

APPROVED  
John Canning, by  
COMMISSIONER OF HUMAN RESOURCES  
Vicki Spivack  
Department  
Canning

Meeting of May 19, 2020

RESOLUTION P-9-2020

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



TOWN OF OYSTER BAY  
Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner  
Department of Parks

DATE: May 8, 2020

SUBJECT: 2020 Transfer of Funds

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Town Board authorization is hereby requesting that the Comptroller transfer the following:

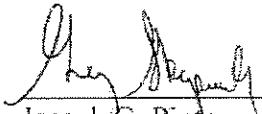
FROM:

PKS-A-7110-41600-000-0000	Materials & Supplies	\$8,225.00
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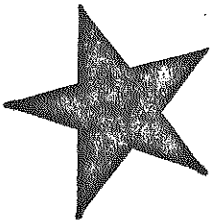
TO:

PKS-A-7110-25000-000-0000	General Equipment	\$8,225.00
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This transfer is being requested to provide funds necessary for General Equipment. The general equipment being purchased is AED machines for the lifeguards.

*for*   
\_\_\_\_\_  
Joseph G. Pinto  
Commissioner

JGP:dim  
cc: Town Attorney (+ 9 copies)





TOWN OF OYSTER BAY  
Inter-Departmental Memo

May 7, 2020

TO: MEMORANDUM DOCKET


FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

SUBJECT: TRANSFER OF FUNDS

Town Board authorization is requested to transfer the following funds:

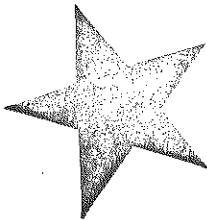
Account No.	Object Description	Amount
<u>From:</u> HWY DB 5110 25000 000 0000	GENERAL EQUIPMENT	\$4,000.00
<u>To:</u> HWY DB 5110 41710 000 0000	SIGN SUPPLIES	\$4,000.00

This transfer is necessary to provide funds to purchase paint and paint supplies.

  
\_\_\_\_\_  
John P. Bishop, Deputy Commissioner  
Highway Department

JPB/dp

C: Town Attorney (7)  
Comptroller's Office  
Richard Lenz, P.E., Commissioner of DPW/Highway





TOWN OF OYSTER BAY  
Inter-Departmental Memo

May 11, 2020

TO: Memorandum Docket  
FROM: Laurie Scarpa, Deputy Commissioner, DER/Animal Shelter  
SUBJECT: 2020 Transfer of Funds

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The Department of Environmental Resources requests the Town Board approval to transfer the following funds:

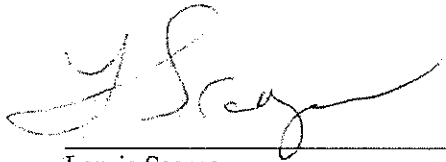
From:

DER A 3510 41600 000 0000    Animal Shelter    Material & Supplies    \$575.00

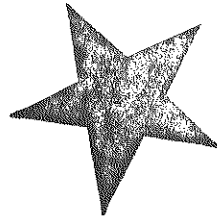
To:

DER A 3510 46300 000 0000    Animal Shelter    Blding & Property Maintenance    \$575.00

This transfer is being requested to provide funds for repairs to the walk in freezer at the Animal Shelter.



Laurie Scarpa  
Deputy Commissioner  
DER/Animal Shelter



LS/tj  
Copy: Town Attorney - w/ 9 copies  
Steven Ballas, Comptroller  
File

Docket memo transfer funds for freezer repair May 2020.doc



Meeting of May 19, 2020

Resolution No. TF-8-2020

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
020-20	PKS	\$8,225.00	PKS A 7110 41600 000 0000
			TO
		\$8,225.00	PKS A 7110 25000 000 0000
			FROM
021-20	HWY	\$4,000.00	HWY DB 5110 25000 000 0000
			TO
		\$4,000.00	HWY DB 5110 41710 000 0000
			FROM
022-20	DER	\$575.00	DER A 3510 41600 000 0000
			TO
		\$575.00	DER A 3510 46300 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

Reviewed By  
Office of Town Attorney





WHEREAS, pursuant to public notice and in accordance with the New York State General Municipal Law Section 103, bids were advertised for Bid Proposal SE002A-20 in a newspaper of general circulation on March 3, 2020, and notice was sent to interested parties identified from the Town's vendor database for the Glass Recycling Program for the Town of Oyster Bay; and

WHEREAS, the lowest responsible bid received was from Winter Bros. Hauling of Long Island, LLC, 120 Nancy Street, West Babylon 11704, which proposed to pick up recycled glass from the Town's Old Bethpage Solid Waste Disposal Complex in Old Bethpage, *nunc pro tunc* from May 1, 2020 through and including April 30, 2021, at a cost of \$72.85 per ton; and

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated April 27, 2020, recommended that the bid as hereinabove set forth be accepted, and the contract be awarded to Winter Bros. Hauling of Long Island, LLC,

NOW, THEREFORE, BE IT RESOLVED, that the recommendation as hereinabove set forth is accepted, and Contract No. SE002A-20 shall be awarded to Winter Bros. Hauling of Long Island, LLC, for the Glass Recycling Program for the Town of Oyster Bay, *nunc pro tunc* from May 1, 2020 through and including April 30, 2021, at a cost of \$72.85 per ton.

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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



Town of Oyster Bay  
Inter-Departmental Memo

Date: 04/27/2020

To: Memorandum Docket  
From: General Services - Division of Purchase and Supply  
Subject: SE002A-20 GLASS RECYCLING PROGRAM FOR THE TOWN OF OYSTER BAY  
Opening Date: 04/08/2020  
Contract Period: 5/1/2020 - 4/30/2021

Please be advised that the "Notice to Bidders" was advertised in the following newspaper(s):

NEWSDAY on 03/13/2020

and that said notice was sent to interested parties from our vendor database.

Please be advised that Bid Proposal SE002A-20 GLASS RECYCLING PROGRAM FOR THE TOWN OF OYSTER BAY

is being awarded to the lowest responsible bidder(s) meeting specifications.

To: 23312 Terms: Net Vendor contract: SE002A-20-01  
Winters Bros. Hauling of  
Long Island, LLC Cash discount  
120 Nancy Street FOB: FOBDEST  
WEST BABYLON, NY 11704

Item#	Offering	Bid Qty	Unit Id	Price
SE002A-001-A	RECYCLING OF GLASS CHARGE AS PER BID SPECIFICATIONS	PER	TON	72.85


PLEASE BE ADVISED THAT BID PROPOSAL SE 002A-20 IS BEING AWARDED, NUNC PRO TUNC, MAY 1, 2020 TO THE LOWEST RESPONSIBLE BIDDER MEETING SPECIFICATIONS.

THE OFFICE OF THE INSPECTOR GENERAL HAS REVIEWED THE PROPOSED VENDOR'S DISCLOSURE QUESTIONNAIRE AND IS SATISFIED THE TOWN'S PROCUREMENT POLICY'S STANDARDS HAVE BEEN MET.

SHOULD THE TOWN BOARD CONCUR, MAY THE TOWN ATTORNEY'S OFFICE BE DIRECTED TO PREPARE A RESOLUTION TO AWARD SE002A-20 TO THE LOWEST RESPONSIBLE BIDDER, WINTERS BROS HAULING OF LONG ISLAND LLC, WEST BABYLON, NEW YORK, IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF BID PROPOSAL SE002A-20.

THIS IS A REQUIREMENT CONTRACT. ACTUAL SERVICE ORDERS SHALL CONSTITUTE THE CONTRACT.  
The successful vendor(s) shall be notified of award on 4/29/2020

Cc: TOWN ATTORNEY (9)  
COMPTROLLER/ACCOUNTS PAYABLE  
DEPARTMENT OF PUBLIC WORKS  
ENVIRONMENTAL RESOURCES

  
ERIC TUMAN  
Commissioner of General Services



WHEREAS, pursuant to the Code of the Town of Oyster Bay ("Code"), Chapter 241, "Waterways", Section 241-9, "Applications", Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated April 22, 2020, directed ANTHONY DURSO III, Applicant, to provide an Affidavit of Mailing Notice, pursuant to Section 241-9(E)(3) of the Code, of the application to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 14 Riverdale Avenue, Massapequa, New York 11758, known and designated as Section 66, Block 129, Lots 107-108, on the Nassau County Land and Tax Map; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Commissioner Maccarone, by said memorandum, stated that Chapter 241 of the Code requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and has requested a calendar date of May 19, 2020, for Town Board action, in connection with the aforementioned application; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated December 26, 2019, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review Law, the Town Environmental Quality Review Division ("Division") has reviewed the captioned site plan application and has reviewed the relevant environmental factors affected by the uses proposed in the subject application, and has determined that said application warrants a TYPE II ACTION, thus having no significant impact on the environment, in accordance with the Environmental Conservation Law of the State of New York, and the applicable regulations thereof,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board does hereby determine that the aforementioned dock application will not have a significant impact on the environment, that the proposed action in said application constitutes a TYPE II ACTION, in accordance with the New York State Environmental Conservation Law and the applicable regulations thereof, and that the Town Board hereby adopts the Town of Oyster Bay Environmental Quality Review Division Report, dated December 26, 2019; and be it further

RESOLVED, That the application of ANTHONY DURSO, III, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 14 Riverdale Avenue, Massapequa, New York 11758, known and designated as Section 66, Block 129, Lots 107-108 on the Nassau County Land and Tax Map, 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
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye



TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

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

DATE: April 22, 2020

SUBJECT: WATERWAYS REVIEW  
ANTHONY DURSO III  
14 RIVERDALE AVENUE  
MASSAPEQUA, NY 11758  
SECTION 66, BLOCK 129, LOT(S) 107-108  
DOCK BUILDING PERMIT APPLICATION #19120259

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We have received a request from Anthony Durso III to "construct an irregular shaped 4 foot wide by 7 foot long platform leading to a 3 foot wide by 16 foot long ramp leading to a 5 foot wide by 30 foot long float and a 5 foot wide by 20 foot long float, and a 5 foot wide by 12 foot long jet ski float. Install eight anchor piles and a 12 foot wide by 14 foot long boat lift with two 16 inch wide by 20 foot long catwalks. Structures will extend approximately 45 feet into Carmen's River from the plane of Mean Low Water". All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-03191/00004 dated February 19, 2019 and the Department of the Army, New York District, Corps of Engineers Nationwide Permit No. NAN-2019-00144-EKN dated September 16, 2019. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No.19120259; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-03191/00004 dated February 19, 2019; Department of the Army, New York District Corps of Engineers Permit No. NAN-2019-00144-EKN dated September 16, 2019, and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated June 25, 2019. Also attached is a memo from George Baptista Jr., Deputy Commissioner Department of Environmental Resources dated December 26, 2019, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

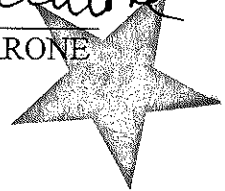
The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC and the Department of the Army Corps of Engineers Permit approvals.

The proposed work at the subject premises would, in our opinion, be compatible with the surrounding area.



Pursuant to Section §241-9(E)(3) in the Town Code, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the May 19, 2020 Town Board calendar to provide the applicant ample time to comply with this requirement.

  
ELIZABETH L. MACCARONE  
COMMISSIONER



ELM/MM  
Encls.

cc: Legislative Affairs (9 copies w/ attachments)

cc: Town Attorney's Office, Attn: Dennis Sheehan



19120259



**TOWN OF OYSTER BAY  
DEPARTMENT OF PLANNING & DEVELOPMENT  
DIVISION OF BUILDING  
Town Hall  
Oyster Bay, New York 11771**

**APPLICATION FOR PERMIT TO BUILD OR INSTALL**APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

Name Street Address Post Office Zip Phone #  
 PROPERTY OWNER: Anthony Durso III 14 Riverdale Avenue Massapequa, NY 11758 516-647-7500  
 LESSEE  
 TENANT:

APPLICANT: Shore Solutions Inc.- Donna Myers 32 Lincoln Ave Massapequa NY 11758 516-816-4163

ARCHITECT: PR Consulting Engineers PC - Paul Barroca 147 Glen St. 2nd Floor Glen Cove NY 516-790-4583

CONTRACTOR: Wilson Docks 85 Spinney Road East Quogue, NY 11942 516-446-8761

PLUMBER: NA

ELECTRICIAN: NA

ADDRESS OF CONSTRUCTION: IF DIFFERENT FROM ABOVE NO. & STREET POST OFFICE ZIP CODE

LOCATION OF PROPERTY: N.E.S.W. SIDE OF Riverdale Avenue 241.35 FEET  
 N.E.S.W. OF Lincoln Avenue (East) Massapequa  
 OR (STREET) (POST OFFICE)  
 N.E.S.W. OF corner of and (STREET) (POST OFFICE)

CHECK HERE IF REQUESTING A WAIVER OF THE RECENT SURVEY REQUIREMENT (SEE INSTRUCTIONS FOR FURTHER INFO).

**TYPE OF BUILDING****A. TYPE OF IMPROVEMENT****B. PROPOSED USE**EXISTING PROPOSED ☒EXISTING PROPOSED ☒

1. NEW BUILDING/STRUCTURE
2. ADDITION/EXTENSION
3. ALTERATION (i.e. Garage Conv.)
4. DECK
5. AWNING/ROOF-OVER
6. CELLAR ENTRANCE
7. REISSUE #
8. OTHER ☒

1. ONE FAMILY
2. TWO FAMILY
3. PARENT CHILD
4. GARAGE
5. BUSINESS
6. INDUSTRIAL
7. RESTAURANT
8. PUBLIC ASSEMBLY
9. OTHER ☒

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s)) Construct an irregular-shaped 4 ft wide by 7 ft long platform leading to a 3 ft wide by 16 ft long ramp leading to a 5 ft wide by 30 ft long float and a 5 ft wide by 20 ft long float, and a 5 ft wide by 12 ft long jet ski float. Install eight anchor piles and a 12 ft wide by 14 ft long boat lift with two 16 inch wide by 20 ft long catwalks.

CHECK HERE IF TREES ARE BEING REMOVED ON THE PROPERTY. IF SO, A TREE PERMIT MUST BE OBTAINED FROM THE DEPARTMENT OF PARKS. PLEASE CALL (516) 797-7956 FOR FURTHER INFORMATION.

**HAVE BOTH AFFIDAVITS NOTARIZED**

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

**APPLICANT**STATE OF NEW YORK  
COUNTY OF NASSAU

ss:

Donna Myers- Shore Solutions Inc. being duly sworn, deposes and says: That he/she resides at 32 Lincoln Ave in the hamlet of Massapequa in the State of NY and that he/she is authorized by the Owner Anthony Durso III who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponents own knowledge.  
 Address: 32 Lincoln Ave. Massapequa NY 11758  
 Phone: 516-816-4163

(Sign here)

Sworn to before me this

CAROLINA R LEE  
Notary Public - State of New York  
NO. 01LE6293937  
Qualified in Nassau County  
My Commission Expires Dec 16, 2021

NOTARY PUBLIC

**OWNER**STATE OF NEW YORK  
COUNTY OF NASSAU

ss:

Anthony Durso III being duly sworn, deposes and says: That he/she resides at 14 Riverdale Avenue in the hamlet of Massapequa in the State of NY and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes Donna Myers - Shore Solutions Inc. (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.

(Sign here)

Sworn to before me this 23rd day of November 2014

ALEXIS M NERIS  
Notary Public, State of New York  
No. 01NE6368470  
Qualified in Nassau County

Commission Expires December 11, 2021

Per Commissioner

(Rev. 03/13/2012)



19120259

**Short Environmental Assessment Form**  
**Part 1 - Project Information**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

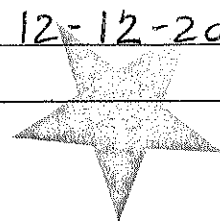
<b>Part 1 - Project and Sponsor Information</b>	
Anthony Durso III	
Name of Action or Project: Provide a safe private mooring for owners vessels.	
Project Location (describe, and attach a location map): 14 Riverdale Avenue Massapequa, NY 11758 Located on Carmen's River	
Brief Description of Proposed Action: Install 4' X 7' irregular platform, 3' x 16' ramp, 5' x 30' & 5' x 20' floats, 5' x 12' jet ski float on eight float anchor piles & 14' wide x 12' four pile boat lift with two 16" x 20' catwalks.	
Name of Applicant or Sponsor: Shore Solutions Inc. Donna Myers - president	Telephone: 516-816-4163 E-Mail: shoresolutions@AOL.com
Address: 32 Lincoln Avenue	
City/PO: Massapequa	State: NY Zip Code: 11758
1. Does the proposed action only involve the legislative adoption of a plan, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.	NO YES <input checked="" type="checkbox"/> <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: NYSDEC USACE NYSDOS	NO YES <input type="checkbox"/> <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? b. Total acreage to be physically disturbed? c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	____ acres N/A acres ____ acres
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland	



5. Is the proposed action, a. A permitted use under the zoning regulations?  b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?  b. Are public transportation service(s) available at or near the site of the proposed action?  c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ <u>Located in a littoral zone on Carmen's River.</u>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input checked="" type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties?  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <u>The storm water discharge will run off to the drain system on Riverside Avenue.</u>	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES  <input type="checkbox"/> NO <input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
_____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Shore Solutions Inc. Donna Myers - president</u> Date: <u>12-12-2019</u> Signature: <u>D. Myers</u>		





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1  
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (631) 444-0365 | F: (631) 444-0360  
www.dec.ny.gov

February 19, 2019

Anthony Durso III  
144 Jervis Ave.  
Copiague, NY 11726

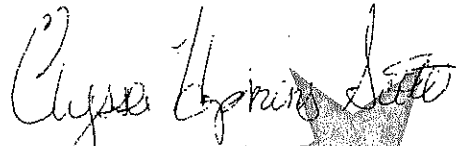
Re: Application #1-2824-03191/00004  
Durso Property: 14 Riverdale Avenue  
NCTM# 66-129-107

Dear Mr. Durso:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,

  
Elyssa Hopkins Scott  
Environmental Analyst

cc: Shore Solutions, Inc.  
BMHP  
File





**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
ANTHONY N DURSO, III  
144 JERVIS AVE  
COPIAGUE, NY 11726

**Facility:**  
ANTHONY N. DURSO III  
14 RIVERDALE AVE|NCTM# 66-129-107  
MASSAPEQUA, NY 11758

**Facility Application Contact:**  
SHORE SOLUTIONS INC  
32 LINCOLN AVE  
MASSAPEQUA, NY 11758  
(516) 816-4163

**Facility Location:** in OYSTER BAY in NASSAU COUNTY  
**Facility Principal Reference Point:** NYTM-E: 632.703    NYTM-N: 4502.11  
Latitude: 40°39'33.1" Longitude: 73°25'48.7"

**Project Location:** Carmen's River  
**Authorized Activity:** Installation of platform, ramp, floats and boat lift. All work must be done according to the plans prepared by Shore Solutions, Inc., last revised 1/4/2019 and stamped NYSDEC approved 2/19/2019. EEH.

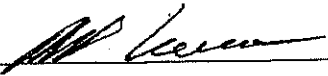
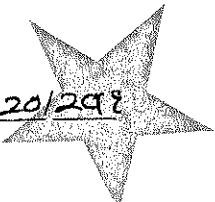
**Permit Authorizations**

**Tidal Wetlands - Under Article 25**  
Permit ID 1-2824-03191/00004  
New Permit                      Effective Date: 2/19/2019                      Expiration Date: 2/18/2024

**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: MARK CARRARA, Deputy Regional Permit Administrator  
Address:                      NYSDEC Region 1 Headquarters  
                                     SUNY @ Stony Brook|50 Circle Rd  
                                     Stony Brook, NY 11790 -3409

Authorized Signature:                       Date 2/20/2019 



**Distribution List**

SHORE SOLUTIONS INC  
Bureau of Marine Habitat Protection  
Elyssa Hopkins

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: TIDAL WETLANDS**

- 1. Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.
- 2. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.
- 3. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Shore Solutions, Inc., last revised 1/4/2019.
- 4. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.
- 5. No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.
- 6. No Floats, Ramps in Vegetated Tidal Wetlands** Floats and ramps may not rest on or be stored in any vegetated tidal wetland.
- 7. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.
- 8. Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.



19120259

**9. Float Installation** The float shall be installed only at the approved location with a minimum water depth of 2½ feet, measured at apparent low tide.

**10. Boat Lifts at Property Lines** Boat lift/davit shall not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**11. Pilings at Property Lines** Pilings shall not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**12. Docks at Property Lines** Docks/catwalks/floats must not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**13. No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

**14. No Permanent Structures on Dock** No permanent structures shall be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).

**15. No Dredging or Excavation** No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.

**16. No Prop Dredging** Prop dredging, or the act of utilizing and/or directing the propeller or propulsion system of a motorized vessel and/or the water-borne forces created by said propeller or propulsion system, to excavate or displace existing bottom sediment and benthic habitat for the direct or indirect purpose of establishing or increasing water depth, is a regulated activity and is not authorized by this permit. Prop dredging is strictly prohibited without further written authorization (permit, modification or amendment) from the department.

**17. No Unauthorized Fill** No fill or backfill is authorized by this permit without further written approval from the department (permit, modification, amendment).



**18. Maintain Erosion Controls** All erosion control devices shall be maintained in good and functional condition until the project has been completed and the area has been stabilized.

**19. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**20. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**21. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

**22. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.





A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

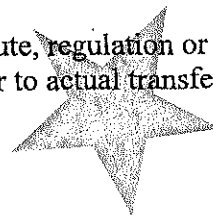
Regional Permit Administrator  
NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook 50 Circle Rd  
Stony Brook, NY 11790 -3409

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.





**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

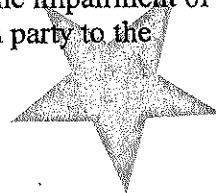
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

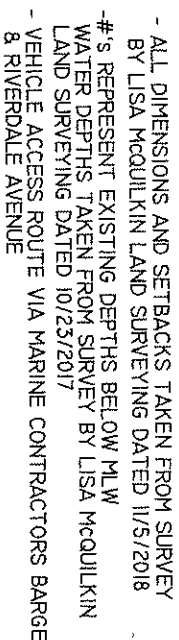




~~APPROVED AS PER TERMS~~

DISTANCE OF WATERWAY ~ 306'  
PROPOSED SEAWARD DISTANCE 72'

page 1 of 2



- ALL PILES TO BE CCA TREATED
- ALL HARDWARE TO BE HOT DIPPED GALVANIZED OR STAINLESS STEEL
- ALL STAIRS, STAIRS, WALKS, RAILINGS AND GUARDS TO BE BUILT AS PER NYS AND TOWN/VILLAGE BUILDING CODE
- TRUCK AWAY ALL DEBRIS TO AN APPROVED UPLAND SITE

PURPOSE: PROVIDE A SAFE PRIVATE MOORING FOR OWNER'S VESSEL. S

PROPOSED: INSTALL 4' X 7' IRREGULAR PLATFORM, 3' X 16' RAMP, 5' X 30' FLOAT, 5' X 20' FLOAT, 5' X 12' JET SKI FLOAT ON EIGHT FLOAT ANCHOR PILES & 12' X 14' FOUR PILE BOAT LIFT WITH TWO 16' X 20' CATWALKS

SHW = SPRING TIDE = 1.25'  
MHW = 1.05'  
NAVD88 DATUM = 0.00'  
MLLW = -1.00'

LAT 40° 39 ' 33.1128 " N  
LONG 73° 25 ' 49.3032 " W

PREPARED 1/4/2019 BY  
SHORE SOLUTIONS INC

SCALE 1" = 40'

PAGE 1 OF 2

NCTM#1S SD 23 / SEC 66 /  
BLK 129 / LOT 107

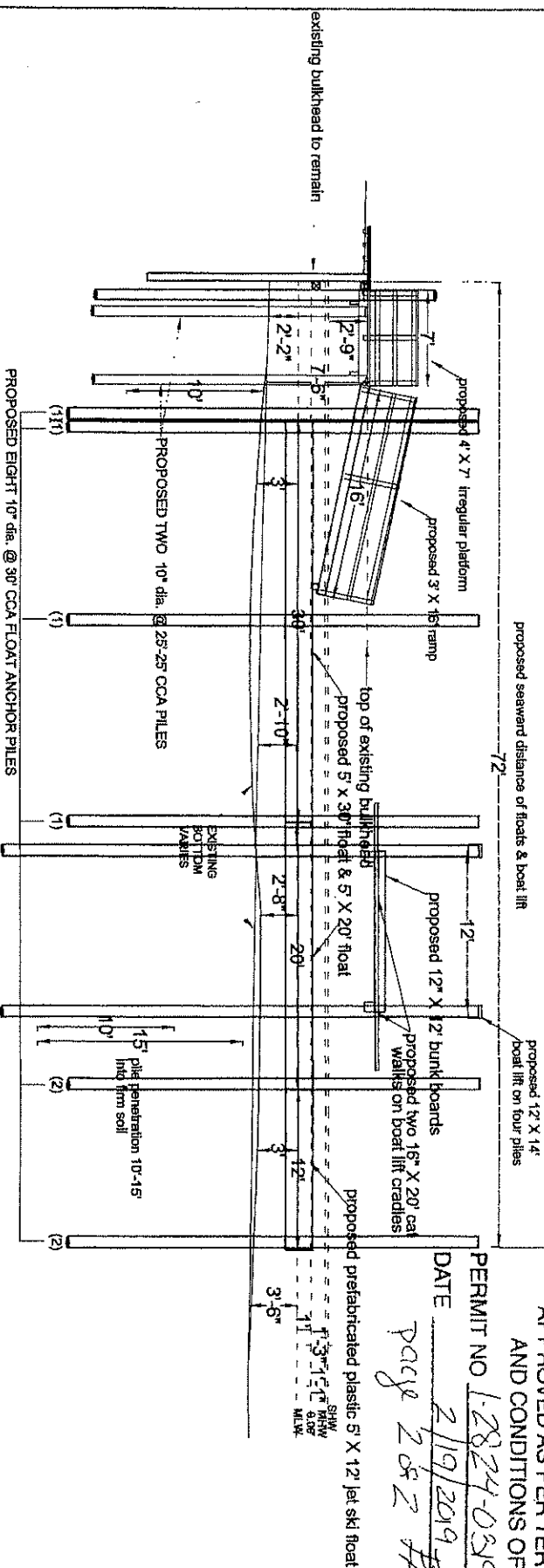
AT: 14 RIVERDALE AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY  
ON: CARMEN'S RIVER  
FOR: ANTHONY N. DURSO III



Width of waterway ~ 300  
to bulkheaded shoreline

**FOAM FLOATATION BILLETS  
2" X 8" ACG DECKING**

NYSDC  
APPROVED AS PER TERMS  
AND CONDITIONS OF



PROPOSED: INSTALL 4' X 7' IRREGULAR PLATFORM, 3' X 16' RAMP, 5' X 30' FLOAT, 5' X 12' JET SKI FLOAT & 12' X 14' FOUR PILE BOAT LIFT WITH TWO 16" X 20" CATWALKS

—PROPOSED FOUR 10" dia. @ 35' CCA PILES FOR LIFT

AT: 14 RIVERDALE AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY  
ON: CARMEN'S RIVER  
FOR: ANTHONY N. DURSO II





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

SEP 16 2019

Eastern Section

SUBJECT: Permit Number NAN-2019-00144 Issued to Anthony Durso, III

Anthony Durso III  
144 Jervis Avenue  
Copiague, NY 11726

Dear Mr. Durso:

We have completed our review of Application Number NAN-2019-00144-EKN. Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

ACTIVITY: Construct an irregular-shaped 4-foot wide by 7-foot long platform leading to a 3-foot wide by 16-foot long ramp leading to a 5-foot wide by 30-foot long float and a 5-foot wide by 20-foot long float, and a 5-foot wide by 12-foot long jet ski float. Install eight (8) anchor piles and a 12-foot wide by 14-foot long boat lift with two 16-inch wide by 20-foot long catwalks. Structures will extend approximately 45-feet into Carman's River from the plane of Mean Low Water.

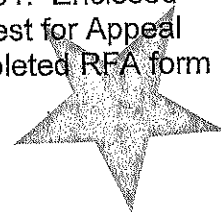
WATERWAY: Carman Creek off South Oyster Bay

LOCATION: 14 Riverdale Avenue, Massapequa, Town of Oyster Bay, Nassau County, New York

The activity authorized herein must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Stephan A. Ryba  
Chief, Regulatory Branch  
New York District Corps of Engineers  
26 Federal Plaza, Room 16-406  
New York, New York 10278-0090





SEP 16 2019

- 2 -

In order for a RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by NOV 16 2019. It is not necessary to submit a RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

In order for us to better serve you, please complete our Customer Service Survey located at: <http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>.

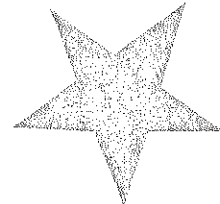
If any questions should arise concerning this matter, please contact Dr. Stephen Knowles, of my staff, at (917) 790-8715.

Sincerely,



**For and in behalf of**

Thomas D. Asbery  
Colonel, U.S. Army  
District Engineer



Enclosures



**PERMIT CONDITIONS:**

**SEP 1 6 2019**

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

**GENERAL CONDITIONS:**

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.



**(B) The permittee shall use best management practices to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.**

**Further Information:**

**1. Limits of authorization.**

- a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

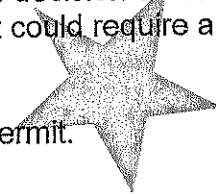
**2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:**

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

**3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.**

**4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:**

- a. You fail to comply with the terms and conditions of the permit.





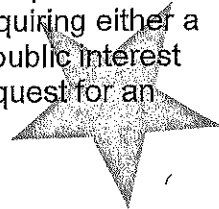
SEP 16 2019

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.





VICINITY MAP



SITE  
LAT 40° 39' 33.1128 " N  
LONG 73° 25' 49.3032 " W

SEP 16 2019

GOOGLE MAPS

N

PURPOSE: PROVIDE A SAFE PRIVATE  
MOORING FOR OWNER'S VESSELS

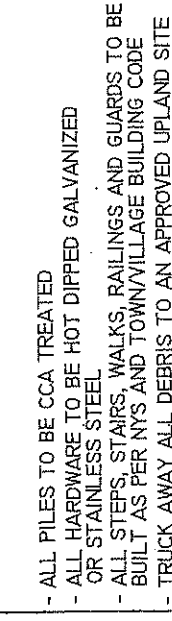
MLLW = -1.00'  
NAVD88 DATUM = 0.00'  
MHW = 1.00'  
SHW = spring tide = 1.25'

PREPARED BY  
SHORE SOLUTIONS INC - DM  
32 LINCOLN AVE  
MASSAPEQUA, NY 11758

NCTM#S SD 23/ SEC 66 / BLK 129  
LOT 107

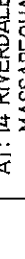

FOR: ANTHONY N. DURSO III  
AT: 14 RIVERDALE AVENUE  
MASSAPEQUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY  
ON: CARMEN'S RIVER





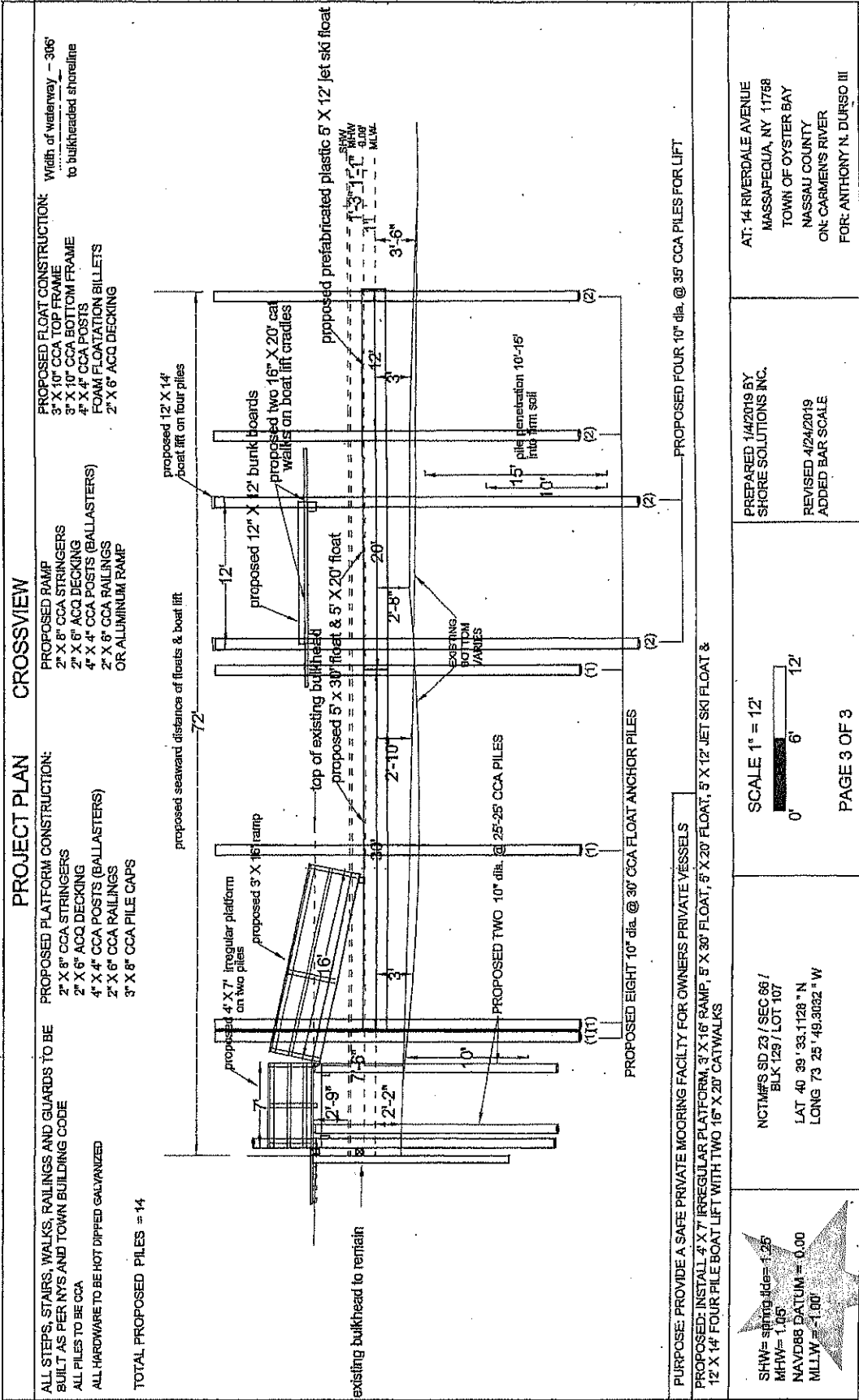
**PURPOSE: PROVIDE A SAFE PRIVATE MOORING FOR OWNER'S VESSELS**

PROPOSED: INSTALL 4' X 7' IRREGULAR PLATFORM, 3' X 16' RAMP, 5' X 30' FLOAT, 5' X 20' FLOAT, 5' X 12' JET SKI FLOAT ON EIGHT FLOAT ANCHOR PILES & 12' X 14' FOUR PILE BOAT LIFT WITH TWO 16" X 20' CATWALKS

 SHW = SPRING TIDE = 1.25' MHW = 1.05' NAVD88 DATUM = 0.00 MLLW = -1.00'	LAT 40° 39' 33.1128 " N LONG 73° 25' 49.3032 " W	PREPARED 1/4/2019 BY SHORE SOLUTIONS INC  REVISED 4/24/2019 ADDED BAR SCALE	SCALE 1" = 40'  PAGE 2 OF 3	AT: 14 RIVERDALE AVENUE MASSAPEQUA, NY 11758 TOWN OF OYSTER BAY NASSAU COUNTY ON: CARMEN'S RIVER FOR: ANTHONY N. DURSO III
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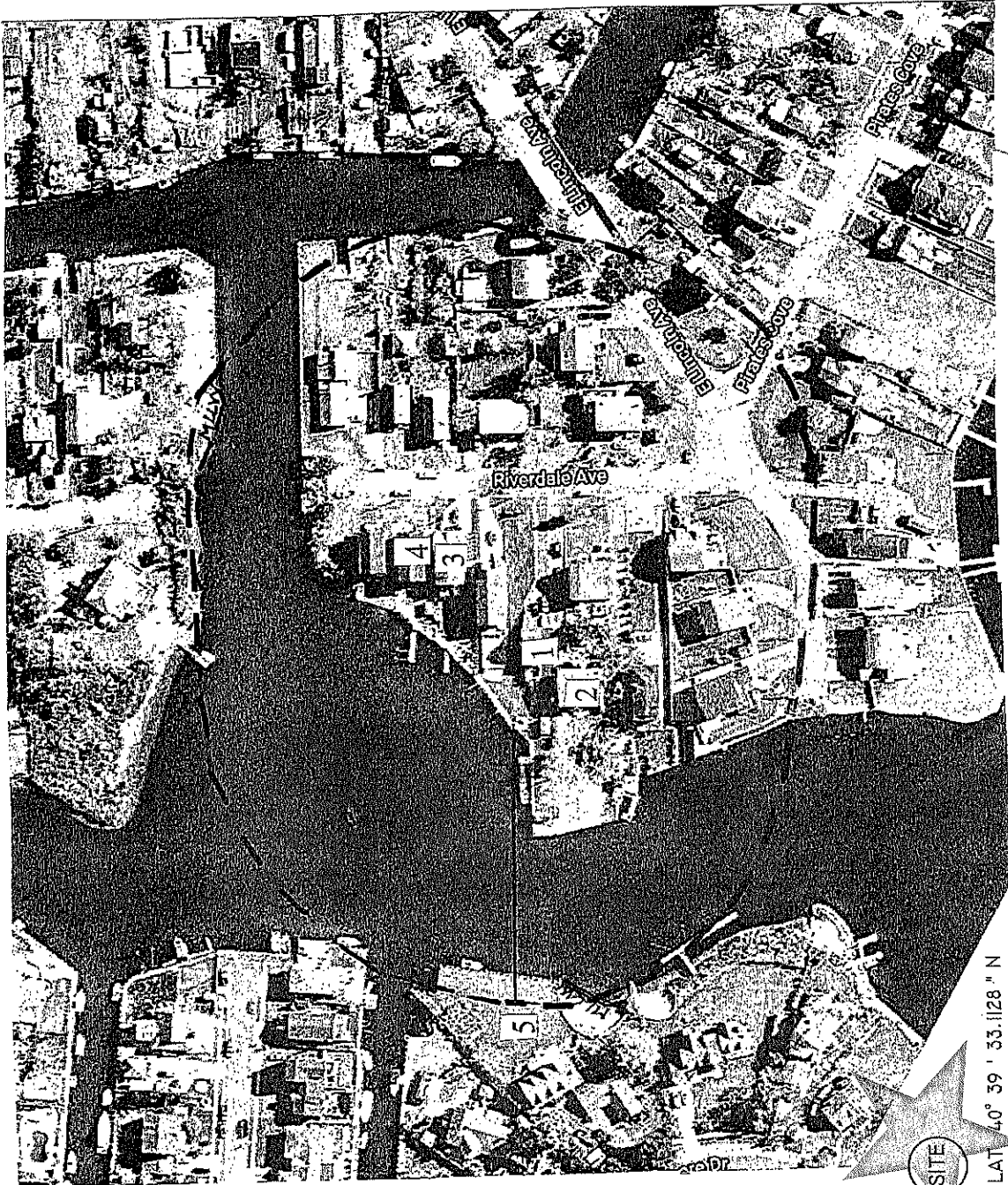
USACE FILE: NAN-2019-00144 (Drawing 3 of 3)



SEP 16 2019



300' RADIUS MAP  
SHOWING MLW & EXISTING MARINE STRUCTURES  
AERIAL IMAGING FROM GOGGLE MAPS WEBSITE



LAT 40° 39 ' 33.1128 " N  
LONG 73° 25 ' 49.3032 " W



SHW= SPRING TIDE= 1.25'  
MHW= 1.05'  
NAVD88 DATUM = 0.00  
MLLW = -1.00'  
MLLW @ BULKHEADS &  
BEACH AREAS WHERE NOTED

PREPARED BY  
SHORE SOLUTIONS INC  
32 LINCOLN AVE  
MASSAQUEUA, NY 11758

NCTM# 'S SD 23 / SEC 66 /  
BLK 129 / LOT 107

AT: 14 RIVERDALE AVENUE  
MASSAQUEUA, NY 11758  
TOWN OF OYSTER BAY  
NASSAU COUNTY  
ON: CARMEN'S RIVER  
FOR: ANTHONY N. DURSO III



For: Anthony N. Durso III  
14 Riverdale Avenue  
Massapequa, NY 11758

Section 66 / Block 129

	<u>Lot</u>	
1	109	Jeff Young 12 Riverdale Avenue Massapequa, NY 11758
2	125	Oscar Valencia 10 Riverdale Avenue Massapequa, NY 11758
3	105	Edward Daber 16 Riverdale Avenue Massapequa, NY 11758
4	103	Martin Guittard 18 Riverdale Avenue Massapequa, NY 11758

Section 66 / Block 44

	<u>Lot</u>	
5	29	Property Owner 186 East Shore Drive Massapequa, NY 11758





Mr. Stephen Knowles, PhD  
Regulatory Project Manager  
U.S.A.C.E. New York District  
Operations Divisions, CENAN-OP-RE  
Regulatory Branch, Eastern Permits Section  
26 Federal Plaza, Room 1937  
New York, NY 10278-0090

June 25, 2019

Ms. Donna Myers  
Shore Solutions Inc.  
32 Lincoln Ave.  
Massapequa, NY 11758

Re: F-2019-0006  
U.S. Army Corps of Engineers/New York District Permit  
Application – Anthony Durso, III  
Install 4'x7' irregular platform, 3'x16' ramp, 5'x30' & 5'x20'  
floats, 5'x12' jet ski float on 8 float anchor piles & 14'x12'  
four pile boat lift with two 16'x20' catwalks.  
Carmans River, 14 Riverdale Avenue, Massapeque, NY  
11758, Nassau County  
**Letter of Permission**

Dear Mr. Knowles:

The Department of State received and reviewed your letter dated June 20<sup>th</sup>, 2019, regarding the eligibility of the above-referenced proposal for authorization by a Corps of Engineers Letter of Permission.

Based upon the submitted information, the Department of State has no objection to the authorization of this proposal by Letter of Permission. Further review of this proposal and concurrence with the applicant's consistency certification by the Department of State is not required.

Sincerely,

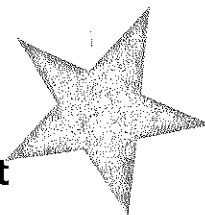


Peter Bayzon  
Coastal Resources Specialist  
Office of Planning, Development and  
Community Infrastructure

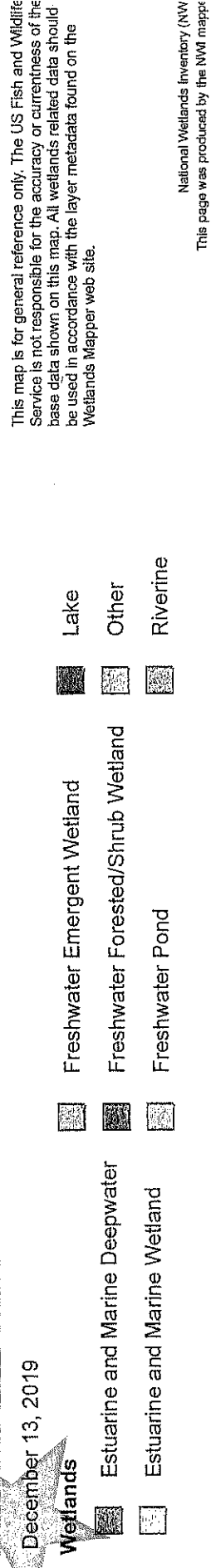
ecc: COE/ NY District – Ron Pinzon  
DEC/Region 1



Department  
of State









• SOUNDING INFORMATION TAKEN ON APRIL 20, 2017 AT 12:15PM (LOW TIDE) AS PER NOAA TIDE TABLE.

**DRAWING INFORMATION:**

SCALE: 1"=20'

DIAMN B.I; K.A.E.  
 EITF No. 0147-17

DATE: APRIL 18, 2017

CONVERSION: OCTOBER 23, 2017

LAND SURVEYING

274 EAST MAIN STREET

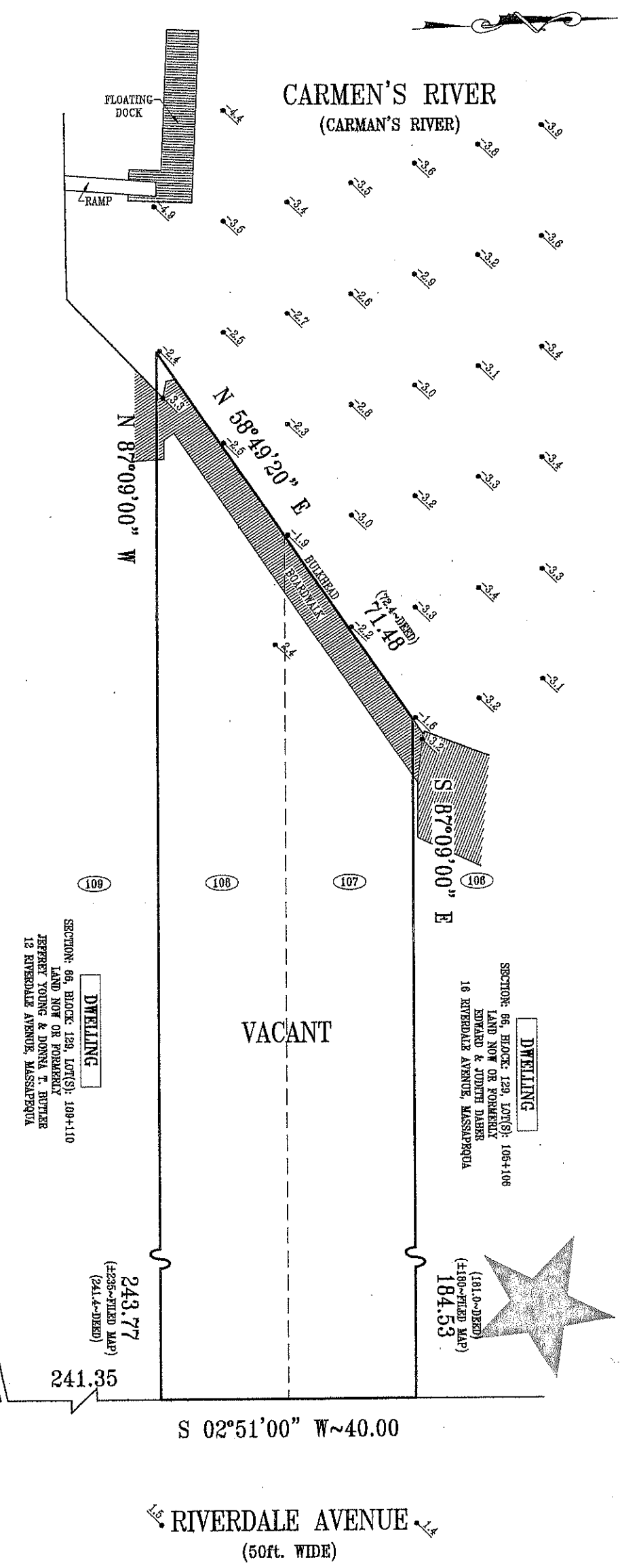
TEL: 631-277-3605

OF LOTS 107 & 108,

## BREEZY POINT

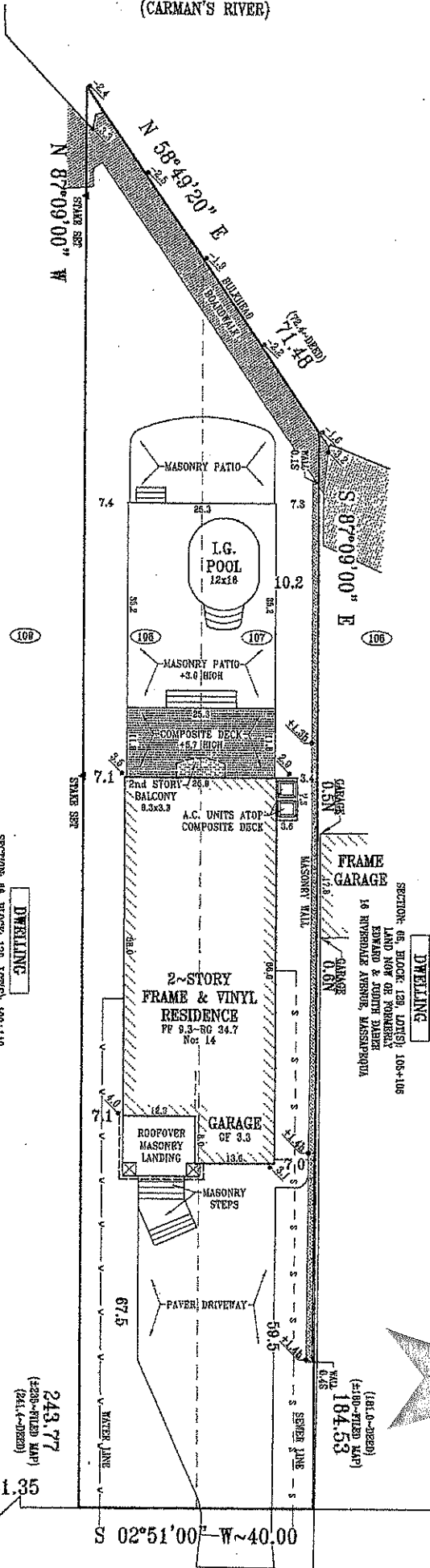
AT MASSACHUSETTS.

NASSAU COUNTY, NEW YORK  
 PRESENTED BY DIRECTOR 1881-1882





CARMEN'S RIVER  
(CARMAN'S RIVER)



RIVERDALE AVENUE  
(50ft. WIDE)

LINCOLN AVENUE

NOTES:

- WATER LINE LOCATION AS PER HOMEOWNER.
- SEWER LINE LOCATION AS PER HOMEOWNER.
- SET (2) STAKES ALONG THE SOUTHERN PROPERTY LINE (AS SHOWN).

DRAWING INFORMATION:

CERTIFIED TO:

SCALE: 1"=20'

DRAWN BY: R.K.H.

FILE No.: 0147-17

DATE: APRIL 18, 2017

ADD NOTE: MAY 22, 2017

CONVERSION: OCTOBER 23, 2017

FINAL: NOVEMBER 5, 2018

PROPERTY INFORMATION:

AREA: 8.566.01 Sq.Ft.=0.1966 ACRES  
ELEVATIONS IN NAVD83 DATUM WITH  
THE 1.1 MILE ADJUSTMENT CONVERSION

LISA McQUILKIN

LAND SURVEYING

274 EAST MAIN STREET  
EAST ISLIP, N.Y. 11730  
TEL: 631-277-3665  
FAX: 631-277-3906

BREEZY POINT

FILED: APRIL 1, 1921 - MAP No. 121  
AS SHOWN ON AMENDED MAP OF  
NASSAU COUNTY, NEW YORK  
SECTION: 66, BLOCK: 129, LOT: 107



TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO

December 26, 2019

**TO:** JOSEPH NOCELLA, OFFICE OF THE TOWN ATTORNEY  
**ATTENTION:** SHEILA TARNOWSKI, OFFICE OF LEGISLATIVE AFFAIRS

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

**SUBJECT:** DOCKS, PIERS & FLOATS PERMIT:  
Anthony Durso III  
Application # 19120259  
14 Riverdale Avenue, Massapequa, New York  
Section: 66 Block: 129 Lot(s): 107-108

---

Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQRA, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

Based on our review, the Department has classified the subject proposal as a **TYPE II ACTION**, under the SEQRA Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced section of SEQRA have been pre-determined not to have a significant impact on the environmental or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

Inasmuch as the action which would be undertaken by the subject applicant is on SEQRA's pre-determined Type II Actions list, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require the completion of an environmental assessment form or an environmental impact statement, or any further review under SEQRA.

  
GEORGE BAPTISTA JR., DEPUTY COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

cc: Elizabeth L. Maccarone, Commissioner, Department of Planning & Development  
Attn: Michael Moriarty, Commercial Planning



WHEREAS, pursuant to the Code of the Town of Oyster Bay ("Code"), Chapter 241, "Waterways", Section 241-9, "Applications", Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated April 22, 2020, directed THOMAS D'ANGELO, Applicant, to provide an Affidavit of Mailing Notice, pursuant to Section 241-9(E)(3) of the Code, of the application to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 53 Forest Avenue, Massapequa, New York 11758, known and designated as Section 65, Block 135, Lots 221-222, on the Nassau County Land and Tax Map; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Commissioner Maccarone, by said memorandum, stated that Chapter 241 of the Code requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and has requested a calendar date of May 19, 2020, for Town Board action, in connection with the aforementioned application; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated December 26, 2019, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review Law, the Town Environmental Quality Review Division ("Division") has reviewed the captioned site plan application and has reviewed the relevant environmental factors affected by the uses proposed in the subject application, and has determined that said application warrants a TYPE II ACTION, thus having no significant impact on the environment, in accordance with the Environmental Conservation Law of the State of New York, and the applicable regulations thereof,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board does hereby determine that the aforementioned dock application will not have a significant impact on the environment, that the proposed action in said application constitutes a TYPE II ACTION, in accordance with the New York State Environmental Conservation Law and the applicable regulations thereof, and that the Town Board hereby adopts the Town of Oyster Bay Environmental Quality Review Division Report, dated December 26, 2019; and be it further

RESOLVED, That the application of THOMAS D'ANGELO, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 53 Forest Avenue, Massapequa, New York 11758, known and designated as Section 65, Block 135, Lots 221-222 on the Nassau County Land and Tax Map, is hereby APPROVED.

-#-

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

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

Reviewed By  
Office of Town Attorney  
[Signature]



10

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

**TO: MEMORANDUM DOCKET**

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

**DATE: APRIL 22, 2020**

**SUBJECT: WATERWAYS REVIEW  
THOMAS D'ANGELO  
53 FOREST AVENUE  
MASSAPEQUA, NY 11758  
SECTION 65, BLOCK 135, LOT(S) 221-222  
DOCK BUILDING PERMIT APPLICATION #19100468**

---

We have received a request from Kathleen Austin to “replace approximately 40 linear feet of existing bulkhead in place with two new 6-foot long return 18-inches higher than existing. The regulated activities also include the replacement and relocation of an existing six-foot wide by 24-foot long float parallel to the existing bulkhead, the installation of a new three-foot wide by 12-foot long ramp leading to a new four foot wide by six-foot long float and the installation of a 12-foot wide by 12.5-foot long boat lift”. All work is to be done according to the attached plans stamped “NYSDEC Approved” Permit No. 1-2824-03353/00001 dated October 17, 2019 and the Department of the Army, New York District, Corps of Engineers Nationwide Permit No. NAN-2019-01129-EKL dated October 17, 2019. Chapter 241 of the Code of the Town of Oyster Bay entitled “Waterways” requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No.19100468; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-03353/00001 dated October 17, 2019; Department of the Army, New York District Corps of Engineers Permit No. NAN-2019-01129-EKL dated October 17, 2019, and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated September 18, 2019. Also attached is a memo from George Baptista Jr., Deputy Commissioner Department of Environmental Resources dated December 26, 2019, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC and the Department of the Army Corps of Engineers Permit approvals.

The proposed work at the subject premises would, in our opinion, be compatible with the surrounding area.



Pursuant to Section §241-9(E)(3) in the Town Code, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the May 19, 2020 Town Board calendar to provide the applicant ample time to comply with this requirement.

  
ELIZABETH L. MACCARONE  
COMMISSIONER  


ELM/MM  
Encls.

cc: Legislative Affairs (9 copies w/ attachments)

cc: Town Attorney's Office, Attn: Dennis Sheehan





TOWN OF OYSTER BAY  
DEPARTMENT OF PLANNING & DEVELOPMENT  
DIVISION OF BUILDING  
Town Hall  
Oyster Bay, New York 11771

19100468

APPLICATION FOR PERMIT TO BUILD OR INSTALL

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

PROPERTY Name Street Address Post Office Zip Phone #  
OWNER: MR. THOMAS D'ANGELO 53 FOREST AVENUE MASSAPEQUA, NY 11758 (516) 459-2588  
LESSEE  
TENANT:

APPLICANT: Mr. Adon Austin, PE Rising Tide 486 Sunrise Highway Ste 102 Rockville Centre NY 11570 516-595-3483  
ARCHITECT:

CONTRACTOR: RC WISH CONSTRUCTION LLC 24 WEST HARRISON AVENUE BABYLON, NY 11702 (631) 278-7146

PLUMBER:

ELECTRICIAN:

ADDRESS OF CONSTRUCTION:  
IF DIFFERENT FROM ABOVE NO. & STREET POST OFFICE ZIP CODE

LOCATION OF PROPERTY: N.E.S.W. SIDE OF FOREST AVENUE 2,550 FEET  
N.E.S.W. OF GARFIELD PLACE MASSAPEQUA  
OR (STREET) (POST OFFICE)  
N.E.S.W. OF corner of and (STREET) (POST OFFICE)

CHECK HERE IF REQUESTING A WAIVER OF THE RECENT SURVEY REQUIREMENT (SEE INSTRUCTIONS FOR FURTHER INFO).

A. TYPE OF IMPROVEMENT

EXISTING X PROPOSED X

1. NEW BUILDING/STRUCTURE
2. ADDITION/EXTENSION
3. ALTERATION (i.e. Garage Conv.)
4. DECK
5. AWNING/ROOF-OVER
6. CELLAR ENTRANCE
7. REISSUE #
8. OTHER X

TYPE OF BUILDING

B. PROPOSED USE

EXISTING X PROPOSED X

1. ONE FAMILY
2. TWO FAMILY
3. PARENT CHILD
4. GARAGE
5. BUSINESS
6. INDUSTRIAL
7. RESTAURANT
8. PUBLIC ASSEMBLY
9. OTHER X

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s) REMOVE AND REPLACE 52 LINEAR FEET OF EXISTING BULKHEAD. REPLACEMENT

BULKHEAD SHALL BE 18-INCHES HIGHER. REMOVE/REPLACE AND RELOCATE EXISTING 24X6-FT (144 SF) FLOATING DOCK. CONSTRUCT/INSTALL A 6X4-FT (24 SF) CANTILEVERED KNEE DOCK, 12X3-FT (36 SF) ACCESS GANGWAY AND A 12X12-5-FT (150 SF) 4-PILE CRAFT LIFT.

CHECK HERE IF TREES ARE BEING REMOVED ON THE PROPERTY. IF SO, A TREE PERMIT MUST BE OBTAINED FROM THE DEPARTMENT OF PARKS. PLEASE CALL (516) 797-7956 FOR FURTHER INFORMATION.

HAVE BOTH AFFIDAVITS NOTARIZED

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

APPLICANT

OWNER

STATE OF NEW YORK  
COUNTY OF NASSAU

ss:

MR. ADON M AUSTIN being duly sworn, deposes and says: That he/she resides at RISING TIDE/486 SUNRISE HWY STE 102 in the hamlet of ROCKVILLE CENTRE in the State of NEW YORK and that he/she is authorized by the Owner MR. THOMAS D'ANGELO who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponent's own knowledge.  
Address: 486 SUNRISE HIGHWAY SUITE 102  
Phone: (516) 595-3483

(Sign here)

STATE OF NEW YORK  
COUNTY OF NASSAU

ss:

MR. THOMAS D'ANGELO being duly sworn, deposes and says: That he/she resides at 53 FOREST AVENUE in the hamlet of MASSAPEQUA in the State of NEW YORK and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes MR. ADON M AUSTIN (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.

(Sign here)

(owner)





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

**APPLICANT'S DISCLOSURE AFFIDAVIT**

PREMISES: 53 FOREST AVENUE, MASSAPEQUA, NY 11758

STATE OF NEW YORK )

COUNTY OF NASSAU ) SS.

MR. THOMAS D'ANGELO

, being duly sworn, deposes and says:

1. That I am \_\_\_\_\_ (age), and reside at (address) 53 FOREST AVENUE, MASSAPEQUA.
2. That I am the (owner, lessee, etc.) OWNER of property which is the subject Matter of this application and am familiar with all the facts and circumstances hereinafter set forth.
3. That the following are the names, addresses and interests, respectively, of all partners (joint venturers, etc.) N/A
4. That there are no encumbrances or holders of any instruments creating and encumbrance upon the subject property - except: (if any, set forth details) N/A
5. That neither deponent nor any other person mentioned in this affidavit is an officer or Employee, or is related to an officer or employee of the Town of Oyster Bay - except: (if any, set forth details) N/A
6. That no officer of the State of New York, or officer or employee of the Town of Oyster Bay, or Nassau County, or person holding any position or office, whether by election, appointment or otherwise, in any party as defined by subdivision 4 of Section 2 of the Election Law, or his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse of any of them, is the applicant, or any officer, director or partner, member or employee of the applicant, or legally or beneficially owns or controls one (1) percent or more of the stock of the applicant, or is associated with the applicant in a joint venture, or is a party to an agreement with the applicant, expressed or implied, whereby he may receive any payment or other benefit, whether or not for services rendered, dependent or contingent upon the favorable approval of such application, petition or request - except (if any set forth details - see General Municipal Law Section 809) N/A
7. That in the event there is any change in the matters set forth herein prior to the issuance of a building permit or certificate of occupancy for the property affected hereby, deponent (s) will file with the Town of Oyster Bay a supplemental affidavit indicating the details of such change within 48 hours of such change.

*Thomas D'Angelo*





18100486

**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

**APPLICANT'S DISCLOSURE AFFIDAVIT**

PREMISES: 53 FOREST AVENUE, MASSAPEQUA, NY 11758

STATE OF NEW YORK )

SS.

COUNTY OF NASSAU )

MR. ADON M. AUSTIN, PE

, being duly sworn, deposes and says:

1. That I am 44 (age), and reside at (address) 486 SUNRISE HIGHWAY SUITE 102  
ROCKVILLE CENTRE, NY 11570
2. That I am the (owner, lessee, etc.) APPLICANT of property which is the subject  
Matter of this application and am familiar with all the facts and circumstances hereinafter set forth.
3. That the following are the names, addresses and interests, respectively, of all partners (joint  
venturers, etc.) N/A
4. That there are no encumbrances or holders of any instruments creating and encumbrance  
upon the subject property - except: (if any, set forth  
details) N/A
5. That neither deponent nor any other person mentioned in this affidavit is an officer or  
Employee, or is related to an officer or employee of the Town of Oyster Bay - except: (if any, set  
forth details) N/A
6. That no officer of the State of New York, or officer or employee of the Town of Oyster  
Bay, or Nassau County, or person holding any position or office, whether by election,  
appointment or otherwise, in any party as defined by subdivision 4 of Section 2 of the Election  
Law, or his spouse, or their brothers, sisters, parents, children, grandchildren, or the spouse  
of any of them, is the applicant, or any officer, director or partner, member or employee of the  
applicant, or legally or beneficially owns or controls one (1) percent or more of the stock of  
the applicant, or is associated with the applicant in a joint venture, or is a party to an agreement  
with the applicant, expressed or implied, whereby he may receive any payment or other  
benefit, whether or not for services rendered, dependent or contingent upon the favorable  
approval of such application, petition or request - except (if any set forth details -  
see General Municipal Law Section 809)  
N/A
7. That in the event there is any change in the matters set forth herein prior to the issuance of a  
building permit or certificate of occupancy for the property affected hereby, deponent (s) will  
file with the Town of Oyster Bay a supplemental affidavit indicating the details of such  
change within 48 hours of such change.

*Adon M. Austin*



# WATERFRONT IMPROVEMENT

53 FOREST AVENUE

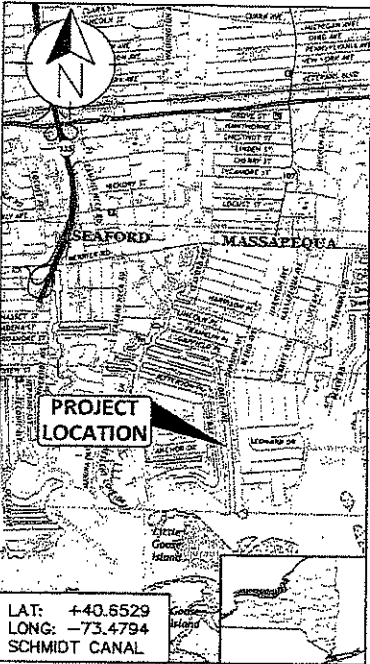
MASSAPEQUA, NY 11758

24 OCTOBER 2019

19100188

DRAWINGS ISSUED FOR:  
BUILDING PERMITTING

## LOCATION MAP



REF: AMITYVILLE QUADRANGLE NEW YORK  
7.5-MINUTE SERIES

## PROJECT INFORMATION

### LOCATION

PRIVATE RESIDENCE OF MR. THOMAS D'ANGELO, 53 FOREST AVENUE, IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK ALONG SCHMIDT CANAL

### PROJECT NOTIFICATION

COMMENCEMENT NOTIFICATION TO REGULATORY AGENCY SHALL BE SUBMITTED, AS REQUIRED, BY SELECTED CONTRACTOR PRIOR TO THE START OF WORK.

### GENERAL CONTACT INFORMATION

RIISING TIDE WATERFRONT SOLUTIONS, PLLC  
486 SUNRISE HIGHWAY, SUITE 102  
ROCKVILLE CENTRE, NY 11570  
PHONE: 516-595-3483  
EMAIL: CONTACT@RT-WS.COM

## DEFINITION(S)

AUTHORITY: MR THOMAS D'ANGELO  
ENGINEER: RIISING TIDE WATERFRONT SOLUTIONS, PLLC  
CONTRACTOR: RC WISH CONSTRUCTION, INC.

## REVISION(S)

0: TOWN OF OYSTER BAY 10-24-19

## SKETCH INDEX

- SK-1 TITLE SHEET & LOCATION MAP
- SK-1.1 GENERAL NOTES
- SK-2 VICINITY MAP
- SK-3 PROJECT MAP
- SK-4 FACILITY PLAN
- SK-4.1 FOUNDATION PLAN
- SK-5 BULKHEAD SECTION & DETAILS (1 OF 2)
- SK-5.1 BULKHEAD SECTION & DETAILS (2 OF 2)
- SK-5.2 BULKHEAD CONNECTION DETAILS
- SK-5.3 BULKHEAD CORNER DETAILS
- SK-5.4 KNEE DOCK DETAILS
- SK-5.5 CABLE RAILING DETAILS



TIDAL CHART ELEVATION(S)			
POSITION	MLW	NAVD88	DESCRIPTION
MHWS	+0.8	+0.4	MEAN HIGH WATER SPRING
MHHW	+0.7	+0.3	MEAN HIGHER HIGH WATER
MHW	+0.6	+0.2	MEAN HIGH WATER
MSL	+0.3	-0.1	MEAN SEA LEVEL
MLW	±0.0	-0.4	MEAN LOW WATER
MLLW	±0.0	-0.4	MEAN LOWER LOW WATER

## PROJECT DESCRIPTION

REMOVE AND REPLACE 52 LINEAR FEET OF FUNCTIONING AND LAWFULLY EXISTING BULKHEAD, INCLUDING RETURNS AND PARALLEL CAPPING BOARDWALKS, & PLACE (WITHOUT SEAWARD EXPANSION). THE REPLACEMENT BULKHEAD SHALL BE 18-INCHES HIGHER THAN THE EXISTING BULKHEAD. REMOVE/REPLACE AND RELOCATE EXISTING 24X6-FT (144 SF) FLOATING DOCK. CONSTRUCT/ INSTALL A 6X4-FT (24 SF) CANTILEVERED KNEE DOCK, 12X3-FT (36 SF) ACCESS WALKWAY AND A 12X12.5-FT (150 SF) 4-PILE CRAFT LIFT. PROJECT DOES NOT INCLUDE MAINTENANCE DREDGING.

SHEET NO.  <b>SK-1</b>  1 of 12 SHEETS	PROJECT NO. P190801.00	PROJECT  WATERFRONT IMPROVEMENT  PREPARED FOR MR. THOMAS D'ANGELO  LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	SCALE N/A	Rising Tide   Waterfront Solutions  486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570  SHEET TITLE SHEET & LOCATION MAP
	DRAWN BY JMK		DATE 10-24-19	
	CHECKED BY AMA		REVISION NO. 0	



GENERAL NOTE(S):

- 1. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, AND SAFETY OF WORK.
- 2. ALL WORK SHALL CONFORM TO ALL FEDERAL, STATE, COUNTY, OR LOCAL CODES HAVING JURISDICTION OVER THE PROJECT LOCATION.
- 3. ALL PROJECT WORK SHALL BE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS OR AS DIRECTED BY THE AUTHORITY OR THE ENGINEER. CONTRACTOR SHALL BECOME FAMILIAR WITH THE ACTUAL SITE CONDITIONS AND SHALL BE RESPONSIBLE FOR FURNISHING A COMPLETED PROJECT AS REPRESENTED IN THE CONTRACT DOCUMENTS.
- 4. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF EXISTING. THE CONTRACTOR SHALL PERFORM FIELD MEASUREMENTS PRIOR TO CONSTRUCTION, FABRICATION, AND/OR PURCHASE OF ANY MATERIAL. DISCOVERY OF INCONSISTENT SITE INFORMATION OR CONDITIONS SHALL BE IMMEDIATELY CONVEYED TO THE AUTHORITY AND THE ENGINEER PRIOR TO COMMENCING OR CONTINUING CONSTRUCTION. CONFLICTS ARISING DUE TO THE LACK OF COORDINATION SHALL BE THE RESPONSIBILITY AND AT THE SOLE EXPENSE OF THE CONTRACTOR.

PERMIT(S):

- 1. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL REQUIRED REGULATORY, CONSTRUCTION AND/OR BUILDING PERMITS AND/OR CLEARANCES ARE SECURED PRIOR TO COMMENCING CONSTRUCTION.

SITE ACCESS AND STAGING AREA(S):

- 1. THE CONTRACTOR IS RESPONSIBLE FOR ALL SITE SECURITY AND JOB SAFETY. ALL CONSTRUCTION ACTIVITY SHALL BE IN ACCORDANCE WITH OSHA STANDARDS AND LOCAL & STATE REGULATIONS.
- 2. THE PROJECT AREA SHALL BE KEPT, AT ALL TIMES, FREE OF DEBRIS AND EXCESS MATERIAL TO THE SATISFACTION OF THE AUTHORITY AND THE ENGINEER.

ENVIRONMENTAL CONTROLS

- 1. CONTRACTOR SHALL PERFORM ALL WORK IN CONFORMANCE WITH THE CONDITIONS DEFINED WITHIN LISTED REGULATORY PERMITS.
- 2. CLEAN FILL ONLY - ALL FILL SHALL CONSIST OF CLEAN SAND, GRAVEL OR SOIL. ASPHALT, SLAG, FLY ASH, BROKEN CONCRETE OR DEMOLITION DEBRIS IS PROHIBITED.
- 3. CONTRACTOR SHALL NOT DISTURB PROTECTED BUFFER AREA OR AREAS PREVIOUSLY DESIGNATED TO REMAIN IN A NATURAL AND/OR UNDISTURBED STATE BY ANY ENVIRONMENTAL AGENCY.
- 4. BULKHEAD / STRUCTURE EXCAVATION - ALL BACKFILL SHALL BE EXCAVATED LANDWARD OF THE STRUCTURE AND RETAINED PRIOR TO ANY CONSTRUCTION OR REMOVAL OF THE BULKHEAD. CONTRACTOR SHALL PREVENT ALL EXCAVATED SOIL FROM ENTERING THE WATERBODY. ALL EXCAVATED MATERIAL SHALL BE RETAINED AT THE PROJECT SITE ABOVE THE REACH OF HIGH WATER OR BEHIND THE COMPLETED WALL.
- 5. BULKHEAD / STRUCTURE BACKFILL - BULKHEAD CONSTRUCTION SHALL BE COMPLETED PRIOR TO PLACEMENT OF FILL MATERIAL BEHIND SUCH STRUCTURE.
- 6. DREDGING - DREDGING ASSOCIATED WITH THE BULKHEAD REPLACEMENT SHALL NOT EXCEED 25-CUBIC YARDS AND BE LIMITED TO THE AREA 10-FEET SEAWARD OF THE BULKHEAD AND TO A DEPTH OF 4-FEET BELOW THE MEAN LOW WATER ELEVATION. ALL DREDGING SHALL BE CONDUCTED TO LEAVE A UNIFORM BOTTOM ELEVATION FREE OF MOUNDS OR HOLES.
  - A. ALL DREDGING OPERATIONS SHALL BE PERFORMED WITH A CLAM SHELL OR OTHER CLOSED BUCKET EQUIPMENT. HYDRAULIC DREDGING AND THE USE OF A DRAGLINE IS PROHIBITED. SIDE CASTING (DOUBLE DIPPING) OR TEMPORARY STORAGE OF DREDGED MATERIAL IS PROHIBITED.
  - B. ALL DREDGED MATERIAL SHALL BE RETAINED ON THE PROJECT SITE ABOVE THE REACH OF HIGH WATER OR BEHIND THE COMPLETED WALL TO PREVENT RE-ENTRY INTO THE WATERBODY. OFF-SITE, UPLAND DISPOSAL OF DREDGED MATERIAL IS PROHIBITED.

MATERIAL(S):

- 1. MATERIALS THAT ARE STORED ON SITE SHALL BE STORED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS AND LOCATED IN AN AREA THAT IS PROTECTED TO PREVENT ACCIDENTS, DAMAGE, AND ANY ADVERSE ENVIRONMENTAL EFFECTS. DAMAGED MATERIALS SHALL BE PROMPTLY REPORTED TO THE AUTHORITY AND THE ENGINEER. DAMAGED MATERIALS SHALL BE REMEDIED BY THE CONTRACTOR AT THE CONTRACTORS SOLE EXPENSE AND IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.
- 2. TIMBER: TIMBER EXPOSED TO SEAWATER, SALTWATER SPRAY OR IN CONTACT WITH THE GROUND SHALL RECEIVE CCA TREATMENT IN ACCORDANCE WITH THE LATEST AWPA STANDARDS, COMMODITY SPECIFICATION A.P. 3.0.
  - A. PILES: PILES SHALL BE CLASS B SOUTHERN YELLOW PINE SUITABLE FOR A DESIGN STRESS OF 1200-PSI IN ACCORDANCE WITH ASTM D2899-70 T. PILES SHALL BE CCA TREATED PER AWPA-P5 AT A RETENTION RATE OF 2.5-PCF. MAXIMUM ALLOWABLE HORIZONTAL INSTALLATION DEVIATIONS SHALL BE 3-INCH AND VERTICAL INSTALLATION DEVIATION SHALL BE 1-INCH IN 10-FEET.
  - B. FRAMING AND POSTS - FRAMING AND POSTS SHALL BE CLASSIFIED AS USE CATEGORY UC4B AND RECEIVE A MINIMUM TREATMENT CONSISTING OF 0.6-PCF OF CCA.
  - C. DECKING AND RAILS - TIMBER FOR DECKING OR RAILS SHALL BE CLASSIFIED AS USE CATEGORY UC4B AND RECEIVE TREATMENT CONSISTING OF 0.6-PCF OF ACQ-B.
- 3. VINYL SHEET PILES - SHEET PILES SHALL BE FABRICATED BY A MANUFACTURER APPROVED, IN WRITING, BY THE AUTHORITY OR ENGINEER, A PROVIDE A MINIMUM MODULUS OF ELASTICITY OF 380-KSI.
  - A. SHEET PILING SHALL BE DRIVEN TO DEPTH AS SHOWN IN THE CONTRACT DOCUMENTS. SHEETS DRIVEN TO A DEPTH, LESS THAN SPECIFIED MUST BE REPORTED TO THE ENGINEER, IN WRITING.
  - B. SHEET PILING SHALL BE DRIVEN WITHIN 1-INCH PER 5-FEET IN THE PLANE OF THE SHEET AND 3/8-INCH PER 1-FOOT PERPENDICULAR TO THE PLANE OF THE SHEET.
- 4. FASTENING HARDWARE - STEEL FOR TIMBER CONNECTIONS SHALL BE HOT DIPPED GALVANIZED (HDG.), WITH COATING WEIGHT NOT LESS THAN 2-OUNCES PER 1-SQUARE FOOT, AFTER FABRICATION.
- 5. FILL MATERIALS - MATERIAL CONSISTING OF ROCK, STONE, SLAG, COBBLES, OR GRAVEL FREE OF SHALE OR OTHER SOFT, POOR DURABILITY PARTICLES AND UNSUITABLE MATERIALS. UNSUITABLE FILL SHALL COMPRISE ANY MATERIAL SO DESIGNATED BY THE ENGINEER BECAUSE OF ITS TYPE, INABILITY TO BE PROPERLY COMPACTED, OR LEVEL OF CONTAMINATION.



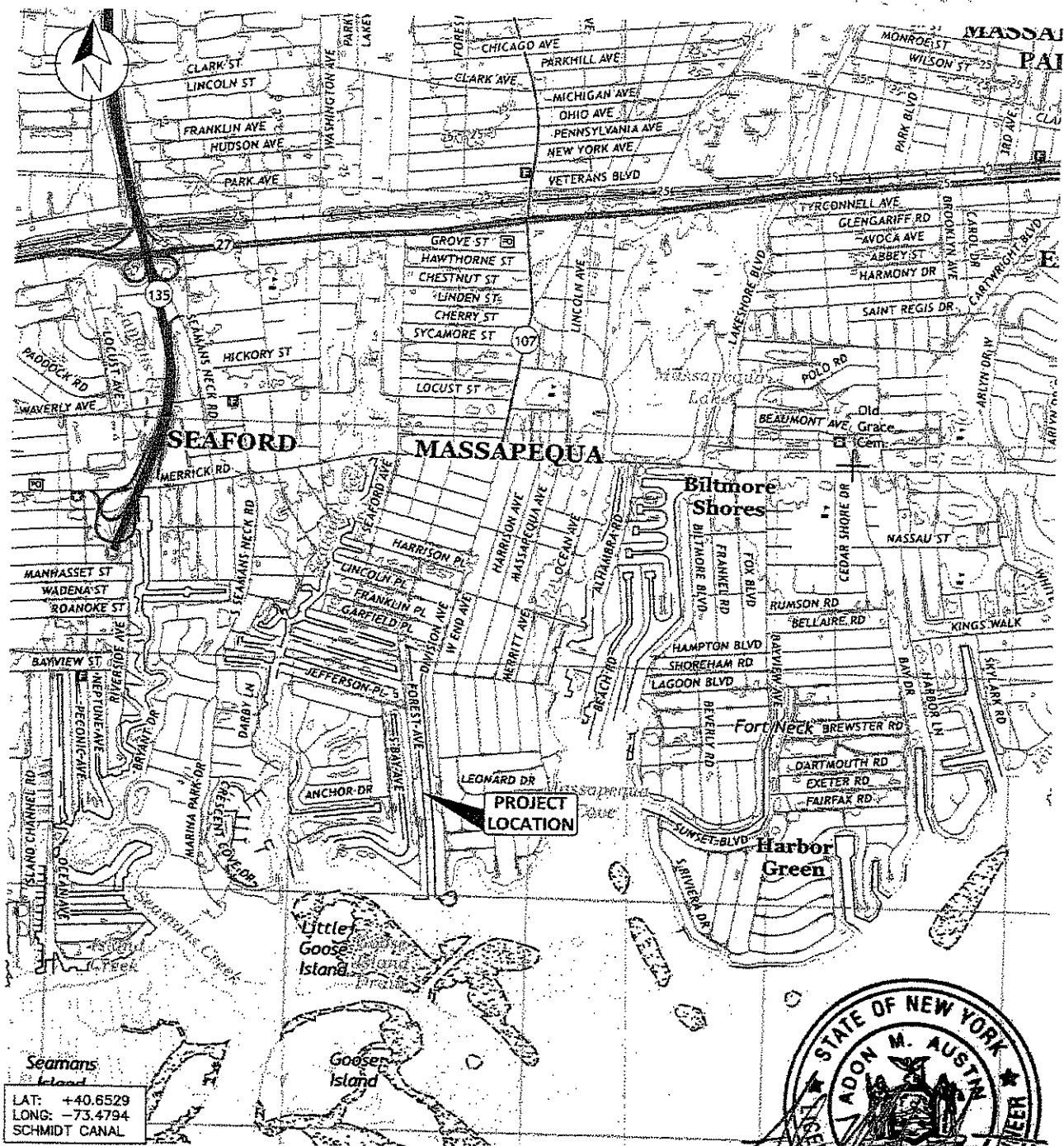
ABBREVIATIONS	
CL	CENTER LINE
Ø	DIAMETER
EL	ELEVATION
EMBED.	EMBEDMENT
EXIST.	EXISTING
FND	FOUNDATION
HDG.	HOT DIPPED GALVANIZED
MHHW	MEAN HIGHER HIGH WATER
MHWS	MEAN HIGH WATER SPRING
MIN.	MINIMUM
MLLW	MEAN LOWER LOW WATER
MLW	MEAN LOW WATER
MSL	MEAN SEA LEVEL
N/A	NOT APPLICABLE
N.T.S.	NOT TO SCALE
PL	PLATE
PLA.	PLACE(S)
T/	TOP OF
TREAT.	TREATMENT
TYP.	TYPICAL

DRAWINGS ISSUED FOR:  
BUILDING PERMITTING

SHEET NO.  <b>SK-1.1</b>  2 of 12 SHEET(S)	PROJECT NO. P190801.00	PROJECT  WATERFRONT IMPROVEMENT  PREPARED FOR MR. THOMAS D'ANGELO  LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	SCALE N/A	Rising Tide   Waterfront Solutions  486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570  SHEET GENERAL NOTES
	DRAWN BY JMK		DATE 10-24-19	
	CHECKED BY AMA		REVISION NO. 0	



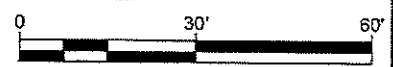
DRAWINGS ISSUED FOR:  
BUILDING PERMITTING



REF: AMITYVILLE QUADRANGLE NEW YORK 7.5-MINUTE SERIES

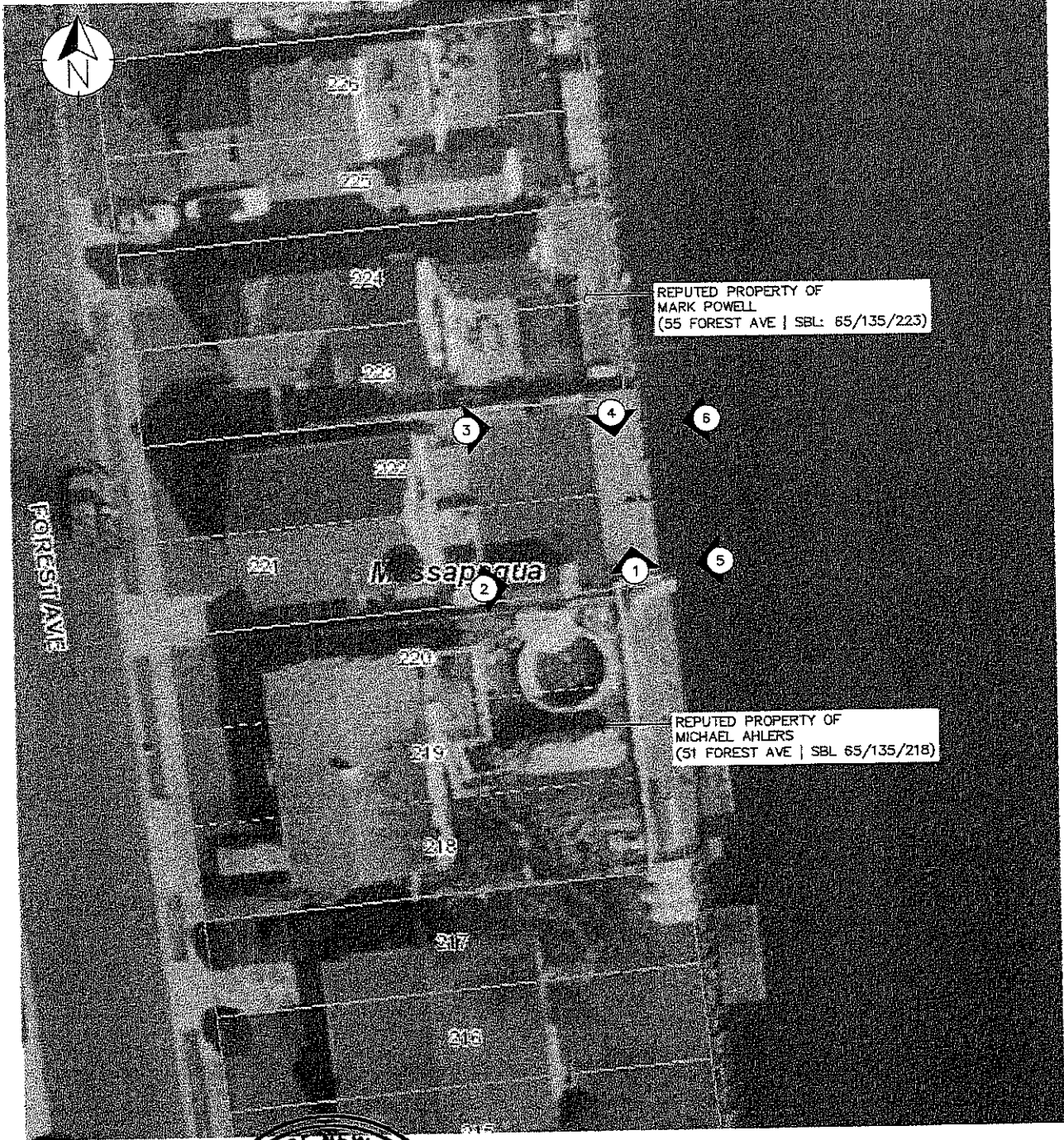
VICINITY MAP

SCALE: 1"=30'-0"



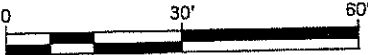



SHEET NO.  SK-2  3 of 12 SHEETS	PROJECT NO. P190801.00	PROJECT  WATERFRONT IMPROVEMENT  PREPARED FOR MR. THOMAS D'ANGELO  LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	SCALE 1"=30'-0"	Rising Tide   Waterfront Solutions  486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570  SHEET VICINITY MAP
	DRAWN BY JMK		DATE 10-24-19	
	CHECKED BY AMA		REVISION NO. 0	



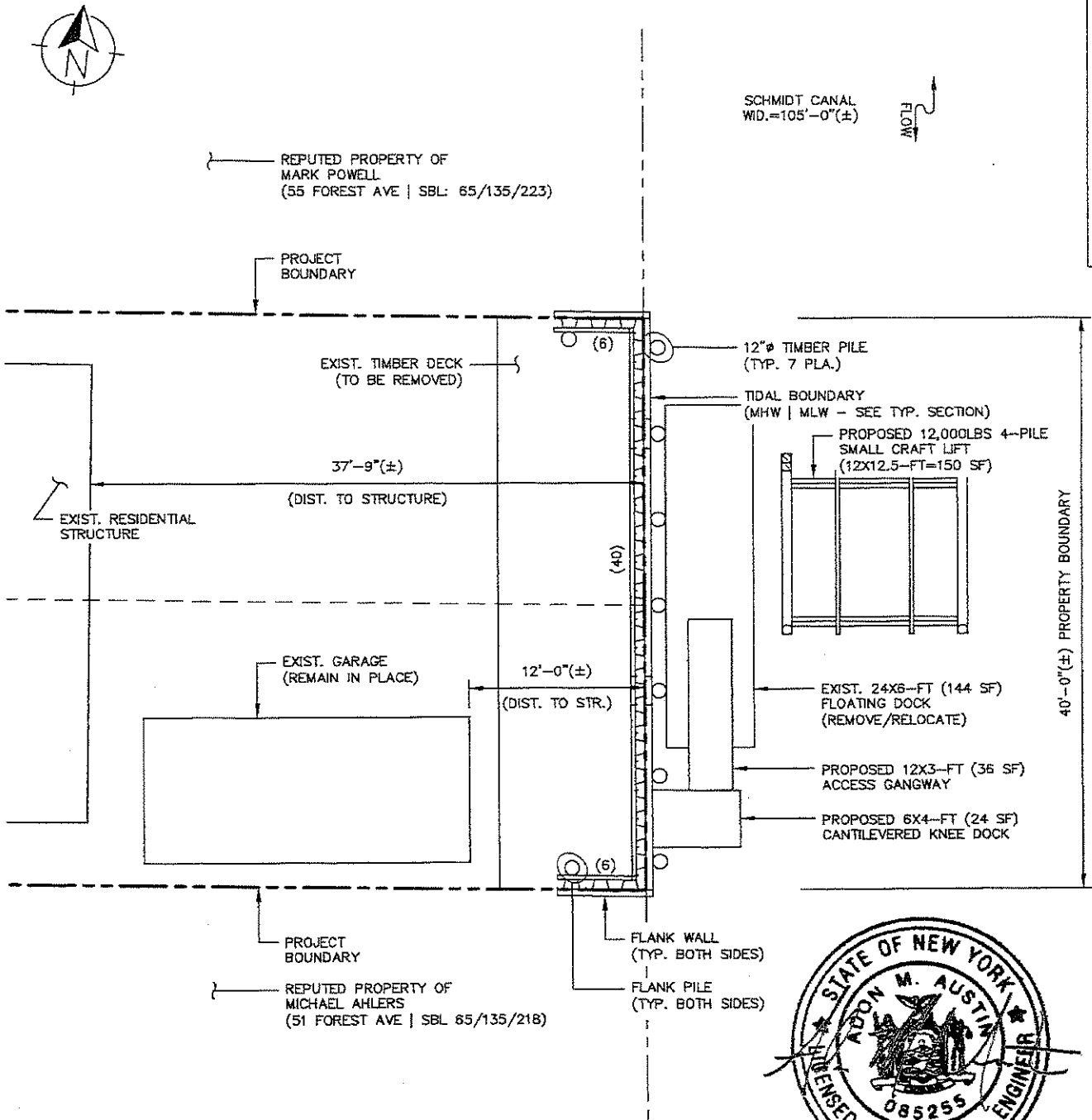


DRAWINGS ISSUED FOR:  
BUILDING PERMITTING

LEGEND:		PROJECT MAP		SCALE: 1"=30'-0"	
 PHOTO LOCATION					
SHEET NO.  <b>SK-3</b>  4 of 12 SHEET(S)	PROJECT P19080102	PROJECT 085255	WATERFRONT IMPROVEMENT		Rising Tide   Waterfront Solutions 486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
	DRAWN BY JMK	PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE		DATE 10-24-19	
	CHECKED BY AMA	MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY		REVISION NO. 0	SHEET PROJECT MAP

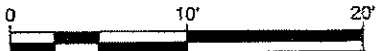






FACILITY PLAN

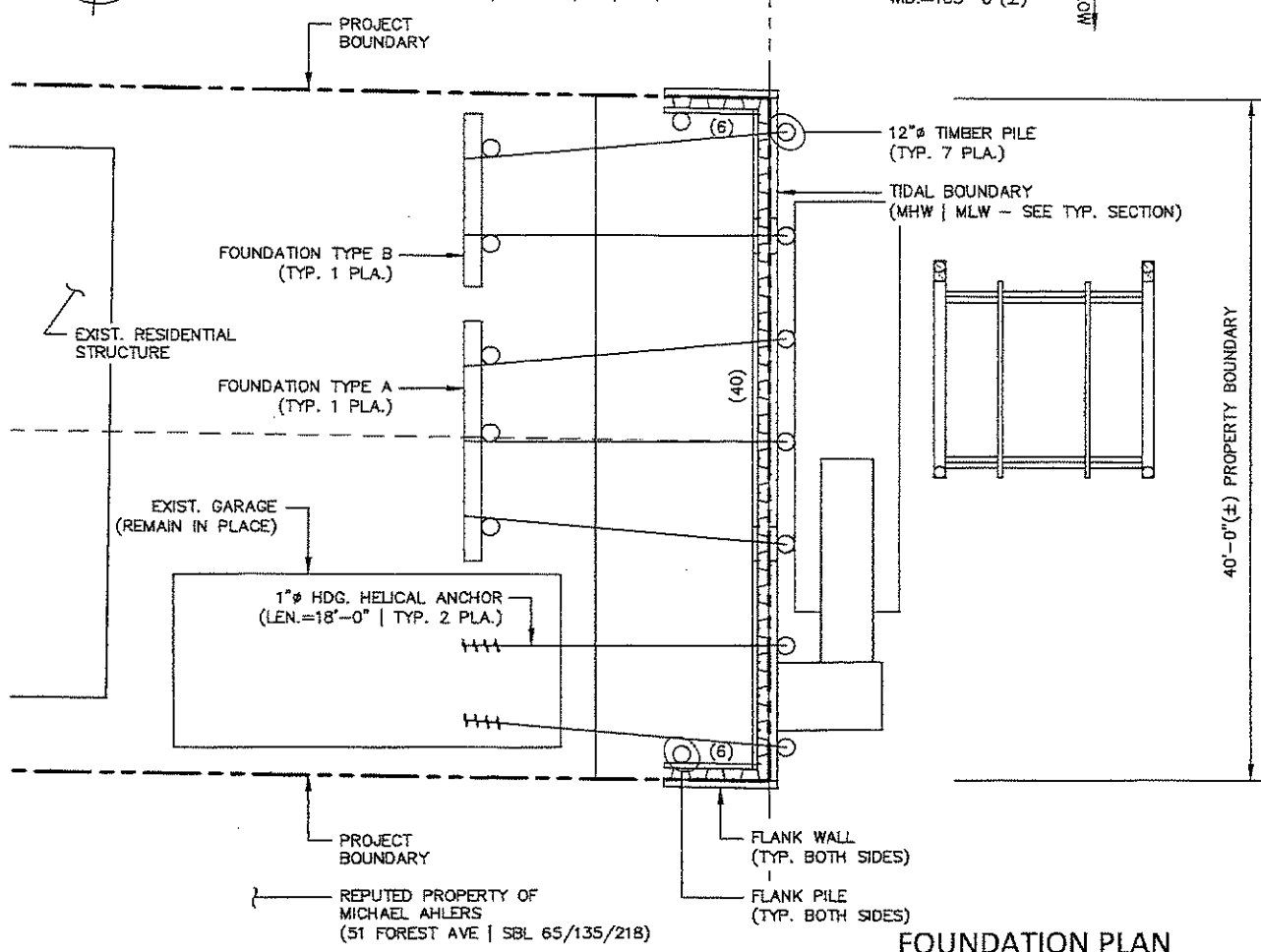
SCALE: 1"=10'-0"



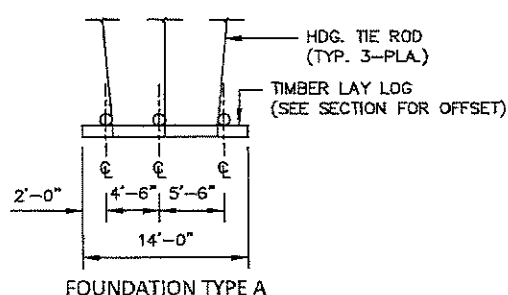
LEGEND:  
(XX) BULKHEAD SEGMENT LENGTH

SHEET NO.  SK-4  5 OF 12 SHEETS(S)	PROJECT NO. P190801.00	PROJECT  WATERFRONT IMPROVEMENT  PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758   SCHMIDT CANAL   NASSAU COUNTY	SCALE 1"=10'-0"	Rising Tide   Waterfront Solutions  486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
	DRAWN BY JMK		DATE 10-24-19	
	CHECKED BY AMA		REVISION NO. 0	
			SHEET	FACILITY PLAN

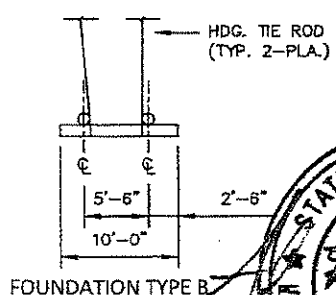




FOUNDATION PLAN



FOUNDATION TYPE A



FOUNDATION TYPE B 5

**NOTE(S):**

1. CONTRACTOR CAN SUBSTITUTE PITCH PLANK(S) IN LIEU OF PIN PILE(S) AS APPROVED BY ENGINEER.
2. ALL FOUNDATION PILES SHALL BE 100% (1 EN=15'-0")



TYP DETAIL FOUNDATION LAYOUT N.T.S.

LEGEND:

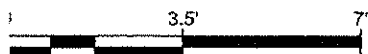
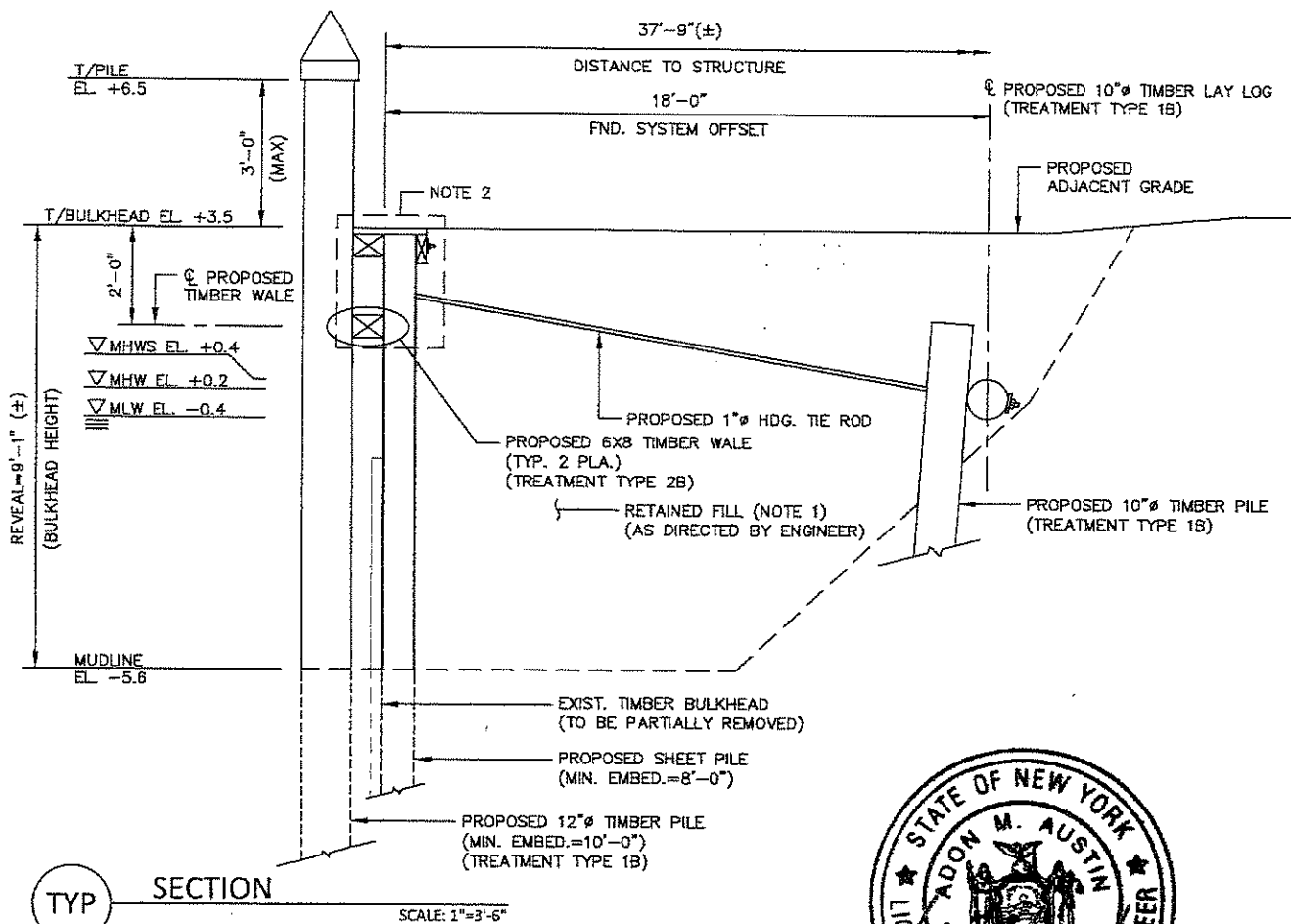
XX) BULKHEAD SEGMENT LENGTH

SHEET NO.  <div style="font-size: 2em; font-weight: bold;">SK-4.1</div> <div> <u>6</u> of <u>12</u> SHEET(S)         </div>	PROJECT NO. P190801.00	PROJECT WATERFRONT IMPROVEMENT  PREPARED FOR MR. THOMAS D'ANGELO  LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758   SCHMIDT CANAL   NASSAU COUNTY	SCALE 1"=10'-0"	Rising Tide   Waterfront Solutions
	DRAWN BY JMK		DATE 10-24-19	486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
	CHECKED BY AMA		REVISION NO. 0	SHEET FOUNDATION PLAN



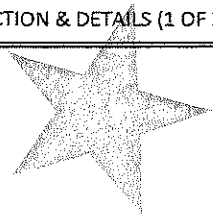
- NOTE(S):
1. FILL: ALL FILL WILL BE CLEAN FREE DRAINING FREE OF CONTAMINANTS AND REGULATED WASTES INCLUDING CONSTRUCTION DEBRIS THAT IS SOURCED FROM NYS DEC APPROVED SITE.
  2. BULKHEAD ELEVATION: T/PROPOSED BULKHEAD TO BE RAISED 18 INCHES HIGHER THAN EXISTING T/BULKHEAD ELEVATION.

TIMBER TREATMENT			
TREATMENT TYPE	ELEMENT	RETENTION	DESCRIPTION
1A	PILES	1.5	CCA TREATED PER LATEST AWPB STANDARDS, COMMODITY SPECIFICATION A.P 3.0
1B		2.5	
2A	FRAMING	1.5	CCA TREATED PER LATEST AWPB STANDARDS, COMMODITY SPECIFICATION A.P 3.0
2B		2.5	
3A		1.5	ACQ TREATED PER AWPB ACQ-D
3B		2.5	



ALL ELEVATIONS IN NAVD 88

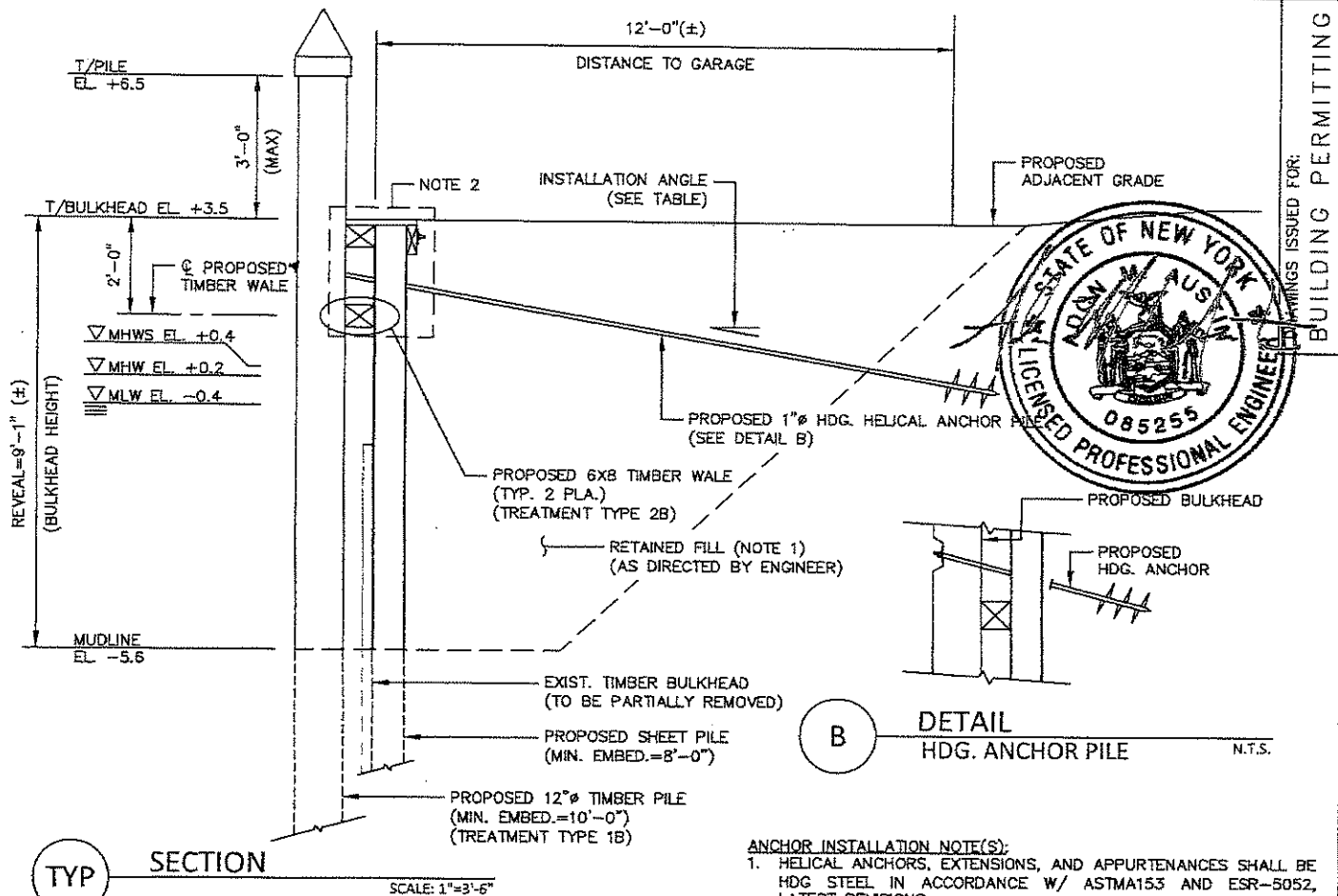
KEY NO.  SK-5	PROJECT NO. P190801.00	PROJECT WATERFRONT IMPROVEMENT PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	SCALE 1"=5'-6"	Rising Tide   Waterfront Solutions 486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
	DRAWN BY JMK		DATE 10-24-19	
7 OF 12 SHEET(S)	CHECKED BY AMA		REVISION NO. 0	SHEET BULKHEAD SECTION & DETAILS (1 OF 2)





NOTE(S):  
1. FILL: ALL FILL WILL BE CLEAN FREE DRAINING FREE OF CONTAMINANTS AND REGULATED WASTES INCLUDING CONSTRUCTION DEBRIS THAT IS SOURCED FROM NYS DEC APPROVED SITE.  
2. BULKHEAD ELEVATION: T/PROPOSED BULKHEAD TO BE RAISED 18 INCHES HIGHER THAN EXISTING T/BULKHEAD ELEVATION.

TIMBER TREATMENT			
TREATMENT TYPE	ELEMENT	RETENTION	DESCRIPTION
1A	PILES	1.5	CCA TREATED PER LATEST AWPB STANDARDS, COMMODITY SPECIFICATION A.P 3.0
1B		2.5	
2A	FRAMING	1.5	CCA TREATED PER LATEST AWPB STANDARDS, COMMODITY SPECIFICATION A.P 3.0
2B		2.5	
3A		1.5	ACQ TREATED PER AWPB ACQ-D
3B		2.5	



HELICAL ANCHOR INSTALLATION SPECIFICATIONS (F=6 k)			
ANGLE	Q ANCHOR (F.S. 2.0) (k)	TORQUE (FT-LB)	$\Delta p$ (psi)
10	12.2	1218.5	295
15	12.4	1242.3	300
20	12.8	1277.0	304
30	13.9	1385.6	330
45	17.0	1697.6	405
>45	NOT PERMITTED		

NOTE: MOTOR CONVERSION FACTOR=4.20 (MODEL X12K5 BY PRODIG)

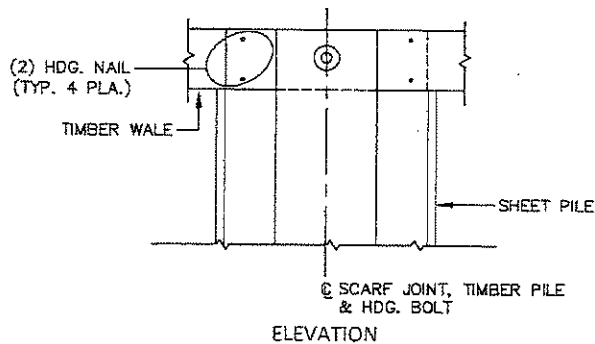
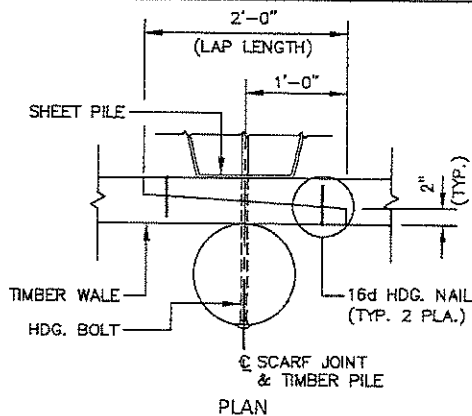
ANCHOR INSTALLATION NOTE(S):

- HELICAL ANCHORS, EXTENSIONS, AND APPURTENANCES SHALL BE HDG STEEL IN ACCORDANCE W/ ASTM A153 AND ESR-5052, LATEST REVISIONS.
- HELICAL ANCHORS SHALL BE INSTALLED BY A FACTORY CERTIFIED TECHNICIAN. CONTRACTOR SHALL PROVIDE TRAINING/CERTIFICATION DOCUMENTATION TO THE ENGINEER FOR REVIEW AND APPROVAL PRIOR TO START OF WORK. ALL HELICAL ANCHORS MUST BE ICC APPROVED AND BE IN ACCORDANCE W/ NYC DOB BULLETIN 2011-011.
- HELICAL ANCHOR LEAD SECTIONS SHALL BE 7 FT LONG W/ 1.5 INCH ROUND CORNER SQUARE SHAFTS. LEADS SHALL BE SCH40 W/ MIN. 7500 FT LB TORQUE RATING.
- HELICAL ANCHORS SHALL INCLUDE LEAD SECTION AND TWO EXTENSIONS (MIN.) FOR A MIN. TOTAL LENGTH OF 21 FT.
- CONTRACTOR SHALL SUBMIT MOTOR AND ANCHOR SPECIFICATIONS TO ENGINEER FOR REVIEW AND APPROVAL PRIOR TO INSTALLATION. ALL ANCHOR INSTALLATION OPERATIONS SHALL BE WITNESSED BY A LICENSED ENGINEER. CONTRACTOR SHALL MAINTAIN RECORDS OF ANCHOR INSTALLATIONS AND SUBMIT HELICAL INSTALLATION LOGS TO THE ENGINEER FOR REVIEW AND APPROVAL WITHIN 48 HOURS OF ANCHOR INSTALLATION.

ALL ELEVATIONS IN NAVD 88

HEET NO.	PROJECT NO. P190801.00	PROJECT WATERFRONT IMPROVEMENT PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	SCALE 1"=3'-6"	Rising Tide   Waterfront Solutions
SK-5.1	DRAWN BY JHK		DATE 10-24-19	486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
8 OF 12 SHEET(S)	CHECKED BY AMA		REVISION NO. 0	SHEET BULKHEAD SECTION & DETAILS (2 OF 2)



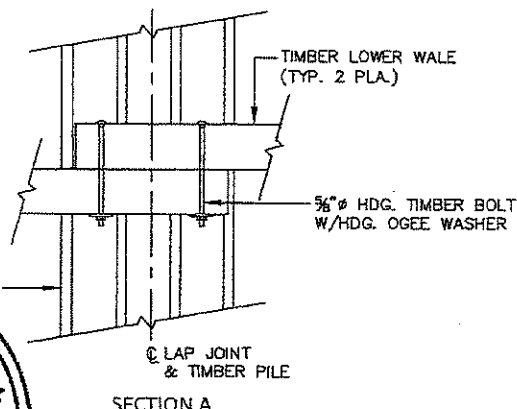
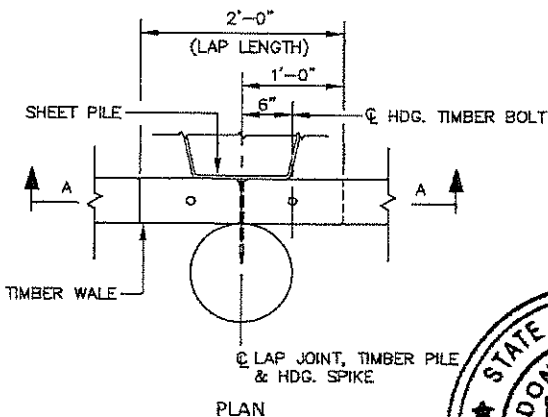


TYP

## DETAIL

### SCARF JOINT

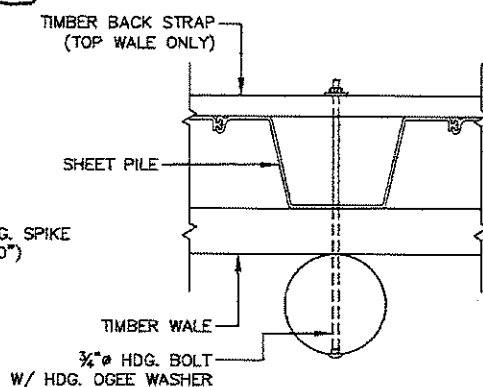
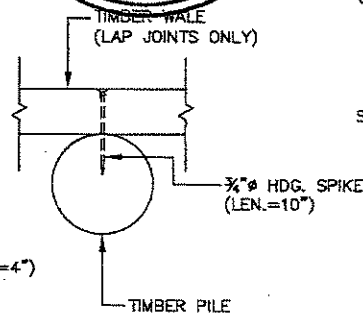
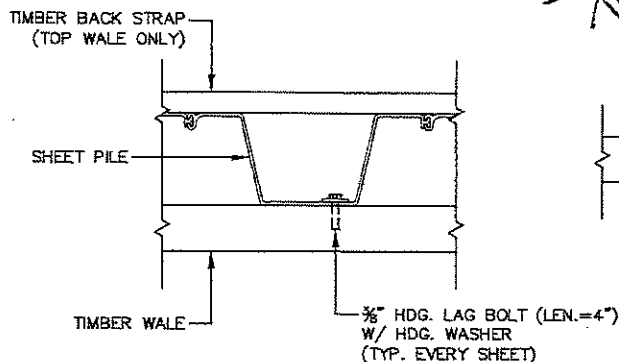
NOTE: TOP WALE AS SHOWN / LOWER WALE(S) SIM. N.T.S.



TYP

## DETAIL

### LAP JOINT



TYP

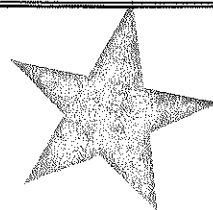
## DETAIL

### MISCELLANEOUS CONNECTION(S)

N.T.S.

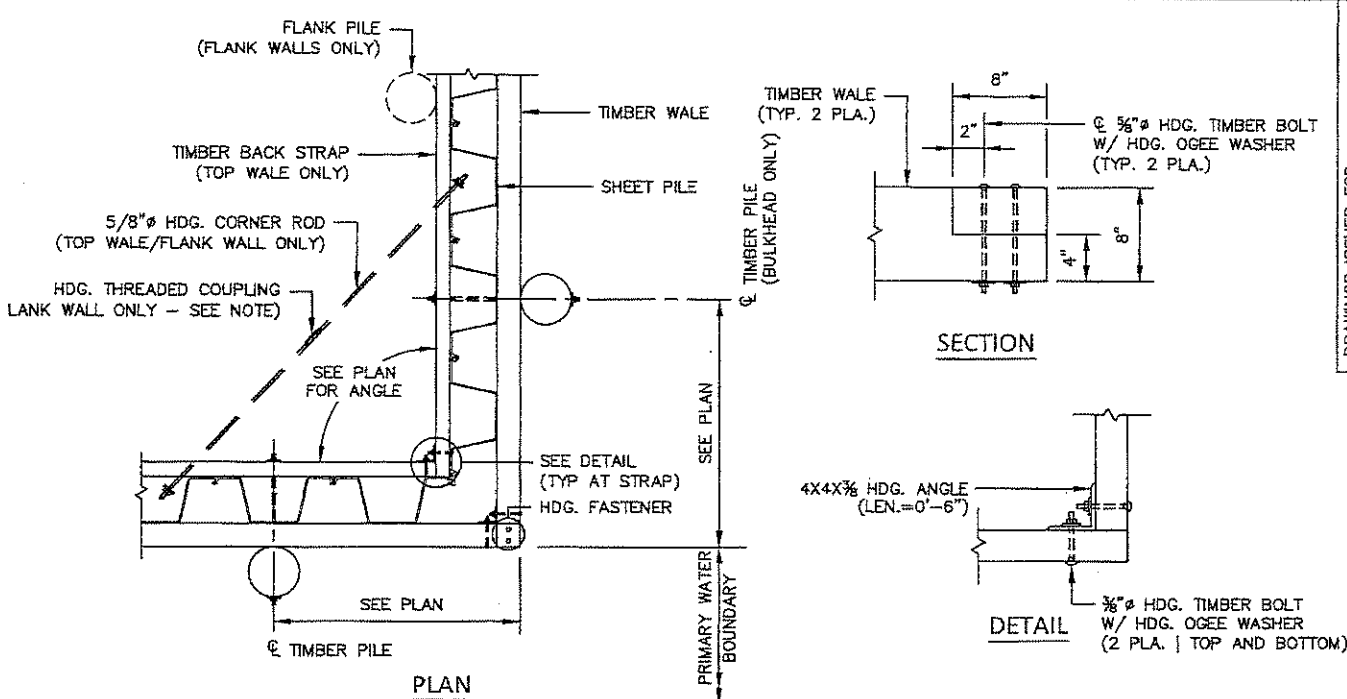
NOTE: CONTRACTOR MAY USE SCARF JOINT(S) IN LIEU OF LAP JOINT(S) AT LOWER WALES. PROVIDE SIMILAR CONNECTION AS UPPER WALE TO PILE.

HEET NO.	PROJECT NO.	PROJECT	SCALE	Rising Tide   Waterfront Solutions
SK-5.2	P190801.00	WATERFRONT IMPROVEMENT	N.T.S.	
	DRAWN BY	PREPARED FOR	DATE	486 SUNRISE HIGHWAY, SUITE 102
	JWK	MR. THOMAS D'ANGELO	10-24-19	ROCKVILLE CENTRE, NEW YORK 11570
	CHECKED BY	LOCATED AT	REVISION NO.	SHEET
	AMA	53 FOREST AVENUE	0	BULKHEAD CONNECTION DETAILS
9 of 12 SHEET(S)	MASSAPEQUA, NY 11758	SCHMIDT CANAL	NASSAU COUNTY	



DRAWINGS ISSUED FOR:  
BUILDING PERMITTING



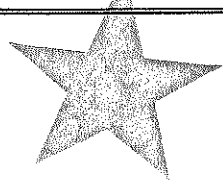


DRAWINGS ISSUED FOR:  
BUILDING PERMITTING

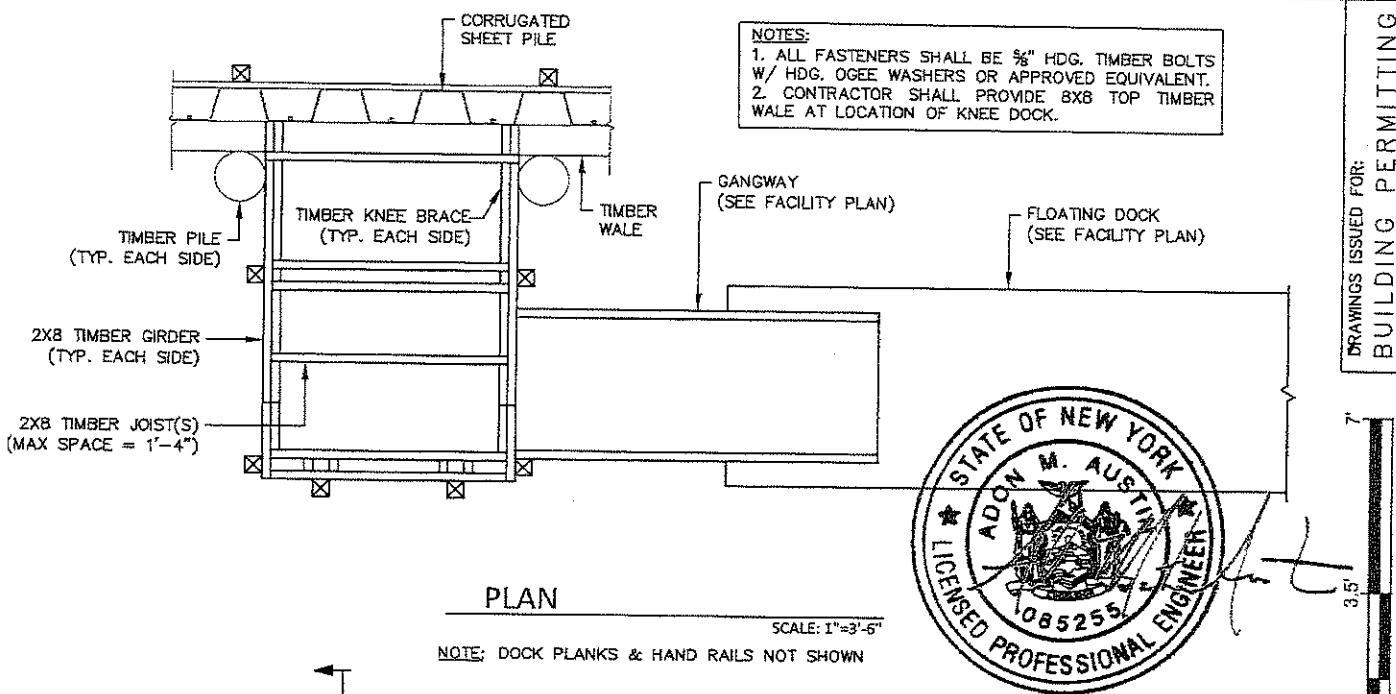
TYP DETAIL  
BULKHEAD TYPE 1 CORNER N.T.S.  
NOTE: SUBMIT SPECIFICATION OF COUPLING FOR REVIEW AND APPROVAL BY AUTHORITY PRIOR TO PURCHASE OF MATERIAL(S).



SHEET NO.  K-5.3  0 of 12 SHEETS	PROJECT NO. P190801.00	PROJECT WATERFRONT IMPROVEMENT  PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	SCALE N.T.S.	Rising Tide   Waterfront Solutions  486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
	DRAWN BY JWK		DATE 10-24-19	
	CHECKED BY AMA		REVISION NO. 0	
			SHEET BULKHEAD CORNER DETAILS	



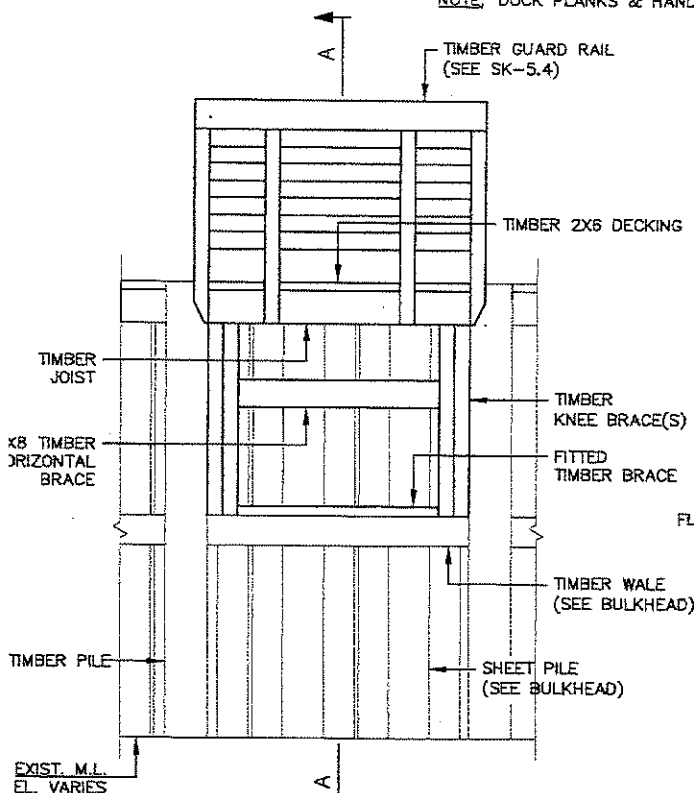




PLAN

SCALE: 1"=3'-6"

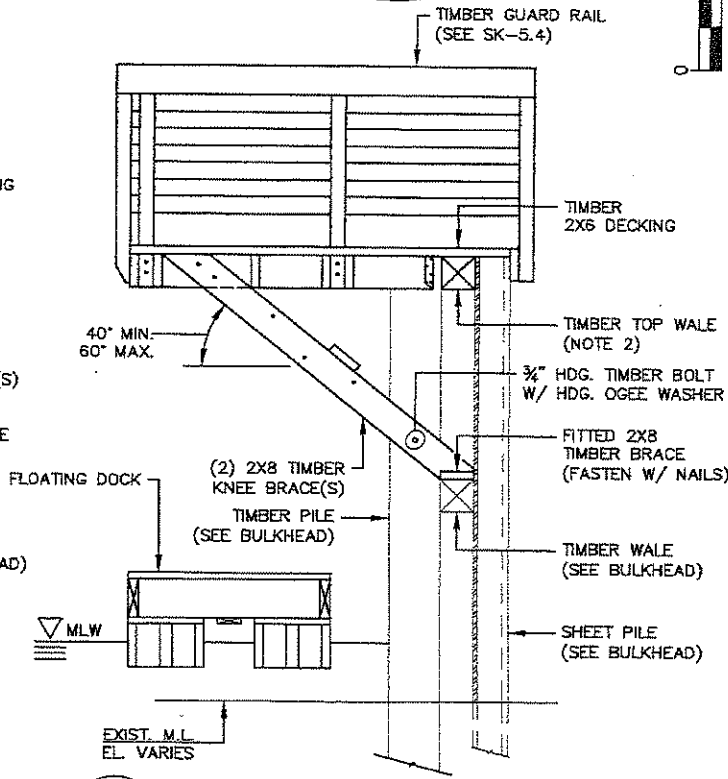
NOTE: DOCK PLANKS & HAND RAILS NOT SHOWN



ELEVATION

SCALE: 1"=3'-6"

NOTE: GANGWAY & FLOATING DOCK NOT SHOWN



SECTION

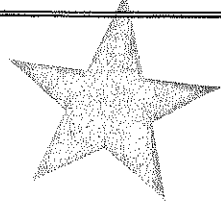
SCALE: 1"=3'-6"

NOTE: GANGWAY NOT SHOWN

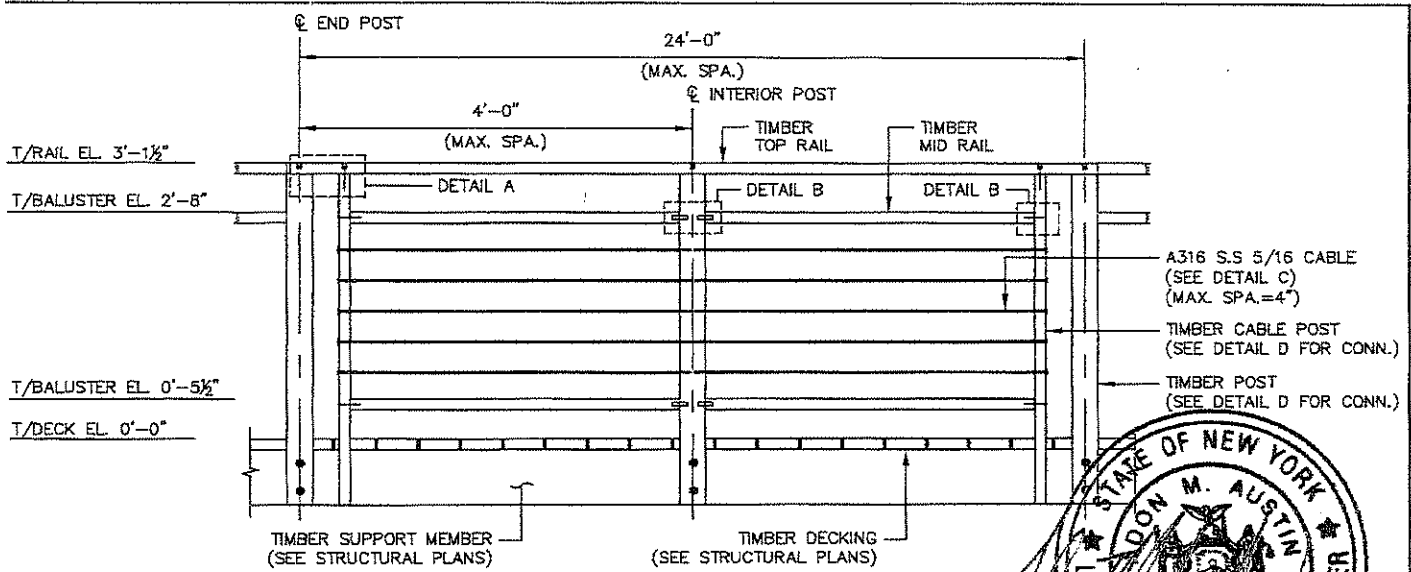
ET NO.	PROJECT NO.	PROJECT	SCALE	Rising Tide   Waterfront Solutions 486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
	P190801.00	WATERFRONT IMPROVEMENT	1"=3'-6"	
	DRAWN BY	PREPARED FOR	DATE	
	JWK	MR. THOMAS D'ANGELO	10-24-19	
	CHECKED BY	LOCATED AT	REVISION NO.	SHEET
	AMA	53 FOREST AVENUE	0	
		MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY		KNEE DOCK SECTION & DETAILS

SK-5.4

11 of 12 SHEETS

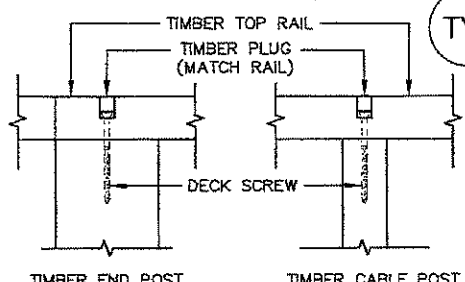






**ELEVATION**  
CABLE RAIL SYSTEM

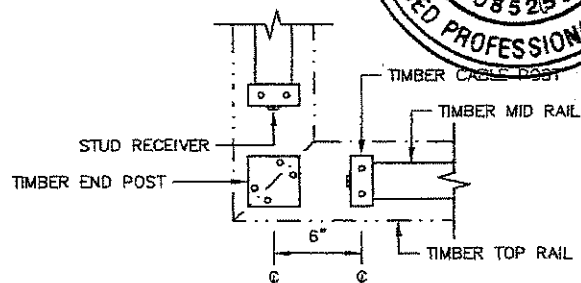
SCALE: 1"=2'-0"



**TYP**

**DETAIL A**  
TOP RAIL CONNECTIONS

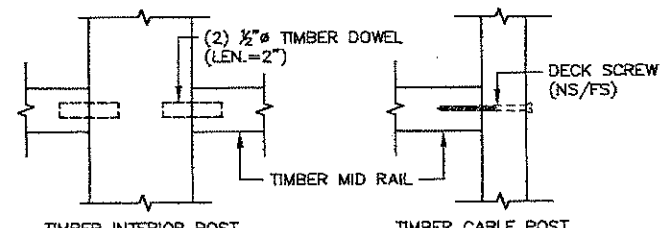
SCALE: 1"=6"



**TYP**

**DETAIL B**  
MID RAIL CONNECTIONS

SCALE: 1"=1'-0"



**TYP**

**DETAIL C**  
CABLE CONNECTIONS

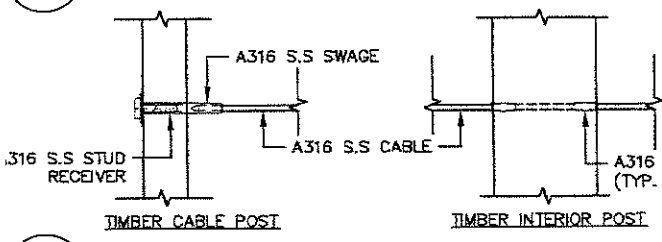
SCALE: 1"=6"



**TYP**

**DETAIL D**  
TIMBER POST CONNECTIONS

SCALE: 1"=1'-0"



**TYP**

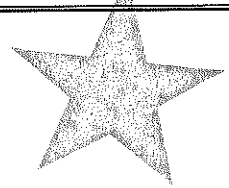
**DETAIL E**  
CABLE CONNECTIONS

SCALE: 1"=6"

DRAWINGS ISSUED FOR:  
**BUILDING PERMITTING**

ITEM	SIZE	MATERIALS
TOP RAIL	2X6	TIMBER
MID RAIL	2X3	TIMBER
POST	4X4	TIMBER
CABLE POST	2X4	TIMBER

SHEET NO. <b>SK-5.5</b> 12 of 12 SHEET(S)	PROJECT NO. P190801.00	PROJECT <b>WATERFRONT IMPROVEMENT</b> PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	SCALE AS NOTED	Rising Tide   Waterfront Solutions 485 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
	DRAWN BY JWK		DATE 10-24-19	
	CHECKED BY AMA		REVISION NO. 0	SHEET CABLE RAILING DETAILS





Short Environmental Assessment Form  
Part 1 - Project Information

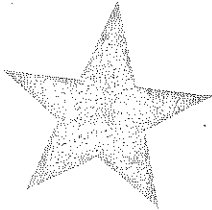
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Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information							
Name of Action or Project: WATERFRONT RECONSTRUCTION   D'ANGELO PROPERTY							
Project Location (describe, and attach a location map): PROJECT IS LOCATED IN MASSAPEQUA, IN THE TOWN OF OYSTER BAY, IN NASSAU COUNTY, NY. THE PROJECT SITE IS APPROXIMATELY 1.75 MILES EAST OF THE WANTAGH STATE PARKWAY AND 1.5 MILES SOUTH OF SUNRISE HIGHWAY.							
Brief Description of Proposed Action: REMOVE AND REPLACE 52 LINEAR FEET OF FUNCTIONING AND LAWFULLY EXISTING BULKHEAD, INCLUDING RETURNS AND PARALLEL CAPPING BOARDWALKS, IN-PLACE (WITHOUT SEAWARD EXPANSION). THE REPLACEMENT BULKHEAD SHALL BE 18-INCHES HIGHER THAN THE EXISTING BULKHEAD. REMOVE/REPLACE AND RELOCATE EXISTING 24X6-FT (144 SF) FLOATING DOCK. CONSTRUCT/ INSTALL A 6X4-FT (24 SF) CANTILEVERED KNEE DOCK, 12X3-FT (36 SF) ACCESS GANGWAY AND A 12X12.5-FT (150 SF) 4-PILE CRAFT LIFT. PROJECT DOES NOT INCLUDE MAINTENANCE DREDGING.							
Name of Applicant or Sponsor: MR. THOMAS D'ANGELO		Telephone: (516) 459-2588 E-Mail: TOMMYD742@GMAIL.COM					
Address: 53 FOREST AVENUE							
City/PO: MASSAPEQUA		State: NY	Zip Code: 11758				
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			<table><tr><td>NO</td><td>YES</td></tr><tr><td><input checked="" type="checkbox"/></td><td><input type="checkbox"/></td></tr></table>	NO	YES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NO	YES						
<input checked="" type="checkbox"/>	<input type="checkbox"/>						
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: USACE, NYS DOS, NYS DEC, NYS OGS, TOWN OF OYSTER BAY			<table><tr><td>NO</td><td>YES</td></tr><tr><td><input type="checkbox"/></td><td><input checked="" type="checkbox"/></td></tr></table>	NO	YES	<input type="checkbox"/>	<input checked="" type="checkbox"/>
NO	YES						
<input type="checkbox"/>	<input checked="" type="checkbox"/>						
3.a. Total acreage of the site of the proposed action? < 0.1 acres b. Total acreage to be physically disturbed? < 0.1 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 0.13 acres							
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland							

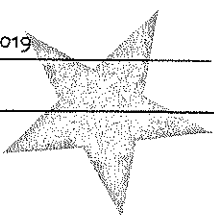




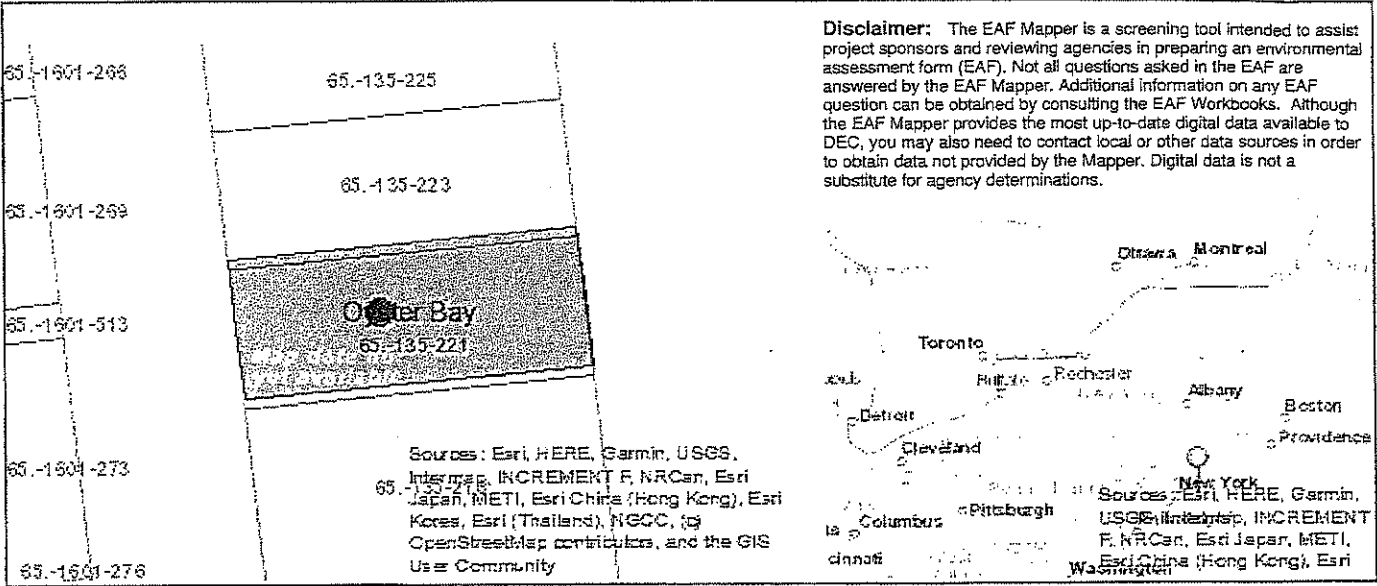




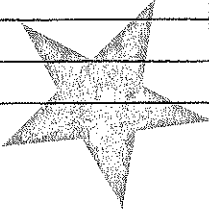
18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>ADAM M. AUSTIN, PE</u>		Date: <u>13 AUGUST 2019</u>
Signature: <u><i>Adam M. Austin</i></u>		







Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	Yes
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No





9 1 0 1 1

PROPERTY OWNER MR. THOMAS D'ANGELO APPLICATION NO \_\_\_\_\_  
ADDRESS 53 FOREST AVENUE  
MASSAPEQUA, NEW YORK 11758

(ATTACH ALL REQUIRED PERMITS OR, IF NOT REQUIRED, LETTERS OF NON-JURISDICTION)

AGENCY	REQ'D	NWP / ID / FILE	DATE
US ARMY CORPS OF ENGINEERS <sup>(1)</sup>	YES	NAN-2019-01129-EKL	10/17/19
NYS DEPT. OF ENVIRONMENTAL CONSERVATION	YES	1-2824-03353/00001	
NYS DEPT. OF STATE	YES	F-2019-0847	9/18/19
NYS OFFICE OF GENERAL SERVICES	N/A	N/A	N/A

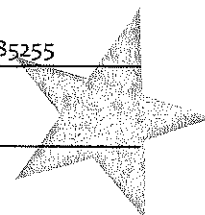
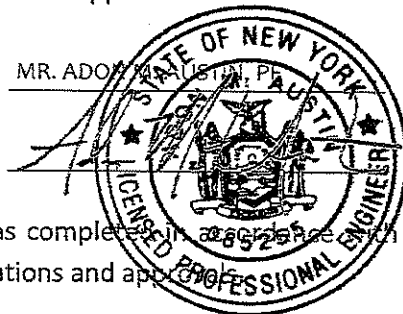
**CERTIFICATION:**

☒ I affirm that all necessary federal and state permits, certifications and approvals related to the proposed work have been obtained. I further certify that the scope of work represented in the submitted plans is in conformance with the obtained federal and state permits, certifications and approvals.

ENGINEER SIGNATURE \_\_\_\_\_ DATE 10/25/19

☐ I affirm that the work was completed in accordance with all authorized federal, state and local permits, certifications and approvals.

ENGINEER SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_





HOMEOWNERS PERMITTING CONFORMANCE CERTIFICATION

PROJECT INFORMATION

PROPERTY OWNER MR. THOMAS D'ANGELO APPLICATION NO  
ADDRESS 53 FOREST AVENUE  
MASSAPEQUA, NEW YORK 11758

STATE / FEDERAL REGULATORY PERMIT INFORMATION  
(ATTACH ALL REQUIRED PERMITS OR, IF NOT REQUIRED, LETTERS OF NON-JURISDICTION)

AGENCY	REQ'D	NWP / ID / FILE	DATE
US ARMY CORPS OF ENGINEERS <sup>(1)</sup>	YES	NAN-2019-01129-EKL	10/17/19
NYS DEPT. OF ENVIRONMENTAL CONSERVATION	YES	1-2824-03353/00001	
NYS DEPT. OF STATE	YES	F-2019-0847	9/18/19
NYS OFFICE OF GENERAL SERVICES	N/A	N/A	N/A

(1) Provide applicable Nationwide Permits or NAN File ID for authorized project scope.

CERTIFICATION:

As a waterfront homeowner, I understand that I am responsible for obtaining all necessary federal and state permits, certifications and approvals for the proposed scope of work.

☐ I affirm that I, personally, have obtained all necessary federal and state permits, certifications and approvals related to the proposed work.

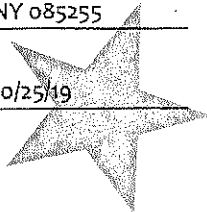
OWNER SIGNATURE DATE

OR

☒ I affirm that I have retained a licensed Professional Engineer, duly licensed to practice the profession in the State of New York, whom has obtained all the necessary federal and state permits, certifications and approvals related to the proposed work.

ENGINEER OF RECORD MR. ADON M. AUSTIN, PE LICENSE NO NY 085255

OWNER SIGNATURE DATE 10/25/19





NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1  
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (631) 444-0365 | F: (631) 444-0360  
www.dec.ny.gov

October 17, 2019

Thomas D'Angelo  
53 Forest Ave.  
Massapequa, NY 11758

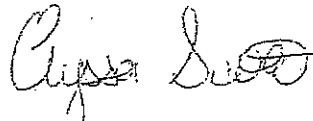
Re: Application #1-2824-03353/00001  
D'Angelo Property: 53 Forest Avenue  
NCTM# 65-135-221

Dear Mr. D'Angelo:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions please contact us at the above address.

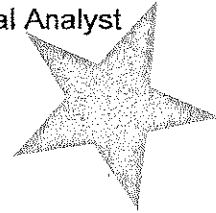
Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,



Elyssa Scott  
Environmental Analyst

cc: Rising Tide Waterfront Solutions  
BMHP  
File



Department of  
Environmental  
Conservation



PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:  
THOMAS D'ANGELO  
53 FOREST AVE  
MASSAPEQUA, NY 11758

Facility:  
D'ANGELO PROPERTY  
53 FOREST AVE|65-135-221  
MASSAPEQUA, NY 11758

Facility Application Contact:  
RISING TIDE WATERFRONT SOLUTIONS -  
AN ENGINEERING COMPANY, PLLC  
C/O ADON AUSTIN  
486 SUNRISE HWY STE 102  
ROCKVILLE CENTRE, NY 11570  
(516) 595-3483

Facility Location: in OYSTER BAY in NASSAU COUNTY  
Facility Principal Reference Point: NYTM-E: 628.551 NYTM-N: 4501.342  
Latitude: 40°39'10.6" Longitude: 73°28'46.0"

Authorized Activity: Reconstruct bulkhead in place of the existing structure and install a platform, ramp, float and boat lift. All work must be done according to the plans prepared by Rising Tide Waterfront Solutions, last revised 8/13/2019 and stamped NYSDEC approved 10/17/2019. EES.

Permit Authorizations

Tidal Wetlands - Under Article 25

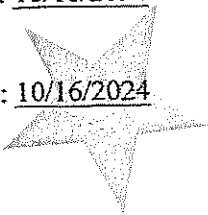
Permit ID 1-2824-03353/00001  
New Permit                      Effective Date: 10/17/2019                      Expiration Date: 10/16/2024

Water Quality Certification - Under Section 401 - Clean Water Act

Permit ID 1-2824-03353/00002  
New Permit                      Effective Date: 10/17/2019                      Expiration Date: 10/16/2024

Excavation & Fill in Navigable Waters - Under Article 15, Title 5

Permit ID 1-2824-03353/00003  
New Permit                      Effective Date: 10/17/2019                      Expiration Date: 10/16/2024





10/17/2019

**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KEVIN A KISPERT, Deputy Permit Administrator

Address: NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook 50 Circle Rd  
Stony Brook, NY 11790 -3409

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



Date 10/17/2019

**Distribution List**

RISING TIDE WATERFRONT SOLUTIONS - AN ENGINEERING COMPANY, PLLC  
Bureau of Marine Habitat Protection  
Elyssa Scott

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;  
EXCAVATION & FILL IN NAVIGABLE WATERS**

**1. Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

**2. Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.



**3. Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Rising Tide Waterfront Solutions, last revised 8/13/2019.

**4. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

**5. No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

**6. Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of in an authorized solid waste management facility. These materials shall be suitably stabilized as not to re-enter any water body, wetland or wetland adjacent area.

**7. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

**8. Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

**9. Backfilling** All peripheral berms, cofferdams, rock revetments, seawalls, gabions, bulkheads or other approved shoreline stabilization structures shall be completed prior to placement of any fill material behind such structures.

**10. No Seaward Extension of Bulkhead** The new bulkhead shall be constructed in place of the existing bulkhead with no seaward extension of the outermost bulkhead face.

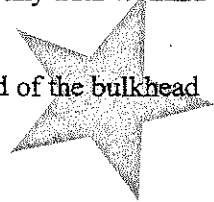
**11. Replacement Bulkhead Maximum Height** The top elevation of the replacement bulkhead shall be no more than 18 inches higher than the existing bulkhead.

**12. No Structures on Bulkhead** No permanent structures shall be installed on the authorized bulkhead without first obtaining written department approval (permit, modification, amendment).

**13. Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.

**14. No Runoff Over or Through Bulkhead or into Wetland** There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.

**15. Bulkhead Decking** No portion of the decking or boardwalk shall extend seaward of the bulkhead sheathing.





**16. Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.

**17. Dock Reconstruction or Replacement** Dock reconstruction or replacement or seasonal installation shall not involve expansion or substantial modification of existing structures or facilities.

**18. No Floats, Ramps in Vegetated Tidal Wetlands** Floats and ramps may not rest on or be stored in any vegetated tidal wetland.

**19. Float Installation** The float shall be installed only at the approved location with a minimum water depth of 2½ feet, measured at apparent low tide.

**20. No Prop Dredging** Prop dredging, or the act of utilizing and/or directing the propeller or propulsion system of a motorized vessel and/or the water-borne forces created by said propeller or propulsion system, to excavate or displace existing bottom sediment and benthic habitat for the direct or indirect purpose of establishing or increasing water depth, is a regulated activity and is not authorized by this permit. Prop dredging is strictly prohibited without further written authorization (permit, modification or amendment) from the department.

**21. Repairs to Structures** All repairs to existing structures shall be confined to replacement of existing elements with no change in design, dimension or materials, unless specifically authorized by this permit.

**22. No Dredging or Excavation** No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.

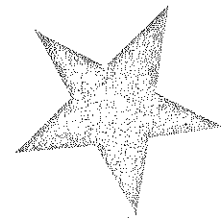
**23. No Permanent Structures on Dock** No permanent structures shall be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).

**24. Docks at Property Lines** Docks/catwalks/floats must not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**25. Pilings at Property Lines** Pilings shall not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.





**26. Boat Lifts at Property Lines** Boat lift/davit shall not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**27. No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

**28. Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

**29. Maintain Erosion Controls** All erosion control devices shall be maintained in good and functional condition until the project has been completed and the area has been stabilized.

**30. No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

**31. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

**32. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**33. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.



**34. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS**

**1. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

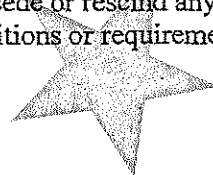
**GENERAL CONDITIONS - Apply to ALL Authorized Permits:**

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.





**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

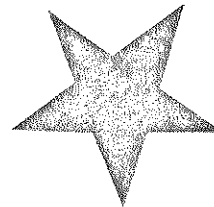
Regional Permit Administrator  
NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook 50 Circle Rd  
Stony Brook, NY 11790 -3409

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.





**NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

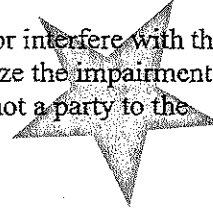
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.







SCHMIDT CANAL  
WID. = 105'-0" (±)



DRAWINGS ISSUED FOR:  
REGULATORY PERMITTING

REPUTED PROPERTY OF  
MARK POWELL  
(53 FOREST AVE | SBL 65/135/223)

PROJECT  
BOUNDARY

EXIST. TIMBER DECK  
(TO BE REMOVED)

37'-9" (±)

(DIST. TO STRUCTURE)

EXIST. RESIDENTIAL  
STRUCTURE

EXIST. GARAGE  
(REMAIN IN PLACE)

12'-0" (±)

(DIST. TO STR.)

PROJECT  
BOUNDARY

REPUTED PROPERTY OF  
THOMAS AHLERS  
(51 FOREST AVE | SBL 65/135/218)

12"Ø TIMBER PILE  
(TYP. 7 PLA.)

TIDAL BOUNDARY  
(MHW | MLW - SEE TYP. SECTION)

PROPOSED 12,000LBS 4-PILE  
SMALL CRAFT LIFT  
(12X12.5-FT=150 SF)

EXIST. 24X6-FT (144 SF)  
FLOATING DOCK  
(REMOVE/RELOCATE)

PROPOSED 12X3-FT (36 SF)  
ACCESS GANGWAY

PROPOSED 6X4-FT (24 SF)  
CANTILEVERED KNEE DOCK

40'-0" (±) PROPERTY BOUNDARY

FLANK WALL  
(TYP. BOTH SIDES)

FLANK PILE  
(TYP. BOTH SIDES)

NYS DEC  
APPROVED AS PER TERMS  
AND CONDITIONS OF

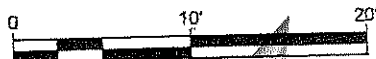
PERMIT NO. 1-2824-03353/1

DATE 10/17/2019

Page 1 of 2

FACILITY PLAN

SCALE: 1"=10'-0"



SEND:

K) BULKHEAD SEGMENT LENGTH

SHEET NO.

SK-4

4 of 5 SHEET(S)

PROJECT NO.

P190801.00

DRAWN BY

JWK

CHECKED BY

AMA

PROJECT

D'ANGELO PROPERTY  
PREPARED FOR  
MR. THOMAS D'ANGELO  
LOCATED AT  
53 FOREST AVENUE

MASSAPEQUA, NY 11758 SCHMIDT CANAL

NASSAU COUNTY

SCALE

1"=10'-0"

DATE

08-13-19

REVISION NO.

A

Rising Tide | Waterfront Solutions

486 SUNRISE HIGHWAY, SUITE 102  
ROCKVILLE CENTRE, NEW YORK 11570

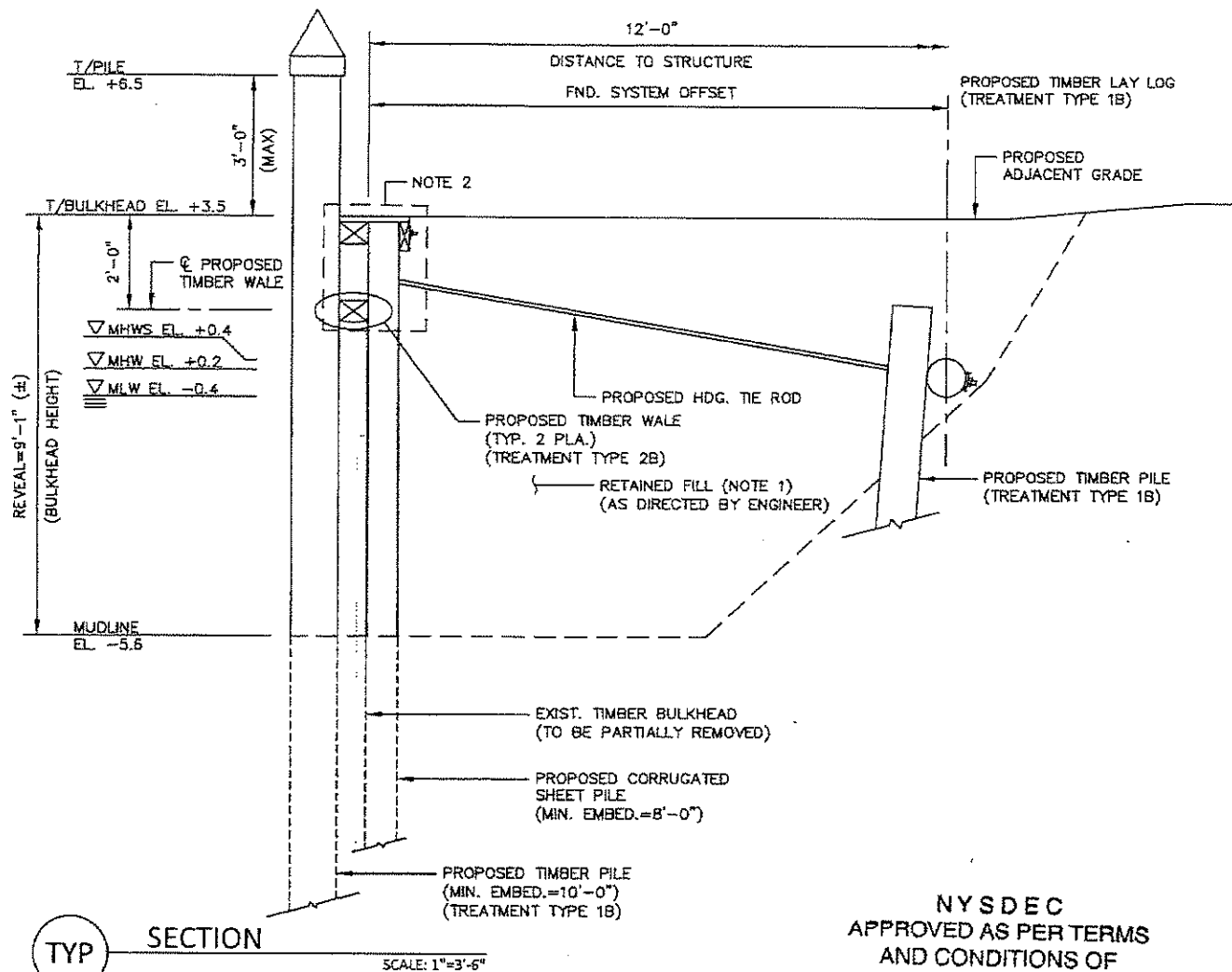
SHEET

FACILITY PLAN



NOTE(S):  
1. FILL: ALL FILL WILL BE CLEAN FREE DRAINING FREE OF CONTAMINANTS AND REGULATED WASTES INCLUDING CONSTRUCTION DEBRIS THAT IS SOURCED FROM NYS DEC APPROVED SITE.  
2. BULKHEAD ELEVATION: T/PROPOSED BULKHEAD TO BE RAISED 18 INCHES HIGHER THAN EXISTING T/BULKHEAD ELEVATION.

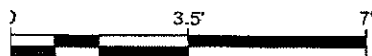
TIMBER TREATMENT			
TREATMENT TYPE	ELEMENT	RETENTION	DESCRIPTION
1A	PILES	1.5	CCA TREATED PER LATEST AWPA STANDARDS, COMMODITY SPECIFICATION A.P 3.0
1B		2.5	
2A	FRAMING	1.5	CCA TREATED PER LATEST AWPA STANDARDS, COMMODITY SPECIFICATION A.P 3.0
2B		2.5	
3A		1.5	ACQ TREATED PER AWPA ACQ-D
3B		2.5	



DRAWINGS ISSUED FOR:  
REGULATORY PERMITTING

NYS DEC  
APPROVED AS PER TERMS  
AND CONDITIONS OF

PERMIT NO. 2082  
DATE 2012



ALL ELEVATIONS IN NAVD 88

RET. NO.	PROJECT NO.	PROJECT	SCALE	Rising Tide   Waterfront Solutions 486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570
SK-5	P190801.00	D'ANGELO PROPERTY PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE MASSAPEQUA, NY 11758 SCHMIDT CANAL NASSAU COUNTY	1"=3'-6"	
5 of 5 SHEETS	DRAWN BY JNK		DATE 08-13-19	
	CHECKED BY AMA		REVISION NO. A	
				SHEET BULKHEAD SECTION & DETAILS





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

19100468

REGULATORY BRANCH

OCT 17 2019

SUBJECT: Department of the Army Permit Application File Number NAN-2019-01129-EKL by Thomas D 'Angelo for Bulkhead Maintenance, Dock Structures Maintenance in Schmidt Canal, a tributary of South Oyster Bay, in Massapequa, Town of Oyster Bay, Nassau County, New York

1. PERMITTEE:

Thomas D 'Angelo  
53 Forest Avenue  
Massapequa, New York 11758

2. On August 19, 2019, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for the replacement of approximately 40 linear feet of existing bulkhead in-place with two (2) new 6-foot-long return 18-inches higher than existing. The regulated activities also include the replacement and relocation of an existing six-foot-wide by 24-foot-long float parallel to the existing bulkhead, the installation of a new three-foot-wide by 12-foot-long ramp leading to a new four-foot-wide by six-foot-long float and the installation of a 12-foot-wide by 12.5-foot-long boat lift. The project is located in Schmidt Canal, a tributary of South Oyster Bay at 53 Forest Avenue, Massapequa, Town of Oyster Bay, Nassau County, New York.

3. The specific applicant-provided details are as shown on the attached permit drawings titled "D' Angelo Property" dated August 13, 2019, prepared by Rising Tide Waterfront Solutions (sheets 1 through 3 of 3).

4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 2 STRUCTURES IN ARTIFICIAL CANALS, Number 3 MAINTENANCE; in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal Register dated January 6, 2017 (82 FR 1860). The subject work may be performed without further authorization from this office provided it complies with Number 2, STRUCTURES IN ARTIFICIAL CANALS, Sections A through D, Number 3 MAINTENANCE; New York District regional conditions; the following work- specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2017 nationwide



REGULATORY BRANCH

18100400  
OCT 17 2019

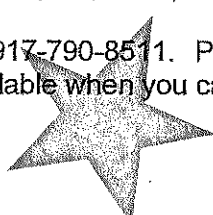

SUBJECT: Department of the Army Permit Application File Number NAN-2019-01129-EKL by Thomas D 'Angelo for Bulkhead Maintenance, Dock Structures Maintenance in Schmidt Canal, a tributary of South Oyster Bay, in Massapequa, Town of Oyster Bay, Nassau County, New York

18, 2022, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

10. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>

11. Any inquiries should be directed to our Regulator-of-the-Day at 917-790-8511. Please be sure to have the above eighteen-character file number readily available when you call.

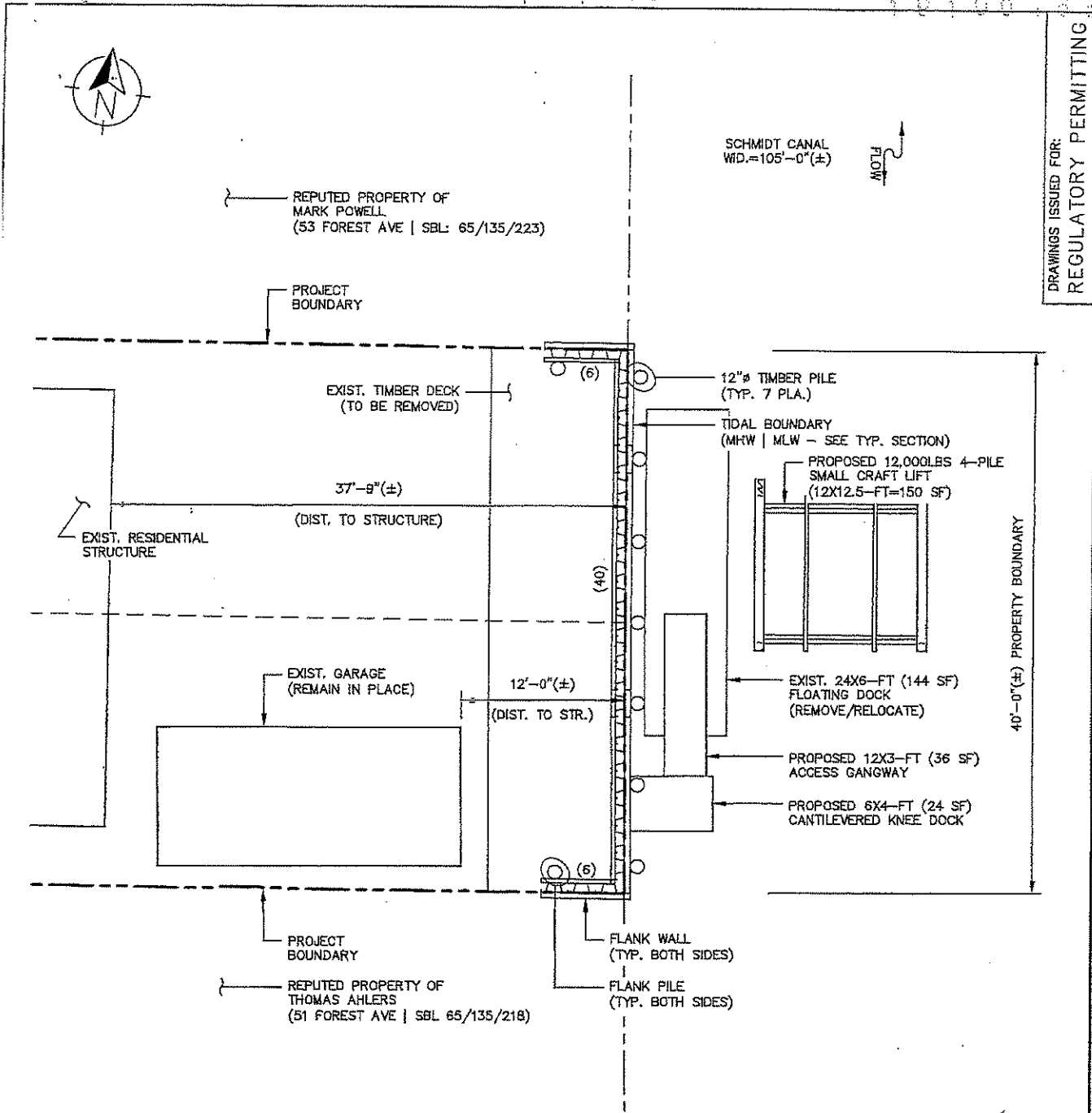
  
  
Ronald R. Pinzon  
Chief, Eastern Section

Enclosures (2)

1. Dated Permit Drawings
2. Completion Form

Copies furnished:  
Rising Tide Waterfront Solutions  
Attn: Adon Austin  
486 Sunrise Highway, Suite 102  
Rockville Centre, New York





DRAWINGS ISSUED FOR:  
REGULATORY PERMITTING

FACILITY PLAN

SCALE: 1"=10'-0"

LEGEND:  
(XX) BULKHEAD SEGMENT LENGTH

SHEET NO.  <b>SK-4</b>  4 of 5 SHEET(S)	PROJECT NO. P190801.00	PROJECT  D'ANGELO PROPERTY PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758   SCHMIDT CANAL   NASSAU COUNTY	SCALE 1"=10'-0"	Rising Tide   Waterfront Solutions	
	DRAWN BY JWK		DATE 08-13-19	486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570	
	CHECKED BY AMA		REVISION NO. A	SHEET	
	FACILITY PLAN				

OCT 17 2019

PAGE 2 OF 3



September 18, 2019

Adon Austin  
Rising Tide Waterfront Solutions  
486 Sunrise Highway, Suite 102  
Rockville Centre, New York 11570

Re: F-2019-0847  
U.S. Army Corps of Engineers/New York District Permit  
Application – Thomas D'Angelo  
Remove and replace 52LF of functioning and lawfully  
existing bulkhead, including returns and parallel capping  
boardwalks, in-place (without seaward expansion). The  
replacement bulkhead shall be 18" higher than the existing  
bulkhead. Remove/replace and relocate existing 24 x 6'  
(144 sf) floating dock. Construct/install a 6 x 4' (24 sf)  
cantilevered knee dock, 12 x 3' 36 sf) access gangway and  
a 12 x 12.5' (150 sf) 4-pile craft lift. Project does not  
include maintenance dredging.  
Schmidts Canal, Town of Oyster Bay, Nassau County  
No Review Necessary

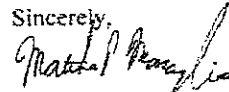
Dear Mr. Austin:

The Department of State received your Federal Consistency Assessment Form and supporting information on 8/16/2019. From the information provided, it appears that the proposed action may be authorized by the Army Corps of Engineers under a Nationwide Permit that the Department of State has already concurred with, and as such further review by the Department of State is not required.

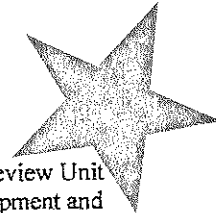
Should the Army Corps determine that the proposed project may not be conducted under the Nationwide Permit program or if the project is modified, please contact the Department of State to determine if further review is required.

This is without prejudice to and does not obviate the need to obtain all other applicable license, permits, other forms of authorizations or approvals that may be required pursuant to existing New York State statutes. Specifically, it appears that you may require authorization from the New York State Department of Environmental Conservation (DEC). Please contact the DEC region 1 office to determine if their authorization is required.

Sincerely,



Matthew P. Maraglio  
Supervisor, Consistency Review Unit  
Office of Planning, Development and  
Community Infrastructure



MM/dc

cc: COE/New York District – Steve Ryba  
DEC Region 1 – Susan Ackerman



Department  
of State





DRAWINGS ISSUED FOR:  
BUILDING PERMITTING

TABLE OF PROPERTIES		
ID	OWNER	ADDRESS
1	WILLIAM SCHAEGLER	67 FOREST AVE
2	HARDIE DUHANEY SR.	65 FOREST AVE
3	ROBERT SPINELLI	63 FOREST AVE
4	BRUNO VIDAC	61 FOREST AVE
5	KATHRYN BRADLEY	57 FOREST AVE
6	MARK POWELL	55 FOREST AVE
7	LAURA DANGELO-FAIS	LOCATION OF WORK
8	MICHAEL AHLERS	51 FOREST AVE
9	ROBERT WEBER	49 FOREST AVE
10	MARK SUHRLAND	47 FOREST AVE
11	RICHARD BURBAN	43 FOREST AVE
12	RICHARD DOYLE	41 FOREST AVE
13	MARK DAVID	60 DIVISION AVE
14	HARUN BEGIS	56 DIVISION AVE
15	LOUIS DILUGIO	52 DIVISION AVE
16	NEVIN RIFAT	50 DIVISION AVE
17	CHARLES CHIN SANG	48 DIVISION AVE
18	VICTOR ADDISON	46 DIVISION AVE
19	MATTHEW BROSS	44 DIVISION AVE
20	WILLIAM HAMMEL	40 DIVISION AVE
21	THE MARIANO BADAGLIACCA IRREVOCABLE ASSET MANAGEMENT TRUST	38 DIVISION AVE
22	JOSEPH ROLLO	36 DIVISION AVE

RADIUS MAP

N.T.S.

SHEET NO.  IL-1  1 of 1 SHEET(S)	PROJECT NO. P190801.00	PROJECT  WATERFRONT IMPROVEMENT  PREPARED FOR MR. THOMAS D'ANGELO LOCATED AT 53 FOREST AVENUE  MASSAPEQUA, NY 11758   SCHMIDT CANAL   NASSAU COUNTY	SCALE N.T.S.	Rising Tide   Waterfront Solutions  486 SUNRISE HIGHWAY, SUITE 102 ROCKVILLE CENTRE, NEW YORK 11570  RADIUS MAP
	DRAWN BY JWK		DATE 10-24-19	
	CHECKED BY AMA		REVISION NO. 0	
	SHEET			





CERTIFICATE OF INSURANCE COVERAGE  
DISABILITY AND PAID FAMILY LEAVE BENEFITS LAW

19100468

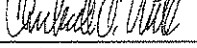
PART 1. To be completed by Disability and Paid Family Leave Benefits Carrier or Licensed Insurance Agent of that Carrier

1a. Legal Name & Address of Insured (use street address only) RC WISH CONSTRUCTION INC.  24 WEST HARRISON AVENUE BABYLON, NY 11702  <small>Work Location of Insured (Only required if coverage is specifically limited to certain locations in New York State, i.e., Wrap-Up Policy)</small>	1b. Business Telephone Number of Insured 631-278-7146  1c. Federal Employer Identification Number of Insured or Social Security Number 264769030
2. Name and Address of Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder) Town of Oyster Bay 74 Audry Ave Oyster Bay, NY 11771	3a. Name of Insurance Carrier ShelterPoint Life Insurance Company  3b. Policy Number of Entity Listed in Box "1a" DBL426418  3c. Policy effective period 11/15/2018 to 11/14/2019

4. Policy provides the following benefits:  
☒ A. Both disability and paid family leave benefits.  
☐ B. Disability benefits only.  
☐ C. Paid family leave benefits only.

5. Policy covers:  
☒ A. All of the employer's employees eligible under the NYS Disability and Paid Family Leave Benefits Law.  
☐ B. Only the following class or classes of employer's employees:  
\_\_\_\_\_

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability and/or Paid Family Leave Benefits insurance coverage as described above.

Date Signed 12/21/2018 By   
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number 516-829-8100 Name and Title Richard White, Chief Executive Officer

IMPORTANT: If Boxes 4A and 5A are checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.

If Box 4B, 4C or 5B is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the NYS Disability and Paid Family Leave Benefits Law. It must be mailed for completion to the Workers' Compensation Board, Plans Acceptance Unit, PO Box 5200, Binghamton, NY 13902-5200.

PART 2. To be completed by the NYS Workers' Compensation Board (Only if Box 4C or 5B of Part 1 has been checked)

State of New York  
Workers' Compensation Board

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability and Paid Family Leave Benefits Law with respect to all of his/her employees.

Date Signed \_\_\_\_\_ By \_\_\_\_\_  
(Signature of Authorized NYS Workers' Compensation Board Employee)

Telephone Number \_\_\_\_\_ Name and Title \_\_\_\_\_

Please Note: Only insurance carriers licensed to write NYS disability and paid family leave benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.







CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/16/2019

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

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

PRODUCER		CONTACT NAME: Robert Bleistein	
Eastern Classic Coverage		PHONE (A/C, No, Ext): 5163208120	
1055 Stewart Ave.		FAX (A/C, No):	
		E-MAIL ADDRESS: cst@classiccovrge.com	
		INSURER(S) AFFORDING COVERAGE	
Bethpage NY 11714		INSURER A : UNITED SPECIALTY	
		INSURER B : NYSIF	
		INSURER C : SHELTER POINT	
		INSURER D :	
		INSURER E :	
		INSURER F :	
NSURED			
RC WISH CONSTRUCTION INC			
24 WEST HARRISON AVE			
BABYLON NY 11702			

COVERAGES		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.							
VS	TR	TYPE OF INSURANCE	ADDL SUBR INSD WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
		<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					
		<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR					
			Y	USA4186781	08/16/2018	08/16/2020	EACH OCCURRENCE \$ 1,000,000
		GEN'L AGGREGATE LIMIT APPLIES PER:					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
		<input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input type="checkbox"/> LOC					MED EXP (Any one person) \$ 5,000
		OTHER:					PERSONAL & ADV INJURY \$ 1,000,000
							GENERAL AGGREGATE \$ 2,000,000
							PRODUCTS - COMP/OP AGG \$ 1,000,000
		AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
		ANY AUTO					BODILY INJURY (Per person) \$
		ALL OWNED AUTOS					BODILY INJURY (Per accident) \$
		HIRED AUTOS					PROPERTY DAMAGE (Per accident) \$
		UMBRELLA LIAB					EACH OCCURRENCE \$
		EXCESS LIAB					AGGREGATE \$
		DED RETENTION \$					
		WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE OTHER
B		ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory to NH)	Y/N	123145782	11/15/2018	11/15/2019	E.L. EACH ACCIDENT \$ 100,000
		If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				E.L. DISEASE - EA EMPLOYEE \$ 100,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000
C		DISABILITY		D426418	11/15/2018	11/15/2019	NYS LIMITS

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

CERTIFICATE HOLDER IS AN ADDITIONAL INSURED.

CERTIFICATE HOLDER	CANCELLATION
TOWN OF OYSTER BAY	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
74 AUDREY AVE	AUTHORIZED REPRESENTATIVE
Oyster Bay NY 11771	Robert Bleistein





# New York State Insurance Fund

Workers' Compensation & Disability Benefits Specialists Since 1914

8 CORPORATE CENTER DR, 3RD FLR, MELVILLE, NEW YORK 11747-3129

19100481

## CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

\*\*\*\* 264769030

EASTERN CLASSIC COVERAGE  
INSURANCE AGENCY LLC  
1055 STEWART AVE FLR 2 STE 5  
BETHPAGE NY 11714



SCAN TO VALIDATE  
AND SUBSCRIBE

<b>POLICYHOLDER</b> RC WISH CONSTRUCTION INC 24 WEST HARRISON AVENUE BABYLON NY 11702	<b>CERTIFICATE HOLDER</b> TOWN OF OYSTER BAY 74 AUDREY AVE OYSTER BAY NY 11771
--	---

<b>POLICY NUMBER</b> 12314 578-2	<b>CERTIFICATE NUMBER</b> 381920	<b>POLICY PERIOD</b> 11/16/2018 TO 11/16/2019	<b>DATE</b> 12/21/2018
-------------------------------------	-------------------------------------	--	---------------------------

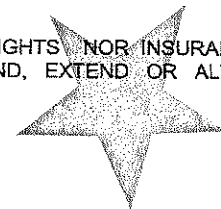
THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 2314 578-2, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT [HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP](https://www.nysif.com/cert/certval.asp). THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS POLICY DOES NOT COVER CLAIMS OR SUITS THAT ARISE FROM BODILY INJURY SUFFERED BY THE OFFICERS OF THE INSURED CORPORATION.

PRESIDENT  
RHYAN WISCHERN  
RC WISH CONSTRUCTION INC

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS, NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.



NEW YORK STATE INSURANCE FUND

*Sherwin Taylor*

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 347488216



TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO

December 26, 2019

TO: JOSEPH NOCELLA, OFFICE OF THE TOWN ATTORNEY  
ATTENTION: SHEILA TARNOWSKI, OFFICE OF LEGISLATIVE AFFAIRS

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

SUBJECT: DOCKS, PIERS & FLOATS PERMIT:  
Thomas D'Angelo  
Application # 19100468  
53 Forest Avenue, Massapequa, New York  
Section: 65 Block: 135 Lot(s): 221-222


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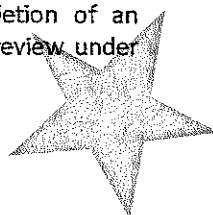
Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQRA, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

Based on our review, the Department has classified the subject proposal as a **TYPE II ACTION**, under the SEQRA Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced section of SEQRA have been pre-determined not to have a significant impact on the environmental or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

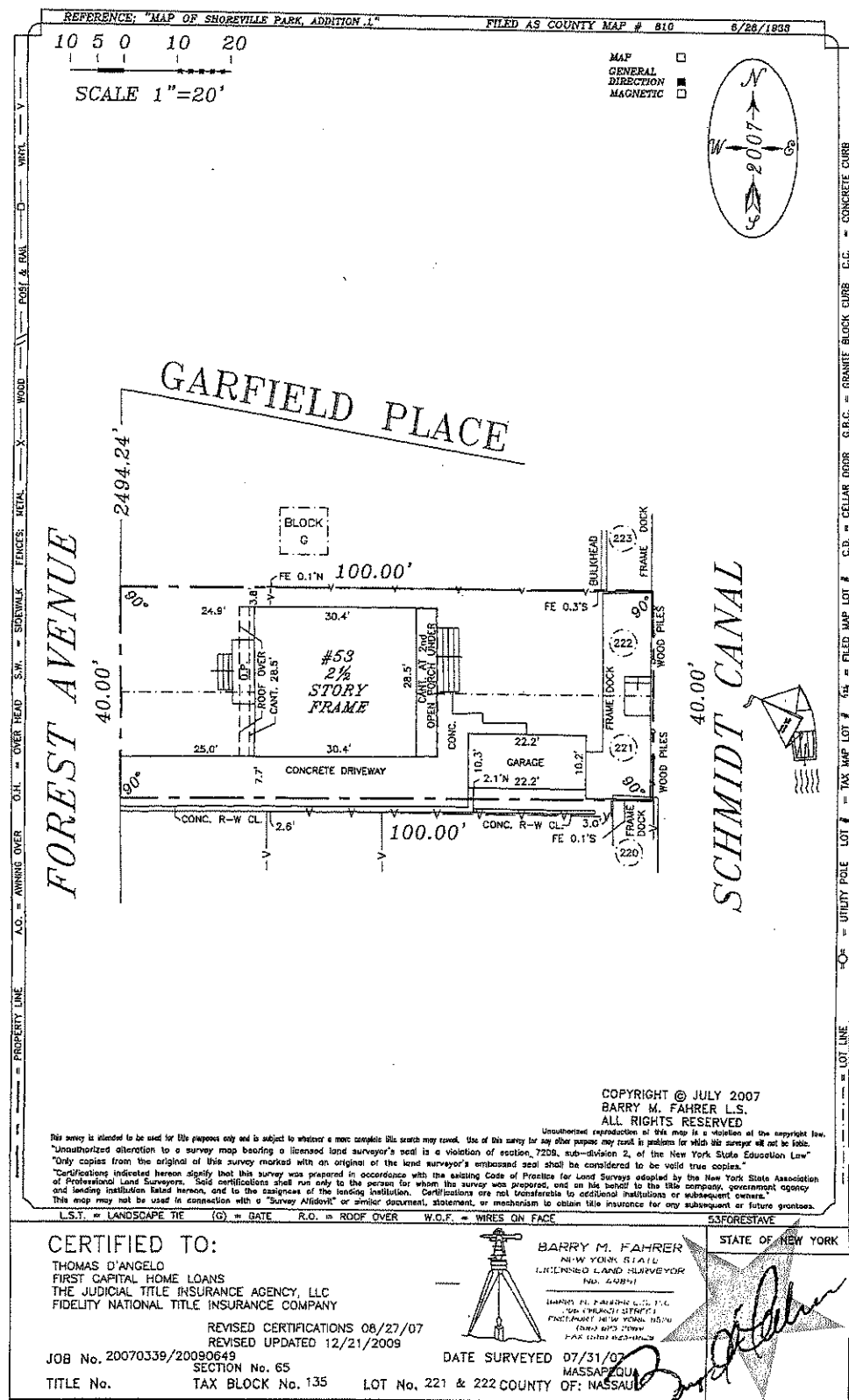
Inasmuch as the action which would be undertaken by the subject applicant is on SEQRA's pre-determined Type II Actions list, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require the completion of an environmental assessment form or an environmental impact statement, or any further review under SEQRA.

  
GEORGE BAPTISTA JR., DEPUTY COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL RESOURCES



cc: Elizabeth L. Maccarone, Commissioner, Department of Planning & Development  
Attn: Michael Moriarty, Commercial Planning







WHEREAS, pursuant to the Code of the Town of Oyster Bay ("Code"), Chapter 241, "Waterways", Section 241-9, "Applications", Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated April 22, 2020, directed MARTIN KELLY, Applicant, to provide an Affidavit of Mailing Notice, pursuant to Section 241-9(E)(3) of the Code, of the application to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 14 Riverdale Avenue, Massapequa, New York 11758, known and designated as Section 65, Block 241, Lot 3, on the Nassau County Land and Tax Map; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Commissioner Maccarone, by said memorandum, stated that Chapter 241 of the Code requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and has requested a calendar date of May 19, 2020, for Town Board action, in connection with the aforementioned application; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated December 26, 2019, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review Law, the Town Environmental Quality Review Division ("Division") has reviewed the captioned site plan application and has reviewed the relevant environmental factors affected by the uses proposed in the subject application, and has determined that said application warrants a TYPE II ACTION, thus having no significant impact on the environment, in accordance with the Environmental Conservation Law of the State of New York, and the applicable regulations thereof,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board does hereby determine that the aforementioned dock application will not have a significant impact on the environment, that the proposed action in said application constitutes a TYPE II ACTION, in accordance with the New York State Environmental Conservation Law and the applicable regulations thereof, and that the Town Board hereby adopts the Town of Oyster Bay Environmental Quality Review Division Report, dated December 26, 2019; and be it further

RESOLVED, That the application of MARTIN KELLY, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 68 South Bay Avenue, Massapequa, New York 11758, known and designated as Section 65, Block 241, Lot 3 on the Nassau County Land and Tax Map, is hereby APPROVED.

-#-

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

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

Reviewed By  
Office of Town Attorney



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

**TO: MEMORANDUM DOCKET**

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

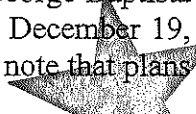
**DATE: APRIL 22, 2020**

**SUBJECT: WATERWAYS REVIEW  
MARTIN KELLY  
68 SOUTH BAY AVENUE  
MASSAPEQUA, NY 11758  
SECTION 65, BLOCK 241, LOT(S) 3  
DOCK BUILDING PERMIT APPLICATION # 19110246**

---

We have received a request from Martin Kelly to “remove and replace approximately 25 linear feet of an existing L shaped bulkhead up to 18 inches higher than existing, and one 6 foot return. The proposed bulkhead will tie into existing perpendicular 30 linear foot bulkhead. Existing 6 foot wide by 30 foot long mooring float will be removed and replaced with a 30 inch wide by 9 foot long ramp leading to a 6 foot wide by 11 foot long mooring float, and a two foot wide by 16 foot long finger float in an L shaped configuration. Additionally one 12 inch diameter timber pile will be installed to support the finger pier. The proposed work also includes one-time maintenance dredging of approximately 25 cubic yard of material within 10 linear feet seaward of the length of the 55 linear foot section of bulkhead over an area of 450 square feet to a depth of four feet below the plane of Mean Low Water. ” All work is to be done according to the attached plans stamped “NYSDEC Approved” Permit No. 1-2824-02327/00004 dated October 8, 2019 and the Department of the Army, New York District, Corps of Engineers Nationwide Permit No. NAN-2019-00783-EVI dated September 24, 2019. Chapter 241 of the Code of the Town of Oyster Bay entitled “Waterways” requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No.19110246; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-02327/00004 dated October 8, 2019; Department of the Army, New York District Corps of Engineers Permit No. NAN-2019-00783-EVI dated September 24, 2019, and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated July 29, 2019. Also attached is a memo from George Baptista Jr., Deputy Commissioner Department of Environmental Resources dated December 19, 2019, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.





The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC and the Department of the Army Corps of Engineers Permit approvals.

The proposed work at the subject premises would, in our opinion, be compatible with the surrounding area.

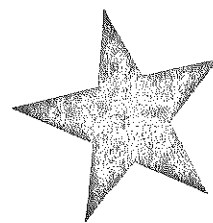
Pursuant to Section §241-9(E)(3) in the Town Code, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the May 19, 2020 Town Board calendar to provide the applicant ample time to comply with this requirement.

  
ELIZABETH L. MACCARONE  
COMMISSIONER

ELM/MM  
Encls.

cc: Legislative Affairs (9 copies w/ attachments)

cc: Town Attorney's Office, Attn: Dennis Sheehan





Applicant: Martin Kelly  
Project Site: 68 South Bay Ave  
Massapequa, NY 11758

Proposed: Bulkhead replacement in  
same place with an 18" increase in  
elevation, dredging approx. 25 cyds,  
& mooring float

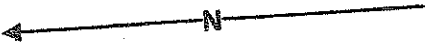
Scale: 1"=20',  
Prepared by Bulkhead  
Permits by Gary inc.

2 Whaleneck Drive  
Merrick, NY 11566

June 26, 2019

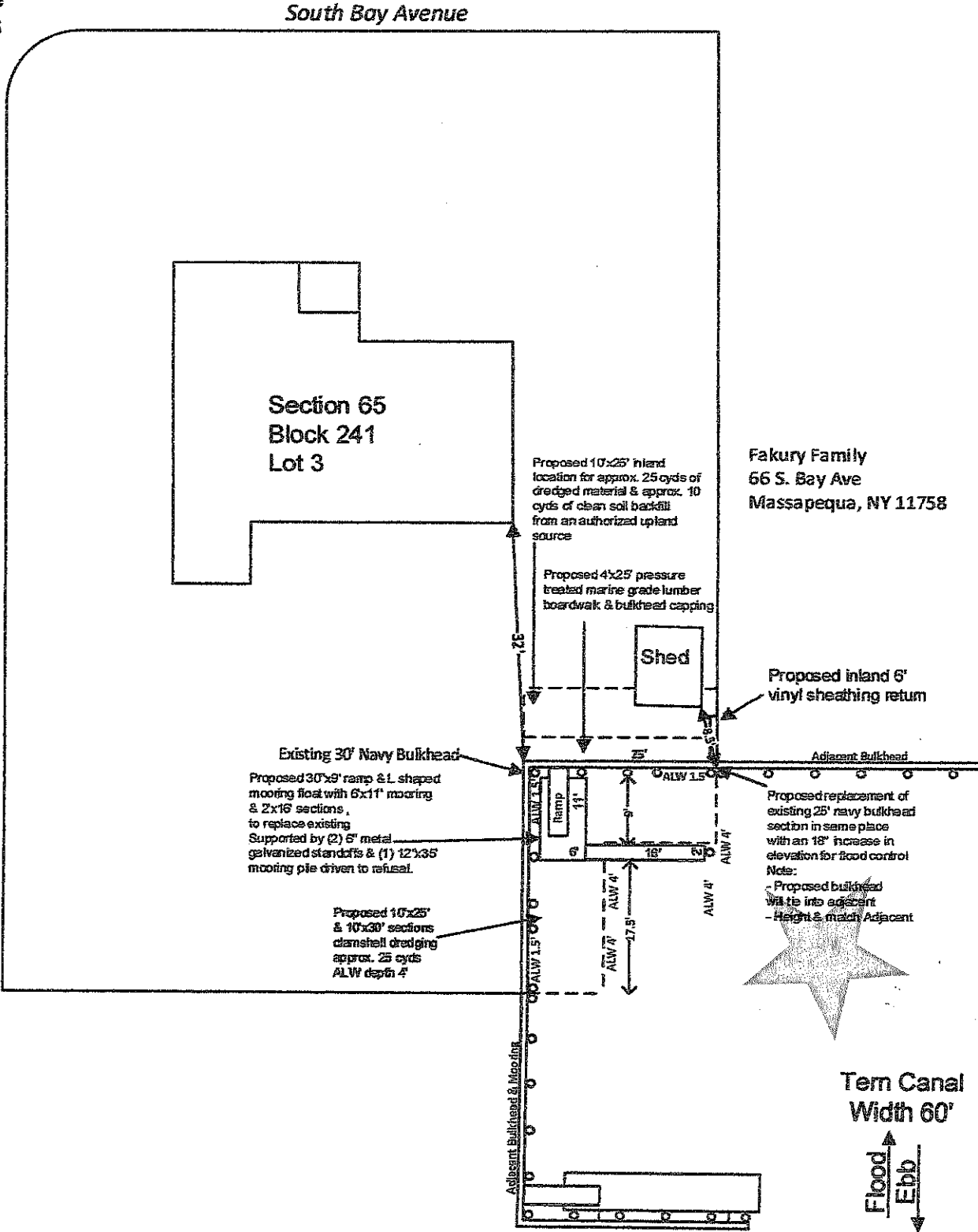
Revised:  
August 29, 2019

Project Plan  
Page 1/3



Pienkos Family  
70 S. Bay Street  
Massapequa, NY 11758

Fakury Family  
66 S. Bay Ave  
Massapequa, NY 11758



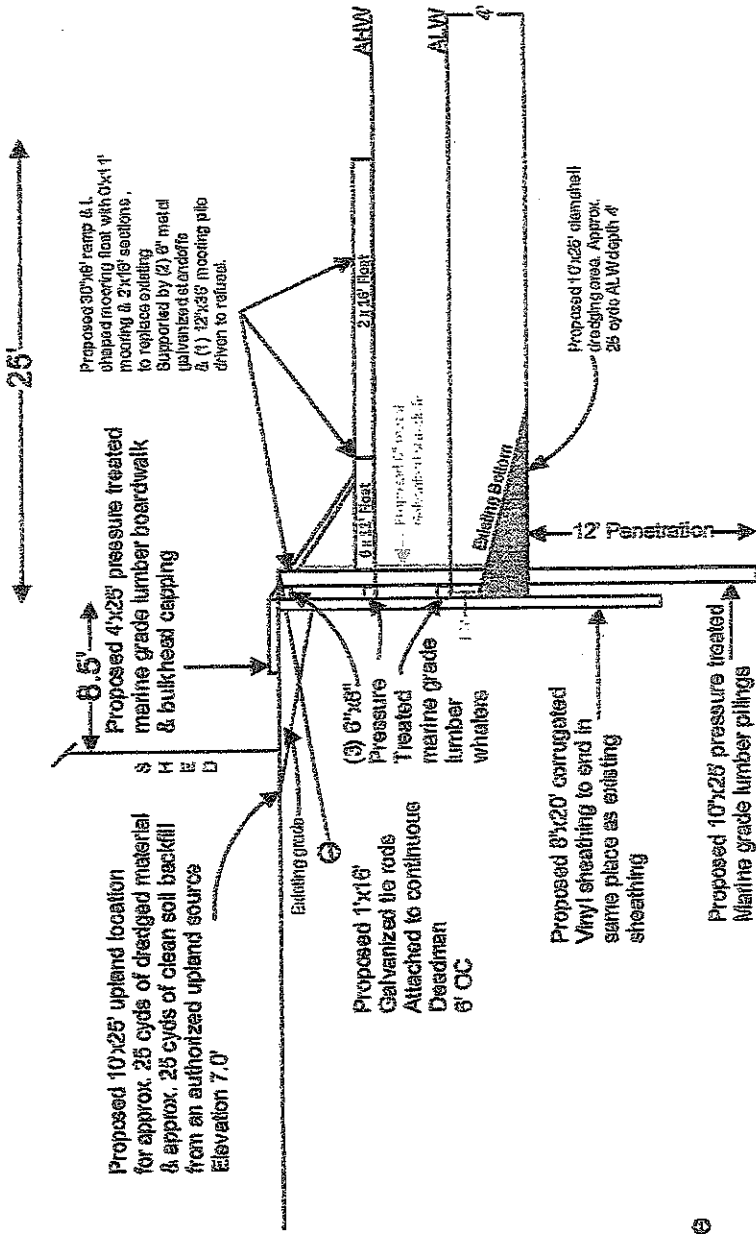


CROSS VIEW

Page 2/3

Proposed Replacement of  
Existing 25' Section

All hardware, nails & bolts shall be hot dip galvanized  
All bolt Heads & nuts will be used with cut washers  
All timber will be pressure treated marine grade

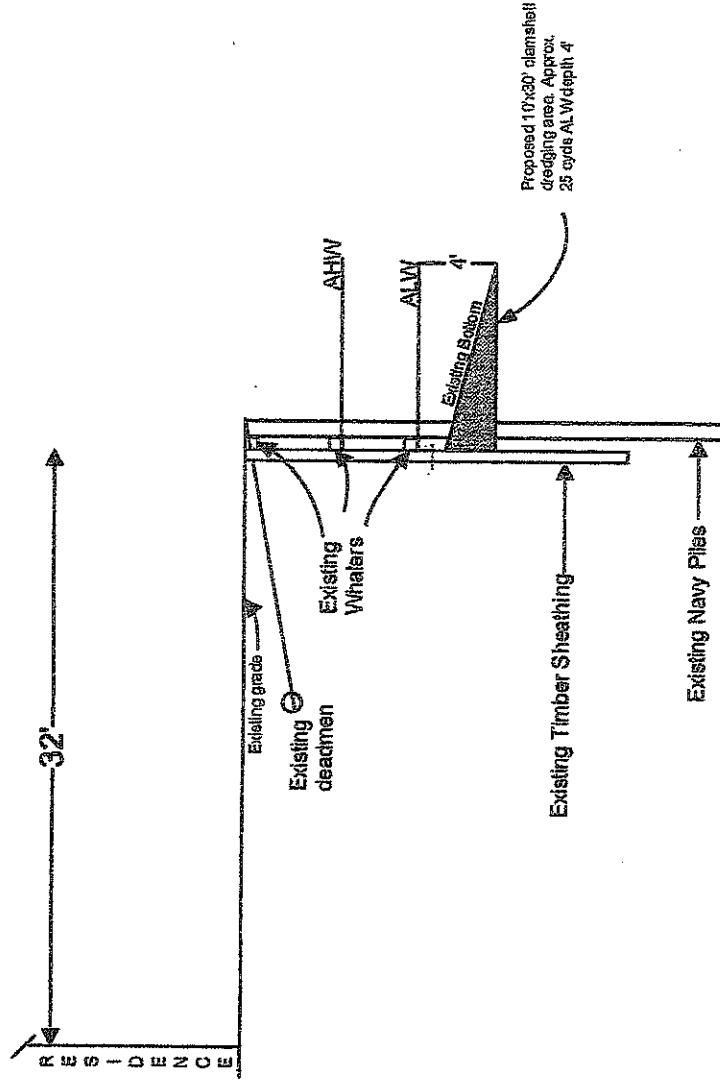


Applicant: Martin Kelly  
Project Site: 68 South Bay Ave  
Massapequa, NY 11758  
Proposed: Bulkhead replacement in same  
place with an 18" increase in elevation,  
dredging approx. 25 cyds,  
& mooring float  
Scale: 1"=10'  
Prepared by Bulkhead/  
Permits by Gary Inc.  
2 Whaleneck Drive  
Merrick, NY 11566  
June 26, 2019  
Revised August 29, 2019



Existing 30' Bulkhead Section

Applicant: Martin Kelly  
Project Site: 68 South Bay Ave  
Massapequa, NY 11758  
Proposed: Bulkhead replacement in same  
place with an 18" increase in elevation,  
dredging approx. 25 cyds,  
& mooring float  
Scale: 1"=10',  
Prepared by Bulkhead  
Permits by Gary Inc.  
2 Whaleneck Drive  
Merrick, NY 11566  
June 26, 2019  
Revised August 29, 2019



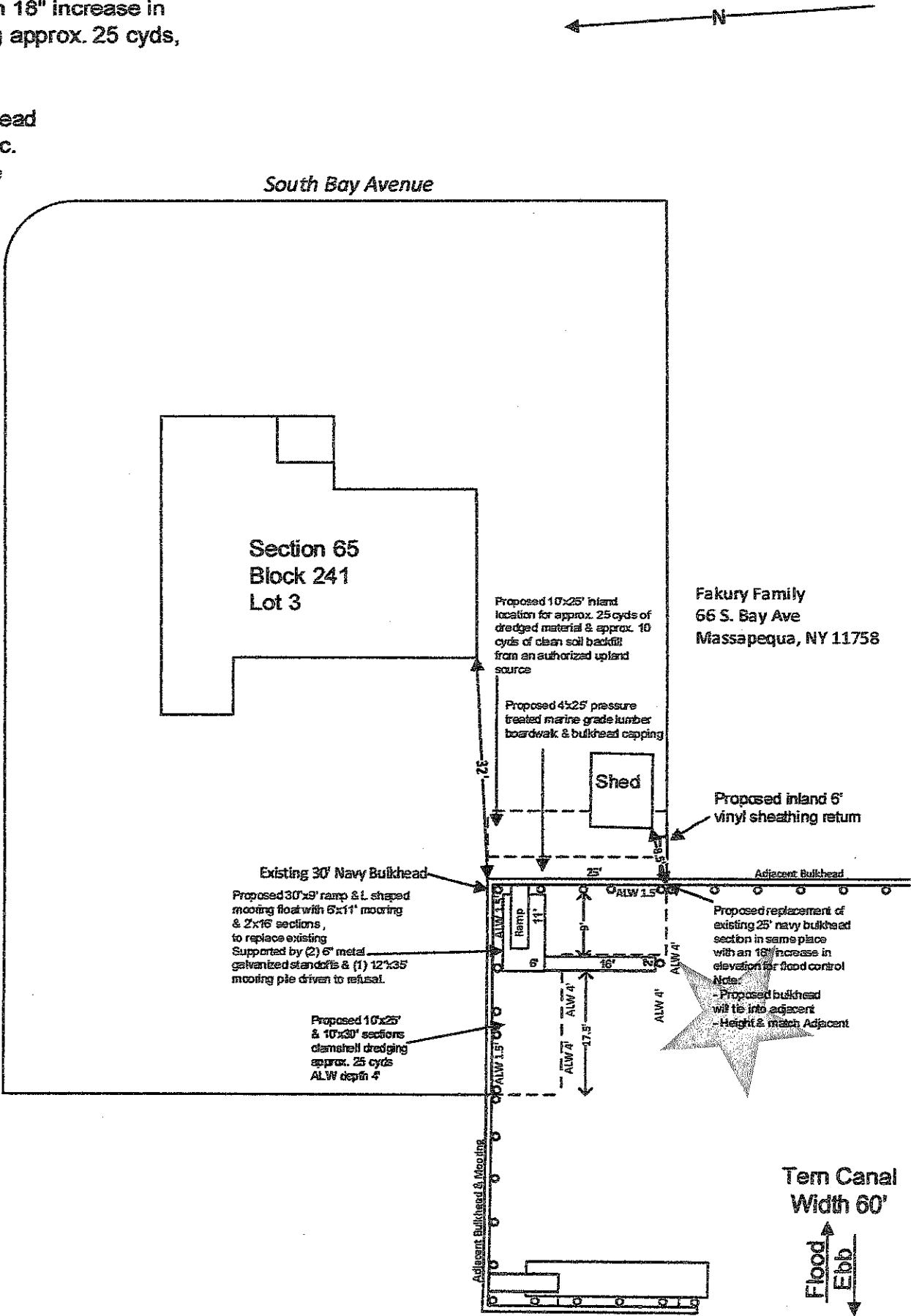


Applicant: Martin Kelly  
Project Site: 68 South Bay Ave  
Massapequa, NY 11758  
Proposed: Bulkhead replacement in  
same place with an 18" increase in  
elevation, dredging approx. 25 cyds,  
& mooring float  
Scale: 1"=20',  
Prepared by Bulkhead  
Permits by Gary inc.  
2 Whaleneck Drive  
Merrick, NY 11566  
June 26, 2019  
Revised:  
August 29, 2019

Project Plan  
Page 1/3

Pienkos Family  
70 S. Bay Street  
Massapequa, NY 11758

Fakury Family  
66 S. Bay Ave  
Massapequa, NY 11758



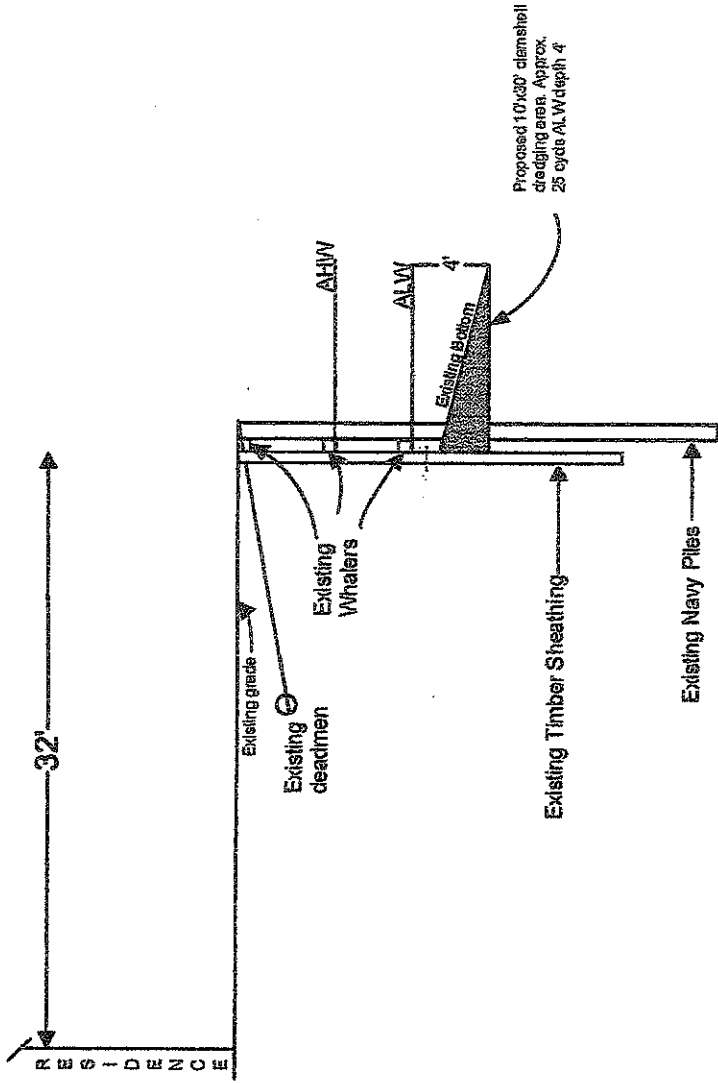






All hardware, nails & bolts shall be hot dip galvanized  
All bolt Heads & nuts will be used with cut washers  
All timber will be pressure treated marine grade

CROSS VIEW  
Page 3/3  
Existing 30' Bulkhead Section



Applicant: Martin Kelly  
Project Site: 68 South Bay Ave  
Massapequa, NY 11758  
Proposed: Bulkhead replacement in same  
place with an 18" increase in elevation,  
dredging approx. 25 cyds,  
& mooring float  
Scale: 1"=10'  
Prepared by Bulkhead  
Permits by Gary Inc.  
2 Whaleneck Drive  
Merrick, NY 11566  
June 26, 2019  
Revised August 29, 2019



**Short Environmental Assessment Form**  
**Part 1 - Project Information**

**Instructions for Completing**

**Part 1 - Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

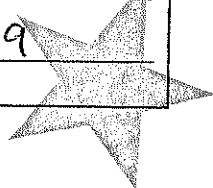
<b>Part 1 - Project and Sponsor Information</b>			
Martin Kelly			
Name of Action or Project: Kelly Project			
Project Location (describe, and attach a location map): 68 South Bay Ave Massapequa, NY 11758			
Brief Description of Proposed Action: The existing 25' navy bulkhead is proposed to be removed and replaced in the same place with an 18" increase in elevation for flood control. The proposed bulkhead will tie into both adjacent bulkheads located on the neighboring property and the existing 30' navy bulkhead located on the applicants property. Also proposed is clamshell dredging 10' seaward from the proposed bulkhead to a low water depth of 4'. All dredged material and approx. 25 cyds of clean soil backfill from an authorized upland source will be placed upland onto applicant property. A 4"x25" pressure treated timber boardwalk and one 6' inland returns are also recommended. Also proposed is 30"x9' ramp, and the existing mooring float is proposed to be removed & replaced with a 6"x9' mooring float & 2"x16' finger supported by (2) 6" galvanized standoffs & (1) 12"x35' mooring pile driven to refusal. In addition, proposed is (4) 12"x35' mooring piles driven to refusal			
Name of Applicant or Sponsor: Martin Kelly		Telephone: 347-865-5790 E-Mail: mary.kelly@fifinyc.com	
Address: 68 South Bay Ave			
City/PO: Massapequa		State: NY	Zip Code: 11758
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:		NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		_____ acres	
b. Total acreage to be physically disturbed?		_____ acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		_____ acres	
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			



5. Is the proposed action, a. A permitted use under the zoning regulations?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: Does not apply to this project, proposed is for residential use and bulkhead stabilization	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____ Does not apply to this project, proposed is for residential use and bulkhead stabilization	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____ Does not apply to this project, proposed is for residential use and bulkhead stabilization	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ Replacement of Bulkhead	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input checked="" type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES  b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? <input type="checkbox"/> NO <input type="checkbox"/> YES If Yes, briefly describe: _____	NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>	



18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b> Applicant/sponsor name: <u>Martin Kelly</u> Date: <u>3/25/19</u> Signature: <u>[Signature]</u>		



**PRINT FORM**



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1  
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790  
P: (631) 444-0365 | F: (631) 444-0360  
www.dec.ny.gov

October 8, 2019

Mr. Martin Kelly  
68 South Bay Ave  
Massapequa, NY 11758

Re: Permit No. 1-2824-02327/00004

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit for the referenced activity. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather and a Notice of Commencement/Completion of Construction. Please note, the permit sign and Notice of Commencement/Completion of Construction form are sent to either the permittee or the facility application contact, not both.

Sincerely,



Danielle Stango-Torre  
Environmental Analyst

DAS/lis



Department of  
Environmental  
Conservation





**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**Permittee and Facility Information**

**Permit Issued To:**  
MARTIN KELLY  
68 SOUTH BAY AVE  
MASSAPEQUA, NY 11758  
(516) 795-0129

**Facility:**  
KELLY PROPERTY  
68 S BAY AVE|63-315-59  
MASSAPEQUA, NY 11758

**Facility Application Contact:**  
BULKHEAD PERMITS BY GARY INC  
C/O SCOTT MOSES  
1456 66TH ST FL 2  
BROOKLYN, NY 11219  
(917) 776-3922

**Facility Location:** in OYSTER BAY in NASSAU COUNTY  
**Facility Principal Reference Point:** NYTM-E: 628.402 NYTM-N: 4501.392  
Latitude: 40°39'12.3" Longitude: 73°28'52.3"

**Authorized Activity:**  
In-place replacement of 25 linear feet of existing, functional, bulkhead. Construct returns. Install ramp and float. Dredge and backfill. All authorized activities shall be done in strict conformance with the attached plans prepared by Bulkhead Permits by Gary, Inc., last revised on 8/29/2019, and stamped NYSDEC Approved on 10/7/2019.

**Permit Authorizations**

**Tidal Wetlands - Under Article 25**

Permit ID 1-2824-02327/00004

New Permit

Effective Date: 10/7/2019

Expiration Date: 10/6/2024

**Water Quality Certification - Under Section 401 - Clean Water Act**

Permit ID 1-2824-02327/00005

New Permit

Effective Date: 10/7/2019

Expiration Date: 10/6/2024

**Excavation & Fill in Navigable Waters - Under Article 15, Title 5**

Permit ID 1-2824-02327/00006

New Permit

Effective Date: 10/7/2019

Expiration Date: 10/6/2024





**NYSDEC Approval**

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KEVIN A KISPERT, Deputy Permit Administrator  
Address: NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook 50 Circle Rd  
Stony Brook, NY 11790 -3409

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

Date 10/7/2019

**Distribution List**

BULKHEAD PERMITS BY GARY INC  
Bureau of Marine Habitat Protection  
Danielle A Stango-Torre

**Permit Components**

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS; APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

**NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following  
Permits: TIDAL WETLANDS; WATER QUALITY CERTIFICATION;  
EXCAVATION & FILL IN NAVIGABLE WATERS**

1. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

2. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Bulkheads Permits by Gary, Inc., last revised on 8/29/2019, and stamped NYSDEC Approved on 10/7/2019.

3. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.





**4. Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

**5. No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

**6. No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

**7. Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of in an authorized solid waste management facility. These materials shall be suitably stabilized as not to re-enter any water body, wetland or wetland adjacent area.

**8. Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

**9. Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

**10. Backfilling** All peripheral berms, cofferdams, rock revetments, seawalls, gabions, bulkheads or other approved shoreline stabilization structures shall be completed prior to placement of any fill material behind such structures.

**11. No Seaward Extension of Bulkhead** The new bulkhead shall be constructed in place of the existing bulkhead with no seaward extension of the outermost bulkhead face.

**12. Replacement Bulkhead Maximum Height** The top elevation of the replacement bulkhead shall be no more than 18 inches higher than the existing bulkhead.

**13. No Structures on Bulkhead** No permanent structures shall be installed on the authorized bulkhead without first obtaining written department approval (permit, modification, amendment).

**14. Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.

**15. No Runoff Over or Through Bulkhead or into Wetland** There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.

**16. Clearing For Boardwalk** The ground area cleared for construction of a path or boardwalk is limited to a maximum width of six feet. The path or boardwalk itself is limited to a maximum width of four feet.





**17. Bulkhead Decking** No portion of the decking or boardwalk shall extend seaward of the bulkhead sheathing.

**18. Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.

**19. No Floats, Ramps in Vegetated Tidal Wetlands** Floats and ramps may not rest on or be stored in any vegetated tidal wetland.

**20. Float Installation** The float shall be installed only at the approved location with a minimum water depth of 2½ feet, measured at apparent low tide.

**21. No Prop Dredging** Prop dredging, or the act of utilizing and/or directing the propeller or propulsion system of a motorized vessel and/or the water-borne forces created by said propeller or propulsion system, to excavate or displace existing bottom sediment and benthic habitat for the direct or indirect purpose of establishing or increasing water depth, is a regulated activity and is not authorized by this permit. Prop dredging is strictly prohibited without further written authorization (permit, modification or amendment) from the department.

**22. Repairs to Structures** All repairs to existing structures shall be confined to replacement of existing elements with no change in design, dimension or materials, unless specifically authorized by this permit.

**23. No Permanent Structures on Dock** No permanent structures shall be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).

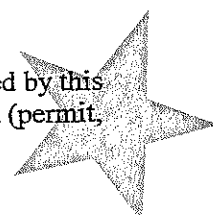
**24. Docks at Property Lines** Docks/catwalks/floats must not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**25. Pilings at Property Lines** Pilings shall not:

- a. extend laterally beyond property lines,
- b. interfere with navigation, or
- c. interfere with other landowners riparian rights.

**26. No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).







**27. Dredgings to Remain On-Site/Within Wetland** Dredge material approved to remain on-site and/or within the NYSDEC Tidal Wetlands jurisdiction shall be retained so as not to enter any water body, tidal wetlands, or protected buffer areas. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction requires the additional guidance of the Division of Materials Management (631) 444-0375 and is not covered by this permit.

**28. Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment or hydraulic dredge equipment.

**29. No Side-casting or Temporary Storage** Excavated sediments shall be placed directly into the approved disposal site/dewatering site or conveyance vehicle. No side-casting (double-dipping) or temporary storage of excavated sediments is authorized.

**30. Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.

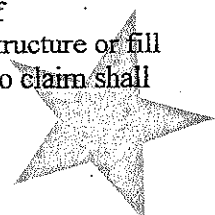
**31. No Overflow from Barges** There shall be no overflow of material from the holding barges during dredging or during transport of dredged material.

**32. Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

**33. Maintain Erosion Controls** All erosion control devices shall be maintained in good and functional condition until the project has been completed and the area has been stabilized.

**34. State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

**35. State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.







**36. State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

**37. Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

### WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

**1. Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

### GENERAL CONDITIONS - Apply to ALL Authorized Permits:

**1. Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**2. Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.





**3. Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

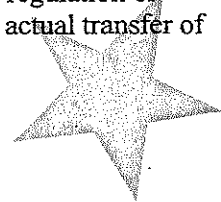
Regional Permit Administrator  
NYSDEC Region 1 Headquarters  
SUNY @ Stony Brook|50 Circle Rd  
Stony Brook, NY11790 -3409

**4. Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Excavation & Fill in Navigable Waters, Tidal Wetlands, Water Quality Certification.

**5. Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

- a. materially false or inaccurate statements in the permit application or supporting papers;
- b. failure by the permittee to comply with any terms or conditions of the permit;
- c. exceeding the scope of the project as described in the permit application;
- d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**6. Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.







## NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

### **Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

### **Item B: Permittee's Contractors to Comply with Permit**

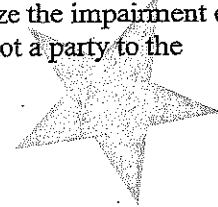
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

### **Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

### **Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.





Project Plan  
Page 1/3

**South Bay Avenue**

Section 65  
Block 241  
Lot 3

Fakury Family  
66 S. Bay Ave  
Massapequa, NY 11758

APPROVED BY SDEC  
AND CONDITIONS OF  
PERMIT NO. 1-  
DATE

1017119-02327100004

Proposed 10'x25' inland location for approx. 25 cyds of dredged material & approx. 10 cyds of clean soil backfill from an authorized upland source

Proposed 4x25 pressure treated marine grade lumber boardwalk & bulkhead capping

Proposed inland 6' vinyl sheathing return

Existing 30' Navy Bulkhead

Proposed 30'x9' ramp & L shaped mooring float with 6'x11' mooring & 2'x16' sections, to replace existing Supported by (2) 6" metal \_\_\_\_\_ galvanized standoffs & (1) 12'x36" mooring pile driven to refusal.

Proposed 10'x25'  
& 10'x30' sections  
clamshell dredging  
approx. 25 cy/cy  
ALW depth 4'

Proposed replacement of existing 25" navy bulkhead section in same place with an 18" increase in elevation for flood control

Note:

- Proposed bulkhead will tie into adjacent
- Height & match Adjacent

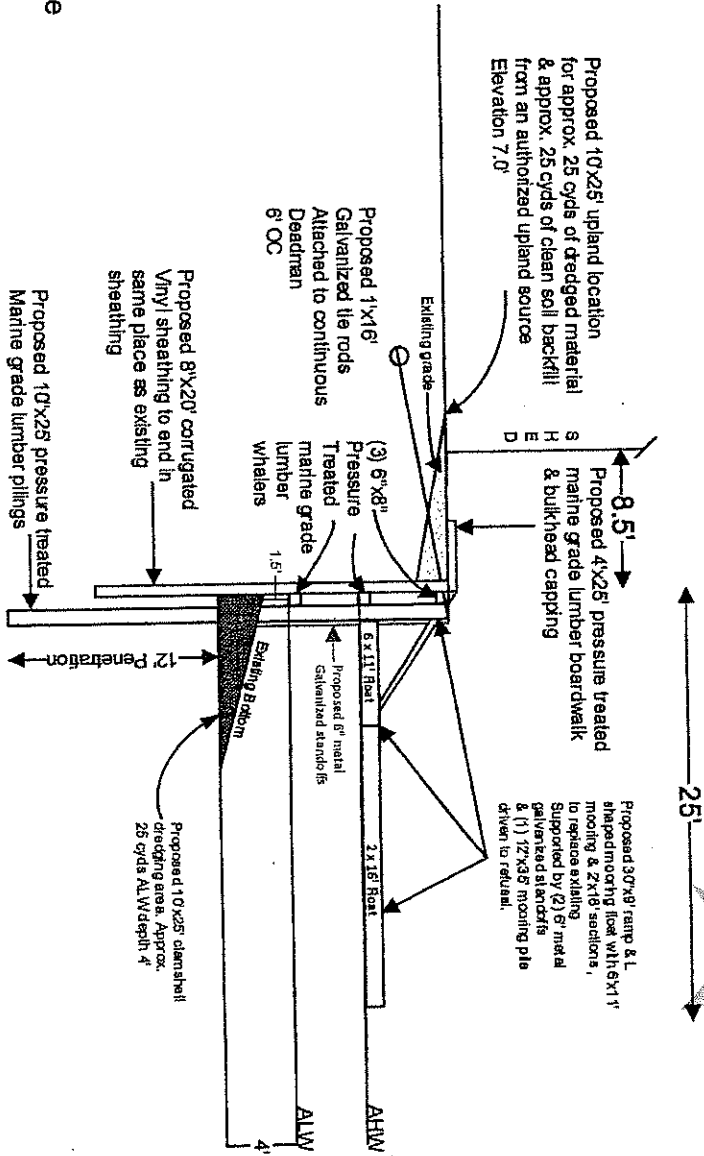
**Tern Canal  
Width 60'**

Flood  
Ebb



CROSS VIEW  
Page 2/3  
Proposed Replacement of  
Existing 25' Section

All hardware, nails & bolts shall be hot dip galvanized  
All bolt Heads & nuts will be used with cut washers  
All timber will be pressure treated marine grade



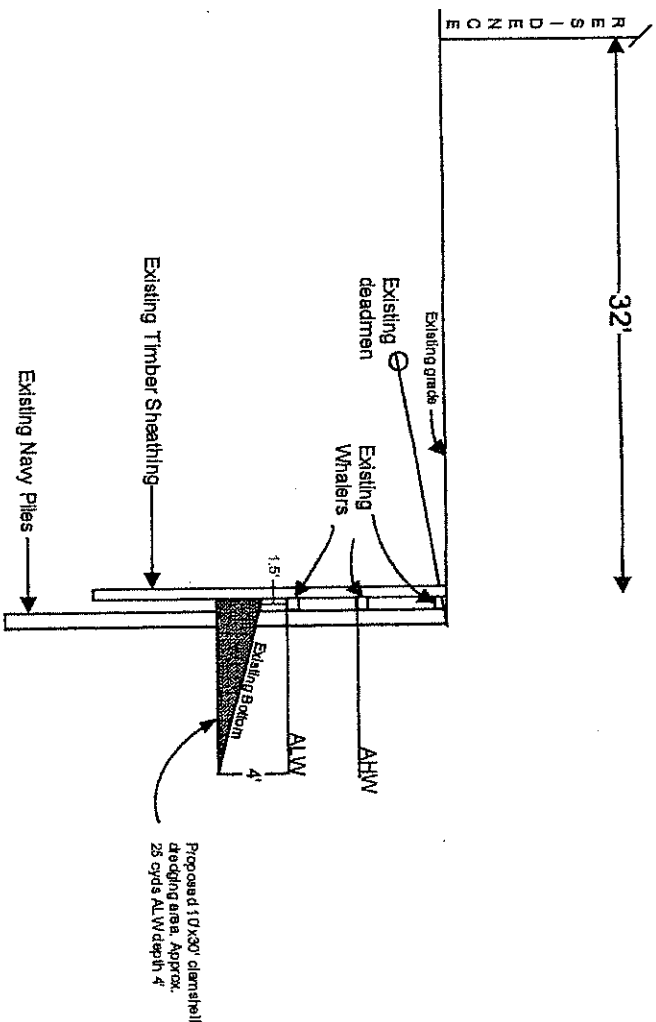
Applicant: Martin Kelly  
Project Site: 68 South Bay Ave  
Massapequa, NY 11758  
Proposed: Bulkhead replacement in same  
place with an 18" increase in elevation,  
dredging approx. 25 cyds,  
& mooring float  
Scale: 1"=10',  
Prepared by Bulkhead  
Permits by Gary Inc.  
2 Whalenek Drive  
Merrick, NY 11566  
June 26, 2019  
Revised August 29, 2019

APPROVED AS PER TERMS  
AND CONDITIONS OF  
PERMIT NO. 1-3824-03367/00004  
DATE 10/11/2019



CROSS VIEW  
Page 3/3  
Existing 30' Bulkhead Section

All hardware, nails & bolts shall be hot dip galvanized  
All bolt Heads & nuts will be used with cut washers  
All timber will be pressure treated marine grade



Applicant: Martin Kelly

Project Site: 68 South Bay Ave  
Massapequa, NY 11758

Proposed: Bulkhead replacement in same  
place with an 18" increase in elevation,  
dredging approx. 25 cyds,  
& mooring float

Scale: 1"=10'

Prepared by Bulkhead  
Permits by Gary Inc.

2 Whaleneck Drive  
Merrick, NY 11566

June 26, 2019

Revised August 29, 2019

APPROVED AS PER TERMS  
AND CONDITIONS OF  
PERMIT NO. 1-2234-02307100004  
DATE 10/17/2019

10/17/2019





DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT  
JACOB K. JAVITS FEDERAL BUILDING  
26 FEDERAL PLAZA  
NEW YORK NEW YORK 10278-0090

SEP 24 2019

REGULATORY BRANCH

SUBJECT: Department of the Army Permit Application File Number NAN-2019-00783-EVI by Martin Kelly, for Minor Dredging, Bulkhead Maintenance, Dock Structures in Tern Canal, a tributary of South Oyster Bay, Massapequa, Town of Oyster Bay, Nassau County, New York

1. PERMITTEE:

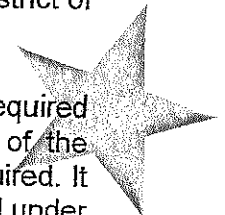
Martin Kelly  
68 South Bay Drive  
Massapequa, New York 11758  
(347) 865-5790

2. On July 5, 2019, the New York District of the U.S. Army Corps of Engineers received a request for Department of the Army authorization for the removal and replacement, in place, of approximately 25 linear feet of an existing L shaped bulkhead up to 18-inches higher than existing, and (1) one 6-foot return. The proposed bulkhead will tie into existing perpendicular 30-linear foot bulkhead. Existing six-foot-wide by 30-foot-long mooring float will be removed and replaced with a 30-inch-wide by 9-foot-long ramp leading to a six-foot-wide by 11-foot-long mooring float, and a two-foot-wide by 16-foot-long finger float in an L shaped configuration. Additionally (1) one 12-inch-diameter timber pile will be installed to support the finger pier. The proposed work also includes one-time maintenance dredging of approximately 25 cubic yards of material within 10 linear feet seaward of the length of the 55 linear foot section of bulkhead over an area of 450 square feet to a depth of four feet below the plane of Mean Low Water. The recovered dredged material would be placed upland behind the bulkhead as back fill with no return flow to the waterway. The project is located in Tern Canal, at 68 South Bay Ave, Massapequa, Town of Oyster Bay, Nassau County, New York.

3. The specific applicant-provided details are as shown on the attached permit drawings titled "Martin Kelly" dated June 26, 2019, prepared by Bulkhead Permits by Gary Inc. (sheets 1 through 4 of 4).

4. This determination covers only the work described in the submitted material. Any major changes in the project may require additional authorizations from the New York District of the U.S. Army Corps of Engineers.

5. Based on the information submitted to this office and accomplishment of any required notification in accordance with the applicable federal requirements, our review of the subject work indicates that an individual Department of the Army permit is not required. It appears that the activities within the jurisdiction of this office could be accomplished under Department of the Army Nationwide General Permit Number 2 STRUCTURES IN ARTIFICIAL CANALS, Number 3 MAINTENANCE, and Number 19 MINOR DREDGING; in accordance with Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403). The nationwide permits are prescribed at Reissuance of Nationwide Permits in the Federal





## REGULATORY BRANCH

SUBJECT: Department of the Army Permit Application File Number NAN-2019-00783-EVI by Martin Kelly, for Minor Dredging, Bulkhead Maintenance, Dock Structures in Tern Canal, a tributary of South Oyster Bay, Massapequa, Town of Oyster Bay, Nassau County, New York

- 2 -

Register dated January 6, 2017 (82 FR 1860). The subject work may be performed without further authorization from this office provided it complies with Number 2 STRUCTURES IN ARTIFICIAL CANALS, Number 3 MAINTENANCE, and Number 19 MINOR DREDGING; New York District regional conditions; the following work-specific Special Conditions listed below; and any applicable regional conditions added by the State of New York.

6. Other than the work-specific Special Conditions listed below, the 2017 nationwide general permits in the State of New York, including their final regional conditions, water quality certifications, and coastal zone concurrence statements are available at:

[www.nan.usace.army.mil/Portals/37/docs/regulatory/publicnotices/Regional%20Gen%20Permit/PN-RB%20NAN%20FinalRegionalConditionsWQC%20CZMforNYdated%2021-MAR-2017.pdf](http://www.nan.usace.army.mil/Portals/37/docs/regulatory/publicnotices/Regional%20Gen%20Permit/PN-RB%20NAN%20FinalRegionalConditionsWQC%20CZMforNYdated%2021-MAR-2017.pdf)

If you require a specific paper copy, please contact our Regulator-of-the-Day at 917-790-8511 to request one be mailed to you. Please be sure to have the above eighteen-character file number readily available when you call.

7. Work-specific Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee shall sign and submit the attached compliance certification form to this office **within 30 days of COMPLETION** of the regulated activity authorized by this permit and any mitigation work required by Special Condition.

(C) The permittee, and their agents, shall take actions to prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

8. Please note that this nationwide general permit (NWGP) verification is based on a preliminary jurisdictional determination (JD). A preliminary jurisdictional determination (JD) is not appealable. If you wish, prior to commencement of the authorized work you may request an approved jurisdictional determination (JD), which may be appealed, by contacting the New York District, US Army Corps of Engineers for further instructions. To



SEP 24 2019

REGULATORY BRANCH

SUBJECT: Department of the Army Permit Application File Number NAN-2019-00783-EVI by Martin Kelly, for Minor Dredging, Bulkhead Maintenance, Dock Structures in Tern Canal, a tributary of South Oyster Bay, Massapequa, Town of Oyster Bay, Nassau County, New York

- 3 -

assist you in this decision and address any questions you may have on the differences between preliminary and approved jurisdictional determinations, please review US Army Corps of Engineers Regulatory Guidance Letter Number 16-01, which can be found at:

<https://usace.contentdm.oclc.org/utis/getfile/collection/p16021coll9/id/1256>

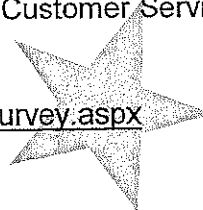
9. This verification is valid until March 18, 2022, unless the nationwide general permits are modified, reissued, or revoked before then. This verification will remain valid until March 18, 2022, if the subject work activity complies with the terms of any subsequent modifications of the nationwide general permits. If the nationwide general permits are suspended, revoked, or modified in such a way that the subject activity would no longer comply with the terms and conditions of a nationwide general permit, and the proposed work activity has commenced, or is under contract to commence, the permittee will have twelve (12) months from the date of such permit action to complete the regulated work.

**This authorization is conditional on the permittee's receipt of the required water quality certificate or waiver from the New York State Department of Environmental Conservation (NYSDEC). No work may be accomplished until the required approval or waiver from NYSDEC has been obtained.**

**This authorization is conditional on the permittee's receipt of the required coastal zone management concurrence or waiver from the New York State Department of State (NYSDOS). No work may be accomplished until the required approval or waiver from NYSDOS has been obtained.**

10. In order for us to better serve you and others, please complete our Customer Service Survey located at:

<http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx>






REGULATORY BRANCH

SEP 24 2019

SUBJECT: Department of the Army Permit Application File Number NAN-2019-00783-EVI  
by Martin Kelly, for Minor Dredging, Bulkhead Maintenance, Dock Structures in Tern Canal,  
a tributary of South Oyster Bay, Massapequa, Town of Oyster Bay, Nassau County, New  
York

- 4 -

11. Any inquiries should be directed to our Regulator-of-the-Day at 917-790-8511. Please  
be sure to have the above eighteen-character file number readily available when you call.

  
Ronald R. Pinzon  
Chief, Eastern Section



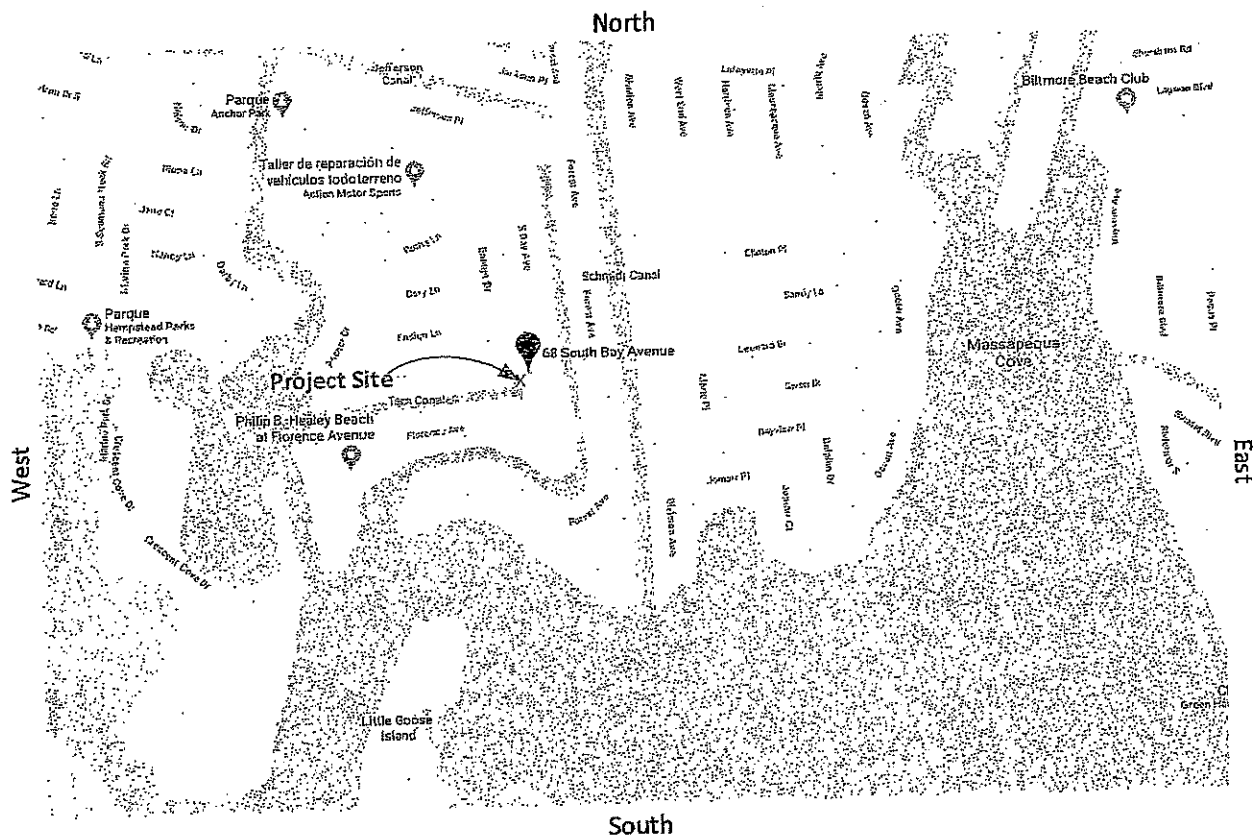
Enclosures (2)

1. Dated Permit Drawings
2. Completion Form

Copies furnished:  
Bulkhead Permits by Gary Inc.  
Attn: Scott Moses  
1456 66<sup>th</sup> Street  
Brooklyn, New York 11219



# USACE File: NAN-2019-00783-EVI



Applicant: Martin Kelly  
 Project Site: 68 South Bay Ave  
 Massapequa, NY 11758  
 Proposed: Bulkhead replacement in  
 same place with an 18" increase in  
 elevation, dredging approx. 25 cyds,  
 & mooring float  
 Prepared by Bulkhead  
 Permits by Gary inc.  
 2 Whaleneck Drive  
 Merrick, NY 11566  
 May 14, 2019

Latitude: 40°39'11.90"N  
 Longitude: 73°28'52.81"W

SEP 24 2019

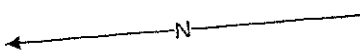




# USACE File: NAN-2019-00783-EVI

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 Scale: 1"=20',  
 Prepared by Bulkhead  
 Permits by Gary inc.  
 2 Whaleneck Drive  
 Merrick, NY 11566  
 June 26, 2019  
 Revised:  
 August 29, 2019

Project Plan  
 Page 1/3



South Bay Avenue

Pienkos Family  
 70 S. Bay Street  
 Massapequa, NY 11758

Section 65  
 Block 241  
 Lot 3

Fakury Family  
 66 S. Bay Ave  
 Massapequa, NY 11758

Existing 30' Navy Bulkhead

Proposed 30'x9' ramp & L shaped  
 mooring float with 6'x11' mooring  
 & 2x15' sections  
 to replace existing  
 supported by (2) 6" metal  
 galvanized standoffs & (1) 12'x35'  
 mooring pile driven to refusal.

Proposed 10'x25'  
 & 10'x30' sections  
 clamshell dredging  
 approx. 25 cyds  
 MLW depth 4'

Proposed 10'x25' inland  
 location for approx. 25 cyds of  
 dredged material & approx. 10  
 cyds of clean soil backfill  
 from an authorized upland  
 source

Proposed 4'x25' pressure  
 treated marine grade lumber  
 boardwalk & bulkhead capping

Shed

Proposed inland 6'  
 vinyl sheathing return

Proposed replacement of  
 existing 25' navy bulkhead  
 section in same place  
 with an 18" increase in  
 elevation for flood control  
 Note:  
 - Proposed bulkhead  
 will tie into adjacent  
 - Height & match Adjacent



Tern Canal  
 Width 60'

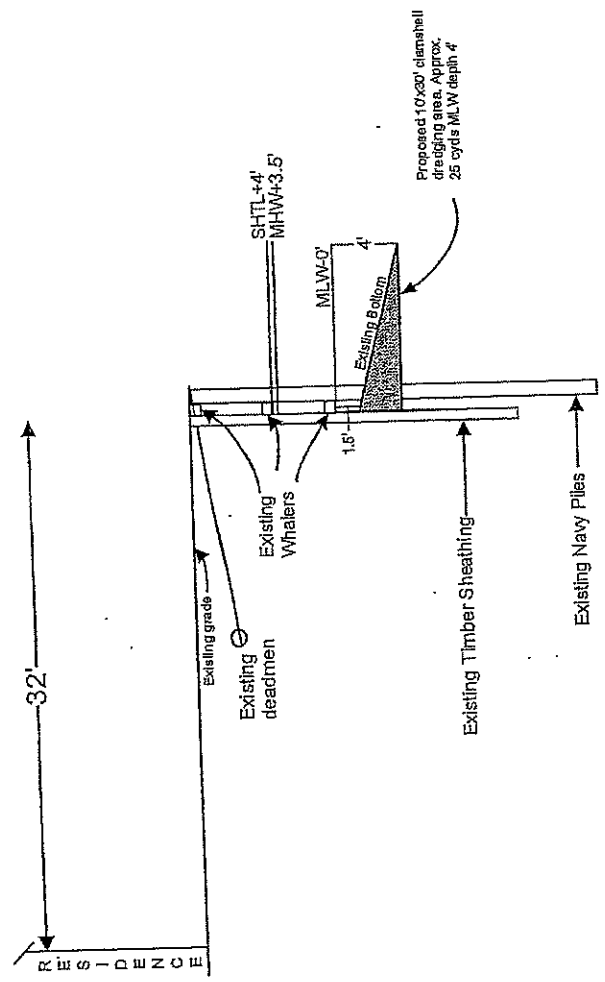
Flood  
 Ebb

SEP 24 2019



All hardware, nails & bolts shall be hot dip galvanized  
All bolt Heads & nuts will be used with cut washers  
All timber will be pressure treated marine grade

CROSS VIEW  
Page 3/3  
Existing 30' Bulkhead Section



Applicant: Martin Kelly  
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Massapequa, NY 11758  
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Scale: 1"=10'  
Prepared by Bulkhead  
Permits by Gary Inc.  
2 Whaleneck Drive  
Merrick, NY 11566  
June 26, 2019  
Revised August 29, 2019

SEP 24 2019

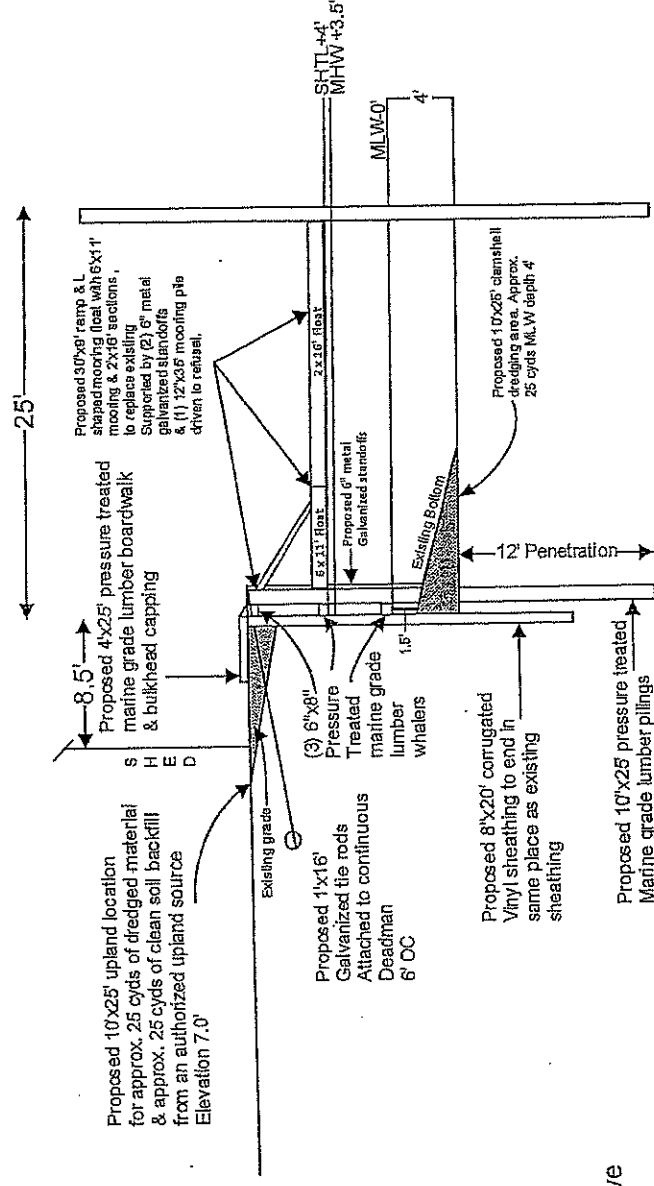


CROSS VIEW

Page 2/3

Proposed Replacement of  
Existing 25' Section

All hardware, nails & bolts shall be hot dip galvanized  
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Applicant: Martin Kelly  
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2 Whaleneck Drive  
Merrick, NY 11566  
June 26, 2019  
Revised August 29, 2019

SEP 24 2019



**NATIONWIDE GENERAL PERMIT**  
**COMPLIANCE CERTIFICATION**  
**AND REPORT FORM**

Permit File Number: NAN-2019-00783-EVI

Permittee: Martin Kelly

Location: 68 South Bay Ave, Massapequa, Town of Oyster Bay, Nassau County,  
New York

Date Permit Letter Issued: SEP 24 2019

Within 30 days of the completion of the activity authorized by this nationwide general permit and any mitigation required in the verification letter, please sign this certification and return it to the address at the bottom of this form.

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with the permit's terms and conditions you are subject to permit suspension, modification or revocation.

I hereby certify that the work authorized by the above referenced nationwide general permit has been completed in accordance with the terms and conditions of said permit, and required mitigation was completed in accordance with the permit conditions.

\_\_\_\_\_  
Signature of Permittee

\_\_\_\_\_  
Date

FOLD THIS FORM INTO THIRDS, WITH THE BOTTOM THIRD FACING OUTWARD.  
TAPE IT TOGETHER AND MAIL TO THE ADDRESS BELOW OR FAX (212) 264-4260.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
ATTN: CENAN-OP-RE  
NEW YORK, NEW YORK 10278-0090



STATE OF NEW YORK  
DEPARTMENT OF STATE  
ONE COMMERCE PLAZA  
99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
WWW.DOS.NY.GOV

ANDREW M. CUOMO  
GOVERNOR

ROSSANA ROSADO  
SECRETARY OF STATE

July 29, 2019

Scott Moses  
Bulkhead Permits by Gary, Inc.  
1456 66<sup>th</sup> Street  
Brooklyn, New York 11219

Re: F-2019-0721  
U.S. Army Corps of Engineers/New York District Permit  
Application – Martin Kelly  
Bulkhead replacement in same place with an 18" increase  
in elevation and mooring replacement.  
Tern Canal, Town of Oyster Bay, Nassau County  
No Review Necessary

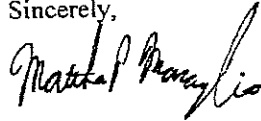
Dear Mr. Moses:

The Department of State received your Federal Consistency Assessment Form and supporting information on 7/2/2019. From the information provided, it appears that the proposed action may be authorized by the Army Corps of Engineers under a Nationwide Permit that the Department of State has already concurred with, and as such further review by the Department of State is not required.

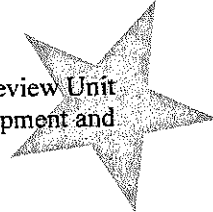
Should the Army Corps determine that the proposed project may not be conducted under the Nationwide Permit program or if the project is modified, please contact the Department of State to determine if further review is required.

This is without prejudice to and does not obviate the need to obtain all other applicable license, permits, other forms of authorizations or approvals that may be required pursuant to existing New York State statutes. Specifically, it appears that you may require authorization from the New York State Department of Environmental Conservation (DEC). Please contact the DEC region 1 office to determine if their authorization is required.

Sincerely,



Matthew P. Maraglio  
Supervisor, Consistency Review Unit  
Office of Planning, Development and  
Community Infrastructure



MM/dc

cc: COE/New York District – Steve Ryba  
DEC Region 1 – Susan Ackerman

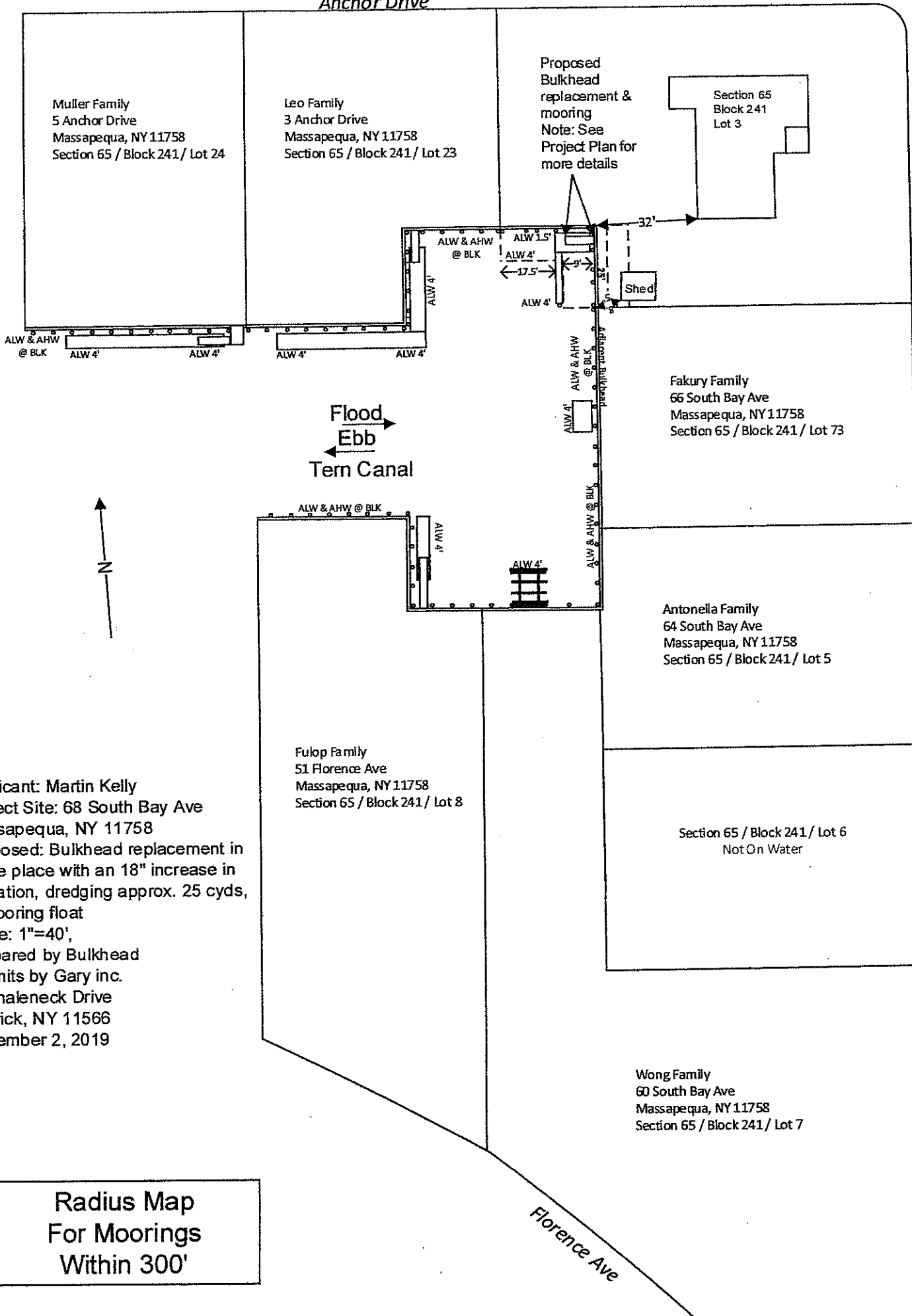


Department  
of State



Anchor Drive

South Bay Avenue



Radius Map  
For Moorings  
Within 300'

Applicant: Martin Kelly  
Project Site: 68 South Bay Ave  
Massapequa, NY 11758  
Proposed: Bulkhead replacement in  
same place with an 18" increase in  
elevation, dredging approx. 25 cyds,  
& mooring float  
Scale: 1"=40',  
Prepared by Bulkhead  
Permits by Gary inc.  
2 Whaleneck Drive  
Merrick, NY 11566  
November 2, 2019



TOWN OF OYSTER BAY  
INTER-DEPARTMENTAL MEMO

December 26, 2019

TO: JOSEPH NOCELLA, OFFICE OF THE TOWN ATTORNEY  
ATTENTION: SHEILA TARNOWSKI, OFFICE OF LEGISLATIVE AFFAIRS

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

SUBJECT: DOCKS, PIERS & FLOATS PERMIT:  
Martin Kelly  
Application # 19110246  
68 South Bay Avenue, Massapequa, New York  
Section: 65 Block: 241 Lot(s): 3

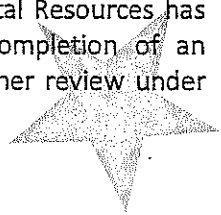

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Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQRA, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

Based on our review, the Department has classified the subject proposal as a **TYPE II ACTION**, under the SEQRA Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced section of SEQRA have been pre-determined not to have a significant impact on the environmental or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

Inasmuch as the action which would be undertaken by the subject applicant is on SEQRA's pre-determined Type II Actions list, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require the completion of an environmental assessment form or an environmental impact statement, or any further review under SEQRA.



\_\_\_\_\_  
GEORGE BAPTISTA JR., DEPUTY COMMISSIONER  
DEPARTMENT OF ENVIRONMENTAL RESOURCES

cc: Elizabeth L. Maccarone, Commissioner, Department of Planning & Development  
Attn: Michael Moriarty, Commercial Planning



WHEREAS, Richard W. Lenz, P.E., Commissioner, Departments of Public Works/Highways, and Michael Cipriano, Division Head, Central Vehicle Maintenance, by memorandum dated April 28, 2020, recommended that the Town owned vehicles and equipment on the attached list be declared surplus and that the necessary steps be taken to secure bids on said vehicles and equipment;

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated May 4, 2020, requested the Town Board declare that the Town owned vehicles and equipment on the attached list be declared surplus and that he be authorized to prepare and advertise said vehicles and equipment for competitive bid sale or public auction; and

WHEREAS, the aforementioned memoranda are in conformance with the requirements of the Town's Surplus Equipment Policy adopted by Resolution No. 415-2018 on June 12, 2018,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and the Town owned vehicles and equipment on the attached list are declared surplus, and the Commissioner of the Department of General Services is hereby authorized to prepare and advertise said vehicles and equipment for competitive bid sale or public auction.

#

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

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

Reviewed By  
Office of Town Attorney

Elizabeth A. Taughman



## 2020 SURPLUS EQUIPMENT



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

To: MEMORANDUM DOCKET

From: ERIC TUMAN, COMMISSIONER  
GENERAL SERVICES DEPARTMENT

Date: May 4, 2020

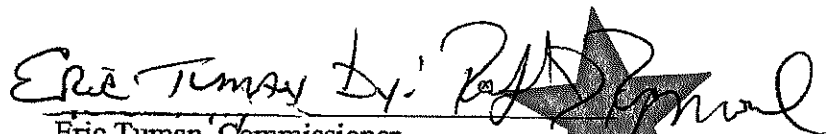
Subject: SURPLUS EQUIPMENT

---

As required by the Town of Oyster Bay Surplus Policy, Town Board Resolution #415-2018, the Town Board is hereby requested to give favorable consideration to the suggestion and recommendation to prepare and advertise this item for competitive bid sale or public auction.

In accordance with the attached request from the Department of Public Works attached is the surplus item including: description, condition, age, original cost and estimated current market value.

This department requests Town Board authorization to approve the attached item for competitive bid sale or public auction.

  
Eric Tuman, Commissioner  
General Services Department

ET/sc  
Attachments

cc: Town Attorney (9)  
Comptrollers/Accounts Payable  
Department of Public Works  
Central Vehicle Maintenance



# TOWN OF OYSTER BAY INTER-DEPARTMENTAL MEMO

April 28, 2020

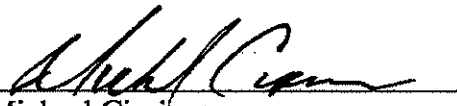
RECEIVED  
PURCHASING  
2020 APR 30 A 10:15  
TOWN OF OYSTER BAY N.Y.


**TO:** ERIC TUMAN, COMMISSIONER DEPT. OF GENERAL SERVICES  
**FROM:** MICHAEL CIPRIANO, DIVISION HEAD, C.V.M.  
**THRU:** RICHARD W. LENZ, P.E., COMMISSIONER, D.P.W. / HIGHWAY  
**SUBJECT:** SURPLUS EQUIPMENT BID  
RESOLUTION NO. 415-2018

The attached paperwork shows one (1) Town owned piece of equipment that is now surplus. Included is the Vehicle Master Inquiry and a spread sheet showing the item number, computer number, year, make, model, department, color, condition, Vin# 's, estimated value.

Please begin the necessary procedure to secure bids on this equipment.

If you should have any questions, please contact Kenneth Hamel at ext. 5749

  
Michael Cipriano  
Division head C.V.M.

  
Richard W. Lenz, P.E.  
Commissioner D.P.W./Highway

MC/RWL/kh

CC: Kenneth Hamel, C.V.M.  
File



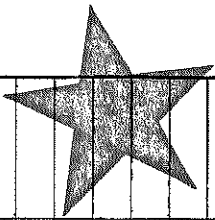
DESCRIPTION	BACK HOE	CYLINDERS	4
YEAR	2001	LICENSE #	AL2907
MAKE	KOMAT	ODOMETER	758,016.0
MODEL	140-2	TIRE SIZE F.	14X175
DEPARTMENT #	285	TIRE SIZE R.	195X24
DRIVER CHG DATE	00 00 (MM DD)	DEPT VEH. #	BH1
DRIVER		USEFUL LIFE	8
ORIGINAL COST	78,920	TITLE NUMBER	
PURCHASE DATE	1/31/01	GROSS WEIGHT	17,722
PURCHASE ORDER#	49937	DRIVE WHEELS	4
LOCATION OF VEH.	100 MILLER	USE CODE	
SOURCE OF FUNDS	K151	COLOR	YW
ENGINE C.I.D.	269	***** COSTS *****	
ENGINE TYPE	D	MONTH TO DATE	YEAR TO DATE
TANK SIZE	35	PARTS -	- 3,857.01
ACCESS CODE		LABOR -	- 1,426.00
INSPECTION DUE DATE	---- 0/00	FUEL -	-
DISPOSITION -		LIFE TO DATE	
STATUS - V	DISP DATE - 0/00/00	PARTS -	18,139.77
SERIAL NO.	3 0275	LABOR -	28,630.91
		FUEL -	8,326.97

Cat 4





## POWER EQUIPMENT VEHICLES

[illegible]



WHEREAS, by Resolution No. 808-2019, adopted on December 10, 2019, the Town Board authorized Nassau Suffolk Engineering & Architecture, PLLC, 801 Motor Parkway, Suite 103, Hauppauge, New York 11788, to provide the Town of Oyster Bay with engineering services, in connection with Contract No. PWC22-20, Project ID 2010 TWNA-03, On Call Engineering Services Relative to Architecture, for a two (2) year term, commencing on January 1, 2020, and expiring on December 31, 2021; and

WHEREAS, Bruce Strum, AIA, Director of Architecture, Nassau Suffolk Engineering & Architecture, PLLC, by letter dated March 2, 2020, described the scope of work to be performed under said Contract, for architecture and engineering services related to the construction phase at the Littauer Estate, Oyster Bay Cove, including, but not limited to, full-time inspection/construction observation, review of contractor submittals, contract administration, and construction closeout administration, in an amount not to exceed \$60,000.00; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated May 4, 2020, requested that the Town Board authorize Nassau Suffolk Engineering & Architecture, PLLC, to provide On-Call Engineering Services under Contract No. PWC22-20, for engineering services related to the construction phase at the Littauer Estate, in an amount not to exceed \$60,000.00; and

WHEREAS, Commissioner Lenz, by said memorandum, further requested that the Town Board authorize and direct the Comptroller to issue an encumbrance order, in an amount not to exceed \$60,000.00, to satisfy said engineering costs, and advised that funds to satisfy said engineering costs, are available in Account No. DGS H 1997 20000 000 2010 001,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and Nassau Suffolk Engineering Architecture, PLLC, is authorized to provide On-Call Engineering Services under Contract No. PWC22-20, for engineering services related to the construction phase at the Littauer Estate, in an amount not to exceed \$60,000.00, and it is further

RESOLVED, that the Comptroller is authorized to issue an encumbrance order, in an amount not to exceed \$60,000.00, to satisfy said architecture and engineering costs, with funds to be drawn from Account No. DGS H 1997 20000 000 2010 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  
*[Signature]*



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

MAY 4, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST  
RELATIVE TO ARCHITECTURE  
CONTRACT NO. PWC22-20  
ACCOUNT NO.: DGS-H-1997-20000-000-2010-001  
PROJECT ID NO. 2010 TWNA-03


---

The consultant, Nassau Suffolk Engineering & Architecture, PLLC, has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC22-20 by Resolution No. 808-2019 for the subject project.

Attached is a letter dated March 2, 2020 from Nassau Suffolk Engineering & Architecture, PLLC regarding the scope of work to be performed in an amount not to exceed \$60,000.00. Services to be performed include contract administration and construction inspection for Contract No. DP19-200, Littauer Estate Roof Replacement.

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. DGS-H-1997-20000-000-2010-001.

It is hereby requested that the Town Board authorize, by Resolution, Nassau Suffolk Engineering & Architecture, PLLC under Contract No. PWC22-20, On-Call Engineering Services Relative to Architecture, 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/DDM/ddm

Attachment

cc: Office of the Town Attorney (w/9 copies)  
Steve C. Ballas, Comptroller  
Eric Tuman, Commissioner, General Services

PWC 22-20 NSEA LITTAUER ROOF REPLACEMENT DKT





ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT  
REQUEST FOR AVAILABILITY OF FUNDS



Requesting Division/Department

General Services

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number PWC 22-20  
Contract Period 1/1/20 - 12/31/21  
Consultant/Contractor Nassau Suffolk Engineering & Architecture, PLLC  
Discipline Architecture  
Total Authorization \$60,000.00  
Resolution No. 808-2019 Date 12/10/2019  
Funded To Date \$0.00  
Amount Requested \$60,000.00  
Account To Be Used DGS-H-1997-20000-000-2010-001 PID 2010TUNA-03

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.

Provide engineering services for the construction phase of contract DP19-200.

Littauer Estate Roof Replacement

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

Ralph J. Raymond

Title

Deputy Commissioner

Date

4/24/20

DPW Approval

Only To Be Executed By The Commissioner

Signature

[Signature]

Title

Commissioner of Public Works

Date

4-24-2020

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested

60,000.00

Unencumbered Balance

747,100.00

Is The Account To Be Used Consistent With The Nature Of Work Listed Above?

Yes ☒ No ☐

Signature

[Signature]

Date

4/30/2020





# 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 22-20

Contract End 12/31/2021

Commencement Date \_\_\_\_\_

**No claim shall be paid for work performed prior to the Commencement Date**

Vendor Name and Address

Nassau Suffolk Engineering & Architecture, PLLC

801 Motor Parkway, Suite 103

Hauppauge, NY 11788

Requesting Town Department \_\_\_\_\_

Engineering

Contact \_\_\_\_\_

Daniel D. Midgette

Phone \_\_\_\_\_

516 677-5897

Description of Work to be Performed (Attach Detail If Necessary)

Provide engineering services for the construction phase of project DP19-200

Littauer Estate Roof Replacement

**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 \_\_\_\_\_

Title \_\_\_\_\_

Date \_\_\_\_\_

**Department Of Public Works Approval**

*Only To Be Executed By The Commissioner*

Signature \_\_\_\_\_

**Commissioner of Public Works**

Date \_\_\_\_\_



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

March 16, 2020

TO: ERIC TUMAN, COMMISSIONER  
DEPARTMENT OF GENERAL SERVICES

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

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

SUBJECT: REQUEST FOR AVAILABILITY OF FUNDS  
CONTRACT NO. PWC 22-20  
ARCHITECTURE  
NASSAU SUFFOLK ENGINEERING & ARCHITECTURE, PLLC.

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The Division of Engineering respectfully requests that you make available an account number to be used to satisfy costs related to the above-referenced contract in the amount of \$60,000.00.

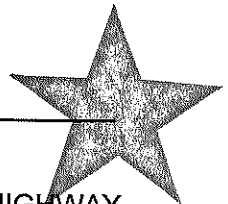
Funds are required for engineering fees associated with the Littauer Estate Roof Replacement, as per the attached letter from Nassau Suffolk Engineering & Architecture, PLLC., dated March 2, 2020.

Also attached is the "On-Call Consultant Service Request for Availability of Funds" in the amount of \$60,000.00 and Resolution No. 808-2019 authorizing Nassau Suffolk Engineering & Architecture, PLLC. for on-call services.

If you have any questions, please contact Daniel D. Midgette, Division of Engineering, at extension 5897.

  
JOHN C. TASSONE  
DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

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



  
RWL/JCT/MR/DDM/IK  
Attachments

C: Kathleen Stefanich, Administration/DPW

PWC 22-20 NSEA - REQUEST FOR FUNDS\_LITTAUER ESTATE ROOF 90K





NASSAU SUFFOLK  
ENGINEERING &  
ARCHITECTURE, PLLC

O.M.

March 2, 2020

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

Re: **DPW Contract No:** PWC 22-20  
**DPW Contract Name:** On-Call Engineering Services Relative to Architecture  
**Task:** DP19-200 Littauer Estate Roof Replacement – Construction Phase  
**NSEA Project No.:** N-40:1901

Dear Commissioner Lenz:

Nassau Suffolk Engineering and Architecture, PLLC ("NSEA") was authorized in 2019 for Engineering Services in connection with the Littauer Estate Roof Replacement project located in Syosset, New York. The project design and bid phases have been completed. Construction phase services will include the following:

**Construction Phase Services**

- Provide full-time inspection/construction observation;
- Facilitate progress meetings;
- Review contractor submittals;
- Review contractor requisitions for payment;
- Contract administration; and
- Construction closeout administration.

NSEA respectfully requests funding in the amount of \$60,000.00 under our two (2) year contract, PWC 22-20.

Please feel free to contact me if you have any questions or require further information.

Yours truly,

NASSAU SUFFOLK ENGINEERING & ARCHITECTURE, PLLC

Bruce Strum, AIA  
Director of Architecture

801 Motor Parkway, Suite 103, Hauppauge, New York 11788  
T: 631.574.4870 F: 631.574.4871 [www.nassausuffolkea.com](http://www.nassausuffolkea.com)

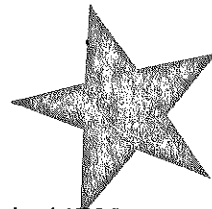


Richard W. Lenz, P.E., Commissioner

March 2, 2020

Page 2 of 2

cc: John Tassone, Deputy Commissioner, Town of Oyster Bay Department of Public Works  
Daniel Midgette, Program Manager, Town of Oyster Bay, Department of Public Works  
Michael W. Spinelli, JD, AIA, President  
Stephen P. Ferretti, Director of Project Management



801 Motor Parkway, Suite 103, Hauppauge, New York 11788  
T: 631.574.4870 F: 631.574.4871 [www.nassausuffolkea.com](http://www.nassausuffolkea.com)



Reviewed By  
Office of Town Attorney  
*[Signature]*

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated November 22, 2019, advised that the Department of Public Works issued a Request for Proposal to firms seeking to provide On-Call Engineering Services to the Town in connection with Architecture, resulting in the receipt of ten (10) submissions; and

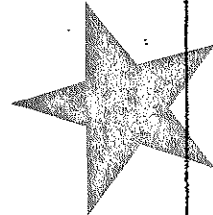
WHEREAS, Commissioner Lenz has, after review and analysis of the submissions based upon the technical merits of the responses, in compliance with the Town's Procurement Policy, requested and recommended that David Swift Architect, LLC, H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., John A. Grillo Architect, P.C., and Nassau Suffolk Engineering & Architecture, PLLC be authorized to perform On-Call Engineering Services in connection with Contract No. PWC22-20, Architecture, for a two (2) year term, commencing on January 1, 2020 through December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are hereby accepted and approved and David Swift Architect, LLC, H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., John A. Grillo Architect, P.C., and Nassau Suffolk Engineering & Architecture, PLLC are hereby authorized and directed to provide On-Call Engineering Services in connection with Contract No. PWC22-20, Architecture, 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	Aye
Councilman Imbrota	Aye
Councilman Hand	Aye
Councilman Labriola	Aye





WHEREAS, by Resolution No. 804-2019, adopted on December 10, 2019, the Town Board authorized the Department of Public Works to enter into Contract No. PWC23-20, On-Call Engineering Services Relative to Environmental Engineering, with D & B Engineers and Architects, P.C., 330 Crossways Park Drive, Woodbury, New York 11797, for a two (2) year contract term, commencing on January 1, 2020 through December 31, 2021; and

WHEREAS, Steven A. Fangmann, P.E., BCEE, President and CEO, D & B Engineers and Architects, P.C., by letter dated March 20, 2020, requested approval to use EMSL Analytical, Inc., 528 Mineola Avenue, Carle Place, New York 11514, as a sub-consultant, for laboratory analytical services with respect to the investigation of mold spores at Town Hall South; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, and John C. Tassone, Deputy Commissioner, Department of Public Works/Highways, by memorandum dated April 30, 2020, requested Town Board authorization for D & B Engineers and Architects, P.C., to use EMSL Analytical, Inc. as a sub-consultant, for laboratory analytical services with respect to the investigation of mold spores at Town Hall South; and

WHEREAS, Commissioner Lenz, and Deputy Commissioner Tassone, by said memorandum, further requested that the Town Board authorize and direct the Comptroller to issue an encumbrance order, in the amount of \$8,500.00, to pay for work done by D & B Engineers and Architects, P.C., in connection with the aforesaid project,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and D & B Engineers and Architects, P.C. are hereby authorized to use EMSL Analytical, Inc., as a sub-consultant, for laboratory analytical services with respect to the investigation of mold spores at Town Hall South; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue an encumbrance order in the amount of \$8,500.00, to pay for work done by D & B Engineers and Architects, P.C., in connection with the aforesaid project, and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. DGS H 1997 20000 000 2010 001; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon the submission of a duly certified claim, after audit.

-#-

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

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

Reviewed By  
Office of Town Attorney  
*Elizabeth A. Faughnan*



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

APRIL 30, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST  
RELATIVE TO ENVIRONMENTAL ENGINEERING  
USE OF SUB-CONSULTANT  
CONTRACT NO. PWC23-20  
ACCOUNT NO.: DGS H 1997 20000 000 2010 001  
PROJECT ID NO. 2010TWINA-03

---


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. PWC23-20 by Resolution No. 804-2019 for the subject project.

Attached is a letter dated March 20, 2020 from D & B Engineers and Architects, P. C., regarding the scope of work performed in an amount not to exceed \$8,500.00. Services performed include the investigation of mold spores at Town Hall South by way of swabs and ambient air sampling.

Attached is an availability of funds in the amount of \$8,500.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. DGS H 1997 20000 000 2010 001.

In addition, D & B Engineers and Architects, P. C. requests the use of EMLS Analytical, Inc. as a sub consultant for laboratory analytical services.

It is hereby requested that the Town Board authorize by Resolution, D & B Engineers and Architects, P. C. under Contract No. PWC23-20 for On-Call Engineering Services Relative to Environmental Engineering and requests that the Comptroller be directed to issue an encumbrance order for this purpose as well as approval of EMSL Analytical, Inc. as a sub consultant.

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

 RWL/jct

Attachment

cc: Office of the Town Attorney (w/9 copies)  
Steve C. Ballas, Comptroller  
Eric Tuman, commissioner / General Services

PWC23-20 Docket Funding D & b mold THS





ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT  
REQUEST FOR AVAILABILITY OF FUNDS



Requesting Division/Department

Engineering

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number PWC 23-20  
Contract Period 1/1/20-12/31/21  
Consultant/Contractor D & B Engineers and Architects, P.C.  
Discipline Environmental Engineering  
Total Authorization \$ 8,500.00  
Resolution No. 804-2019 Date 12/10/2020  
Funded To Date \$ 0.00.  
Amount Requested \$8,500.00  
Account To Be Used DGS-H-1997-20000-000-2010-001, PROJ. ID. 2010TWN-03

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.

Provide engineering services relative to the Environmental Engineering

Mold Consultation Services / THS

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 Deputy Commissioner / GS

Date 4/24/20

DPW Approval

Only To Be Executed By The Commissioner

Signature

[Signature]

Title Commissioner of Public Works

Date 4/30/20

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 8,500.00

Unencumbered Balance 747,100.00

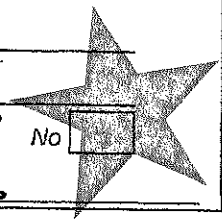
Is The Account To Be Used Consistent With The Nature Of Work Listed Above?

Yes ☒ No ☐

Signature

Date

4/30/2020







# 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 23-20

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, NY 11797

Requesting Town Department General Services

Contact Ralph Raymond Phone x - 6101

Description of Work to be Performed (Attach Detail If Necessary)

Environmental Engineering / Mold Consultation Services / THS

**This work order shall not exceed \$ 8,500.00**

*Please notify the above mentioned contact person 48 hours prior to commencing any work.*

**Requesting Division/Department**

Signature [Signature]

Title Commissioner / GS

Date 4/27/2020

**Department Of Public Works Approval**

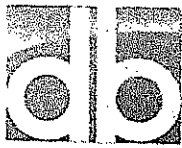
Only To Be Executed By The Commissioner

Signature [Signature]

**Commissioner of Public Works**

Date 4/30/20





D&B ENGINEERS  
AND  
ARCHITECTS, P.C.

330 Crossways Park Drive, Woodbury, New York 11797  
516-364-9890 • 718-460-3634 • Fax: 516-364-9045 • www.db-eng.com

Board of Directors

Steven A. Fangmann, P.E., BCEE  
President & Chairman

Robert L. Raab, P.E., BCEE, CCM  
Senior Vice President

William D. Merdin, P.E.  
Senior Vice President

March 20, 2020

John Tassone, Deputy Commissioner  
Department of Public Works  
Town of Oyster Bay  
150 Miller Place  
Syosset, NY 11796

Re: Technical Scope of Work and Cost Proposal  
Mold Consultation Services  
PWC 23-20, On-Call Services related to Environmental Engineering

Dear Mr. Tassone:

In accordance with your request, D&B Engineers and Architects, P.C. (D&B) is pleased to submit this proposal for consultation services with regard to suspected mold issues at the Town of Oyster Bay's Town Hall South facility. Specifically, as part of this scope of work, D&B will assess the presence of suspected mold in the areas around the Town Clerk's office, adjacent bathroom and other areas of interest. We understand that the possibility of mold may be related to moisture emanating from the roof and may include historically trapped moisture since the installation of a new roof system. Our proposed services include investigation, assessment, sampling and reporting. Sampling activities shall be performed by a New York State Licensed Mold Assessor.

In order to complete this assignment, D&B proposes the following detailed scope of work.

**A. SCOPE**

Investigation

D&B will assess the Clerk's Office and bathroom for the presence of mold, conducting a thorough visual inspection of the affected areas, including but not limited to the bathroom, roof and adjacent rooms.

During the inspection, D&B will look for:

- Visible mold or moisture on walls or ceilings or air vents;
- Visible mold on furniture, cabinets or personal property;
- Indications of roof leaks or siding and trim leaks (past or present);

*"Facing Challenges, Providing Solutions... Since 1965"*



- Plumbing leaks (past or present);
- Heating system, humidifiers, air conditioners leaks or problems (past or present);
- Dampness;
- Prior flooding; and
- Musty or unknown odors.

The inspection will be conducted in accordance with select sections of ASTM E2418-06 - Standard Guide for Readily Observable Mold and Conditions Conducive to Mold in Buildings: Baseline Survey Process. Moisture readings will be observed using a moisture meter (Surveymaster Protimeter) to measure the moisture content of the walls to determine if there is a potential for mold growth in these areas. Digital photographs will be collected to highlight areas of interest. If the Town decides to perform coring/destructive testing of the roofing system, D&B will perform a similar investigation, including field moisture screening on the roofing materials. Roofing removals and restoration will be performed by others, as directed by the Town outside of the scope of this proposal.

#### Sampling

- At the time of the visual inspection, the Mold Assessor will collect air samples from the suspected affected areas. D&B will be prepared to take up to thirty (30) air samples including ambient/outdoor samples and blanks at locations throughout the building, as requested by the Town. We will coordinate with Town staff to temporarily interrupt building HVAC systems as may be necessary to facilitate sample collection.
- D&B will collect up to five (5) swab or tape lift samples of visibly impacted areas and materials. These can be performed on interior areas and/or removed roofing materials, as determined at the time of the work. Our sampling effort includes up to (2) visits to the site for assessment and collection of samples.
- Samples will be analyzed for the presence of mold by a laboratory certified by the New York State Department of Health (NYSDOH). Sample results will be interpreted in accordance with guidelines established by the American Conference of Governmental Industrial Hygienists (ACGIH) by a Certified Industrial Hygienist (CIH).

#### Report Preparation and Analysis of Results

- D&B will prepare a report that summarizes the results of the visual investigation and sampling. Within this report, D&B will evaluate the sample results against the appropriate standards and provide recommendations to the Town of Oyster Bay with regard to the need for further testing and/or remedial activities to address locations which may exhibit elevated mold concentrations. We note that as mold is pervasive in



John Tassone, Deputy Commissioner  
Department of Public Works  
Town of Oyster Bay  
March 20, 2020

our environment, including within conditioned building spaces, our analysis will address sampling results with regard to typical ambient mold conditions.

**B. FEES**

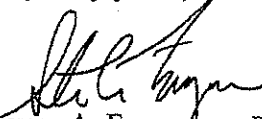
The proposed fees to complete the above tasks will be based upon time and expenses actually incurred in relation to the above scope in accordance with the terms of our on-call agreement with the Town and will not exceed \$8,500. Direct expenses, including sampling analysis, mileage and document reproduction are included in the above fees.

To minimize disruption of office activities, D&B is prepared to conduct the assessment and sampling activities in the evening when the office is vacant, as necessary.

To accomplish our work, D&B proposes to utilize as a subcontractor EMSL Analytical, Inc. for laboratory analytical services and is hereby requesting the Town's approval of this qualified and experienced testing laboratory.

If you have any questions or would like to discuss this further, please do not hesitate to contact me at (516) 364-980, Ext. 3005.

Very truly yours,

  
Steven A. Fangmann, P.E., BCEE  
President and CEO



SAF/PRSt/kb

cc: P. Sachs (D&B)  
♦PX10322\SAF032020JT-Ltr(R02)



Reviewed By  
Office of Town Attorney

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 Environmental Engineering, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC23-20, for a two (2) year term contract commencing January 1, 2020 through December 31, 2021 was issued to five (5) firms, and was placed on the Town of Oyster Bay website; and

WHEREAS, in response to that Request for Proposals, nine (9) 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 performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy, and in conjunction with the current workload, the Department has selected AECOM USA, Inc., D&B Engineers & Architects, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., and P.W. Grosser Consulting Engineer & Hydrogeologist, P.C.; and

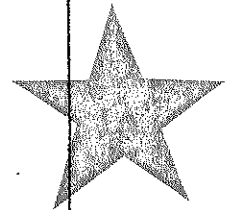
WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with AECOM USA, Inc., D&B Engineers & Architects, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., and P.W. Grosser Consulting Engineer & Hydrogeologist, P.C., to provide On-Call Engineering Services relative to Environmental Engineering, in accordance with the specifications contained in Contract No. PWC23-20, for a two (2) year term, commencing on January 1, 2020 through December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC23-20 with AECOM USA, Inc., D&B Engineers & Architects, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., and P.W. Grosser Consulting Engineer & Hydrogeologist, P.C., 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	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye





WHEREAS, by Resolution No. 806-2019, adopted on December 10, 2019, the Town Board authorized LiRo Engineers, Inc., 235 East Jericho Turnpike, Mineola, New York, to provide the Town of Oyster Bay with engineering services, in connection with Contract No. PWC07-20, 2003 HWYDB 02, On Call Engineering Services Relative to Civil Engineering, for a two (2) year term, commencing on January 1, 2020, and expiring on December 31, 2021; and

WHEREAS, Heather V. Sonnenberg, Senior Associate Vice President, LiRo Engineers, Inc., by letter dated April 22, 2020, described the scope of work to be performed under said Contract, for engineering services related to the Construction of Highway Improvements for the Fairwater Avenue Area located in Massapequa, New York, in an amount not to exceed \$481,300; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated April 30, 2020, requested that the Town Board authorize LiRo Engineers, Inc., to provide On-Call Engineering Services under Contract No. PWC07-20, for engineering services related to the Construction of Highway Improvements for the Fairwater Avenue Area located in Massapequa, New York, in an amount not to exceed \$481,300; and

WHEREAS, Commissioner Lenz, by said memorandum, further requested that the Town Board authorize and direct the Comptroller to issue an encumbrance order, in an amount not to exceed \$481,300, to satisfy said engineering costs, and advised that funds to satisfy said engineering costs, are available in Account No. HWY H 5197 20000 000 2003 008,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and LiRo Engineers, Inc., is authorized to provide On-Call Engineering Services under Contract No. PWC07-20, for engineering services related to the Construction of Highway Improvements for the Fairwater Avenue Area located in Massapequa, New York, in an amount not to exceed \$481,300, and it is further

RESOLVED, that the Comptroller is authorized to issue an encumbrance order, in an amount not to exceed \$481,300, to satisfy said architecture and engineering costs, with funds to be drawn from Account No. HWY H 5197 20000 000 2003 008.

-#-

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

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

Reviewed By  
Office of Town Attorney  
*[Signature]*



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

APRIL 30, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: ON-CALL ENGINEERING SERVICES RELATIVE TO CIVIL ENGINEERING  
FAIRWATER AVENUE AREA, MASSAPEQUA  
CONTRACT NO. PWC 07-20  
ACCOUNT NO. HWY-H-5197 20000 000 2003 008  
PROJECT NO. 2003 HWYDB 02


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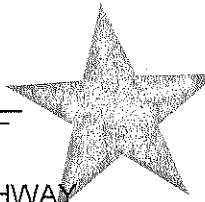
The consultant, LiRo Engineers, Inc. has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PW 07-20 by Resolution No. 806-2019 for the subject project. Funds have been made available by the Director of Finance.

Attached is a letter dated April 22, 2020 from LiRo Engineers, Inc. regarding the scope of work to be performed in an amount not to exceed \$481,300.00. Services to be performed include the complete engineering services relative to the construction inspection of Highway Improvements to the Fairwater Avenue Area located in Massapequa.

Attached is an availability of funds in the amount of \$481,300.00 to satisfy said engineering costs from the Office of the Director of Finance indicating that funds are available in Account No. HWY-H-5197 20000 000 2003 008.

It is hereby requested that the Town Board authorize by Resolution LiRo Engineering, Inc. under Contract No. PWC 07-20, 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/JCT/MR/jct

cc: Town Attorney's Office (w/9 copies)  
Steven C. Ballas, Comptroller  
John P. Bishop, Deputy Commissioner / Highway Department  
Lori Kabelka, Division of Engineering

PWC 07-20 DOCKET lro Fairwater Avenue





ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT  
REQUEST FOR AVAILABILITY OF FUNDS



Requesting Division/Department

Engineering

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number PWC 07-20

Contract Period 1/1/20-12/31/21

Consultant/Contractor LiRo Engineers, Inc.

Discipline Civil Engineering

Total Authorization \_\_\_\_\_

Resolution No. 806-2019 Date 12/10/2020

Funded To Date \_\_\_\_\_

Amount Requested \$481,300.00

Account To Be Used Hwy H5197 20000 000 2003 008 - 2003 Hwy D6-02

If Capital Account, State The Related Contract Number: H19-186R

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.

Provide engineering services relative to Fairwater Avenue Area

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 DEPUTY COMMISSIONER OF HIGHWAYS

Date 4-30-2020

DPW Approval

Only To Be Executed By The Commissioner

Signature [Signature]

Title Commissioner of Public Works

Date 4/30/20

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 481,300.00

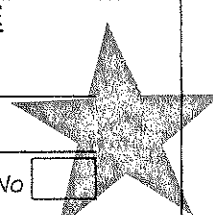
Unencumbered Balance 3,595,229.00

Is The Account To Be Used Consistent With The Nature Of Work Listed Above?

Yes ☒ No ☐

Signature [Signature]

Date 4/30/2020







**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

February 25, 2020 (Revised April 22, 2020)

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

Re: On-Call Civil Engineering Services PWC07-20  
Related to Construction of Highway Improvements for the  
Fairwater Avenue Area located in Massapequa, NY

Dear Commissioner Lenz,

The design for this project has been completed and approved by your Department. The bids for this project were received on January 29, 2020. Seven (7) bids were received and lowest bidder was Thomas Novelli Contracting Corp. We submit at this time our proposal for engineering services relative to the Bid and Construction Phases of the project. We propose to provide the following services during the course of construction of the project.

#### **BID SERVICES**

- Update contract documents with bid date, PW Number, and other bidding information as required.
- Produce 15 CD's with electronic files of the bid documents and deliver to Town DPW office.
- Notify potential bidders of bid date.
- Answer questions from potential bidders.
- Attend bid opening, witness opening of bids, review and tabulate bids.
- Perform detailed review of bids, check for mathematical errors.
- Prepare recommendation for award of contract.
- Provide the Town with five (5) sets of contract documents to conform to the low bidder's information for contract signing.

#### **CONSTRUCTION SERVICES**

- Print additional copies of plans and specifications as required for the Town, the Contractor, and Utilities during construction.
- Attend pre-construction meeting (or meetings) with the Contractor, Utilities, and Town Representatives; follow-up as required.
- Coordinate and schedule all other construction phase engineering activities with the Contractor, Town, Utilities and Engineering staff.
- Review the Contractor's submissions of his proposed material suppliers, sub-contractors, concrete mix design and asphalt mix design; recommend approval as necessary.



- Review Contractor's proposals for modifications or substitutions.
- Advise all utility companies as required.
- Monitor test results; prepare reports as required for the information of the Town and the Project Engineer.
- Maintain files of construction correspondence and related documents.
- Make periodic visits to the project site to review the Contractor's progress and to observe the work in progress. Review the Resident Representative's records on a regular basis.
- Review Compressive Strength of Concrete reports prepared by others for compliance with specified strength, slump, air content, etc. Review PC Concrete and Asphalt Concrete batch plant reports prepared by others, for the compliance with mix design criteria, aggregate gradations, temperatures, etc. Prepare reports as required for the information of the Town and the Project Engineer.
- Prepare Monthly Certification of Quantities of Work Performed by the Contractor.
- Disapprove any of the Contractor's work, which fails to conform to the specifications.
- Prepare change orders in conjunction with the Resident Representative, if required.
- After construction of the project is substantially complete, in conjunction with the finalization of the project, review all field records; Prepare quantity increase/decrease notifications in conjunction with the Resident Representative; Prepare a Final Certification of the Project; Microfilm all project records and files.
- Provide offset lines and grades for horizontal and vertical control of catch basins, manholes, drainage pipe, curb, curb and gutter, valley gutters, contract limits, etc. Prior to and during construction.
- Calculate cuts and/or fills for the proper installation of all new drainage facilities, curb, curb and gutter, and other proposed work to allow for proper installation of same by the Contractor.
- Make modifications to the proposed curb grades and restoration limits as required as a result of changes made by property owners or municipal agencies after the submission of the final design of the project when such changes become apparent prior to the start of, or during construction, or due to resident or Town inquiries, utility conflicts, etc.
- Take elevations of subsurface utilities when test holes are dug by the Contractor.
- Take elevations at intersections after new curb or curb and gutter has been completed for computation of milling and/or leveling course requirements.
- Make periodic visits to the site as required during construction to verify that the new curb, curb and gutter, drainage facilities, valley gutters, and other new construction conforms to the design grades.
- Take elevations at critical locations as required to assist in establishing restoration limits.
- Lay out leveling course requirements for the projects.
- Set up and maintain field records for the project. Calculate and record quantities of work from daily measurements of work performed taken in the field.
- Review Contractor's list of subcontractors, emergency telephone numbers, construction schedule, traffic maintenance plan, and field office location.
- Apply for and obtain necessary permits from Nassau County, New York State, etc. when required.



- Observe work and perform daily measurements of work completed.
- Provide on-site liaison and coordination between the Town, the Contractor, utilities, and other agencies as required throughout the course of the project.
- Mark widths of existing driveway aprons and private entrance walks on adjacent sidewalk to insure that the new work will be at least equal to existing in physical dimensions.
- Mark locations of concrete and asphalt saw cutting.
- Mark (with paint) limits of sidewalk replacement and driveway restoration.
- Make concrete cylinder test samples daily at the project site.
- Mark out leveling course requirements for intersections, based on information obtained by the survey party and office computations, to insure proper surface drainage of intersections.
- Where full-depth pavement reconstruction is to be performed, observe proof-rolling of the subgrade and determine undercut required from observations of subgrade deflection under specified wheel load. Mark out areas where subgrade reinforcement is required.
- Prepare Change Orders as required.
- Prepare Monthly Certifications of Quantities of Work Performed by the Contractor.
- Disapprove any of the Contractor's work which fails to conform to the specifications.
- Review all field records and prepare the Final Certification of the project.
- Conduct weekly inspections for conformance with SWPPP, and prepare necessary correspondence.

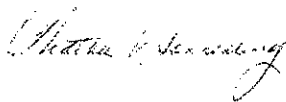
### **COMPENSATION**

Lump Sum: \$481,300.00

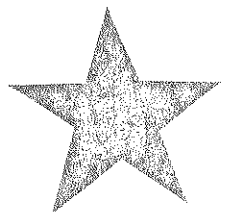
It has been a pleasure to prepare this proposal, and we look forward to working with you on this project. If you find the scope of work and compensation described above acceptable, please indicate your acceptance by responding back to the e-mail that you would like to provide us with the notice to proceed. We anticipate that the contract including this appendix for your review and signature.

Please do not hesitate to contact us if you have any questions or require any additional information.

Sincerely,



Heather V. Sonnenberg  
Senior Associate Vice President





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

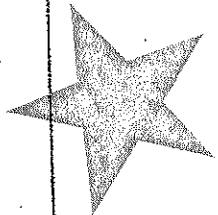
WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with AECOM USA, Inc., D&B Engineers & Architects, P.C., de Bruin Engineering, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., LiRo 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, by Deed dated February 7, 2020, an offer of dedication was made by Anray Custom Builders, Inc., of a certain street known as Landing Court, Glenwood Landing, New York, Nassau County Planning Commission Map No. 9581, as shown on "Map of PISCIOTTA PROPERTY", and as more particularly described as Section 21, Block M, Lots 660, 601, 602, 603, 604 and 605 in said Deed; and

WHEREAS, Richard W. Lenz, Commissioner, Department of Public Works/Highway and John T. Tassone, Deputy Commissioner, Department of Public Works, by memorandum dated July 9, 2019, have confirmed that the Highway Department has inspected the road and has found same to be in satisfactory condition, and recommended that Landing Court be added to the Town of Oyster Bay Highway System; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Highway Department, has executed an Order of the Superintendent, dated June 24, 2019, consenting to the recording of Landing Court as a public highway, subject to the approval of the Town Board; and

WHEREAS, it is deemed to be in the best interests of the Town of Oyster Bay to accept the offer of dedication of the above street,

NOW, THEREFORE, BE IT RESOLVED, That the offer of dedication of Landing Court, Glenwood Landing, New York, is hereby accepted, and said street is hereby declared to be a public street of the Town of Oyster Bay; and be it further

RESOLVED, That the Grantor of said street must provide the Office of the Town Clerk with a copy of a Cashier's receipt for the recording of Landing Court with the Office of the Nassau County Clerk within 30 days of the adoption of this Resolution and must provide the Office of the Town Clerk with a copy of a filed Deed of Dedication within six (6) months of the adoption of this Resolution.

-#-

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** : May 5, 2020  
**SUBJECT**: Dedication of Landing Court, Glenwood Landing, New York

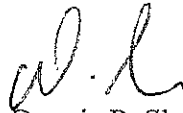
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Anray Custom Builders, Inc., the developer of a subdivision known as Landing Court, Glenwood Landing, New York, Nassau County Planning Commission Map No. 9581, has requested that the Town accept the dedication of Landing Court as a public highway.

Said road has been inspected by the Highway Division. A copy of an Order of the Superintendent consenting to the dedication of Landing Court as a public highway is attached hereto.

It is requested that this matter be placed on the action calendar of May 19, 2020.

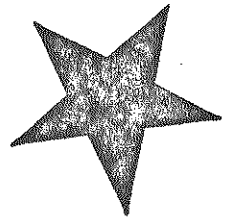
OFFICE OF THE  
TOWN ATTORNEY



Dennis P. Sheehan  
Deputy Town Attorney

DPS:ba  
Attachment  
GS4652  
cc: Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\MD & RESO\Landing Court Dedication MD.docx



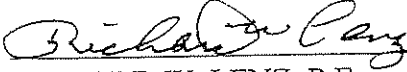


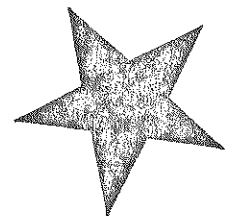
ORDER OF THE SUPERINTENDENT

STATE OF NEW YORK    )  
COUNTY OF NASSAU    ) ss:  
TOWN OF OYSTER BAY )

WHEREAS, the undersigned does hereby, with the approval of the Town Board of the Town of Oyster Bay, declare LANDING COURT, as shown on a certain map entitled "Map of Pisciotta Property", located in Glenwood Landing, Town of Oyster Bay, Nassau County, New York, filed on January 18, 2008, and certified to Joseph E. Dioguardi, Jr., Engineer/Land surveyor, on February 7, 2004, to be a public highway in said Town and DO CONSENT to the record thereof as a public highway.

Dated: Syosset, New York  
June 24<sup>th</sup>, 2019

  
RICHARD W. LENZ, P.E.  
Commissioner,  
Department of Public Works/Highway





274

WHEREAS, the Town Board of the Town of Oyster Bay has reviewed a proposed Local Law entitled "A LOCAL LAW TO AMEND CHAPTER 201, SOLID WASTE. OF THE TOWN CODE OF THE TOWN OF OYSTER BAY"; and

WHEREAS, a duly advertised Public Hearing on said legislation was held by the Town Board of the Town of Oyster Bay on May 21, 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 May 14, 2020, recommended a 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. 26, relative to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment", and as such does not require completion of an Environmental Assessment Form, Environmental Impact Statement or other environmental consideration,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board of the Town of Oyster Bay declares that such Local Law to amend the Code of the Town of Oyster Bay is a Type II Action, pursuant to the New York State Environmental Quality Review Act (6 NYCRR, Part 617, Section 617.5[c]), Type II Actions List, Item No. 26; and be it further

RESOLVED, That said Local Law -2020, entitled "A LOCAL LAW TO AMEND CHAPTER 201, SOLID WASTE, OF THE TOWN CODE OF THE TOWN OF OYSTER BAY", is hereby adopted without change and shall take effect immediately upon filing with the Secretary of State; and be it further

RESOLVED, That the Town Attorney is hereby authorized and directed to file this Local Law with the Secretary of State.

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Reviewed By  
Office of Town Attorney



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

May 14, 2020

**TO:** FRANK SCALERA, CHIEF DEPUTY TOWN ATTORNEY, OFFICE OF THE TOWN ATTORNEY  
THOMAS SABELLICO, SPECIAL COUNSEL, OFFICE OF THE TOWN ATTORNEY  
SHEILA TARNOWSKI, DIRECTOR OF LEGISLATIVE AFFAIRS

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

**SUBJECT:** A LOCAL LAW TO AMEND CHAPTER 201, SOLID WASTE, OF THE CODE OF TOWN OF OYSTER BAY ; CLASSIFICATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR): TYPE II

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Pursuant to Article 8 of the New York State Environmental Conservation Law (ECL), and the implementing regulations thereto at 6 NYCRR Part 617 (SEQR), and the Town of Oyster Bay Town Environmental Quality Review (TEQR) Law (Chapter 110 of the Code of the Town of Oyster Bay), the Department of Environmental Resources (DER) has reviewed the above captioned proposed action. In connection with review of this subject action pursuant to SEQR/TEQR, the Department was provided with a description of the proposed action via email on May 14, 2020.

On the basis of our evaluation, the Department of Environmental Resources concludes that this proposed action is classified as Type II pursuant to the SEQR Type II Actions List, at 6 NYCRR §617.5(c), item #26, pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment."

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

  
GEORGE BAPTISTA, JR.  
Deputy Commissioner  
Department of Environmental Resources

Filepath: FILE/ DER DEPT. FILES/TEQR/Type II\_Local Law Solid Waste 5\_20\_2020



WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated May 13, 2020, indicated that the Department released a request for proposals to provide services for the Substance Abuse Professional (SAP) Services, which resulted in three (3) proposals being received; and

WHEREAS, following a review of each of the proposals in accordance with the provisions of the Town's Procurement Policy, Commissioner Canning, by the aforementioned memorandum, recommended that the Town Board authorize the Supervisor, or his designee, to execute an agreement with Norwich LCSW Behavioral Health Services PLLC, 1005 Glen Cove Avenue, Glen Head, NY 11545 to provide Substance Abuse Professional (SAP) Services, for a two (2) year period, commencing January 1, 2020, *nunc pro tunc*, through and including December 31, 2021, in an amount not to exceed \$10,500.00 per year, with funds to be drawn from Account No. TWN AMM 9060 80030 000 0000 000,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Town Board hereby authorizes the Supervisor, or his designee, to execute an agreement with Norwich LCSW Behavioral Health Services PLLC, 1005 Glen Cove Avenue, Glen Head, NY 11545 to provide Substance Abuse Professional (SAP) Services, for a two (2) year period, commencing January 1, 2020, *nunc pro tunc*, through and including December 31, 2021, in an amount not to exceed \$10,500.00 per year; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. TWN AMM 9060 80030 000 0000 000, upon submission of a duly certified claim, after audit.

-#-

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

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



Town of Oyster Bay  
Inter-Departmental Memo

**To:** Memorandum Docket  
**From:** John Canning, Commissioner  
Department of Human Resources  
**Date:** May 13, 2020  
**Subject:** Substance Abuse Professional Contract

Pursuant to the Town of Oyster Bay Procurement Policy, the Department of Human Resources solicited proposals from firms to provide Substance Abuse Professional (SAP) services as defined by the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance (ODAPC) for a two (2) year contract.

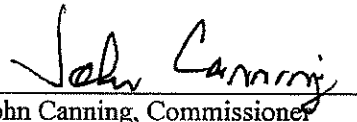
The Request for Proposals (RFP) was distributed and posted on the Town's website. We received three (3) proposals prior to the response deadline on October 21, 2019. Upon completion of the review and rating of the three (3) proposals, pursuant to and in compliance with Guidelines 6 and 9 of the Town's procurement policy, it is the recommendation of the interview committee, as well as this department, that the Town of Oyster Bay retain Norwich LCSW Behavioral Health Services PLLC, of 1005 Glen Cove Avenue, Glen Head, NY 11545.

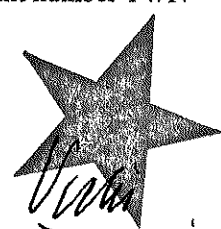
The Letter of Agreement between the Town of Oyster Bay and Norwich LCSW Behavioral Health Services PLLC will be effective **nunc pro tunc** from January 1, 2020 through and including December 31, 2021, with no extensions. A copy of the Agreement and Insurances, signed by Christine Hunter RN LCSW CASAC SAP, is attached. In addition, pursuant to Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy, Norwich LCSW Behavioral Health Services PLLC has submitted a Partnership Disclosure Affidavit attesting that no officers or employees of Norwich LCSW Behavioral Health Services PLLC are related to an officer or employee of the Town of Oyster Bay.

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

Therefore, the Town Board is hereby requested to authorize the Supervisor to execute the Letter of Agreement between the Town of Oyster Bay and Norwich LCSW Behavioral Health Services PLLC. It is further requested the Town Board authorize the Comptroller to make payment to Norwich Behavioral Health Services PLLC from account number TWN AMM 9060 80030 000 0000 000 at an amount not to exceed \$10,000 per annum, and that the Comptroller encumber said amount for 2020 from account number TWN AMM 9060 80030 000 0000 000.

Sincerely,

  
John Canning, Commissioner  
Department of Human Resources



*Finelli*  
*Deputy Commissioner*

JC/jbw  
Cc: Town Attorney w/9 copies  
Attachments



CHRISTINE C. HUNTER RN LCSW CASAC  
NORWICH BEHAVIORAL HEALTH SERVICES PLLC  
1005 Glen Cove Ave.  
Glen Head, New York 11545  
(516) 242-9536  
[norwichbhs@hotmail.com](mailto:norwichbhs@hotmail.com)

October 19, 2019

Richard LaMarca  
Director of Labor Relations Management  
Dept Of Human Resources  
Town of Oyster Bay  
54 Audrey Ave.  
Oyster Bay, New York

Re: Town of Oyster Bay  
Substance Abuse Professional  
(SAP) Proposal

Dear Mr. LaMarca,

Please find enclosed the proposal from Norwich LCSW Behavioral Health Services PLLC for Substance Abuse Professional (SAP) services.

Norwich is currently providing Substance Abuse Professional (SAP) services to TOB employees to screens CDL drivers who are found to be in violation of the Department of Transportation (DOT) regulation.

I would like to continue the outstanding collaborative relationship that exists with the Town of Oyster Bay in bringing the highest quality of services to Town employees.

I am submitting this proposal for consideration.

Sincerely,

  
Christine C. Hunter RN LCSW CASAC SAP





**NORWICH BEHAVIORAL HEALTH SERVICES PLLC**

1005 Glen Cove Avenue Glen Head, New York 11545

(516) 242-9536 Fax (516) 922-0320

Email: [norwichbhs@hotmail.com](mailto:norwichbhs@hotmail.com) Web: [www.norwichbhs.com](http://www.norwichbhs.com)

Christine Hunter RN LCSW CASAC NYS License # R-34994 NPI #45-5456877

**Substance Abuse Professional (SAP) Services Proposal**

**Town of Oyster Bay**

In response to the Town of Oyster (TOB) Request for Proposal (RFP) for a Substance Abuse Professional (SAP) I am pleased to submit the proposal below for renewal.

I have provided Substance Abuse Professional (SAP) services to the Town of Oyster Bay as defined by the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance (ODAPC) for the past nine years and have worked in collaboratively and cohesively with the Department of Human Resources to ensure the most efficient and effective implementation of services.

I am submitting this proposal for SAP services as Christine C. Hunter, Norwich Behavioral Health Services PLLC.

Norwich Behavioral Health Services is a limited Liability Corporation that specializes in providing psychotherapy, Alcohol & Drug counseling, NYS Office of Alcohol & Substance Abuse Services (OASAS) Certified evaluations, mental health counseling, case management services, Employee Assistance Program (EAP) and Substance Abuse Professional (SAP) consultation and services. The mission of Norwich Behavioral Health Services is to improve the quality of life for persons impacted by mental health and substance abuse through the delivery of services that are quality services, easily accessed and delivered in a client friendly environment. Norwich Behavioral Health Services delivers both internal (in-site) and external (off-site) services. The administrative office is located at 1005 Glen Cove Avenue, Glen Head, and New York. Norwich has been delivering quality health, mental health, EAP and SAP services for over 10 years and the Director has over 30 years of professional experience in the implementation of behavioral health services.

The function of the Substance Abuse Professional (SAP) as defined by the New York State Department of Transportation (OT) is to protect the public interest and safety by professionally evaluating an employee and recommending appropriate education and /or treatment, follow-up tests and adherence.

The SAP represents the major decision point (and in some cases, the only decision point) an employer may have in choosing whether or not to place an employee in a safety sensitive position.

Data collected for TOB SAP referrals over the past nine years shows a gradual decline in the number of employees referred for SAP services. This could be indicative of improved employee

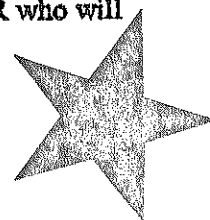


compliance or simply that employees randomly tested happened to be those not in need of services which reinforces the importance of continuing employee health and wellness initiatives, education and collaboration with the existing Employee Assistance Programming.

#### Services Proposed

The following services will be delivered to the Town of Oyster Bay and employees by the SAP as defined by the Department of Transportation (DOT) Office of Drug and Policy and Compliance (ODAPC) and will be carried out in coordination with the Town of Oyster Bay Employee Assistance Services. Services will include but are not limited to:

1. The screening, assessment and referral of employees who test positive for drugs and alcohol use who are in violation of the federal regulations. Screening will be face-to-face and take place at a Town of Oyster Bay designated location or at the Norwich administrative office in Glen Head, New York. Clinical assessment will include an in-depth history of alcohol and drug use as well psychosocial history. Evidence based screening tools will be used such as; Michigan Alcohol Screening Tool (MAST), Drug Assessment Screening Tool (DAST), Alcohol Use Disorder Identification Test (AUDIT), as well as the Modified MINI (MMS) mental health screening where indicated. Development of treatment plan will occur as well as facilitation of the employee to the appropriate treatment or education.
2. Records will be maintained as required by the Department of Transportation (DOT) and National Transportation Safety Board (NTSB) regarding employee participation in the SAP process as well as comply with 42, part 2 of the Code of Federal Regulations. Copies of SAP records will be made available to the employee if requested. Compliance will be monitored and reported in writing to the Town of Oyster Bay Designated Employer Representative (DER).
3. Ongoing communication will occur between the SAP and the DER regarding employee treatment plan progress (including testing schedule). Signed consents for release of information will be obtained as required by state and federal mandate. A copy of the employee treatment plan will be included in the initial progress report and forwarded to the DER.
4. Communication with the Medical Review Officer (MRO) will occur as needed regarding an employee's laboratory test (test results, quantitative levels and other employee test information).
5. Face-to-Face evaluation will occur with employees who are being considered for return to safety sensitive work and a written report (of compliance or non-compliance) will be forwarded to the DER. The report will determine the follow-up and or alcohol and drug testing frequency that the employee will have over the next 12 to 60 months following the date of return to safety sensitive duty. These efforts will support the DER who will proceed with performing the "fit for duty" evaluation.



#### Obligations



In the event that the Town of Oyster Bay or Norwich Behavioral Health Services terminates the agreement, a phase out period of ninety (90) days will be provided to assure that employee treatment is not undermined.

Personnel

Employees of Norwich Behavioral Health Services will provide all services under the agreement.

Statutes, Laws and Codes

Norwich Behavioral Health Services will comply with and ensure that all personnel comply with all Town of Oyster Bay operational requirements in association with the implementation of the Employee Assistance Program.

Licenses/Permits/Insurance

All employees of Norwich Behavioral Health Services possess and will for the term of the agreement possess all necessary qualifications, permits, licenses required to perform the services described in this agreement, including malpractice and liability insurance.

Nondisclosure of Information

Norwich Behavioral Health Services will not, without the prior written permission of the Town of Oyster Bay, (1) disclose or publish any findings made by them in the performance of services for the Town of Oyster Bay, or (2) remove any Town of Oyster Bay premises any Town of Oyster Bay property or disclose same unauthorized persons.

Budget

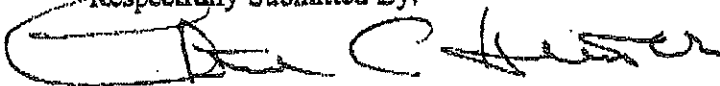
January 1, 2020 through December 31, 2020

January 2, 2021 through December 31, 2021

\$10,000

\$10,000

Respectfully Submitted By:



Christine C. Hunter RN LCSW MPA CASAC SAP

Director & CEO, Norwich Behavioral Health Services PLLC



# Agreement

## Norwich LCSW Behavioral Health Services PLLC and The Town of Oyster Bay

This Agreement, effective January 1, 2020 through December 31, 2021, is entered into between the Town of Oyster Bay and Norwich LCSW Behavioral Health Services PLLC.

Norwich LCSW Behavioral Health Services PLLC, 1005 Glen Cove Avenue, Glen Head, NY 11545, agrees to provide services as set forth as the Substance Abuse Professional (SAP) for the Town of Oyster Bay whose principal place of business is 54 Audrey Avenue, Oyster Bay, New York 11771. The Town of Oyster Bay agrees to accept the services and pay for them in the amount set forth.

### WITNESSETH

WHEREAS, the Town of Oyster Bay is desirous of receiving Substance Abuse Professional services for its employees as hereinafter set forth, and  
NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

### ARTICLE I

#### PERIOD OF PERFORMANCE AND RENEWAL

Unless terminated earlier by the Town of Oyster Bay as described in Article XIV, this Agreement shall remain in effect from the effective date through and including December 31, 2021.

### ARTICLE II

#### ASSISTANCE TO BE PERFORMED BY NORWICH LCSW BEHAVIORAL HEALTH SERVICES PLLC

The services provided will be carried out under the direction of the Town of Oyster Bay's Division of Labor Management Relations, Department of Human Resources and shall include:

As defined by the Department of Transportation (DOT) Office of Drug and Alcohol Policy and Compliance (ODAPC) and the non-DOT Substance Abuse Policy should such policy be adopted by the Town of Oyster Bay, the following SAP responsibilities will be provided to the Town of Oyster Bay and their employees and will be carried out in coordination with Town of Oyster Bay's Employee Assistance Program provider. These services will include, but not be limited to:

  
  
Reviewed By  
Office of Town Attorney



1. Screening, assessment and referral of employees who test positive for drug or alcohol use. This will include the development of a treatment plan indicating referral to appropriate modality of treatment. Clinical assessments will be face-to-face with employees and include full psychosocial history. Assessment will also include in-depth drug and alcohol use history and the use of a standardized tool such as the MAST, SASI, and AUDIT. The referral process will also include the facilitation of the employee into the appropriate treatment or education program.
2. Maintenance of records as required by the Department of Transportation (DOT) and National Transit Safety Board (NTSB) regarding employee's participation in the SAP process. Copies of SAP records will be made available to the employees if requested. Compliance will be monitored and reported in writing to the Designated Employer Representative (DER).
3. Communication as needed with the employer or Designated Employee Representative (DER). Releases will be obtained from employees as required by state and federal mandate. A copy of the employee treatment plan (testing plan) outlining recommendations will also be made available to the DER.
4. Communication as needed with the Medical Review officer (MRO) who has reviewed the findings of an employee's laboratory tests regarding test results, quantification levels, and any other pertinent information.
5. Face-to-face evaluation with employees who are being considered for return to safety sensitive work and a written report (of compliance or non compliance) to the DER. The report will determine the follow-up and/or alcohol testing that the employee will have over the next 12 to 60 months following the date of return to safety sensitive work. This will support the DER who will proceed with performing the "fit for duty" evaluation.

### **ARTICLE III**

#### **OBLIGATIONS OF THE TOWN OF OYSTER BAY**

The Town of Oyster Bay will pay Norwich LCSW Behavioral Health Services PLLC for its services as follows: Norwich LCSW Behavioral Health Services PLLC will receive a total of \$10,000 (ten thousand dollars) for the period of January 1, 2020 through December 31, 2020 and \$10,000 (ten thousand dollars) for the period January 1, 2021 through December 31, 2021. The Town of Oyster Bay will be billed monthly in the amount of \$833.33 dollars for services rendered.



*men*  
Reviewed By  
Office of Town Attorney



**ARTICLE IV  
PERSONNEL**

All services under this Agreement will be provided by the employees of Norwich LCSW Behavioral Health Services PLLC. Norwich LCSW Behavioral Health Services PLLC shall not subcontract with or assign its obligations to other entities without prior written approval of the Town of Oyster Bay.

**ARTICLE V  
SECURITY**

Norwich LCSW Behavioral Health Services PLLC shall comply with and ensure that all Norwich LCSW Behavioral Health Services PLLC personnel comply with all the Town of Oyster Bay operational requirements.

**ARTICLE VI  
NO JOINT VENTURE/INDEPENDENCE**

Nothing in the Agreement shall have the effect of making the Town of Oyster Bay and Norwich LCSW Behavioral Health Services PLLC joint ventures or partners in connection with any business conducted by the parties and the Town of Oyster Bay shall not be liable for any of the obligations and duties of Norwich LCSW Behavioral Health Services PLLC. It is understood that in performing services for the Town of Oyster Bay, Norwich LCSW Behavioral Health Services PLLC and its employees will act independently and not as employees, agents, or representatives of the Town of Oyster Bay.

**ARTICLE VII  
LICENSES/PERMITS**

Norwich LCSW Behavioral Health Services PLLC and all its employees possess for the term of this Agreement all necessary qualification, permits and licenses required to perform the services described herein shall provide proof of same upon request.

**ARTICLE VIII  
USE OF NAME**

Norwich LCSW Behavioral Health Services PLLC shall not use the name of the Town of Oyster Bay in any manner or any reason without the prior written approval of the Town of Oyster Bay except to state that it provides Substance Abuse Professional Services for the Town of Oyster Bay.



*[Signature]*  
Reviewed By  
Office of Town Attorney



**ARTICLE IX  
NON-DISCLOSURE OF INFORMATION**

Norwich LCSW Behavioral Health Services PLLC and its employees will not, without prior written permission of The Town of Oyster Bay and such employee(s) that may be the subject of the document disclosed: (1) disclose or publish any findings made by them in the performance of services for the Town of Oyster Bay or (2) remove from any of the Town of Oyster Bay's premises and The Town of Oyster Bay's property or disclose same to unauthorized persons.

At the end of the term of the performance of services for the Town of Oyster Bay, Norwich LCSW Behavioral Health Services PLLC will return all Town property, documents, files and/or records to the Town of Oyster Bay immediately.

**ARTICLE X  
INDEMNIFICATION AND INSURANCE**

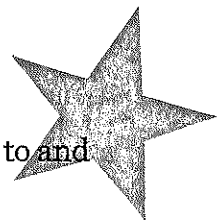
Norwich LCSW Behavioral Health Services PLLC agrees to indemnify, save and hold harmless the Town of Oyster Bay and all of its employees from any and all claims, demands, actions, or causes of action of whatsoever nature or character arising out of or by reason of the execution or performance of the work and services provided for in this agreement. Norwich LCSW Behavioral Health Services PLLC further agrees to defend the Town of Oyster Bay at its own cost and expense, any action or proceeding commenced for the purpose of assessing any claim or whatsoever character arising out of the performance of this agreement.

In addition to the Town of Oyster Bay's ordinary insurance requirements, Norwich LCSW Behavioral Health Services PLLC shall, at its expense, maintain during the term of this Agreement malpractice insurance, which shall name the Town of Oyster Bay as an additional insured, with a minimum liability of \$1,000,000 per occurrence, and shall provide proof of the same upon request.

Norwich LCSW Behavioral Health Services PLLC shall at its expense, maintain during the term of the Agreement Worker's Compensation Insurance to meet New York State requirements, and will make all payments required by law for FICA, FUTA, and SUI.

**ARTICLE XI  
SUCCESSORS AND ASSIGNS**

This Agreement shall be binding upon each of the respective parties herein to and their successors or assignees.



*MPH*  
Reviewed By  
Office of Town Attorney



**ARTICLE XII  
LAWS OF NEW YORK STATE**

This Agreement shall be subject to the laws of New York State.

**ARTICLE XIII  
RELATION TO PURCHASE ORDER**

Pursuant to this Agreement, Norwich LCSW Behavioral Health Services PLLC will utilize the Town of Oyster Bay's purchase order claim form, in order to bill for the performance of its services for the Town of Oyster Bay.

**ARTICLE XIV  
TERMINATION NOTICE**

The Town of Oyster Bay shall have the right to terminate this contract upon ninety (90) days written notice to Norwich LCSW Behavioral Health Services PLLC. Any notice required under this Agreement shall be in writing and hand delivered or sent by registered or certified mail; return receipt requested and will be effective only upon actual receipt or refusal.

**ARTICLE XV**

This Agreement constitutes the full Agreement of the parties and no other responsibilities, covenants, or conditions exist.

**THE TOWN OF OYSTER BAY**

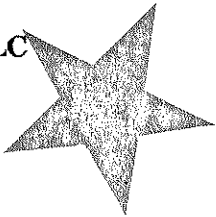
By: \_\_\_\_\_

Date: \_\_\_\_\_

**NORWICH LCSW BEHAVIORAL HEALTH SERVICES PLLC**

By: \_\_\_\_\_

Date: \_\_\_\_\_



*mlr*  
Reviewed By  
Office of Town Attorney



Account Number: NY NORW 7200

Date: 10/11/19 Initials: QTMHHTTP

## CERTIFICATE OF INSURANCE

ALLIED WORLD INSURANCE COMPANY  
C/O: American Professional Agency, Inc.  
95 Broadway, Amityville, NY 11701  
800-421-6694

This is to certify that the insurance policies specified below have been issued by the company indicated above to the insured named herein and that, subject to their provisions and conditions, such policies afford the coverages indicated insofar as such coverages apply to the occupation or business of the Named Insured(s) as stated.  
THIS CERTIFICATE OF INSURANCE NEITHER AFFIRMATIVELY NOR NEGATIVELY AMENDS, EXTENDS OR ALTERS THE COVERAGE(S) AFFORDED BY THE POLICY(IES) LISTED ON THIS CERTIFICATE.

Name and Address of Named Insured:  
NORWICH LCSW BEHAVIORAL HEALTH  
SERVICES PLLC  
72 ROOSEVELT DR  
EAST NORWICH NY 11732

Additional Named Insureds:  
CHRISTINE C HUNTER

Type of Work Covered: SOCIAL WORKERS / PROFESSIONAL SOCIAL WORKER  
Location of Operations:  
(If different than address listed above)

Claim History: None

Retroactive date is 01/31/2005

Coverages	Policy Number	Effective Date	Expiration Date	Limits of Liability
PROFESSIONAL/ LIABILITY	5601-3445	1/31/20	1/31/21	1,000,000 3,000,000

NOTICE OF CANCELLATION WILL ONLY BE GIVEN TO THE FIRST NAMED INSURED, WHO SHALL ACT ON BEHALF OF ALL INSURED(S) WITH RESPECT TO GIVING OR RECEIVING NOTICE OF CANCELLATION.

Comments: Defense Reimbursement Proceedings Limit is \$35,000. 1 ADDL.INS.BELOW:  
TOWN OF OYSTER BAY  
29 SPRING ST

OYSTER BAY NY 11771

This Certificate Issued to:

Name: NORWICH LCSW BEHAVIORAL HEALTH  
SERVICES PLLC  
Address: 72 ROOSEVELT DR

EAST NORWICH NY 11732

APA 00138 00 (06/2014)

  
Authorized Representative



WHEREAS, by Resolution No. 800-2018, adopted on December 11, 2018, the Town Board authorized and directed Cashin Associates, P.C. to provide Comprehensive Employee Safety and Health Programs to the Town, for the period beginning January 1, 2019 through December 31, 2019, with two (2) one (1) year extension options; and

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated May 11, 2020, requested that the Town Board exercise the first extension option and extend the Agreement for one year, from January 1, 2020, *nunc pro tunc*, through December 31, 2020, in an amount not to exceed \$68,000.00; and

WHEREAS, funds for the Agreement are available in Account No. TWN AMW 9040 84040 000 0000 000;

NOW, THEREFORE, BE IT RESOLVED, that the recommendation as hereinabove set forth is hereby accepted and approved, and the Town Board hereby authorize the Supervisor or his designee to exercise a one year extension of the Agreement with Cashin Associates, P.C. to provide comprehensive employee safety and health programs for the period from January 1, 2020, *nunc pro tunc*, through December 31, 2020, in an amount not to exceed \$68,000.00; and be it further

RESOLVED, that the Comptroller is hereby authorized to make payment for same, in accordance with the applicable terms and provisions of said agreement, 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. TWN AMW 9040 84040 000 0000 000.

-#-

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

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



16

276

Town of Oyster Bay  
Inter-Departmental Memo

**To:** Memorandum Docket  
**From:** John Canning, Commissioner  
Department of Human Resources  
**Date:** May 11, 2020  
**Subject:** Comprehensive Employee Safety & Health Program

---

By Resolution No. 800-2018 adopted on December 11, 2018, the Town Board authorized entering into an agreement with Cashin Associates, P.C. from January 1, 2019 through December 31, 2019. Said agreement provided for a renewal option for 2020 & 2021. This department is in receipt of the attached letter from Cashin Associates, P.C. dated October 2, 2019, indicating that they would like to continue providing services by exercising the first option to renew as provided in the contract.

It is the recommendation of the Department of Human Resources that the Town extend the contract with Cashin Associates, P.C. for an additional year. The Office of the Inspector General has reviewed the RFP and the proposed vendor's disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

Therefore, it is requested that the Town Board exercise the option to renew the agreement between the Town and Cashin Associates, P.C. of 1200 Veterans Memorial Highway, Suite 200, Hauppauge, NY 11788, effective **nunc pro tunc** from January 1, 2020 through December 31, 2020 at an amount not to exceed \$50,000. Funds are available in Account TWN AMW 9040 84040 000 0000 000.

Sincerely,

  
John Canning, Commissioner  
Department of Human Resources

  
Vicki Spunler  
Deputy Commissioner



JC/jbw

Cc: Town Attorney w/9 copies  
Attachments



Meeting of December 11, 2018

Resolution No. 800-2018

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated November 21, 2018, requested that the Supervisor, or his designee, be authorized to enter into a contract with Cashin Associates, P.C., 1200 Veterans Memorial Highway, Suite 200, Hauppauge, New York 11788, to provide services in connection with the Employee Safety and Health Program, from January 1, 2019 through December 31, 2019, with an option to extend said contract for two, one-year terms, in a total amount not to exceed \$204,000.00, with \$66,000.00 of said sum being utilized in 2019, \$68,000.00 of said sum being utilized in 2020, and \$70,000.00 of said sum being utilized in 2021,

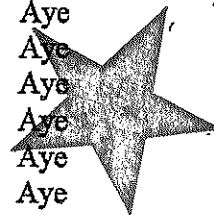
NOW, THEREFORE, BE IT RESOLVED, That the abovementioned request is hereby accepted and approved, and the Supervisor or his designee is hereby authorized and directed to enter into a contract with Cashin Associates, P.C., 1200 Veterans Memorial Highway, Suite 200, Hauppauge, New York 11788, to provide services in connection with the Employee Safety and Health Program, from January 1, 2019 through December 31, 2019, with an option to extend said contract for two, one-year terms, in a total amount not to exceed \$204,000.00, with \$66,000.00 of said sum being utilized in 2019, \$68,000.00 of said sum being utilized in 2020, and \$70,000.00 of said sum being utilized in 2021; 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, and the funds for said payment shall be drawn from Account No. TWN AMW 9040 84040 000 0000 000.

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

Supervisor Saladino  
Councilman Muscarella  
Councilman Macagnone  
Councilwoman Alesia  
Councilwoman Johnson  
Councilman Imbroto  
Councilman Hand

Aye  
Aye  
Aye  
Aye  
Aye  
Aye  
Aye



cc: Supervisor  
Town Attorney  
Comptroller  
Human Resources ✓

Reviewed By  
Office of Town Attorney  
*[Signature]*





October 2, 2019

Richard LaMarca, Director  
Division of Labor-Management  
Town of Oyster Bay - Department of Human Resources  
54 Audrey Avenue  
Oyster Bay, NY 11771

**Re: Professional Services Contract- Employee Health & Safety Training Program  
Agreement Executed January 22, 2019**

Dear Mr. LaMarca:

It is our understanding that the Town desires to exercise its option for the first one-year extension of the above referenced Agreement for the term commencing on January 1, 2020 and ending December 31, 2020. Please accept this letter constituting the intention of Cashin Associates, P.C. to accept the extension of its above referenced Agreement in full accordance with its terms and conditions. As specified in Section 1 of the Agreement, the budget allocation for this option term is \$68,000. Attached is a copy of Acord Certificate of Liability Insurance showing evidence for the proper insurance coverage, naming the Town of Oyster Bay as additionally insured. Also attached is the Worker Compensation insurance certificate.

Please do not hesitate to contact me if you have any questions.

Very truly yours,  
CASHIN ASSOCIATES, P.C.

Gregory T. Greene, P.G.  
Senior Vice President

GTG/ck  
Attachment  
19002.1

\\projects\town of oyster bay\19002.100 2019 employee health & safety\correspondence\lamarca letter of intent - 2019.doc





## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

10/02/2019

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

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

PRODUCER	CONTACT NAME: Robert Mintz
Hub International Northeast Limited	PHONE: 516-677-4700
100 Sunnyside Boulevard	FAX: 516-496-4040
Woodbury NY 11797	E-MAIL ADDRESS:
	INSURER(S) AFFORDING COVERAGE
	INSURER A: Continental Casualty Company
	INSURER B:
	INSURER C:
	INSURER D: Lexington Insurance Co.
	INSURER E:
	INSURER F:

## COVERAGES

## 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.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Contractual Liab <input type="checkbox"/> GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6079276779	09/13/2019	09/13/2020	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$1,000,000 MED EXP (Any one person) \$10,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COM/OP AGG \$2,000,000 \$
A	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			6079276782	09/13/2019	09/13/2020	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
C	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$10,000	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6079276796	09/13/2019	09/13/2020	EACH OCCURRENCE \$4,000,000 AGGREGATE \$4,000,000 \$ PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/>
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
D	Professional Liab Claims Made			023058105	06/30/2019	06/30/2020	Ea Claim/Aggregat \$2,000,000 Deductible \$50,000

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

Re: Town of Oyster Bay Health and Safety Compliance Contract

The Town of Oyster Bay is included as an Additional Insured with respects to general liability as required by written contract or agreement.

## CERTIFICATE HOLDER

## CANCELLATION

Town of Oyster Bay  
Department of Human Resources  
54 Audrey Avenue  
Oyster Bay, NY 11771  
Att: Richard LaMarca, Dir. of Labor Mgmt

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

Robert Mintz

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ACORD 25 (2014/01)

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Doc#9129647

Certholder #: 1005



**CERTIFICATE OF WORKERS' COMPENSATION INSURANCE**

\*\*\*\*\* 112325811  
HUB INTERNATIONAL NORTHEAST  
100 SUNNYSIDE BLVD  
WOODBURY NY 11797



SCAN TO VALIDATE  
AND SUBSCRIBE

<b>POLICYHOLDER</b> CASHIN ASSOCIATES PC 1200 VETERANS MEMORIAL HIGHWAY HAUPPAUGE NY 11788		<b>CERTIFICATE HOLDER</b> TOWN OF OYSTER BAY, DEPT OF HUMAN RESOURCES 54 AUDREY AVENUE OYSTER BAY NY 11771	
<b>POLICY NUMBER</b> I2039 740-2	<b>CERTIFICATE NUMBER</b> 369917	<b>POLICY PERIOD</b> 07/23/2019 TO 07/23/2020	<b>DATE</b> 10/2/2019

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 2039 740-2, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF YOU WISH TO RECEIVE NOTIFICATIONS REGARDING SAID POLICY, INCLUDING ANY NOTIFICATION OF CANCELLATIONS, OR TO VALIDATE THIS CERTIFICATE, VISIT OUR WEBSITE AT [HTTPS://WWW.NYSIF.COM/CERT/CERTVAL.ASP](https://www.nysif.com/cert/certval.asp). THE NEW YORK STATE INSURANCE FUND IS NOT LIABLE IN THE EVENT OF FAILURE TO GIVE SUCH NOTIFICATIONS.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

BY CAUSING THIS CERTIFICATE TO BE ISSUED TO THE CERTIFICATE HOLDER, THE POLICYHOLDER UNDERTAKES TO PROVIDE THE CERTIFICATE HOLDER 30 CALENDAR DAYS' NOTICE OF ANY CANCELLATION OF THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

VALIDATION NUMBER: 118128164



WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated May 11, 2020, indicated that the Department released a request for proposals to provide services for the Employee Assistance Program, which resulted in four (4) proposals being received; and

WHEREAS, following a review of each of the proposals in accordance with the provisions of the Town's Procurement Policy, Commissioner Canning, by the aforementioned memorandum, recommended that the Town Board authorize the Supervisor, or his designee, to execute an agreement with Charles Nechtem Associates, Inc. to provide services for the Employee Assistance Program, for a two (2) year period, commencing January 1, 2020, *nunc pro tunc*, through and including December 31, 2021, in an amount not to exceed \$38,500.00 per year, with funds to be drawn from Account No. TWN AMM 9060 80030 000 0000 000,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Town Board hereby authorizes the Supervisor, or his designee, to execute an agreement with Charles Nechtem Associates, Inc. to provide services for the Town's Employee Assistance Program for a two (2) year period, commencing January 1, 2020, *nunc pro tunc*, through and including December 31, 2021, in an amount not to exceed \$38,500.00 per year, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. TWN AMM 9060 80030 000 0000 000, upon submission of a duly certified claim, after audit.

-#-

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

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

Reviewed By  
Office of Town Attorney



277

Town of Oyster Bay  
Inter-Departmental Memo

TO: Memorandum Docket

FROM: John Canning, Commissioner  
Department of Human Resources

DATE: May 11, 2020

RE: Employee Assistance Program Contract

---

Pursuant to the Town of Oyster Bay Procurement Policy, Guideline 6, the Department of Human Resources has requested proposals to provide services for the Employee Assistance Program.

Upon review of the four (4) proposals received, Charles Nechtem Associates, Inc., One 2<sup>nd</sup> Street, Suite 1501, Jersey City, NJ 07302 was determined to be the most qualified by the selection committee.

This Agreement between the Town of Oyster Bay and Charles Nechtem Associates, Inc. is recommended for a two (2) year period commencing **nunc pro tunc** January 1, 2020 through and including December 31, 2021. A copy of the Agreement and Insurances are enclosed. In addition, pursuant to Guideline 9 of the Procurement Policy, Charles Nechtem Associates, Inc. has submitted a Disclosure Questionnaire attesting that no officers or employees are related to an officer or employee of the Town of Oyster Bay.

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

Therefore, the Town Board is hereby requested to authorize the Supervisor, or his designee, to execute the Agreement between the Town of Oyster Bay and Charles Nechtem Associates, Inc. It is further requested that the Town Board authorize the Comptroller to make payment to Charles Nechtem Associates, Inc. for an amount not to exceed \$38,500 per year and that the Comptroller encumber said amount in account TWN-AMM-9060-80030-000-0000-000.

cc: Town Attorney (with 9 Copies)  
Attachment

*John Canning* by  
John Canning, Commissioner

*Vicki Finelli*

Deputy Commissioner





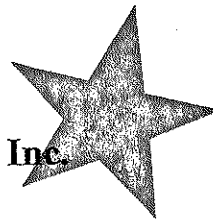


**PROPOSAL TO PROVIDE  
EMPLOYEE ASSISTANCE PROGRAM**

**For**

**THE TOWN OF OYSTER BAY**

**Prepared by:  
Charles Nechtem Associates, Inc.  
866-327-2040  
One 2<sup>nd</sup> St, Suite 1501  
Jersey City, NJ 07302**





**Charles Nechtem Associates, Inc.** provides a comprehensive Employee Assistance Program and managed mental health and substance abuse service. Our EAP offers employees and their families unlimited access to mental health and substance abuse care through our toll-free multi-lingual counseling line, staffed by certified social workers and licensed psychologists, 24 hours a day, 7 days a week. We also have a provider network of over 100,000 licensed therapists nationwide. Unlike other EAPs, we are fully integrated into the client's already existing healthcare plan or directly integrated into our own mental health carve-out plan to ensure continuity of care for the client.

Charles Nechtem Associates, Inc. was established in 1981 to provide Employee Assistance Programs to corporations and institutions throughout Canada and the United States including Hawaii and Puerto Rico. At the present time, Charles Nechtem Associates, Inc. has contracts with over 2,000 corporations nationwide-including school systems, non-profit organizations, retail services, hospitality service industries, hospitals, municipalities and some of the most challenging workplace environments that exist in law enforcement, healthcare and government services.

At Charles Nechtem Associates, Inc., our counselors have extensive expertise in working with numerous situations, including:

- ADHD/ADD
- Adoption
- Anger Management
- Anxiety/Panic/Stress
- Autism
- Child/Adolescent/Family
- Depression
- Developmental Disabilities
- Disability
- Divorce/Separation
- Domestic Violence
- Eating Disorders
- Fitness for Duty
- Gambling
- Gay/Lesbian/Transgender
- Grief
- Group Counseling
- Job Performance/Interpersonal Conflicts
- Marital/Relationship/Family
- Medical concerns/problems
- Mental Health Disorders
- Parenting Issues
- Phobias
- PTSD
- Religious Counseling
- Self-Esteem
- Sexual Abuse/Rape
- Sexual Issues/Gender Identity
- Substance Abuse
- Suicidal Ideation
- Workplace Violence



## Services:

- **Self-Referrals Screening**

CNA EAP line is staffed exclusively, 24 hours a day 7 days a week, by Master's and Ph.D. level clinicians with no less than 5 years experience in the counseling field. When a client contacts our EAP, their call is immediately answered, without the use of hold or triage services, by one of these clinicians. Upon speaking with the client, the counselor assesses the situation, acquires demographic and contact information, works with the individual to determine a solution to the presenting problem and develops a treatment plan for the client.

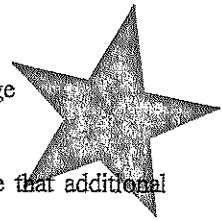
The EAP counselor speaks with the caller for the amount of time that is needed by the client and schedules daily or weekly follow-ups depending on the client's preferences and needs.

Our EAP also offers employees and their families:

- Multi-lingual counseling phone line including immediate access to English, Spanish and French speaking therapists
- Staff made up solely of certified social workers and licensed psychologists
- A provider network of over 100,000 licensed therapists nationwide
- Full integration into the client's already existing healthcare plan to ensure continuity of care following EAP utilization

Upon request, Charles Nechtem Associates, Inc. will provide the caller with a personalized, face-to-face counseling referral within 10 miles of their desired location – usually work or home. Every effort is made to accommodate the personal preferences of the employee in terms of gender, location, financial situation, religion and/or age, without compromising the quality of care. The EAP counselor contacts the service provider by telephone giving the provider his/her diagnostic impressions and recommendations for treatment and ensures a "fit" with regard to the client's needs.

1. The goal of the assessment interview is to address and identify the severity and life impact of an employee's problem(s) (the frequency, intensity, duration of unwanted feelings, thoughts, and behaviors). We also assess previous unsuccessful attempts to resolve the problem(s) as well as the personal strengths of the employee (what the employee does well). These are pertinent in differentiating the needs and abilities of an employee before problem resolution can take place.
2. CNA expects that in every assessment interview the following areas will be addressed with the employee. (Clinicians are alert not only to the content of the interview but to process issues which may point to underlying conflicts, denied, or not in the employee's awareness. If the employee is not open to exploration of any of these areas, the clinician remains sensitive to the refusal but may interpret this to the employee as limiting the clinician's ability to understand the needs of the employee.)
  - a. Basic identifying demographic information
  - b. Health, medical, and life-style status
  - c. Alcohol and drug history/current practice
  - d. Mental status
  - e. Problem history, including any attempt solutions
  - f. Presenting vs. assessed problem
  - g. Marital, family, and social support system
  - h. Strengths, personal resources of the employee health benefit coverage
  - i. Recommendations and disposition plan
3. Additional information: During the assessment, interview the clinician may decide that additional information from sources other than the employee is necessary to





complete an assessment. The following areas often require inclusion of additional information or persons prior to disposition of the case:

- a. A marital problem;
- b. A family or child related problem;
- c. An alcohol or drug problem;
- d. A job performance problem;
- e. A problem with possible medical complications;
- f. A problem with neurological implications;
- g. A legal problem;
- h. A financial problem.

#### • **Supervisory Referrals Screening**

Management consultation is available to all supervisors and managers on an unlimited basis. The counselors of Charles Nechtem Associates, Inc. generally work with managers who are dealing with employee issues that have not been responsive to normal management interventions. We believe that one key to the success of an employee assistance program is its support for human resource professionals and supervisory staff in intervening with employees when personal problems are affecting their job performance.

Our professional staff will assist managers in distinguishing between those issues pertinent to a job performance discussion with a supervisor and those which are better discussed with an Employee Assistance Program professional. Our staff is trained to coach those supervisors who call for assistance in how they can address and refer members to the Employee Assistance Program without making the employee feel self-conscious or embarrassed.

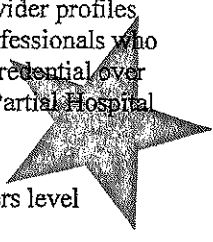
As an integral part of our EAP, we believe that clients must have an understanding of what our services are and how we provide them. To achieve this, we educate our clients on the philosophy of counseling/intervention, the role of management and the EAP in working with underperforming employees and working together through workplace crisis.

The staff of Charles Nechtem Associates, Inc. is available to guide managers and supervisors through all aspects of utilizing EAP services including offering step-by-step support to guide supervisors through the mandatory referral process (COE). Charles Nechtem Associates, Inc. also offers individualized training and executive coaching by phone to help maximize the manager/supervisor's effectiveness in the supervisory role. The coaching is based on an "Appreciative" approach, which is unique in that it identifies and builds on an individual's strengths and provides guidance in how to utilize that knowledge to manage within the constraints and mission of the organization. Our coaches also utilize the concept of "100% Responsibility" in our coaching process. Utilizing these approaches, we are able to assist managers to maximize their effectiveness and potential in managing the daily day-to-day and difficult situations.

#### • **Referral/Provider Development and Credentialing**

Provider credentialing for our affiliate counselors is an important quality measure conducted by Charles Nechtem Associates. An aggressive credentialing process serves to both reduce legal risks while assuring that referrals for evaluation and problem resolution are to qualified professionals. Our provider profiles allow targeted referrals [when multiple EAP counselors are available in a local area] to professionals who provide specialized services in addition to evaluation and brief counseling. We currently credential over 3,000 EAP Affiliate Counselors and 17,000 Psychiatrists, Psychologists, Social Workers, Partial Hospital Programs, Inpatient Hospitals, and Substance Abuse Treatment Agencies/Facilities.

The following criteria were used in developing our network of EAP counselors:

- Must be trained as a psychiatrist, psychologist, social worker, or masters level marriage/family therapist.
  - Must maintain liability insurance acceptable to Charles Nechtem Associates.
- 



- Must be skilled diagnostician.
- Must be skilled in crisis intervention.
- Must be trained and skilled in chemical dependency.
- Must be available for emergencies immediately, urgent referrals the same day, and other referrals within 72 hours.
- Must have hours of operation allowing accessibility for working employees evenings, Saturdays are required.
- Must have a practice style consistent with our orientation toward short-term strategic treatment.
- Must provide a DSM IV diagnosis and formal treatment plan for everyone seeking mental health or substance abuse treatment.
- Social Workers and Psychologists must be members of the National Register for Clinical Practice.
- Psychiatrists must be board certified.

The following documentation is collected when a professional is recruited to be a member of our EAP provider network and is maintained with up-to-date information on current providers:

- Copy of diploma from degree granting institution
- Copy of certificates for specialization training.
- Copy of current state certification or license. [verified with state licensing boards at recruitment and on an annual basis]
- Copy of board certification/diplomat status.
- Copy of current malpractice insurance.
- Copy of DEA number where applicable.
- Verification that the provider's practice is established [5+ years] and is respected by other professionals in the area.

Verification that office space is appropriate for corporate clientele—in a safe area, a quality building, appropriately furnished, confidential access.

Hospital privileges for Psychiatrists.

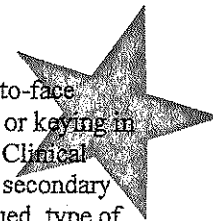
Verification of training/experience in substance abuse/alcoholism.

Verification of continuing education in short-term intervention, crisis management, or substance abuse.

All affiliate clinical work is reviewed concurrently while in process through follow-up calls to the employee. A peer review system is in place, which assures that every clinical case report is reviewed prior to paying the claim. The computer system has a proprietary system of protocols that allow the reviewer to assess the work of a particular clinician working with a specific employee with a specific DSM IV diagnosis with a specified severity with the aggregate work of all other clinicians in our network working with employees matching the diagnosis and severity. This information allows us to define appropriate levels of intervention and referral. By defining "best practice" skills for specific problem areas, we assure consistency in our EAP interventions across a broad network of providers. We use the information to educate affiliates whose work is not in alignment with "best practice". Of course, extenuating circumstances are frequently the cause of practicing outside the protocols.

#### • **Statistical Data and Monitoring Reports**

Cases are closed for reporting purposes upon receipt of the case record form from the face-to-face counselor, a review by a case manager and the form entered into the computer by scanning or keying in the information. Both demographic and clinical information is collected in the case record. Clinical information includes: session history in narrative form, DSM IV diagnosis for primary and secondary issues, case status [closed without referral, closed with referral, closed/employee discontinued, type of





referral, name of referral, date of referral, and treatment plan for referral. Demographic information includes name, address, and tenure with company, age, sex, marital status, source of referral to program, insurance information, significant medical problems, chronic medication, and mandatory referral information.

A standard quarterly report is provided for most of our companies and organizations, but can be modified to include any and all of the above information as requested by the purchaser as long as the confidentiality of individual users is protected. Standard reports provide aggregate numbers for age, sex, marital status, employee or family member, assessed problems, disposition of cases including those completed with EAP counseling as well as the types of referrals for ongoing therapy, self-help, medical, legal, or financial services. On-site training or critical incident services are reported as well as management consultations and referrals.

Cases are counted using the following formula: One person, one case, one program year, irrespective of how many times that person might contact the EAP during that program year. We provide unlimited access to the EAP.

- **Committee Meetings and Training Sessions**

**Management Training Meetings**

At the start of the program, Management Training sessions will be made available during all shifts sufficient in number so that all supervisors can attend. Sessions are generally scheduled within the first 30 to 45 days of the contract date as an integral part of the implementation. We recommend no more than 20 supervisors participate in a session. Sessions are generally 90 minutes in length and focus on the following:

- How to recognize a troubled employee.
- How to document workplace incidents, job reliability, and job performance.
- How to do a mandatory referral.
- How to use the EAP as a supervisory tool for handling employee personal problems and work problems.
- How and when to make suggested referrals to the EAP.

- **Employee Orientation Meetings**

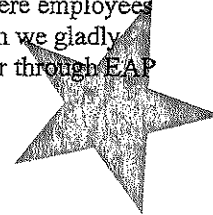
Employee orientation sessions are generally scheduled in all sites, during all shifts, sufficient in number so that all employees can participate. Orientation sessions generally last 30 minutes. Sessions can be attended by as many as 100 employees. The purpose of the orientation sessions is to introduce the new employee benefit, describe how easy it is to access the program, explain the basic premise of counseling, and discuss the breadth of questions and issues for which we can provide assistance.

There is no additional charge for either supervisory training sessions or employee orientations. We attempt to schedule them with the appropriate City Human Resources personnel during the first 30 to 45 days of the contract. In larger organizations the process can take up to 60 days.

- **Employee Wellness Workshops**

Employee wellness and life-style modification workshops are scheduled quarterly and at the convenience of our client companies. They are frequently scheduled over the lunch hours in a place where employees can eat lunch and learn. The following is a partial list of topics currently available although we gladly accept special requests from our client companies. Identified issues by City Management or through EAP experience will be discussed and considered for development as a seminar.

- |                              |                        |
|------------------------------|------------------------|
| ▪ Stress Management          | ▪ Financial Management |
| ▪ Weight Management          | ▪ Eating Disorders     |
| ▪ Career Assistance Planning | ▪ Communication Skills |
| ▪ Self-Esteem                | ▪ Death/Grieving       |
| ▪ Work Ethics                | ▪ Eldercare/Dementia   |





- Diversity
- Smoking Cessation
- Coping with Family and Relationship Issues
- Alcohol and Alcoholism
- Drug Abuse
- Health Eating and Fitness
- Coping with Change
- Effective Parenting
- Maternity Education
- Managing Personal Finances
- Meditation and Relaxation Techniques
- Visualization for Goal Attainment
- Time Management
- Sexual Harassment in the Workplace

“A well-developed mind, a continued willingness to learn and the ability to put knowledge to work are the new keys to the success of our business and the economic well-being of the nation.” U.S. Department of Labor

- **Account Management and Steering Committee Meetings**

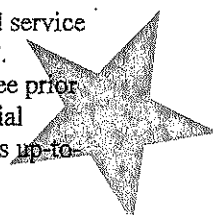
Charles Nechtem Associates provides EAP services to its client companies using an account manager. Our account manager is responsible for the coordination of our services with the client company including consultation services for HR and supervisory staff, scheduling of employee orientations, supervisory trainings, and wellness workshops, the delivery of quarterly reports of EAP activities, attends steering committee meetings with client, and acts as an ombudsman for the client company in resolving any issues with EAP services. Account Managers will:

- Meet on a regular basis with City Human Resource Management to review the EAP services and respond to any questions or concerns about the program.
- Maintain telephone contact with designated City management at all sites. Respond to any requests for critical incident debriefings or requests for EAP staff to come on site.
- Plan with designated City management any special promotional events or materials, health fair participation, or other specialized services requested by The Town of Oyster Bay.

The counselors provide immediate 24/7 access and emergency telephone counseling services for employees and family members seeking assistance from their EAP. They refer all callers to an affiliate EAP counselor who provides face-to-face counseling services for employees and family members. We feel this model provides greater access for employees seeking assistance from their EAP, the opportunity for family members to be seen close to their homes, and opportunities for our call center counselors to target referrals to affiliate counselors with specializations in the area of employee concern. With our call center counselors continuing follow-up and monitoring of cases, no employee or family member gets lost in their attempt to receive assistance.

- **Coordination with Insurance Providers and Benefit Plans**

In the event of a referral beyond the EAP sessions, every employee or family member is referred to a known resource capable of providing either the extended or specialized care necessary for the amelioration of the assessed primary and secondary [if any] problem(s). Every effort will be made to accommodate the personal preferences of the employee in terms of gender, location, financial limitation, or age without compromising the quality of care. If the employee accepts the recommendation, the EAP counselor contacts the service provider by telephone giving the provider his/her diagnostic impressions and recommendations for treatment. In some cases the EAP counselor may contact the proposed service provider prior to making the recommendation to the employee to check on accessibility and “fit”. The cost of the recommended care and applicable benefit coverage is discussed with the employee prior to making any recommendation. Every effort is made to make referrals that do not create financial hardship or that are ineligible for benefit reimbursement. Charles Nechtem Associates maintains up-to-





date insurance or HMO descriptions for every Client Company or organization and disperses those descriptions to all EAP counselors providing services to employees.

- **On-site Services**

CNA will provide a counselor who will provide On-Site face to face services 3 hours per week and the location where on-site services will be determined.

- **Distribution of Brochures, Newsletters, Wallet Cards**

Posters, brochures, a welcome letter, and wallet cards will be made available at the start of the program. Since our wallet cards and brochures are customized for each client company, it generally takes 30 days to get them designed and printed. Brochures, wallet cards, and sufficient posters for each site are UPS delivered to the appropriate sites at the start of the program. We recommend that the brochures be mailed to the homes of the employee families within the first 30 days of the program. Posters can be put up immediately. We provide additional [different] posters 6 months into the program to keep a fresh reminder of the program in front of the employees. Posters and brochures are available in English, French, and Spanish.

A wellness newsletter is provided four times each year in sufficient quantity so that each employee family can have one. The newsletter provides current information about health issues and serves as a reminder that the EAP service is also about wellness and prevention.

We regularly participate in Health Fairs, provide quarterly lunchtime seminars on a variety of topics, and work with HR executives in assuring adequate promotion for the program.

- **DOT Training for Supervisors and Employees**

Charles Nechtem Associates employs Call Center Counselors who are certified Substance Abuse Professionals [SAP]. Those counselors are current with DOT regulations and will provide the required instruction for supervisors and employees.

- **Critical Incident Services**

Our Counselors are immediately available on the 800# for consultation with city officials in the event of an incident. The Call Center Counselor will arrange for a trained professional from Charles Nechtem Associates, Inc. to come on-site to assist employees and supervisors. Our response time is 24 hours or less. Critical incident debriefings and group counseling will be scheduled with management and made available to all traumatized employees and supervisors. If the work-site incident has an impact on family members, we recommend scheduling group sessions in the workplace for family members as well. Critical Incident Stress Management is a multi-faceted approach to crisis intervention, designed to offer emotional first aid after a critical incident. Use of such strategies may help prevent the development of posttraumatic stress disorder. Critical Incident Stress Management is delivered in modules, which include:

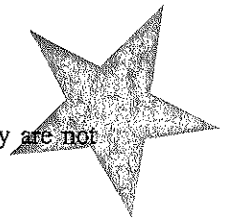
- **Confidentiality of Services and Records**

Charles Nechtem Associates, Inc. has developed safeguards to assure that all EAP counseling services are conducted in a manner designed to protect the privacy of employees and their family members. We comply with all Federal and State Laws [HIPAA] protecting the privacy of conversations and other contacts between our EAP counselors and employees. All staff members with access to clinical records are trained in protecting confidential materials.

- A. Protection of Clinical Charts:

- All charts are to be kept in locked, fireproof filing cabinets.
    - Clinicians are not to take charts home to work on them.

When it is necessary for clinical purposes to transport charts, care must be taken to assure they are not misplaced or lost. Whenever possible, charts should not be moved.





B. Protection of Computer Files:

- The computer files are not accessible by outside modem.
- Password access only provides additional internal security.
- Access to a computer file is restricted to a "need-to-know" basis.

C. Chart Access: Only those professional and administrative employees with a need to handle charts will be granted access to them.

D. Release of Information: No information may be released about a covered enrollee, including one who is assessed, is in treatment, or is a participant in the Employee Assistance Program without his/her written consent.

- The form must be filled out completely.
- The form must state specifically what information is to be released.
- The form must be explained to the employee including the expiration date.
- The employee must sign and date the form.

### Work-Life Services

Charles Nechtem Associates, Inc. provides employees and their family members online access to work/life information and referral services on several topics. Employees or family members covered by our EAP can access these services in three ways:

- Our web site's Self Help Center
- Requesting information through our web site's Work/Life Center
- Calling our toll-free helpline

We currently provide information and referral services in the following areas:

- Career Counseling

Charles Nechtem Associates, Inc. counselors provide career counseling and job coaching. Career counseling utilizes "The Passion Test" approach to identify an individual's life goals and interests.

- Managing Personal Crisis

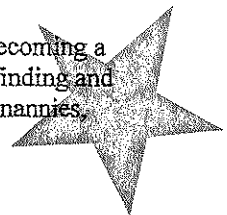
Charles Nechtem Associates, Inc. provides training in working through a personal crisis - including working through the unexpected. This program defines crisis, reviews the stages of crisis and assists in developing a plan of action to handle the crisis.

- Child Care Referrals

Charles Nechtem Associates, Inc. EAP counselors provide parenting education and coaching; information on becoming a parent, adopting a child, and developing parenting skills; information on child development; and finding and managing childcare. We also provide referrals for childcare centers, family childcare homes, nannies, sick care/back-up care and adoption agencies.

- Parenting & Child Care

Charles Nechtem Associates, Inc. provides parenting coaching and training; information on becoming a parent; adopting a child; developing parenting skills; information on child development; and finding and managing childcare. We also provide referrals for childcare centers, family childcare homes, nannies, sick care/back-up care and adoption agencies.





- **Parenting Skills**

Charles Nechtem Associates, Inc. provides information and training on how to work with children of all ages. This program provides information on developmental issues, behavior modification, jealousy between siblings, identity/role confusion and learning what it takes to be a healthy family.

- **Caring for Your Family**

Charles Nechtem Associates, Inc. works with you to care for yourself while caring for your children and aging parents. This program helps you understand developmental tasks of the middle years, understand your own aging process, guiding children into adulthood, redefining parenting, tasks of the middle age years and taking care of yourself.

- **Education & School Age Programs**

Charles Nechtem Associates, Inc. assists with selecting and managing the entire family's education from preschool through college; including information on working with teachers, understanding testing procedures, resolving school problems and improving study habits. This includes assistance with choosing a college or university, special needs programs, vocational schools and scholarship/grant searches.

- **Eldercare Consultations**

Charles Nechtem Associates, Inc. provides resources on eldercare services utilizing a continually updated national database of 1.2 million elder care services nationwide. The Charles Nechtem Associates, Inc. counselor will discuss the employee's specific situation, outline options, help with problem solving, develop long term care plans and arrange for individual or group counseling sessions with network counselor in their area who specializes in eldercare services.

Counselors can make appropriate recommendations for in-home services, community resources, adult day care, retirement communities, nursing homes, assisted living facilities, home and community-based services, transportation services, legal and financial services, and elder law attorneys.

- **Caring for Aging Loved Ones**

Charles Nechtem Associates, Inc. assists in learning to assess your loved one's needs, finding alternatives to living arrangements, providing tips on how and when to address and discuss your loved one's needs as the ability to remain independent declines.

- **Planning Ahead for Retirement**

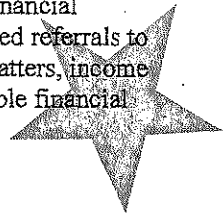
Charles Nechtem Associates, Inc. assists in discovering the things that need to be considered prior to retirement and works with you to develop a personalized retirement plan.

- **Job Coaching and Executive Coaching**

Charles Nechtem Associates, Inc.'s Job and Executive Coaching is based on an "Appreciative" approach – a strength-based approach to coaching – and the concept of "100% Responsibility." Utilizing these approaches, we are able to assist employees and managers to maximize their effectiveness and potential.

- **Financial Consultation Referrals**

Charles Nechtem Associates, Inc. offers financial referrals through a local and nationwide financial referral program that encompasses a broad scope of financial concerns. We offer personalized referrals to financial programs and financial planners that cover personal, real estate, legal issues, tax matters, income tax preparation and credit/debt services. Our financial network consists of over 2500 available financial assistance programs nationwide





- Legal

Charles Nechtem Associates, Inc. offers legal referrals through a local and nationwide legal referral program that encompasses a broad scope of legal matters with a 25% discount from the attorney's normal hourly rate. We offer personalized referrals to attorneys and financial planners that cover personal, real estate, legal issues, estate planning, tax matters, income tax preparation and credit/debt services. Our legal network consists of over 150,000 legal providers nationwide.

- Building a Healthy Lifestyle

Charles Nechtem Associates, Inc. teaches healthy eating and lifestyle habits. Our counselors work with individuals to set up individualized diet and exercise programs to meet health goals. This program provides an overview of a healthy lifestyle, understanding the basics of health and wellness, the role of exercise when changing dietary habits and setting/achieving health goals.

- Coping with Anxiety

Charles Nechtem Associates, Inc. provides training on understanding anxiety and learning the difference in normal feelings of stress vs. feelings of anxiety. Our counselors assist individuals in defining anxiety, identifying anxiety, understanding how thoughts and ideas can affect anxiety and provide individualized treatment plans for working through anxiety.

- Working through Anger

Charles Nechtem Associates, Inc. explores areas of physical, psychological and interpersonal consequences of anger. This program defines anger, teaches about the psychological responses to anger, identifies types of anger and teaches healthy ways to manage anger.

- Stress Management

Charles Nechtem Associates, Inc. assists in learning to work through the stressors of daily life. Our counselors assist in examining the sources of daily stress; teaching effective coping strategies for work, travel and home life; and teaching a relaxation technique.

- Smoking Cessation

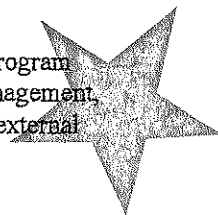
Charles Nechtem Associates, Inc. counselors work with individuals who have a desire to quit smoking. This program provides tips on managing cravings, making it through the first few days, managing stress and irritability, tips to reduce weight gain and teaches healthy habits to replace smoking. In addition, our counselors help individuals learn the facts about smoking and tobacco use, understand the motivation behind quitting, clarify who a person has decided to quit smoking, identifies the traits behind addiction and provides resources to assist in smoking cessation.

- Goal Setting

Charles Nechtem Associates, Inc. teaches how to achieve more in all areas of work and life. This program teaches how to improve performance, enhance motivation and increases self-confidence by setting goals. Our counselors assist in teaching effective goal setting skills, help recognize barriers to goal attainment, and assist in the establishment of appropriate and realistic goals.

- Time Management

Charles Nechtem Associates, Inc. counselors address how to handle multiple priorities. This program explores common myths about time management, identifies personal attitudes toward time management, teaches the key steps in planning and prioritizing, and discusses how to recognize internal and external "time wasters".





- **Promotional Materials**

At the time of program implementation, Charles Nechtem Associates, Inc. will provide a letter of introduction to be distributed to all employees informing them of the new benefit available to them. This letter will provide detailed instructions for employees currently enrolled in clinical services and describe how to access the EAP for continued authorization of services. It is our goal to ensure that care continues seamlessly.

Monthly English and Spanish Newsletters on EAP and Work/Life Topics

Charles Nechtem Associates, Inc. will provide English newsletters via e-mail each month. The newsletter promotes the EAP as a free employee benefit and provides current information about health issues. The newsletters will be sent to a designated HR employee, who can then forward them to employees and family members. Charles Nechtem Associates, Inc. emphasizes that physical and mental health are closely linked. Our articles stress the importance of maintaining positive well-being through exercise, therapy, relaxation, taking financial responsibility and taking time for oneself.

### **Agreement Termination**

In the event the Town of Oyster Bay terminates its agreement with Charles Nechtem Associates, we will work with the Town on a phase out period of 90 days to assure that all participants in the Employee Assistance Program will continue to receive appropriate and recommended assistance.

### **Employee Credentials**

The full time counseling staff of Charles Nechtem Associates, Inc., includes 61 expert call center counselors and case managers who assess, counsel, refer and assure that appropriate care is provided to employees, family members, and supervisors nationwide. Minimally our counselors must possess strong diagnostic skills, expertise in crisis management, and expertise in short-term intervention models of therapy. Counselors must have a master's degree in a mental health specialization [psychology, social work], and at least 5 years of documented experience in the doing of therapy. Counselors are required to be certified or licensed [as appropriate] and are encouraged to certify as an employee assistance professional.

Clinical supervisors are expected to meet the same requirements as clinical staff in terms of degrees, license, certification, but have additional years of experience in the doing of therapy and at least 2 years experience supervising others in the doing of therapy. Previous experience in an EAP is a plus. The supervisory staff for clinical services has been employed here a minimum of 5 years.

#### **Ph.D. Clinical Psychologist**

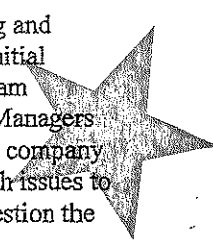
We have 3 Ph.D. clinical psychologists on staff.

We have 5 Ph.D. clinical psychologists retained as consultants.

#### **M.D. Psychiatrist**

We have 2 M.D. psychiatrists retained as consultants.

Account Managers are social workers or doctoral level psychologists with management training and experience as well as trained public speakers. Our Account Managers are responsible for the initial implementation of the program. In addition, they are responsible for quarterly reporting, program promotion, and maintaining relationships with key HR management. We expect our Account Managers to be the key contact for management referrals and workplace crises. Account Managers act as company ombudsmen and in solving problems in service delivery brought to their attention, bringing such issues to the attention of the Quality Council. The Account Manager will respond to any problem or question the





same day. Our goal is to accept the call as it is placed. In the event that the Account Manager is unavailable s/he will return the call within 4 hours. We generally meet with company representatives on a quarterly basis to assess the program

**Statutes, Laws, Codes, License, Insurance**

- **Compliance with Town Policies and Statutes**  
We will comply with all Town of Oyster Bay Policies and Statutes and will assure that all employees fully comply with all operational requirements.
- **Licenses/Insurance**  
Charles Nechtem Associates, Inc. maintains appropriate liability and professional malpractice insurance. .Protection levels are \$1,000,000 - \$3,000,000. We will hold the Town of Oyster Bay harmless and fully indemnified in the event of any action arising out of the operation of the Employee Assistance Program by Charles Nechtem Associates or its affiliated providers.

**Nondisclosure of Information**

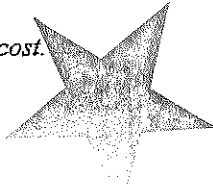
No information obtained in the performance of Employee Assistance Program services will be disclosed or published by Charles Nechtem Associates or any of its staff. We will not remove property from Town offices nor disclose same to any unauthorized persons. All services provided by Charles Nechtem Associates are confidential and protected by law from unauthorized disclosure.

**Program Fees**

- 1-800 unlimited phone counseling and 1-3 Counseling Sessions per employee or EAP enrolled family members.
- CNA will provide weekly 3 hours On-Site face to face services and the location where on-site services will be determined.

Total amount of payment for the year of	
January 1, 2020 through December 31, 2020:	\$ 38,500.00
January 1, 2021 through December 31, 2021:	\$ 38,500.00

- *Critical Incident on-site services billed separately and at cost.*







www.charlesnechtem.com

## CONTRACT & AGREEMENT BETWEEN

**Charles Nechtem Associates, Inc.**

**And**

**The Town Of Oyster Bay**

This Agreement, effective from January 1, 2020 through December 31, 2021, is entered into between The Town of Oyster Bay and Charles Nechtem Associates, Inc.

Charles Nechtem Associates, Inc. agrees to provide services as set forth in the proposed Employee Assistance Program for The Town of Oyster Bay whose principal place of business is 54 Audrey Avenue, Oyster Bay, New York 11771. The Town Of Oyster Bay agrees to accept the services and pay for them in the amount set forth in the budget of the present contract.

### WITNESSETH

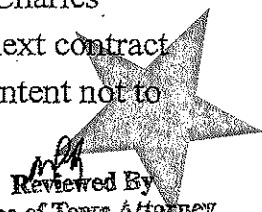
WHEREAS, The Town of Oyster Bay is desirous of receiving various Employee Assistance Program Services for its employees as hereinafter set forth, and

NOW THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follow:

### ARTICLE I

#### PERIOD OF PERFORMANCE AND RENEWAL

Unless terminated earlier by The Town of Oyster Bay as described in Article XIV, This Agreement shall remain in effect from the effective date through and including December 31, 2021. Ninety working days prior to the conclusion of this Agreement, Charles Nechtem Associates, Inc. will either present a work plan for the proposal next contract period for review by the Town of Oyster Bay or provide written notice of intent not to renew.

  
Reviewed By  
Office of Town Attorney

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One 2<sup>nd</sup> Street, Suite 1502, Jersey City New Jersey 07302





www.charlesnechtem.com

## ARTICLE II

### SERVICES TO BE PERFORMED BY CHARLES NECHTEM ASSOCIATES, INC.

The services provided will be carried out under the direction of the Division of Labor-Management Relations, Department of Human Resources and shall include:

- 1) The screening and referral to outside agencies/practitioners of The Town of Oyster Bay employees who display behavioral problems, which impact their work performance and /or attendance. This will include but is not limited to meetings with employees, labor/management consultations, family visits, hospital visits and monitoring case after referral.
- 2) The maintenance of statistical data regarding employees utilizing the program, referral sources, type of referrals and follow-up activities. Provision of newsletter once per quarter, new posters once per quarter, and a brochure once per contract.
- 3) Participation in regularly scheduled steering committee meetings as well as \_\_\_\_\_ training sessions initiated by The Town of Oyster Bay to train supervisory and union personnel.
- 4) Identifying and evaluating new referral sources based upon quality of service offered as well as cost containment considerations.
- 5) Coordination with insurance providers to strive for case management and cost containment goals.
- 6) Provider will provide 1-800 Hotline services and one to three counseling sessions per employee or EAP enrolled family member per problem or issue, at a cost of \$38,500.00 per year (based on 1200 employees). That includes the three hours On-Site face to face services and the location where on-site services will be determined.

- Critical Incident on-site services billed separately and at cost.

  
Reviewed By  
Office of Town Attorney

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One 2<sup>nd</sup> Street, Suite 1502, Jersey City New Jersey 07302

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### **ARTICLE III**

#### **OBLIGATIONS OF THE TOWN OF OYSTER BAY**

CNA, Inc. will receive a total of \$77,000 (Seventy-seven thousand dollars); \$38,500 (Thirty-eight thousand five hundred) for the period January 1, 2020 through December 31, 2020; and \$38,500 (Thirty-eight thousand five hundred) for the period January 1, 2021 through December 31, 2021. The Town will be billed in monthly installments of \$3,208.33 dollars.

In the event that this contract is terminated by The Town of Oyster Bay, the Town of Oyster Bay will provide a phase out period of at least ninety (90) days to assure patients are not undermined. The Town of Oyster Bay will make its best efforts to distribute relevant literature to employees on a regular basis.

### **ARTICLE IV**

#### **NON- DISCLOSURE OF INFORMATION**

Charles Nechtem Associates, Inc. and its employees will not, without prior written permission of The Town of Oyster Bay: (1) disclose or publish any findings made by them in the performance of services for the Town of Oyster Bay or (2) remove from any of the Town of Oyster Bay's premises and The Town of Oyster Bay's property or disclose same to unauthorized persons.

At the end of the term of the performance of services for the Town of Oyster Bay, Charles Nechtem Associates, Inc. will return all Town property to the Town of Oyster Bay immediately.

### **ARTICLE V**

#### **INDEMNIFICATION AND INSURANCE**

Charles Nechtem Associates, Inc. hereby indemnifies and holds harmless The Town of Oyster Bay, its officers, employees, and agents from and against any and all causes whatsoever arising out of or relating to this agreement, including, but not limited to, personal injury, death, or damage to the property of Charles Nechtem Associates, Inc. its

  
Reviewed By  
Office of Town Attorney

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One 2<sup>nd</sup> Street, Suite 1502, Jersey City New Jersey 07302





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officers and employees caused by The Town of Oyster Bay or any of its employees whether or not on the premises of The Town of Oyster Bay. Charles Nechtem Associates agrees to defend the Town of Oyster Bay at its cost and expense, any action or proceeding commenced for the purpose of assessing any claim or whatsoever character arising out of the performance of this agreement.

Charles Nechtem Associates, Inc. shall, at its expense, maintain during the term of this Agreement malpractice insurance, which shall name the Town of Oyster Bay as an additional insured, with a minimum liability of \$1,000,000 per occurrence, and shall provide proof of the same upon request.

Charles Nechtem Associates, Inc. shall at its expense, maintain during the term of the Agreement Worker's Compensation insurance to meet New York State requirements, and will make all payments required by law for FICA, FUTA, and SUI.

## **ARTICLE VI**

### **SUCCESSORS AND ASSIGNS**

This Agreement shall be binding upon each of the respective parties herein to and their successors or assignees.

## **ARTICLE VII**


### **LAWS OF New York STATE**

This Agreement shall be subject to the law of New York State.

## **ARTICLE VIII**

### **PERSONNEL**

All services under this Agreement will be provided by the employees of Charles Nechtem Associates, Inc. will not be permitted to subcontract with or assign other entities without prior written approval of The Town of Oyster Bay.

  
Reviewed By  
Office of Town Attorney

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One 2<sup>nd</sup> Street, Suite 1502, Jersey City New Jersey 07302





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The Town of Oyster Bay reserves the right to approve the assignment of Charles Nechtem Associates, Inc. employees to perform services under this agreement, but shall not unreasonably withhold such approval.

## ARTICLE IX

**SECURITY** Charles Nechtem Associates, Inc. shall comply with and ensure that all Charles Nechtem Associates, Inc. personnel comply with all The Town of Oyster Bay operational requirements.

## ARTICLE X

### NO JOINT VENTURE/INDEPENDENCE

Nothing in this Agreement shall have the effect of making the Town of Oyster Bay and Charles Nechtem Associates, Inc. joint ventures or Partners in connection with any business conducted by the parties and the Town of Oyster Bay shall not be liable for any of the obligations and duties of Charles Nechtem Associates, Inc. It is understood that in performing services for The Town of Oyster Bay, Charles Nechtem Associates, Inc. and its employees will act independently and not as employees, agents, or representatives of The Town of Oyster Bay.

## ARTICLE XI


### LICENSES/PERMITS

Charles Nechtem Associates, Inc. and all its employees possess for the term of this Agreement all necessary qualification, permits and licenses required to perform the services described herein shall provide proof of same upon request.

## ARTICLE XII

### USE OF NAME

Charles Nechtem Associates, Inc. shall not use the name of The Town of Oyster Bay in any manner or any reason without the prior written approval of The Town of Oyster Bay.

  
Reviewed By  
Office of Town Attorney

One 2<sup>nd</sup> Street, Suite 1502, Jersey City New Jersey 07302





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except to state that it provides Employee Assistance Program Services for The Town of Oyster Bay.

**ARTICLE XIII**

**RELATION TO PURCHASE ORDER**

Pursuant to this Agreement, Charles Nechtem Associates will utilize the Town of Oyster Bay's purchase order claim form, in order to bill for the performance of its services for the Town of Oyster Bay.

**ARTICLE XIV**

**TERMINATION/NOTICE**

The Town of Oyster Bay shall have the right to terminate this contract upon ninety (90) days written notice to Charles Nechtem Associates, Inc. Any notice required under this agreement shall be in writing and hand delivered or sent by registered or certified mail; return receipt requested and will be effective only upon actual receipt or refusal.

**ARTICLE XV**

This Agreement constitutes the full Agreement of the parties and no other responsibilities, covenants, or conditions exist.

**Charles Nechtem Associates, Inc.**

**The Town Of Oyster Bay**

**BY:** \_\_\_\_\_

**BY:** \_\_\_\_\_

**Charles Nechtem, President**

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

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





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
08/07/2019

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

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

PRODUCER MCGRIFF INSURANCE SERVICES INC 22274127 414 GALLIMORE DAIRY RD STE F GREENSBORO NC 27409	CONTACT NAME:	
	PHONE (866) 467-8730 (A/C, No, Ext):	FAX (888) 443-6112 (A/C, No):
E-MAIL ADDRESS:		
INSURER(S) AFFORDING COVERAGE		NAIC#
INSURER A: Hartford Fire and Its P&C Affiliates		00914
INSURED CHARLES NECHTEM ASSOCIATES INC 595 BAY ISLES RD STE 116 LONGBOAT KEY FL 34228-3143	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

## COVERAGES

## 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.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
	COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE
	<input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)
							MED EXP (Any one person)
							PERSONAL & ADV INJURY
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						PRODUCTS - COMP/OP AGG
	OTHER:						
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)
	<input type="checkbox"/> ANY AUTO						BODILY INJURY (Per person)
	<input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS						BODILY INJURY (Per accident)
	<input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB						EACH OCCURRENCE
	EXCESS LIAB						AGGREGATE
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE						
	<input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A	22 WEC AD1TGR	07/14/2019	07/14/2020	PER STATUTE <input checked="" type="checkbox"/> OTHER <input type="checkbox"/>
							E.L. EACH ACCIDENT \$1,000,000
							E.L. DISEASE - EA EMPLOYEE \$1,000,000
							E.L. DISEASE - POLICY LIMIT \$1,000,000

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

Those usual to the Insured's Operations.

## CERTIFICATE HOLDER

Town Of Oyster Bay  
29 Spring Street  
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

*Suean L. Castaneda*

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# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
10/31/2019

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

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

PRODUCER  
Van Wagner Agency  
135 Crossways Park Drive  
P.O. Box 9017  
Woodbury NY 11797

CONTACT  
NAME:  
PHONE  
FAX  
E-MAIL  
ADDRESS: insurance@vanwagnergroup.com

License#: BR-1418528  
CHARNEC-01

INSURED  
Charles Nechtern Associates, Inc.  
May Silber  
Charles Nechtern  
595 Bay Isles Rd., Ste. 115  
Longboat Key FL 34228

INSURER(S) AFFORDING COVERAGE  
INSURER A: Great American Assurance Company  
INSURER B:  
INSURER C:  
INSURER D:  
INSURER E:  
INSURER F:

NAIC #  
26344

## COVERAGES

CERTIFICATE NUMBER: 1494760179

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	ADOL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR  GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:	Y	Y	GLP 425-59-26-04	10/31/2019	10/31/2020	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 3,000,000 PRODUCTS - COMP/OP AGG \$ 3,000,000
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$
	UMBRELLA LIAB EXCESS LIAB DED RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NY) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PER STATUTE OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
A	Professional Liability	Y	Y	GLP 425-59-26-04	10/31/2019	10/31/2020	Each Incident 1,000,000 Aggregate 3,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)  
Certificate Holder is included as Additional Insured as required by written contract with respects to services provided by Named Insured.

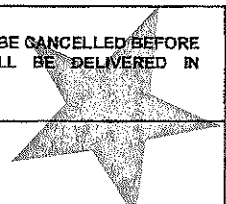
## CERTIFICATE HOLDER

Town Of Oyster Bay  
29 Spring Street  
Oyster Bay, NY 11771

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE



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WHEREAS, Richard L. LaMarca, Town Clerk, by memorandum dated May 12, 2020, requests Town Board authorization to offer free Green seasonal beach permits as an incentive to encourage the use of hybrid and alternative fuel vehicles in order to promote energy efficiency and a cleaner environment; and

WHEREAS, that "Green Vehicles" shall be defined as those vehicles identified by the New York State Department of Motor Vehicles as eligible for the "Clean Pass Vehicle Program;" and

WHEREAS, upon presentation of proper documentation, free Green seasonal beach permits would be issued to Town residents,

NOW, THEREFORE, BE IT RESOLVED, That the abovementioned requests are hereby accepted and approved, and the Office of the Town Clerk is hereby authorized to issue, upon presentation of proper documents, free Green seasonal beach permits to Town residents, and be it further

RESOLVED, that "Green Vehicles" shall be defined as those vehicles identified by the New York State Department of Motor Vehicles as eligible for the "Clean Pass Vehicle Program," and be further

RESOLVED, that Resolution 510-2007 is hereby rescinded.

-#-

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

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



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Town of Oyster Bay  
Inter-Departmental Memo

TO: Memorandum Docket  
FROM: Office of the Town Clerk  
DATE: May 12, 2020  
SUBJECT: Clean Pass Vehicle Program

---

This Office requests authorization to offer Green seasonal beach permits as an incentive to encourage the use of hybrid and alternative fuel vehicles, in keeping with the Town's efforts to promote energy efficiency and a cleaner environment.

Green vehicles will be defined as those vehicles identified by the New York State Department of Motor Vehicles as eligible for the "Clean Pass Vehicle Program".

Upon presentation of proper documentation, free Green seasonal beach permits would be issued to Town residents.

Kindly suspend the rules and place this matter on the May 19, 2020 Town Board Action Calendar.

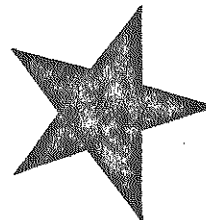


Richard L. LaMarca  
Town Clerk

RLM:dps  
Attachment

Town Attorney (w/9 copies)

S:\Attorney\RESOS 2020\MD & RESO\AmendReso510-2007GreenVehhybrid.DPS.docx





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 2nd day of June, 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 CHAPTER 246 – ZONING, SECTION 246-5.5.5, APARTMENTS OVER STORES OR OFFICES, AND SECTION 246-5.2 SCHEDULE OF USE REGULATIONS – NONRESIDENCE DISTRICTS, 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.

#

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

2440  
Reviewed By  
Office of Town Attorney  
D.L.



**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 2<sup>nd</sup> day of June, 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 CHAPTER 246 – ZONING, SECTION 246-5.5.5, APARTMENTS OVER STORES OR OFFICES, AND SECTION 246-5.2 SCHEDULE OF USE REGULATIONS – NONRESIDENCE DISTRICTS, OF THE CODE OF THE TOWN OF OYSTER BAYLAW".

The abovementioned Local Law is on file and may be viewed on the Town website ([oysterbaytown.com](http://oysterbaytown.com)) or by contacting the Office of the Town Clerk (516-624-6320), daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time. 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.

Pursuant to the provisions of the New York State Executive Order No. 202.1, et seq., this meeting may be held remotely by teleconference, and will be available for the public to view via live stream at [www.oysterbaytown.com](http://www.oysterbaytown.com), and such meeting will be recorded and later transcribed. Members of the public may comment on this proposed law, with such comments being entered in to the record, by forwarding said comments to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, to be received no later than June 14, 2020.

TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor.  
RICHARD LaMARCA, Town Clerk. Dated: May 19, 2020, Oyster Bay, New York.



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## **TOWN OF OYSTER BAY**

### **Inter-Departmental Memorandum**

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : May 11, 2020

SUBJECT: Proposed Local Law to amend Chapter 246 – Zoning, Section 246-5.5.5 and Section 246-5.2 of the Code of the Town of Oyster Bay

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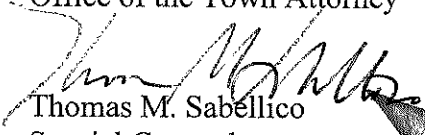
The Town seeks to amend Chapter 246 – Zoning, Section 246-5.5.5, Apartments Over Stores or Offices, and Section 246-5.2, Schedule of Use Regulations – Nonresidence Districts, of the Code of the Town of Oyster Bay.

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 suspend the rules and place this matter on the May 19, 2020 Town Board action calendar.

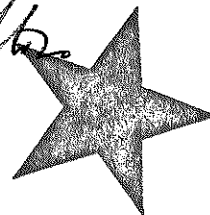
Office of the Town Attorney

  
Thomas M. Sabellico  
Special Counsel

TMS/nb

cc: Gregory W. Carman, Jr., Deputy Supervisor  
Elizabeth L. Maccarone, Commissioner, P&D  
Frank M. Scalera, Chief Deputy Town Attorney

S:\Attorney\LOCAL LAWS\LAC 246 Apartments over Retail\MD.doc





**Local Law Filing**

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**Town of OYSTER BAY**

**Local Law No. \_\_\_\_\_ of the year 2020**

**A LOCAL LAW TO AMEND CHAPTER 246 – ZONING, SECTION 246-5.5.5, APARTMENTS OVER STORES OR OFFICES, AND SECTION 246-5.2 SCHEDULE OF USE REGULATIONS – NONRESIDENCE DISTRICTS, 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 Chapter 246 – ZONING, Section 256-5.5.5, to read as follows:**

**Section 246-5.5.5 – (RESERVED)**

**Section 2. Delete Chapter 246 – ZONING, Section 246-5.5.5.1 through Section 246-5.5.5.2, inclusive.**

**Section 3. Amend Chapter 246 – ZONING, Section 246-5.2, Schedule of Use Regulation – Nonresidence Districts, to remove “Apartments over stores or offices (Sec. 246-5.5.5)” as a Permitted Principal Use in the Neighborhood Business (NB), Central Business (CB), and General Business (GB) Districts.**

**Section 4. 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 5. 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 6. 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.

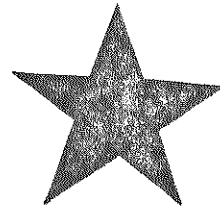
\_\_\_\_\_  
Signature

Town Attorney

\_\_\_\_\_  
Title

Town of Oyster Bay

\_\_\_\_\_  
Date: \_\_\_\_\_, 2020





Reviewed By  
Office of Town Attorney  
*Maureen A. Fitzgerald*

WHEREAS, the COVID-19 pandemic has limited the opportunity for public events and large gatherings of people, thereby limiting the social and entertainment opportunities available to our residents; and

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated May 18, 2020, advised that the Department has developed a series of drive-in movies which it proposes to host at various locations throughout the Town (e.g., Sunrise Mall, Massapequa and Broadway Commons, Hicksville), and Commissioner Fitzgerald, by said memorandum, requested Town Board authorization for the Department of Community and Youth Services to host such drive-in movies, and that Commissioner Fitzgerald or her designee be granted the discretion to schedule the dates, times, and locations of said events; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, advised that the licensing fees and certain equipment to show the movies will be paid by The Friends of Community Services Department, Incorporated, a not-for-profit, non-taxpayer funded entity, and further requested that the Department be authorized to procure any additional materials and/or services necessary for these events, in an amount not to exceed \$8,000.00, from funds available in Account Nos. CYS A 7020 47660 000 0000, Special Events, and CYS A 7020 45100 000 0000, Equipment Rental,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved and the Department of Community and Youth Services is authorized to host a series of drive-in movies, on the dates, times, and locations as established by Commissioner Maureen A. Fitzgerald; and be it further

RESOLVED, That the licensing fees and certain equipment to show the movies will be paid by The Friends of Community Services Department, Incorporated, a not-for-profit, non-taxpayer funded entity, and that the Department be authorized to procure any additional materials and/or services necessary for these events, in an amount not to exceed \$8,000.00, from funds available in Account Nos. CYS A 7020 47660 000 0000, Special Events, and CYS A 7020 45100 000 0000, Equipment Rental; and be it further

RESOLVED, That the Comptroller be authorized to pay said additional expenses, upon presentation of a certified claim form, 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



Meeting of May 19, 2020

Resolution No. 281-2020

Reviewed By  
Office of Town Attorney

*Elizabeth A. Laughman*

WHEREAS, pursuant to Town Board Resolution No. 177-2020, adopted on March 10, 2020, the Town Board established the 2020 Fee Schedule, Rules, and Regulations for the Town of Oyster Bay beaches, beach parking, launching ramps, and the Joseph J. Saladino Memorial Marina at TOBAY; and

WHEREAS, the Town Board seeks to waive certain requirements for the 2020 beach season relating to Senior Citizens and Disabled Individuals, so that such persons will not be required to tender a fee for admittance to beach facilities or to display a Town-issued identification card upon entry,

NOW, THEREFORE, BE IT RESOLVED, That the 2020 Fee Schedule, Rules, and Regulations for the Town of Oyster Bay beaches, beach parking, launching ramps, and the Joseph J. Saladino Memorial Marina at TOBAY is hereby amended to the extent of not requiring Senior Citizens and Disabled Individuals to tender a fee for admittance to beach facilities or to display a Town-issued identification card upon entry for the 2020 beach season.

#

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