on the environment, and the proposed actions in the Petition constitute a Negative Declaration, in accordance with the New York State Environmental Conservation Law and its applicable regulations thereon; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 9738-10, adopted on July 22, 2010, has recommended local determination of said application; and

WHEREAS, the Town Board of the Town of Oyster Bay, based upon the relevant facts and circumstances presented at the public hearing, and based upon the facts and information within the personal knowledge of the members of the Town Board, finds the following: that because of the area, location, nature and character of the subject property, the below described premises are adequate and suitable for the requested use; that the granting of this application, subject to the imposition of certain covenants, restrictions and provisions, will not adversely affect the present character of the area; and the granting of this application will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay; and

WHEREAS, Frederick P. Ippolito, Commissioner of the Department of Planning and Development, by memoranda dated March 30, 2010 and July 21, 2010, advises that the Department of Planning and Development has reviewed the following twelve (12) plans prepared by High Point Engineering, Jericho, New York:

SHEET NO.	TITLE	DATE
CS-1	COVER SHEET	06/29/2010
RM-1	300 FT RADIUS MAP	05/18/2007
SP-1	SITE PLAN	06/29/2010
SP-2	GRADING/DRAINAGE & UTILITY PLAN	06/29/2010
SP-3	LANDSCAPE PLAN	06/29/2010
SP-4	LIGHTING PLAN	06/29/2010
SP-5	TRUCK INGRESS/EGRESS DIAGRAM	06/29/2010

Office of Town Attorney  
Fred G. Lombardi

SP-6	DETAIL SHEET	06/29/2010
FL-1	PROPOSED BUILDING FLOOR PLAN	06/29/2010
EL-1	PROPOSED BUILDING ELEVATIONS	06/29/2010
D-1	M & PT PLANS/NYS DOT DETAILS	02/12/2010
D-2	NYS DOT DETAILS	02/12/2010

and

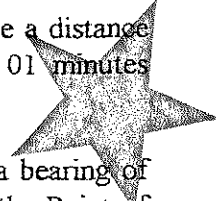
WHEREAS, said Commissioner further reports that the plans submitted, as modified, comply with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommends Town Board approval for the plans enumerated herein,

NOW, THEREFORE, BE IT RESOLVED, That the Petition of KINGS PLAINEDGE REALTY, LLC, fee owner, and KINGS PLAINEDGE SUPER CENTER, INC., lessee, for a Special Use Permit and Site Plan Approval to erect a gasoline station with four (4) pump islands, a truck fueling area with three (3) diesel dispensers, and a 2,000 square foot convenience store in a "GB" District (General Business), at 20 - 40 Hicksville Road, Plainedge, New York and described as Section 49, Block E, Lots 43 and 219 on the Land and Tax Map of Nassau County, is hereby GRANTED, on the premises described as follows:

#### SCHEDULE A

BEGINNING at the point formed by the northeasterly intersection of Union Avenue and Hicksville Road (NYS Route 107), the Point of Beginning:

- (1) THENCE a distance of 238.60 feet along the westerly line of Hicksville Road at a bearing of North 19 degrees 26 minutes 40 seconds West to a point;
- (2) THENCE a distance of 262.97 feet at a bearing of South 83 degrees 35 minutes 40 seconds East to a point;
- (3) THENCE a distance of 188.98 feet at a bearing of South 06 degrees 31 minutes 02 seconds West to a point;
- (4) THENCE along an arc having a radius of 563.00 feet with a length of 80.54 feet and a Chord Length of 80.47 feet having a bearing of South 81 degrees 55 minutes 09 seconds West to a point along the northerly line of Union Avenue;
- (5) THENCE along the northerly line of Union Avenue a distance of 67.01 feet at a bearing of South 86 degrees 01 minutes 03 seconds West to a point;
- (6) THENCE along a line a distance of 15.19 feet at a bearing of North 56 degrees 42 minutes 49 seconds West to the Point of BEGINNING.



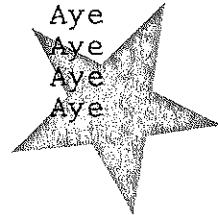
Said property is known as Section 49, Block E, Lots 43 and 219 on the Land and Tax Map of Nassau County.

RESOLVED, That the Petition herein granted is subject to voluntary covenants and restrictions imposed upon the subject premises by the Petitioners, as set forth in the written instrument attached herewith, to be duly recorded in the Office of the Clerk of Nassau County within one year of this Resolution, and the subject Petition may only become effective upon such recording; and be it further

RESOLVED, That in accordance with the memoranda of Frederick P. Ippolito, Commissioner of the Department of Planning and Development, dated March 30, 2010 and July 21, 2010, the twelve (12) plans prepared by High Point Engineering, Jericho, New York, 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 Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coshignano	Aye
Councilwoman Faughnan	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye



cc: Supervisor (2)  
Town Attorney  
Comptroller (2)  
P&D  
DER

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated October 16, 2019, authorized the Highway Department to clean up the premises located at 53 Melrose Avenue, Massapequa, New York 11758 also known as Section 53, Block C, Lot 264 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 15, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 22, 2019, in the total amount of \$1,620.62, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 15, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,620.62 may be assessed by the Legislature of the County of Nassau against the parcel known as 53 Melrose Avenue, Massapequa, New York 11758, also known as Section 53, Block C, Lot 264 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

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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

Reviewed By  
Office of Town Attorney  
*Ralph P. Healey*

11

## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 15, 2020

SUBJECT: Property Cleanup Assessment  
53 Melrose Avenue, Massapequa, New York 11758  
Section 53, Block C, Lot 264

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The Department of Planning and Development, by memorandum dated October 16, 2019, directed the Highway Department to clean the premises located at 53 Melrose Avenue, Massapequa, New York 11758, also known as Section 53, Block C, Lot 264 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 31, 2019, advised that the property was cleaned by a crew from the Highway Department on October 22, 2019. The cost incurred by the Town of Oyster Bay was \$1,620.62.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY

*Ralph P. Healey*

Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

amlS:\Attorney\RESOS 2019\MD 53 Melrose Ave 1.15.20.doc



## TOWN OF OYSTER BAY

## Inter-Departmental Memo

October 16, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
Through: ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
Subject: 53 Melrose Ave., Massapequa, NY 11758  
SBL: 53-C-264

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Notice of Violation No. 01079 was issued to the owner of the above-referenced premises on 10/07/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

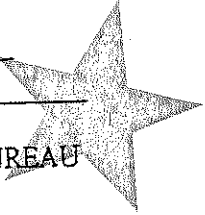
In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU



ME:tc

cc: Joseph Nocella, Town Attorney



Town of Oyster Bay  
Department of Planning and Development  
Town Hall - 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6280  
FAX (516) 624-6240  
www.oysterbaytown.com

ELIZABETH L. MACCARONE  
COMMISSIONER

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

JAMES McCaffrey  
DEPUTY COMMISSIONER

October 16, 2019

Ereta Victor  
53 Melrose Avenue  
Massapequa, New York 11758

RE: PREMISES: 53 Melrose Avenue, Massapequa, NY 11758  
SECTION 53 BLOCK C LOT 264

Dear Property Owner:

Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 01079 (copy attached) has been served on 10/07/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

ELIZABETH L. MACCARONE  
COMMISSIONER

Michael Esposito, Bureau Chief  
Code Compliance Division

(2)  
ELM:ME:tc  
Enclosure

**BARGAIN AND SALE DEED WITH COVENANT AGAINST GRANTOR'S  
ACTS (INDIVIDUAL OR CORPORATION)**

CAUTION: THIS AGREEMENT SHOULD BE PREPARED BY AN ATTORNEY AND REVIEWED BY ATTORNEYS FOR SELLER AND  
PURCHASER BEFORE SIGNING.

**THIS INDENTURE**, made the 30<sup>th</sup> day December 2016.

**BETWEEN** EDWARD D. BOWE and CAROL N. LEE-BOWE, of 53 Melrose Avenue, Massapequa,  
New York 11758,

party of the first part, and

ERETA VICTOR of 48 Kenwood Avenue, Massapequa, New York 11758.

party of the second part;

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and No Cents  
(\$10.00), lawful money of the United States, paid by the party of the second part, does hereby grant and  
release unto the party of the second part, the heirs or successors and assigns of the party of the second part  
forever;

**ALL** that certain plot, piece or parcel of land, with the buildings and improvements thereon erected,  
situate, lying and being in Massapequa in the Town of Oyster Bay, County of Nassau and State of New  
York, more particularly described in schedule A attached hereto;

**BEING** and intended to be the same premises conveyed to Grantors herein by deed dated 3/23/2004  
and recorded 3/29/2004 in Liber 11758 Page 326 in Nassau County Recording Office.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets  
and roads abutting the above described premises to the center lines thereof.

**TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to  
said premises,

**TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or  
successors and assigns of the party of the second part forever.


**AND** the party of the first part, covenants that the party of the first part has not done or suffered  
anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the  
party of the first part will receive the consideration for this conveyance and will hold the right to receive  
such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement  
and will apply the same first to the payment of the cost of the improvement before using any part of the  
total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so  
requires.

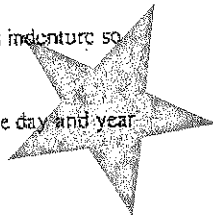
**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year  
first above written.

  
Edward D. Bowe

  
Carol N. Lee-Bowe

**IN PRESENCE OF:**

  
\_\_\_\_\_



AL

Town of Oyster Bay  
Inter- Departmental Memo

October 31, 2019

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

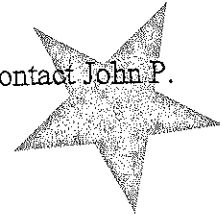
SUBJECT: 53 MELROSE AVENUE, MASSAPEQUA  
CLEAN-UP


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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,620.62.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 53 MELROSE AVENUE, MASSAPEQUA TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED  
UNDER ROAD RESTORATION

Location (53-C-264) MELROSE AVE MASSAPEQUA 11758

Date Oct 22, 2019

Work Order # 64827

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
DONALD CHANDLER	General Maintenance	02:00	\$45.50	00:00	0	\$91.00
STEVE DIAKOGIANNIS	General Maintenance	02:00	\$39.61	00:00	0	\$79.22
ANGELO T TARZIA	General Maintenance	02:00	\$20.20	00:00	0	\$40.40
STEVEN KELLY	General Maintenance	02:00	\$15.00	00:00	0	\$30.00
Total Labor						\$240.62

Tools/Vehicle


Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD667	PICK-UP TRUCK 2009 FORD F-250 YW (22 / 022)	\$79.00	02:00	\$158.00
TD728	POWER WAGON 2015 T-245	\$105.00	02:00	\$210.00
TD748	2019 INT 7300 6 WHEELER YW	\$131.00	02:00	\$262.00
Total Equipment				\$630.00

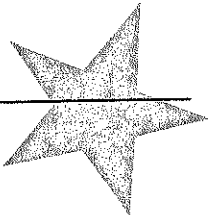
Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Total Materials			\$750.00

Grand Total \$1620.62

Description of Work:  
CLEAN UP 53 MELROSE AVENUE MS

Signature:   
Name: Peter Brown  
Title: Director of Highway Operations  
Date: Oct 29, 2019



WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated October 8, 2019, authorized the Highway Department to clean up the premises located at 87 Midwood Avenue, Farmingdale, New York 11735, also known as Section 48, Block 286, Lot 79 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 15, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 16, 2019, in the total amount of \$1,466.36, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 15, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,466.36 may be assessed by the Legislature of the County of Nassau against the parcel known as 87 Midwood Avenue, Farmingdale, New York 11735, also known as Section 48, Block 286, Lot 79 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By  
Office of Town Attorney  
Ralph P. Healey

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

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Town of Oyster Bay  
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 15, 2020

SUBJECT: Property Cleanup Assessment  
87 Midwood Avenue, Farmingdale, New York 11735  
Section 48, Block 286, Lot 79

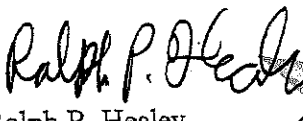
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The Department of Planning and Development, by memorandum dated October 8, 2019, directed the Highway Department to clean the premises located at 87 Midwood Avenue, Farmingdale, New York 11735, also known as Section 48, Block 286, Lot 79 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 25, 2019, advised that the property was cleaned by a crew from the Highway Department on October 16, 2019. The cost incurred by the Town of Oyster Bay was \$1,466.36.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY

  
Ralph P. Healey  
Special Counsel



RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

2019-7420

**TOWN OF OYSTER BAY**

**Inter-Departmental Memo**

**October 8, 2019**

**To:** JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
**Through:** ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
**Subject:** 87 Midwood Ave., Farmingdale NY 11735  
SBL: 48-286-79

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Notice of Violation No. 00764 was issued to the owner of the above-referenced premises on 9/23/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

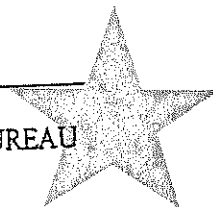
Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

  
ME:tc

cc: Joseph Nocella, Town Attorney







**Town of Oyster Bay**  
Department of Planning and Development  
Town Hall - 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
[www.oysterbaytown.com](http://www.oysterbaytown.com)

**ELIZABETH L. MACCARONE**  
COMMISSIONER

**TIMOTHY R. ZIKE**  
DEPUTY COMMISSIONER

**JAMES McCaffrey**  
DEPUTY COMMISSIONER

October 8, 2019

Timothy Meehan  
87 Midwood Avenue  
Farmingdale, New York 11735

RE: PREMISES: 87 Midwood Avenue, Farmingdale NY 11735  
SECTION 48 BLOCK 286 LOT 79

Dear Property Owner:

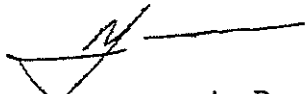
Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 00764 (copy attached) has been served on 09/23/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

**ELIZABETH L. MACCARONE**  
COMMISSIONER

  
Michael Esposito, Bureau Chief  
Code Compliance Division

ELM:ME:tc  
Enclosure

THIS INDENTURE, made the 19 day of July, 2007

BETWEEN

~~Vincent T. Maraldo~~ <sup>Maraldo</sup> residing at 891 Crocus Drive Massapequa NY 11758

as executor of the last will and testament of ~~Jean Maraldo~~ <sup>his wife</sup>, deceased, 03/22/2007  
party of the first part, and

Timothy Meehan & Donna Meehan <sup>his wife</sup> residing at 87 Midwood Avenue Farmingdale NY  
+ Joseph R. Maraldo all as joint tenants

party of the second part,

WITNESSETH, that the party of the first part, by virtue of the power and authority given to and by said last will and testament, and in consideration of \$ ~~999,999.00~~ <sup>300,000.00</sup> dollars, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Farmingdale, Town of Oyster Bay, County of Nassau and state of N.Y. known and designated as and by the parts of lots nos. 1, 2, 3, 4, 5 in block 17 on a certain map entitled, "Oakwood Terrace, Section 1, situate at Farmingdale Town of Oyster Bay, Nassau County, N.Y. made by Roswell S. Baylis C.E." and filed in the office of the Clerk of the County of Nassau on April 20, 1927 as Map No. 628, case No. 721, which said parts of lots, when taken together are more particularly bounded and described according to said map, as follows;

BEGINNING at the corner formed by the intersection of the westerly side of Midwood Avenue with the southerly side of Orchard St. running thence south 14 deg. 19 minutes 20 seconds west along the westerly side of Midwood Avenue 70 feet; running thence north 75 deg. 40 minutes 40 seconds west, 100 feet; running thence north 14 deg. 19 minutes 20 seconds east, 70 feet to the southerly side of Orchard St. running thence south 75 deg. 40 minutes 40 seconds east along the southerly side of Orchard St. 100 feet to the corner, the point or place of BEGINNING.

TOGETHER WITH AN EASEMENT OVER THE STREETS AS SHOWN ON THE SAID MAP TO THE NEAREST PUBLIC HIGHWAY, BUT EXCEPTING AND RESERVING THE FEE TO THE SAID STREETS, THE TITLE TO WHICH IS NOT HEREBY CONVEYED.

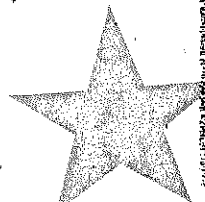
TOGETHER with all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances, and also all the estate which the said decedent had at the time of decedent's death in said premises, and also the estate therein, which the party of the first part has or has power to convey or dispose of, whether individually, or by virtue of said will or otherwise; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.  
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

  
Vincent T. Maraldo <sup>Maraldo</sup>



9285A  
S/48  
B/286  
L/79

BL

Town of Oyster Bay  
Inter- Departmental Memo

October 25, 2019

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

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

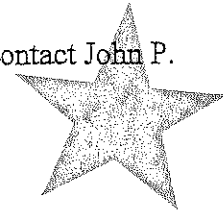
**SUBJECT:** 87 MIDWOOD AVENUE, FARMINGDALE  
CLEAN-UP

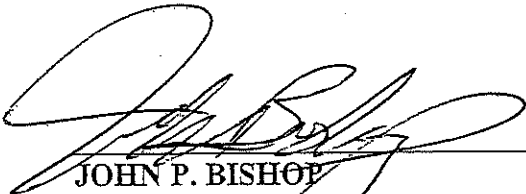
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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,466.36.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
\_\_\_\_\_  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 87 MIDWOOD AVENUE , FARMINGDALE TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED  
UNDER ROAD RESTORATION

Location (48-286-79) 87 MIDWOOD AVE FARMINGDALE 11735

Date Oct 16, 2019

Work Order # 64570

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PATRICK PETERS	General Maintenance	01:30	\$29.53	00:00	0	\$44.30
STEVE DIAKOIANNIS	General Maintenance	01:30	\$39.61	00:00	0	\$59.42
JOHN STERGIOPOULOS	General Maintenance	01:30	\$24.86	00:00	0	\$37.29
PHILIP BADOME	General Maintenance	01:30	\$29.13	00:00	0	\$43.70
MICHAEL F FITZPATRICK	General Maintenance	01:30	\$19.23	00:00	0	\$28.85
ANGELO T TARZIA	General Maintenance	01:30	\$20.20	00:00	0	\$30.30

Total Labor \$243.86

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD682	TRUCK DUMP 2010 FORD F-350 YW (T-205) - Power Wagons	\$105.00	01:30	\$157.50
TD692	TRUCK DUMP 2010 FORD F-350 YW (T-215) - Power Wagons	\$105.00	01:30	\$157.50
TD728	POWER WAGON 2015 T-245	\$105.00	01:30	\$157.50

Total Equipment \$472.50


Materials

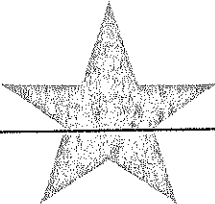
Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00

Total Materials \$750.00

Grand Total \$1466.36

Description of Work:  
CLEAN UP 87 MIDWOOD AVE FM

Signature:   
Name: Peter Brown  
Title: Director of Highway Operations  
Date: Oct 23, 2019



WHEREAS, pursuant to Sections 96-15 and 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development, by its emergency powers, authorized the Highway Department to secure all the windows on the first floor of the house located at 49-51 Hamilton Avenue, Oyster Bay, New York 11771, also known as Section 27, Block 42, Lot 543 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 15, 2020, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of securing the premises on October 16, 2019, in the amount of \$2,355.66, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 15, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$2,355.66 may be assessed by the Legislature of the County of Nassau against the parcel known as 49-51 Hamilton Avenue, Oyster Bay, New York 11771, also known as Section 27, Block 42, Lot 543 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By  
Office of Town Attorney  
*Ralph P. Healey*

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: Office of the Town Attorney

DATE: January 15, 2020

SUBJECT: Property Cleanup Assessment  
49-51 Hamilton Avenue, Oyster Bay, New York 11771  
Section 27, Block 42, Lot 543

---

By the emergency powers granted to the Department of Planning and Development, the Highway Department secured all the windows on the first floor of the house located at 49-51 Hamilton Avenue, Oyster Bay, New York 11771, also known as Section 27, Block 42, Lot 543 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 17, 2019, advised that the property was secured by a crew from the Highway Department on October 16, 2019. The cost incurred by the Town of Oyster Bay was \$2,355.66.

Pursuant to Section 96-19 of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY

*Ralph P. Healey*

Ralph P. Healey  
Special Counsel



RPH:aml  
Attachments  
Town Attorney (w/9 copies)

2019-7389

**Ken Bishop**

---

**From:** Michael Esposito  
**Sent:** Tuesday, October 15, 2019 2:06 PM  
**To:** Ken Bishop  
**Cc:** Leslie Maccarone  
**Subject:** 49-51 hamilton avenue oyster bay 27-42-543

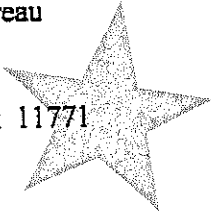
Ken

Please send Jeff to the subject premises to install clear board on all the first floor windows.

Thanks

*Michael G. Esposito*

Bureau Chief  
Code Enforcement Bureau  
Town of Oyster Bay  
74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6237



RECEIVED TOWN OF OYSTER BAY  
OCT 15 2019

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 14 day of February, in the year 2009  
BETWEEN

Patricia E. Topakian & Agop Topakian, residing at 49-51 Hamilton Avenue, Oyster Bay, NY 11771

party of the first part, and

Patricia E. Topakian, residing at 49-51 Hamilton Avenue, Oyster Bay, NY 11771

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate lying and being at Oyster Bay, County of Nassau and State of New York, and being more particularly bounded and described as follows:

Tax Map  
Designation

Dist.

Sec.

27

BLK.

42

Lot(s)

543

BEGINNING at a point on the Southwesterly side of Hamilton Avenue, distant 558.88 feet Northwesterly from the corner formed by the intersection of the said Southwesterly side of Hamilton Avenue, and the Northwesterly side of South Street and which said point of beginning is where the division line of other lands of Hutchinson and the lands herein described intersects the said Southwesterly side of Hamilton Avenue;

RUNNING THENCE along said other land of Hutchinson South 33 degrees, 26 minutes 40 seconds West, 125 feet to the land of the Town of Oyster Bay;

THENCE along said land of the Town of Oyster Bay, North 52 degrees 48 minutes 20 seconds West 53 feet to land of Barnes;

THENCE along said land of Barnes, North 33 degrees 26 minutes 40 seconds East, 125 feet to the Southwesterly side of Hamilton Avenue;

THENCE along said Southwesterly side of Hamilton Avenue, South 52 degrees 48 minutes 20 seconds East, 53 feet to the point or place of BEGINNING.

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Patricia E. Topakian*  
PATRICIA E. TOPAKIAN



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

October 17, 2019

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

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

**SUBJECT:** 51 HAMILTON AVENUE, OYSTER BAY  
BOARD-UP

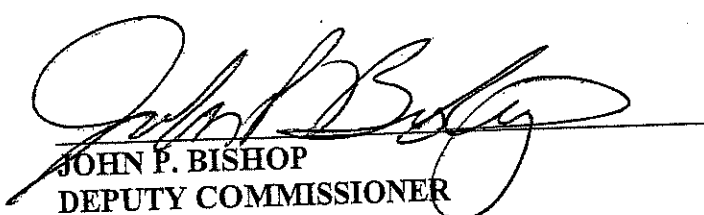
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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$2,355.66.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

BOARD - UP 51 HAMILTON AVENUE, OYSTER BAY TO P & D



# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (27-42-543) 51 HAMILTON AVE OYSTER BAY 11771

Date Oct 16, 2019

Work Order # 64699

## Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
RUBEN FOURNIER	General Maintenance	04:30	\$35.84	00:00	0	\$161.28
JEFFREY VAN NOSTRAND	General Maintenance	04:30	\$44.64	00:00	0	\$200.88
Total Labor						\$362.16

## Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TU052	TRUCK UTILITY 2012 FORD F-350 YW (RR911)	\$79.00	04:30	\$355.50
Total Equipment				\$355.50

## Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Clear Polycarbonate LEXAN 1/4 x 48 x 96	\$148.00	6	\$888.00
Total Materials			\$1638.00

**Grand Total \$2355.66**

## Description of Work:

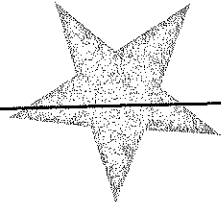
BOARD UP 49-51 HAMILTON AVENUE OB

Signature: \_\_\_\_\_

Name: Peter Brown

Title: Director of Highway Operations

Date: Oct 18, 2019



WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated October 17, 2019, authorized the Highway Department to clean up the premises located at 101 Clocks Boulevard, Massapequa, New York 11758 also known as Section 66, Block 133, Lot 239 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 15, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 23, 2019, in the total amount of \$1,228.53, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 15, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,228.53 may be assessed by the Legislature of the County of Nassau against the parcel known as 101 Clocks Boulevard, Massapequa, New York 11758, also known as Section 66, Block 133, Lot 239 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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  
*Ralph P. Healey*

14

## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 15, 2020

SUBJECT: Property Cleanup Assessment  
101 Clocks Boulevard, Massapequa, New York 11758  
Section 66, Block 133, Lot 239

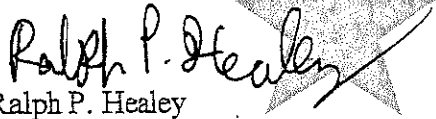
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The Department of Planning and Development, by memorandum dated October 17, 2019, directed the Highway Department to clean the premises located at 101 Clocks Boulevard, Massapequa, New York 11758, also known as Section 66, Block 133, Lot 239 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 31, 2019, advised that the property was cleaned by a crew from the Highway Department on October 23, 2019. The cost incurred by the Town of Oyster Bay was \$1,228.53.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY

  
Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

amlS:\Attorney\RESOS 2019\MD 2101 Clocks Blvd 1.15.20.doc

2019-7396

TOWN OF OYSTER BAY

Inter-Departmental Memo

October 17, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
Through: ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
Subject: 101 Clocks Blvd., Massapequa NY 11758  
SBL: 66-133-239

Notice of Violation No. 01078 was issued to the owner of the above-referenced premises on 10/07/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

ME:tc

cc: Joseph Nocella, Town Attorney



**Town of Oyster Bay**  
Department of Planning and Development  
Town Hall – 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
www.oysterbaytown.com

ELIZABETH L. MACCARONE  
COMMISSIONER

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

JAMES McCaffrey  
DEPUTY COMMISSIONER

October 16, 2019

Mohammad Jaigirder  
101 Clocks Blvd.  
Massapequa, NY 11758

RE: PREMISES: 101 Clocks Blvd., Massapequa, NY 11758  
SECTION 66 BLOCK 133 LOT 239

Dear Property Owner:

Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 01078 (copy attached) has been served on 10/07/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

ELIZABETH L. MACCARONE  
COMMISSIONER

Michael Esposito, Bureau Chief  
Code Compliance Division

ELM:ME:tc  
Enclosure

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 30<sup>th</sup> day of July, in the year two thousand and one  
BETWEEN FIYARA BEGUM and MOHAMMAD KIBRIA  
101 Clocks Boulevard  
Massapequa  
N.Y. 11758

party of the first part, and MOHAMMAD R. JAIGIRDER  
101 Clocks Boulevard  
Massapequa  
N.Y. 11758

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE 'A' ANNEXED HERETO AND FORMING PART HEREOF.

SECTION: 66. BLOCK: 133 LOT: 239

PREMISES ALSO KNOWN AS 101 CLOCKS BOULEVARD, MASSAPEQUA, N.Y.

BEING AND INTENDED TO BE THE SAME PREMISES ACQUIRED BY DEED DATED 9/29/1999 AND RECORDED IN THE NASSAU COUNTY CLERK'S OFFICE ON 5/8/2000 LIBER 11201 PAGE 345.

BEING THE SAME PROPERTY ACQUIRED BY THE PARTY OF THE FIRST PART PURSUANT TO THE TERMS OF THE NATIONAL HOUSING ACT, AS AMENDED (12 U.S.C. 171 ET SEQ.) AND THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT ACT (79 STAT. 667)

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.  
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*MUTAL ASM*

AL

Town of Oyster Bay  
Inter- Departmental Memo

October 31, 2019

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

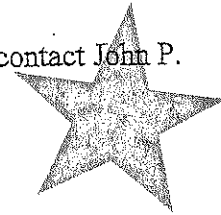
SUBJECT: 101 CLOCKS BLVD., MASSAPEQUA  
CLEAN-UP

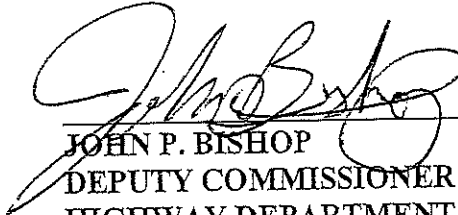
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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,228.53.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 101 CLOCKS BLVD., MASSAPEQUA TO P & D





# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (66-133-239) 101 CLOCKS BLVD MASSAPEQUA 11758

Date Oct 23, 2019

Work Order # 64826

## Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
GEORGE TIEDEMANN	General Maintenance	01:00	\$43.19	00:00	0	\$43.19
DONALD CHANDLER	General Maintenance	01:00	\$45.50	00:00	0	\$45.50
JOSE NUNEZ	General Maintenance	01:00	\$39.61	00:00	0	\$39.61
MARK SCHLOSSER	General Maintenance	01:00	\$42.00	00:00	0	\$42.00
MICHAEL F FITZPATRICK	General Maintenance	01:00	\$19.23	00:00	0	\$19.23
Total Labor						\$189.53

## Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD667	PICK-UP TRUCK 2009 FORD F-250 YW (22 / 022)	\$79.00	01:00	\$79.00
TD682	TRUCK DUMP 2010 FORD F-350 YW (T-205) - Power Wagons	\$105.00	01:00	\$105.00
TD683	TRUCK DUMP 2010 FORD F-350 YW (T-225) - Power Wagons	\$105.00	01:00	\$105.00
Total Equipment				\$289.00

## Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Total Materials			\$750.00

**Grand Total \$1228.53**

## Description of Work:

CLEAN UP 101 CLOCKS BLVD. MS

Signature: 

Name: Peter Brown

Title: Director of Highway Operations

Date: Oct 28, 2019

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated October 2, 2019, authorized the Highway Department to clean up the premises located at 224 Yoakum Avenue, Farmingdale, New York 11735, also known as Section 48, Block 462, Lot 62 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 15, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 8, 2019, in the total amount of \$1,330.32, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 15, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,330.32 may be assessed by the Legislature of the County of Nassau against the parcel known as 224 Yoakum Avenue, Farmingdale, New York 11735, also known as Section 48, Block 462, Lot 62 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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  
Ralph P. Healey

15  
Town of Oyster Bay  
Inter-Departmental Memo

TO: MEMORANDUM DOCKET  
FROM: Office of the Town Attorney  
DATE: January 15, 2020  
SUBJECT: Property Cleanup Assessment  
224 Yoakum Avenue, Farmingdale, New York 11735  
Section 48, Block 462, Lot 62

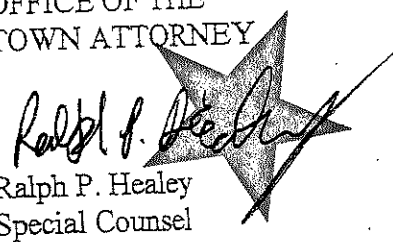
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The Department of Planning and Development, by memorandum dated October 2, 2019, directed the Highway Department to clean the premises located at 224 Yoakum Avenue, Farmingdale, New York 11735, also known as Section 48, Block 462, Lot 62 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 16, 2019, advised that the property was cleaned by a crew from the Highway Department on October 8, 2019. The cost incurred by the Town of Oyster Bay was \$1,330.32.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY

  
Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

amlS:\Attorney\RESOS 2019\MD 224 Yoakum Ave 1.15.20.doc

2019-7422

**TOWN OF OYSTER BAY**

**Inter-Departmental Memo**

October 2, 2019

**To:** JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
**Through:** ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
**Subject:** 224 Yeakum Avenue, Farmingdale, NY 11735  
SBL: 48-462-62

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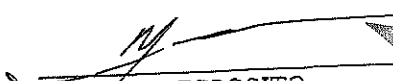
Notice of Violation No. 18445 was issued to the owner of the above-referenced premises on 9/26/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

  
ME:tc

cc: Joseph Nocella, Town Attorney



Town of Oyster Bay  
Department of Planning and Development  
Town Hall - 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
[www.oysterbaytown.com](http://www.oysterbaytown.com)

ELIZABETH L. MACCARONE  
COMMISSIONER

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

JAMES McCaffrey  
DEPUTY COMMISSIONER

October 2, 2019

Brian Falabella  
224 Yoakum Ave.  
Farmingdale, NY 11735

RE: PREMISES: 224 Yoakum Ave., Farmingdale, NY 11735  
SECTION 48 BLOCK 462 LOT 62

Dear Property Owner:

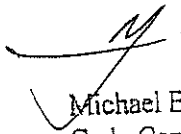
Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 18445 (copy attached) has been served on 09/26/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

ELIZABETH L. MACCARONE  
COMMISSIONER

  
Michael Esposito, Bureau Chief  
Code Compliance Division

ELM:ME:tc  
Enclosure

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT. THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 12th day of August 2003 ~~1999~~  
BETWEEN

Shawn M. Rogers and Theresa M. Rogers, UX., both residing at  
224 Yoakum Avenue, Farmingdale, NY 11735

party of the first part, and

Brian Palabella, residing at 119 Franklin Street, Elmont, NY

party of the second part,

WITNESSETH that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the  
party of the second part, does hereby grant and release unto that party of the second part, the heirs or successors and assigns of  
the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in:

more fully described at Schedule "A" Annexed hereto and made  
a part hereof

Map  
Designation

Dist.

Sec. 48

Lot 462

Lot 62

TOGETHER with all right, title and interest, if any, of the party of the first part of, in and to any streets and roads abutting the  
above-described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the  
party of the first part in and to said premises: TO HAVE AND TO HOLD the premises herein granted unto the party of the  
second part, the heirs or successors and assigns of the party of the second part forever.

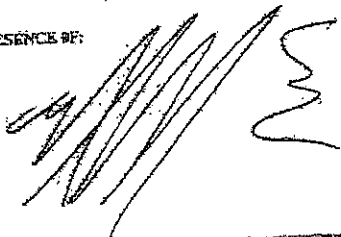
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said  
premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will  
receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied  
first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the  
improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:



Shawn M. Rogers

Theresa M. Rogers

AL

Town of Oyster Bay  
Inter- Departmental Memo

October 16, 2019

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

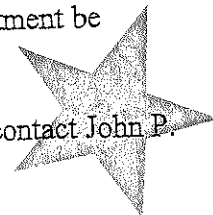
SUBJECT: 224 YOAKUM AVENUE, FARMINGDALE  
CLEAN-UP

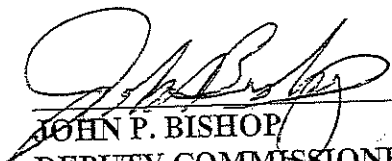
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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,330.32.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 224 JOAKUM AVENUE, FARMINGDALE TO P & D



# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (48-462-62) 224 YOAKUM AVE FARMINGDALE 11735

Date Oct 8, 2019

Work Order # 64344

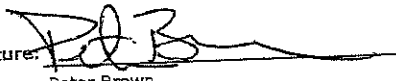
Labor Costs						
Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
DERRICK SCOTT	General Maintenance	01:00	\$41.25	00:00	0	\$41.25
JOHN STERGIOPOULOS	General Maintenance	01:00	\$24.86	00:00	0	\$24.86
PHILIP BADOME	General Maintenance	01:00	\$29.13	00:00	0	\$29.13
ERIC PETERS	General Maintenance	01:00	\$30.85	00:00	0	\$30.85
MICHAEL F FITZPATRICK	General Maintenance	01:00	\$19.23	00:00	0	\$19.23
STEVEN KELLY	General Maintenance	01:00	\$15.00	00:00	0	\$15.00
Total Labor						\$160.32

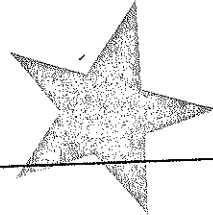
Tools/Vehicle					
Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost	
TD633	PICK-UP TRUCK 2008 FORD F-250 YW (24 / 024)	\$79.00	01:00	\$79.00	
TD642	TRUCK DUMP 2008 INTER 7300 YW (T-192)- 6 Wheeler	\$131.00	01:00	\$131.00	
TD703	TRUCK DUMP 2011 FORD F350 YELLO (T-195) - Power Wagons	\$105.00	01:00	\$105.00	
TD728	POWER WAGON 2015 T-245	\$105.00	01:00	\$105.00	
Total Equipment				\$420.00	

Materials					
Material	Cost Per Unit	Units	Line Cost		
Administrative Fee	\$750.00	1	\$750.00		
Total Materials			\$750.00		

**Grand Total \$1330.32**

Description of Work:  
CLEAN UP 224 YOAKUM AVENUE FM

Signature:   
Name: Peter Brown  
Title: Director of Highway Operations  
Date: Oct 12, 2019





WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated October 2, 2019, authorized the Highway Department to clean up the premises located at 21 Maple Street, Massapequa, New York 11758, also known as Section 57, Block 182, Lot 49 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 15, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 11, 2019, in the total amount of \$1,349.62, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 15, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,349.62 may be assessed by the Legislature of the County of Nassau against the parcel known as 21 Maple Street, Massapequa, New York 11758, also known as Section 57, Block 182, Lot 49 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

Ralph P. Healey

16

Town of Oyster Bay  
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 15, 2020

SUBJECT: Property Cleanup Assessment  
21 Maple Street, Massapequa, New York 11758  
Section 57, Block 182, Lot 49

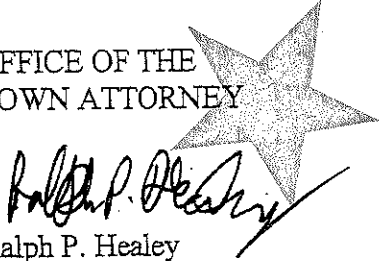
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The Department of Planning and Development, by memorandum dated October 2, 2019, directed the Highway Department to clean the premises located at 21 Maple Street, Massapequa, New York 11758, also known as Section 57, Block 182, Lot 49 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 16, 2019, advised that the property was cleaned by a crew from the Highway Department on October 11, 2019. The cost incurred by the Town of Oyster Bay was \$1,349.62.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY



Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

amlS:\Attorney\RESOS 2019\MD 21 Maple St 1.15.20.doc

2019-7421

TOWN OF OYSTER BAY

Inter-Departmental Memo

October 2, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
Through: ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
Subject: 21 Maple Street Massapequa, NY 11758  
SBL: 57-182-49 - 51

Notice of Violation No. 00600 was issued to the owner of the above-referenced premises on 9/25/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

ME:tc

cc: Joseph Nocella, Town Attorney  
Andrew Preston, Esq., BRFH&D Attorneys-at-Law



**Town of Oyster Bay**  
Department of Planning and Development  
Town Hall - 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
www.oysterbaytown.com

ELIZABETH L. MACCARONE  
COMMISSIONER

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

JAMES McCaffrey  
DEPUTY COMMISSIONER

October 2, 2019

Estate of Agnes Savona  
21 Maple St.  
Massapequa, NY 11758

RE: PREMISES: 21 Maple St. Massapequa, NY 11758  
SECTION 57 BLOCK 182 LOT 49

Dear Property Owner:

Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 00600 (copy attached) has been served on 9/25/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

ELIZABETH L. MACCARONE  
COMMISSIONER

Michael Esposito, Bureau Chief  
Code Compliance Division

ELM:ME:tc  
Enclosure

Andrew Preston, Esq., BRFH&D Attorneys-at-Law

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STATE OF NEW YORK, COUNTY OF

1107 525

STATE OF NEW YORK, COUNTY OF

*William F. Lucero*

FILED 1953

RECEIVED TOWN CLERK'S OFFICE

TO

WILLIAM F. LUCERO

1953

*William F. Lucero*

The land referred to by the within instrument lies in Section 27, T. 10, R. 12, S. 12, in the Town of ...

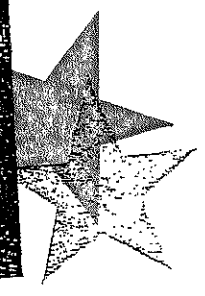
FILED

WILLIAM F. LUCERO  
COUNSELLOR AT LAW  
930, Little East Rock Rd.  
West Babylon, N.Y.

In witness whereof, I have hereunto set my hand and the seal of my office, this 1st day of ... 1953.

FILED 1953

WILLIAM F. LUCERO  
COUNSELLOR AT LAW  
930, Little East Rock Rd.  
West Babylon, N.Y.



AL

Town of Oyster Bay  
Inter- Departmental Memo

October 16, 2019

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

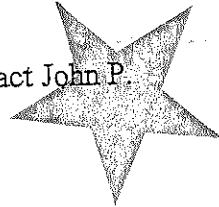
SUBJECT: 21 MAPLE STREET, MASSAPEQUA  
CLEAN-UP


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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,349.62.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
\_\_\_\_\_  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 21 MAPLE STREET, MASSAPEQUA TO P & D



# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (57-182-49) 21 MAPLE ST MASSAPEQUA 11758

Date Oct 11, 2019

Work Order # 64504


Labor Costs		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
Employee's Name						
RICHARD JULIANO	General Maintenance	01:00	\$43.19	00:00	0	\$43.19
DERRICK SCOTT	General Maintenance	01:00	\$41.25	00:00	0	\$41.25
PHILIP BADOME	General Maintenance	01:00	\$29.13	00:00	0	\$29.13
ERIC PETERS	General Maintenance	01:00	\$30.85	00:00	0	\$30.85
ANGELO T TARZIA	General Maintenance	01:00	\$20.20	00:00	0	\$15.00
ANTHONY MODAFFERI	General Maintenance	01:00	\$15.00	00:00	0	
Total Labor						\$179.62

Tools/Vehicle		Description	Rate per Hour	Hours	Line Cost
Tool/Vehicle					
TD618		TRUCK DUMP 2007 INTER 7300 YW (T-271 / T-272)- 6 Wheeler	\$131.00	01:00	\$131.00
TD633		PICK-UP TRUCK 2008 FORD F-250 YW (24 / 024)	\$79.00	01:00	\$79.00
TD692		TRUCK DUMP 2010 FORD F-350 YW (T-215) - Power Wagons	\$105.00	01:00	\$105.00
TD728		POWER WAGON 2015 T-245	\$105.00	01:00	\$105.00
Total Equipment					\$420.00

Materials		Material	Cost Per Unit	Units	Line Cost
		Administrative Fee	\$750.00	1	\$750.00
Total Materials					\$750.00

Grand Total **\$1349.62**

Description of Work:  
CLEAN UP 21 MAPLE STREET, MS

Signature: 

Name: Peter Brown

Title: Director of Highway Operations

Date: Oct 16, 2019



Reviewed By  
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 14, 2020, requested that the Town Board authorize the Department's employee membership into the American Public Works Association, for a one-year period, for employees, Micheal P. Cipriano, Richard W. Lenz, P.E., John Tassone, Matthew Russo, and Robert Tassone, at a membership fee not to exceed \$208.00 for each membership, with funds available in Account No. DPW-A1640-47900-000-0000,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the employees' membership in the American Public Works Association, is hereby authorized for the 2020 calendar year at a fee of \$208.00 for each listed member above, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. DPW-A1640-47900-000-0000, 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

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# TOWN OF OYSTER BAY INTER-DEPARTMENTAL MEMO

January 14, 2020

TO : MEMORANDUM DOCKET

FROM : RICHARD W. LENZ, P.E., COMMISSIONER OF DPW/HIGHWAYS

SUBJECT: MEMBERSHIP INTO THE AMERICAN PUBLIC WORKS ASSOCIATION

Permission is requested for the following Department of Public Works employees to become members of the APWA (American Public Works Association) for a one year period. Attached are the applications for the following:

Michael P. Cipriano, Division Head CVM


Richard W. Lenz, P.E., Commissioner of DPW/Highway

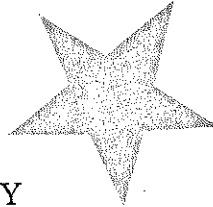
John Tassone, Deputy Commissioner of DPW

Matthew Russo, P.E., Civil Engineer IV

Robert Tassone, Storekeeper I

There are sufficient funds available in account DPW-A1640-47900-000-0000 to cover this membership, at a cost not to exceed \$208.00 each.

  
RICHARD W. LENZ, P.E.  
COMMISSIONER OF DPW/HIGHWAY



RWL/MC/sb

Att.

C: Town Attorney, Original & 9 Copies



# Individual Membership Application

## CONTACT INFORMATION

Mr.	Michael		Cipriano	Mike	1970
Mr., Mrs., Ms., etc	First Name	MI	Last Name (include suffix)	Preferred Name (informal)	Year of Birth
Town of Oyster Bay			Division Head CVM		
Organization (Agency/Firm)			Title		
150 Miller Place					
Address					
Syosset			NY	11791-5699	USA
City			State	Zip + 4 Code	Country
516-677-5825			MCipriano@oysterbay-NY.gov		
Phone			E-mail		

## DUES

☒ Individual \$208<sup>A</sup>   ☐ Never Been A Member \$105\*

Individual membership is available to any official or employee of a governmental agency, manufacturer, supplier, contractor, or consulting firm that is actively engaged in the field of public works. Visit [www.apwa.net/membership](http://www.apwa.net/membership) for benefits chart.

\*Must be a first-time member with APWA to be eligible for the special rate offer.

<sup>A</sup>PRICES GOOD THRU DECEMBER 31, 2020

LOCAL CHAPTER DUES (Note local chapter dues—if applicable)				enter total	
<input type="checkbox"/>	Arizona	\$20 per person	<input type="checkbox"/>	Nevada	10% of full price National dues
<input type="checkbox"/>	Arkansas	25% of full price National dues	<input type="checkbox"/>	New England (CT, MA, NH, RI, VT)	25% of full price National dues
<input type="checkbox"/>	Northern California (counties of San Francisco, Alameda, Contra Costa, Marin, Solano, Napa, Sonoma, Lake, Mendocino, Humboldt, and Del Norte, plus northern San Mateo county)	15% of full price National dues	<input type="checkbox"/>	New Jersey	\$15 per person
<input type="checkbox"/>	Sacramento Area, California (counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, Yuba, Nevada, Sierra, Yolo, Sacramento, Placer, El Dorado, Amador, Calaveras, Tuolumne, Mono, Alpine, and San Joaquin)	\$10 per person	<input checked="" type="checkbox"/>	New York (excluding NY City metro area)	\$15 per person
<input type="checkbox"/>	San Diego/Imperial Counties, California	\$35 per person	<input type="checkbox"/>	North Carolina	\$10 per person
<input type="checkbox"/>	Southern California (counties of Los Angeles, Orange, San Bernardino, and Riverside)	25% of full price National dues	<input type="checkbox"/>	South Carolina	\$10 per person
<input type="checkbox"/>	Ventura County, California	\$10 per person	<input type="checkbox"/>	Ohio	\$15 per person
<input type="checkbox"/>	Florida	\$10 per person	<input type="checkbox"/>	Rocky Mountain (ID, MT, WY)	\$10 per person
<input type="checkbox"/>	KC Metro	\$15 per person	<input type="checkbox"/>	Tennessee	\$15 per person
<input type="checkbox"/>	Kentucky	\$20 per person	<input type="checkbox"/>	Texas	\$30 per person
<input type="checkbox"/>	Michigan	\$25 per person	<input type="checkbox"/>	Utah	\$15 per person
<input type="checkbox"/>	Mid-Atlantic (DC, MD, VA, WV)	\$20 per person	<input type="checkbox"/>	Washington	\$25 per person
<input type="checkbox"/>	Minnesota	25% of full price National dues	<input type="checkbox"/>	Western Pennsylvania	\$10 per person
			<input type="checkbox"/>	Wisconsin	\$15 per person
					\$ 0

There are 63 APWA chapters in North America, some have local chapter dues in addition to national membership dues. The national headquarters handles the collection of those local chapter dues, which (where applicable) are mandatory and must be paid in full to maintain active membership status.

For a complete list of chapters visit [www.apwa.net/chapters](http://www.apwa.net/chapters).

For more information about APWA membership visit: [www.apwa.net/membership](http://www.apwa.net/membership)  
Questions? Contact a membership specialist at 800-848-APWA or [memberservices@apwa.net](mailto:memberservices@apwa.net) | Apply Online: [www.apwa.net/join](http://www.apwa.net/join)

Individual Membership Application continued

PAYMENT

Send entire completed application and payment information by mail or email to [memberservices@apwa.net](mailto:memberservices@apwa.net). Membership is for one year and will begin upon receipt of dues payment. Purchase orders are acceptable, but members will not receive benefits until receipt of payment.

APWA member dues may be tax deductible as ordinary and necessary business expenses for U.S. members (subject to IRS guidelines). No portion of member dues is allocable to non-deductible lobbying expenditures. You may wish to consult a tax advisor.

Individual or New Member Dues \$208.00  
Chapter Dues \$0

TOTAL PAYMENT DUE \$208

PAYMENT METHOD

☐ Check enclosed for \$

MAIL TO: APWA, PO Box 802296, Kansas City, MO 64180-2296

☐ Charge \$ to my ☐ Visa ☐ Mastercard ☐ American Express

When paying by credit card, dues are charged in US dollars and may be subject to the exchange rate at the time the payment is processed.

Account number Card Expires (MM/YYYY)

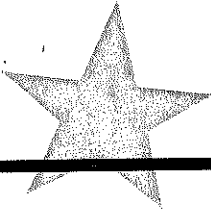
Name as it appears on card Signature

Would you like a receipt sent to you? ☐ Yes ☐ No

Email receipt to:

☐ Please mail an invoice to the attention of:

MAIL THIS REQUEST TO:  
APWA, 1200 Main Street, Suite 1400, Kansas City, MO 64105-2100  
OR  
EMAIL TO:  
[memberservices@apwa.net](mailto:memberservices@apwa.net)



For more information about APWA membership visit: [www.apwa.net/membership](http://www.apwa.net/membership)  
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Individual Membership Application

CONTACT INFORMATION

Mr.	Richard	W	Lenz		1950
Mr., Mrs., Ms., etc	First Name	MI	Last Name (include suffix)	Preferred Name (informal)	Year of Birth
Town of Oyster Bay			Commissioner of DPW/Highway		
Organization (Agency/Firm)			Title		
150 Miller Place					
Address					
Syosset		NY	11791-5699	USA	
City		State	Zip + 4 Code	Country	
516-677-5125		RLenz@oysterbay-NY.gov			
Phone		Cell	E-mail		

DUES

☒ Individual \$208<sup>A</sup>    ☐ Never Been A Member \$105\*

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<input type="checkbox"/> Sacramento Area, California (counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, Yuba, Nevada, Sierra, Yolo, Sacramento, Placer, El Dorado, Amador, Calaveras, Tuolumne, Mono, Alpine, and San Joaquin)	\$10 per person	<input checked="" type="checkbox"/> New York (excluding NY City metro area)	\$15 per person
<input type="checkbox"/> San Diego/Imperial Counties, California	\$35 per person	<input type="checkbox"/> North Carolina	\$10 per person
<input type="checkbox"/> Southern California (counties of Los Angeles, Orange, San Bernardino, and Riverside)	25% of full price National dues	<input type="checkbox"/> South Carolina	\$10 per person
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<input type="checkbox"/> Florida	\$10 per person	<input type="checkbox"/> Rocky Mountain (ID, MT, WY)	\$10 per person
<input type="checkbox"/> KC Metro	\$15 per person	<input type="checkbox"/> Tennessee	\$15 per person
<input type="checkbox"/> Kentucky	\$20 per person	<input type="checkbox"/> Texas	\$30 per person
<input type="checkbox"/> Michigan	\$25 per person	<input type="checkbox"/> Utah	\$15 per person
<input type="checkbox"/> Mid-Atlantic (DC, MD, VA, WV)	\$20 per person	<input type="checkbox"/> Washington	\$25 per person
<input type="checkbox"/> Minnesota	25% of full price National dues	<input type="checkbox"/> Western Pennsylvania	\$10 per person
		<input type="checkbox"/> Wisconsin	\$15 per person
			enter total
			\$ 0

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For more information about APWA membership visit: [www.apwa.net/membership](http://www.apwa.net/membership)  
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# Individual Membership Application continued

## PAYMENT

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Individual or New Member Dues \$208

Chapter Dues \$0

TOTAL PAYMENT DUE \$208

## PAYMENT METHOD

☐ Check enclosed for \$

MAIL TO: APWA, PO Box 802296, Kansas City, MO 64180-2296

☐ Charge \$ to my ☐ Visa ☐ Mastercard ☐ American Express

When paying by credit card, dues are charged in US dollars and may be subject to the exchange rate at the time the payment is processed.

Account number Card Expires (MM/YYYY)

Name as it appears on card Signature

Would you like a receipt sent to you? ☐ Yes ☐ No

Email receipt to:

☐ Please mail an invoice to the attention of:

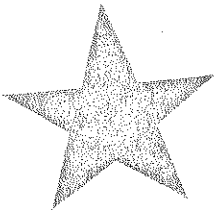
### MAIL THIS REQUEST TO:

APWA, 1200 Main Street, Suite 1400, Kansas City, MO 64105-2100

OR

EMAIL TO:

[memberservices@apwa.net](mailto:memberservices@apwa.net)



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Questions? Contact a membership specialist at 800-848-APWA or [memberservices@apwa.net](mailto:memberservices@apwa.net) | Apply Online: [www.apwa.net/join](http://www.apwa.net/join)



Individual Membership Application

CONTACT INFORMATION

Mr.	Robert		Tassone	Rob	1976
Mr., Mrs., Ms., etc	First Name	MI	Last Name (include suffix)	Preferred Name (informal)	Year of Birth
Town of Oyster Bay			Storekeeper I		
Organization (Agency/Firm)			Title		
150 Miller Place					
Address					
Syosset			NY	11791-5699	USA
City			State	Zip + 4 Code	Country
516-677-5734			RTassone@oysterbay-NY.gov		
Phone		Cell	E-mail		

DUES

☐ Individual \$208<sup>Δ</sup>    ☒ Never Been A Member \$105\*

Individual membership is available to any official or employee of a governmental agency, manufacturer, supplier, contractor, or consulting firm that is actively engaged in the field of public works. Visit [www.apwa.net/membership](http://www.apwa.net/membership) for benefits chart.

\*Must be a first-time member with APWA to be eligible for the special rate offer.

<sup>Δ</sup>PRICES GOOD THRU DECEMBER 31, 2020

LOCAL CHAPTER DUES (Note local chapter dues—if applicable)				enter total	
<input type="checkbox"/>	Arizona	\$20 per person	<input type="checkbox"/>	Nevada	10% of full price National dues
<input type="checkbox"/>	Arkansas	25% of full price National dues	<input type="checkbox"/>	New England (CT, MA, NH, RI, VT)	25% of full price National dues
<input type="checkbox"/>	Northern California (counties of San Francisco, Alameda, Contra Costa, Marin, Solano, Napa, Sonoma, Lake, Mendocino, Humboldt, and Del Norte, plus northern San Mateo county)	15% of full price National dues	<input type="checkbox"/>	New Jersey	\$15 per person
<input type="checkbox"/>	Sacramento Area, California (counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, Yuba, Nevada, Sierra, Yolo, Sacramento, Placer, El Dorado, Amador, Calaveras, Tuolumne, Mono, Alpine, and San Joaquin)	\$10 per person	<input checked="" type="checkbox"/>	New York (excluding NY City metro area)	\$15 per person
<input type="checkbox"/>	San Diego/Imperial Counties, California	\$35 per person	<input type="checkbox"/>	North Carolina	\$10 per person
<input type="checkbox"/>	Southern California (counties of Los Angeles, Orange, San Bernardino, and Riverside)	25% of full price National dues	<input type="checkbox"/>	South Carolina	\$10 per person
<input type="checkbox"/>	Ventura County, California	\$10 per person	<input type="checkbox"/>	Ohio	\$15 per person
<input type="checkbox"/>	Florida	\$10 per person	<input type="checkbox"/>	Rocky Mountain (ID, MT, WY)	\$10 per person
<input type="checkbox"/>	KC Metro	\$15 per person	<input type="checkbox"/>	Tennessee	\$15 per person
<input type="checkbox"/>	Kentucky	\$20 per person	<input type="checkbox"/>	Texas	\$30 per person
<input type="checkbox"/>	Michigan	\$25 per person	<input type="checkbox"/>	Utah	\$15 per person
<input type="checkbox"/>	Mid-Atlantic (DC, MD, VA, WV)	\$20 per person	<input type="checkbox"/>	Washington	\$25 per person
<input type="checkbox"/>	Minnesota	25% of full price National dues	<input type="checkbox"/>	Western Pennsylvania	\$10 per person
			<input type="checkbox"/>	Wisconsin	\$15 per person
				\$ 0	

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Questions? Contact a membership specialist at 800-848-APWA or [memberservices@apwa.net](mailto:memberservices@apwa.net) | Apply Online: [www.apwa.net/join](http://www.apwa.net/join)

Individual Membership Application continued

PAYMENT

Send entire completed application and payment information by mail or email to [memberservices@apwa.net](mailto:memberservices@apwa.net). Membership is for one year and will begin upon receipt of dues payment. Purchase orders are acceptable, but members will not receive benefits until receipt of payment.

APWA member dues may be tax deductible as ordinary and necessary business expenses for U.S. members (subject to IRS guidelines). No portion of member dues is allocable to non-deductible lobbying expenditures. You may wish to consult a tax advisor.

Individual or New Member Dues \$ 105.00

Chapter Dues \$ 0

TOTAL PAYMENT DUE \$ 105

PAYMENT METHOD

☐ Check enclosed for \$

MAIL TO: APWA, PO Box 802296, Kansas City, MO 64180-2296

☐ Charge \$ to my ☐ Visa ☐ Mastercard ☐ American Express

When paying by credit card, dues are charged in US dollars and may be subject to the exchange rate at the time the payment is processed.

Account number / Card Expires (MM/YYYY)

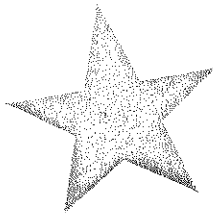
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Would you like a receipt sent to you? ☐ Yes ☐ No

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Individual Membership Application

CONTACT INFORMATION

Mr.	John		Tassone		1972
Mr., Mrs., Ms., etc	First Name	MI	Last Name (include suffix)	Preferred Name (informal)	Year of Birth
Town of Oyster Bay			Deputy Commissioner of DPW		
Organization (Agency/Firm)			Title		
150 Miller Place					
Address					
Syosset			NY	11791-5699	USA
City			State	Zip + 4 Code	Country
516-677-5722			JTassone@oysterbay-NY.gov		
Phone			Cell	E-mail	

DUES

☒ Individual \$208<sup>A</sup>    ☐ Never Been A Member \$105\*

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<sup>A</sup> PRICES GOOD THRU DECEMBER 31, 2020

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<input type="checkbox"/> Northern California (counties of San Francisco, Alameda, Contra Costa, Marin, Solano, Napa, Sonoma, Lake, Mendocino, Humboldt, and Del Norte, plus northern San Mateo county)	15% of full price National dues	<input type="checkbox"/> New Jersey	\$15 per person
<input type="checkbox"/> Sacramento Area, California (counties of Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Plumas, Glenn, Butte, Colusa, Sutter, Yuba, Nevada, Sierra, Yolo, Sacramento, Placer, El Dorado, Amador, Calaveras, Tuolumne, Mono, Alpine, and San Joaquin)	\$10 per person	<input checked="" type="checkbox"/> New York (excluding NY City metro area)	\$15 per person
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		<input type="checkbox"/> Wisconsin	\$15 per person
			enter total
			\$ 0

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Individual Membership Application continued

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Individual or New Member Dues \$ 208

Chapter Dues \$ 0

TOTAL PAYMENT DUE \$ 208

PAYMENT METHOD

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MAIL TO: APWA, PO Box 802296, Kansas City, MO 64180-2296

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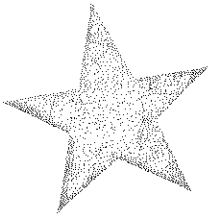
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Individual Membership Application

CONTACT INFORMATION

Mr.	Matthew		Russo	Matt	1975
Mr., Mrs., Ms., etc	First Name	MI	Last Name (include suffix)	Preferred Name (informal)	Year of Birth
Town of Oyster Bay			Civil Engineer IV		
Organization (Agency / Firm)			Title		
150 Miller Place					
Address					
Syosset			NY	11791-5699	USA
City			State	Zip + 4 Code	Country
516-677-5719			MRusso@oysterbay-NY.gov		
Phone			Cell	E-mail	

DUES

☒ Individual \$208<sup>A</sup>    ☐ Never Been A Member \$105\*

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Individual Membership Application continued

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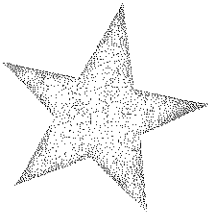
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Questions? Contact a membership specialist at 800-848-APWA or [memberservices@apwa.net](mailto:memberservices@apwa.net) | Apply Online: [www.apwa.net/join](http://www.apwa.net/join)

WHEREAS, by Resolution No. 79-2019, adopted on February 12, 2019, the Town Board awarded Contract No. HCR17-160R, Requirements Contract for Concrete Restoration, to LandTek Group, Inc., for the period commencing February 13, 2019 through February 12, 2020, with an option for four (4) one (1) year extensions; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 15, 2020, requested Town Board authorization to exercise the first option to extend the Agreement for one year, from February 13, 2020 through February 12, 2021, at the same prices, conditions and terms, provided for in the original contract, at a cost not to exceed \$5,000,000.00; and

WHEREAS, Commissioner Lenz informed the Town Board that, to date, LandTek Group, Inc.'s work under Contract No. HCR17-160R, has been satisfactorily completed in a timely manner, and

WHEREAS funds are available for this purpose as per Town Board Resolution No. 674A-2019, adopted on October 29, 2019, which authorizes the use of Highway Department funds for Requirements Contracts; and

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and Contract No. HCR17-160R with LandTek Group, Inc. is hereby extended for the period from February 13, 2020 through February 12, 2021, at the same prices, conditions and terms provided for in the original contract, at a cost not to exceed \$5,000,000.00.

-#-

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]*

20

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

January 15, 2020

**TO:** MEMORANDUM DOCKET

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

**SUBJECT:** REQUEST APPROVAL FOR EXTENSION  
CONTRACT HCR17-160R-REQUIREMENTS CONTRACT FOR CONCRETE RESTORATION  
THE LANDTEK GROUP, INC.

---

The Highway Department has reviewed the work performed by The LandTek Group, Inc. with respect to the Concrete Restoration Contract under contract number HCR17-160R which was awarded by Town Board Resolution Number 79-2019 on February 12, 2019.

The work performed by The LandTek Group, Inc. was satisfactory and completed in a timely manner. Therefore, it is hereby requested by the Highway Department that contract HCR17-160R be extended from February 13, 2020 through February 12, 2021 at a cost not to exceed \$5,000,000.00.

Also funds are available for this purpose as per Town Board Resolution No. 674A-2019 for the Highway Department to use these funds for the Highway Department Requirement Contract as needed throughout the year within the Town of Oyster Bay.



RICHARD W. LENZ, P.E.

COMMISSIONER

DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/lb

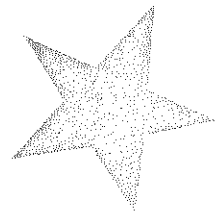
Cc: Office of Town Attorney (w/9 copies)

Steve C. Ballas, Comptroller

John P. Bishop, Deputy Commissioner/HWY

John Tassone, Deputy Commissioner, DPW, Division of Engineering

Grace Santamaria, Highway Administration





235 COUNTY LINE ROAD, AMITYVILLE, NY 11701  
TEL (631) 691-2381 • FAX (631) 598-8280

September 25, 2019

Town of Oyster Bay  
Division of Purchasing and Supply  
74 Audrey Avenue  
Oyster Bay, NY 11771

**RE: HCR17-160R: Requirements Contract for Concrete Restoration**

Dear Sir or Madam:

The LandTek Group, Inc. is hereby requesting to extend the Requirements Contract for Concrete Restoration HCR17-160R for an another year, under the same terms, conditions and pricing as awarded in the current contract.

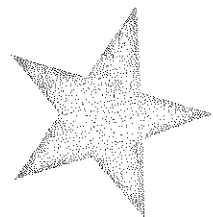
Federal Tax ID#: 11-2945683

Sincerely,

Michael Ryan  
President

**The LandTek Group, Inc.**  
235 County Line Road  
Amityville, NY 11701  
[estimatinggroup@landtekgroup.com](mailto:estimatinggroup@landtekgroup.com)  
[www.landtekgroup.com](http://www.landtekgroup.com)  
Office: (631) 691-2381 ~ Fax: (631) 598-8280

Enc.



**"Building Champions from the Ground Up"**

[www.landtekgroup.com](http://www.landtekgroup.com)





Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 246-2019, adopted on April 16, 2019, the Town Board authorized and directed LiRo Engineers, Inc. to perform engineering services in connection with Contract No. H19-197, Highway Improvements to the Intervale Avenue Area, Farmingdale, and

WHEREAS, Heather V. Sonnenberg of LiRo Engineers, Inc. by letter dated January 16, 2020, requested approval of the use of Universal Testing & Inspection Inc., as a sub-consultant for soil testing services, in connection with the aforesaid project; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 16, 2020, requested Town Board authorization for the use of Universal Testing & Inspection Inc., as a sub-consultant for soil testing services, in connection with the aforesaid project;

NOW, THEREFORE, BE IT RESOLVED, that the request as hereinabove set forth is accepted and approved, and LiRo Engineers, Inc.'s use of Universal Testing & Inspection Inc. as a sub-consultant for survey services, in connection with Contract No. H19-197, Highway Improvements to the Intervale Avenue Area, Farmingdale, is hereby ratified and 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

22

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

January 16, 2020

TO: MEMORANDUM DOCKET

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

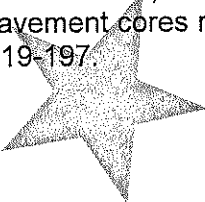
SUBJECT: USE OF SUB-CONSULTANT  
HIGHWAY IMPROVEMENTS TO THE INTERVALE AVENUE AREA, FARMINGDALE  
CONTRACT NO. H19-197


---

The office of LiRo Engineers, Inc. has been authorized and directed by Resolution No. 246-2019 to proceed with Highway Improvements to The Intervale Area, Farmingdale, Contract No. H19-197. Attached is a letter dated January 16, 2020 concerning a request by LiRo Engineers, Inc. to be authorized to use, as a sub-consultant, Universal Testing & Inspection, for the collection of soil samples and pavement cores relative to the above-captioned project.

In regard to the above request, it is requested that the services of the sub-consultant be permitted to begin as of January 16, 2020.

Therefore, it is hereby requested that LiRo Engineers, Inc. be authorized by resolution to use, as a sub-consultant, Universal Testing & Inspection, for the collection of soil samples and pavement cores relative to The Highway Improvements to The Intervale Area, Farmingdale, Contract No. H19-197.



  
\_\_\_\_\_  
RICHARD W. LENZ, P.E.  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

  
RWL/CT/MR/BK/ik

c: Town Attorney's Office (w/9 copies)  
Steven C. Ballas, Comptroller  
Kathy Stefanich, DPW/Administration  
John Bishop, Deputy Commissioner/Highway

H19-197 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

Town of Oyster Bay  
150 Miller Place  
Syosset, NY 11791

Date: January 16, 2020

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

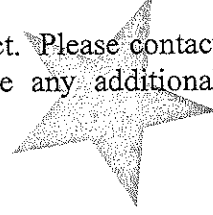
Re: Roadway Improvements for Intervale Avenue Area, Farmingdale, NY  
Pavement Cores and Soil Sampling

Dear Commissioner Lenz,

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

Universal Testing & Inspection will collect 75 full depth pavement cores and soil samples to a depth of 3-feet below grade at each pavement core location. Restoration will consist of backfilling with clean fill and cold patching the asphalt. A report will be prepared to record the composition and thickness of each pavement core and the subsurface soil conditions. Photos of the cores will be included in the report. The Town's approval of the sub consultant will not increase LiRo's initial engineering budget included in the TF-7-2019 resolution, dated 4/16/19.

We appreciate the opportunity to continue to support the Town with this project. Please contact me directly at (516) 214-8161, should you have any questions or require any additional information.



Very truly yours,  
**LiRo ENGINEERS, INC.**

A handwritten signature in cursive script, reading 'Heather V. Sonnenberg'. The signature is written in dark ink and is positioned above the printed name.

Heather V. Sonnenberg  
Senior Associate Vice President

cc: Danny Haas  
Brian Kunzig

Construction Managers • Engineers • Architects

Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated January 13, 2020, advised that member contributions fund the Inter-municipal Oyster Bay/Cold Spring Harbor Protection Committee (OB/CSH PC) of which the Town is an active member, and requested that the Office of the Comptroller be directed to pay the Town's share for dues, nunc pro tunc, from June 1, 2019 through May 31, 2020, in the amount of \$6,500.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Office of the Comptroller is directed to make payment to the Incorporated Village of Bayville (fiscal officer for OB/CSH PC) for the Town's membership dues in the aforementioned Committee, nunc pro tunc, from June 1, 2019 through May 31, 2020, in the amount of \$6,500.00, upon presentation of a duly certified claim, after audit; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. DER A 8090 44900 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

24

# Town of Oyster Bay

## Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: George Baptista, Jr., Deputy Commissioner  
Department of Environmental Resources

DATE: January 13, 2020

SUBJECT: Inter-Municipal Agreement – Oyster Bay/Cold Spring Harbor  
Protection Committee Membership Dues

---

Member contributions fund the inter-municipal agreement that governs the Oyster Bay/Cold Spring Harbor Protection Committee (OBCSHPC) of which the Town of Oyster Bay is an active member. Under the terms of the Inter-municipal agreement, and as per the attached invoice, the Town's annual contribution from June 1, 2019 – May 31, 2020 is \$6,500 (the same as the past dues cycles). The dues go toward implementation of the Oyster Bay Harbor Watershed Action Plan, EPA Phase II Stormwater measurable goals, and local matches for various grants. It should be noted that the Town saves money by sharing costs with the member municipalities by not having to fund its own studies and projects in full.

The Department of Environmental Resources respectfully requests Town Board approval to authorize payment and to authorize the Comptroller to make payment with funds for said contribution to be drawn from Account No. DER A 8090 44900 000 0000.



  
George Baptista, Jr.  
Deputy Commissioner

GB:MW:ca  
Attachment

cc: Office of the Town Attorney (with 9 copies)  
Steven C. Ballas, Comptroller, Office of the Comptroller

File: E1060 and G500





# INVOICE

111 South Street, Suite 2 Townsend Square

Oyster Bay, NY 11771

Phone #: 631-848-2090

Fax #: 516-706-8750

DATE: September 18, 2019

**Bill To:**

Town of Oyster Bay

54 Audrey Avenue

Oyster Bay, NY 11771

DESCRIPTION	AMOUNT
Membership dues for the Oyster Bay/Cold Spring Harbor Protection Committee June 1, 2019 - May 31, 2020	\$6,500.00
TOTAL	\$6,500.00

***Make all checks payable to: "Incorporated Village of Bayville"***

***Send to:***

Maria Alfano Harding  
Incorporated Village of Bayville  
34 School Street  
Bayville, NY 11709

If you have any questions concerning this invoice or cannot remit by December 30, contact:  
Rob Crafa 631-848-2090, [rob@oysterbaycoldspringharbor.org](mailto:rob@oysterbaycoldspringharbor.org)



Reviewed By  
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 16, 2020, and John A. Grillo Architect, P.C., by letter dated November 18, 2019, requested Town Board authorization of Notification No. 1, relative to the Construction Phase of Contract No. DP18-182, Synthetic Turf Replacement at John J. Burns Park, Massapequa, and Cpl. Kevin T. Kolm Memorial Park, Hicksville, for a total net decrease in the amount of said Contract by \$25,000.00, with a final contract value of \$1,308,945.15, and further requested that this project be accepted as being completed and that all final payments be made to the contractor after the customary review of the engineer's certificate and claim by the Comptroller; and

WHEREAS, the Department of Parks, by memorandum dated January 13, 2020, concurs with the recommendation of final acceptance of this project; and

WHEREAS, the Office of the Town Attorney and the Office of the Comptroller, by separate memoranda dated November 21, 2019 and October 31, 2019, respectively, stated that there are no legal obstacles or financial encumbrances of record that would necessitate the withholding of final acceptance of this Contract,

NOW THEREFORE IT BE RESOLVED, that upon the recommendations as hereinabove set forth, Notification No. 1 to relative to the Construction Phase of Contract No. DP18-182 Synthetic Turf Replacement at John J. Burns Park, Massapequa, and Cpl. Kevin T. Kolm Memorial Park, Hicksville is hereby approved, and that all final payments be made to the contractor after customary review of the engineer's certificate and upon presentation of a duly certified claim, after audit, from Account No. PKS H 7197 20000 000 1902 001 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



24

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

January 16, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: QUANTITY DECREASE NO.1, ACCEPTANCE & FINAL PAYMENT  
REPLACEMENT OF TWO SYNTHETIC TURF FIELDS AT JOHN J. BURNS PARK & CPL.  
KEVIN T. KOLM MEMORIAL PARK  
CONTRACT NO. DP18-182

---

Attached is a letter, with backup, from John A. Grillo Architect, P.C. dated November 18, 2019, concerning a decrease in quantities with a total net decrease in the amount of \$25,000.00. The change in quantities are explained by the consultant in this correspondence and further described as per the attached tabulation Notification #1.

Therefore, it is hereby requested that the Town Board authorize, by resolution, the above-described Notification No.1 for a total net decrease in the amount of \$25,000.00 relative to the Construction Phase of Contract No. DP18-182.

Also attached herewith are:


1. A letter dated November 18, 2019 from John A Grillo Architect, P.C., and recommending final acceptance by the Town of Oyster Bay.
2. The consultant's final engineer's certificate dated October 4, 2019.
3. A statement from the Town Attorney's office indicating that there are no legal hindrances.
4. A statement from the Town Comptroller indicating that there are no financial hindrances which would delay the acceptance of this contract.
5. A statement from the Parks Department concurs with final acceptance.

Work under this contract was split in to two phases. Construction under Phase 1 encompassed the turf replacement of The Mustang Field at John J. Burns Park and was directed to proceed as of April 22, 2019. The contract was to be completed within 30 calendar days on May 21, 2019 with the completion of actual work on May 19, 2019. Phase 2 involved the turf replacement at Kevin T. Kolm Memorial Park with a start date of July 8, 2019 and a scheduled completion date of August 6, 2019. Actual work was completed on July 29, 2019. No extension of time is necessary.

Final construction costs amount to \$1,308,914.15.

To: Memorandum Docket  
Page 2

Therefore, we request the Town Board authorize, by resolution, the above-mentioned Notification No. 1 Decrease in Quantity and we hereby concur with John A. Grillo Architect, P.C. that this project be accepted as being completed and that all final payments be made to the contractor after the customary review of the engineer's certificate and claim by the Comptroller.

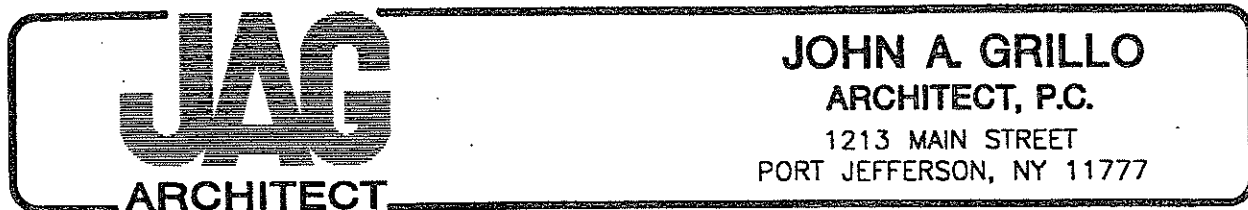
  
RICHARD W. LENZ, P.E.  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/BK/lk  
Attachments

cc: Office of The Town Attorney (w/9 copies)  
Steven C. Ballas, Comptroller  
Eric Tuman, Commissioner/General Services  
Joseph G. Pinto, Commissioner/Parks  
Kathy Stefanich, Administration/DPW

DP18-182 Docket Final Acceptance - QDecrease





TEL: (631) 476-2161

FAX: (631) 476-9846

November 18, 2019

Mr. Richard Lenz, P.E., Commissioner  
Town of Oyster Bay  
Department of Public Works  
150 Miller Place  
Syosset, NY 11791

RE: Town of Oyster Bay  
John J. Burns Park & Cpl. Kevin T. Kolm Memorial Park  
Contract No. DP 18-182  
Notification No. 1

Dear Commissioner Lenz:

During the course of the construction of this project, actual measured quantities differed from those in the original contract. To reflect those changes, we have prepared Notification No. 1 Quantity Decrease, indicating a net decrease of \$25,000.00, for unused allowances, for your consideration and Town Board Resolution.

We, therefore, recommend the following changes for your approval.

John A. Grillo Architect, PC has performed a final inspection of the installed Synthetic Turf Field including all ancillary items required under the contract and all additional work as required by TOB or required as per existing field conditions.

The contract included 45 calendar days to complete the work. The start of construction was scheduled for 4/22/19. The final completion date of this contract regarding John J. Burns Park was originally set as 5/21/19. Remaining contract work, and all additional work, was completed by 5/19/19. An Extension of Time Letter is not required. A walk-through took place for the substantial completion of work occurring 5/24/19. Athletic fields and park opened to the public that day.

The contract included 45 calendar days to complete the work at Cpl. Kevin T. Kolm Memorial Park. The start of construction was scheduled for 7/8/19. The final completion date of this contract was originally set as 8/6/19. Remaining contract work, and all additional work, was completed by 7/29/19. An Extension of Time

Letter is not required. A walk-through took place for the substantial completion of work occurring 7/29/19. Athletic fields and park opened to the public that day.

The original bid amount for this contract was \$1,389,000.00. The final contract value, including Notification 1 recommended for approval is \$1,308,914.15. Therefore, this office recommends that the Town of Oyster Bay accept this job as final.

If you have any questions regarding this matter, please do not hesitate to call.

Very truly yours,

John M. Grillo  
Architect

JMG:kw

cc: B. Kunzig

TOB - LandTek - Notification 1 - Explanation Letter

Town Of Oyster Bay  
John J. Burns Park & Cpl. Kevin T. Kolm Memorial Park

November 18, 2019  
Page 2 of 2

TOWN OF OYSTER BAY DEPARTMENT OF PUBLIC WORKS

PROJECT NAME: John J. Burns Park & Cpl. Kevin T. Kolm Memorial Park  
CONTRACT NO.: DP 18-182

Quantity Increases / Decreases

Notification #1

Date: October 11, 2019

Contractor: The LandTek Group, Inc.

Representative: Anthony Gusmano

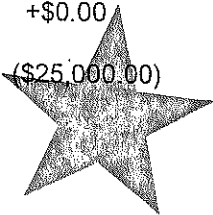
DECREASES

Item #	Description	Credit
1.	Site Allowance	\$25,000.00

Total Decrease: (\$25,000.00)

Total Increase: +\$0.00

Total Increase/Decrease: (\$25,000.00)



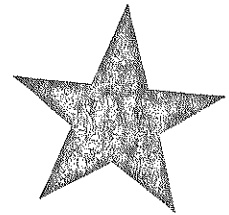
## PROJECT SUMMARY

Bid Amount:	\$1,389,000.00
Change Order No. 1:	(\$55,085.85)
Notification No. 1 (TOB Pending):	(\$25,000.00)
Final Construction Cost:	\$1,308,914.15

Recommended By: John A. Grillo, Architect PC

Signature: \_\_\_\_\_

10/11/19  
Date: \_\_\_\_\_



Application for Payment

AIA DOCUMENT G702

OWNER: Town of Oyster Bay  
74 Audrey Avenue  
Oyster Bay, NY 11771

PROJECT: John J Burns Park  
4990 Merrick Rd  
Massapequa Park  
NY 11762

Kevin Kolm Park  
375 Plainview Road  
Hicksville  
NY 11801

APPLICATION NO: 4 - Final  
PERIOD TO: 9/30/2019  
CONTRACT DATE:

Distribution to:  
x OWNER  
x ARCHITECT

CONTRACTOR: The LandTek Group, Inc.  
235 County Line Road  
Amityville, NY 11701

Architect: John A. Grillo  
1213 Main Street  
Port Jefferson, NY 11777

LANDTEK JOB NO. 50-1831,33-1994,37-602,30-1266  
LANDTEK CUST NO. OYST01  
BID NO: PW028-19

x CONTRACTOR

FOR: Synthetic Turf Removal and Installation

CONTRACTOR'S APPLICATION FOR PAYMENT

Application is made for payment, as shown below, in connection with the Contract, Continuation Sheet, AIA Document G703, is attached

The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this Application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for work for which previous Certificates for Payment were issued and payments received from the Owner and that current payment shown herein is now due.

1. ORIGINAL CONTRACT SUM \$1,389,000.00
2. Net Change by Change Orders (\$80,085.85)
3. CONTRACT SUM TO DATE (Line 1 + 2) \$1,308,914.15
4. TOTAL COMPLETED & STORED TO DATE \$1,308,914.15

5. RETAINAGE:
- a. 0% of Completed Work (Columns D/E on G703) \$0.00
- b. % of Stored Material (Column F on G703) \$0.00
- Total Retainage (Line 5a + 5b) \$0.00

6. TOTAL EARNED LESS RETAINAGE (Line 4 Less Line 5 Total) \$1,308,914.15

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 From Prior Certificate) \$1,238,718.44

8. CURRENT PAYMENT DUE \$70,195.71

9. BALANCE TO FINISH, INCLUDING RETAINAGE (Line 3 Less Line 6) \$0.00

CHANGE ORDER STATUS	ADDITIONS	DELETIONS
Total changes approved in previous months by Owners	\$0.00	-\$85,085.85
Total approved this Month	\$0.00	-\$25,000.00
TOTALS	\$0.00	-\$80,085.85
NET CHANGE by Change Order		-\$80,085.85

CONTRACTOR: The LandTek Group, Inc.

By: Christine Whalen

State of New York  
County of Suffolk  
Subscribed and sworn to before me this 2nd day of October, 2019

SILVIA ECHEVERRIA  
NOTARY PUBLIC, STATE OF NEW YORK  
No. 01EC6313045

Qualified In Queens County  
My Commission Expires 10/14/22

Notary Public: Silvia Echeverria

My Commission Expires 10/14/22

ARCHITECT'S CERTIFICATE FOR PAYMENT

In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED.....\$ 70,195.71  
(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conforms to the amount certified.)

ARCHITECT

By: [Signature]  
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Insurance, payment and acceptance of payment are without prejudice to any rights of the Owner or contractor under this Contract.

Date: 10/4/19

**TOWN OF OYSTER BAY**  
***Supplemental***  
**Inter-Departmental Memo**

TO: JOHN C. TASSONE  
DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

FROM: RAYMOND J. AVERNA  
DEPUTY TOWN ATTORNEY

DATE: November 21, 2019

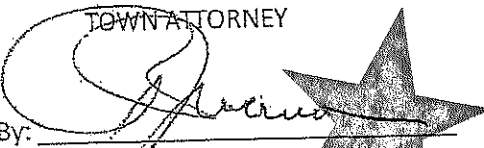
SUBJECT: FINAL ACCEPTANCE  
REPLACEMENT OF TWO SYNTHETIC TURF FIELDS AT  
JOHN J. BURNS PARK & CPL. KEVIN T. KOLM MEMORIAL PARK  
CONTRACT NO. DP18-182 / THE LANDTEK GROUP, INC.

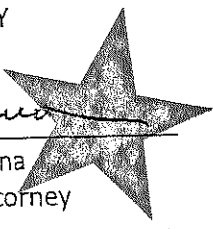
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In reply to your memorandum of October 28 2019, please be advised that the records of this office disclose no pending litigation or other obstacles which would prevent the final acceptance of the above-referenced project.

In addition, we have reviewed Maintenance Bond No. BCY1073588 and have approved same as to form. The original Maintenance Bond was forwarded to the Town Clerk.

JOSEPH NOCELLA, ESQ.  
TOWN ATTORNEY

By:   
Raymond J. Averna  
Deputy Town Attorney



Cc: Comptroller  
Town Clerk (w/ original Maintenance Bond)



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**TOWN OF OYSTER BAY**  
**Inter-Departmental Memo**

OCTOBER 31, 2019

**TO: RICHARD W. LENZ, COMMISSIONER OF PUBLIC WORKS/HIGHWAY**  
**FROM: STEVEN C. BALLAS, COMPTROLLER**  
**SUBJECT: FINAL ACCEPTANCE – REPLACEMENT OF TWO SYNTHETIC TURF  
FIELDS AT JOHN J BURNS PARK & CPL KEVIN T KOLM MEMORIAL  
PARK – CONTRACT NO DP18-182**

---

In response to your memo dated October 28, 2019, copy enclosed, please be advised that there are no financial hindrances that would delay the acceptance of this contract.

  
\_\_\_\_\_  
STEVEN C. BALLAS  
COMPTROLLER



Enclosure

SCB/jjb:mj

cc: Town Attorney w/enclosure  
Accounts Payable Division (2)  
Reading File

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

JANUARY 13, 2020

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

ATTENTION: JOHN C. TASSONE, DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

FROM: JOSEPH G. PINTO, COMMISSIONER  
DEPARTMENT OF PARKS

SUBJECT: FINAL ACCEPTANCE OF CONTRACT NO. DP18-182

---

Please be advised that this department has reviewed the Inter-Departmental Memo dated October 28, 2019, regarding the recommendation for final acceptance of the Replacement of Two Synthetic Turf Fields At John J. Burns Park & Cpl. Kevin T. Kolm Park, Contract No. DP18-182.

The Parks Department concurs with this recommendation.

  
\_\_\_\_\_  
JOSEPH G. PINTO  
COMMISSIONER  
DEPARTMENT OF PARKS



JGP:

c: Greg Skupinsky, Deputy Commissioner/Parks

Frank Gatto, Deputy Commissioner/Parks

DP18-182 Final Parks Concurrence

745  
Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, pursuant to Town Board Resolution No. 56-2018, adopted on January 23, 2018, and Resolution No. 693-2018, adopted on October 30, 2018, the Town Board authorized the retention of JuriSolutions, Inc., to provide independent medical examination services in connection with negligence matters; and

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 27, 2020, requested and recommended that the Town Board authorize an increase of \$4,100.00 in order to satisfy outstanding invoices in connection with independent medical examinations,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation hereinabove set forth is accepted and approved, and the Town Board hereby authorizes an increase in fees payable to JuriSolutions, Inc., 33 Queens Street, Suite 201, Syosset, New York 11791, in an amount not to exceed \$4,100.00; and be it further

RESOLVED, that the funds for said payment shall be drawn from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000; 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

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## Town of Oyster Bay Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: January 27, 2020

SUBJECT: Payment for Independent Medical Examinations  
Account Numbers: TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000

---

Pursuant to Town Board Resolution No. 56-2018, adopted on January 23, 2018, and Resolution No. 693-2018, adopted on October 30, 2018, the Town Board authorized the retention of JuriSolutions, Inc., 33 Queens Street, Suite 201, Syosset, New York 11791, to provide independent medical examination services in connection with negligence matters.

In order to satisfy outstanding invoices, it is recommended and requested that the Town Board authorize an increase in the amount of \$4,100.00. The aforementioned amount shall be paid with funds drawn from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000.

Submitted herewith is a proposed resolution for the foregoing request.

OFFICE OF THE TOWN ATTORNEY

By: 

Matthew M. Rozea  
Deputy Town Attorney

MMR:mmr  
Attachment

cc: Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\MD & RESO\Increase in Fees JuriSolutions MMR.docx

Client / Cases	Specialty	Date of Service	Invoice Date	Invoice Num.	Date Paid	Amount Billed	Amt Paid	Balance Owed
----------------	-----------	-----------------	--------------	--------------	-----------	---------------	----------	--------------

Town of Oyster Bay

Preussner, Helga	Neurology	11/28/2018	2/21/2019	J19507286-1		\$650.00		\$650.00
2016-5601	Orthopedic Surgery	11/6/2018						
P. Ehrlich								

06068586/2017

2015  
\$1300

Cayamcela, Ivan	Neurology	11/14/2018	3/11/2019	J19507386-1		\$650.00		\$650.00
2016-5469	Orthopedic Surgery	11/15/2018	1/14/2019	J19507390-2	2/8/2019	\$500.00	\$500.00	\$0.00
Jeffrey Lesser								

0604824/2017

Flick, Josie (Joseph)	Orthopedic Surgery	7/24/2019	9/17/2019	J19547475-1		\$650.00		\$650.00
611469-2018								
S. Goetz								

0611469/2018

Curry, Edward	Neurology	7/25/2019	9/20/2019	J19506977-1		\$500.00		\$500.00
2019-7052	Orthopedic Surgery	7/26/2019	9/20/2019	J19506983-2		\$500.00		\$500.00
Matthew Rozea, Esq.	Cardiology	8/10/2019	9/26/2019	J19506983-3		\$1,150.00		\$1,150.00

20-CV-0073

JS-AKT

\$2800

Summary for Town of Oyster Bay (4 cases outstanding over 30 days)

Please Promptly Remit: \$4,100.00

Thank you for allowing us to help process your cases. We appreciate your referrals.

Checks should be made payable to:  
JuriSolutions, Inc.  
33 Queens St., Ste. 201  
Syosset, NY 11791

Tax ID: 11-3550323

A 5% service charge will be added to all Credit Card payments



## TOWN OF OYSTER BAY

## CLAIM

**AUDREY AVENUE, OYSTER BAY, NEW YORK 11771**

TAXPAYER IDENTIFICATION NUMBER

FEDERAL ID # ☐ SOCIAL SECURITY # ☐

CLAIMANT'S NAME

Helga Preussner

CONTRACT #

ORDER #

**CLAIMANT'S ADDRESS**

CONTRACT NAME

**TOWN DEPARTMENT**

**Town Attorney**

CLAIMANT INVOICE #

519507-286-1

RESO #

**FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES**

### DETAILED DESCRIPTION OF MATERIALS OR SERVICES

[illegible]

**THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT**

I HEREBY CERTIFY the above articles were sold and delivered and or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of

Six hundred and fifty dollars —

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Signature

\_\_\_\_\_

Title

Date 04/02/19

Associate

Print or type name

Cristina Fernandez

Name of Company

## Juris Solutions

I HEREBY APPROVE this claim form for the sum of \_\_\_\_\_ for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

Signature

**Title**

Date \_\_\_\_\_

Department Town Attorney

Account

**INVOICE** J19507286-1

P. Ehrlich  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, NY 11771

2/21/2019

Re: Helga Preussner  
Matter # : 2016-5601  
Date of Injury: 7/8/2016  
Date of Exam: 11/28/2018  
Specialty: Neurology

In consideration for the enclosed report from our Medical Expert, Vikas Varma, MD,  
please note the following amount is now due:

Expert & Consulting Fee ..... \$650.00  
IME with 137 pgs

Please remit payment as soon as possible:

Checks should be made payable to JurisSolutions, Inc., Fed. ID # [REDACTED]

Mail to: JurisSolutions, Inc.  
33 Queens Street, Ste. 201  
Syosset, NY 11791

If you would like to pay by credit card, please call in your credit information to 516-935-8747.

An additional fee of 3% will be added to cover processing costs.

Thank you for this referral. We trust you have been satisfied with our services and will  
use JurisSolutions again for your expert witness and IME consultant needs.

If you have any questions or suggestions, please feel free to call.

Thank you in advance for your immediate attention to this invoice.





**INVOICE** J19507386-1

Jeffrey Lesser  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, NY 11771

3/11/2019

Re: Ivan Cayamcela  
Matter # : 2016-5469  
Date of Injury: 10/15/2016  
Date of Exam: 11/14/2018  
Specialty: Neurology

In consideration for the enclosed report from our Medical Expert, Vikas Varma, MD,  
please note the following amount is now due:

Expert & Consulting Fee ..... \$650.00

Please remit payment as soon as possible:

Checks should be made payable to JurisSolutions, Inc., Fed. ID # [REDACTED]

Mail to: JurisSolutions, Inc.  
33 Queens Street, Ste. 201  
Syosset, NY 11791

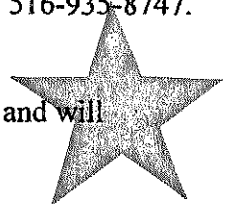
If you would like to pay by credit card, please call in your credit information to 516-935-8747.

An additional fee of 3% will be added to cover processing costs.

Thank you for this referral. We trust you have been satisfied with our services and will  
use JurisSolutions again for your expert witness and IME consultant needs.

If you have any questions or suggestions, please feel free to call.

Thank you in advance for your immediate attention to this invoice.





s Solutions

sements and materials

Date 9/24/11

**INVOICE** J19506983-2

Matthew Rozea, Esq.  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, NY 11771

9/20/2019

Re: Edward Curry  
Matter # : 2019-7052  
Date of Injury: 1/6/2019  
Date of Exam: 7/26/2019  
Specialty: Orthopedic Surgery

In consideration for the enclosed report from our Medical Expert, Raymond Shebairo, MD, please note the following amount is now due:

Expert & Consulting Fee ..... \$500.00

Please remit payment as soon as possible:

Checks should be made payable to JurisSolutions, Inc., Fed. ID # [REDACTED]

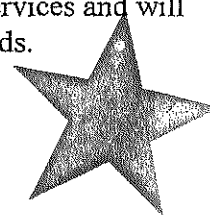
Mail to: JurisSolutions, Inc.  
33 Queens Street, Ste. 201  
Syosset, NY 11791

If you would like to pay by credit card, please call in your credit information to 516-935-8747.  
An additional fee of 3% will be added to cover processing costs.

Thank you for this referral. We trust you have been satisfied with our services and will use JurisSolutions again for your expert witness and IME consultant needs.

If you have any questions, please feel free to call.

Thank you in advance for your immediate attention to this invoice.



## TOWN OF OYSTER BAY

## CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER

FEDERAL ID # ☐ SOCIAL SECURITY # ☐

CLAIMANT'S NAME

~~Josie Flick~~

CONTRACT #

ORDER #	
---------	--

CLAIMANT'S ADDRESS

Terris Solutions Inc

CONTRACT NAME
---------------

TOWN DEPARTMENT

Town Attorney

CLAIMANT INVOICE #

INVOICE #  
T19547475-1

RESO #

**FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES**

### DETAILED DESCRIPTION OF MATERIALS OR SERVICES

[illegible]

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above articles were sold and delivered and or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of

Six Hundred and fifty Dollars 00

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

**Signature**

22

**Title**

Print or type name

Criss Brash

Name of Company

Date \_\_\_\_\_

9/17

Associate

Turis Solutions Inc

I HEREBY APPROVE this claim form for the sum of

\$ 650.00

for the services, disbursements and materials herein

Indicated which were actually performed and were for the Town of Oyster Bay.

**Signature**

Title

Date \_\_\_\_\_

Department Town Attorney

Account

**INVOICE** J19547475-1

S. Goetz  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, NY 11771

9/17/2019

Re: Josie Flick  
Matter # : 611469-2018  
Date of Injury: 10/28/2017  
Date of Exam: 7/24/2019  
Specialty: Orthopedic Surgery

In consideration for the enclosed report from our Medical Expert, Paul Kleinman, MD,  
please note the following amount is now due:

Expert & Consulting Fee ..... \$650.00

Please remit payment as soon as possible:

Checks should be made payable to JurisSolutions, Inc., Fed. ID # [REDACTED]

Mail to: JurisSolutions, Inc.  
33 Queens Street, Ste. 201  
Syosset, NY 11791

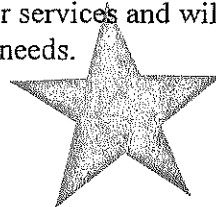
If you would like to pay by credit card, please call in your credit information to 516-935-8747.

An additional fee of 3% will be added to cover processing costs.

Thank you for this referral. We trust you have been satisfied with our services and will  
use JurisSolutions again for your expert witness and IME consultant needs.

If you have any questions or suggestions, please feel free to call.

Thank you in advance for your immediate attention to this invoice.





**INVOICE** J19506983-3

Matthew Rozea, Esq.  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, NY 11771

9/26/2019

Re: Edward Curry  
Matter # : 2019-7052  
Date of Injury: 1/6/2019  
Date of Exam: 8/10/2019  
Specialty: Cardiology

In consideration for the enclosed report from our Medical Expert, Jonathan Sumner, MD,  
please note the following amount is now due:

Expert & Consulting Fee ..... \$1,150.00

Please remit payment as soon as possible:

Checks should be made payable to JurisSolutions Inc., Fed. ID # [REDACTED]

Mail to: JurisSolutions, Inc.  
33 Queens Street, Ste. 201  
Syosset, NY 11791

If you would like to pay by credit card, please call in your credit information to 516-935-8747.  
An additional fee of 3% will be added to cover processing costs.

Thank you for this referral. We trust you have been satisfied with our services and will  
use JurisSolutions again for your expert witness and IME consultant needs.

If you have any questions, please feel free to call.

Thank you in advance for your immediate attention to this invoice.

**TOWN OF OYSTER BAY**

## CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER

FEDERAL ID # ☐ SOCIAL SECURITY # ☐

CLAIMANT'S NAME

~~Edward Curry~~

**CONTRACT #**

ORDER #

**CLAIMANT'S ADDRESS**

Juris Solutions Inc.

CONTRACT NAME

**TOWN DEPARTMENT**

Town Attorney

CLAIMANT INVOICE #

T INVOICE #  
519506977-1

RESQ #

**FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES**

### DETAILED DESCRIPTION OF MATERIALS OR SERVICES

[illegible]

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above articles were sold and delivered and or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of

Five Hundred Dollars 00/100

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Signature

Cc

**Title**

Date 7/20/77

Associate

Print or type name

Criss Brash

Name of Company

Turis Solutions Inc

I HEREBY APPROVE this claim form for the sum of \$500.00 for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

**Signature**

*[Signature]*

**Title**

Chief Deputy Town Attorney

Date \_\_\_\_\_

9/24/19

Department Town Attorney

Account

TWIN AMS 1910 43010 602 0000 000



**INVOICE** J19506977-1

Matthew Rozea, Esq.  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, NY 11771

9/20/2019

Re: Edward Curry  
Matter # : 2019-7052  
Date of Injury: 1/6/2019  
Date of Exam: 7/25/2019  
Specialty: Neurology

In consideration for the enclosed report from our Medical Expert, Adam Mednick, MD,  
please note the following amount is now due:

Expert & Consulting Fee ..... \$500.00

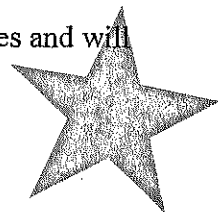
Please remit payment as soon as possible:

Checks should be made payable to JurisSolutions, Inc., Fed. ID # [REDACTED]

Mail to: JurisSolutions, Inc.  
33 Queens Street, Ste. 201  
Syosset, NY 11791

If you would like to pay by credit card, please call in your credit information to 516-935-8747.  
An additional fee of 3% will be added to cover processing costs.

Thank you for this referral. We trust you have been satisfied with our services and will  
use JurisSolutions again for your expert witness and IME consultant needs.  
If you have any questions or suggestions, please feel free to call.



Thank you in advance for your immediate attention to this invoice.

Reviewed By  
Office of Town Attorney  
*Matthew M. Rozea*

WHEREAS, by Resolution No. 694-2018, adopted on October 30, 2018, the Town Board authorized payment to court mandated court reporters for copies of official court transcripts, for the period beginning January 1, 2019 through and including December 31, 2019, in an amount not to exceed \$3,000.00 for the purchase of copies of transcripts; and

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 27, 2020, requested and recommended authorization of an additional payment amount not to exceed \$1,245.96 to court mandated court reporters for copies of official court transcripts, 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 additional amount not to exceed \$1,245.96 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

9

# Town of Oyster Bay

## Inter-Departmental Memo

TO : Memorandum Docket

FROM : Office of the Town Attorney

DATE : January 27, 2020

SUBJECT : Court Mandated Court Reporters  
Request for Increased Authorization

---


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.

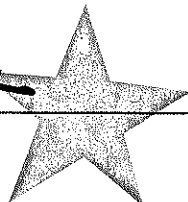
By Resolution No. 694-2018, adopted on October 30, 2018, the Town Board authorized payment to these court designated court reporters for the period beginning January 1, 2019 through and including December 31, 2019 in an amount not to exceed \$3,000.00 so that we could obtain copies of transcripts. This Office requests and recommends authorization of an additional \$1,245.96 to pay outstanding invoices from these court reporters for this period. 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 \$1,245.96 are available in Account No. OTA A 1420 44110 604 0000.

Attached herewith is the proposed Resolution for the foregoing request.

OFFICE OF THE TOWN ATTORNEY

By:

  
Matthew M. Rozea  
Deputy Town Attorney



MMR:mmmr  
Attachment  
cc: Town Attorney (with 9 copies)



# Diamond

Reporting & Legal Video

T.877.624.3287 ♦ www.diamondreporting.com

mDt  
2019-7103

TOWN OF OYSTER BAY  
54 AUDREY AVENUE  
OYSTER BAY, NY 11771

INVOICE NO.: 196284302

INVOICE DATE: 12/20/2019

MATTHEW D. FERNANDO, ESQ.

HELLER, RACHEL VS TANTLEFF, ALEXANDER AND MEGAN  
TANTLEFF A/K/A MEGAN FLOREN VS TOWN OF OYSTER BAY  
INDEX NO: 611481/18

TAX ID #: [REDACTED]

DATE	DESCRIPTION	AMOUNT
12/11/2019	EXAM. BEFORE TRIAL OF THE DEFD., ALEXANDER TANTLEFF 97PGS ONE COPY - YOUR CHARGE 1/2 DAY APPEARANCE - YOUR CHARGE DELIVERY & HANDLING	339.50 27.50 18.00
SUB TOTAL		\$385.00
PAID		\$0.00
BALANCE DUE		\$385.00

Invoice # \_\_\_\_\_  
approved for payment

**\*\* PLEASE NOTE PAYMENT TERMS ARE NET 30 DAYS \*\***  
**WE ACCEPT ALL MAJOR CREDIT CARDS**  
**WE ACCEPT WIRE TRANSFER - PLEASE CONTACT OUR OFFICE FOR DETAILS**  
**PLEASE NOTE INVOICE NUMBER ON YOUR PAYMENT - THANK YOU**

ORIGINAL INVOICE

\*\*\*PLEASE SEND PAYMENT TO: 16 COURT STREET, SUITE 907, BROOKLYN, NY 11241\*\*\*

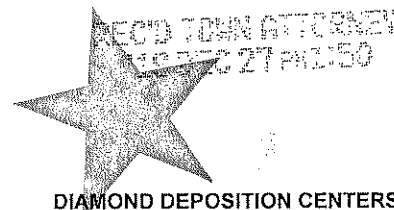
Make checks payable to: Diamond Reporting, Inc.

☐ Visa ☐ MC ☐ Amex ☐ Discover ☐ Check

Credit Card #: \_\_\_\_\_

Exp. Date: \_\_\_\_\_ Security Code: \_\_\_\_\_

Name on Card: \_\_\_\_\_



DIAMOND DEPOSITION CENTERS

New York Offices:  
Manhattan, Brooklyn, Bronx,  
Queens, Staten Island, Dutchess,  
Melville, Mineola, Orange, Rockland,  
Sullivan, White Plains, Ulster  
.....  
New Jersey



TOWN OF OYSTER BAY  
CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER  
FEDERAL ID # ☐ SOCIAL SECURITY # ☐

CLAIMANT'S NAME <b>Reporters Ink, Corp</b>	CONTRACT #	ORDER #
CLAIMANT'S ADDRESS <b>1301 HWY 36 - Suite 106 Hazlet NJ 07730</b>	CONTRACT NAME <b>Hidalgo v. Vesti</b>	
TOWN DEPARTMENT <b>Town Attorney</b>	CLAIMANT INVOICE # <b>133303</b>	RESO #

FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
11/11/19	1 certified copy of transcript	50@3.15	\$ 157.50
	AM appearance	1@20	\$ 20
	Mailing	1@15	\$ 15

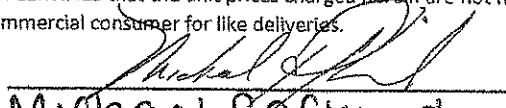
THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above articles were sold and delivered and or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated in the amount of

TOTAL AMOUNT	192.50	\$0.00
CASH DISCOUNT %		
NET AMOUNT		

is actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

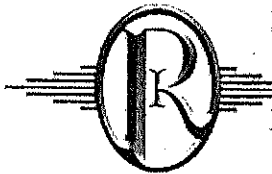
CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

Signature 	Title <b>President</b>
Print or type name <b>Michael Rafkind</b>	Name of Company <b>Reporters Ink, Corp</b>

I HEREBY APPROVE this claim form for the sum of \_\_\_\_\_ for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

Signature _____	Title _____	Date _____
Department <b>Town Attorney</b>	Account _____	

INVOICE



Reporter's Ink, Corp.  
1301 Highway 36  
Bldg. 1 - Suite 106  
Hazlet, NJ 07730  
646-395-2522

Matthew D. Fernando, Esq.  
Town of Oyster Bay  
54 Audrey Avenue  
Oyster Bay, NY 11771

Invoice No.	Invoice Date	Job No.
133303	11/11/2019	101159
Job Date	Case No.	
10/23/2019		
Case Name		
Janet Hidalgo v. Ann-Vesti, et. al		
Payment Terms		
Due upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

BRIAN MCLAULEY (Defendant)  
Appearance Fee (AM)  
Mailing

50.00	Pages	@	3.15	157.50
1.00		@	20.00	20.00
1.00		@	15.00	15.00
TOTAL DUE >>>				\$192.50

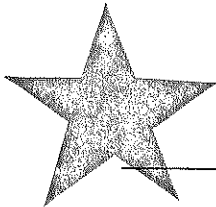
WWW.REPORTERS-INK.COM for online credit card payments

Deposition Locations:  
MANHATTAN - BROOKLYN - QUEI

1/22 Sent to company, our  
claim form.

0.00  
0.00  
\$192.50

Tax ID: 20-8620898

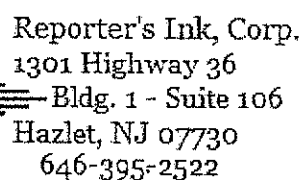


Matthew D. Fernando, Esq.  
Town of Oyster Bay  
54 Audrey Avenue  
Oyster Bay, NY 11771

Invoice No. : 133303  
Invoice Date : 11/11/2019  
Total Due : \$192.50

Remit To: Reporter's Ink, Corp.  
Concord Center Bldg. 1  
1301 Hwy. 36 - Suite 106  
Hazlet, NJ 07730

Job No. : 101159  
BU ID : RI INK  
Case No. :  
Case Name : Janet Hidalgo v. Ann Vesti, et. al



# STATEMENT

<b>Current</b>	<b>30 Days</b>	<b>60 Days</b>
\$0.00	\$0.00	\$192.50
<b>90 Days</b>	<b>120 Days &amp; Over</b>	<b>Total Due</b>
\$0.00	\$0.00	<b>\$192.50</b>

Page 1 of 1

**Tax ID: 20-8620898**

Phone:      Fax:

Please detach bottom portion and return with payment.

Account No. : C27902  
Date : 1/21/2020  
**Total Due : \$192.50**

Remit To: **Reporter's Ink, Corp.**  
**Concord Center Bldg. 1**  
**1301 Hwy. 36 - Suite 106**  
**Hazlet, NJ 07730**

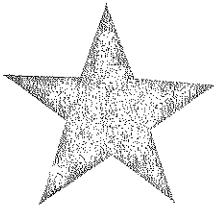
## Admiral Reporting & Video Services

**Two Bay Club Drive Suite 10 J**  
**Bayside, New York 11360**  
**PH (718) 631-0707 FX (631) 423-2910**  
**TAX ID # 11-3240332**

# Invoice

Date	Invoice #
1/21/2020	47316

Bill To	
<b>Joseph Nocella, Esq.</b> <b>54 Audrey Avenue</b> <b>Oyster Bay, New York 11771</b> <b>Attn: Jeffrey Lesser, Esq.</b>	

Description	Amount
Re: Jesse Medina -v- Verizon Communications, Inc. Date: 12/17/19 EBT of Eugene Cimaglia (Verizon)  Original & 4 Copies: Original & 2 Copies To Leav & Steinberg; 1 Copy Enclosed; 1 Copy To James Butler AM Appearance (Your Share)' 82 Pages (Your Share) Shipping & Handling  Reporter: Andrei Mihelson	20.00 330.46 17.50
Please Return One Copy With Remittance	
Total	\$367.96



# INVOICE

Bee Reporting Agency, Inc.  
55 Maple Avenue  
Suite 204  
Rockville Centre, NY 11570  
Phone: 516-485-2222 Fax: 516-594-2424

Matthew D. Fernando, Esq.  
Town of Oyster Bay, Office of Town Attorney  
54 Audrey Avenue  
Oyster Bay, NY 11771

Invoice No.	Invoice Date	Job No.
3678	12/13/2019	3520
Job Date	Case No.	
11/22/2019		
Case Name		
Joseph Herman vs County of Nassau, et al		
Payment Terms		
Due upon receipt		

1 CERTIFIED COPY OF TRANSCRIPT OF:

Joseph Herman

Condensed Transcript

Half Day Appearance Fee

Shipping & Handling

217.50

1.00 @ 35.00 35.00

1.00 @ 30.00 30.00

1.00 @ 18.00 18.00

**TOTAL DUE >>> \$300.50**

Client Matter No. : 2018/7291

Tax ID: 11-3293315

Please detach bottom portion and return with payment.

Matthew D. Fernando, Esq.  
Town of Oyster Bay, Office of Town Attorney  
54 Audrey Avenue  
Oyster Bay, NY 11771

Job No. : 3520 BU ID : 1-MAIN

Case No. :

Case Name : Joseph Herman vs County of Nassau, et al

Invoice No. : 3678

Invoice Date : 12/13/2019

**Total Due : \$300.50**

Remit To: Bee Reporting Agency, Inc.  
55 Maple Avenue  
Suite 204  
Rockville Centre, NY 11570

**PAYMENT WITH CREDIT CARD**

AMEX

DISC

VISA

Cardholder's Name:

Card Number:

Exp. Date:

Phone#:

Billing Address:

Zip:

Card Security Code:

Amount to Charge:

Cardholder's Signature:

Email:

Reviewed By  
Office of Town Counsel  
*[Signature]*

WHEREAS, by Town Board Resolution No. 35-2017, adopted on January 10, 2017, and Resolution No. 49-2018, adopted on January 23, 2018, the Town Board authorized the retention of Milber Makris Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797, to provide legal services to the Town of Oyster Bay with respect to various negligence matters; and

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 27, 2020, requested and recommended that the Town Board authorize an increase of \$33,534.03 in order to satisfy outstanding legal fees and expenses in connection with negligence defense matters,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation hereinabove set forth is accepted and approved, and the Town Board hereby authorizes an increase in fees payable to Milber Makris Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797, in an amount not to exceed \$33,534.03 including expenses and disbursements; and be it further

RESOLVED, that the funds for said payment shall be drawn from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000; 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

10

## Town of Oyster Bay Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: January 27, 2020

SUBJECT: Payment for Outside Counsel in Certain Negligence Actions  
Account Numbers: TWN AMS 1910 43010 602 0000 000  
TWN AMS 1910 43020 602 0000 000

---

Pursuant to Town Board Resolution No. 35-2017, adopted on January 10, 2017, and Resolution No. 49-2018, adopted on January 23, 2018, the Town Board authorized the retention of Milber Makris Plousadis & Seiden, LLP, 1000 Woodbury Road, Suite 402, Woodbury, New York 11797, to provide legal services with respect to certain negligence matters.

These matters require additional funds to pay for outstanding fees, disbursements, and expenses. Therefore, it is recommended and requested that the Town Board authorize such increase in the amount of \$33,534.03 in order to satisfy the outstanding fees, disbursements, and expenses. The aforementioned amount shall be paid with funds drawn from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000.

Submitted herewith is a proposed resolution for the foregoing request.

OFFICE OF THE TOWN ATTORNEY

By: 

Matthew M. Rozea  
Deputy Town Attorney

MMR:mmr  
Attachment

cc: Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\MD & RESO\Increase in Fees - Milber Makris MMR.docx

Meeting of February 11, 2020

Resolution No. 115-2020

Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, by Town Board Resolution No. 35-2017, adopted on January 10, 2017, and Resolution No. 49-2018, adopted on January 23, 2018, the Town Board authorized the retention of Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, to provide legal services to the Town of Oyster Bay with respect to various negligence matters; and

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 27, 2020, has requested and recommended that the Town Board authorize an increase of \$30,885.45 in order to satisfy outstanding legal fees and expenses in connection with negligence defense matters,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation hereinabove set forth is accepted and approved, and the Town Board hereby authorizes an increase in fees payable to Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, in an amount not to exceed \$30,885.45 including expenses and disbursements; and be it further

RESOLVED, that the funds for said payment shall be drawn from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000; 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

11

## Town of Oyster Bay Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: January 27, 2020

SUBJECT: Payment for Outside Counsel in Certain Negligence Actions  
Account Numbers: TWN AMS 1910 43010 602 0000 000  
TWN AMS 1910 43020 602 0000 000

---

Pursuant to Town Board Resolution No. 35-2017, adopted on January 10, 2017, and Resolution No. 49-2018, adopted on January 23, 2018, the Town Board authorized the retention of Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, to provide legal services with respect to certain negligence matters.

These matters require additional funds to pay for outstanding fees, disbursements, and expenses. Therefore, it is recommended and requested that the Town Board authorize such increase in the amount of \$30,885.45 in order to satisfy the outstanding fees, disbursements, and expenses. The aforementioned amount shall be paid with funds drawn from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000.

Submitted herewith is a proposed resolution for the foregoing request.

OFFICE OF THE TOWN ATTORNEY

By: 

Matthew M. Rozea  
Deputy Town Attorney

MMR:mmr  
Attachment

cc: Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\MD & RESO\Increase in Fees - Cascone and Kluepfel MMR.docx

Reviewed By  
Office of Town Attorney

WHEREAS, Jeffrey Lesser, Deputy Town Attorney, by memorandum dated January 27, 2020, has advised that the Office of the Town Attorney is defending against a civil action entitled *Majestic Adeanya v. Town of Oyster Bay*, which seeks to hold the Town liable to plaintiff for a motor vehicle accident occurring on October 16, 2015 on Hempstead Turnpike with the intersection of Bailey Avenue; and

WHEREAS, the parties participated in non-binding mediation to amicably resolve the matter without the need for trial and the significant costs associated with trial; and

WHEREAS, on September 26, 2019, the parties engaged in mediation of the matter with the Hon. Peter B. Skelos of National Arbitration and Mediation, 990 Stewart Avenue, Garden City, New York 11530, with the Town's share of the costs being \$885.00; and

WHEREAS, by the aforementioned memorandum, it has been requested that the Town Board authorize payment of the non-binding mediation in connection with the *Adesanya v. Town of Oyster Bay* matter,

NOW, THEREFORE, BE IT RESOLVED, That the request hereinabove set forth is accepted and approved, and authorization is hereby granted for the payment for the non-binding mediation with National Arbitration and Mediation, 990 Stewart Avenue, Garden City, New York 11530, and be it further

RESOLVED, That the Town Board finds a waiver of the Procurement Policy to be proper under Guideline 6 of the Procurement Policy and in view of the fact that the value services to be provided are not expected to exceed \$10,000.00 in calendar year 2019, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, in an amount not to exceed \$885.00, with funds to be drawn from Account No. TWN AMS 1910 43010 601 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

12

## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 27, 2020

SUBJECT: Non-Binding Mediation  
*Majestic Adesanya v. Town of Oyster Bay and Michael McGeever*  
Nassau County Index No. 602292/2016

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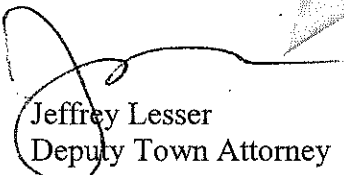
This Office has been handling the Town's defense in the above captioned action, which seeks to hold the Town liable to plaintiff for a motor vehicle accident occurring on October 16, 2015 on Hempstead Turnpike with the intersection of Bailey Avenue. The case involves significant claims of injury, including a blow-out orbital fracture, cervical spinal discectomy and fusion.

The parties were interested in attempting to resolve the action, but the excess carrier, Starr Insurance would only discuss the matter if the Town would participate in non-binding mediation. On September 26, 2019, the parties appeared before the Honorable Peter B. Skelos for mediation. As such, it is recommended that the Town Board authorize the payment of the resulting fee of National Arbitration and Mediation in the amount of \$885.00.

Because the expenses associated with mediation are not reasonably expected to exceed \$10,000.00 in calendar year 2019, the requirements of the Procurement Policy have been satisfied pursuant to Guideline 6 thereof.

Accordingly, we have attached a resolution authorizing payment in the amount of \$885.00. Funds for such payment are available in Account No. TWN AMS 1910 43010 601 0000 000.

OFFICE OF TOWN ATTORNEY



Jeffrey Lesser  
Deputy Town Attorney

cc: Office of the Town Attorney (with 10 copies)



FINAL INVOICE

MEDIATION SERVICES

DATE: September 30, 2019

TO:

Mr. Jeffrey Lesser  
Town of Oyster Bay  
54 Audrey Ave  
Oyster Bay, NY 11771

FROM:

NAM (National Arbitration and Mediation)  
990 Stewart Ave., First Floor  
Garden City, NY 11530  
(516) 794-8950 FAX: (516) 794-8518

Mediation Services

Case: MAJESTIC ADESANYA VS. TOWN OF OYSTER BAY AND MICHAEL MCGEEVER  
Claim / File#: 2015-5179  
NAM ID#: 1000225681  
NAM Invoice#: 263300 [Please include this number in the Memo Field of your Check]  
Conference Date: Thursday, September 26, 2019 at 01:00 PM  
Mediator: Hon. Peter B. Skelos  
Location: NAM (GARDEN CITY) , 990 Stewart Ave. First Floor , Garden City , NY  
Total Conference Time: 2 Hours

INVOICE#	ITEM	AMOUNT	COURTESY CREDIT	BALANCE
263300-00	Administrative Fee [Includes up to 1 Hour Conference Time]	545.00	0.00	545.00
263300-01	Adjournment Fee [May-01-19 Conference adjourned on Apr-16-19] [[40% of Administrative Fee plus Fees for Time Reserved]]	218.00	218.00	0.00
263300-02	Additional 1 Hour Conference Time Reserved	340.00	0.00	340.00
Totals		\$ 1,103.00	\$ 218.00	\$ 885.00
Interest Due				\$ 19.83
Balance Due				\$ 904.83
Each party has been billed their portion. This invoice reflects your portion. Please pay this invoice in its entirety.				
The above rates are based upon the Hearing Officer selected by the parties and the case type of this matter.				

TERMS: 10 DAYS FROM INVOICE

BALANCE DUE: \$904.83



## Town of Oyster Bay Inter-Departmental Memo

TO : Steven C. Ballas, Comptroller  
FROM : Office of the Town Attorney  
DATE : January 28, 2020  
SUBJECT : Procurement Policy – Guideline 6  
Mediation Services

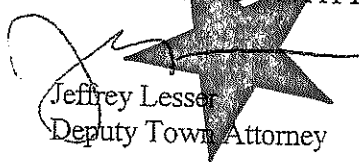
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In connection with some of this Office's functions, this Office engages in non-binding mediation to amicably resolve matters without the need for trial and the significant costs associated with trial.

On September 26, 2019, the parties to an action styled Adesanva v. Town of Oyster Bay engaged in mediation with the Hon. Peter B. Skelos of National Arbitration and Mediation, 990 Stewart Avenue, Garden City, New York 11530, with the Town's share of the mediation costs being \$885.00.

So that we may prepare a resolution to authorize payment to National Arbitration and Mediation, a request is hereby made pursuant to Guideline 6 of the Procurement Policy, which authorizes the retention of certain professional services without a formal procurement where the amount to be incurred is less than \$10,000.00.

OFFICE OF TOWN ATTORNEY

  
Jeffrey Lesser  
Deputy Town Attorney

JAL:jl  
Enclosure

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

Date: January 29, 2020  
To: Jeffrey Lesser, Deputy Town Attorney  
From: Steven C. Ballas, Comptroller  
Subject: Procurement Policy – Guideline 6  
Mediation Services

---

In response to your memo dated January 28, 2020, copy enclosed, please be advised that the Office of the Comptroller and the Department of General Services have reviewed your procurement efforts, pursuant to the above mentioned subject matter.

It is our determination that, due to the specific nature of this professional service, town wide we do not expect spending to exceed the current threshold of \$10,000.00 in a calendar year, and therefore, the provisions have been met to satisfy procurement.

If we can be of further assistance, please do not hesitate to contact the undersigned.

  
STEVEN C. BALLAS  
COMPTROLLER

Enclosure

SCB:mj

cc: Eric Tuman, Commissioner, Department of General Services  
Accounts Payable Division  
Reading File

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated July 30, 2019, authorized the Highway Department to clean up the premises located at 4 Addison Lane, Greenvale, New York 11548, also known as Section 20, Block J07, Lot 886 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 21, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on August 12, 2019, in the total amount of \$1,061.18, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 21, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,061.18 may be assessed by the Legislature of the County of Nassau against the parcel known as 4 Addison Lane, Greenvale, New York 11548, also known as Section 20, Block J07, Lot 886 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

  
Reviewed By  
Office of Town Attorney

*Ralph P. Healey*

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

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## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 21, 2020

SUBJECT: Property Cleanup Assessment  
4 Addison Lane, Greenvale, New York 11548  
Section 20, Block J07, Lot 886

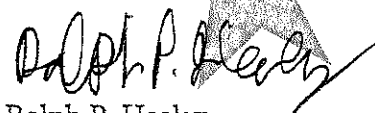
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The Department of Planning and Development, by memorandum dated July 30, 2019, directed the Highway Department to clean the premises located at 4 Addison Lane, Greenvale, New York 11548, also known as Section 20, Block J07, Lot 886 on the Land and Tax Map of the County of Nassau. (See attached copy of Deed). The Highway Department has, by memorandum dated August 14, 2019, advised that the property was cleaned by a crew from the Highway Department on August 12, 2019. The cost incurred by the Town of Oyster Bay was \$1,061.18.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY



Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

amlS:\Attorney\RESOS 2020\MD 4 Addison Ln 1.21.20.doc

REC'D BY HIGHWAY DEPT  
JUL 31 19 PM 3:28

**TOWN OF OYSTER BAY**

**Inter-Departmental Memo**  
**July 30, 2019**

**To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY**  
**From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU**  
**Through: ELIZABETH L. MACCARONE: COMMISSIONER OF**  
**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**Subject: 4 Addison Lane Greenvale, NY 11548**  
**SBL: 20-JO7-886**

Nov. (No.326) was issued to the owner of the above-referenced premises 7/12/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains. In accordance with the provisions of Section 135.54

I am directing that:

- The grass and vegetation be cut.
- The bushes be trimmed.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

  
ME/js

cc: Joseph Nocella, Town Attorney

SP-19713-V

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made on June 22, 2006

BETWEEN

PETER FITZPATRICK & COURTNEY  
FITZPATRICK, his wife, residing at 4  
Addison Lane, Greenvale, NY

RECEIVED IN  
THIS CONDITION

party of the first part, and

JOHN BLANCHARSKI and DANA BLANCHARSKI,  
BLANCHARSKI, his wife, residing at  
25 2nd Avenue, Locust Valley, NY  
11560

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by  
the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and  
assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and  
being in the

at Greenvale, Town of Oyster Bay, County of Nassau and State of New York,  
bounded and described as follows:

BEGINNING at a point on the easterly side of Addison Lane, distant 132.73  
feet northerly from the corner formed by the intersection of the easterly  
side of Addison Lane with the northerly side of North Hempstead Turnpike;  
RUNNING THENCE North 7 degrees 04 minutes 50 seconds West along the  
easterly side of Addison Lane 70 feet;

THENCE North 83 degrees 02 minutes 30 seconds East 116 feet;  
THENCE South 71 degrees 04 minutes 50 seconds East 70 Thence South 83 degrees  
02 minutes 30 seconds West 116 feet to the easterly side of Addison Lane, the point of  
being and intended to be the same premises conveyed to the party of the  
first part by deed dated January 28, 1999 and recorded on February 16, 1999

in Liber 11019 Page 0747  
Premises known as 4 Addison Lane, Greenvale, NY and shown as section  
20 Block 307 Lot 886 on the Nassau County Tax Map.

place of beginning

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the  
above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of  
the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of  
the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said  
premises have been encumbered in any way whatever, except as aforesaid.  
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part  
will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be  
applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost  
of the improvement before using any part of the total of the same for any other purpose.  
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Peter Fitzpatrick L.S.  
PETER FITZPATRICK  
Courtney Fitzpatrick L.S.  
COURTNEY FITZPATRICK

ACKNOWLEDGMENT IN NEW YORK STATE (RPL 308-a)

State of New York, County of Nassau ss.:  
On June 22, 2006 F, before me, the undersigned, personally appeared PETERA FITZPATRICK AND COURTNEY FITZPATRICK 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 signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT BY SUBSCRIBING WITNESS(ES)

State of } ss:  
County of }  
On before me, the undersigned, personally appeared

the subscribing witness(es) to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he/she/they reside(s) in (if the place of residence is in a city, include the street and street number, if any, thereof);

Don Porciani III  
Notary Public, State of New York  
No. 01700002783  
Qualified in Nassau County  
Commission Expires February 17, 2010

LEGIBILITY POOR  
FOR MICROFILM

that he/she/they know(s)

to be the individual(s) described in and who executed the foregoing instrument; that said subscribing witness(es) was (were) present and saw said

execute the same; and that said witness(es) at the same time subscribed his/her/their name(s) as a witness(es) thereto.

(☐ if taken outside New York State insert city or political subdivision and state or country or other place acknowledgment taken And that said subscribing witness(es) made such appearance before the undersigned in

(signature and office of individual taking acknowledgment)

ACKNOWLEDGMENT OUTSIDE NEW YORK STATE (RPL 308-b)

State of County of ss.:  
On 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 signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in

(insert city or political subdivision and state or county or other place acknowledgment taken)

(signature and office of individual taking acknowledgment)

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. SP-19713-V

PETER FITZPATRICK & COURTNEY FITZPATRICK, his wife, residing at 4 Addison Lane, Greenvale, NY

TO

JOHN BLANCHARSKI and DANA BLANCHARSKI, his wife, residing at 25 2nd Avenue, Locust Valley, NY 11560

SECTION 00000020

BLOCK 0000J-07

LOT 00886

COUNTY OR TOWN Nassau Oyster Bay

RETURN BY MAIL TO:

SPANO ABSTRACT SERVICE CORP.

Complete Title Insurance Service

370 Old Country Road, Ste. 100 (516) 294-7037

Garden City, N.Y. 11530 Fax (516) 742-9375

www.spanoabstract.com

Reserve this space for use of Recording Office.

Town of Oyster Bay  
Inter- Departmental Memo

August 14, 2019

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

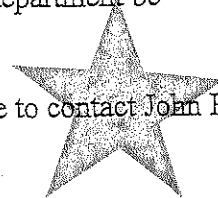
SUBJECT: 4 ADDISON LANE, GREENVALE  
CLEAN-UP

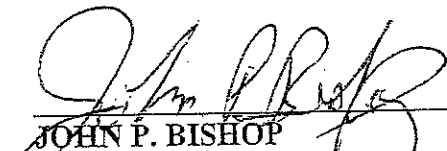
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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,061.18.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

RECEIVED  
TOWN OF OYSTER BAY  
AUG 21 2019

CLEAN - UP 4 ADDISON LANE, GREENVALE TO P & D





MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED  
UNDER ROAD RESTORATION

Location (20-J07-886) 4 ADDISON LN GREENVALE 11548

Date Aug 12, 2019

Work Order # 62275

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
SCOTT DADE	General Maintenance	01:00	\$48.31	00:00	0	\$48.31
JAMES ROMANO	General Maintenance	01:00	\$28.31	00:00	0	\$28.31
DORIAN COVEN	General Maintenance	01:00	\$26.29	00:00	0	\$26.29
SEAN MCLAUGHLIN	General Maintenance	01:00	\$24.27	00:00	0	\$24.27
Total Labor						\$127.18

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU455	2019 FORD F350 YW	\$79.00	01:00	\$79.00
TD715	TRUCK DUMP 2012 FORD F-350 YW (T-115)- Power Wagons	\$105.00	01:00	\$105.00
Total Equipment				\$184.00

Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Total Materials			\$750.00

Grand Total \$1061.18

Description of Work:  
4 ADDISON LANE GREENVALE

Signature:

Name: Douglas Robalino

Title: Director of Highway Operations

Date: Aug 14, 2019

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated September 11, 2019, authorized the Highway Department to clean up the premises located at 19 Carman Boulevard, Massapequa, New York 11758, also known as Section 66, Block 104, Lots 72 and 73 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 17, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on September 18, 2019, in the total amount of \$1,391.16, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 17, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,391.16 may be assessed by the Legislature of the County of Nassau against the parcel known as 19 Carman Boulevard, Massapequa, New York 11758, also known as Section 66, Block 104, Lots 72 and 73 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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  
*Ralph P. Healey*

16

## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET  
FROM: Office of the Town Attorney  
DATE: January 17, 2020  
SUBJECT: Property Cleanup Assessment  
19 Carman Boulevard, Massapequa, New York 11758  
Section 66, Block 104, Lots 72 and 73

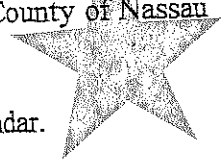
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The Department of Planning and Development, by memorandum dated September 11, 2019, directed the Highway Department to clean the premises located at 19 Carman Boulevard, Massapequa, New York 11758, also known as Section 66, Block 104, Lots 72 and 73 on the Land and Tax Map of the County of Nassau. (See attached copy of Order of Deed). The Highway Department has, by memorandum dated September 29, 2019, advised that the property was cleaned by a crew from the Highway Department on September 18, 2019. The cost incurred by the Town of Oyster Bay was \$1,391.16.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY



*Ralph P. Healey*

Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

amlS:\Attorney\RESOS 2019\MD 19 Carman Blvd 1.17.20.doc

2019-7427

**TOWN OF OYSTER BAY**

**Inter-Departmental Memo**

September 11, 2019

**To:** JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
**From:** MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
**Through:** ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
**Subject:** 19 Carmen Blvd., Massapequa New York 11758  
SBL: 66-104-72 & 73

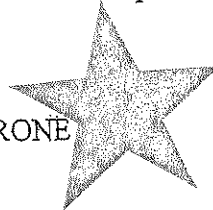
Notice of Violation No. 00569 was issued to the owner of the above-referenced premises on 9/5/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:



  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

ME:tc

cc: Joseph Nocella, Town Attorney



Town of Oyster Bay  
Department of Planning and Development  
Town Hall - 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
www.oysterbaytown.com

ELIZABETH L. MACCARONE  
COMMISSIONER

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

JAMES McCaffrey  
DEPUTY COMMISSIONER

September 11, 2019

Joseph Ferrara  
19 Carmen Blvd.  
Massapequa, New York 11758

RE: PREMISES: 19 Carmen Blvd., Massapequa New York 11758  
SECTION 66 BLOCK 104 LOT #72

Dear Property Owner:

Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 00569 (copy attached) has been served on 9/5/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

ELIZABETH L. MACCARONE  
COMMISSIONER

Michael Esposito, Bureau Chief  
Code Compliance Division

@  
ELM:ME:tc  
Enclosure

ORDERED.

Dated: July 30, 2019

  
Michael G. Williamson  
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

IN RE:

Case No. 8:19-bk-05770-MGW  
Chapter 7

JOSEPH MICHAEL FERRARA, JR.,

Debtor.

ORDER GRANTING MOTION FOR PROSPECTIVE RELIEF FROM  
AUTOMATIC STAY IN FAVOR OF HSBC BANK USA, NATIONAL ASSOCIATION  
AS TRUSTEE FOR NOMURA ASSET ACCEPTANCE CORPORATION,  
MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-AR4

THIS CASE came before the Court on July 25, 2019 upon the *Motion for Prospective Relief from the Automatic Stay* [D.E. #11] filed by HSBC Bank USA, National Association as Trustee for Nomura Asset Acceptance Corporation, Mortgage Pass-Through Certificates, Series 2006-AR4 ("Secured Creditor"). For the reasons stated orally on the record that shall constitute the decision of the Court, it is:

ORDERED:

I. Secured Creditor's *Motion for Prospective Relief from the Automatic Stay* is granted with prospective relief for two (2) years in order to finalize the foreclosure/eviction process.

  
CERTIFY THE FOREGOING TO BE A TRUE  
AND CORRECT COPY OF THE ORIGINAL  
UNITED STATES BANKRUPTCY COURT

  
Deputy Clerk

2. The automatic stay imposed by 11 U.S.C. §362 is terminated with respect to real property located at 19 Carman Boulevard, Massapequa, New York 11758 (the "Property"), legally described as:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDING AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING AT THE AMITYVILLE, TOWN OF OYSTER BAY, NASSAU COUNTY, STATE OF NEW YORK, KNOWN AND DESIGNATED AS AND BY LOTS NOS. 1, 2, 3, 4, 5 AND 68 IN BLOCK C ON A CERTAIN MAP ENTITLED, "MAP OF AMITYVILLE DEVELOPMENT OF THE LONG ISLAND SEASHORE CO., OWNERS AND DEVELOPERS TOWN OF OYSTER BAY, NASSAU COUNTY, N.Y., SURVEYED BY ROBERT J. BARTLEY, P.E. & L.S.", AND FILED IN THE OFFICE OF THE CLERK OF THE NASSAU COUNTY 4/17/26 AS MAP #602, NEW MAP #3628, WHICH LOTS, WHEN TAKEN TOGETHER, ARE BOUNDED AND DESCRIBED ACCORDING TO SAID MAP AS FOLLOWS:

BEGINNING AT THE CORNER FORMED BY THE INTERSECTION OF THE SOUTHERLY SIDE OF BEACH STREET WITH THE WESTERLY SIDE OF CARMAN BOULEVARD;

RUNNING THENCE SOUTHERLY AND ALONG THE WESTERLY SIDE OF CARMAN BOULEVARD 100 FEET;

THENCE WESTERLY ON A COURSE HAVING A BEARING OF NORTH 88 DEGREES 01 MINUTE WEST AND ALONG THE SOUTHERLY LINE OF LOTS 5 AND 68, 120 FEET;

THENCE NORTH 1 DEGREE 54 MINUTES EAST AND ALONG THE WESTERLY LINE OF LOT 68, 100 FEET TO THE SOUTHERLY SIDE OF BEACH STREET;

THENCE ALONG THE SOUTHERLY SIDE OF BEACH STREET ON A COURSE SOUTH 88 DEGREES 01 MINUTE EAST 120 FEET TO THE WESTERLY SIDE OF CARMAN BOULEVARD AT THE POINT OR PLACE OF BEGINNING.

3. If a future bankruptcy is filed on the Property, Secured Creditor may submit an *ex parte* order for immediate relief in order to proceed with sale, post sale process or eviction for a period of two (2) years from the entry of this Order.

4. Even without a separate Stay Relief Order, the Circuit Court in and for Nassau County New York and the Nassau County Sheriff's office or any other appropriate police

authority is authorized to proceed with a sale, post sale process or eviction if necessary, in the Supreme Court of the State of New York County of Nassau, Index No. 16716/07 after the date of this order notwithstanding any pending or future bankruptcy by this Debtor or any assign of the Debtor or any other entity that takes title through the Debtor for a period of two (2) years from the entry of this Order.

5. This Order is entered for the sole purpose of allowing Secured Creditor to pursue its lawful *in rem* remedies as to the subject property and Secured Creditor shall neither seek nor obtain an *in personam* judgment against Debtor(s).

6. All communications sent by Secured Creditor in connection with proceeding against the property including notices required by state law and communications to offer and provide information with regard to a potential Forbearance Agreement, Loan Modification, Refinance Agreement, Loss Mitigation Agreement or other Loan Workout, may be sent directly to Debtor.

5. The Court in its discretion waives the fourteen (14) day stay of the Order Granting Motion for Relief from Stay pursuant to Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure.

Order submitted by:

Wanda D. Murray

Aldridge | Pite LLP

Attorney for Secured Creditor

Fifteen Piedmont Center

3575 Piedmont Road, N.E.

Suite 500

Atlanta, GA 30305

Attorney Wanda D. Murray is directed to serve a copy of this order on interested parties who are non-CM/ECF users and file a proof of service within 3 days of entry of the order.

**DEBTOR**

Joseph Michael Ferrara, Jr.

4981 Galleon Court

New Port Richey, FL 34652



AML

Town of Oyster Bay  
Inter- Departmental Memo

September 29, 2019

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

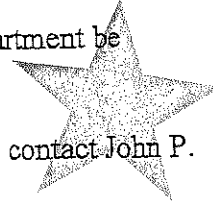
SUBJECT: 19 CARMAN BLVD., MASSAPEQUA  
CLEAN-UP

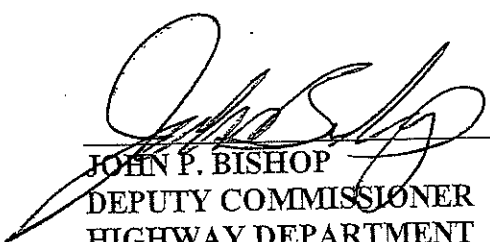
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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,391.16.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 19 CARMAN BLVD., MASSAPEQUA TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED  
UNDER ROAD RESTORATION

Location (66-104-72) 19 CARMAN BLVD MASSAPEQUA 11758

Date Sep 18, 2019

Work Order # 63648

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PATRICK ORLANDO	General Maintenance	01:30	\$43.19	00:00	0	\$64.79
DERRICK SCOTT	General Maintenance	01:30	\$41.25	00:00	0	\$61.88
JOHN STERGIOPOULOS	General Maintenance	01:30	\$24.86	00:00	0	\$37.29
PHILIP BADOME	General Maintenance	01:30	\$29.13	00:00	0	\$43.70
Total Labor						\$207.66

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD633	PICK-UP TRUCK 2008 FORD F-250 YW (24 / 024)	\$79.00	01:30	\$118.50
TD683	TRUCK DUMP 2010 FORD F-350 YW (T-225) - Power Wagons	\$105.00	01:30	\$157.50
TD728	POWER WAGON 2015 T-245	\$105.00	01:30	\$157.50
Total Equipment				\$433.50

Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Total Materials			\$750.00

Grand Total \$1391.16

Description of Work:  
Clean UP 19 Carman Blvd,

Signature:

Name: Douglas Robalino

Title: Director of Highway Operations

Date: Sep 26, 2019

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated August 6, 2019, authorized the Highway Department to clean up the premises located at 581 Hicksville Road, Massapequa, New York 11758, also known as Section 52, Block 257, Lots 1948 to 1952 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 17, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 11, 2019, in the total amount of \$1,349.62, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 17, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,349.62 may be assessed by the Legislature of the County of Nassau against the parcel known as 581 Hicksville Road, Massapequa, New York 11758, also known as Section 52, Block 257, Lots 1948 to 1952 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

17

## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 17, 2020

SUBJECT: Property Cleanup Assessment  
581 Hicksville Road, Massapequa, New York 11758  
Section 52, Block 257, Lots 1948 to 1952

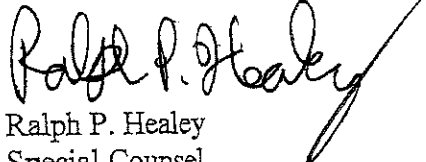
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The Department of Planning and Development, by memorandum dated August 6, 2019, directed the Highway Department to clean the premises located at 581 Hicksville Road Massapequa, New York 11758, also known as Section 52, Block 257, Lots 1948 to 1952 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 16, 2019, advised that the property was cleaned by a crew from the Highway Department on October 11, 2019. The cost incurred by the Town of Oyster Bay was \$1,349.62.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY

  
Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

amlS:\Attorney\RESOS 2019\MD 581 Hicksville Rd 1.17.20.doc

## TOWN OF OYSTER BAY

## Inter-Departmental Memo

August 6, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
Through: ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
Subject: 581 Hicksville Rd., Massapequa NY 11758  
SBL: 52-257-1948 ~ 1452


Notice of Violation No. 00928 was issued to the owner of the above-referenced premises on 9/23/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

  
ME:tc

cc: Joseph Nocella, Town Attorney



Town of Oyster Bay  
Department of Planning and Development  
Town Hall - 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
www.oysterbaytown.com

ELIZABETH L. MACCARONE  
COMMISSIONER

TIMOTHY R. ZIKE  
DEPUTY COMMISSIONER

JAMES McCaffrey  
DEPUTY COMMISSIONER

October 3, 2019

Raymond White  
581 Hicksville Rd.  
Massapequa, NY 11758

RE: PREMISES: 581 Hicksville Rd, Massapequa, NY 11758  
SECTION 52 BLOCK 257 LOT 1948

Dear Property Owner:

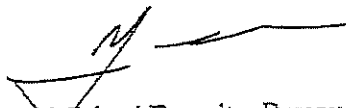
Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 00928 (copy attached) has been served on 09/23/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

ELIZABETH L. MACCARONE  
COMMISSIONER

  
Michael Esposito, Bureau Chief  
Code Compliance Division

  
ELM:ME:tc  
Enclosure

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 14 day of December 2011

BETWEEN

LOUISE WHITE, residing at 581 Hicksville Road, Massapequa, New York 11758, as Surviving Tenant by entirety of Augustus J. White, who died November 3, 2009.

party of the first part, and

RAYMOND ANTHONY WHITE, residing at 581 Hicksville Road, Massapequa, New York 11758.

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the building and improvements thereon erected, situate, lying and being

See Schedule "A" attached

Tax Map  
Designation

Reserving a Life Estate to Louise White to live in and to use and enjoy the premises on a non exclusive basis without cost, expense or interference.

Said premises known as 581 Hicksville Road, Massapequa, New York 11758

Dist.

Sec. 52  
Blk. 257

Lot(s) 1948-  
1952

Being and intended to be the same premises conveyed to the party of the first part herein by Deed dated September 5, 1979, and recorded on September 13, 1979 in Liber 9216, Page 808, 809.

*The original deed is dated 9/14/11*  
*This is a correction deed of a deed recorded 10/14/11 in Nassau County Clerk's office Book of Deeds 12767, Page 310. Lots were omitted in that deed*

*The correct section block & lots are block 257 Lots 1948-1952, Section 52*

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

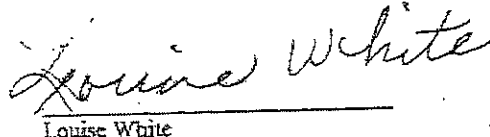
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Louise White

AL

Town of Oyster Bay  
Inter- Departmental Memo

October 16, 2019

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

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

**SUBJECT:** 581 HICKSVILLE ROAD, MASSAPEQUA  
CLEAN-UP

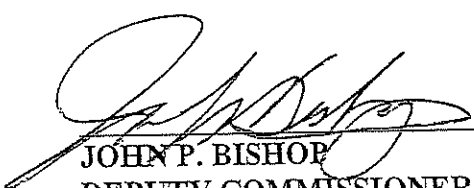
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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,349.62.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.



  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 581 HICKSVILLE ROAD, MASSAPEQUA TO P & D





MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED  
UNDER ROAD RESTORATION

Location (52-257-1948) 581 HICKSVILLE RD MASSAPEQUA 11758

Date Oct 11, 2019

Work Order # 64505

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
RICHARD JULIANO	General Maintenance	01:00	\$43.19	00:00	0	\$43.19
DERRICK SCOTT	General Maintenance	01:00	\$41.25	00:00	0	\$41.25
PHILIP BADOME	General Maintenance	01:00	\$29.13	00:00	0	\$29.13
ERIC PETERS	General Maintenance	01:00	\$30.85	00:00	0	\$30.85
ANGELO T TARZIA	General Maintenance	01:00	\$20.20	00:00	0	\$20.20
ANTHONY MODAFFERI	General Maintenance	01:00	\$15.00	00:00	0	\$15.00
Total Labor						\$179.62

Tools/Vehicle


Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD618	TRUCK DUMP 2007 INTER 7300 YW (T-271 / T-272)- 6 Wheeler	\$131.00	01:00	\$131.00
TD633	PICK-UP TRUCK 2008 FORD F-250 YW (24 / 024)	\$79.00	01:00	\$79.00
TD692	TRUCK DUMP 2010 FORD F-350 YW (T-215) - Power Wagons	\$105.00	01:00	\$105.00
TD728	POWER WAGON 2015 T-245	\$105.00	01:00	\$105.00
Total Equipment				\$420.00

Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Total Materials			\$750.00

Grand Total \$1349.62

Description of Work:  
CLEAN UP 581 HICKSVILLE ROAD MS

Signature:   
Name: Peter Brown  
Title: Director of Highway Operations  
Date: Oct 16, 2019

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated August 19, 2019, authorized the Highway Department to clean up the premises located at 6 East Park Court, Old Bethpage, New York 11714, also known as Section 47, Block 44, Lot 79 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 21, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on September 3, 2019, in the total amount of \$1,304.91, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 21, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,304.91 may be assessed by the Legislature of the County of Nassau against the parcel known as 6 East Park Court, Old Bethpage New York 11714, also known as Section 47, Block 44, Lot 79 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

Office of Town Attorney  
Reviewed By  
Ralph P. Healey

18

## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 21, 2020

SUBJECT: Property Cleanup Assessment  
6 East Park Court, Old Bethpage, New York 11714  
Section 47, Block 44, Lot 79

---

The Department of Planning and Development, by memorandum dated August 19, 2019, directed the Highway Department to clean the premises located at 6 East Park Court, Old Bethpage, New York 11714, also known as Section 47, Block 44, Lot 79 on the Land and Tax Map of the County of Nassau. (See attached copy of Deed). The Highway Department has, by memorandum dated September 29, 2019, advised that the property was cleaned by a crew from the Highway Department on September 3, 2019. The cost incurred by the Town of Oyster Bay was \$1,304.91.

Pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE  
TOWN ATTORNEY



Ralph P. Healey  
Special Counsel

RPH:aml  
Attachments  
cc: Town Attorney (w/9 copies)

2019-7374

TOWN OF OYSTER BAY

Inter-Departmental Memo

August 19, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY  
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU  
Through: ELIZABETH L. MACCARONE: COMMISSIONER  
DEPARTMENT OF PLANNING AND DEVELOPMENT  
Subject: 6 E. Park Ct., Old Bethpage NY 11804  
SBL: 47-44-79

Notice of Violation No. 00262 was issued to the owner of the above-referenced premises on 7/25/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

In accordance with the provisions of Section 135.54, I am directing that:

- The grass and vegetation be cut.

Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE  
COMMISSIONER  
BY:

  
MICHAEL ESPOSITO  
CODE ENFORCEMENT BUREAU

ME:tc

cc: Joseph Nocella, Town Attorney



**Town of Oyster Bay**  
Department of Planning and Development  
Town Hall – 74 Audrey Avenue  
Oyster Bay, New York 11771  
(516) 624-6200  
FAX (516) 624-6240  
[www.oysterbaytown.com](http://www.oysterbaytown.com)

**ELIZABETH L. MACCARONE**  
COMMISSIONER

**TIMOTHY R. ZIKE**  
DEPUTY COMMISSIONER

**JAMES McCAFFREY**  
DEPUTY COMMISSIONER

August 19, 2019

Mr. John Paul DiLugrezo  
6 E. Park Ct.  
Old Bethpage, New York 11804

RE: PREMISES: 6 E. Park Ct, New York 11804  
SECTION 47 BLOCK 44 LOT 79

Dear Property Owner:


Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 00262 (copy attached) has been served on 7/25/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

Further, the premises will be inspected every ten (10) days thereafter. If the premises continues not to be maintained and the conditions are found to violate the provisions of the code, the Highway Department will be directed to perform subsequent maintenance with no further notice to you concerning the violations, nor additional time to correct such violations.

Very truly yours,

**ELIZABETH L. MACCARONE**  
COMMISSIONER

  
Michael Esposito, Bureau Chief  
Code Compliance Division

ELM:ME:tc  
Enclosure

THIS INDENTURE, made the 27 day of APRIL, nineteen hundred and ninety-two

BETWEEN JOHN F. DiLUGREZIO, residing at 561 Halls Mill Road, Freehold, New Jersey 07728, as tenant-in-common of one-half interest by reason of divorce from Rose M. DiLugrezio and JOHN PAUL DiLUGREZIO, residing at 6 East Park Court, Old Bethpage, New York 11804 and ROSEMARIE POLIDORA, residing at 7 Howard Drive, Coram, New York 11727, as sole surviving heirs and distributees of Rose M. DiLugrezio, deceased,

party of the first part, and JOHN F. DiLUGREZIO, residing at 561 Halls Mill Road, Freehold, New Jersey 07728, tenant-in-common of an undivided one-half interest and JOHN PAUL DiLUGREZIO, residing at 6 East Park Court, Old Bethpage, New York 11804, tenant-in-common of an undivided one-quarter interest and ROSEMARIE POLIDORA, residing at 7 Howard Drive, Coram, New York 11727, tenant-in-common of an undivided one-quarter interest,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Old Bethpage, Town of Oyster Bay, County of Nassau and State of New York, known and designated as Lot 79 Block 44 as shown on a certain map entitled "Map of Brookpage, situated at Old Bethpage, Town of Oyster Bay, Nassau County, New York, Risso, Nelson and Pope, Civil Engineers and Surveyors, September 1962," and filed in the Office of the Clerk of the County of Nassau on December 21, 1962 as Map No. 7665, more particularly bounded and described according to said map as follows:

BEGINNING at a point on the northeasterly side of East Park Court distant 150 feet northwesterly from the corner formed by the intersection of the northeasterly side of East Park Court and the northwesterly side of Plain Hay Path;

RUNNING THENCE North 46 degrees 16 minutes 10 seconds West along the northeasterly side of East Park Court 33.31 feet to a point of curve;

THENCE northwesterly and northerly along the northeasterly and easterly side of East Park Court along the arc of a curve bearing right having a radius of 100 feet a distance of 69.45 feet;

THENCE North 43 degrees 43 minutes 50 seconds East 155.97 feet to land shown on Map of Bethpage Gables Section 3;

THENCE South 46 degrees 15 minutes 25 seconds East along said land 70 feet to land of Rowehl;

THENCE along said land of ROWEHL the following two courses and distances:

- 1) South 43 degrees 43 minutes 50 seconds West 115 feet;
- 2) South 20 degrees 39 minutes 30 seconds West 69.68 feet to the northeasterly side of East Park Court at the point or place of beginning.

TAX MAP  
DESIGNATION

Dist.

Sec.

Blk.

Lot(s):

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

*Sworn to before me this*  
*27th day of April, 1992*

*Carmen M. Abbenante*

CARMEN M. ABENANTE  
NOTARY PUBLIC, State of New York  
No. 52 - 4703076, Suffolk County  
Term Expires March 30, 1994

*John F. DiLugrezio*  
John F. DiLugrezio

*John Paul DiLugrezio*  
John Paul DiLugrezio

*Rosemarie Polidora*  
Rosemarie Polidora

DEED 10214 PAGE 0497A



STATE OF NEW YORK, COUNTY OF

On the 27th day of April 19 92, before me personally came JOHN F. DiLUGREZIO

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

*Carmen M. Abbenante*  
CARMEN M. ABENANTE  
NOTARY PUBLIC, State of New York  
No. 52 - 4703076; Suffolk County  
Term Expires March 30, 1994

STATE OF NEW YORK, COUNTY OF

On the 27th day of April 19 92, before me personally came ROSEMARIE POLIDORA

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

*Carmen M. Abbenante*  
CARMEN M. ABENANTE  
NOTARY PUBLIC, State of New York  
No. 52 - 4703076, Suffolk County  
Term Expires March 30, 1994

STATE OF NEW YORK, COUNTY OF

On the 27th day of April 19 92, before me personally came JOHN PAUL DiLUGREZIO to me known, who, being by me duly sworn, did depose and say that he resides at No. to be the individual described in and who that he is the executed the foregoing of instrument, and acknowledged that he executed the same., the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation; and that he signed his name thereto by the order.

Notary Public

*Carmen M. Abbenante*  
CARMEN M. ABENANTE  
NOTARY PUBLIC, State of New York  
No. 52 - 4703076, Suffolk County  
Term Expires March 30, 1994

STATE OF NEW YORK, COUNTY OF

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No. that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

**Bargain and Sale Deed**

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

John F. DiLugrezio, John Paul DiLugrezio and Rosemarie Polidora

TO

John F. DiLugrezio, John Paul DiLugrezio and Rosemarie Polidora

SECTION 47

BLOCK 44

LOT 79

COUNTY OR TOWN Nassau

TAX BILLING ADDRESS

Recorded At Request of Ticor Title Guarantee Company

RETURN BY MAIL TO:

Distributed by



**TICOR TITLE GUARANTEE**

Law Offices  
**F. WILLIAM MESERVEY, ESQ.**  
196 East Main Street  
Huntington, New York 11743

DEED NUM

TI

TWN SECT  
01 43  
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DEED 10214 PAGE 0498

Town of Oyster Bay  
Inter- Departmental Memo

September 29, 2019

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

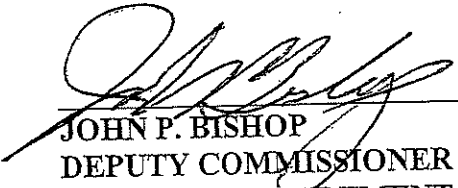
SUBJECT: 6 PARK COURT, OLD BETHPAGE  
CLEAN-UP

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Attached please see "Miscellaneous Highway Cleanup Costs" incurred by the Highway Department. These charges are for the services provided, to rectify the violation by the property owner of the address listed above.

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,304.91.

If you have any questions pertaining to the above subject, please feel free to contact John P. Bishop at 677-5804.

  
\_\_\_\_\_  
JOHN P. BISHOP  
DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 6 PARK COURT, OLD BETHPAGE TO P & D





# MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (47-44-79) 6 PARK CT OLD BETHPAGE 11804

Date Sep 3, 2019

Work Order # 62857

## Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
GARY LEWIS, II	General Maintenance	01:00	\$34.02	00:00	0	\$34.02
JAMES ROMANO	General Maintenance	01:00	\$28.31	00:00	0	\$28.31
VINCENT PADAVANO	General Maintenance	01:00	\$48.31	00:00	0	\$48.31
SEAN MCCLAUGHLIN	General Maintenance	01:00	\$24.27	00:00	0	\$24.27
Total Labor						\$134.91

## Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU433	PICK UP 2012 FORD F250 YW	\$79.00	01:00	\$79.00
TD731	2016 INTER 4200 YW 6 WHEELER	\$131.00	01:00	\$131.00
TD736	TRUCK DUMP 2016 DODGE RAM 3500 - POWER WAGON (T105)	\$105.00	01:00	\$105.00
TR203	TRAILER 2015 FELLINGS BL	\$105.00	01:00	\$105.00
Total Equipment				\$420.00

## Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Total Materials			\$750.00

**Grand Total \$1304.91**

Description of Work:  
clean up P&D

Signature: \_\_\_\_\_

Name: Douglas Robalino

Title: Director of Highway Operations

Date: Sep 25, 2019

RESOLVED, That a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, on the 25<sup>th</sup> day of February, 2020, at 10:00 o'clock a.m., prevailing time, or as soon thereafter as practicable, to consider amending the Code of the Town of Oyster Bay, New York, by adopting a new Local Law entitled, "A LOCAL LAW TO AMEND SECTION 96-21, REGISTRATION OF REAL PROPERTY WITH MORTGAGE-IN-DEFAULT, OF CHAPTER 96 - DANGEROUS BUILDINGS AND ABANDONED BUILDINGS, OF THE CODE OF THE TOWN OF OYSTER BAY"; and be it further

RESOLVED, That the Town Clerk shall publish a notice of said hearing in the newspapers of general circulation in the Town of Oyster Bay pursuant to the provisions of law.

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Reviewed By  
Office of Town Attorney  
*Thomas M. McNamee*

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

**PUBLIC NOTICE**

PLEASE TAKE NOTICE, that pursuant to law, a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, on the 25<sup>th</sup> day of February, 2020, at 10:00 o'clock a.m., prevailing time, or as soon thereafter as practicable, to consider the following amendment to the Code of the Town of Oyster Bay, in the manner set forth hereinafter: "A LOCAL LAW TO AMEND SECTION 96-21, REGISTRATION OF REAL PROPERTY WITH MORTGAGE-IN-DEFAULT, OF CHAPTER 96 - DANGEROUS BUILDINGS AND ABANDONED BUILDINGS, OF THE CODE OF THE TOWN OF OYSTER BAY".

The abovementioned Local Law is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk located at Oyster Bay and Massapequa. All persons interested in the subject matter of said hearing shall have an opportunity to be heard in connection with the aforementioned Local Law at the time and place designated herein. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. RICHARD LaMARCA, Town Clerk.  
Dated: February 11, 2020, Oyster Bay, New York.

Reviewed By  
Office of Town Attorney

*John P. G. [Signature]*

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## **TOWN OF OYSTER BAY**

### **Inter-Departmental Memorandum**

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : January 27, 2020

SUBJECT: Proposed Local Law to Amend Section 96-21 of the Code of the Town of Oyster Bay

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The Town seeks to propose amendments to Section 96-21 of the Code of the Town of Oyster Bay, to change the frequency of registrations for mortgages in default from an annual basis to a semi-annual basis.

This office has prepared the following items necessary to establish a new local law referenced above:

1. Public Notice;
2. Resolution calling for a Public Hearing; and
3. Proposed legislation.

Kindly place this matter on the February 11, 2020 Town Board action calendar.

Office of the Town Attorney



Thomas M. Sabellico  
Special Counsel

TMS/nb

S:\Attorney\LOCAL LAWS\LAC 96 Dangerous Buildings 2017\MD for revision.doc

## ***Local Law Filing***

Town of Oyster Bay

Local Law No. \_\_\_\_\_ of the year 2020

A local law ENTITLED "A LOCAL LAW TO AMEND SECTION 96-21, REGISTRATION OF REAL PROPERTY WITH MORTGAGE-IN-DEFAULT, OF CHAPTER 96 – DANGEROUS BUILDINGS AND ABANDONED BUILDINGS, OF THE CODE OF THE TOWN OF OYSTER BAY"

Be it enacted by the Town Board of the Town of Oyster Bay as follows:

**Section 1.** Amend Section 96-21, Registration of Real Property with Mortgage-in-Default, of Chapter 96, Dangerous Buildings and Abandoned Buildings, to read as follows:

**SECTION 96-21. Registration of real property with mortgage-in-default.**

A. This section shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the Town, above and beyond any other state, county and/or local provisions for same. This section relates to property subject to a mortgage which has been determined by the mortgagee to be in default.

B. Within ten (10) days of the date that the mortgagee declares its mortgage on a particular parcel of real property to be in default, the mortgagee shall inspect the premises and register the real property with the Town's mortgage-in-default registry, which said registry shall be maintained by the Department of Planning and Development. The mortgagee shall include in the registration if the property is vacant or occupied.

C. If the property is occupied but remains in default, it shall be inspected by the mortgagee, or said mortgagee's designee, monthly until the mortgagor or other party remedies the default.

D. Registration pursuant to this section shall contain: the name of the mortgagee and mortgage servicer; the direct mailing address, e-mail address and telephone number of the mortgagee and servicer; the name and address, e-mail address and telephone number of a local property manager who shall be responsible for the inspection, security and maintenance of the property. The local property manager named in the registration shall be located and available within Nassau and Suffolk Counties to be contacted by the Town, Monday through Friday, between 9:00 am and 5:00 pm, holidays and lunch hours excepted.

E. A semi-annual non-refundable fee in the amount of \$500 per property shall accompany the mortgage-in-default registration form(s). An additional fee of \$500 shall be due and payable within ten (10) days of the expiration of the previous registration.

F. Each owner of an individual property on the Registry that has been registered as required prior to the Effective Date shall renew the registration and pay the non-refundable \$500 semi-annual

registration fee within ten (10) days of the current registration's expiration. Properties registered after the Effective Date shall renew the registration every six (6) months from the expiration of the original registration renewal date and shall pay the non-refundable \$500 semi-annual registration fee.

G. If the Foreclosing or Foreclosed Property is not registered, or the registration fee is not paid within thirty (30) days of when the registration or renewal is required pursuant to this section, a late fee equivalent to ten percent (10%) of the semi-annual registration fee shall be charged for every thirty (30) day period or portion thereof, the property is not registered and shall be due and payable with the registration.

H. This section shall also apply to properties that have been the subject of foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

I. Properties subject to this section shall remain under the semi-annual mortgage-in-default registration requirement, inspection, security, and maintenance standards of this section as long as they remain in default.

J. Any person or other legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

K. Failure of the mortgagee and/or property owner of record to properly register or revise the registration from time to time to reflect a change of circumstances as required by the Town's Department of Planning and Development shall be a violation of this section.

**Section 2. SEQRA Determination.** It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(26) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

**Section 3. Severability.** If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

**Section 4. Effective Date.** This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

**Certification:**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2020 of the Town of Oyster Bay was duly passed by the Town Board on \_\_\_\_\_ 2020, in accordance with the applicable provisions of law.

\_\_\_\_\_  
Clerk of the Town of Oyster Bay

(Seal)

Date: \_\_\_\_\_, 2020

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
Town Attorney

\_\_\_\_\_  
Title  
Town of Oyster Bay

\_\_\_\_\_  
Date: \_\_\_\_\_ 2020

RESOLVED, That a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, on the 25<sup>th</sup> day of February, 2020, at 10:00 o'clock a.m., prevailing time, or as soon thereafter as practicable, to consider amending the Code of the Town of Oyster Bay, New York, by adopting a new Local Law entitled, "A LOCAL LAW TO ADD CHAPTER 95 – COLLECTION BINS, TO THE CODE OF THE TOWN OF OYSTER BAY"; and be it further

RESOLVED, That the Town Clerk shall publish a notice of said hearing in the newspapers of general circulation in the Town of Oyster Bay pursuant to the provisions of law.

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18/11  
Reviewed By  
Office of Town Attorney  
*Jim Molloy*

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



**PUBLIC NOTICE**

PLEASE TAKE NOTICE, that pursuant to law, a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, on the 25<sup>th</sup> day of February, 2020, at 10:00 o'clock a.m., prevailing time, or as soon thereafter as practicable, to consider the following amendment to the Code of the Town of Oyster Bay, in the manner set forth hereinafter: "A LOCAL LAW TO ADD CHAPTER 95 - COLLECTION BINS, TO THE CODE OF THE TOWN OF OYSTER BAY".

The abovementioned Local Law is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk located at Oyster Bay and Massapequa. All persons interested in the subject matter of said hearing shall have an opportunity to be heard in connection with the aforementioned Local Law at the time and place designated herein. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. RICHARD LaMARCA, Town Clerk.  
Dated: February 11, 2020, Oyster Bay, New York.

*John M. Saldaño*  
Reviewed By  
Office of Town Attorney

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## **TOWN OF OYSTER BAY**

### **Inter-Departmental Memorandum**

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : January 27, 2020

SUBJECT: Proposed Local Law to add Chapter 95 – Collection Bins, to the Code of the Town of Oyster Bay

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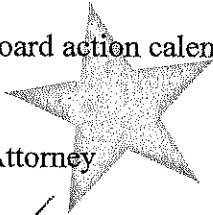
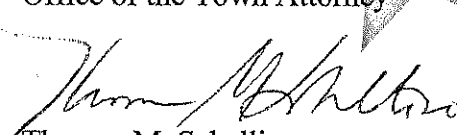
The Town seeks to add a new chapter, Chapter 95 – Collection Bins, to the Code of the Town of Oyster Bay.

This office has prepared the following items necessary to establish a new local law referenced above:

1. Public Notice;
2. Resolution calling for a Public Hearing; and
3. Proposed legislation.

Kindly place this matter on the February 11, 2020 Town Board action calendar.

Office of the Town Attorney



Thomas M. Sabellico  
Special Counsel

TMS/nb

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## Local Law Filing

Town of OYSTER BAY

Local Law No. \_\_\_\_\_ of the year 2020

A LOCAL LAW TO ADD CHAPTER 95 – COLLECTION BINS, TO THE CODE OF  
THE TOWN OF OYSTER BAY

Be it enacted by the TOWN BOARD of THE TOWN OF OYSTER BAY as follows:

**SECTION 1. Add Chapter 95 – COLLECTION BINS, as follows:**

**CHAPTER 95 – COLLECTION BINS**

**GENERAL REFERENCES**

Department of Buildings — See Ch.

Peddlers and solicitors — See Ch.

- |                  |   |
|------------------|---|
| <b>Sec. 95-1</b> | <b>Legislative intent.</b>                              |
| <b>Sec. 95-2</b> | <b>Definitions</b>                                      |
| <b>Sec. 95-3</b> | <b>Prohibitions</b>                                     |
| <b>Sec. 95-4</b> | <b>Standards</b>  |
| <b>Sec. 95-5</b> | <b>Enforcement; penalties for offenses; injunctions</b> |
| <b>Sec. 95-6</b> | <b>Severability</b>                                     |

**Sec. 95-1 Legislative intent.**

It has come to the attention of the Town Board that there has been a proliferation of the number of collection bins in the Town, seeking the donation of items of personal property. In some instances, commercial enterprises are soliciting donations of clothing and other items of personal property to bins with the appearance that such items of personal property will be used for charitable purposes. However, such commercial enterprises may thereafter be selling such personal property with little or no benefit to any charitable organizations. Furthermore, the location of certain bins has encroached on required off-street parking, and the failure to properly maintain these bins has created a quality of life issue for the residents of the Town. It is the purpose of this Chapter to: prohibit commercial enterprises from soliciting donations of items of personal property, including but not limited to clothing, by the furnishing of collection bins on commercial properties which result in proceeds that do not benefit charitable organizations; limit the number and location of collection bins; and to provide enforceable standards for these bins.

**Sec. 95-2 Definitions.**

As used in this Chapter, the following item shall have the meaning indicated:

**COLLECTION BIN** – Any container or receptacle held out to the public as a place for people to drop off articles of personal property, including but not limited to clothing, and to store such items until carted away.

**Sec. 95-3 Prohibitions.**

- A. No person or other legal entity shall hold any collection bin out to the public for people to drop off articles of personal property, including but not limited to clothing, unless the proceeds from the sale of such personal property shall be utilized for charitable purposes.
- B. No person or other legal entity shall place or maintain any collection bin on any premises open to the public except when issued a permit for same by the Department of Planning and Development.
- C. The owner, lessee, or other person or legal entity in control of the property where the collection bin is being maintained and the person or entity which owns, maintains or operates the collection bin in violation of this Chapter shall be jointly and severally liable for such violation(s) therefor.

**Sec. 95-4 Standards.**

- A. Any person or entity wishing to place or utilize a collection bin within the unincorporated area of the Town of Oyster Bay in a place that is open to the public must obtain a permit from the Department of Planning and Development. This requirement applies to all collection bins existing at the time of the adoption of this chapter, and all subsequent collection bins.
- B. Only entities or organizations that have a tax status under Section 501(c)(3) of the Internal Revenue Code, as amended, may apply for and obtain a permit. Proof of such tax status must accompany an application for a permit.
- C. Collection bins may only be located on:
  - i. Those properties located in either a Light Industry (LI) District or a General Business (GB) District, or
  - ii. A property owned by an entity that has a tax status under Section 501(c)(3) of the Internal Revenue Code, regardless of which zoning district the property is located in.
- D. The number of collection bins allowed on any parcel, or number of contiguous parcels owned by the same person or entity, shall be limited to two (2).
- E. The permit issued by the Department of Planning and Development shall delineate the size and location of the collection bin and the material of which the bin is constructed.
- F. Collection bins must be located and maintained in accordance with the rules adopted and promulgated by the Commissioner of the Department of Planning and Development.
- G. A collection bin must have clearly identified, in writing, on its face the entity or organization that is maintaining the collection bin. A phone number and address for such entity must also be written on the collection bin. Additionally, a collection bin that is subject to the provisions of this Chapter is hereby required to have conspicuously placed upon it a sticker provided by the Department of Planning and Development, indicating that the collection bin has been permitted by the Town of Oyster Bay for use in connection with charitable purposes at a specific location designated on the permit. All collection bins in existence on the effective date of this chapters shall have such sticker placed upon it no later than sixty (60) days after the effective date of this chapter. It shall be a violation of this Chapter for any such sticker to be removed or covered, except upon permission of the owner of the collection bin to which it is affixed and the Department of Planning and Development. Any collection bin without a sticker as provided herein shall be

presumed to be in violation of this Chapter. No collection bin with a sticker affixed to it as provided herein shall be relocated or removed from any private property except upon ten (10) days' prior written notice sent by the private property owner to the owner of the collection bin, to the Commissioner of the Department of Planning and Development, by certified mail, return receipt requested, advising of such intent to relocate or remove the collection bin from the property, and if relocated, a new permit including the new location of the bin must be issued by the Department of Planning and Development and affixed to the relocated collection bin.

- H. There shall be no fee for an application or permit to place a collection bin subject to the provisions of this Chapter at any location.

**Sec. 95-5 Enforcement; penalties for offenses; injunctions.**

- A. The owner, lessee, or other person or legal entity in control of the property where a collection bin has been placed or is being maintained in violation of this Chapter or in violation of the permit issued by the Department of Planning and Development, and the rules applicable to such permit, and the person or entity which owns, maintains, or operates a collection bin in violation of this Chapter shall be jointly and severally liable therefor.
- B. Code Enforcement Officers of the Department of Planning and Development and the Nassau County Police Department are hereby authorized to issue summonses or appearance tickets, returnable in the District Court of Nassau County, for any violations of this Chapter.
- C. Any such violation shall be categorized as a petty offense, punishable by a fine of up to \$250 per violation, per day. Each day that the offense(s) shall continue shall be considered a separate violation.
- D. Additionally, the Town Attorney may, in an appropriate case, institute an injunction action in the name of the Town to assure compliance with the terms of this Chapter, including the removal of a collection bin.

**Sec. 95-6 Severability.**

In the event that any provision of this Chapter shall be deemed illegal or otherwise unenforceable by a court of competent jurisdiction, then only that specific provision shall not be enforced, and all other sections and provisions shall remain in full force and effect.

**Section 2. SEQRA Determination.** It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c)(26) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which do not have a significant effect on the environment and no further review is required.

**Section 3. Severability.** If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

**Section 4. Effective Date.** This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State.

**Certification:**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2020 of the Town of Oyster Bay was duly passed by the Town Board on \_\_\_\_\_ 2020, in accordance with the applicable provisions of law.

\_\_\_\_\_  
Clerk of the Town of Oyster Bay

(Seal)

Date: \_\_\_\_\_, 2020

STATE OF NEW YORK  
COUNTY OF NASSAU

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature  
Town Attorney

\_\_\_\_\_  
Title  
Town of Oyster Bay

Date: \_\_\_\_\_ 2020

Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 854-2017, adopted on December 12, 2017, the Town Board authorized the Department of Public Works to enter into an agreement with LiRo Engineers, Inc., to provide engineering services in connection with Contract No. PWC07-18, On-Call Engineering Services relative to Civil Engineering, for a two (2) year period, from January 1, 2018 through December 31, 2019; and

WHEREAS, Michael Smith, P.E., Senior Vice President, The LiRo Group, by letter dated October 9, 2019, described the scope of work performed under Contract No. PWC07-18, which included design modifications, post design analysis, and the renewal of permits with the New York State Department of Environmental Conservation regarding the Lake Avenue C.V.M. Building extension, for an amount not to exceed \$67,000.00; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 23, 2020, requested Town Board authorization for payment to LiRo Engineers, Inc. for the aforesaid engineering services under Contract No. PWC07-18, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed \$67,000.00 for this purpose; and

WHEREAS, funds in the amount of \$67,000.00 to satisfy said engineering costs are available in Account No. DPW H 1997 20000 000 1208 001,

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are accepted and approved, and payment to LiRo Engineers, Inc. is hereby authorized for the aforementioned services in connection with Contract No. PWC07-18, On-Call Engineering Services relative to Civil Engineering, 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 DPW H 1997 20000 000 1208 001.

-#-

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

22

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

January 23, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST  
RELATIVE TO CIVIL ENGINEERING  
CONTRACT NO. PWC07-18  
ACCOUNT NO.: DPW H 1997 20000 000 1208 001  
PROJECT ID NO. 1208TWNA-03


---

The consultant, LiRo Engineers, Inc., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC07-18 by Resolution No. 854-2017 for the subject project.

Attached is a letter dated October 9, 2019 from LiRo Engineers, Inc. regarding the scope of work performed in an amount not to exceed \$67,000.00. Services performed include design modifications, post design analysis, and the renewal of permits with the NYSDEC regarding the Lake Avenue C.V.M. Building Extension.

Attached is an availability of funds in the amount of \$67,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. DPW H 1997 20000 000 1208 001.

It is hereby requested that the Town Board authorize, by Resolution, LiRo Engineers, Inc. under Contract No. PWC07-18, On-Call Engineering Services Relative to Civil Engineering and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

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

  
RWL/JCT/MR/BK/ik

Attachment

cc: Office of the Town Attorney (w/9 copies)  
Steve C. Ballas, Comptroller  
Michael Cipriano, CVM  
Kathy Stefanich, Administrative Division/DPW

PWC07-18 Docket Funding LiRo 67000





ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT  
REQUEST FOR AVAILABILITY OF FUNDS



Requesting Division/Department

C.V.M.

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number PWC07-18

Contract Period January 1, 2018 through December 31, 2019

Consultant/Contractor LiRo Engineers, Inc.

Discipline Civil Engineering

Total Authorization \$ 462,766.37

Resolution No. 854-2017 Date 12/12/2017

Funded To Date \$ 395,766.37

Amount Requested \$67,000.00

Account To Be Used DPW H 1997 20000 000 1208 001 / Proj. ID - 1208 TWNA-03

If Capital Account, State The Related Contract Number: DPW 19-185

Description Of Work

If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.

Funds are required for design modifications, post design analysis, and the

renewal of permits with the NYSDEC regarding the Lake Avenue C.V.M. Building Extension.

Work To Be Completed In Contract Period: Yes ☒ No ☐

A "No" response will require Town Board authorization to extend the contract period.

Required Insurances Are In Effect: Yes ☒ No ☐

A "No" response will prevent further processing of this form.

Required 50% Performance Bond For This Request In Effect: Yes ☐ No ☐ N/A ☒

Amount of Bond \$                     

Requesting Division/Department

Signature [Signature]

Title Division Head CVM

Date 1-22-20

DPW Approval

Only To Be Executed By The Commissioner

Signature [Signature]

Title Commissioner of Public Works

Date 1-22-20

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 67,000.00

Unencumbered Balance 571,980.65

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? Yes ☒ No ☐

Signature [Signature]

Date 1/22/2020



TOWN OF OYSTER BAY



WORK ORDER

This Section To Be Completed By The Department Of Public Works

Work Order No. \_\_\_\_\_ E.O. No. \_\_\_\_\_  
Contract No. PWC07-18 Contract Start 1/1/2018  
Contract End 12/31/2019  
Commencement Date \_\_\_\_\_

No claim shall be paid for work performed prior to the Commencement Date

Vendor Name and Address

LiRo Engineers, Inc.  
3 Aerial Way  
Syosset NY 11791

Requesting Town Department \_\_\_\_\_ C.V.M. \_\_\_\_\_  
Contact Brian Kunzig Phone 677-5741

Description of Work to be Performed (Attach Detail If Necessary)

Funds are required for design modifications, post design analysis, and the  
renewal of permits with the NYSDEC regarding the Lake Avenue C.V.M. Building Extension.

This work order shall not exceed \$ 67,000.00

Please notify the above mentioned contact person 48 hours prior to commencing any work.

Requesting Division/Department

Department Of Public Works Approval  
Only To Be Executed By The Commissioner

Signature [Signature]  
Title Division Head CVM  
Date 1-22-20

Signature [Signature]  
Commissioner of Public Works  
Date 1-22-20



BK  
Hold

~~July 19, 2019~~

Revised on October 9, 2019

Mr. Richard Lenz P.E., Commissioner  
Town of Oyster Bay  
Department of Public Works  
150 Miller Place  
Syosset, NY 11791

Re: Lake Ave CVM Garage

Dear Commissioner Lenz:

We appreciate the opportunity to provide engineering services, and we look forward to our continued support of this project. As you are aware, LiRo was authorized under our Civil Engineering On-Call contract to provide planning and design services for improvements to the Lake Avenue CVM Garage. The Town Board approved a budget of \$130,500 under resolution number 657-2015. LiRo has exhausted this initial budget due to items performed outside the scope of our original resolution. We are respectfully requesting additional funds for \$67,000 for the additional service items, as indicated below.

LiRo's original scope included investigating the possibility of raising the roof of the existing truck storage garage. LiRo's scope also included the design of a new vehicle repair building with two bays with sufficient ceiling height to accommodate maintenance of the town trucks. The requirements of the project's design included utilizing a robotic lift to an elevation of at least six feet above floor level. Our field evaluation and recommendations concluded that we needed a new two-bay steel frame repair building. After accepting this report, Commissioner Betz requested that we investigate the possibility of modifying the existing Highway Building to accommodate repairs of a broader range of vehicles. This additional evaluation required additional fieldwork, engineering, and updating the findings. This work was outside the project's scope of work. It did end with the same conclusion, to provide a new additional steel bay frame building.

After the design intent was accepted, the project went on hold. During this holding pattern, the 10-year NYSDEC permit for this project expired. The Town then authorized LiRo to begin the next phase of the project. Only after the project restarted was LiRo informed that the NYSDEC permit expired. LiRo was then instructed to file a request for a new NYSDEC permit. This permit required LiRo to survey the wetlands adjacent to the site to fill out the application. We used LandUse, a sub-consultant to provide environmental support for this permit. It was only after this work was complete that the NYSDEC informed LiRo that only



the Town of Oyster Bay could file for this permit. The fieldwork, sub-consultants work, and engineering were outside of our original scope.

Lastly, the original scope of work included the design of a simple access point between the existing building and the new building. In our original scope, there was to be a simple door between buildings. However, the scope change to provide access for the robot lifts to move between buildings. LiRo completed additional field investigations and then designed structural modifications to accommodate the equipment. After these design changes, the Town elected to leave the door as is and purchase robotic lifts for the new building.

In summary, we are requesting additional time for

- post design intent analysis for further options, consideration of existing buildings vs. a new building;
- NYSDEC permitting fieldwork and permit coordination;
- design modifications to the existing building to widen the door for robotic lifts;
- removal of design modifications to reflect the approved design.

We appreciate your consideration of the request for additional funding. If you have any questions, please do not hesitate to contact us.

Sincerely,

Michael Smith, PE  
Senior Vice President

Meeting of December 12, 2017

Resolution No. 854-2017

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated November 27, 2017 and December 4, 2017, advised that on September 27, 2017, the Department of Public Works issued a Request for Proposals for Engineering Services relative to Civil Engineering, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC07-18; and

WHEREAS, in response to that Request for Proposals, fifteen (15) responses were timely received by the Department of Public Works, Division of Engineering; and

WHEREAS, Commissioner Lenz, by said memoranda, stated that after review of the Division of Engineering's preliminary recommendations and in conjunction with the current workload, the Department has selected Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C. The evaluation and selection process was performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C., to provide Engineering Services relative to Civil Engineering, in accordance with the specifications contained in Contract No. PWC07-18, for a two (2) year term commencing on January 1, 2018 through December 31, 2019

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC07-18 with Nelson & Pope Engineers & Land Surveyor, PLLC, D&B Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., deBruin Engineering, P.C., Lockwood, Kessler & Bartletts, Inc., LiRo Engineers, Inc., John Grillo, Architect, P.C., Savik & Murray, a Division of DCAK-MSA Architecture & Engineering, P.C., in accordance with the provisions thereunder, for a two (2) year term, commencing on January 1, 2018 through and including December 31, 2019.

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Reviewed By  
Office of Town Attorney  
*[Signature]*

Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 806-2019, adopted on December 10, 2019, the Town Board authorized the Department of Public Works to enter into an agreement with D&B Engineers and Architects, P.C., to provide technical services in connection with Contract No. PWC07-20, On-Call Engineering Services relative to Civil Engineering, for a two (2) year period, from January 1, 2020 through December 31, 2021; and

WHEREAS, Steven A. Fangman, P.E., President and CEO, D&B Engineers and Architects, P.C., by letter dated January 15, 2020, described the scope of work performed under Contract No. PWC07-20, which included the mitigation of tidal flooding related problems at various locations within the Town of Oyster Bay, for an amount not to exceed \$60,000.00; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 27, 2020, requested Town Board authorization for payment to D&B Engineers and Architects, P.C. for the aforesaid engineering services under Contract No. PWC07-20, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed \$60,000.00 for this purpose; and

WHEREAS, funds in the amount of \$60,000.00 to satisfy said engineering costs are available in Account No. HWY H 5197 20000 000 1903 008,

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are accepted and approved, and payment to D&B Engineers and Architects, P.C. is hereby authorized for the aforementioned services in connection with Contract No. PWC07-20, On-Call Engineering Services relative to Civil Engineering, 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 HWY H 5197 20000 000 1903 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	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

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

January 27, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST  
RELATIVE TO CIVIL ENGINEERING  
CONTRACT NO. PWC07-20  
ACCOUNT NO.: HWY H 5197 20000 000 1903 008  
PROJECT ID NO. 1903 HWY DB-08


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The consultant, D&B Engineers and Architects, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC07-20 by Resolution No. 806-2019 for the subject project.

Attached is a letter dated January 15, 2020 from D&B Engineers and Architects, P.C., regarding the scope of work performed in an amount not to exceed \$60,000.00. Services to be performed include mitigation of tidal flooding related problems at various locations within the Town of Oyster Bay.

Attached is an availability of funds in the amount of \$60,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. HWY H 5197 20000 000 1903 008.

It is hereby requested that the Town Board authorize, by Resolution, D&B Engineers and Architects, P.C., under Contract No. PWC07-20, On-Call Engineering Services Relative to Civil Engineering and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

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

  
RWL/JC/MR/DJH/IK

Attachment

cc: Office of the Town Attorney (w/9 copies)  
Steve C. Ballas, Comptroller  
John Bishop, Deputy Commissioner/HWY  
Kathy Stefanich, Administrative Division/DPW

PWC07-20 D&B Docket Funding \$60,000



ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT  
REQUEST FOR AVAILABILITY OF FUNDS



Requesting Division/Department

Highways

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number PWC 07-20

Contract Period January 1, 2020 through December 31, 2021

Consultant/Contractor D&B Engineers and Architects, P.C.

Discipline Civil Engineering

Total Authorization \$ 60,000.00

Resolution No. 806-2019 Date 12/10/2019

Funded To Date \$0.00

Amount Requested \$60,000.00

Account To Be Used Hwy H5197 2000000 1903 008 - 1903 Hwy DB-08

If Capital Account, State The Related Contract Number: \_\_\_\_\_

Description Of Work

If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.

Funds are required for mitigation of tidal flooding related problems

at various locations within the Town of Oyster Bay

Work To Be Completed In Contract Period: Yes ☒ No ☐

A "No" response will require Town Board authorization to extend the contract period.

Required Insurances Are In Effect: Yes ☒ No ☐

A "No" response will prevent further processing of this form.

Required 50% Performance Bond For This Request In Effect: Yes ☐ No ☒ N/A ☐

Amount of Bond \$ \_\_\_\_\_

Requesting Division/Department

Signature

Title

Date

DEPUTY COMMISSIONER OF HIGHWAYS

1-24-2020

DPW Approval

Only To Be Executed By The Commissioner

Signature

Title

Date

Commissioner of Public Works

1/27/20

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 60,000.00

Unencumbered Balance 60,000.00

Is The Account To Be Used Consistent With The Nature Of Work Listed Above?

Yes ☒ No ☐

Signature

Date

1/27/2020





# TOWN OF OYSTER BAY



## WORK ORDER

*This Section To Be Completed By The Department Of Public Works*

Work Order No. \_\_\_\_\_

E.O. No. \_\_\_\_\_

Contract Start 1/1/2020

Contract No. PWC 07-20

Contract End 12/31/2021

Commencement Date \_\_\_\_\_

**No claim shall be paid for work performed prior to the Commencement Date**

Vendor Name and Address

D&B Engineers and Architects, P.C.

330 Crossways Park Drive

Woodbury, New York 11797

Requesting Town Department Highways

Contact Daniel Haas Phone 677-5883

Description of Work to be Performed (Attach Detail If Necessary)

Funds are required for mitigation of tidal flooding related problems

at various locations within the Town of Oyster Bay

**This work order shall not exceed \$ \$60,000.00**

*Please notify the above mentioned contact person 48 hours prior to commencing any work.*

**Requesting Division/Department**

Signature \_\_\_\_\_

DEPUTY COMMISSIONER OF HIGHWAYS

Date 1-29-2020

**Department Of Public Works Approval**

Only To Be Executed By The Commissioner

Signature \_\_\_\_\_

Commissioner of Public Works

Date 1/27/20

Mr. John Tassone, Deputy Commissioner  
Town of Oyster Bay  
Department of Public Works  
January 15, 2020

Page 2

It is assumed that the Town will provide D&B with record plans for each existing drainage system that is experiencing tidal related flooding. Additionally, the Town will assist to D&B, where needed, to gain access to a drainage system outfall that is located within an easement area on private properties.

As per the discussions with the Town, the purpose for the installation of each check valve is to prevent tidal waters from flowing up into the drainage system and the resulting roadway tidal flooding that has been occurring. D&B's proposed work does not include evaluating the hydraulic impacts of the check valves on the functionality of the existing drainage systems during any type of rainfall event.


D&B's fees for the above described engineering services will not exceed \$60,000. Engineering services will be billed on a timecard basis in accordance with the terms of our current on-call contract. Reimbursable reproduction and mileage expenses are included.

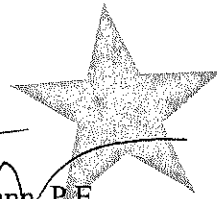
The check valve installation plans will be prepared based upon the record plan information that is provided to D&B by the Town, and supplemented, where necessary, with engineering measurements. Additionally, there are no construction phase services included in this proposal which, if requested by the Town, will be the subject of a separate proposal.

If it is determined, following D&B's engineering examination of the existing drainage system, that the most feasible location to install the new inline check valve is at the end of the existing drainage system outfall pipe, a supplemental proposal can be furnished to include any work related to the environmental permitting that may be required, as well as its coordination with the NYSDEC and/or the Army Corps.

Please do not hesitate to contact Mr. Philip Sachs of our office at (516) 364-9890, Ext. 3401, if you have any questions or need any additional information. Thank you for giving us this opportunity to submit this proposal.

Very truly yours,

  
Steven A. Fangmann, P.E.  
President and CEO



SAF/RCT/kb

Enclosure

cc: Sunita Chakraborti (TOB)  
Daniel Haas (TOB)  
Philip Sachs (D&B)  
Roger Cocchi (D&B)

♦5072\SAF011520JT-Ltr(R01)

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated November 22, 2019, advised that a Request for Proposals for On-Call Engineering Services relative to Civil Engineering, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC07-20, for a two (2) year term contract commencing January 1, 2020 through December 31, 2021 was issued to nine (9) firms, and was placed on the Town of Oyster Bay website; and

WHEREAS, in response to that Request for Proposals, sixteen (16) responses were timely received by the Division of Engineering; and

WHEREAS, Commissioner Lenz, by said memorandum, stated that after review of the Division of Engineering's preliminary recommendations, including the current workload performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy, the Department has selected AECOM USA, Inc., D&B Engineers & Architects, P.C., de Bruin Engineering, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., and N&P Engineering, Architecture and Land Surveying, PLLC; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with AECOM USA, Inc., D&B Engineers & Architects, P.C., de Bruin Engineering, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., and N&P Engineering, Architecture and Land Surveying, PLLC, to provide On-Call Engineering Services relative to Civil Engineering, in accordance with the specifications contained in Contract No. PWC07-20, for a two (2) year term, commencing on January 1, 2020 through December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC14-20 with AECOM USA, Inc., D&B Engineers & Architects, P.C., de Bruin Engineering, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., and N&P Engineering, Architecture and Land Surveying, PLLC, in accordance with the provisions thereunder for a two (2) year term, commencing on January 1, 2020 through December 31, 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
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Johnson	Recused
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye

Reviewed By  
Office of Town Attorney

WHEREAS, Anthony Ventiera, Event Chairman, The Chamber of Commerce of the Massapequas, Inc. ("the Chamber"), 675 Broadway, Massapequa, New York 11758-2372, by letter dated January 16, 2020, requested the closure and utilization of Broadway in Massapequa between Clark Avenue, Veterans Boulevard and Sunrise Highway (under the train trestle), and the closure of Lot M-6 in Massapequa, from 6:00 a.m. to 8:00 p.m. on Sunday, June 7, 2020, with a rain date of June 14, 2020, for the annual Community Street Festival; and

WHEREAS, the Chamber has also requested the use of two (2) large Showmobiles with PA systems, one (1) Roll-Off container, one hundred and seventy-five (175) chairs, eighty-five (85) recycling pails, eighty-five (85) complete barricades, eight (8) hand-held radios, one (1) street sweeper, one hundred (100) "No Parking" signs, and the waiver of the Town Ordinance pertaining to the consumption of alcoholic beverages in public, Chapter 82-3, of the Code of the Town of Oyster Bay, for its annual Community Street Festival; and

WHEREAS, John P. Bishop, Deputy Commissioner, Department of Highways, by memorandum dated January 21, 2020, informed the Board that the Department of Highways has no objection to the aforesaid road and parking lot closures from 6:00 a.m. to 8:00 p.m. on June 7, 2020, or on the rain date of June 14, 2020, and that the Department of Highways can readily supply the requested two (2) large Showmobiles with PA systems, one (1) Roll-Off container, one hundred and seventy-five (175) chairs, eighty-five (85) recycling pails, eighty-five (85) complete barricades, eight (8) hand-held radios, one (1) street sweeper, one hundred (100) "No Parking" signs; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the abovementioned request is hereby approved, and the Department of Highways is hereby authorized to close Broadway in Massapequa between Clark Avenue, Veterans Boulevard and Sunrise Highway (under the train trestle) in Massapequa, from 6:00 a.m. to 8:00 p.m. on Sunday, June 7, 2020, or on the rain date of June 14, 2020, for the Chamber of Commerce of the Massapequas' Community Street Festival; and it is further

RESOLVED, That the Department of Highways is authorized and directed to provide the Chamber with the requested two (2) large Showmobiles with PA systems, one (1) Roll-Off container, one hundred and seventy-five (175) chairs, eighty-five (85) recycling pails, eighty-five (85) complete barricades, eight (8) hand-held radios, one (1) street sweeper, one hundred (100) "No Parking" signs; and it is further

RESOLVED, that the requirements of Code of the Town of Oyster Bay, Chapter 82-3, "Alcoholic Beverages Prohibitions" are waived for the duration of the Chamber's Community Street Festival; and it is further

RESOLVED that the foregoing is subject to the following conditions:

- 1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Highway Department, or his duly designated representative; and
- 2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of all Town property and equipment, and in conduct of the aforesaid activity; and
- 3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains comprehensive general liability insurance, with a commercial liability limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate per year, and naming the Town of Oyster Bay as an additional insured in connection with the aforescribed activity.

-#-

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

25

TOWN OF OYSTER BAY

**Inter-Departmental Memo**

January 21, 2020

**TO:** MEMORANDUM DOCKET

**FROM:** JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

**SUBJECT:** THE CHAMBER OF COMMERCE OF THE MASSAPEQUAS, INC.  
ANNUAL MASSAPEQUA COMMUNITY STREET FESTIVAL  
TO BE HELD JUNE 7, 2020 (RAIN DATE: JUNE 14, 2020)

Enclosed please find letter from Anthony Ventiera, Event Chairman, requesting our assistance on behalf of the Chamber of Commerce of the Massapequas, Inc. in conducting their Annual Massapequa Community Street Festival on Sunday, June 7, 2020 with a rain date of June 14, 2020.

The Highway Department has no objection to the Chamber of Commerce of the Massapequas, Inc. conducting their Annual Massapequa Community Street Festival being held on Broadway between Clark Avenue, Veterans Boulevard, and under the train trestle in Massapequa.

For this event the Highway Department can readily supply eighty-five (85) complete barricades and eighty-five (85) yellow recycling pails, one hundred (100) "No Parking" signs, and one (1) street sweeper as requested.

The Parks Department will be providing various equipment for the event as well.

The organization is also requesting the waiver of the Town Ordinance pertaining to the consumption of alcoholic beverages in public (Chapter 82-3 of the Town of Oyster Bay Town Code) on Sunday, June 7, 2020 and also on the rain date of Sunday, June 14, 2020.

Also attached is the Certificate of Insurance, Endorsement Sheet, and Hold Harmless Agreement to cover this event. Therefore, Town Board approval is requested.

  
JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kaz

c: Town Attorney (9) copies  
John Guarino, Highway Department  
Peter Brown, General Foremen 002  
Grace SantaMaria, Highway Administration

Parks Department  
Public Safety Dept.  
Richard Lenz, Commissioner of DPW



Kdm Z  
DEPUTY COMM/HIGHWAY

# The Chamber of Commerce of the Massapequas, Inc.

675 Broadway, Massapequa, NY 11758-2372

Phone: (516) 541-1443

Website: [www.MassapequaChamber.org](http://www.MassapequaChamber.org) E-mail: [masscoc@aol.com](mailto:masscoc@aol.com) & on Facebook

## Officers 2019-2020

President  
**Jamie Bogenschutz**  
YES Comm Counsel Ctr

First Vice President  
**Keith Wilson**  
Exit Realty Dreams

Second Vice President  
**Lucrezia Falacara**  
ARF Services Inc.

Third Vice President  
**Karen Gawrych**  
Mary Kay Representative

Treasurer  
**Robin Hepworth**  
Robin Joy Photography

Recording Secretary  
**Robert Zabbia**  
AllState/Zabbia Agency

General Counsel  
The Law Office of  
Joanne M. Hawthorne

## Board of Directors

**Robert R. Barrett \***  
Nappa Realty

**Phyllis Doria\***  
Avon-Ind. Sales Rep

**Carol Leff**  
Law Firm of Richard A. Leff

**Susan M. Martin\***  
Susan M. Martin, CPA, PC

**Greg Massimi**  
TLC Home Health Care

**Patricia Orzano \***  
P.R.O. Consultants

**Stephen Parmiter**  
Morgan Stanley

**Salvatore Polito**  
Exit Realty Dreams

**Howard Ritzer**  
South Bay's Neighbor

**Linda Rowse**  
First National Bank of LI

**Gary Slavin \***  
MassMutual

**Anthony C. Ventiera\***  
Tony V. Productions

January 16, 2020

Town Supervisor Joseph Saladino  
54 Audrey Ave.  
Oyster Bay, NY 11771

RE: Massapequa Chamber of Commerce  
Annual Massapequa Community Street Festival

Dear Supervisor Saladino,

On behalf of the Massapequa Chamber of Commerce, we are respectfully requesting permission to hold our Annual Massapequa Community Street Festival. We ask that you please approve the following date and location for our 2020 event:

**Sunday, June 7, 2020 from 11:00 AM – 6:30 PM**  
**Broadway in Massapequa from Veterans Blvd. to Clark Ave.**  
(Rain date: Sunday, June 14, 2020)

We respectfully ask that you please provide confirmation of this date, time, and location as soon as possible.

Our equipment requests and other necessities are listed on the next page.

Please feel free to call our office at (516) 541 – 1443 with any questions. Your assistance and support are deeply appreciated. We thank you very much for your cooperation.

Sincerely,

Anthony Ventiera  
Event Chairman, Massapequa Chamber of Commerce

cc:  
Mr. Ron Scaglia, Office of the Town Supervisor  
Ms. Kimberly Zervos, Event Coordinator

## Honorary Members

**Joseph Saladino**  
Supervisor, T.O.B.

**Lucille Iconis**  
Superintendent of Schools  
Massapequa

**Dr. Edward Salina**  
Superintendent of Schools  
Plainedge

**Onofrio "Pete" Gisonda\***  
Past Executive Director

**Chaplain**  
**Fr Anthony Heinlein**

**Office Staff**  
**Shelley Mordowitz**  
Office Manager

REC'D BY HIGHWAY DEPT.  
JAN 15 '20 PM 4:00



# **The Chamber of Commerce of the Massapequas, Inc.**

675 Broadway, Massapequa, NY 11758-2318

Phone: (516) 541-1443

Website: [www.MassapequaChamber.org](http://www.MassapequaChamber.org) E-mail: [masscoc@aol.com](mailto:masscoc@aol.com) & on Facebook

## **2020 Massapequa Community Street Fair Requests**

### **Street Closures:**

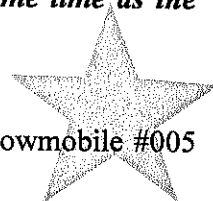
- Please close Broadway in Massapequa (between Clark Ave. and Veterans Blvd.) beginning at 6:00 a.m.
- Please close all sidewalks on the east and west sides of Broadway up to Ohio Avenue beginning at 6:00 a.m.

### **Waivers Needed:**

- Please waive the **Open Container Law** (for both the anticipated date and the rain date.) We would appreciate if you would please *include the written waiver at the same time as the Resolution / Confirmation Letter is issued.*

### **Town Equipment:**

- 2 Large Showmobiles with PA System (\*At Veterans Blvd., we request Showmobile #005 which has the trellis needed to display our sponsor banners.)
- 1 Roll-Off Container
- 85 Recyclable Pails
- 175 Chairs
- 85 Barricades
- 1 Street Sweeper
- 8 Hand-Held Radios
- 100 "No Parking" Signs







## CERTIFICATE OF LIABILITY INSURANCE

DATE: 01/08/20

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. THE 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 by loss of such endorsement(s).

PRODUCER <b>HUBBINETTE-COWELL ASSOC INC</b> 1003 Park Blvd, #3 Massapequa Park, NY 11762-2777	CONTACT NAME: PHONE (516) 795-1330 FAX (516) 795-5101 EMAIL: info@hubbinette-cowell.com ADDRESS
INSURED <b>CHAMBER OF COMMERCE OF THE MASSAPEQUAS, INC.</b> 675 BROADWAY MASSAPEQUA, NY 11758-2318	INSURER A: <b>SENTINEL INSURANCE CO. LTD</b> 15580 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

RANGES		CERTIFICATE NUMBER:		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.					
178	TYPE OF INSURANCE	POLICY NO.	POLICY EFF. DATE	POLICY EXP. DATE	LIMITS
A	<input checked="" type="checkbox"/> GENERAL LIABILITY <input type="checkbox"/> CLAMS-MADE <input checked="" type="checkbox"/> OCCUR  CERL AGGREGATE LIMIT APPLIES PER <input type="checkbox"/> POLICY <input type="checkbox"/> PER-JECT <input type="checkbox"/> LOC OTHER:	Y	12SBAUL1281	11/04/19 11/04/20	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (1st occurrence) MED EXP (per person) PERSONAL ADVISORY GENERAL AGGREGATE PRODUCTS - COMING ADD 1,000,000 1,000,000 10,000 1,000,000 2,000,000 2,000,000 3
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY LEASED AUTOS ONLY NON-OWNED AUTOS ONLY SCHEDULED AUTOS ONLY				CUMULATED SINGLE CLAIM (1st accident) BODILY INJURY (per person) BODILY INJURY (per accident) PROPERTY DAMAGE (per accident) 3 3 3 3
	UMBRELLA 100 EXCESS 100 CLAMS-MADE CERL RETENTION 3				EACH OCCURRENCE AGGREGATE 3 3 3
	WORKERS COMPENSATION AND EMPLOYERS LIABILITY ANY WORKERS COMPENSATION EMPLOYERS LIABILITY (primary to 1st) If you describe other description of operations below				PER STATUTE OTHER \$1 EACH ACCIDENT \$1 DISEASE - EA EMPLOYEE \$1 DISEASE - POLICY LIMIT 3 3 3

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Attached Remarks Schedule, may be attached if more space is required)  
PROOF OF INSURANCE FOR USE OF TOWN EQUIPMENT (2 LARGE SHOWMOBILES; 1 ROLL-OFF CONTAINER; 85 RECYCLABLE PAIRS; 175 CHAIRS; 85 BARRICADES; 1 STREET SWEEPER; 8 HAND-HELD RADIOS; AND 100 "NO PARKING SIGNS" FOR ANNUAL MASSAPEQUA COMMUNITY STREET FESTIVAL. REQUEST FOR STREET CLOSURES BEGINNING AT 8AM (BROADWAY IN MASSAPEQUA BETWEEN VETERANS BLVD. AND CLARK AVE; ALL SIDEWALKS ON THE EAST AND WEST SIDES OF BROADWAY UP TO OHIO AVE. ADDITIONAL REQUEST INCLUDES THE WAIVING OF THE OPEN CONTAINER LAW. EVENT TO BE HELD ON JUNE 7, 2020. RAIN DATE JUNE 14, 2020. CERTIFICATE HOLDER IS NAMED AS AN ADDITIONAL INSURED AS PER FORM 90G2020.

CERTIFICATE HOLDER <b>TOWN OF OYSTER BAY</b> 54 AUDREY AVENUE 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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ACORD25(201903)

Reviewed By  
Office of Town Attorney

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**COMMERCIAL GENERAL LIABILITY**  
**CG 20 26 07 04**

**ADDITIONAL INSURED – DESIGNATED  
PERSON OR ORGANIZATION**

## SCHEDULE

**A. In the performance of your ongoing operations; or**  
**B. In connection with your premises owned by or rented to you.**

Paul A. Connelley

**Hold Harmless Agreement for Use of Town Property and/or Equipment**

This Agreement is made this 8 day of January 2020, by Chamber of Commerce of the Massapeguas, Inc. (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as Town Equipment: 2 Large Showmobiles; 1 Roll-Off Container; 85 Recyclable Pails; 175 Chairs; 85 Barricades; 1 Street Sweeper; 8 Hand-Held Radios; and 100 "No Parking" Signs. Request for Street Closures beginning at 6:00 AM (Broadway in Massapequa between Veterans Blvd. and Clark Ave.; All Sidewalks on the East and West Sides of Broadway up to Ohio Ave.) Additional Request Includes the Waiving of the Open Container Law. For the event described as Annual Massapequa Community Street Festival.

The property/equipment is need from Sunday, June 7, 2020 to Rain Date: Sunday, June 14, 2020.

The event for which the property and/or equipment is requested (✓) is ( ) is not a not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of \$1,000,000 each occurrence, \$2,000,000 general aggregate and, where appropriate, \$2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

*I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.*

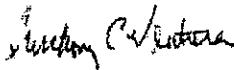
Name of Organization:

Chamber of Commerce of the Massapeguas, Inc.

Address of Organization:

675 Broadway, Massapequa, NY 11758

By:



Authorized Representative

Title: Anthony Ventiera, Event Chairman

Telephone Number: Office: (516) 541 - 1443

Cell: (516) 851 - 8531

Reviewed By  
Office of Town Attorney



DATE: 1/21/20

TO: HIGHWAY OPERATIONS

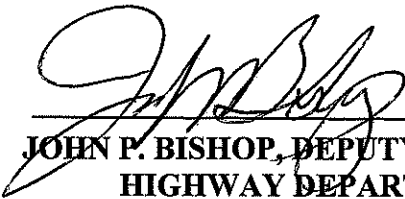
SUBJECT: Massapequa CC Annual Street Fair (Rain Date 6/14/20)


PLEASE DELIVER TO: Broadway in Massapequa From Veterans Blvd to Clark Ave Massapequa	DATE OF EVENT: 6/7/20
	CARD STOCK SIGNS: 100
	BARRICADES: 85
CONTACT: Shelly Mordowitz 516-541-1443	CONES:
	SORT PAILS: 85
	PORTABLE LIGHTS:
	STREET SWEEPER: 1
	PACKER:
	DELIVER ON: 6/5/20
	PICKUP ON: 6/8/20

SWEEPING BEFORE AFFAIR IS NEEDED:	XX
	YES NO

Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.

JPB/kaz

  
JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT



CC: John Guarino, Highway Department	Dan Kornfeld
Jack Grandine, Area Foreman 007	Peter Brown, General Foreman 002
Area Foreman, 019	
Jeff VanNostrand	
Public Safety Division	

WHEREAS, Chanpreet Singh, Founder and President, Simply Royal, LLC, 51 Church Road, Levittown, N.Y. 11756, in collaboration with Prabh Aasra and Guru Nanak Mission, home for the homeless, by letter dated January 2, 2020, requested the closure and utilization of Parking Field H-11, Hicksville, on Sunday, April 19, 2020, for their Rang De-Holi Celebration, with a rain date of April 26, 2020; and

WHEREAS, the Simply Royal, LLC has also requested the use of one-hundred and fifty (150) complete barricades and "No Parking" signs, for their use during the Rang De-Holi Celebration; and

WHEREAS, John P. Bishop, Deputy Commissioner, Department of Highways, by memorandum dated January 23, 2020, informed the Board that the Department of Highways has no objection to the aforesaid parking lot closure on Sunday, April 19, 2020, with a rain date of April 26, 2020, and that the Department of Highways can readily supply the requested, one-hundred and fifty (150) complete barricades and "No Parking" signs; and

WHEREAS, Deputy Commissioner Bishop advised that Simply Royal LLC must submit a check in the amount of \$3,000.00, for deposit into Account No. TWN TA 0000 00030 416 0000, to cover the costs incurred to clean the location after the event, if necessary; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

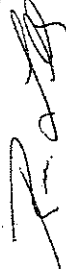
NOW, THEREFORE, BE IT RESOLVED, That the abovementioned request is hereby approved, and the Department of Highways is hereby authorized to close Parking Field H-11, Hicksville, on Sunday, April 19, 2020, with a rain date of April 26, 2020, for the Rang De-Holi Celebration; and it is further

RESOLVED, That upon receipt of a check from Simply Royal LLC, in the amount of \$3,000.00, said check shall be deposited into Account No. TWN TA 0000 00030 416 0000, to cover the cost to clean the location after the event, if necessary, and shall return any unused funds to Simply Royal, LLC; and it is further

RESOLVED, That the Department of Highways is authorized and directed to provide the one-hundred and fifty (150) complete barricades and "No Parking" signs; and it is further

RESOLVED that the foregoing is subject to the following conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Highway Department, or his duly designated representative; and

Reviewed By  
Office of Town Attorney  


2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of all Town property and equipment, and in conduct of the aforesaid activity; and
3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains comprehensive general liability insurance, with a commercial liability limit of \$1,000,000 per occurrence and \$2,000,000 general aggregate per year, and naming the Town of Oyster Bay as an additional insured in connection with the aforescribed activity.

-#-

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

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TOWN OF OYSTER BAY

Inter-Departmental Memo

January 23, 2020

**TO:** MEMORANDUM DOCKET

**FROM:** JOHN BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

**SUBJECT:** SIMPLY ROYAL, LLC DBA DESI NYC – RANG DE HOLI CELEBRATION  
APRIL 19<sup>TH</sup> 2020

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Enclosed please find copies of letter from Chanpreet Singh, Founder and President, requesting our assistance in conducting their Rang De Holi Celebration on Sunday, April 19<sup>th</sup> 2020.

The Highway Department has no objection to closing off parking field H-11 in Hicksville and will install "No Parking" in the lot for the event on Sunday, April 19<sup>th</sup> 2020 for their Rang De Holi Celebration. The Highway Department will readily supply one hundred and fifty (150) barricades for the event as well.

Simply Royal, LLC dba Desi NYC will be submitting a \$3,000.00 check for deposit into Account TWN TA 0000 00030 416 0000, customer # 71486 to cover the cost incurred by the Town of Oyster Bay to clean up the location for the above noted event. If the location is returned in the same condition prior to event, these funds will be returned to the account holder.

Also attached are the Certificate of Insurance, Endorsement Sheet, and Hold Harmless Agreement to cover this event.

Therefore, Town Board approval is requested.

  
JOHN BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

JPB/kaz

C: Town Attorney (9) copies  
Richard Lenz, P.E., Commissioner DPW  
Peter Brown, General Foreman  
John Guarino, Highway Department  
Justin McCaffrey, Commissioner of Public Safety  
Grace SantaMaria, Highway Administration  
Don Pascucci, Accounting



DEPUTY COMM/HIGHWAY

Kim 2

REC'D BY HIGHWAY DEPT  
JAN 3 20 AM 10:34

**Simply Royal, LLC dba DESI NYC**

51 Church Road  
Levittown, NY 11756

**Date: January 2nd , 2020**

Attn: John P. Bishop

**Letter of Request**

**Event Name:** Rang De - Holi Celebration

**Event Date Requested:** April 19th, 2020

Rain Date: April 26th, 2020

**Event Duration:** 12:00pm to 7:30pm

**Organization:** Simply Royal LLC in collaboration with Prabh Aasra and Guru Nanak Mission, home for the homeless

**Requested Space:** Lot H11, Hicksville

**Anticipated Attendance:** 1,000

**Number of Barricades Requested:** 250-300 (If possible to block of event area)

**About the Festival:** Holi is the festival of colors celebrated across India. The festival commemorates the victory of good over evil and celebrates all colors of life. We would like to celebrate Holi in Hicksville for the first time to A grade Bollywood influencers and performers travelling from India to address the residents of Oyster Bay and celebrate Holi by playing with organic colors. The festival will feature vendors to support local businesses in Oyster Bay. The event will have a suggested entry fee of \$20 as we would be donating the funds to Prabh Aasra and Guru Nanak Mission supporting homeless shelters throughout the United States and India. The Festival was previously held in Manhattan at Pier 91 with thousands in attendance.

Chanpreet Singh

Founder and President





**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).

<b>PRODUCER</b> DCAP of Mt. Vernon, LLC 1831 D Grand Concourse Bronx, NY 10453  <b>INSURED</b> Simply Royal LLC 51 Church Road Levittown, NY 11756  <b>Phone No.</b> 3474539786 <b>Fax No.</b>		<b>CONTACT NAME:</b> Kamal Puri <b>PHONE (A/C No. Ext.):</b> (917) 819-4700 <b>FAX (A/C No.):</b> (197) 819-4703 <b>E-MAIL ADDRESS:</b> kamal@dcapinsurance.com  <b>INSURER(S) AFFORDING COVERAGE</b> <b>INSURER A:</b> NAS - North American Specialty Insurance Company <b>NAIC #</b> 29874 <b>INSURER B:</b> <b>INSURER C:</b> <b>INSURER D:</b> <b>INSURER E:</b> <b>INSURER F:</b>	
--	--	--	--

**CERTIFICATE NUMBER: B52744**

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	
NAS	X	COMMERCIAL GENERAL LIABILITY				EKG8028494-01		04/17/2020	04/20/2020	EACH OCCURRENCE		\$	1,000,000
		CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR		X						DAMAGE TO RENTED PREMISES (Ea occurrence)		\$	100,000
										MED EXP (Any one person)		\$	5,000
		GEN'L AGGREGATE LIMIT APPLIES PER:								PERSONAL & ADV INJURY		\$	1,000,000
	X	POLICY <input type="checkbox"/> PRO <input type="checkbox"/> LOB								GENERAL AGGREGATE		\$	2,000,000
		OTHER:								PRODUCTS - COM/OP AGG		\$	1,000,000
		AUTOMOBILE LIABILITY										\$	
		ANY AUTO								COMBINED SINGLE LIMIT (Ea accident)		\$	
		OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS								BODILY INJURY (Per person)		\$	
		HIRED AUTOS ONLY <input type="checkbox"/> NON-OWNED AUTOS ONLY								BODILY INJURY (Per accident)		\$	
										PROPERTY DAMAGE (Per accident)		\$	
												\$	
		UMBRELLA LIAB								EACH OCCURRENCE		\$	
		EXCESS LIAB								AGGREGATE		\$	
		DED <input type="checkbox"/> RETENTION \$ <input type="checkbox"/>										\$	
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY								PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>			
		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER MEMBER EXCLUDED? (Mandatory in NH)		Y/N <input type="checkbox"/>	N/A					E.L. EACH ACCIDENT		\$	
		If yes, describe under DESCRIPTION OF OPERATIONS below								E.L. DISEASE - EA EMPLOYEE		\$	
										E.L. DISEASE - POLICY LIMIT		\$	


**Coverage Location:** United States & Canada

**Certificate Holder is named as an Additional Insured as their interests may appear.**

Event: Holl Day

**All coverages expire at 12:01 a.m. Standard Time.**

\* The actual event dates may be limited. Please review the Scheduled Events form attached to this certificate.

<p><b>CERTIFICATE HOLDER</b></p> <p>Town Of Oyster Bay 150 Miller Place Syosset, NY 11791 United States Of America</p>		<p><b>CANCELLATION</b></p> <p>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.</p>
<p>Phone No. _____</p>	<p>Fax No. _____</p>	<p><b>AUTHORIZED REPRESENTATIVE</b></p> 

**ACORD 26 (2016/03)**

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This certificate of insurance does not affirmatively or negatively amend, extend, or alter the coverage afforded by the insurance policy.

Reviewed By

Office of Town Attorney

Office of Iowa Attorney  
General

# ADDITIONAL COVERAGE DETAILS

DATE (MM/DD/YYYY)

01/17/2020

INSURED

Simply Royal LLC

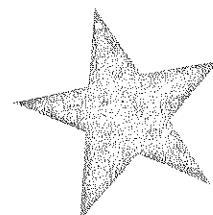
The following is attached to and made part of certificate number 852744.

Policy Details	Coverage	Limit	Deductible
<b>General Liability</b>			
Company:	North American Specialty Insurance Company		
Policy Number:	EKG8028484-01		
*Period:	04/17/2020 - 04/20/2020: 3 Day(s)		
	General Aggregate	2,000,000	
	Products / Completed Operations	1,000,000	
	Personal / Advertising Injury	1,000,000	
	Each Occurrence	1,000,000	
	Fire Legal	100,000	
	Medical Payments	5,000	
	Blanket Additional Insureds (other than city/special certs & waivers)	Included	
	City / Other Special Certificates	Excluded	
	Waiver of Subrogation	Excluded	
	Host Liquor	Excluded	
	Liquor Liability-Aggregate	Excluded	
	Liquor Liability-Each Common Cause Limit	Excluded	
	Abuse & Molestation-Aggregate	Excluded	
	Abuse & Molestation-Each Claim	Excluded	
	Terrorism	Included	

\*All coverages expire at 12:01 a.m. Standard Time.

Reviewed By  
Office of Town Attorney

*Elizabeth A. Laughman*



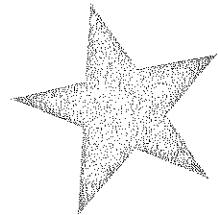
## Scheduled Events

Certificate Number: 652744

Event Type	Venue	Dates	Attendees
Holi Day	Lot H11	04/17/2020 - 04/20/2020 at 12:01 am	1,500 Participants
Cultural Events (Music)	Lot H11 Hicksville, NY 11801		2,100 Spectators

Reviewed By  
Office of Town Attorney

*Elizabeth A. Laughon*



ABANEV-SCHD(05/06)

Page 1 of 1

# SCHEDULE OF FORMS

DATE (MM/DD/YYYY)

01/17/2020

Insured: Simply Royal LLC

This Schedule of Forms is attached to and made part of certificate number 852744, as of 01/17/2020 at 08:44 AM PT, and lists the forms included in the policy(s) and subsequent endorsement (s) at the time this certificate was issued.

Form #	Ed.	Name
<b>Liability Policy</b>		
<b>General Liability</b>		
<b>Notices</b>		
SP5369	0514	SwissRe Front Jacket
NAS-GLB-NOTICE	0901	Privacy Notice and Disclosure
<b>Forms</b>		
NAS-ABGL-DEC	0108	Commercial General Liability Declarations
NAS-ABF-SCH	0608	Schedule of Forms
NAS-NI-SCH	0101	Named Insured Schedule
NAS-LS-EXT	0101	Location Schedule
NAS-AB-007	0508	Schedule of Events
CG0001	0413	Commercial General Liability Coverage Form
IL0017	1108	Common Policy Conditions
NAS-AB-003C	1008	Minimum Premium Endorsement
NAS-AB-416	0608	Event Limitation Endorsement
NAS-AB-432	0608	Employee Defined
NAS-AB-436	0608	Communicable Disease Exclusion
NAS-AB-411	0608	Unscheduled Products Limitation Endorsement
NAS-AB-218NY	0909	New York Port Authority Waiver of Governmental Immunity Defense Endorsement
CG2011	0413	Additional Insured - Managers of Lessors of Premises
CG2012	0413	Additional Insured - State or Governmental Agency or Subdivision or Political Subdivision - Permits or Authorizations
CG2028	0413	Additional Insured - Lessor of leased equipment
CG2028	0413	Additional Insured - Designated Person or Organization
NAS-AB-006	0608	Unscheduled Production, Presentation or Event Exclusion
NAS-AB-0008	1108	Production Stunt, Pyrotechnic & Animal Exposure Exclusion
NAS-AB-417B	1108	Hazardous Activities, Pyrotechnic & Animal Exposure Exclusion
NAS-AB-205	0608	Newly Acquired or Formed Entity Exclusion
NAS-AB-420	0608	Partnership, Joint Venture and Limited Liability Company Exclusion
CG2147	1207	Employment Related Practices Exclusion
NAS-AB-433	0909	Cross Suits Exclusion
NAS-AB-208	0608	Property Damage to Rented Premises Exclusion
NAS-AB-434	0608	False Arrest, Detention, Imprisonment, Libel, Slander, Right to Privacy, Advertising Idea, Copyright, Trade Dress and Slogan Exclusion
NAS-AB-426	0608	Media Content Exclusion
NAS-AB-404	0608	Informational Content Exclusion
NAS-AB-405	0608	Injury to Participants in Sports or Athletics Activities Exclusion
NAS-AB-410	0608	Rap and Hip-Hop Conditional Exclusion
NAS-AB-408	0608	Moshing Exclusion
NAS-AB-419	0608	Overnight, Outdoor And Temporary Structure Camping Conditional Exclusion
NAS-AB-418	0608	Liquor Liability Exclusion
NAS-AB-424	0608	Abuse or Sexual Molestation Exclusion
NAS-AB-403	0608	Assault and Battery Exclusion
NAS-AB-209B	1008	Total Pollution Exclusion Endorsement
NAS-AB-423	0608	Absolute Asbestos Exclusion
NAS-AB-425	0608	Lead Contamination Exclusion
IL0268	0114	New York Changes - Cancellation and Nonrenewal
IL0023	0702	Nuclear Energy Liability Exclusion Endorsement (Broad Form)
CG0104	1204	New York Changes - Premium Audit
CG0163	0711	NY Changes - Commercial General Liability Coverage
IL0195	0808	New York Changes - Calculation Of Premium
CG2621	1091	New York Changes - Transfer of Duties When a Limit of Insurance is Used Up
SP6089	0115	Disclosure pursuant to TRIA
CG2170	0115	Cap on Losses From Certified Acts of Terrorism
SP6694	1012	International Trade or Economic Sanctions
SP3881	0307	Signature Page

## Disclaimers

This Certificate of Liability Insurance includes the Type of Insurance, Limits, and Schedule of Forms in effect as of 01/17/2020 at 08:44 AM PT. It does not affirmatively or negatively amend, extend, or alter the coverage afforded by the insurance policy nor confer any rights upon the certificate holder. You may be required to request an updated certificate in the event of subsequent policy modifications.

The information included in this certificate that has been provided by Abacus Insurance Brokers, is for your information only, and does not create a contract or agency relationship between the certificate holder or any insured and Abacus Insurance Brokers. By accepting this certificate the certificate holder acknowledges that Abacus Insurance Brokers is not the agent of the certificate holder or any insured, but is solely the agent of the listed carrier(s). Abacus Insurance Brokers makes no representation whether the coverages listed herein are appropriate for the certificate holder or any insured. Please review the listed coverages carefully and direct any questions to your broker. For a

complete listing of coverages, terms, conditions and exclusions, please view the referenced Policy(s).  
APA-CERT-FORMLIST 0314 Certificate Number: 852744

Page 1 of 2

Reviewed By  
Office of Town Attorney  
*Elizabeth A. Laughon*

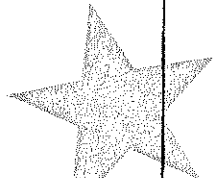
# SCHEDULE OF FORMS

DATE (MM/DD/YY)

01/17/2020

Reviewed By  
Office of Town Attorney •

*Elizabeth A. Fahey*



## Certificate Verification

Date (MM/DD/YYYY)  
01/17/2020

Insured: Simply Royal LLC

Abacus provides an efficient website lookup tool for certificate holders to verify the authenticity of certificates of insurance.

1. Navigate to the website and input the verification code OR Scan the QR code.
2. The actual certificate issued through the Abacus Platform will download.
3. Compare the details of the downloaded certificate to the certificate presented by the client.

Website	Verification Code
<a href="http://www.abacus.net/verify-certificate">www.abacus.net/verify-certificate</a>	040VII98ZC



### About Certificates Issued through the Abacus.net Platform

- Abacus requires that all certificates be issued through the Abacus Platform. Certificates issued outside of the Abacus Platform are invalid.
- Certificates may be issued through the Abacus Platform by either the named insured (if registered through the Abacus Platform) or their Abacus registered insurance broker.
- Certificates with any stray marks, cross outs or alterations of any sort are invalid.
- Each certificate is numbered and correlates to the document issued through the Abacus Platform.

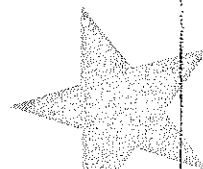
Reviewed By  
Office of Town Attorney

*Elizabeth A. Laughman*

APA-CERTVER 0017

Certificate Number: 662744

Page 1 of 1



**NORTH AMERICAN  
SPECIALTY INSURANCE COMPANY  
MANCHESTER, NH**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**POLICY CHANGES**

Policy Number: EKG8028494-01 Named Insured: Simply Royal LLC		Effective Date of Change: 04/17/2020 Change Endorsement No.: 1	
<b>The following item(s):</b>			
<input type="checkbox"/> Insured's Name <input checked="" type="checkbox"/> Policy Number <input checked="" type="checkbox"/> Effective/Expiration Date <input type="checkbox"/> Payment Plan <input type="checkbox"/> Additional Interested Parties: <input checked="" type="checkbox"/> Limits/Exposures <input type="checkbox"/> Covered Property/Located Description <input type="checkbox"/> Rates	<input type="checkbox"/> Insured's Mailing Address <input type="checkbox"/> Company <input type="checkbox"/> Insured's Legal Status/Business of Insured <input type="checkbox"/> Premium Determination <input type="checkbox"/> Coverage Forms and Endorsements <input type="checkbox"/> Self-Insured Retention <input type="checkbox"/> Classification/Class Codes <input type="checkbox"/> Underlying Insurance		
is (are) changed to read: <b>IT IS HEREBY AGREED THAT:</b>			
<b>General Liability Changes:</b> The policy number is amended from EKG8028494-00 to EKG8028494-01. The premium has increased for coverage General Aggregate. The premium has increased for coverage Terrorism. Coverage date is amended from 04/19/2020 - 04/20/2020 to 04/17/2020 - 04/20/2020. <b>Event #1 "Holi Day" changes:</b> Event dates are amended from 04/19/2020 - 04/20/2020 at 12:01 am to 04/17/2020 - 04/20/2020 at 12:01 am. Event attendees are amended from 700 spectators, 500 participants to 2,100 spectators, 1,500 participants.			
<input type="checkbox"/> Policy Changes continued on page NAS-AB-PC2.			
The above amendments result in a change in the premium as follows:			
<input type="checkbox"/> NO CHANGES	<input type="checkbox"/> TO BE ADJUSTED AT AUDIT	ADDITIONAL PREMIUM \$ 600.00 Flat	RETURN PREMIUM \$

Reviewed By  
Office of Town Attorney  
*Elizabeth A. Faughnan*

  
(Authorized Representative)

NAS-AB-PC1 (06/08)

*Includes copyrighted material of Insurance Services Office,  
Inc., with its permission.*

Page 1 of 1

**Hold Harmless Agreement for Use of Town Property and/or Equipment**

This Agreement is made this 2nd day of January 2020, by Simply Royal LLC  
(hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment  
located at and/or described as Hicksville, NY Lot H11 Requesting 150-200 Barricades

for the event described as Holi Festival

The property/equipment is needed from April 19th, 12am to April 19th, 11:59pm

The event for which the property and/or equipment is requested ( ) is ( ) is not a profit making event.


In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of \$1,000,000 each occurrence, \$2,000,000 general aggregate and, where appropriate, \$2,000,000 products, naming the Town as additional insured. All certificates of insurance must be accompanied by an endorsement.

*I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.*

Name of Organization  
Simply Royal LLC

Address of Organization  
51 Church Road  
Levittown, NY 11756

By: Chanpreet Singh   
Authorized Representative

Title: Managing Director

Telephone Number: 347-453-9786

Reviewed By  
Office of Town Attorney





SIMPLY ROYAL LLC  
51 CHURCH RD  
LEVITOWN, NY 11756-2228

4548

1-2/210

DATE 11/14/20

PAY TO THE  
ORDER OF

Tob

\$3,000.00

THREE THOUSANDS

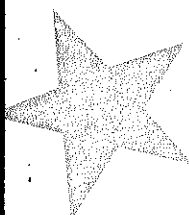
DOLLARS

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

*[Signature]*

MEMO HOLLANDS

⑆021000021⑆



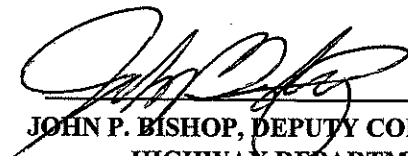
**DATE:** 1/15/20  
**TO:** HIGHWAY OPERATIONS  
**SUBJECT:** Rang De Holi Celebration

<b>PLEASE DELIVER TO:</b>	<b>DATE OF EVENT:</b>	4/19/2020
Hicksville Lot H-11	<b>BARRICADES:</b>	150
<b>CONTACT:</b> Chanpreet Singh 347-453-9786	<b>CONES:</b>	
	<b>SHORT PAILS:</b>	
	<b>PORTABLE LIGHTS:</b>	
	<b>GENERATOR:</b>	
	<b>PACKER:</b>	
	<b>DELIVER ON:</b>	4/17/20
	<b>PICKUP ON:</b>	4/20/20

<b>SWEEPING BEFORE AFFAIR IS NEEDED:</b>	<u>XX</u>
	YES NO

Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.

JPB/kaz

  
\_\_\_\_\_  
JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

CC: John Guarino, General Foreman 003  
Peter Brown, General Foreman 002  
Joe Piczzatowski, Area Foreman 017  
Public Safety Division

Dan Kornfeld  
Jeff VanNostrand

Reviewed By  
Office of Town Attorney  
*[Signature]*

RESOLVED, That a public hearing will be held in the Auditorium, Hicksville High School, 180 Division Avenue, Hicksville, New York 11801, on Tuesday, the 10<sup>th</sup> day of March, 2020, at 7:00 p.m., prevailing time on that day, or as soon thereafter as may be practicable, to consider the application of SERITAGE SRC FINANCE LLC, fee owner, for Special Use Permits and Site Plan Approval to permit grade level residential, residential over parking, residential use not located over stores or offices, a fitness center and a theater, as part of a mixed-use development that will include the demolition of the existing Sears department store and auto center, with the existing TD Bank and Chipotle restaurant to remain, and include five acres of green space, on property located in a General Business (GB) District at 195 North Broadway, in Hicksville, Town of Oyster Bay, County of Nassau, State of New York, said premises being described as Section 12, Block B, Lot 185 on the Land and Tax Map of Nassau County; and be it further

RESOLVED, That the Town Clerk shall publish notice of such hearing in  
newspapers of general circulation within the Town of Oyster Bay.

#

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

PUBLIC NOTICE

NOTICE is hereby given, pursuant to law, that a public hearing will be held by the Town Board of the Town of Oyster Bay, Nassau County, New York, on Tuesday, March 10, 2020, at 7:00 p.m., prevailing time, or as soon thereafter as may be practicable, in the Auditorium, Hicksville High School, 180 Division Avenue, Hicksville, New York 11801, for the purpose of considering an application from SERITAGE SRC FINANCE LLC, fee owner, for Special Use Permits and Site Plan Approval to permit grade level residential, residential over parking, residential use not located over stores or offices, a fitness center and a theater, as part of a mixed-use development that will include the demolition of the existing Sears department store and auto center, with the existing TD Bank and Chipotle restaurant to remain, and include five acres of green space, on property located in a General Business (GB) District at 195 North Broadway, in Hicksville, Town of Oyster Bay, County of Nassau, State of New York, said premises being described as Section 12, Block B, Lot 185 on the Land and Tax Map of Nassau County. The abovementioned application is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk at Oyster Bay and Massapequa. Any person interested in the subject matter of said hearing will be given an opportunity to be heard with reference thereto, at the time and place above designated. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. RICHARD LaMARCA, Town Clerk.

Dated: <sup>Feb</sup>February 11, 2020. Oyster Bay, New York.

*W.S.*  
Reviewed By  
Office of Town Attorney  
*Thomas M. M...*

27

## TOWN OF OYSTER BAY

### Inter-Departmental Memorandum

**TO** : MEMORANDUM DOCKET

**FROM** : OFFICE OF THE TOWN ATTORNEY

**DATE** : January 28, 2020

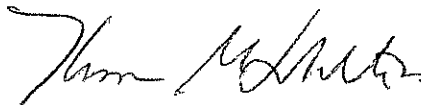
**SUBJECT:** Seritage SRC Finance LLC  
Special Use Permit and Site Plan Approval  
Premises: 195 N. Broadway, Hicksville, New York  
Section 12, Block B, Lot 185

---

It is requested that the Town Board authorize the Town Clerk to advertise a Notice of Hearing, for a Public Hearing to be held on March 10, 2020, in connection with the above referenced matter.

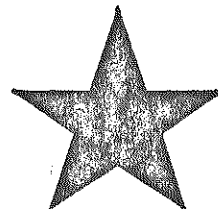
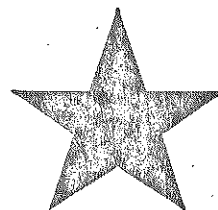
Kindly place the attached Resolution pertaining to this matter on the action calendar for the February 11, 2020 Town Board meeting.

OFFICE OF THE TOWN ATTORNEY



Thomas M. Sabellico  
Special Counsel

TMS:nb  
Enclosure



Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, the Office of the Town Attorney has litigated a matter involving the judicial determination of the boundary line between the Long Island Sound and Oyster Bay Harbor, which resulted in a Judgment rendered by Justice Stephen Bucaria, Supreme Court, Nassau County, in favor of the State of New York; and

WHEREAS, by Resolution No. 341-2019, adopted on May 21, 2019, Town Board authorized the retention of Berkman Henoch, Peterson & Peddy, P.C., to provide legal services with respect to litigation involving the judicial determination of the boundary line between Oyster Bay Harbor and Long Island Sound; and

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 30, 2020, requested that Resolution No. 341-2019 be amended to provide an additional amount not to exceed \$20,749.60, in order to satisfy outstanding legal fees, expenses, and disbursements incurred during the course of the firm's representation of the Town in this matter,

NOW, THEREFORE, BE IT RESOLVED, Resolution No 341-2019 is hereby amended to provide additional funds to Berkman, Henoch, Peterson & Peddy, P.C., in an amount not to exceed \$20,749.60, to satisfy outstanding legal fees, expenses, and disbursements incurred during the course of the firm's representation of the Town in this matter; and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. OTA A 1420 44110 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	Abstain
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

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## Town of Oyster Bay Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: January 30, 2020

SUBJECT: Payment for Outside Counsel  
Oyster Bay Harbor/Long Island Sound Boundary Dispute  
Account Number: OTA A 1420 44110 000 0000

---

On May 21, 2019, the Town Board adopted Resolution No. 341-2019, which authorized the retention of Berkman, Henoch, Peterson & Peddy, P.C., 100 Garden City Plaza, Garden City, New York 11530, to provide legal services with respect to litigation involving the judicial determination of the boundary line between Oyster Bay Harbor and Long Island Sound.

In order to satisfy outstanding invoices, additional funds in the amount of \$20,749.60 are necessary to pay for legal fees, expenses, and disbursements incurred during the course of the firm's representation of the Town in this matter. Funds are available in, and shall be drawn from, Account No. OTA A 1420 44110 000 0000.

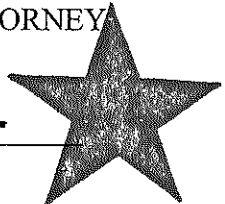
Submitted herewith is a proposed resolution requesting that Resolution No. 341-2019 be amended in order to effectuate payment of the additional funds. Kindly place this matter on the February 11, 2020 Town Board Action Calendar.

OFFICE OF THE TOWN ATTORNEY

By:



Matthew M. Rozea  
Deputy Town Attorney



MMR:mmr  
Attachment

Town Attorney (w/9 copies)

# TOWN OF OYSTER BAY

## CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER	
FEDERAL ID-N	SOCIAL SECURITY

## 1. 实验目的

**SOCIAL SECURITY****CLAIMANT'S NAME**

**Berkman Henoch Peterson Peddy & Fenchel, PC**

**CONTRACT #**

**000000**

**CLAIMANT'S ADDRESS**

100 Garden City Plaza, Garden City, NY 11530

**CONTRACT NAME**

**Bryan C. Murphy v. Town of Oyster Bay**

**TOWN DEPARTMENT**

**Town Attorney**

**CLAIMANT INVOICE #**

478335

**RESO**

**FOLLOW INSTRUCTIONS ON REVERSE SIDE THEN RETURN CLAIM AND INVOICES TO DEPARTMENT RECEIVING MATERIALS OR SERVICES**

### DETAILED DESCRIPTION OF MATERIALS OR SERVICES

[illegible]

Invoice # 478.335  
 MR approved for payment

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

I HEREBY CERTIFY the above articles were sold and delivered, and or the above service rendered to the Town of Oyster Bay on the dates and for the prices or amounts billed; that the above bill is just, true and correct; that no part thereof has been paid except as stated therein and that the balance there stated is the amount of

**Nineteen Thousand Four Hundred Three Dollars and 45/100**

it actually due and owing, and that taxes from which the Town of Oyster Bay is exempt are excluded therefrom.

CLAIMANT FURTHER CERTIFIES that the unit prices charged herein are not higher than those charged to any governmental or commercial consumer for like deliveries.

**Signature**

Print or type name

Joseph E. Macy

**五、**

Name of Contract:

Date **October 11, 2019**

## Vice President

Berkman, Henoch, et al.

I HEREBY APPROVE this claim form for the sum of \$ 19,411.45 for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

Signature \_\_\_\_\_

Title Chief Deputy Town Attorney Date \_\_\_\_\_

Department

ACCOUNT: OTR A 1420 44110 000 0000



BERKMAN, HENoch, PETERSON, PEDDY & FENCHEL, P.C.

100 GARDEN CITY PLAZA

GARDEN CITY, NEW YORK 11530-2112

Tel: (516) 222-6200

Fax: (516) 222-6209

TOWN OF OYSTER BAY  
TOWN HALL  
54 AUDREY AVENUE  
OYSTER BAY NY 11771

*MaRe*  
*mkelly@oysterbay-ny.gov*

October 11, 2019

Bill Number 478335

File Number TOOB.095944

FOR PROFESSIONAL SERVICES RENDERED THROUGH SEPTEMBER 30, 2019

Re: TOWN OF OYSTER BAY - TOWN OF OYSTER BAY ADV. BRYAN MURPHY

FEES

09/06/19	PS	WORK ON DRAFT APPELLATE BRIEF AND JURISDICTIONAL STATMENT/LETTER BRIEF FOR COURT OF APPEALS	0.10 Hrs	250/hr	\$25.00
09/06/19	PS	WORK ON DRAFT APPELLATE BRIEF, JURISDICTIONAL STATEMENT/LETTER BRIEF TO CT OF APPEALS, AND DRAFT REPLY ON MOTION TO VACATE JUDGMENT IN TRIAL COURT	6.00 Hrs	250/hr	\$1,500.00
09/09/19	PS	WORK ON CORRESPONDENCE/LETTER BRIEF TO CT OF APPEALS IN RESPONSE TO REQUEST FROM COURT	2.00 Hrs	250/hr	\$500.00
09/09/19	PS	WORK ON REPLY MEMO OF LAW FOR MOTION TO VACATE JUDGMENT	2.00 Hrs	250/hr	\$500.00
09/09/19	PS	RECEIVE AND REVIEW OPPOSITION TO MOTION TO VACATE JUDGMENT FROM PLAINTIFF, MURPHY.	0.70 Hrs	250/hr	\$175.00
09/09/19	PS	RECEIVE AND REVIEW LETTER FROM CT OF APPEALS	0.40 Hrs	250/hr	\$100.00
09/09/19	PS	WORK ON AND REVIEW PRELIMINARY SUBMISSION TO CT OF APPEALS	0.50 Hrs	250/hr	\$125.00
09/10/19	PS	WORK ON CORRESPONDENCE/LETTER BRIEF TO CT OF APPEALS	1.50 Hrs	250/hr	\$375.00
09/10/19	PS	WORK ON REPLY MEMO OF LAW, MOTION TO VACATE JUDGMENT	1.50 Hrs	250/hr	\$375.00
09/11/19	PS	STATUS AND STRATEGY CONFERENCE WITH ROB CARRUBA	1.00 Hrs	250/hr	\$250.00
09/11/19	PS	WORK ON CORRESPONDENCE ON STATEMENT OF JURISDICTION FOR COURT OF APPEALS	3.00 Hrs	250/hr	\$750.00
09/11/19	PS	WORK ON REPLY MEMO FOR MOTION TO VACATE JUDGMENT	3.00 Hrs	250/hr	\$750.00
09/11/19	RAC	WORK ON ARGUMENTS TO COURT OF APPEALS	1.00 Hrs	250/hr	\$250.00

Re: TOWN OF OYSTER BAY - TOWN OF OYSTER BAY ADV. BRYAN MURPHY

09/12/19	PS	WORK ON AND COMPLETE CORRESPONDENCE JURISDICTIONAL STATEMENT TO COURT OF APPEALS	3.00 Hrs	250/hr	\$750.00
09/12/19	PS	WORK ON REPLY MEMO OF LAW FOR MOTION TO VACATE JUDGMENT IN TRIAL COURT	1.00 Hrs	250/hr	\$250.00
09/12/19	PS	COMPLETE CORRESPONDENCE/JURISDICTIONAL STATEMENT TO COURT OF APPEALS	2.00 Hrs	250/hr	\$500.00
09/12/19	PS	STATUS AND STRATEGY MEETING WITH PARTNER, ROB CARRUBA, ON JURISDICTIONAL LETTER TO COURT OF APPEALS AND ISSUES PRESENTED	1.00 Hrs	250/hr	\$250.00
09/12/19	PS	E-MAILS TO AND FROM TOWN ATTORNEY RE: STATUS AND STRATEGY	0.40 Hrs	250/hr	\$100.00
09/12/19	PS	STATUS AND STRATEGY MEETING WITH PARTNER, ROB CARRUBA	0.50 Hrs	250/hr	\$125.00
09/12/19	PS	STATUS AND STRATEGY CONFERENCE WITH GREG PETERSON	0.50 Hrs	250/hr	\$125.00
09/12/19	PS	RESEARCH ON MOTION TO VACATE JUDGMENT POST APPEAL	1.50 Hrs	250/hr	\$375.00
09/12/19	PS	E-MAIL STATUS MEMO AND CORRESPONDENCE TO COURT OF APPEALS TO TOWN ATTORNEY	0.50 Hrs	250/hr	\$125.00
09/12/19	RAC	WORK ON ARGUMENTS TO COURT OF APPEALS CONCERNING TITLE AND TERMINATION LIMITS; WORK ON MEMO TO COURT OF APPEALS	3.50 Hrs	250/hr	\$875.00
09/13/19	PS	WORK ON REPLY PAPERS FOR MOTION TO VACATE JUDGMENT	3.00 Hrs	250/hr	\$750.00
09/13/19	RAC	WORK ON AND REVISE MEMORANDUM OF LAW TO COURT OF APPEALS	2.80 Hrs	250/hr	\$700.00
09/16/19	PS	WORK ON REPLY PAPERS FOR MOTION TO VACATE JUDGMENT	6.50 Hrs	250/hr	\$1,625.00
09/16/19	PS	RECEIVE AND REVIEW E-MAIL FROM ATTORNEY GENERAL OFFICE RE: REARGUMENT MOTION TO VACATE JUDGMENT	0.50 Hrs	250/hr	\$125.00
09/17/19	RAC	EXCHANGE CORRESPONDENCE WITH ADVERSARY RE: MOTION	0.30 Hrs	250/hr	\$75.00
09/19/19	PS	E-MAIL STATUS REPORT TO TOWN	0.50 Hrs	250/hr	\$125.00
09/19/19	PS	RECEIVE AND REVIEW STATE'S OPPOSITION TO MOTION TO VACATE JUDGMENT	1.00 Hrs	250/hr	\$250.00
09/19/19	PS	WORK ON REPLY PAPERS FOR MOTION TO VACATE JUDGMENT	5.50 Hrs	250/hr	\$1,375.00
09/20/19	PS	COMPLETE DRAFT OF REPLY PAPERS FOR MOTION TO VACATE JUDGMENT AND E-MAIL TO TOWN	3.50 Hrs	250/hr	\$875.00
09/24/19	PS	RESEARCH AND WORK ON REPLY MEMO OF LAW AND AFFIRMATION ON MOTION TO VACATE JUDGMENT	1.00 Hrs	250/hr	\$250.00

Re: TOWN OF OYSTER BAY - TOWN OF OYSTER BAY ADV. BRYAN MURPHY

09/25/19	PS	WORK ON REPLY MEMO OF LAW AND AFFIRMATION ON MOTION TO VACATE JUDGMENT	7.00 Hrs	250/hr	\$1,750.00
09/26/19	PS	COMPLETE AND SERVE BY E-MAIL REPLY MEMO OF LAW AND AFFIRMATION ON MOTION TO VACATE JUDGMENT	4.50 Hrs	250/hr	\$1,125.00
09/27/19	PS	RESEARCH ON VACATION OF JUDGMENT AFTER AFFIRMED ON APPEAL	1.00 Hrs	250/hr	\$250.00
09/27/19	PS	IN COURT TO FILE REPLY MEMORANDUM OF LAW AND AFFIRMATION	1.00 Hrs	250/hr	\$250.00
09/27/19	PS	REVIEW LETTER FROM STATE TO COURT	0.30 Hrs	250/hr	\$75.00
09/27/19	PS	DRAFT AND E-MAIL STATUS REPORT TO TOWN	0.40 Hrs	250/hr	\$100.00
TOTAL FEES					\$18,850.00

#### LEGAL SERVICES SUMMARY

ROBERT A. CARRUBA	7.60 Hrs	250.00/hr	\$1,900.00
PETER SULLIVAN	67.80 Hrs	250.00/hr	\$16,950.00
	<u>75.40 Hrs</u>		<u>\$18,850.00</u>

#### DISBURSEMENTS

COMPUTER RESEARCH.	\$538.96
FEDERAL EXPRESS	\$22.49
Total Disbursements	\$561.45

TOTAL THIS BILL \$19,411.45

#### PREVIOUS INVOICES OUTSTANDING

Invoice No. 477233	09/06/2019	\$10,903.40
	TOTAL	<u>\$10,903.40</u>

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Please complete and return the Credit Card Authorization Form or call (516) 780-0242 to pay by phone.

PLEASE RETURN ONE COPY OF BILL WITH PAYMENT

\*\* THANK YOU \*\*



Invoice Number	Invoice Date	Account Number
6-745-00344	Sep 23, 2019	1028-3978-1

Ship Date: Sep 13, 2019      Cust Ref: A3-D With Label      Ref #2  
Payor: Shipper      Ref #3

- Fuel Surcharge - FedEx has applied a fuel surcharge of 7.00% to this shipment.
- Distance Based Pricing, Zone 5
- Package Delivered to Recipient Address - Release Authorized

Automation	INET	Sender	Recipient
Tracking ID	776233063782	Meybell Manjivar	Staci Field Borg
Service Type	FedEx Standard Overnight	100 Garden City Plaza	Mortgage One, Inc.
Package Type	FedEx Envelope	GARDEN CITY NY 11530 US	4347 Radcliffe Drive
Zone	05		PALM HARBOR FL 34685 US
Packages	1		
Rated Weight	N/A	Transportation Charge	37.76
Delivered	Sep 16, 2019 14:52	Discount	-23.24
Svc Area	A1	Fuel Surcharge	1.25
Signed by	see above	Residential Delivery	3.30
FedEx Use	000000000/233/02	Courier Pickup Charge	0.00
		Total Charge	USD MTG \$19.07

Ship Date: Sep 13, 2019      Cust Ref: NO REFERENCE INFORMATION      Ref #2  
Payor: Shipper      Ref #3

- Fuel Surcharge - FedEx has applied a fuel surcharge of 7.00% to this shipment.
- Distance Based Pricing, Zone 2
- Package Delivered to Recipient Address - Release Authorized

Automation	INET	Sender	Recipient
Tracking ID	776233506253	Adam Kalb	Dennis A. King
Service Type	FedEx Priority Overnight	Berkman Henoch, Et Al	247 East 91st Street
Package Type	FedEx Envelope	GARDEN CITY NY 11530 US	BROOKLYN NY 11212 US
Zone	02		
Packages	1	Transportation Charge	24.40
Rated Weight	N/A	Discount	-15.78
Delivered	Sep 16, 2019 10:00	Fuel Surcharge	0.83
Svc Area	A2	Residential Delivery	3.30
Signed by	see above	Courier Pickup Charge	0.00
FedEx Use	000000000/186/02	Total Charge	USD MTG \$12.75

Ship Date: Sep 13, 2019      Cust Ref: 1008-09-944      Ref #2  
Payor: Shipper      Ref #3

- Fuel Surcharge - FedEx has applied a fuel surcharge of 7.00% to this shipment.
- Distance Based Pricing, Zone 2
- FedEx has audited this shipment for correct packages, weight, and service. Any changes made are reflected in the invoice amount.
- We calculated your charges based on a dimensional weight of 3.0 lbs, 10 in x 12 in x 3 in, using a dimensional factor of 139.

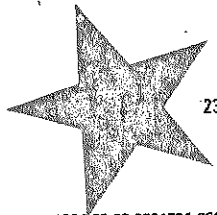
Automation	INET	Sender	Recipient
Tracking ID	776237662229	Peter Sullivan	John P. Asiello, Clerk
Service Type	FedEx Priority Overnight	Berkman Henoch, et al	NY Court of Appeals
Package Type	Customer Packaging	100 Garden City Plaza	20 Eagle Street
Zone	02	GARDEN CITY NY 11530 US	ALBANY NY 12207 US
Packages	1		
Actual Weight	2.0 lbs, 0.9 kgs	Transportation Charge	33.09
Rated Weight	3.0 lbs, 1.4 kgs	Discount	-20.71
Delivered	Sep 16, 2019 09:38	Fuel Surcharge	0.87
Svc Area	A1	Courier Pickup Charge	0.00
Signed by	J.GARCIA	Total Charge	USD DISB \$13.25
FedEx Use	000000000/1486/		

Ship Date: Sep 16, 2019      Cust Ref: 10      Ref #2  
Payor: Shipper      Ref #3

- Fuel Surcharge - FedEx has applied a fuel surcharge of 7.25% to this shipment.
- Distance Based Pricing, Zone 2
- Package sent from: 10001 zip code

Automation	INET	Sender	Recipient
Tracking ID	776202417340	Patricia Robinson	Pay-Off Dept
Service Type	FedEx Standard Overnight	BERKMAN HENOCH PETERSON ET AL	Canlar
Package Type	FedEx Envelope	100 Garden City Plaza	425 Phillips Boulevard
Zone	02	GARDEN CITY NY 11530 US	TRENTON NJ 08618 US
Packages	1		
Rated Weight	N/A	Transportation Charge	23.94
Delivered	Sep 17, 2019 09:24		

Continued on next page





## Shipment Receipt

Oyster Bay  
Murphy

## Address Information

## Ship to:

Attn: John P. Asiello, Clerk  
New York Court of Appeals  
20 Eagle Street

ALBANY, NY  
12207  
US  
5167800246

## Ship from:

Peter Sullivan  
Berkman Henoch, et al  
100 Garden City Plaza

Garden City, NY  
11530  
US  
5162226200

## Shipment Information:

Tracking no.: 776252539114

Ship date: 09/16/2019

Estimated shipping charges: 9.24 USD

## Package Information

Pricing option: FedEx Standard Rate

Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 1 LBS

Declared Value: 0.00 USD

## Special Services:

Pickup/Drop-off: Use an already scheduled pickup at my location

## Billing Information:

Bill transportation to: robin-781

Your reference: TOOB.095944

P.O. no.:

Invoice no.:

Department no.:

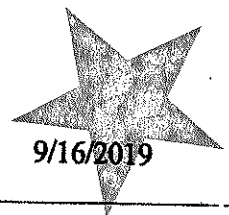
Thank you for shipping online with FedEx ShipManager at fedex.com.

## Please Note

FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1000, e.g., jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits; Consult the applicable FedEx Service Guide for details.

The estimated shipping charge may be different than the actual charges for your shipment. Differences may occur based on actual weight, dimensions, and other factors. Consult the applicable FedEx Service Guide or the FedEx Rate Sheets for details on how shipping charges are calculated.

<https://www.fedex.com/shipping/html/en/PrintIFrame.html>







BERKMAN, HENoch, PETERSON, PEDDY & FENCHEL, P.C.  
100 GARDEN CITY PLAZA  
GARDEN CITY, NEW YORK 11530-2112

Tel: (516) 222-6200

Fax: (516) 222-6209

PAID TO: ATTORNEY  
TOB 095944

TOWN OF OYSTER BAY  
TOWN HALL  
54 AUDREY AVENUE  
OYSTER BAY NY 11771

January 21, 2020  
Bill Number 480553  
File Number TOOB.095944

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31,2019

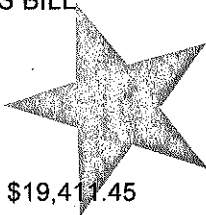
Re: TOWN OF OYSTER BAY - TOWN OF OYSTER BAY ADV. BRYAN MURPHY

FEES						
12/17/19	PS	RECEIVE AND REVIEW ORDER OF COURT OF APPEALS	0.40 Hrs	250/hr	\$100.00	
12/17/19	PS	E-MAIL TO CLIENT ORDER OF COURT OF APPEALS WITH STATUS REPORT	0.50 Hrs	250/hr	\$125.00	
12/19/19	PS	RECEIVE AND REVIEW LETTER BRIEF TO COURT FROM ADVERSARY, ATTY. GENERAL	0.50 Hrs	250/hr	\$125.00	
12/19/19	PS	RESEARCH AND WORK ON DRAFT RESPONSIVE LETTER TO THE COURT RE: LETTER BRIEF TO COURT FROM ADVERSARY, ATTY. GENERAL	6.00 Hrs	250/hr	\$1,500.00	
12/23/19	PS	WORK ON RESPONSIVE LETTER TO TRIAL COURT RE CONSTITUTIONAL ISSUES AND COURT OF APPEALS.	1.00 Hrs	250/hr	\$250.00	
12/23/19	PS	E-MAIL STATUS NOTE AND DRAFT LETTER TO TOWN	0.50 Hrs	250/hr	\$125.00	
12/23/19	PS	STATUS E-MAIL TO ALL COUNSEL	0.30 Hrs	250/hr	\$75.00	
TOTAL FEES					\$2,300.00	

LEGAL SERVICES SUMMARY

PETER SULLIVAN	9.20 Hrs	250.00 /hr	\$2,300.00
	9.20 Hrs		\$2,300.00

TOTAL THIS BILL \$2,300.00



Invoice No. 478335

PREVIOUS INVOICES OUTSTANDING

10/11/2019

Page 1

\$19,411.45



BERMAN, HENOCH, PETERSON, PEDDY & FENCHEL, P.C.

TOTAL

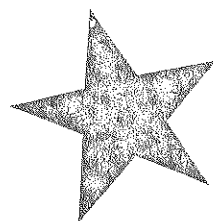
\$19,411.45

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\*\* THANK YOU \*\*







BERKMAN, HENOCK, PETERSON, PEDDY & FENCHEL, P.C.  
100 GARDEN CITY PLAZA  
GARDEN CITY, NEW YORK 11530-2112

Tel: (516) 222-6200

Fax: (516) 222-6209

TOWN OF OYSTER BAY  
TOWN HALL  
54 AUDREY AVENUE  
OYSTER BAY NY 11771

January 21, 2020  
Bill Number 480553  
File Number TOOB.095944

FOR PROFESSIONAL SERVICES RENDERED THROUGH DECEMBER 31,2019

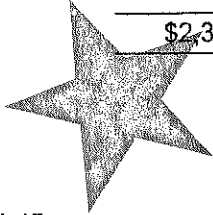
Re: TOWN OF OYSTER BAY - TOWN OF OYSTER BAY ADV. BRYAN MURPHY

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12/23/19	PS	STATUS E-MAIL TO ALL COUNSEL	0.30 Hrs	250/hr	\$75.00
TOTAL FEES					\$2,300.00

LEGAL SERVICES SUMMARY

PETER SULLIVAN	9.20 Hrs	250.00/hr	\$2,300.00
	9.20 Hrs		\$2,300.00

TOTAL THIS BILL \$2,300.00



Invoice No. 478335  
PREVIOUS INVOICES OUTSTANDING  
10/11/2019  
\$19,411.45



BERMAN, HENOCH, PETERSON, PEDDY & FENCHEL, P.C.

TOTAL

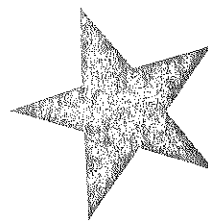
\$19,411.45

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\*\* THANK YOU \*\*



WHEREAS, pursuant to public notice, bids were duly solicited, and were regularly received for Construction Contract No. DP19-202, TOBAY Beach Potable Water Treatment System Upgrade, and said bids were publicly opened and read; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated January 31, 2020, advised that in compliance with the Town's Procurement Policy, the bid proposals received for Contract No. DP19-202, were reviewed by the Consulting Architect, P. W. Grosser Consulting Engineers, P.C; and

WHEREAS, by letter dated January 30, 20120, Gerry Rosen, Vice President, P. W. Grosser Consulting Engineers, P.C., recommended the award of Contract No. DP19-202 to Bensin Contracting, Inc., 652 Union Ave., Holtsville, New York 11742, the lowest responsible bidder among four (4) bids received, in the amount of \$409,450.00; and

WHEREAS, as per Town policy, \$20,472.50 should be added to the low bid amount for potential quantity increases, for a total bid encumbrance of \$429,922.50; and

WHEREAS Commissioner Lenz, by said memorandum, concurred with the recommendation of P. W. Grosser Consulting Engineers, P.C., and recommended the award of Contract No. DP19-202, to Bensin Contracting, Inc., 652 Union Ave., Holtsville, New York 11742, the lowest responsible bidder, in the amount of \$409,450.00, and \$20,472.50 for potential quantity increases, for a total bid encumbrance of \$429,922.50; and

WHEREAS, the guaranteed completion date for the contract is May 18, 2020, and funds are available through Account No. PKS H 7197 20000 000 2002 001,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and Contract No. DP19-202 is awarded to Bensin Contracting, Inc., in an amount not to exceed \$429,922.50, in accordance with the provisions herein, and the Supervisor and/or his designee is hereby authorized and directed to execute documents accordingly; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue a total encumbrance order in a total amount not to exceed \$429,922.50, upon presentation of a duly certified claim, after audit, to be drawn from Account No. PKS H 7197 20000 000 2002 001.

-#-

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

16

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

January 31, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: SUPPLEMENTAL DOCKET MEMO. TO ITEM NO. 21  
DOCKET OF JANUARY 21, 2020  
AWARD OF CONSTRUCTION CONTRACT  
TOBAY BEACH POTABLE WATER TREATMENT SYSTEM UPGRADE  
CONTRACT NO. DP19-202  
ACCOUNT NO. (S) PKS H 7197 20000 000 2002 001  
PROJECT I.D. 2002 PKSA-02

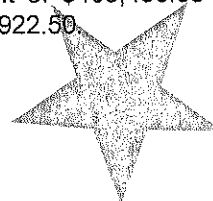
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In furtherance to item no. 21 of the January 21, 2020 docket, on January 29, 2020, the Division of Purchasing received bids for the subject project and the consulting engineer reviewed the bids. Bensin Contracting, Inc. of 652 Union Ave, Holtsville, NY 11742, Federal Tax ID: 11-2384257, submitted the lowest responsive bid among four (4) in the amount of \$409,450.00.

Attached is a letter dated January 30, 2020 from the office of P.W. Grosser Consulting Engineers, P.C. recommending the award of this contract to Bensin Contracting, Inc. for the amount of \$409,450.00. In accordance with Town policy \$20,472.50 should be applied to the low bid amount for potential quantity increases for a total bid encumbrance of \$429,922.50.

The guaranteed completion date of the subject contract is May 18, 2020. Funds are available for the subject contract work in Account No. PKS H 7197 20000 000 2002 001.

We concur with the recommendation of P.W. Grosser Consulting Engineers, P.C. and request that Contract No. DP19-202 be awarded to Bensin Contracting, Inc. in the total bid amount of \$409,450.00 and that \$20,472.50 be applied to the low bid amount for a total bid encumbrance of \$429,922.50.



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

  
RWL/CT/MR/BK/IK  
Attachments

cc: Town Attorney (w/9 copies)  
Steven C. Ballas, Comptroller  
Kathy Stefanich, Public Works  
Eric Tuman, Commissioner/General Services  
Joseph G. Pinto, Commissioner/Parks

DP19-202 Docket – Award from Supplemental



January 30, 2020

Brian Kunzig  
Department of Public Works  
Division of Engineering  
150 Miller Place  
Syosset, NY 11791

**Re: Award Recommendation Letter**  
Tobay Beach Potable Water Treatment System Upgrade  
DPW Project No.: 11-07

Dear Mr. Kunzig:

P.W. Grosser Consulting (PWGC) is writing to recommend award for the Tobay Beach Potable Water Treatment System Upgrade. Four (4) bids were received by the Town on January 30, 2020, the results of which are as follows:

Contractor	Base Bid
Bensin Contracting, Inc.	\$409,450
Phillip Ross Industries	\$540,000
Atlantic Wells Inc.	\$607,000
Seaford Avenue Plumbing	\$785,000

Bensin Contracting, Inc. is the apparent low bidder and is competent and qualified to perform the work. Bensin has acknowledged the addendum as part of the Bid Documents and the Town has confirmed that all remaining aspects of the bid are in accordance with the Notice to Bidders and Instruction to Bidders. PWGC finds the bid amount to be reasonable and appropriate therefore we recommend awarding the project to the low bidder Bensin Contracting, Inc. in the amount of \$409,450.

If you have any questions or wish to discuss this matter in further detail please contact the undersigned.

Very truly yours  
**P.W. GROSSER CONSULTING**

Gerry Rosen, PE  
Vice President



CLIENT DRIVEN SOLUTIONS

PHONE: 631.589.6353 630 JOHNSON AVENUE, STE 7  
PWGROSSER.COM BOHEMIA, NY 11716

LONG ISLAND • MANHATTAN • SARATOGA SPRINGS • SYRACUSE • SEATTLE • SHELTON



**BENSIN CONTRACTING, INC.**  
**WATER SUPPLY & WASTE TREATMENT**

**CURRENT CONTRACTS**

Incorporated Village of Stewart Manor  
\$793,900

Improvements to Pool No. 2 Complex  
Joyce He, Cameron Engineering & Assoc., LLP  
117 Crossways Park Drive  
Woodbury, New York 11797  
516-224-5282

Incorporated Village of Hempstead  
\$1,412,400

Air Stripping Treatment for Wells 7 and 9  
Sarah Krolus Caliendo, J.R. Holzmacher, P.E., LLC  
3555 Veterans Memorial Highway, Suite A  
Ronkonkoma, New York 11779  
631-234-2220

Hampton Inn Islandia  
\$1,799,000

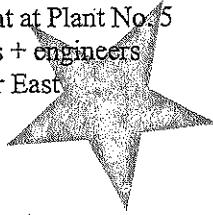
Sewage Treatment Plant Upgrade  
Stephen Hayduk, Hayduk Engineering, LLC  
1010 Route 112, Suite 200  
Port Jefferson Station, New York 11776  
631-476-0600

Town of Brookhaven  
\$1,306,795


Holtsville Landfill Groundwater Collection and Treatment System  
Douglas Ferraiolo, Roux Associates, Inc.  
209 Shafter Street  
631-232-2600

Hicksville Water District  
\$1,061,970

Conversion and Pump Replacement at Plant No. 5  
Timothy McGuire, H2M architects + engineers  
538 Broad Hollow Road, 4th Floor East  
Melville, New York 11747  
631-756-8000



*All Mail:* P.O. BOX 388 • HOLTSVILLE, N.Y. • 11742  
*Office:* 652 UNION AVE • HOLTSVILLE, N.Y. • 11742

 (631) 758-7200  
Fax (631) 758-7219

Suffolk Center for Rehabilitation and Nursing  
\$1,048,247

Sewage Treatment Plant Sewer Connection  
Stephen Hayduk, Hayduk Engineering, LLC  
1010 Route 112, Suite 200  
Port Jefferson Station, New York 11776  
631-476-0600

Locust Valley Water District  
\$1,185,000

Wellhead Treatment at Plant No. 6  
Jessica Caccioppoli, H2M architects + engineers  
538 Broad Hollow Road, 4<sup>th</sup> Floor East  
Melville, New York 11747  
631-756-8000



# BENSIN CONTRACTING, INC.

WATER SUPPLY & WASTE TREATMENT

## MAINTENANCE CONTRACTS

Town of Brookhaven  
1 Independence Hill  
Farmingville, New York 11738  
Chris Dwyer (L.K. McLean Associates, P.C.)  
631-286-8668

Town of Huntington  
100 Main Street  
Huntington, New York 11743  
Jo-Ann Raia  
631-351-3177

Town of Islip  
1 Maniton Court  
Islip, New York 11751  
Tom Vetri  
631-224-5360

Greenlawn Water District  
45 Railroad Street  
Greenlawn, New York 11740  
Robert Santoriello  
631-261-0874

Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901  
Mark Conklin  
631-727-3200

Jericho Water District  
125 Convent Road  
Syosset, New York 11791  
Peter Logan  
516-921-8280

All Mail: P.O. BOX 388 • HOLTSVILLE, N.Y. • 11742  
Office: 652 UNION AVE • HOLTSVILLE, N.Y. • 11742

91 (631) 758-7200  
Fax (631) 758-7219





# BENSIN CONTRACTING, INC.

WATER SUPPLY & WASTE TREATMENT

## COMPLETED CONTRACTS

Inc. Village of Ocean Beach

\$2,312,839

New Well and Safe House

James Neri, H2M architects + engineers

538 Broad Hollow Road, 4<sup>th</sup> Floor East

Melville, New York 11747

631-756-8000

South Huntington Water District

General \$1,467,500 / Plumbing \$793,700

Construction of New AST Building at Plant No. 9

Anthony Trombino, H2M architects + engineers

538 Broad Hollow Road, 4<sup>th</sup> Floor East

Melville, New York 11747

631-756-8000

City of Long Beach

\$998,000

New Dechlorination Facility

Mark Rauber, Cameron Engineering & Assoc., LLP

117 Crossways Park Drive

Woodbury, New York 11797

516-827-4900

North Isle Village

\$7,116,137

Construct Sewage Treatment Plant

Matthew Scheiner, R & M Engineering

50 Elm Street

Huntington, New York 11743

631-271-0576

Windbrooke Homes Condominium

\$1,711,088

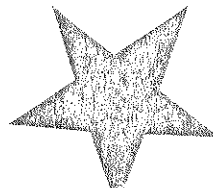
Sewage Treatment Plant Superstructure Replacement

David Niederman, Fairfield Properties

538 Broad Hollow Road, 3<sup>rd</sup> Floor East

Melville, New York 11747

631-499-6660



All Mail: P.O. BOX 388 • HOLTSVILLE, N.Y. • 11742

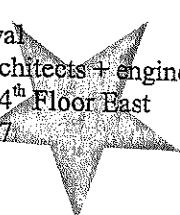
Office: 652 UNION AVE • HOLTSVILLE, N.Y. • 11742

☎ (631) 758-7200

Fax (631) 758-7219

Hampton Bays Water District  
\$1,356,103  
Plant No. 1 Wellhead Treatment for PFC Removal  
John Collins, H2M architects + engineers  
538 Broad Hollow Road, 4<sup>th</sup> Floor East  
Melville, New York 11747  
631-756-8000

Hicksville Water District  
\$1,050,550  
Plant No. 10 VOC Removal  
Sujata Pal-Frank, H2M architects + engineers  
538 Broad Hollow Road, 4<sup>th</sup> Floor East  
Melville, New York 11747  
631-756-8000



21

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

January 17, 2020

TO: MEMORANDUM DOCKET


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

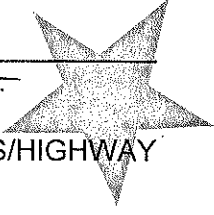
SUBJECT: AWARD OF CONSTRUCTION CONTRACT  
TOBAY BEACH POTABLE WATER TREATMENT SYSTEM UPGRADE  
CONTRACT NO. DP19-202  
SUPPLEMENTAL MEMO TO FOLLOW

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On January 29, 2020, the Division of Purchasing will receive bids for the subject project and undergo review by the Division of Engineering. A formal recommendation of award will be provided by supplemental memorandum docket.

It is therefore requested that a space be reserved at the Town Board meeting of February 11, 2020 for the Town Board to take action on an award for Tobay Beach Potable Water Treatment System Upgrade Project, Contract No. DP19-202.

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



  
RWL/CT/MR/BK/ik

cc: Office of the Town Attorney (w/9 copies)  
Steven C. Ballas, Comptroller  
Eric Tuman, Commissioner/General Services  
Joseph G. Pinto, Commissioner/Parks  
Kathy Stefanich, Administrative Division/DPW

DP19-202 Docket Award Hold A Spot

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated February 3, 2020, has indicated that the Town of Oyster Bay has been approved to receive up to \$60,000.00 in Clean Vessel Assistance Program funding provided through the New York State Environmental Facilities Corp. in reimbursement to the Town for the purchase of a floating pump-out dock to be located at Theodore Roosevelt Beach and Marina in Oyster Bay; and

WHEREAS, Commissioner Sammartano, by said memorandum, requested and recommended that the Supervisor, or his authorized designee, be authorized to enter into a Funding Agreement for Clean Vessel Act Assistance Program with the New York State Environmental Facilities Corp., thereby securing said grant funding,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth is accepted and approved, and the Supervisor, or his authorized designee, is hereby authorized to enter into a Funding Agreement for Clean Vessel Act Assistance Program with the New York State Environmental Facilities Corp., thereby securing up to \$60,000.00 in grant funding to be applied to the purchase of a floating pump-out dock to be placed at Theodore Roosevelt Beach and Marina.

-#-

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

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

THROUGH: FRANK V. SAMMARTANO, COMMISSIONER  
INTERGOVERNMENTAL AFFAIRS


DATE: FEBRUARY 3, 2020

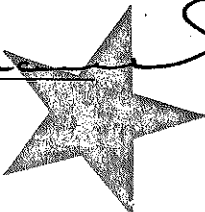
SUBJECT: SUPPLEMENTAL MEMORANDUM TO MD 1/28/20; ITEM # 7  
FUNDING AGREEMENT FOR CLEAN VESSEL ACT ASSISTANCE  
PROGRAM

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The Town of Oyster Bay has been approved to receive up to \$60,000 in Clean Vessel Assistance Program funding provided through the New York State Environmental Facilities Corporation. This grant funding will be provided in reimbursement to the Town for the purchase of a floating pump-out dock to be located at the Theodore Roosevelt Beach and Marina in Oyster Bay. Placement of a floating pump-out dock at this location provides an opportunity for boaters to empty waste from their vessels in to the floating pump-out dock thereby mitigating the dump of waste directly into the harbor. Waste collected in the floating pump-out dock will then be transported to the Oyster Bay Sewer District treatment facility for adequate treatment. Receipt of this grant funding is contingent upon the execution of a Funding Agreement for Clean Vessel Act Assistance Program between the Town of Oyster Bay and the New York State Environmental Facilities Corporation.

Therefore, it is respectfully requested that the Town Board authorize the Supervisor or his authorized designee to enter into a Funding Agreement for Clean Vessel Act Assistance Program with the New York State Environmental Facilities Corporation thereby securing up to \$60,000 in grant funding to be applied to the purchase of a floating pump-out dock to be placed at Theodore Roosevelt Beach and Marina.

  
Frank V. Sammartano,  
Commissioner



cc: Town Attorney w/9 copies  
George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources

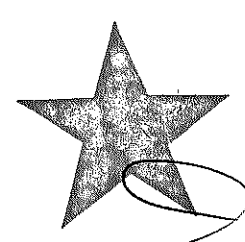
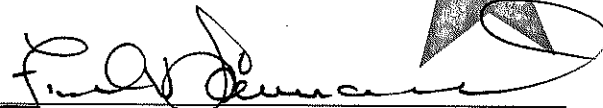
7

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

**TO:** MEMORANDUM DOCKET  
**FROM:** FRANK V. SAMMARTANO, COMMISSIONER  
INTERGOVERNMENTAL AFFAIRS  
**DATE:** JANUARY 27, 2020  
**SUBJECT:** FUNDING AGREEMENT FOR CLEAN VESSEL ACT ASSISTANCE  
PROGRAM

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In connection with the above referenced matter, kindly reserve a space on the Town Board Action Calendar for the meeting of February 11, 2020. Details will follow by supplemental memorandum.



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Frank V. Sammartano  
Commissioner

cc: Town Attorney w/7 copies

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At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, 54 Audrey Avenue, in said Town, on February 11, 2020, 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 Bethpage Water District in the Town of  
Oyster Bay and the Town of Hempstead,  
Nassau County, New York

Resolution No 131A-2020

PUBLIC INTEREST ORDER

WHEREAS, the Town Board of the Town of Oyster Bay, Nassau County, New York, has received a petition of the Board of Water Commissioners of the Bethpage Water District in the Town of Oyster Bay and the Town of Hempstead (the "District") requesting that the Town Board consider the increase and improvement of the facilities of the District consisting of capital improvements contained in a map, plan and report prepared by H2M Architects & Engineers, duly licensed engineers, constituting the 2019 Capital Improvement Plan, dated December 2019, which includes

treatment of 1,4-dioxane at various wells, construction of a new transmission line, treatment of nitrates and volatile organic compounds (VOC), construction and rehabilitation of wells, modifications to Plant No. 1, rehabilitation of Plant No. 5, reconstruction of a new administration building and garage, and water main replacement and upgrades, and 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 \$73,629,000 and the proposed plan for the financing thereof is by (i) the issuance of \$6,771,000 of bonds of said Town, which was previously authorized under Resolution No. 691B-2015 on November 24, 2015 and remains unissued; and (ii) the issuance of \$66,858,000 bonds of said Town, which is proposed to be authorized pursuant to a new bond resolution, or the provision of other funds of the District, including grants received, in substitution therefor; 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; and

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 it has been determined that such increase and improvement of the facilities of said District constitute "Type II" or "Unlisted" actions that will not result in any significant adverse environmental impacts; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; and NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in said District,



consisting of certain expanded work on projects undertaken pursuant to the 2019 Capital Improvement Plan, dated December 2019, consisting of capital improvements contained in a map, plan and report prepared by H2M Architects & Engineers, duly licensed engineers, which includes treatment of 1,4-dioxane at various wells, construction of a new transmission line, treatment of nitrates and volatile organic compounds (VOC), construction and rehabilitation of wells, modifications to Plant No. 1, rehabilitation of Plant No. 5, reconstruction of a new administration building and garage, and water main replacement and upgrades, and incidental expenses in connection therewith, at an estimated maximum cost of \$73,629,000, and the proposed plan for the financing thereof is by (i) the issuance of \$6,771,000 of bonds of said Town, which was previously authorized under Resolution No. 691B-2015 on November 24, 2015, and (ii) the issuance of \$66,858,000 bonds of said Town, which is proposed to be authorized pursuant to a new bond resolution, or the provision of other funds of the District, including grants received, in substitution therefor.

Section 2. 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.

\* \* \*

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on February 11, 2020, 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:

BOND RESOLUTION DATED FEBRUARY 11, 2020.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$66,858,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY A PORTION OF THE \$73,629,000 ESTIMATED MAXIMUM COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE BETHPAGE WATER DISTRICT IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated February 11, 2020, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Bethpage Water District (the "District") in the Town of Oyster Bay, Nassau County, New York, at an estimated maximum cost of \$73,629,000; and

WHEREAS, it is now desired to provide funding for such capital project; 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 a portion of the \$73,629,000 estimated maximum cost of increase and improvement of the facilities of the District consisting of capital improvements contained in a map, plan and report prepared by H2M Architects & Engineers, duly licensed engineers, constituting the 2019 Capital Improvement Plan, dated December 2019, which includes treatment of 1,4-dioxane at various wells, construction of a new transmission line, treatment of nitrates and volatile organic compounds (VOC), construction and rehabilitation of wells, modifications to Plant No. 1, rehabilitation of Plant No. 5, reconstruction of a new administration building and garage, and water main replacement and upgrades, and incidental expenses in connection therewith, a class of objects or purposes, there are hereby authorized to be issued \$66,858,000 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 specific object or purpose is \$73,629,000 and that the plan for the financing thereof is by (i) the issuance of \$6,771,000 of bonds of said Town, which was previously authorized under Resolution No. 691B-2015 on November 24, 2015 and remains unissued, and (ii) the issuance of \$66,858,000 bonds of said Town authorized to be issued pursuant to this bond resolution, or the provision of other funds of the District in substitution therefor.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years, pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein 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. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District, including when authorized by law, properties in the Town of Hempstead, in the manner provided by law, in an amount sufficient to pay the principal and interest on said bonds as the same become due.

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 or impressed 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, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; 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. The power to issue and sell notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 9. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and, or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 10. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid bonds and, or notes without resorting to further action of this Town Supervisor.

Section 11. 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 12. 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 13. 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 14. 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.

\* \* \*

Reviewed by  
Office of Town Attorney  
*[Signature]*

WHEREAS, JOEL SPORN and RANDY SPORN, contract vendees, on behalf of DUFFY CO., LLC, eventual fee owner, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit to allow for the conversion of 10,230 square feet of existing commercial space located in an LI (Light Industry) District, at 299 Duffy Avenue, Hicksville, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 11, Block H, Lot 352, on the Land and Tax Map of Nassau County, to an ancillary, auxiliary service center for the automobile dealership located at 100 Jericho Turnpike, Jericho, New York; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on December 10, 2019, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, by memorandum dated April 9, 2019, recommended Town Board determination that the subject legislation is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c), Type II Actions List, as Item No. 18, relative 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 Part 617; and

WHEREAS, the Nassau County Planning Commission, by letter dated December 19, 2019, deferred to the Town Board of the Town of Oyster Bay to take action as it deemed appropriate on said application; and

WHEREAS, the Town Board of the Town of Oyster Bay, based upon the relevant facts and circumstances presented at the public hearing, and based upon the facts and information within the personal knowledge of the members of the Town Board, finds the following: that because of the area, location, nature and character of the subject property, the below described premises are adequate and suitable for the requested use; that the granting of this application, subject to the imposition of certain covenants, restrictions and provisions, will not adversely affect the present character of the area; and the granting of this application will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay; and

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated October 8, 2019 advised that the Department of Planning and Development has reviewed the following three (3) plans prepared by Marc Pilotta, P.E., Key Civil Engineering, Holtsville, New York, and two (2) plans prepared by John Schimenti, R.A., John Schimenti, P.C., Lynbrook, New York:

SHEET NO.	TITLE	PREPARED BY	DATE
C-1	Site Plan	Marc Pilotta, P.E.	09/06/19

C-2	Landscaping & Lighting Plan	Marc Pilotta, P.E.	09/06/19
C-3	Site Details	Marc Pilotta, P.E.	09/06/19
A-101.00	First Floor Construction Plans	John Schimenti, R.A.	08/29/19
A-300.00	Exterior Elevations	John Schimenti, R.A.	08/29/19

WHEREAS, said Commissioner further reports that the plans submitted, as modified, comply with the standards set forth in the Code of the Town of Oyster Bay, Section 246.6, Site Plan Review, and recommends Town Board approval for the site plans enumerated herein,

NOW, THEREFORE, BE IT RESOLVED, That the Petition of JOEL SPORN and RANDY SPORN, contract vendees, on behalf of DUFFY CO., LLC, eventual fee owner, for a Special Use Permit to allow for the conversion of 10,230 square feet of existing commercial space located in an LI (Light Industry) District, at 299 Duffy Avenue, Hicksville, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 11, Block H, Lot 352, on the Land and Tax Map of Nassau County, to an ancillary, auxiliary service center for the automobile dealership located at 100 Jericho Turnpike, Jericho, New York, is hereby GRANTED, on the premises described as follows:

#### SCHEDULE A

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

BEGINNING at a point on the southerly side of Duffy Avenue (a/k/a Duffys Lane, a/k/a Duffy Lane), distant 475.44 feet easterly from the northerly end of the arc of a curve connecting the southerly side of Duffy Avenue with the easterly side of Henrietta Street, as widened;

RUNNING THENCE along the southerly side of Duffy Avenue, North 76 degrees 49 minutes 40 seconds East, 250.00 feet to the westerly side of Frank Road (private road);

RUNNING THENCE southerly along the westerly side of Frank Road (private road), South 08 degrees 55 minutes 20 seconds East, 200.00 feet;

RUNNING THENCE South 76 degrees 49 minutes 40 seconds West, 250.00 feet;

RUNNING THENCE North 08 degrees 55 minutes 20 seconds  
West, 200.00 feet to the southerly side of Duffy Avenue at the  
point or place of BEGINNING.

and be it further

RESOLVED, That the Petition herein granted is subject to voluntary covenants  
and restrictions imposed upon the subject premises by the Petitioner, as set forth in the written  
instrument attached herewith, to be duly recorded in the Office of the Clerk of Nassau County  
within one year of this Resolution, and the subject Petition may only become effective upon such  
recording; and be it further

RESOLVED, That in accordance with the memorandum of Elizabeth L.  
Maccarone, Commissioner, Department of Planning and Development, dated October 8, 2019,  
the five (5) plans 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	3	Aye
Councilwoman Johnson		Aye
Councilman Imbroto		Aye
Councilman Hand		Aye
Councilman Labriola		Aye
Councilwoman Maier		Aye
Councilwoman Walsh		Aye

DECLARATION OF RESTRICTIVE COVENANTS

DUFFY CO., LLC, fee owner, with a business address of 299 Duffy Avenue, Hicksville, New York 11801, ("the Declarant"), by this declaration, dated \_\_\_\_\_, 2020, declares as follows:

WHEREAS, DUFFY CO., LLC, requested that the Town Board of the Town of Oyster Bay ("Town Board") grant a Special Use Permit to allow for the conversion of 10,230 square feet of existing commercial space located in an LI (Light Industry) District, at 299 Duffy Avenue, Hicksville, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 11, Block H, Lot 352, on the Land and Tax Map of Nassau County, to an ancillary, auxiliary service center for the automobile dealership located at 100 Jericho Turnpike, Jericho, New York; and

WHEREAS, The Town Board, by Resolution No. 132 - 2020, dated February 11, 2020, approved said request and approved the rescission of the Declaration of Restrictive Covenants, dated October 5, 1990, and recorded in the Office of the Clerk of Nassau County on November 28, 1990, in Liber 10104 of Deeds, page 702, as required by Resolution No. 790-90, adopted on August 13, 1990, which granted a Special Use Permit to erect an office building on the premises, subject to the execution and recording of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarant, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily impose the following covenants and restrictions with respect to the premises identified as being located at 299 Duffy Avenue, Hicksville, Town of Oyster Bay, New York, which will run with the land and be binding upon said Declarants, their successors and/or assigns,

NOW, THEREFORE, said Declarant, does hereby covenant and declare as follows:

1. That the Declaration of Restrictive Covenants, dated October 5, 1990, and recorded in the Office of the Clerk of Nassau County on November 28, 1990, in Liber 10104 of Deeds, page 702, as required by Resolution No. 790-90, adopted on August 13, 1990, which granted a Special Use Permit to erect an office building on the premises, is hereby rescinded and that this Declaration shall supersede any previously recorded Declaration of Restrictive Covenants filed with the County Clerk of Nassau County and affecting the subject premises.
2. That detailing, engine repairs and other automotive repairs, specifically excluding body work, may be performed on the premises only on vehicles brought to the premises by Declarant's employees from Declarant's other locations, it being understood that no body work

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Reviewed By  
Office of Town Attorney  
Ralph P. Healey

shall be performed on the premises, and that repairs of any other type may not be performed on vehicles brought to the site directly by customers.

3. That detailing, engine repairs and other non-body work are not to be performed outdoors on the premises. Work shall be performed in the work bays located in the building.

4. That the business on the premises shall only be open Monday through and Saturday, inclusive, from 7:30 o'clock am until 6:00 o'clock pm, and shall be closed on Sundays.

5. That no vehicles shall be sold or leased, retail or wholesale, on or from the premises.

6. That no vehicles shall be stored on the premises overnight, except those vehicles which are in the process of being repaired, and no vehicles whatsoever shall be stored outdoors overnight on the premises.

7. That employees of Declarant or independent contractors working for Declarant must use the parking spaces provided on the subject site and shall not park on the streets surrounding the subject site.

8. That there shall be no banners, flags and/or other extraneous signs installed or displayed on the premises, and that any and all signs to be erected and maintained shall comply with all applicable provisions of laws or ordinances of the Town of Oyster Bay.

9. That the entire area shall be policed daily and shall be continuously maintained and kept in good repair, free of all papers, trash, and debris.

10. That the entrance and exit areas shall be left open and uncluttered so as to permit easy access for vehicles entering or leaving the premises.

11. That all exterior lighting shall be focused only on the subject premises and shall not penetrate into adjoining areas.

12. That there shall be strict compliance with any and all laws, ordinances and regulations of the Nassau County Fire Marshal's Office and all other agencies and departments of the Town of Oyster Bay, the County of Nassau and the State of New York.

13. That no Certificate of Occupancy shall be issued unless and until the development of the site is in conformance with the below listed three (3) plans prepared by Marc Pilotta, P.E., Key Civil Engineering, Holtsville, New York, and two (2) plans prepared by John Schimenti, R.A., John Schimenti, P.C., Lynbrook, New York, reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, recommended for acceptance by Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated October 8, 2019, and approved by the Town Board of the Town of Oyster Bay, including any and all amendments that the Town Board may have required to said plans.

Any major modifications to said plans subsequent to approval by the Town Board may be done only by Town Board Resolution. The plans are as follows:

SHEET NO.	TITLE	PREPARED BY	DATE
C-1	Site Plan	Marc Pilotta, P.E.	09/06/19
C-2	Landscaping & Lighting Plan	Marc Pilotta, P.E.	09/06/19
C-3	Site Details	Marc Pilotta, P.E.	09/06/19
A-101.00	First Floor Construction Plans	John Schimenti, R.A.	08/29/19
A-300.00	Exterior Elevations	John Schimenti, R.A.	08/29/19

14. That in the event Declarants seek permission to make a change to the subject building or property after the date of the granting resolution, the Commissioner of the Department of Planning and Development shall determine whether the proposed change is a major or minor modification. If a proposed modification is deemed minor, the Commissioner shall have final approval of same. Any major modification to the building or property shall be accomplished only by Town Board Resolution.

15. That in the event of any violation of any kind of the restrictions, covenants or provisions recited herein, or any ordinances or regulations, and failure to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate or the current operator of the subject premises, or any mortgagee, the Town shall have the right to suspend or revoke forthwith, the special use permit granted, unless a cure for such violation has been commenced or is being diligently pursued.

16. This Declaration shall be filed with the County Clerk of Nassau County and be construed with the same force and effect as a recorded document, and shall be deemed a covenant running with the land. The restrictions contained herein may be enforced by the Town Board of the Town of Oyster Bay to the same extent and with the same authority as the enforcement of a Zoning Ordinance.

#### SCHEDULE A

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

BEGINNING at a point on the southerly side of Duffy Avenue (a/k/a Duffys Lane, a/k/a Duffy Lane), distant 475.44 feet easterly from the northerly end of the arc of a curve connecting the southerly side of Duffy Avenue with the easterly side of Henrietta Street, as widened;

RUNNING THENCE along the southerly side of Duffy Avenue,  
North 76 degrees 49 minutes 40 seconds East, 250.00 feet to the  
westerly side of Frank Road (private road);

RUNNING THENCE southerly along the westerly side of Frank  
Road (private road), South 08 degrees 55 minutes 20 seconds East,  
200.00 feet;

RUNNING THENCE South 76 degrees 49 minutes 40 seconds  
West, 250.00 feet;

RUNNING THENCE North 08 degrees 55 minutes 20 seconds  
West, 200.00 feet to the southerly side of Duffy Avenue at the  
point or place of BEGINNING.

IN WITNESS WHEREOF, the Declarant has hereunto set their hand the day  
and year first above written.

DUFFY CO., LLC, Fee Owner

BY: \_\_\_\_\_,  
Managing Member



SS.1.

Notary Public

WHEREAS, Northrop Grumman Systems Corporation ("NGSC") previously entered into an Order on Consent, Index No. W1-1183-14-05, with the New York State Department of Conservation for the construction of a groundwater treatment facility to treat a defined area of contamination of the Grumman-Navy Plume, designated as the RW-21 area; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated January 23, 2020 and February 6, 2020, informed the Town Board that NGSC has requested access to Town property at public Parking Field B-2 located at Seaman Avenue, Bethpage, New York and within a utility easement at the southern terminus of North Windhorst Avenue, to conduct installation of recovery vault installation and associated conveyance piping, and for the installation of conveyance piping within NGSC's private property located off Grumman Road and Hickey Boulevard, Bethpage, New York, in regard to NGSC's obligations under the DEC Order to remediate the RW-21 Project Area; and

WHEREAS, a site access agreement was negotiated by and between the Town and NGSC, which agreement provides the guidelines for NGSC and its representatives to provide protections to the Town in the performance of the work on Town property; and

WHEREAS, Commissioner Lenz, by the aforementioned memoranda, recommended and requested that the Town Board authorize the Supervisor, or his designee, to execute said agreement in the form annexed hereto, which is entitled "RW-21 Project Area Treatment System, Site Access Agreement: Vaults for RW-21 and RW-22,"

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Supervisor, or his designee, is authorized to execute the "RW-21 Project Area Treatment System, Site Access Agreement: Vaults for RW-21 and RW-22," as previously negotiated by and between the Town and NGSC and in the form annexed hereto.

#

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

24

# TOWN OF OYSTER BAY

## INTER-DEPARTMENTAL MEMO

FEBRUARY 6, 2020

TO : MEMORANDUM DOCKET

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

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 24  
DOCKET OF JANUARY 28, 2020  
SITE ACCESS FOR NORTHROP GRUMMAN SYSTEMS CORPORATION  
GRUMMAN-NAVY PLUME, RW-21 GROUNDWATER REMEDIATION SYSTEM  
RECOVERY WELL VAULTS INSTALLATION


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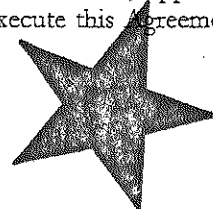
In furtherance to Item No. 24 of the docket of January 28, 2020, Northrop Grumman Systems Corporation ("NGSC") previously entered into an Order on Consent Index No. W1-1183-14-05 with the New York State Department of Conservation for the investigation and remediation of contamination within and emanating from areas within Bethpage Community Park. Among the projects being undertaken by NGSC for this purpose is the remediation of the 'RW-21' groundwater hotspot.

To facilitate this work NGSC has requested access to Town right-of-way at public parking lot B-2 located on Seaman Avenue, Bethpage, and within a utility easement at the southern terminus of North Windhorst Avenue, Bethpage, for the purpose of the installation of recovery well vaults and associated conveyance piping. NGSC has also proposed the installation of conveyance piping within their private property located off of Grumman Road East/Hickey Boulevard. NGSC has submitted design documents and associated work plans for this purpose which have been reviewed and approved by the New York State Department of Conservation. The Department of Public Works has further reviewed these documents. Also, a public meeting was held on January 23, 2020 which allowed for NGSC to present the scope of work to residents in proximity to the various work areas.

The attached Site Access Agreement has been negotiated between the Town of Oyster Bay and NGSC, which provides the guidelines for NGSC and its representatives to perform the work on Town property and to provide protections to the Town and the area residents. This Agreement has been reviewed and approved by the Office of the Town Attorney.

The Department of Public Works recommends and requests that the Town Board, by Resolution, approve the attached Site Access Agreement and authorize the Town Supervisor, or his designee, to execute this Agreement on behalf of the Town.

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



RWL/jcy/MR/lk  
Attachment

c: Office of the Town Attorney (w/9 copies)  
Steven Ballas, Comptroller  
John Bishop, Deputy Commissioner/Highway

TB DOCKET NGSC RW-21 VAULT INSTALLATION SUPP

24.

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

JANUARY 23, 2020

TO : MEMORANDUM DOCKET

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

SUBJECT: SITE ACCESS FOR NORTHROP GRUMMAN SYSTEMS CORPORATION  
GRUMMAN-NAVY PLUME, RW-21 GROUNDWATER REMEDIATION SYSTEM  
RECOVERY WELL VAULT AND CONVEYANCE PIPING INSTALLATION

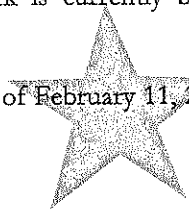
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Northrop Grumman Systems Corporation ("NGSC") previously entered into an Order on Consent Index No. W1-1183-14-05 with the New York State Department of Conservation for the investigation and remediation of contamination within and emanating from areas within Bethpage Community Park. Among the projects being undertaken by NGSC for this purpose is the remediation of the 'RW-21' groundwater hotspot.

To facilitate this work, NGSC has requested access to Town right-of-way at public parking lot B-2 located on Seaman Avenue, Bethpage, and within a utility easement at the southern terminus of North Windhorst Avenue, Bethpage, for the purpose of the installation of recovery well vaults and associated conveyance piping. NGSC also requested permission to install conveyance piping within their private property located off of Grumman Road East/Hickey Boulevard. NGSC has submitted design documents and associated work plans for this purpose which have been reviewed and approved by the New York State Department of Conservation.

A Site Access Agreement between NGSC and the Town for the performance of this work is currently being negotiated.

The Department of Public Works requests that a space be reserved at the Town Board Meeting of February 11, 2020 for the Town Board to take action on approval of the described Site Access Agreement.



  
\_\_\_\_\_  
RICHARD W. LENZ, P.E.  
COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL//MR/lk

c: Office of the Town Attorney (w/9 copies)  
Steven Ballas, Comptroller  
John Bishop, Deputy Commissioner/Highway

TB DOCKET NGSC RW-21 VAULT INSTALLATION RESERVE

**RW-21 PROJECT AREA TREATMENT SYSTEM  
SITE ACCESS AGREEMENT: Vaults for RW-21 and RW-22**

THIS ACCESS AGREEMENT (the "Agreement"), effective on the date of the last signature below (the "Effective Date") is entered into by and between NORTHROP GRUMMAN SYSTEMS CORPORATION and THE TOWN OF OYSTER BAY.

W I T N E S S E T H:

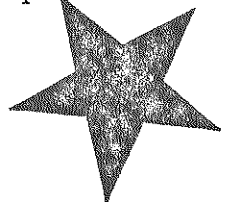
WHEREAS, THE TOWN OF OYSTER BAY (the "TOWN"), is a municipal corporation, having its principal place of business at Town Hall, Audrey Avenue, Oyster Bay, New York 11771; and

WHEREAS, NORTHROP GRUMMAN SYSTEMS CORPORATION ("NGSC"), having its place of business at 925 South Oyster Bay Road Bethpage, New York 11714, has entered into an Order on Consent Index # W1-1183-14-05 ("DEC Order") with the New York State Department of Environmental Conservation ("DEC"); and

WHEREAS, to properly carry out NGSC's obligations under the DEC Order to remediate the RW-21 Project Area groundwater contamination hotspot, which is a portion of the Operable Unit ("OU3") off site plume, it is necessary for NGSC to access the Town property shown on Exhibit A (the Town Property) for the installation of vaults in support of two extraction wells that are already located on the Town Property.

WHEREAS, in the spirit of cooperation and in order to expedite the remediation process and without assuming any remediation obligations, or any other obligations that are not set forth in this Agreement, the TOWN desires to cooperate with NGSC in its performance of its obligations under the DEC Order.

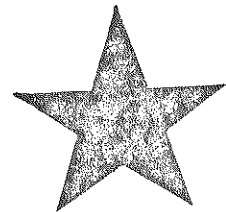
NOW, THEREFORE, for the purpose set forth above and in consideration of the promises and mutual covenants contained in this Agreement, it is hereby agreed as follows:



1. The TOWN agrees to provide NGSC and its duly authorized agents, employees, contractors, consultants and sub-consultants (collectively, the "NGSC Representatives") reasonable access (in accordance with Paragraphs 2 and 3 of this Agreement) to the Town Property for the purpose of conducting the vault installation and related work in support of two extraction wells that are already located on the Town Property (the "Work"). NGSC has developed a Work Plan describing the scope of Work, and has received DEC approval for the subject Work Plan. The Work Plan and DEC approval letter are attached as Exhibit A. Work on the Town Property granted pursuant to this Agreement shall be limited to weekdays from 7:00 a.m. to 5:00 p.m., and none of the Work shall be permitted on Saturdays, Sundays, or official TOWN holidays, unless the TOWN agrees otherwise or unless required to respond to an emergency. This work schedule may be modified upon receipt of written consent by the TOWN.

2. NGSC agrees to conduct the Work, in cooperation with the TOWN, in a manner and on a schedule that reasonably minimizes the impacts on the TOWN, TOWN residents, the Town Property and the public. NGSC shall also continue to participate in meetings with the TOWN for the purposes of coordinating said Work and to reasonably minimize potential conflicts with the TOWN and its residents. In connection with its obligations under this Agreement, NGSC shall conduct public outreach consistent with the public outreach conducted by NGSC for other NGSC projects in the TOWN. NGSC shall distribute a fact sheet that describes the Work, provide contact information so that members of the public know where to address questions, and hold a public information session at which NGSC representatives are present to respond to questions.

3. NGSC shall accommodate reasonable requests to modify the Work Plan as long as said requests are not inconsistent with the Work Plan approved by DEC. NGSC shall also provide

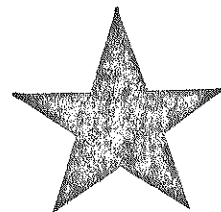


the TOWN with the name and telephone number of two (2) emergency contacts who can be reached on a 24-hour basis in the event of emergency.

4. During all field activities, NGSC shall have on-site a representative who is qualified to supervise the Work to be undertaken, and whose name shall be submitted to the TOWN prior to such field activities. This individual shall be available for contact by telephone from the TOWN at all times during the performance of the Work in the event that the TOWN has a need to establish contact with an on-site representative of NGSC. The individuals listed in Paragraph 17, from both NGSC and the TOWN, shall have the authority to stop Work if they become aware of a change of conditions during the Work whereby continuation of the Work presents a significant risk to human health or the environment.

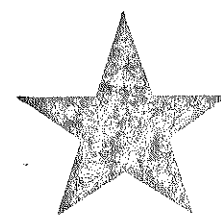
5. NGSC shall provide, when reasonably practicable, prior notice to the TOWN regarding additions, changes, or modifications to the Work that is to be performed at the Town Property. NGSC shall promptly inform the TOWN of any material or significant additions, changes or modifications in the Work made in the field. If an emergency condition arises such that NGSC needs to respond immediately, NGSC may address the emergency situation and provide prompt notice to the TOWN after the event.

6. A Traffic Safety Plan ("TSP") and a Health and Safety Plan ("HASP") were prepared for the Work and provided to the TOWN. NGSC shall be responsible for administering the TSP and the HASP. NGSC will also coordinate the necessary utility mark-out prior to the performance of the Work, in accordance with applicable regulations. NGSC assumes all liability for any damage to all utilities and infrastructure relating to the Work, including but not limited to subsurface utilities (e.g., water, sewers), road pavement, sidewalks/curbs, and landscaping.



7. NGSC will provide a check in the amount of \$50,000.00 to be held in escrow (the "Escrow Funds") (a) as security to cover repairs to TOWN utilities and infrastructure caused by Northrop Grumman or its contractors relating to performance of the Work; and (b) to reimburse the TOWN for engineering and consulting expenses incurred in reviewing plans for the Work, including reviewing the Work Plan, TSP, HSP and CAMP. The TOWN may draw down on the Escrow Funds to repair any damage to its utilities and/or infrastructure that is not repaired by NGSC within 15 days after NGSC receives written notice of the damage from the TOWN. Prior to drawing down on the Escrow Funds, the TOWN shall forward to NGSC a copy of the invoice that the TOWN is using the Escrow Funds to pay. The cost of engineering and consulting fees for which the Town may use Escrow Funds shall not exceed \$5,000. Upon completion of the Work and restoration of the Town Property as provided herein, the TOWN shall return any unused portion of the Escrow Funds to NGSC. Within 15 days after receipt of notice of completion of the Work, the TOWN shall return any money remaining in the escrow to NGSC.

8. Any and all solid waste, soil cuttings, excavation dewatering water, and groundwater development water or any other waste generated as a result of the Work by NGSC Representatives shall be controlled, removed and disposed, and, if necessary, treated, consistent with applicable law, at the sole cost and expense of NGSC. Work that involves excavation or soil disturbance shall be performed in accordance with a Community Air Monitoring Plan ("CAMP") that was provided to the TOWN. NGSC shall notify the TOWN of any exceedances of criteria established under the CAMP within 24 hours after NGSC becomes aware of the exceedance and shall provide to the TOWN, on a weekly basis, copies of the daily data and reports of the air monitoring program. NGSC Representatives shall not perform any equipment decontamination on or at the Town Property, except as specified in the Work Plan.





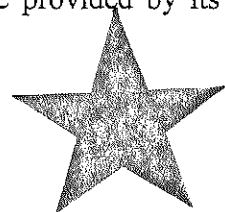
9. Upon completion of Work, the Town Property will be restored to the TOWN's satisfaction in accordance with TOWN standards. Any pavement striping that may be affected by the Work shall also be restored.

10. NGSC shall provide to the TOWN a copy of any and all data and reports that NGSC submits to the DEC, New York State Department of Health, or other regulatory agency regarding the Work covered by this Agreement. NGSC's provision of such data and reports to the TOWN shall be concurrent with NGSC's submission to said agency or agencies. All data and reports shall be provided to the TOWN in an electronic format.

11. The TOWN may have a representative present to observe the Work, who must fully comply with the HASP.

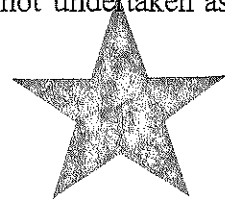
12. NGSC and NGSC Representatives shall be solely responsible for compliance with any and all applicable laws governing or relating to their activities pursuant to this Agreement, and all Work performed at the Town Property shall be done in workmanlike manner.

13. NGSC Representatives having access to the Town Property shall maintain, at their sole cost and expense, the following insurance coverage: (a) worker's compensation insurance, as required by law, to cover employees engaged in the activities conducted pursuant this Agreement; (b) automobile insurance with a combined single limit of not less than \$1,000,000; (c) comprehensive commercial liability insurance with a general aggregate limit of not less than \$2,000,000 and a per occurrence limit of not less than \$1,000,000; and (d) professional liability or contractor's pollution liability insurance with an aggregate limit of not less than \$5,000,000, relating to the performance of the Work conducted pursuant to this Agreement. The TOWN and any of its participating consultants shall be named as an additional insured on the policies issued pursuant to (b), (c), and (d) above, except for professional liability insurance provided by its



consultants, and NGSC has provided the TOWN with certificates of insurance and policy endorsements for the Work prior to the start of the Work.

14. NGSC shall indemnify and hold the TOWN and/or its agents, employees, tenants, invitees, contractors and/or consultants harmless from any and all losses, costs, damages, liens, claims, actions, liabilities, and expenses (including, but not limited to, reasonable attorneys' fees, court costs and disbursements), resulting from personal injury or property damage of whatsoever kind whether direct or indirectly caused by the negligent acts or omissions or malfeasance of NGSC or NGSC Representatives arising from or by reason of the Work conducted by or on behalf of NGSC or NGSC Representatives at the Town Property pursuant to this Agreement. NGSC's obligation to indemnify and hold the TOWN harmless shall not apply to the extent the above-described losses, costs, damages, liens, claims, actions, liabilities, and expenses result from the negligence or malfeasance of the TOWN and/or its agents, employees, contractors, consultants, tenants, invitees or licensees. To the extent the negligent and/or intentional malfeasance of the TOWN and/or its agents, etc. caused or contributed in any way to the loss, cost, damage, claim, lien, action, liability, or expense, NGSC shall have no obligation to indemnify or hold the TOWN or its agents, etc. harmless with respect to the percentage of the loss, cost, etc. resulting therefrom. Under those circumstances, NGSC shall indemnify and hold the TOWN and its agents and consultants harmless only for that percentage of the loss, claim, etc. that resulted from the negligent conduct, omissions, or malfeasance of NGSC and/or the NGSC Representatives. NGSC's obligation to indemnify and hold the TOWN harmless relates exclusively to the Work performed and NGSC's access to the Town Property under this Agreement and shall not apply to any losses, claims, actions or liabilities arising from the environmental conditions existing at the Town Property at the time access to such area was first granted and/or to activities not undertaken as



Work under this Agreement. This indemnification shall survive the expiration and/or termination of this Agreement. This Paragraph is not intended to be, nor shall it be interpreted as, a waiver or release by either party for any claim or potential claim arising outside of this Agreement.

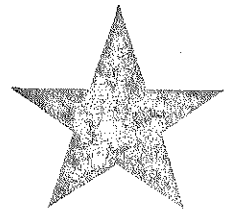
15. This Agreement shall constitute a temporary license that may not be expanded or extended without the written consent of the TOWN, and the granting of access conferred by this Agreement shall not be construed as any form of tenancy interest or ownership interest in the Town Property or other type of interest.

16. This Agreement shall expire the earlier of either: (1) NGSC's written notification to the TOWN that NGSC's activities at the Town Property have been completed and that access to the Town Property is no longer needed with respect thereto, or (2) except as provided in Paragraph 19, notice by the Town Board of the TOWN, upon thirty (30) days' written notice and for good cause that it is terminating its grant of access provided under this Agreement to NGSC. Notice by the Town Board shall be preceded by a letter to NGSC informing them of the pending termination and the cause and providing NGSC fifteen (15) days to cure the cause.

17. This Agreement shall be binding upon and inure to the benefit of NGSC and the TOWN and their respective assigns, successors, and any subsequent owner, transferee, or lessee.

18. The TOWN shall issue a Notice to Proceed to NGSC upon final review of the Work Plan, CAMP, HASP and TSP, and upon execution of this Agreement by the TOWN and NGSC. The Notice to Proceed shall not be unreasonably withheld or delayed.

19. The TOWN may stop or interrupt the Work if it determines that there has been a change in conditions that has resulted in a risk to health and safety, or the environment, and notifies NGSC and DEC of the condition. Access shall be restored upon a showing by NGSC that the risk to health and safety has been abated.



20. Except for notices referenced in Paragraphs 3, 4, 5 and 19, all notices desired or required to be given hereunder, shall be given in writing by certified mail, return receipt requested, or by Federal Express, or other overnight courier service to the respective addresses shown below or such other address as the parties may later specify for that purpose by notice to the other party. All such notices shall be deemed given effective upon receipt.

If to NORTHROP GRUMMAN SYSTEMS CORPORATION:

Northrop Grumman Systems Corporation  
Attention: Corporate Real Estate - Legal Notices  
One Space Park Drive, M/S: D2  
Redondo Beach, California 90278

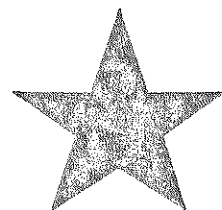
Northrop Grumman Systems Corporation  
2980 Fairview Park Drive  
Attention: Law Department – Real Estate Notices  
Falls Church, VA 22042-4511

With a copy to:

Aaron Gershonowitz, Esq.  
Forchelli Deegan Terrana LLP  
333 Earle Ovington Blvd.  
Uniondale, NY 11553

Edward J. Hannon  
Environmental, Safety, Health and Medical Manager  
Northrop Grumman Systems Corporation  
925 South Oyster Bay Road  
Mail Stop D08083 / BP15  
Bethpage, NY 11714-3582

Northrop Grumman Systems Corporation  
Attn: Sector Real Estate – Legal Notices  
One Space Park Drive, M/S: K02620  
Redondo Beach, CA 90278



If to the TOWN:

Office of the Town Attorney  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, N.Y. 11771  
Attn: Matthew M. Rozea, Esq.

Richard Lenz P.E., Commissioner  
TOWN OF OYSTER BAY  
Department of Public Works  
150 Miller Place  
Syosset, N.Y. 11791

With a copy to:

Rich LaMarca, Town Clerk  
TOWN OF OYSTER BAY  
54 Audrey Avenue  
Oyster Bay, N.Y. 11771

Russell B. Selman  
Schiff Hardin LLP  
233 South Wacker Dr., Ste. 7100  
Chicago, IL 60606

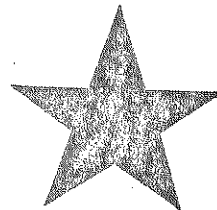
Communications other than legal Notices and necessary to coordinate field work, and to comply with Sections 3, 4, 5 and 19 above may be directed to the following individuals:

If to NORTHROP GRUMMAN SYSTEMS CORPORATION:

Edward J. Hannon  
Environmental, Safety, Health and Medical Manager  
Northrop Grumman Systems Corporation  
925 South Oyster Bay Road Mail Stop D08083 / BP15  
Bethpage, NY 11714-3582  
Phone: (516) 575-2333

If to the TOWN:

Richard Lenz P.E., Commissioner  
TOWN OF OYSTER BAY  
Department of Public Works  
150 Miller Place



Syosset, N.Y. 11791  
Phone: (516) 677-5706  
Fax: (516) 677-5878

21. This Agreement is not an admission of liability or responsibility as against either NGSC or the TOWN for any environmental contamination nor is this Agreement admissible in any proceeding except in connection with the enforcement of its terms. This Agreement shall not give rise to any rights by parties who are not signatories to this Agreement and may not be deemed to grant any rights whatsoever to third parties.

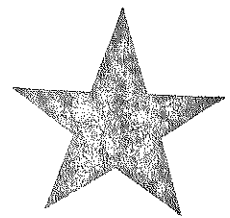
22. This Agreement is the complete and exclusive Agreement between the Parties, notwithstanding any representations or statements to the contrary heretofore made.

23. Any modifications to this Agreement shall be in writing, executed by authorized representatives of NGSC and the TOWN, and shall specifically state that it is such a modification. This provision cannot be waived orally.

24. This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any dispute arising hereunder shall be commenced and tried in the Supreme Court of the State of New York, County of Nassau.

25. This Agreement may be executed in one or more counterparts, which together shall constitute one Agreement.

26. This execution of this Agreement by the TOWN has been authorized by TOWN Board Resolution \_\_\_\_-2020, adopted on [insert date], 2020.



IN WITNESS WHEREOF, NORTHROP GRUMMAN SYSTEMS CORPORATION and  
TOWN OF OYSTER BAY have executed this Access Agreement.

**NORTHROP GRUMMAN SYSTEMS CORPORATION**

By: \_\_\_\_\_

Name: A J Paz

Title: Corporate Director of Real Estate

Dated: \_\_\_\_\_

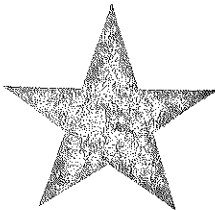
**TOWN OF OYSTER BAY**

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_



134-20

10604814

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 February 11, 2020, 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:



BOND RESOLUTION DATED FEBRUARY 11, 2020.

AMENDING BOND RESOLUTION NO. 79-2020, WHICH AUTHORIZED THE ISSUANCE OF \$30,000,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY A PORTION OF THE \$30,450,000 ESTIMATED MAXIMUM COST OF THE SETTLEMENT OF CLAIMS FILED AGAINST THE TOWN OF OYSTER BAY BY SYOSSET PARK DEVELOPMENT, LLC., INDEX NO. 606442/2019, IN AND FOR SAID TOWN, TO REMOVE THE REQUIREMENT THAT THE BONDS HAVE A MAXIMUM MATURITY LIMITED TO FIVE YEARS.

Reviewed By  
Office of Town Attorney  
*John P. [Signature]*

WHEREAS, the Town Board previously authorized the issuance of \$30,000,000 of bonds to finance a portion of the \$30,450,000 estimated maximum cost of the settlement of claims filed against the Town of Oyster Bay by Syosset Park Development, LLC., Index No. 606442/2019, including incidental expenses in connection therewith, a specific object or purpose, pursuant to Bond Resolution No. 79-2020 adopted on January 28, 2020; and

WHEREAS, the Town Board previously limited the maximum maturity of the bonds authorized to not exceed five years in said resolution; and

WHEREAS, the Town Board now desires to increase the maximum maturity of said bonds from five years to the fifteen year maximum maturity permitted by the Local Finance Law of the State of New York;

NOW, THEREFORE, BE IT

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

Section A. The Bond Resolution No. 79-2020 of the Town duly adopted by the Town Board on January 28, 2020 is hereby amended, in part, to read as follows:

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid classes of objects or purposes is fifteen years, pursuant to subdivision thirty-three of paragraph a of Section 11.00 of the Local Finance Law, as the aggregate amount of judgments, compromised claim or settled claims and awards or sums payable by the Town falling due in the 2020 fiscal year shall amount to more than two percent of the average assessed valuation of the

Town. It is hereby further determined that the maximum maturity of the bonds authorized will exceed five years.

...

Section 11. Upon this resolution taking effect, the same shall be published in summary in 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.

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

(a) (1) such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or the provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and (2) an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

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

Section C. Upon this amendment 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 D. This amendment of the bond resolution set forth in Section A. of this resolution is adopted to 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.

\* \* \*

22

# Town of Oyster Bay Inter-Departmental Memo

February 4, 2020

**To:** Memorandum Docket  
**From:** Rob Darienzo, Director of Finance  
**Subject:** Bond Resolution Amendment – 150 Miller Place Settlement

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Resolution 79-2020 was adopted by the Town Board on January 28, 2020. That resolution authorized the issuance of serial bonds to pay for the settlement of a lawsuit related to the sale of the Town's Public Works complex. The resolution stated a maximum bond term of 5 years which made the resolution effective immediately. This allowed the Town to make payment of the agreed upon amount of \$30,450,000 before January 31.

The Town's intention is to pay the bond over 15 years. To bond for 15 years for a settlement requires a permissive referendum period of 30 days. If the resolution was passed with those terms on January 28, the Town would not be able to make the payment until the expiration of the permissive referendum period in March, which would have cost the Town an additional \$150,000.

It is respectfully requested that the Town Board vote to amend resolution 79-2020 to remove the requirement that the bonds have a maximum maturity of five years. This resolution was prepared by Bond Counsel and is attached to this memo.

Kindly suspend the rules and place this item on the February 11, 2020 Town Board Action Calendar.

Thank you.



Rob Darienzo  
Director of Finance

RD/rd

cc: Town Attorney (with 9 copies)

Word/Documents/Docket/2020 DPW settlement reso amendment

WHEREAS, on June 26, 2018, the Town Board denied a resolution to authorize payment of legal fees incurred by former Town Supervisor John Venditto in connection with a civil action filed by the United States Securities and Exchange Commission (the "SEC"), which denial was subsequently challenged in a special proceeding in Supreme Court, Nassau County; and

WHEREAS, the Court held that under controlling law, the Town has a duty to defend Mr. Venditto in the SEC action based, in part, upon its interpretation of Town Code § 22-2 and "must provide [Mr. Venditto] with a defense in the SEC Action in accordance with the Town Code;" and

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memorandum dated February 3, 2020, recommended that, in view of the Court's Order, the Town Board authorize payment to Mr. Venditto's counsel, Brafman and Associates, P.C., 767 Third Avenue, 26<sup>th</sup> Floor, New York, New York, for the services rendered in connection with their civil defense of the SEC's civil action in an amount not to exceed \$35,045.83, with funds to be drawn from Account No. OTA A 1420 44110 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Comptroller is hereby authorized and directed to make payment to Brafman and Associates, P.C., 767 Third Avenue, 26<sup>th</sup> Floor, New York, New York, in an amount not to exceed \$35,045.83 upon submission of a duly certified claim, after audit, with funds to be drawn from Account No. OTA A 1420 44110 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	Nay
Councilwoman Johnson	Aye
Councilman Imbroto	Nay
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By  
Office of Town Attorney  
*Matthew M. Rozea*

23

# Town of Oyster Bay Inter-Departmental Memo

**TO** : Memorandum Docket

**FROM** : Office of the Town Attorney

**DATE** : February 3, 2020

**SUBJECT:** Payment of Court Ordered Fees  
*Venditto v. Town of Oyster Bay, et al.*, Nassau County Index No. 610827/2018

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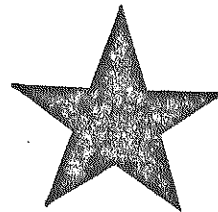
On June 26, 2018, the Town Board considered – and denied – a resolution to authorize payment of legal fees incurred by former Town Supervisor John Venditto in connection with a civil action filed by the United States Securities and Exchange Commission (the “SEC”). Subsequently, Mr. Venditto commenced a special proceeding under Civil Practice Law and Rules Article 78 in order to challenge the Town Board’s action and determination.

The matter was ultimately assigned to Justice Randy Sue Marber of Supreme Court, Nassau County. After the parties had a full opportunity to brief the relevant legal issues, Justice Marber heard oral argument on the matter in January and February, 2019. The Court then took the matter under advisement, and rendered an Order on July 11, 2019.

In that Order, Justice Marber made several findings. Preliminarily, the Court found that Mr. Venditto satisfied all conditions precedent under the Town Code. As such, the Court noted that “[t]he only issue presented here is whether the allegations of the SEC Complaint are “wholly unrelated” to the scope of Venditto’s duties or employment as the Town Supervisor such that the alleged conduct is deemed to be outside the scope of his employment. After engaging in an extensive review of the SEC’s allegations, Justice Marber concluded that “the very nature of the conduct alleged necessarily arises out of the exercise or performance of [Mr. Venditto’s] official duties.”

Following that finding, the Court held that under controlling law, the Town has a duty to defend Mr. Venditto in the SEC action based, in part, upon its interpretation of Town Code § 22-2. In sum, the Court ordered that the Town “must provide [Mr. Venditto] with a defense in the SEC Action in accordance with the Town Code.”

In November, 2019, Mr. Venditto’s counsel, Brafman and Associates, P.C., 767 Third Avenue, 26<sup>th</sup> Floor, New York, New York, submitted an invoice for services rendered in connection with its civil defense against the SEC civil action in the amount of \$35,045.83. We have reviewed the invoice, and are satisfied that the legal services rendered are in connection with the SEC civil matter only.

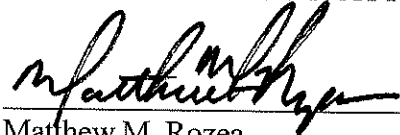


Therefore, in view of the Court's directive that the Town provide a defense to Mr. Venditto, it is recommended that the Town Board authorize payment to Brafman and Associates, P.C. with funds to be drawn from Account No. OTA A 1420 44110 000 0000.

Accordingly, kindly suspend the rules and place this item on the February 11, 2020 Town Board action calendar.

OFFICE OF THE TOWN ATTORNEY

By:



Matthew M. Rozea  
Deputy Town Attorney

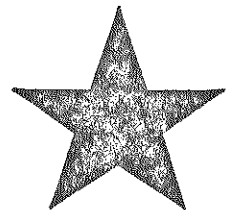
MMR:mmr

Attachment

2018-6733

cc: Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\MD & RESO\Court Ordered Fees Payment MMR.docx



Reviewed By  
Office of Town Attorney  
Matthew M. Rozea

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memorandum dated February 11, 2020, advised that pursuant to a Consent Judgment entered into with the United States Securities and Exchange Commission (the "Commission") in connection with the Commission's litigation against the Town, the Town agreed to retain an independent consultant with municipal finance experience to review the Town's policies, procedures, and internal controls regarding its disclosures for securities offerings; and

WHEREAS, on January 27, 2020, the District Court Judge entered an Order "appoint[ing] Marc-Phillip Ferzan, of Ankura, as the Independent Consultant pursuant to the Final Judgment;" and

WHEREAS, subsequent to the Court's appointment of Ankura Consulting Group, LLC, 2000 K Street, NW, 12<sup>th</sup> Floor, Washington, DC 20006, the Office of the Town Attorney negotiated an engagement agreement with Ankura specifying the terms, conditions, and obligations of the Town and Ankura; and

WHEREAS, the Office of the Town Attorney recommends and requests by memorandum dated February 11, 2020, that the Town Board ratify the execution of the engagement agreement with Ankura and further authorize payment to Ankura in an amount not to exceed \$275,000.00 with funds to be drawn from Account No. OTA A 1420 44110 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request hereinabove set forth are accepted and approved, and the Town Board hereby ratifies the execution of the engagement agreement with Ankura Consulting Group, LLC, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Ankura Consulting Group, LLC, 2000 K Street, NW, 12<sup>th</sup> Floor, Washington, DC 20006, in an amount not to exceed \$275,000.00 upon submission of a duly certified claim, after audit, with funds to be drawn from Account No. OTA A 1420 44110 000 0000.

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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



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. 50-20, on January 7, 2020, authorizing the Office of the Town Attorney to secure such coverage from Public Employer Risk Management Association, Inc. ("PERMA"), 9 Cornell Road, Latham, NY 12110, *nunc pro tunc*, for the period from January 1, 2020 to January 1, 2021, for the East Norwich Volunteer Fire Co. #1, with an initial premium in the amount of \$632.00; and

WHEREAS, Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated February 11, 2020, informed the Board that the New York State Workers' Compensation Board must review the resolution of each municipal entity securing such coverage with PERMA, and recommended that the Town Board supplement its prior resolution to include the following additional language which has regularly been approved by the New York State Workers' Compensation Board,

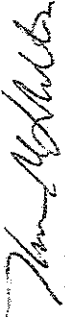
NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and Resolution No. 50-20, adopted on January 7, 2020, authorizing the procurement of a New York State Volunteer Firefighters' Benefit Law Policy (VFBL) from Public Employer Risk Management Association, Inc. ("PERMA") *nunc pro tunc*, for the period from January 1, 2020 to January 1, 2021, for the East Norwich Volunteer Fire Co. #1, with an initial premium in the amount of \$632.00, is hereby supplemented to include the following additional language which has regularly been approved by the New York State Workers' Compensation Board:

WHEREAS, the Authorized Representative of the East Norwich Volunteer Fire Co. #1, Inc. desires to secure the East Norwich Volunteer Fire Co. #1, Inc.'s obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the East Norwich Volunteer Fire Co. #1, Inc. will be a member; and

WHEREAS, the Authorized Representative of the East Norwich Volunteer Fire Co. #1, Inc., duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 3-a of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows,

NOW, THEREFORE, BE IT RESOLVED, That the Authorized Representative (hereinafter "Representative") of the East Norwich Volunteer Fire Co. #1, Inc. does hereby resolve to secure the East Norwich Volunteer Fire Co. #1, Inc.'s obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the East Norwich Volunteer Fire Co. #1, Inc. will be a member; and

SAF  
Reviewed By  
Office of Town Attorney



BE IT FURTHER RESOLVED, That the Representative of the East Norwich Volunteer Fire Co. #1, Inc. does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York; and

BE IT FURTHER RESOLVED, That this Resolution shall be effective as of January 1, 2020, and

BE IT FURTHER RESOLVED, That in order to effectuate the Town of Oyster Bay's membership in said group self-insurance program, the Supervisor or his designee are hereby authorized to execute any and all documents necessary and to enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, as the Authorized Representative of the East Norwich Volunteer Fire Co. #1, Inc.

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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