

John Canning
COMMISSIONER OF HUMAN RESOURCES

APPROVED

Meeting of January 28, 2020

RESOLUTION P-3-2020

WHEREAS, The 2020 Budget, adopted October 29, 2019 established the titles and salaries of officers and employees of the Town of Oyster Bay pursuant to Section 27 of Town Law, and other Local Laws relating to the establishment of Town Departments, and Rules and Regulations governing appointments, etc., of employees; and

WHEREAS, The adoption of said 2020 Budget, on October 29, 2019, was by a Resolution of the Town Board; and

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

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

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

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

Meeting of January 28, 2020

Resolution No. TF-2-2020

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
002-20	PKS	\$2,243.67	PKS A 7110 47670 000 0000
			TO
		\$2,243.67	PKS A 7110 25000 000 0000
			INCREASE
003-20	EXE	\$30,000,000.00	TWN A 0001 05710 000 0000
			INCREASE
		\$30,000,000.00	TWN A 1989 44170 000 0000
			INCREASE
004-20	IGA	\$1,397.50	IGA CD 0001 02170 000 CD19
			INCREASE
		\$1,397.50	IGA CD 8668 48250 733 CD19
			FROM
005-20	EXE	\$25,000.00	TWN A 1989 47900 000 0000
			TO
		\$25,000.00	DPS A 3010 47900 000 0000

#

Reviewed By
Office of Town Attorney
Tom Walsh

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

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

2A

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner
Department of Parks

DATE: January 8, 2020

SUBJECT: 2020 Transfer of Funds

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


FROM:

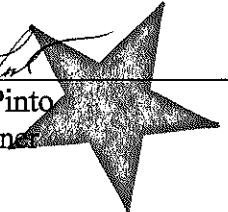
PKS-A-7110-47670-000-0000	Special Sporting Events	\$2,243.67
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TO:

PKS-A-7110-25000-000-0000	General Equipment	\$2,243.67
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This transfer is being requested to provide funds necessary for general equipment.


Joseph G. Pinto
Commissioner



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

2B

Town of Oyster Bay
Inter-Departmental Memo

January 9, 2020

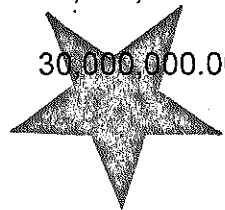
To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: Transfer of Funds

In order to provide funds for cover the costs of legal settlements, the following transfer of funds is hereby requested:

Increase:							
TWN	A	0001	05710	000	0000	Serial Bonds	30,000,000.00
Increase:							
TWN	A	1989	44170	000	0000	Judgments & Claims	30,000,000.00

Thank you.


Robert Darienzo
Director of Finance



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

2C

Town of Oyster Bay Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Frank V. Sammartano, Commissioner
Intergovernmental Affairs

DATE: January 10, 2020

SUBJECT: Increase Budget/Transfer of Funds

Increase


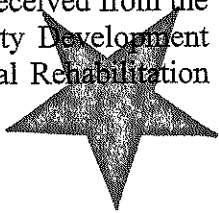
IGA CD 0001 02170 000 CD19	\$ 1,397.50
(Community Development Income General)	

Increase

IGA CD 8668 48250 733 CD 19	\$ 1,397.50
(Residential Rehabilitation- Deferred Loan)	

JUSTIFICATION

The above increase is respectfully requested in order to expend funds received from the Deferred Loan Program. These funds are to be utilized within the Community Development Block Grant Program. These particular funds will be utilized in the Residential Rehabilitation Program.





Frank V. Sammartano
Commissioner


FVS/PA
cc: Town Attorney w/9 copies


MEMO Edo ready to type


One thousand three hundred ninety seven ⁵⁰ DOLLARS 1397 ⁵⁰

 **CHASE** JPMorgan Chase Bank
216 Old Country Road
Mineola, NY 11501










PAY TO THE ORDER OF Town ofyster Bay Department of Intergut ^{APR 15} 1,397 ⁵⁰

LAURA P. SIKORSKI
IOIA ACCOUNT 
GARDEN CITY, NY 11530

DATE 10/22/19

¹⁻²
²¹⁰ **949**

1285

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Leah

II GA CD 0001 02170 000 CD15

2A

Town of Oyster Bay Inter-Departmental Memo

January 14, 2020

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

In order to provide funds for various expenses in the Department of Public Safety, the following transfer of funds is hereby requested:

Transfer from:							
TWN	A	1989	47900	000	0000	Other Expenses	\$ 25,000.00
Transfer to:							
DPS	A	3010	47900	000	0000	Other Expenses	\$ 25,000.00

Thank you.


Robert Darienzo
Director of Finance



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

WHEREAS, by Resolution No. 127-2017, adopted March 21, 2017, the Town Board authorized and established the fees for organizations that desire to use a park facility; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 7, 2020, requested that the Town Board amend Resolution No. 129-2017, adopted on March 21, 2017, to adjust the park facility use permit fee for non-residents and/or non-resident organizations to One Thousand Five Hundred Dollars (\$1,500.00), with the park facility use permit fee for residents and/or resident organizations remaining unchanged,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and Resolution No. 127-2017 is hereby amended by adjusting the park facility use permit fees for non-residents and/or non-resident organizations as detailed above, with all other fees, regulations and conditions as established in Resolution No. 127-2017 to remain unchanged unless amended or modified by the Town Board.

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748
Reviewed By
Office of Town Attorney
[Signature]

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

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

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TOWN OF OYSTER BAY

Inter-Departmental Memorandum

January 7, 2020

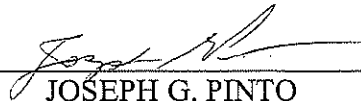
TO: Memorandum Docket
FROM: Joseph G. Pinto, Commissioner of Parks
SUBJECT: Department of Parks Facility Use Permit Fee Adjustment

The Department of Parks is requesting the amendment of Resolution # 127-2017 dated March 21, 2017 to adjust the park facility use permit fee non-resident and /or non-resident organizations facility use permit fee from \$1,000.00 (one thousand) to \$1,500.00 (fifteen hundred).

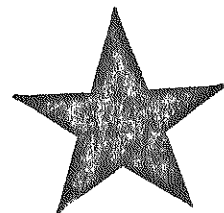
The park facility use permit fee resident and/or resident organization facility use permit fee remains unchanged at \$500.00.

Thereafter, the fees, regulations and conditions shall remain unchanged and in effect unless they are amended or modified by the Town Board upon recommendations of the Commissioner of Parks.

Town Board approval is recommended.


JOSEPH G. PINTO
COMMISSIONER OF PARKS

Cc: Town Attorney (original + 9 copies)
Greg Skupinsky, Deputy Commissioner of Parks
Frank Gatto, Deputy Commissioner of Parks
Donna Antetomaso, Recreation Specialist III



Meeting of January 28, 2020

Resolution No. 52-2020

WHEREAS, Philip S. Cicero has requested to donate a memorial plaque and a bench, to be located at the Massapequa Dog Park, Massapequa, in memory of Joan Cicero; and

WHEREAS, the value of the plaque and bench is estimated to be \$830.00, and the monies donated will be deposited into Account No. PKS A 0001 02770 590 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 2, 2020, recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of \$830.00 from Philip S. Cicero to be deposited into Account No. PKS A 0001 02770 590 0000, to purchase a plaque and bench, placed in the Massapequa Dog Park, Massapequa, in memory of Joan Cicero.

#-

Reviewed By
Office of Town Attorney

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

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

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

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner of Parks

SUBJECT: Memorial Plaque and Bench

DATE: January 2, 2020

The Department of Parks has received a request from Philip S. Cicero (letter attached) requesting to donate a memorial plaque and bench to be placed in the Massapequa Dog Park in memory of Joanne Cicero.

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

The plaque and bench will be purchased by Philip S. Cicero and donated to the Parks Department. The value of the plaque and bench are estimated to be \$830.00. Town Board approval is requested on behalf of Philip S. Cicero. The monies will be collected in account PKS A 0001 02770 590 0000.



Joseph G. Pinto
COMMISSIONER OF PARKS



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

Diann Codispodo

From: Cicero <[REDACTED]>
Sent: Tuesday, December 31, 2019 10:17 AM
To: Diann Codispodo
Subject: RE: memorial plaque and bench

Diann,

Thanks for the follow-up. My wife's name is Joanne. I also have a question for you regarding the plaque. Is it a total of 24 characters or is it 24 characters for each of the 5 lines?

Happy New Year to you and your family.

Sincerely,

Phil

On December 31, 2019 at 8:50 AM Diann Codispodo <dcodispodo@oysterbay-ny.gov> wrote:

Good morning Phil, hope your holidays were wonderful. I just opened your email, could you just put your wife's name on the request letter please? As soon as I get it I will start the paperwork on my side. I will also be passing your number along to a park manager who can meet you at the dog park to discuss placement.

Have a great New Years,

Diann

From: Cicero <[REDACTED]>
Sent: Monday, December 23, 2019 4:30 PM
To: Diann Codispodo <dcodispodo@oysterbay-ny.gov>
Subject: Re: memorial plaque and bench

Diann,

Thanks for the information. I did take a ride to the dog run in Massapequa. I thought there was room for a bench in the small dog section. Specifically, this would be in the south east corner of the run under and near a nice tree for shade in the summer. There was also plenty of room for a bench along the west side of the small dig run. As per your request, here is the following information:

My Name: Philip S. Cicero

Location of Donation: Massapequa Dog Run

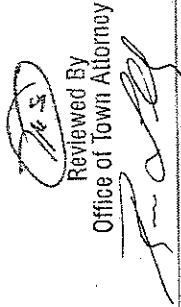
WHEREAS, Desirree Marotti-Halama has requested to donate a memorial plaque for an existing bench located in Bay Front Park, Nassau Shores, Massapequa, in memory of Benjamin Marotti; and

WHEREAS, the value of the plaque is estimated to be \$380.00, and the monies donated will be deposited into Account No. PKS A 0001 02770 590 0000; and

WHEREAS, Joseph G. Pinto, Commissioner of the Department of Parks, by memorandum dated January 2, 2020, has recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of \$380.00 from Desirree Marotti-Halama to to be deposited into Account No. PKS A 0001 02770 590 0000, to purchase a plaque for an existing bench located in Bay Front Park, Massapequa, in memory of Benjamin Marotti.

-#-

Reviewed By
Office of Town Attorney


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

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

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

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner of Parks

SUBJECT: Memorial Plaque

DATE: January 2, 2020

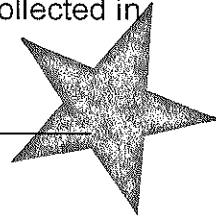
The Department of Parks has received a request from Desirree Marotti-Halama (letter attached) requesting to donate a memorial plaque to be placed on an existing bench in Bay Front Park in memory of Benjamin Marotti.

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

The plaque will be purchased by Desirree Marotti-Halama and donated to the Parks Department. The value of the plaque is estimated to be \$380.00. Town Board approval is requested on behalf of Desirree Marotti-Halama. The monies will be collected in account PKS A 0001 02770 590 0000.



Joseph G. Pinto
COMMISSIONER OF PARKS



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

Read Only - You can't save changes to this file.

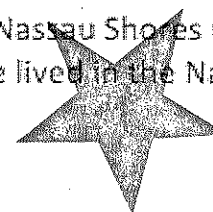


Nov. 21, 2019

Town of Oyster Bay Parks Dept.
977 Hicksville Rd
Massapequa, NY 11758

Dear Diann

We are looking to do a \$380 memorial plaque on a bench at Bay Front Park in Nassau Shores (middle bench near the fishing dock) in memory of our Dad Benjamin Marotti. We have lived in the Nassau Shore for close to 50 years so would love to have it in that area.



Please let me know if you need any additional information.

Thank you for your help
Desirree Marotti-Halama

[REDACTED]
Massapequa, NY 11758
[REDACTED]

Reviewed By
Office of Town Attorney

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 2, 2020, requested Town Board authorization to pay instructors for fitness classes provided and to be provided at various Town facilities in the disciplines of Yoga, Zumba, Cardio Kickboxing, Pilates and Ballroom Dancing, during the period January 1, 2020 through and including December 31, 2020, *nunc pro tunc*; and

WHEREAS, Commissioner Pinto, by the above-referenced memorandum advised that the Department identified these instructors pursuant to Guideline 5 of the Town's Procurement Policy; and

WHEREAS, Commissioner Pinto, by the above-referenced memorandum recommended and requested Town Board authorization pay the following instructors, on an hourly basis, in a total not to exceed \$42,000, as follows:

Yoga	Jingdi Lu, 8 Whitman Ave., Syosset N.Y. 11791
Yoga	Tracy Jolly, 17 Granada Place, Massapequa N.Y. 11758
Zumba	Victoria DeSalvo, 22 Linden Blvd., Hicksville N.Y. 11801
Zumba	Jessica Reilly, 425 Outlook Ave., West Babylon N.Y. 11704
Pilates	Debra Tassone, 12 Amby Ave., Plainview N.Y. 11803
Pilates	Donna Martini, 154 Anstice Ave., Oyster Bay N.Y. 11771
Cardio Kickboxing	Jessica Reilly, 425 Outlook Ave., West Babylon N.Y. 11704
Ballroom Dancing	Donatas Nacajus, 4303 215 th Pl, Apt. 2, Bayside, N.Y. 11361

with payment for these services to be made from Account No. PKS A 7110 4490 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the request hereinabove set forth is hereby accepted and approved, and the Comptroller is hereby authorized to pay for the services of the individuals named hereinabove, for the disciplines noted and in the total not to exceed amounts listed above for services provided during the period January 1, 2020 through and including December 31, 2020, *nunc pro tunc*, for programs established by the Department of Parks, and upon presentation of a duly certified claim, after audit, from Account No. PKS A 7110 4490 000 0000.

-#-

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

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

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TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: Joseph G. Pinto, Commissioner of Parks

DATE: January 2, 2020

SUBJECT: Payment for Fitness Instructors

The Department of Parks request Town Board authorization to pay instructors for the following 2020 disciplines:

- a) Yoga
- b) Zumba
- c) Cardio Kickboxing
- d) Pilates
- e) Ballroom Dancing

The Department of Parks followed guideline number 5 to hire the following and requests Town Board authorization to use account number PKS A 7110 44900 000 0000 to pay the related fees. The total amount is not to exceed \$42,000.

Yoga: Jingdi Lu, 8 Whitman Ave, Syosset 11791
Tracy Jolly, 17 Granada Place, Massapequa NY 11758

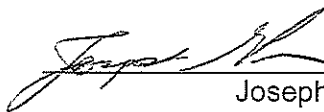
Zumba: Victoria DeSalvo, 22 Linden Blvd., Hicksville 11801
Jessica Reilly, 425 Outlook Ave, West Babylon 11704

Pilates: Debra Tassone, 12 Amby Ave, Plainview 11803
Donna Martini, 154 Anstice St, Oyster Bay 11771

Cardio Kickboxing: Jessica Reilly, 425 Outlook Ave, West Babylon 11704

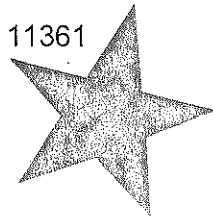
Ballroom Dancing: Donatas Nacajus, 4303 215th Pl, Apt 2, Bayside 11361

Town Board approval is recommended.



Joseph G. Pinto
COMMISSIONER OF PARKS

CC: Office of Town Attorney (original + 9 copies)



WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 7, 2020, requested and recommended Town Board approval for Town of Oyster Bay sponsorship of the Thirty-Fifth Annual Bluefish Tournament; and

WHEREAS, the event shall be conducted under the following guidelines:

1. Date: September 13, 2020;
2. Time: 4:30 a.m. to 4:00 p.m.;
3. Place: Theodore Roosevelt Memorial Park, Oyster Bay;
4. Cost: \$40.00 Residents, \$55.00 Non-Residents;
5. Funds collected shall be deposited into Trust Account No. TWN TA 0000 00085 474 0000 to be used according to the Town's Procurement Policy, through the Purchasing Department, to cover the following costs:
 - A. Gift certificates to be awarded to contestants finishing first through fifteenth place. Plaques to be awarded to contestants finishing first through tenth place;
 - B. Food items such as hot dogs, soda, water and chips; charcoal, lighter fluid and paper goods; t-shirts for participants; and ice;
 - C. Door prizes to be purchased in compliance with the Town of Oyster Bay Procurement Policy from vendors approved by the Department of General Services, Purchasing Division;
 - D. Donations by event sponsors to support and offset the expenses of the tournament may be added upon the approval of the Town Board; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and has determined that the approval of this request will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as set forth hereinabove is hereby accepted and approved in accordance with the hereinabove stated guidelines, for the purpose of the Department of Parks conducting the Town sponsored Thirty-Fifth Annual Bluefish Tournament.

#

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. Laughman

TOWN OF OYSTER BAY

INTER - DEPARTMENTAL MEMORANDUM

January 7, 2020

TO: MEMORANDUM DOCKET
FROM: JOSEPH PINTO, COMMISSIONER OF PARKS
SUBJECT: THIRTY FIFTH ANNUAL BLUEFISH TOURNAMENT

The Department of Parks requests Town Board approval for the following Town of Oyster Bay sponsored Bluefish Tournament as outlined below:

The event will be conducted under the following guidelines:

1. Date: September 13, 2020
2. Time: 4:30 AM – 4:00 PM
3. Place: Theodore Roosevelt Memorial Park
4. Cost: \$40.00 Residents, \$55.00 Non-Residents
5. Funds collected will be deposited into the following Trust Account TWN TA 0000 00085 474 0000 to be used as follows according to the Town's procurement policies through the Purchasing Department:
 - A. Purchase gift certificates and plaques. Gift certificates will be awarded to contestants finishing first through fifteenth place. Plaques are awarded for first through tenth place.
 - B. The following fixed expenses will be procured using the sponsor donations and registration fees:
 - Food items such as hot dogs, soda, water, & chips. In addition, charcoal, lighter fluid, paper goods, etc.
 - T shirts for participants
 - Ice
 - C. The remaining balance of the registration and donated sponsor fees will be used to purchase door prizes. Prizes will be purchased in compliance with the Town of Oyster Bay Procurement Policy from vendors approved by the Department of General Services Purchasing Division.
 - D. Donations by event sponsors to support and offset the expenses of the tournament may be added upon the approval of the Town Board.

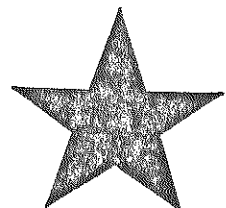
Thereafter, the fees, regulations and conditions shall remain unchanged and in effect unless they are amended or modified by the Town Board upon recommendation of the Commissioner of Parks.

Town Board approval is recommended.


JOSEPH PINTO
COMMISSIONER OF PARKS

JP/jd

C: Town Attorney (original + 9 copies)



WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated December 30, 2019, requested that the Town Board authorize the Town Clerk to publish a Public Notice regarding the Forty-Sixth Community Development Program Year 2020-2021, in the Nassau County edition of Newsday, no later than February 4, 2020, to announce that a public hearing will be held on February 26, 2020, at 6:00 p.m., prevailing time, at Town Hall South, 977 Hicksville Road, Massapequa, New York 11758, to provide for public participation in the programming of Community Development funding,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby approved, and the publication of the aforesaid Public Notice in Newsday by the Town Clerk no later than February 4, 2020, is hereby approved, and the Comptroller is hereby authorized and directed to make payment for same 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. IGA CD 8686 44100 000 CD 20.

-#

Reviewed BY
Office of Town Attorney
[Signature]

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

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

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Town of Oyster Bay
Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Frank V. Sammartano, Commissioner
Intergovernmental Affairs

DATE: December 30, 2019


SUBJECT: Community Development
Notice for Public Hearing
46th Program Year 2020-2021

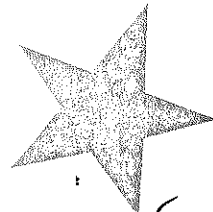
To announce the Town's Community Development Forty Sixth Program Year and provide for public participation in the programming of Community Development funding, a public hearing must be held.

This notice is required to be in an English language paper of general town wide circulation. In this regard, it is recommended that Newsday be utilized to announce that the public hearing will be held on February 26, 2020 at 6:00 pm at Town Hall South. The public notice has been reviewed by the Town Attorney's Office and will be forwarded to the Town Clerk for publication in the Nassau edition of Newsday no later than, February 4, 2020.

It is therefore, respectfully requested that the Town Board authorize said publication in Newsday no later than February 4, 2020. Funds for this purpose are available within account number IGA CD 8686 44100 000 CD 20.

Thank you for your attention to this matter.


Frank V. Sammartano
Commissioner



FVS/PA
Attachment
cc: Town Attorney w/ 9 copies

LEGAL NOTICE
COMMUNITY DEVELOPMENT
TOWN OF OYSTER BAY

The Town of Oyster Bay as a member of the Nassau County Community Development Consortium is anticipating an allocation of funding for its 2020-2021 Community Development Program Year. The Town anticipates submitting its recommended Community Development Program application to Nassau County on April 1, 2020. Two public hearings will be held for public input and review.

Hearing Dates

The first public hearing will be held on February 26, 2020 at 6 PM at Town Hall South, 977 Hicksville Road Massapequa, NY. The hearing will explain program guidelines, review past activities and offer an opportunity for proposals from the public.

The second public hearing will be held by Nassau County. The date, time and location will be announced by Nassau County at a future date.

The purpose of this hearing is to allow the public to comment on the Town's statement of proposed activities. The Town of Oyster Bay's Community Development Office will be available to provide assistance and answer questions from February 25 to March 23, 2020.

Utilization of Community Development funds must primarily benefit low/moderate income persons in the Town or provide for the removal of blight. To accomplish this, a wide range of eligible activities are established by the federal government, including: Public Facilities and Improvement (which include Removal of Architectural Barriers); Residential Rehabilitation, Public Housing Rehabilitation, Commercial Rehabilitation; Downtown Revitalization; Historic Preservation; Economic Development; Provision of Public Services by Non-Profit Organizations; Planning and Administration.

Specific ineligible activities include: General Improvements of government buildings (with the exception of removal of architectural barriers) schools, stadiums, cultural and art centers; Purchase of equipment and furnishings other than those eligible in OMB 87 - A; income payments and industrial park development.

Prior year Community Development Activities are comprised of following components: Residential Rehabilitation, Public Housing Rehabilitation, Public

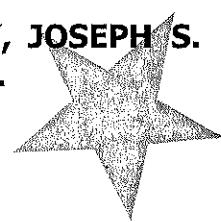
Facilities and Improvement within eligible census tracts and block groups (except in the case of the Removal of Architectural Barriers), and Funding for not-for-profit agencies on a Town wide basis.

For Further Information

Questions regarding the Town's Community Development Program may be answered at any time by contacting the Town's Department of Intergovernmental Affairs, Division of Community Development at 516 624-6182.

BY ORDER OF THE TOWN BOARD OF OYSTER BAY, JOSEPH S. SALADINO, SUPERVISOR, Richard La Marca, TOWN CLERK.

DATED: _____



Reviewed By
Office of Town Attorney

Ralph P. Brady

WHEREAS, Steven C. Ballas, Comptroller, by memorandum dated January 3, 2020, recommended that authorization be granted to pay for membership dues in the New York State Government Finance Officers' Association, Inc., for 2020, for the following Town employees, at the following respective fees, for a total amount not to exceed \$540.00:

Steven C. Ballas, Comptroller	\$180.00
Christine M. Wiss, Deputy Comptroller	\$180.00
Madalena Sabatino, Field Auditor II	\$180.00

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and authorization is hereby granted to pay for membership dues for the employees set forth hereinabove, to the New York State Government Finance Officers' Association, Inc. for 2020 nunc pro tunc, at the above-referenced fees, for a total amount not to exceed \$540.00, and the Comptroller is hereby authorized and directed to make payment for same, 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. CMP A 1315 47900 000 0000, "Other Expenses".

-#-

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

20
TOWN OF OYSTER BAY

Inter-Departmental Memo

JANUARY 3, 2020

To: MEMORANDUM DOCKET
From: STEVEN C. BALLAS, COMPTROLLER
Subject: MEMBERSHIP NYGFOA
(New York Government Finance Officers' Association)

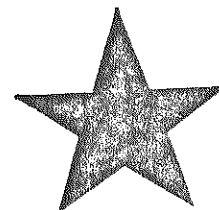
Town Board authorization is hereby requested for Steven C. Ballas, Comptroller, Christine M. Wiss, Deputy Comptroller, and Madalena Sabatino, Field Auditor II, for membership renewal in the New York Government Finance Officers' Association (NYGFOA), Inc. for 2020. The annual fee is \$180.00 for each of the returning members, per the attached 2020 renewal forms, with a "not to exceed" figure of \$540.00. Funds are available in CMP A 1315 47900 000 0000, "Other Expenses".


STEVEN C. BALLAS
COMPTROLLER

Attachments

SCB/mj

cc: Town Attorney (9)
Christine M. Wiss, Deputy Comptroller
Madalena Sabatino, Field Auditor II
Accounts Payable Division
Reading File





2020 Membership Renewal

January 1 through December 31, 2020

Please review the information below for accuracy. Note any changes below **AND** check here: ☐

Thank you for being a member of the New York Government Finance Officers' Association, your resource for professional development

First Name: Steven

Last Name: Ballas

Professional designation: CPA
(e.g. CPA, CMFO)

Preferred Name/Nickname:

Employer: Town of Oyster Bay

Title: Comptroller

Address: 74 Audrey Av

City: Oyster Bay

State: NY

Zip: 11771

Email: sballas@oysterbay-ny.gov

Phone: 516-624-6444 **Ext.**

Dues Tier*: GOV4 *(Based on 2019 membership; adjust if necessary – see below)*

2020 DUES TIERS:

For an entity volume discount (Dues Tier), membership forms must be submitted together.

Dues are per person and calculated based upon the number of members from the same entity.

If your entity had 4 or more members in 2019, you will find a separate listing of those members enclosed.

Government Employees:

- GOV1 (1-3 members): \$180 (check) / \$186 (credit card) per member
- GOV4 (4-8 members): \$165 (check) / \$170 (credit card) per member
- GOV9 (9+ members): \$150 (check) / \$155 (credit card) per member
- GOVH: (First Time Introductory): \$90 (check) / \$93 (credit card) per member

Retiree OR Student: \$25 (check) / \$26 (credit card) per member

PAYMENT INFORMATION

- Amount due is based upon the total number of members from your entity for 2020 and form of payment.
- Renew online at nygfoa.org OR mail this form to the address below with your check/voucher made payable to NYGFOA.
- Group renewals are not available online; each person must be renewed separately.

Mail payment and forms to: NYGFOA • 126 State Street, 5th Floor • Albany, NY 12207

Questions? 518-465-1512 • info@nygfoa.org • www.nygfoa.org

PLEASE INCLUDE A COPY OF THIS FORM WITH YOUR PAYMENT. Thank You!





2020 Membership Renewal

January 1 through December 31, 2020

Please review the information below for accuracy. Note any changes below **AND** check here: ☐

Thank you for being a member of the New York Government Finance Officers' Association, your resource for professional development

First Name: Maddy

Last Name: Sabatino

Professional designation:
(e.g. CPA, CMFO)

Preferred Name/Nickname:

Employer: Town of Oyster Bay

Title: Field Auditor II

Address: 74 Audrey Av

City: Oyster Bay

State: NY

Zip: 11771

Email: msabatino@oysterbay-ny.gov

Phone: 516-624-6463 **Ext.**

Dues Tier*: GOV4 *(Based on 2019 membership; adjust if necessary – see below)*

2020 DUES TIERS:

For an entity volume discount (Dues Tier), membership forms must be submitted together.

Dues are per person and calculated based upon the number of members from the same entity.

If your entity had 4 or more members in 2019, you will find a separate listing of those members enclosed.

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Retiree OR Student: \$25 (check) / \$26 (credit card) per member

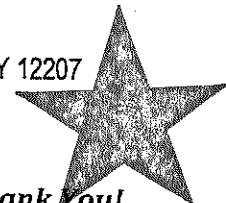
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- Renew online at nygfoa.org OR mail this form to the address below with your check/voucher made payable to NYGFOA.
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Mail payment and forms to: NYGFOA • 126 State Street, 5th Floor • Albany, NY 12207

Questions? 518-465-1512 • info@nygfoa.org • www.nygfoa.org

PLEASE INCLUDE A COPY OF THIS FORM WITH YOUR PAYMENT. Thank You!





2020 Membership Renewal

January 1 through December 31, 2020

Please review the information below for accuracy. Note any changes below **AND** check here: ☐

Thank you for being a member of the New York Government Finance Officers' Association, your resource for professional development

First Name: Christine

Last Name: Wiss

Professional designation:
(e.g. CPA, CMFO)

Preferred Name/Nickname:

Employer: Town of Oyster Bay

Title: Deputy Comptroller

Address: 74 Audrey Av

City: Oyster Bay

State: NY

Zip: 11771

Email: cwiss@oysterbay-ny.gov

Phone: 516-624-6447 **Ext.**

Dues Tier*: GOV4 (Based on 2019 membership; adjust if necessary – see below)

2020 DUES TIERS:

For an entity volume discount (Dues Tier), membership forms must be submitted together.

Dues are per person and calculated based upon the number of members from the same entity.

If your entity had 4 or more members in 2019, you will find a separate listing of those members enclosed.

Government Employees:

- GOV1 (1-3 members): \$180 (check) / \$186 (credit card) per member
- GOV4 (4-8 members): \$165 (check) / \$170 (credit card) per member
- GOV9 (9+ members): \$150 (check) / \$155 (credit card) per member
- GOVH: (First Time Introductory): \$90 (check) / \$93 (credit card) per member

Retiree OR Student: \$25 (check) / \$26 (credit card) per member

PAYMENT INFORMATION

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- Renew online at nygfoa.org OR mail this form to the address below with your check/voucher made payable to NYGFOA.
- Group renewals are not available online; each person must be renewed separately.

Mail payment and forms to: NYGFOA • 126 State Street, 5th Floor • Albany, NY 12207

Questions? 518-465-1512 • info@nygfoa.org • www.nygfoa.org

PLEASE INCLUDE A COPY OF THIS FORM WITH YOUR PAYMENT. Thank You!



At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 28, 2020, at 7:00 p.m., Prevailing Time.

PRESENT:

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

Reviewed By
Office of Town Attorney
John M. Maier

In the Matter of
the Increase and Improvement of the Facilities
of the Bethpage Water District in the Town of
Oyster Bay and the Town of Hempstead,
Nassau County, New York

Resolution No. 58-2020

ORDER CALLING
PUBLIC HEARING

WHEREAS, the Town Board of the Town of Oyster Bay, Nassau County, New York, has received a petition of the Board of Water Commissioners of the Bethpage Water District in the Town of Oyster Bay and the Town of Hempstead (the "District") requesting that the Town Board consider the increase and improvement of the facilities of the District consisting of capital improvements contained in a map, plan and report prepared by H2M Architects & Engineers, duly

licensed engineers, constituting the 2019 Capital Improvement Plan, dated December 2019, which includes treatment of 1,4-dioxane at various wells, construction of a new transmission line, treatment of nitrates and volatile organic compounds (VOC), construction and rehabilitation of wells, modifications to Plant No. 1, rehabilitation of Plant No. 5, reconstruction of a new administration building and garage, and water main replacement and upgrades, and incidental expenses in connection therewith (the "2019 Plan"); and

WHEREAS, the estimated maximum cost to said District of such increase and improvement of facilities is determined to be \$73,629,000 and the plan for the financing thereof is by (i) the issuance of \$6,771,000 of bonds of said Town, which was previously authorized under Resolution No. 691B-2015 on November 24, 2015 and remains unissued, and (ii) the issuance of \$66,858,000 bonds of said Town, which is proposed to be authorized pursuant to a new bond resolution, or the provision of other funds of the District, including grants received, in substitution therefor;

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

WHEREAS, an environmental analysis has been prepared pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act in connection with such increase and improvement of the facilities of said District and it has been determined that such increase and improvement of the facilities of said District constitute "Type II" or "Unlisted" actions that will not result in any significant adverse environmental impacts; and

WHEREAS, it is now desired to call a public hearing on said proposed increase and improvement of facilities and the 2019 Plan, including the estimate of cost pursuant to Section 202-b of the Town Law; NOW, THEREFORE, BE IT

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

Section 1. A meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, shall be held at the Town Hall East, 54 Audrey Avenue, Oyster Bay, New York, in said Town, on February 11, 2020, at 10:00 a.m., Prevailing Time, for the purpose of conducting a public hearing on the proposed increase and improvement of the facilities of said District in said Town, and the 2019 Plan, including the estimate of cost referred to in the preambles hereof, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

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

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that the Town Board of the Town of Oyster Bay, Nassau County, New York, will meet at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on February 11, 2020, at 10:00 a.m., Prevailing Time, for the purpose of conducting a public hearing relating to the proposed increase and improvement of the facilities of the Bethpage Water District (the "District") in said Town and the Town of Hempstead, consisting of capital improvements contained in the 2019 Capital Improvement Plan, dated December 2019, which includes treatment of 1,4-dioxane at various wells, construction of a new transmission line, treatment of nitrates and volatile organic compounds (VOC), construction and rehabilitation of wells, modifications to Plant No. 1, rehabilitation of Plant No. 5, reconstruction of a new administration building and garage, and water main replacement and upgrades, and incidental expenses in connection therewith, at an estimated maximum cost of \$73,629,000, of which \$66,858,000 of bonds of the Town is proposed to be issued therefor, at which time and place said

Town Board will hear all person interested in the subject thereof concerning the same. Such cost shall be annually apportioned and assessed between District properties in the Town of Oyster Bay and the Town of Hempstead according to the current assessed valuation of such properties in each Town, at which time and place said Town Board will hear all persons interested in the subject thereof concerning the same.

Such cost shall be annually apportioned, levied and collected in said District in the manner provided by law.

The map, plan and report, including estimate of cost, relating to this project is on the file in the Office of the Town Clerk where it is available for public inspection during normal business hours.

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

Dated: Oyster Bay, New York
January 28, 2020

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

Richard LaMarca
Town Clerk

Section 3. This order shall take effect immediately.

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

Supervisor Saladino	_____	VOTING	_____	AYE
Councilwoman Johnson	_____	VOTING	_____	AYE
Councilman Imbroto	_____	VOTING	_____	AYE
Councilman Hand	_____	VOTING	_____	AYE
Councilman Labriola	_____	VOTING	_____	AYE
Councilwoman Maier	_____	VOTING	_____	AYE
Councilwoman Walsh	_____	VOTING	_____	AYE

The order was thereupon declared duly adopted.

* * *

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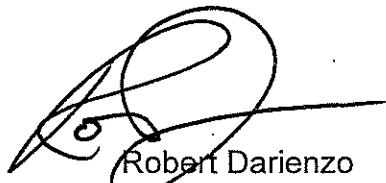
Town of Oyster Bay Inter-Departmental Memo

January 3, 2020

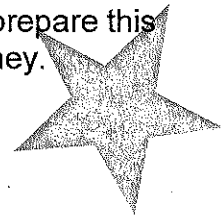
To: Memorandum Docket
From: Robert Darienzo, Director of Finance
Subject: Public Hearing – Bethpage Water District Improvements

Town Board action is required to approve the resolution calling for a public hearing on February 11, 2020 to authorize the issuance of serial bonds for Bethpage Water District Improvements. Bond Counsel will prepare this resolution and forward same to the Office of the Town Attorney.

Thank you.



Robert Darienzo
Director of Finance



RD/rd
cc: Town Attorney (with 9 copies)
Word/Documents/Docket/2020 bethpage wd improve

Meeting of January 28, 2020

Resolution No. 59-2020

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memorandum dated January 6, 2020, and H2M Architects & Engineers, Consulting Engineer, 538 Broad Hollow Road, Melville, New York, by letter dated October 22, 2019, advised that it is necessary and essential to authorize Change Order No. 1, relative to Contract No. DP18-181, Installation of Sidewalk at Theodore Roosevelt Elementary School, Oyster Bay, for a total decrease in the amount of \$51,523.00; and

WHEREAS, H2M Architects & Engineers, by its October 22, 2019 letter, also advised that a final inspection has been made of the work performed under Contract No. DP18-181, and has certified that the Contractor, The Landtek Group, Inc., complied with all of the requirements of the Contract, and Commissioner Lenz, by the aforementioned memorandum, has advised that the Department of Public Works concurs with the Consulting Engineer that this Contract be accepted as having been completed and that final payment be made to the Contractor; and

WHEREAS, Commissioner Lenz, by the aforementioned memorandum, and H2M Architects and Engineers, by letter dated December 30, 2019, advised that work was scheduled to be completed on September 6, 2019 and was completed on September 21, 2019, and further recommended that an extension of time be ratified because the delay was attributable to minor items in need of completion after the September 6, 2019 deadline; and

WHEREAS, Change Order No. 1 and various quantity increases and decreases, resulted in a net decrease of \$51,523.00 in contract costs; and

WHEREAS, final construction costs were in the amount of \$230,442.00; and

WHEREAS, the Department of Intergovernmental Affairs, by memorandum dated December 18, 2019, concurs with the recommendation of final acceptance of this project; and

WHEREAS, the Office of the Town Attorney and the Office of the Comptroller, by memoranda dated December 3, 2019 and December 2, 2019, respectively, stated that there are no legal obstacles or financial encumbrances of record that would necessitate the withholding of final acceptance of this Contract,

NOW THEREFORE IT BE RESOLVED, That upon the recommendation as hereinabove set forth, Change Order No. 1 to Contract No. DP18-181 is hereby approved, and be it further

RESOLVED, That upon the recommendations as hereinabove set forth, Contract No. DP18-181 is accepted as being complete, at a final construction cost of \$230,442.00, and an extension of time for completion be ratified to September 21, 2019, and be it further

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

RESOLVED, That the Comptroller is hereby authorized and directed to make final payment for same, in accordance with the applicable terms and provisions of this Contract, after the customary review of the engineer's certificate, upon presentation of a duly certified claim, after audit. *

-#-

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

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

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 6, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: EXTENSION OF TIME, QUANTITY DECREASE NO.1, ACCEPTANCE & FINAL PAYMENT
INSTALLATION OF SIDEWALK AT THEODORE ROOSEVELT ELEMENTARY SCHOOL
LOCATED IN OYSTER BAY, NY
CONTRACT NO. DP18-181

Attached is a copy of a letter dated December 30, 2019 from H2M Architects & Engineers recommending an extension of time be granted to The LandTek Group, Inc. for 15 calendar days.

Attached is a letter, with backup, from H2M Architects & Engineers dated October 22, 2019, concerning a decrease in quantities with a total net decrease in the amount of \$51,523.00. The change in quantities are explained by the consultant in this correspondence and further described as per the attached tabulation Notification No. 1.

Therefore, it is hereby requested that the Town Board authorize, by resolution, the above-described Notification No.1 for a total net decrease in the amount of \$51,523.00 relative to the Construction Phase of Contract No. DP18-181.


Also attached herewith are:

1. A letter dated October 22, 2019 from H2M Architects & Engineers and recommending final acceptance by the Town of Oyster Bay.
2. The consultant's final engineer's certificate dated 12/23/2019.
3. A statement from the Town Attorney's office indicating that there are no legal hindrances.
4. A statement from the Town Comptroller indicating that there are no financial hindrances which would delay the acceptance of this contract.
5. A statement from the Department of Intergovernmental Affairs concurs with final acceptance.

Work under this contract was directed to proceed as of August 8, 2019. The contract was to be completed within 30 calendar days on September 6, 2019 with the completion of actual work on September 21, 2019.

Final construction costs amount to \$230,442.00.

Therefore, we request the Town Board authorize, by resolution, the above-mentioned Notification No. 1 Decrease in Quantity, a 15 calendar day extension of time, and we hereby concur with H2M Architects & Engineers that this project be accepted as being completed and that all final payments be made to the contractor after the customary review of the engineer's certificate and claim by the Comptroller.


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

RWL/JCT/MR/BK/ik

Attachments

cc: Town Attorney (w/9 copies)
Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services
Frank Sammartano, Commissioner/IGA
Kathy Stefanich, Administration/DPW

DP18-181 Docket Final Acceptance -- QDecrease & Ext. of Time



architects + engineers

538 Broad Hollow Road | 4th Floor East
Melville, NY 11747

tel 631.756.8000

fax 631.694.4122

December 30, 2019

Mr. Brian Kunzig
Town of Oyster Bay
150 Miller Place
Syosset, New York 11791

**Re: Town of Oyster Bay
Installation of Sidewalk at Theodore Roosevelt Elementary School
Contract No. DP18-181
Bid No. PW28-19
H2M Project No.: TOBY1901**

Dear Mr. Kunzig:

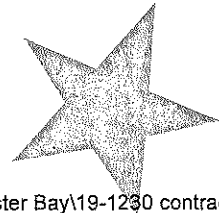
The original contract completion date for this project was September 6, 2019. All work was substantially complete prior to that date. However, there were several missed minor items that were identified after September 6, which required the contractor to perform work after their original completion date. This work included the repair of asphalt pavement and a broken irrigation line. As a result, we are requesting that the contract completion date be extended by 15 days to September 21, 2019.

If you have any questions concerning this matter, please contact the undersigned at 631-756-8000 ext. 1312.

Very truly yours,

H2M architects + engineers

Matthew R. Mohlin, P.E.
Assistant Vice President
Department Manager-Civil Engineering



X:\TOBY (Town of Oyster Bay) - 10731\TOBY1901 (Larrabee Avenue Sidewalk)\00-Correspondence\Oyster Bay\19-1230 contract extension.doc



architects + engineers

538 Broad Hollow Road | 4th Floor East
Melville, NY 11747

tel: 631.756.8000
fax: 631.694.4122

October 22, 2019

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

**Re: Town of Oyster Bay
Installation of Sidewalk at Theodore Roosevelt Elementary School
Contract No. DP18-181
Bid No. PW28-19
H2M Project No.: TOBY1901**

Dear Commissioner Lenz:

We are writing to provide our recommendations for a modification to the contract for the Sidewalk Installation at Theodore Roosevelt Elementary School. The project was established as a unit price contract. During construction, the quantities for several items needed to be modified due to encountered field conditions. Additionally, the required pavement markings were eliminated from the contract and will be completed by Town forces.

In summary, we are recommending an overall decrease in the contract value for The Landtek Group in the amount of \$51,523.00 to account for adjustments made in the field to several contract quantities. Please see Notification No. 1 that outlines these changes.

At this time, all work, including punch list items, has been completed and we recommend final acceptance of the project.

If there are any questions concerning our recommendations or any aspect of the project, please contact the undersigned at 631-756-8000 ext. 1312.

Very truly yours,

H2M architects + engineers

Matthew R. Mohlin, P.E.
Assistant Vice President
Department Manager-Civil Engineering

Enclosure-Notification No. 1

X:\TOBY (Town of Oyster Bay) - 10731\TOBY1901 (Larrabee Avenue Sidewalk)\00-Correspondence\Oyster Bay\19-1022 quantity adjustment.doc





architects + engineers

538 Broad Hollow Road | 4th Floor East
Melville, NY 11747

tel 631.756.8000
fax 631.694.4122

Contract Number: DP18-181
QUANTITY INCREASES / DECREASES
NOTIFICATION NUMBER: 1
Dated: 22 October 2019

Contractor: The Landtek Group, Inc.
Item No.: As Listed Below

Authorized Change: QUANTITY INCREASES AND DECREASES

Reason: Site conditions warranted a change in several quantities. The Town also elected to complete portions of the work with their own forces.

DECREASES (CREDITS)

ITEM 2	UNCLASSIFIED EXCAVATION	
	Decrease Estimated Quantity from 100 CY to 78 CY	
	Decrease in cost of 22 CY @ Unit Price Bid of \$50.00	\$1,100.00
ITEM 4D	ASPHALT CONCRETE SAWCUT	
	Decrease Estimated Quantity from 160 LF to 24 LF	
	Decrease in cost of 136 LF @ Unit Price Bid of \$4.00	\$544.00
ITEM 5S	SELECT BORROW FILL	
	Decrease Estimated Quantity from 120 CY to 54 CY	
	Decrease in cost of 66 CY @ Unit Price Bid of \$50.00	\$3,300.00
ITEM 16	CHANGING ELEVATION OF MANHOLES AND CATCH BASINS	
	Decrease Estimated Quantity from 1 Each to 0 Each	
	Decrease in cost of 1 Each @ Unit Price Bid of \$700.00	\$700.00
ITEM 26CG	INTEGRAL CEMENT CONCRETE CURB AND GUTTER	
	Decrease Estimated Quantity from 100 LF to 66 LF	
	Decrease in cost of 34 LF @ Unit Price Bid of \$125.00	\$4,250.00
ITEM 36-2A	ASPHALT CONCRETE PAVEMENT (VARIOUS THICKNESSES)	
	Decrease Estimated Quantity from 12 Tons to 1 Tons	
	Decrease in cost of 11 Tons @ Unit Price Bid of \$300.00	\$3,300.00
ITEM 98	WORK ZONE TRAFFIC CONTROL	
	Decrease Estimated Quantity from 60 Days to 21 Days	
	Decrease in cost of 39 Days @ Unit Price Bid of \$1,150.00	\$44,850.00
ITEM 366	PAVEMENT MARKINGS	
	Decrease Estimated Quantity from 400 LF to 0 LF	
	Decrease in cost of 400 LF @ Unit Price Bid of \$10.00	\$4,000.00



ITEM 398	DENSE GRADED AGGREGATE BASE COURSE	
	Decrease Estimated Quantity from 5 CY to 0.67 CY	
	Decrease in cost of 4.33 CY @ Unit Price Bid of \$75.00	\$325
ITEM 607	DETECTABLE WARNING SURFACE	
	Decrease Estimated Quantity from 50 SF to 48 SF	
	Decrease in cost of 2 SF @ Unit Price Bid of \$50.00	\$100.00
ITEM 901	HAND PNEUMATIC EXCAVATION	
	Decrease Estimated Quantity from 1000 to 650 SF	
	Decrease in cost of 350 SF @ Unit Price Bid of \$20.00	\$7,000.00
ITEM 902	TREE ROOT PINNING	
	Decrease Estimated Quantity from 50 Each to 0 Each	
	Decrease in cost of 50 Each @ Unit Price Bid of \$150.00	\$7,500.00
ITEM 903	TREE ROOT ZONE TREATMENT-VERTICAL MULCHING AERATION	
	Decrease Estimated Quantity from 100 SY to 0 SY	
	Decrease in cost of 100 SY @ Unit Price Bid of \$270.00	\$27,000.00

INCREASES

ITEM 17A-1	RETAINING WALLS (CLASS A) 0'-6" HIGH	
	Increase Estimated Quantity from 2 CY to 8 CY	
	Increase in cost of 6 CY @ Unit Price Bid of \$2,000.00	\$12,000.00
ITEM 27	CEMENT CONCRETE SIDEWALK, RAMPS & SLABS (5" THICK)	
	Increase Estimated Quantity from 4,400 SF to 5,923 SF	
	Increase in cost of 1,523 SF @ Unit Price Bid of \$21.00	\$31,983.00
ITEM 28C	REINFORCED CEMENT CONCRETE DRIVEWAYS, APRONS & SLABS (7" THICK)	
	Increase Estimated Quantity from 675 SF to 827 SF	
	Increase in cost of 152 SF @ Unit Price Bid of \$26.00	\$3,952.00
ITEM 76	TOPSOIL & SEEDING	
	Increase Estimated Quantity from 475 SY to 798 SY	
	Increase in cost of 323 SY @ Unit Price Bid of \$12.00	\$3,876.00
ITEM 601	FURNISH AND INSTALL WIRE MESH REINFORCEMENT (6"X6"-W2.9XW2.9)	
	Increase Estimated Quantity from 700 SF to 827 SF	
	Increase in cost of 127 SF @ Unit Price Bid of \$5.00	\$635.00



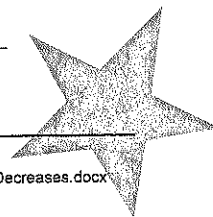
AUTHORIZED CHANGE: QUANTITY INCREASES AND DECREASES

PROJECT SUMMARY

Bid Amount:	\$281,965.00
Reserve Amount:	\$0.00
Sub-Total:	\$281,965.00
Notification No. 1: (TBR Pending)	\$(51,523.00) – credit
Authorized Change Orders: (TBR Pending)	\$0.00
Final Construction Cost:	\$230,442.00

Recommended By: Matthew Mohlin, P.E.

Signed: _____



Application for Payment

AIA DOCUMENT G732

OWNER: Town of Oyster Bay PROJECT: Theodore Roosevelt Elementary School

APPLICATION NO: 1
PERIOD TO: 9/30/2019

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

Architect: H2M Group
538 Broadhollow Road
Melville, NY 11747

SED #: 37-670
CONTRACT DATE: 12/28/21
LANDTEK JOB NO. OYST01
LANDTEK CUSTOMER NO.

Distribution to:
x OWNER
x ARCHITECT
x CONTRACTOR
x CON. MGR

FOR: Installation of Curbs and Sidewalks

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

1. ORIGINAL CONTRACT SUM \$281,965.00

2. Net Change by Change Orders (\$51,523.00)

3. CONTRACT SUM TO DATE (Line 1 + 2) \$230,442.00

4. TOTAL COMPLETED & STORED TO DATE \$230,442.00

5. RETAINAGE: \$0.00

a. 0% of Completed Work (Column D/E on G703) \$0.00

b. % of Stored Material (Column F on G703) \$0.00

Total Retainage (Line 5a + 5b) \$0.00

6. TOTAL EARNED LESS RETAINAGE \$230,442.00
(Line 4 Less Line 5 Total)

7. LESS PREVIOUS CERTIFICATES FOR PAYMENT \$0.00
(Line 6 From Prior Certificate)

8. CURRENT PAYMENT DUE \$230,442.00

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

CHANGE ORDER STATUS	ADDITIONS	DELETIONS
Total changes approved in previous months by Owners	\$0.00	\$0.00
Total approved this Month	\$0.00	\$51,523.00
TOTALS	\$0.00	\$51,523.00
NET CHANGE by Change Order		-\$51,523.00

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

CONTRACTOR: The LandTek Group, Inc.
By: *Christine Whaler*

State of New York
County of Suffolk
Subscribed and sworn to before me this 23rd day of December 2019

NOTARY PUBLIC-STATE OF NEW YORK
No. 01PE6215464
Qualified in Suffolk County
My Commission Expires 12/28/21

Notary Public:

My Commission Expires:

CERTIFICATE FOR PAYMENT

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

(Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform with the amount certified.)

CONSTRUCTION MANAGER:

By: *[Signature]* Date: 12-23-19
(NOTE: If Multiple Prime Contractors are responsible for performing portions of this Project, the Architect's Certification is not required.)

ARCHITECT

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

B.K.

TOWN OF OYSTER BAY
Supplemental
Inter-Departmental Memo

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

FROM: RAYMOND J. AVERNA
DEPUTY TOWN ATTORNEY

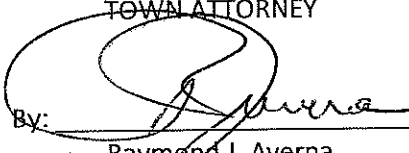
DATE: December 3, 2019

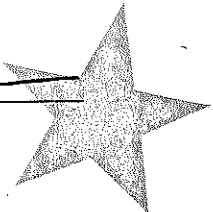
SUBJECT: FINAL ACCEPTANCE
INSTALLATION OF SIDEWALK AT THEODORE ROOSEVELT ELEMENTARY SCHOOL
LOCATED IN OYSTER BAY
CONTRACT NO. DP18-181 / THE LANDTEK GROUP, INC.

In reply to your memorandum of November 20, 2019, please be advised that the records of this office disclose no pending litigation or other obstacles which would prevent the final acceptance of the above-referenced project.

In addition, we have reviewed Maintenance Bond No. BCY1073606 and have approved same as to form. The original Maintenance Bond was forwarded to the Town Clerk.

JOSEPH NOCELLA, ESQ.
TOWN ATTORNEY

By: 
Raymond J. Averna
Deputy Town Attorney



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

Town of Oyster Bay
Inter-Departmental Memorandum

TO: Richard W. Lenz, P.E., Commissioner
Department of Public Works/Highway

ATTENTION: John C. Tassone, Deputy Commissioner
Engineering Division

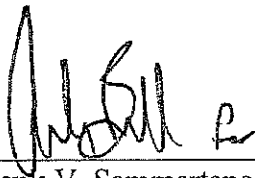
FROM: Frank V. Sammartano, Commissioner
Intergovernmental Affairs

DATE: December 18, 2019

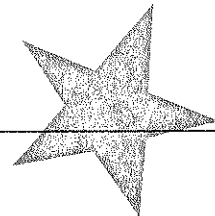
SUBJECT: Final Acceptance Contract No. DP 18-181

Please be advised that this department has reviewed the Inter-Departmental Memo, dated November 20, 2019, in regard to Final Acceptance of the Installation of a Sidewalk at Theodore Roosevelt Elementary School located in Oyster Bay, Contract No. DP18-181.

The Department of Intergovernmental Affairs concurs with the recommendation of the above noted project.



Frank V. Sammartano
Commissioner



FVS/PA
cc: Colin Bell, Deputy Commissioner, IGA

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516

TOWN OF OYSTER BAY
Inter-Departmental Memo

DECEMBER 2, 2019

TO: RICHARD W. LENZ, COMMISSIONER OF PUBLIC WORKS/HIGHWAY
FROM: STEVEN C. BALLAS, COMPTROLLER
SUBJECT: FINAL ACCEPTANCE – INSTALLATION OF SIDEWALK AT THEODORE ROOSEVELT ELEMENTARY SCHOOL, LOCATED IN OYSTER BAY – CONTRACT NO DP18-181

In response to your memo dated November 20, 2019, copy enclosed, please be advised that there are no financial hindrances that would delay the acceptance of this contract.


STEVEN C. BALLAS
COMPTROLLER

Enclosure

SCB/jjb:mj

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

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 6, 2020, requested Town Board authorization to conduct the Town of Oyster Bay Full Day/Half Day Summer Recreation Program for the 2020 calendar year, and recommended the following fee schedule:

	<u>Town Resident</u>	<u>Non-Resident Child with Town Resident Caregiver</u>
Full Day:		
One child	\$560.00	\$610.00
Each additional child (same family)	\$460.00	\$510.00
Half Day:		
One child	\$400.00	\$450.00
Each additional child (same family)	\$300.00	\$350.00

WHEREAS, it is further requested all fees received be deposited into Account No. PKS A 0001 02001 510 0000, with the exception of \$95,000.00, which shall be deposited in Account No. TWN TA 0000 0085 444 0000 Special Events, for the purpose of paying for costs of the program, including, but not limited to: the rental of a portable bathroom trailer for Allen Park, the purchase of T-shirts for the campers and staff, arts and crafts supplies and sports equipment, and the cost of field trips,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Town Board hereby authorizes the Department of Parks to conduct the Town of Oyster Bay Full Day/Half Day Summer Recreation Program for the 2020 calendar year for the abovementioned fees, said fees collected to be deposited in Account No. PKS A 0001 02001 510 0000, with the aforementioned fees remaining unchanged unless and until amended or modified by the Town Board; and be it further

RESOLVED, That \$95,000.00 of the total amount collected shall be deposited in Account No. TWN TA 0000 0085 444 0000 Special Events, for the purpose of paying for costs of the program, including, but not limited to: the rental of a portable bathroom trailer for Allen Park, the purchase of T-shirts for the campers and staff, arts and crafts supplies and sports equipment, and the cost of field trips.

-#-

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

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

Reviewed By
Office of Town Attorney

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Town of Oyster Bay

Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner
Department of Parks

DATE: January 6, 2020

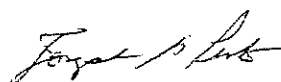
SUBJECT: 2020 Summer Recreation Program

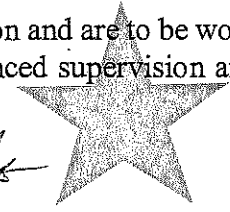
The Department of Parks, Division of Recreation, respectfully requests Town Board authorization to conduct the Town of Oyster Bay Full Day/Half Day Summer Recreation Program for the 2020 calendar year, and recommends the following fee schedule:

	<u>Town Resident</u>	<u>Non-Resident Child with Town Resident Caregiver</u>
Full Day:		
One child	\$560.00	\$610.00
Each additional child (same family)	\$460.00	\$510.00
Half Day:		
One child	\$400.00	\$450.00
Each additional child (same family)	\$300.00	\$350.00

All fees received will be deposited into Account No. PKS A 0001 02001 510 0000, with the exception of \$95,000, which will be deposited into Account No. TWN TA 0000 0085 444 0000 Special Events, for the purpose of paying for the costs of the program, including, but not limited to: the rental of a portable bathroom trailer for Allen Park; the purchase of T-shirts for the campers and staff, arts and crafts supplies, and sports equipment; and the cost of field trips. The fees shall remain unchanged unless and until they are amended by the Town Board upon recommendation of the Commissioner of the Department of Parks.

The T-shirts are to be distributed to each child at the time of registration and are to be worn on all off-site field trips as a means to better identify the campers for enhanced supervision and safety purposes.


Joseph G. Pinto
Commissioner

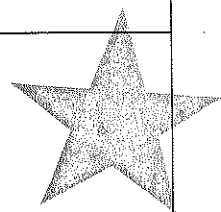


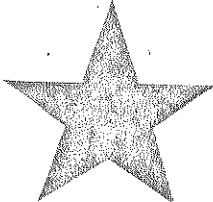
JGP:JMD

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

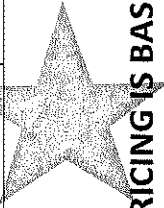
SUMMER RECREATION PROGRAM FEES ACROSS LONG ISLAND

MUNICIPALITY	PHONE #	TYPE	HOURS	# OF WEEKS	TOTAL PRICE
TOWN OF ISLIP	631-595-3998	Full Day	9AM-2PM	6-8weeks	<u>Payments are in increments of 2 weeks!</u>
			8:15AM-5:45PM (locations without pools)		<u>9AM-2PM</u> \$1,600.00 per child
			Pool Camp 8:15AM-5:45PM		<u>8:15PM-5:45PM</u> – locations without pool \$2200.00 per child
					<u>Pool Camp</u> \$3520.00 per child
					** They will be doing an early bird discount this year if signed up by a certain date**



TOWN OF HUNTINGTON	631-351-3089	Offers over little 25 camps Adventure camp is their biggest camp (info based off of this camp)	9AM-2PM	(ONE) 3 week session (TWO) 2 week session	Around \$650 per child Around \$500 per session per child Allows non- residents in program, after resident priority registration
MUNICIPALITY	PHONE #	TYPE	HOURS	# OF WEEKS	TOTAL PRICE
TOWN OF BROOKHAVEN 	6321-451-8696	FULL DAY	Early Drop off between 7am- 8am Regular Camp hours: 8am-4pm Late Pick up between 4pm- 5pm	8 weeks	\$136.00 per child \$1,115 per child if paid in full by early deadline date \$30 per child per week for early drop off \$30 per child per week for late pick up NO REFUNDS

TOWN OF RIVERHEAD	631-722-4444	Full Day	8:45AM-4PM	5-7 weeks	\$1120.00 per child
City of Glen	516-676-3766	Full Day	8:30AM-2PM	5 weeks	\$515 -
MUNICIPALITY	PHONE #	TYPE	HOURS	# OF WEEKS	TOTAL PRICE
TOWN OF EAST HAMPTON	631-324-2417	Half Day/ Full Day	Half Day N/A Full Day 9AM-4PM	8-9 weeks	Half Day- \$765.00 per child Full Day- \$1530.00 per child
CITY OF GLEN COVE	516-676-3766	Full Day	8:30AM-2PM	5 weeks	\$515.00
City of Long Beach	516-431-3890	2 Half Days	AM/PM, times N/A	About 8 weeks	\$500 per session



**** PRICING IS BASED OFF OF SUMMER 2019, most camps do not know at this point if there will be an increase for 2020****

Meeting of January 28, 2020

Resolution No. 61-2020

WHEREAS, Joseph G. Pinto, Commissioner of the Department of Parks, by memorandum dated January 8, 2020, requested Town Board authorization for the Department of Parks to conduct the New York Rangers "Try Hockey for Free" program at the Town of Oyster Bay Ice Skating Center, at Bethpage Community Park, Bethpage, on Saturday, February 15, 2020, subject to the following terms and conditions:

All spectators attending the event shall be admitted free of charge on the day of the event;

Event-related expenses, including, but not limited to, signage, branded merchandise, trophies, t-shirts and promotional advertising (such as print, radio and television and internet), shall not exceed a total amount of \$1,000.00, and shall be paid with funds drawn from Account No. PKS A 7110 47670 000 0000, through the Town Purchasing Division; and

In accordance with the Town of Oyster Bay Procurement Policy, any further event-related expenses not listed that the Commissioner of the Department of Parks, or his designee, deem appropriate and which shall not exceed a total amount of \$1,000.00., shall be paid with funds drawn from Account No. PKS A 7110 47670 000 0000, and shall be subject to the Town of Oyster Bay Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the above-stated request is hereby accepted and approved, and the Department of Parks is hereby authorized to conduct the New York Rangers "Try Hockey for Free" program at the Town of Oyster Bay Ice Skating Center, at Bethpage Community Park, Bethpage, on Saturday, February 15, 2020, subject to the aforementioned terms and conditions, and be it further

RESOLVED, That the Town Comptroller is hereby authorized and directed to make payment, for said event-related expenses, 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
Ralph P. DeLoach

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TOWN OF OYSTER BAY

Inter-Department Memo

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: JANUARY 8, 2020

SUBJECT: TOWN OF OYSTER BAY - NEW YORK RANGERS "TRY HOCKEY FOR FREE"

The Department of Parks requests Town Board approval for the New York Rangers to conduct the New York Rangers "Try Hockey for Free" program at the Town of Oyster Ice Skating Center at Bethpage Community Park on Saturday, February 15, 2020.

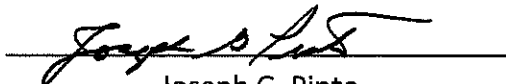
The program provides a free introduction to ice hockey for children ages 12 and under performed by coaches and Alumni provided by the New York Rangers.

All participants attending the event shall be admitted free of charge.

Event related expenses including but not be limited to signage, branded merchandise, trophies, t-shirts, promotional advertising, such as print, radio, television and internet shall not exceed the total amount of \$1,000.00 and are to be paid from Account No. PKS A 7110 47670 000 0000, through the Town Purchasing Division.

Any further event expenses (in accordance with the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of Parks or his designee and shall not exceed the total amount of \$1,000.00 and are to be paid from Account No. PKS A 7110 47670 000 0000 and will be subject to the Town Procurement Policy

Pursuant to the aforementioned, the Department of Parks recommends Town Board approval.



Joseph G. Pinto
Commissioner of Parks

JGP;ew

Cc: Town Attorney (+ 9 copies)

WHEREAS, Joseph Pinto, Commissioner, Department of Parks, by memorandum dated January 9, 2020, requested Town Board approval to conduct the Town of Oyster Bay All-Star Hockey Invitational, in cooperation with the High School Hockey League of Nassau County; and

WHEREAS, the event shall be conducted under the following guidelines:

1. Date: Saturday, March 7, 2020;
2. Place: Bethpage Community Park;
3. All participants and spectators attending the event shall be admitted free of charge;
4. Event-related expenses, including, but not limited to, signage, trophies, jerseys and promotional advertising such as print, radio, television and internet shall not exceed the total amount of \$3,000.00, and shall be paid from Account No. PKS A 7110 47670 000 0000 through the Town Purchasing Division;
5. Any further event expenses (in accordance with the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of the Department of Parks, or his designee, shall not exceed the total amount of \$1,000.00, shall be paid from Account No. PKS A 7110 47670 000 0000, and shall be subject to the Town of Oyster Bay Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the request as set forth hereinabove is hereby accepted and approved in accordance with the above-stated guidelines, and the Department of Parks and Recreation is authorized to conduct the Town of Oyster Bay All-Star Hockey Invitational, in cooperation with the High School Hockey League of Nassau County.

-#-

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]

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TOWN OF OYSTER BAY Inter-Department Memo

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: JANUARY 9, 2020

SUBJECT: TOWN OF OYSTER BAY ALL-STAR ICE HOCKEY INVITATIONAL

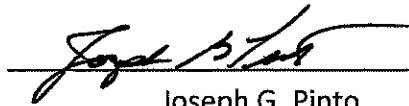
The Department of Parks requests Town Board approval to conduct the Town of Oyster Bay All-Star Ice Hockey Invitational in cooperation with the High School Hockey League of Nassau County to be held at the Town of Oyster Bay Ice Skating Center at Bethpage Community Park on Saturday, March 7, 2020.

All participants and spectators attending the event shall be admitted free of charge.

Event related expenses including but not be limited to signage, trophies, jerseys, promotional advertising, such as print, radio, television and internet shall not exceed the total amount of \$3,000.00 and are to be paid from Account No. PKS A 7110 47670 000 0000, through the Town Purchasing Division.

Any further event expenses (in accordance with the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of Parks or his designee and shall not exceed the total amount of \$1,000.00 and are to be paid from Account No. PKS A 7110 47670 000 0000 and will be subject to the Town Procurement Policy

Pursuant to the aforementioned, the Department of Parks recommends Town Board approval



Joseph G. Pinto
Commissioner of Parks

JGP;ew

Cc: Town Attorney (+ 9 copies)

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 10, 2020, requested Town Board approval to conduct the Town of Oyster Bay Waterfront Festival and Marine Expo, to be held at TOBAY Marina, Saturday, September 12, 2020, from 12:00 pm to 4:00 pm, with a rain date set for September 13, 2020, or as otherwise determined by the Department of Parks, as well as Town Board approval to accept registration fees for said event, along with sponsor fees, vendor fees, exhibitor fees, mobile food concession fees and commemorative merchandise revenue; and

WHEREAS, Commissioner Pinto, by said memorandum, requested that spectators attending the event be admitted free of charge, and that food and beverage be available to the public for purchase, to be provided by the then-current (as of the date of such event) Town Concessionaire at TOBAY Marina or by an alternate food and beverage provider(s), as determined by the Commissioner of the Department of Parks, or his designee and pursuant to the Town's procurement policy; and

WHEREAS, Commissioner Pinto, by said memorandum, further requested authorization to incorporate the use of mobile food concession(s), in lieu of the then-current Town Food and Beverage Concessionaire(s), and requested a waiver of the provisions of Chapter 173 of the Code of the Town of Oyster Bay - Peddlers, provided that all mobile food concession merchants shall be in compliance with the provisions of the New York State Sanitary Code and shall possess any and all necessary, valid and current, insurance, permissions and permits required by the Nassau County Department of Health, and also requested authorization to charge each such participating mobile food concessions a fee not to exceed \$250.00 per event, with all such fees to be deposited in Town of Oyster Bay General Fund Account No. TWN A 0001 02770 590 0000; and

WHEREAS, Commissioner Pinto, by said memorandum, further requested approval for event entertainment to be provided by the Department of Parks, the Town Concessionaire at TOBAY Marina and/or the participating sponsor(s) of that event, with the talent selection to be approved by the Commissioner of the Department of Parks or his designee, with the entertainment fees to be satisfied solely by or in conjunction with the Department of Parks, the then-current Town Concessionaire(s) at TOBAY Marina and/or the participating sponsor(s) of that event, and shall not exceed a total amount of \$5,000.00 for such event, with any partial or whole fees billed to the Town by the entertainment group to be drawn from Account No. PKS A 7110 47670 000 0000 in accordance with Guideline 5, Section b of the Town Procurement Policy; and

WHEREAS, Commissioner Pinto, by said memorandum, further requested approval to accept the addition of sponsors, vendors and/or exhibitors to specific events, at a fee, not to exceed \$5,000.00 per sponsor and up to \$500.00 per vendor or exhibitor, to be collected by the Department of Parks, with in-kind sponsors, vendors and/or exhibitors being accepted based

Reviewed By
Office of Town Attorney

on their commitment of service and/or promotional value provided to the event, to be determined by the Commissioner of the Department of Parks or his designee; and

WHEREAS, Commissioner Pinto, by said memorandum, confirmed that all such sponsors, vendors and exhibitors shall be a legal, accredited business in good standing with the State of New York and will be required to provide such documentation upon request, including, but not limited to, current certificates of insurance naming the Town of Oyster Bay as an additional insured, and all sponsor, vendor and/or exhibitor monies collected for such event shall be deposited in the Town of Oyster Bay General Fund Account No. TWN A 0001 02770 590 0000; and

WHEREAS, Commissioner Pinto, by said memorandum, also confirmed that the Town of Oyster Bay and the Department of Parks reserves the right to refuse any sponsor, vendor and exhibitor, for any reason that it deems does not properly serve said event and/or the public in attendance; and

WHEREAS, event expenses including, but not limited to, signage, branded merchandise, trophies, promotional advertising, such as print, radio, television, internet and computerized pre-recorded messaging, shall not exceed the total amount of \$3,500.00, and shall be paid from the Account No. PKS A 7110 47670 000 0000, and any further event expenses (pursuant to the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of the Department of Parks or his designee shall not exceed the total amount of \$1,500.00, and shall be paid from Account No. PKS A 7110 47670 000 0000; and

WHEREAS, the Town Board deems these events to be an appropriate and worthwhile endeavor, and has determined that the approval of this request will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the requests as set forth hereinabove are hereby accepted and approved, and the Department of Parks is hereby authorized to conduct the Town of Oyster Bay Waterfront Fest and Marine Expo to be held at TOBAY Marina, on Saturday, September 12, 2020, from 12:00 pm to 4:00 pm, with a rain date set for Sunday, September 13, 2020, or as otherwise determined by the Department of Parks, upon the terms as requested by Commissioner Pinto and as set forth hereinabove.

#

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

6

TOWN OF OYSTER BAY

Inter-Department Memo

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: JANUARY 10, 2020

SUBJECT: TOWN OF OYSTER BAY WATERFRONT FESTIVAL AND MARINE EXPO

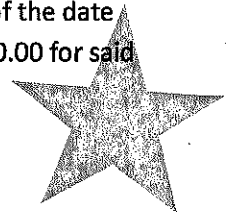
The Department of Parks requests Town Board approval to conduct the Town of Oyster Bay Waterfront Festival and Marine Expo, to be held at Tobay Marina, Saturday, September 12, 2020 with a rain date set for September 13, 2020 from 12pm to 4pm. Dates and/or times may change as determined by this department.

All spectators attending the event shall be admitted free of charge.

Food and beverage shall be available to the public for purchase. The Department of Parks reserves the right to utilize the current Town concessionaire(s) at Tobay (as of the date of the said event) and reserves the right to select alternate food and beverage provider(s), as determined by the Commissioner of Parks or his designee and pursuant to the Town's procurement policy.

The Commissioner of Parks or his designee may incorporate the use of mobile food concession(s), in lieu of the current Town Food and Beverage concessionaire(s), at specific events. The Department of Parks requests that the Town Board waive the provisions of Chapter 173 of the Code of the Town of Oyster Bay - Peddlers, provided that all mobile food concession merchants shall be in compliance with the provisions of the New York State Sanitary Code and shall possess any and all necessary insurance, permissions and permits required by the Nassau County Department of Health, said insurance, permissions and permits to be valid and current. Each mobile food concession shall be charged a fee (per event) not to exceed \$250.00. All fees collected for each event shall be deposited in the Town of Oyster Bay General Fund Account No. TWN A 0001 02770 590 0000.

Event entertainment shall be provided by the Department of Parks, the Town concessionaire(s) at Tobay (as of the date of each event) and/or participating sponsor(s). Talent selection shall be approved by Commissioner of Parks or his designee. Entertainment fees shall be satisfied solely by or in conjunction with the Town of Oyster Bay Department of Parks, the Town concessionaire(s) at Tobay (as of the date of said event) and/or a participating sponsor and shall not exceed the total amount of \$5,000.00 for said



event. Any partial or whole fees billed to the Town by the entertainment group shall be drawn from Account No. PKS A 7110 47670 000 0000 in accordance with Guideline 5, section b of the Town Procurement Policy.

The Department of Parks is seeking Town Board approval to accept the addition of sponsors, vendors and/or exhibitors to specific events, at a fee, not to exceed \$5,000.00 per sponsor and up to \$500.00 per vendor or exhibitor, to be collected by this department. In-kind Sponsors, vendors and/or exhibitors may also be accepted based on their commitment of service and/or promotional value provided to a specific event, to be determined by the Commissioner of Parks or his designee.

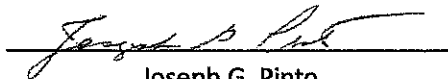
All sponsors, vendors and/or exhibitors must be legal, accredited businesses in good standing within the State of New York and will be required to provide such documentation upon request including but not limited to current certificate of insurance naming the Town of Oyster Bay as an additional insured. All sponsor, vendor and/or exhibitor monies collected for each event shall be deposited in the Town of Oyster Bay General Fund Account No. TWN A 0001 02770 590 0000.

The Town of Oyster Bay and the Department of Parks reserves the right to refuse any sponsor, vendor and/or exhibitor, for any reason, that it deems does not properly serve said event and/or the public in attendance.

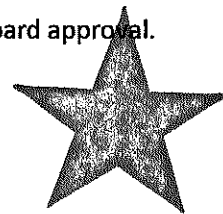
Event expenses including but not be limited to signage, branded merchandise, trophies, promotional advertising, such as print, radio, television, internet and computerized pre-recorded messaging shall not exceed the total amount of \$3,500.00 and are to be paid from Account No. PKS A 7110 47670 000 0000.

Any further event expenses (pursuant to the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of Parks or his designee, shall not exceed the total amount of \$1,500.00 and are to be paid from Account No. PKS A 7110 47670 000 0000.

Pursuant to the aforementioned, The Department of Parks recommends Town Board approval.



Joseph G. Pinto
Commissioner of Parks



JGP;ew

Cc: Town Attorney (+ 9 copies)

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 10, 2020, requested Town Board authorization for the Department of Parks to conduct the Town of Oyster Bay "Special Olympics Polar Plunge", in cooperation with Special Olympics, at TOBAY Beach, on Sunday, March 8, 2020, subject to the following terms and conditions:

All spectators attending the event shall be admitted free of charge on the day of the event;

Event-related expenses, including, but not limited to, signage, branded merchandise, trophies, t-shirts and promotional advertising (such as print, radio and television and internet), shall not exceed a total amount of \$1,000.00, and shall be paid with funds drawn from Account No. PKS A 7110 47670 000 0000, through the Town Purchasing Division; and

In accordance with the Town of Oyster Bay Procurement Policy, any further event-related expenses not listed that the Commissioner of the Department of Parks, or his designee, deem appropriate and which shall not exceed a total amount of \$1,000.00., shall be paid with funds drawn from Account No. PKS A 7110 47670 000 0000, and shall be subject to the Town of Oyster Bay Procurement Policy,

NOW, THEREFORE, BE IT RESOLVED, That the above-stated request is hereby accepted and approved, and the Department of Parks is hereby authorized to conduct the Town of Oyster Bay "Special Olympics Polar Plunge", in cooperation with Special Olympics, at TOBAY Beach, on Sunday, March 8, 2020, subject to the aforementioned terms and conditions, and be it further

RESOLVED, That the Town Comptroller is hereby authorized and directed to make payment, for said event-related expenses, 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

7/16/20
Reviewed By
Office of Town Attorney
Ralph P. Deady

7

TOWN OF OYSTER BAY Inter-Department Memo

TO: MEMORANDUM DOCKET
FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS
DATE: JANUARY 10, 2020
SUBJECT: TOWN OF OYSTER BAY SPECIAL OLYMPICS POLAR PLUNGE

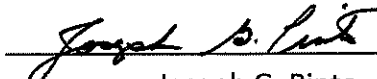
The Department of Parks requests Town Board approval to conduct the Town of Oyster Bay, Special Olympics "Polar Plunge" in cooperation with Special Olympics, at Tobay Beach, on Sunday, March 8, 2020.

All spectators attending the event shall be admitted free of charge.

Event related expenses including but not be limited to signage, branded merchandise, trophies, t-shirts, promotional advertising, such as print, radio, television and internet shall not exceed the total amount of \$1,000.00 and are to be paid from Account No. PKS A 7110 47670 000 0000, through the Town Purchasing Division.

Any further event expenses (in accordance with the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of Parks or his designee and shall not exceed the total amount of \$1,000.00 and are to be paid from Account No. PKS A 7110 47670 000 0000 and will be subject to the Town Procurement Policy

Pursuant to the aforementioned, the Department of Parks recommends Town Board approval.



Joseph G. Pinto
Commissioner of Parks

JGP;ew

Cc: Town Attorney (+ 9 copies)

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 10, 2020, requested Town Board approval to conduct two Town of Oyster Bay Car Show Long Island events, to be held at TOBAY Beach, on Saturday, April 25, 2020, from 11:00 am to 4:00 pm, with a rain date set for Sunday, April 26, 2020; and on Sunday, October 4, 2020, from 11:00 am to 4:00 pm, with a rain date set for Sunday, October 11, 2020, or as otherwise determined by the Department of Parks, as well as Town Board approval to accept registration fees for said event, along with sponsor fees, vendor fees, exhibitor fees, mobile food concession fees and commemorative merchandise revenue; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum requested that spectators attending each event be admitted to each event free of charge, and that food and beverage be available to the public for purchase, to be provided by the then-current Town Concessionaire at TOBAY Beach or by an alternate food and beverage provider(s), as determined by the Commissioner of the Department of Parks, or his designee, and pursuant to the Town's procurement policy; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum requested authorization to incorporate the use of mobile food concessions to provide food and beverage, in lieu of the then-current Town Food and Beverage Concessionaire, and requested a waiver of the provisions of Chapter 173 of the Code of the Town of Oyster Bay - Peddlers, provided that all mobile food concessions shall be in compliance with the provisions of the New York State Sanitary Code and shall possess any and all necessary, valid and current, insurance, permissions and permits required by the Nassau County Department of Health, and also requested authorization to charge each such participating mobile food concessions a fee not to exceed Two Hundred Fifty (\$250.00) Dollars per event; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum requested approval for event entertainment to be provided by the Department of Parks, the then-current Town Concessionaire at Tobay Beach and/or the Participating Sponsor(s) of that event, with the talent selection to be approved by the Commissioner of the Department of Parks or his designee, with the entertainment fees to be satisfied solely by or in conjunction with the Department of Parks, the then-current Town Concessionaire at Tobay Beach and/or the Participating Sponsor(s) of that event, and shall not exceed a total amount of \$4,000.00 for each such event, with any partial or whole fees billed to the Town by the entertainment group to be drawn from the Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000 in accordance with Guideline 5, Section b of the Town Procurement Policy; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum further requested approval to set a Fifteen (\$15) Dollar Registration Fee for all vehicles pre-registered

Reviewed By
Office of Town Attorney
Elizabeth A. Hughes

(20) per event, and each individual judge's fee not to exceed One Hundred Fifty (\$150.00) Dollars; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum further requested approval to produce commemorative merchandise highlighting the events to be sold by the Department at each event, such merchandise to be ordered in compliance with the Town's procurement policy, such merchandise to be available for public purchase at each event at a price to be determined by the Parks Department, which price shall not exceed Twenty (\$20.00) Dollars per item; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum further requested approval to hire an outside organization or company to arrange for insurance and transportation for specialty vehicles and/or show cars to appear in the either or both show to help promote and/or benefit the show, which cost of such service shall not exceed Five Hundred (\$500.00) Dollars per vehicle; and

WHEREAS, all monies collected from each event, including, but not limited to, vehicle Registration Fees, Sponsor Fees, Vendor Fees, Exhibitor Fees, mobile food concession fees and commemorative merchandise revenue shall be deposited in the Town of Oyster General Fund Account No. TWN A 0001 02770 590 0000. Upon event reconciliation, 35% of total monies received from the event shall be transferred to the Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000 to be used to develop and execute future events for the Town of Oyster Bay. Additionally, a working bank shall be established prior to each event to allow on site staff to facilitate the proper change for day-of registrants and/or merchandise sales.

WHEREAS, event expenses including, but not limited to, signage, branded merchandise, trophies, promotional advertising, such as print, radio, television, internet and computerized pre-recorded messaging, shall not exceed the total amount of Fourteen Thousand (\$14,000.00) Dollars, and shall be paid from the Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000. Any further event expenses (pursuant to the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of Parks or his designee shall not exceed the total amount of Two Thousand (\$2,000.00) Dollars, and shall be paid from the Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000; and

WHEREAS, the Town Board deems these events to be an appropriate and worthwhile endeavor, and has determined that the approval of this request will benefit the residents of the Town of Oyster Bay,

prior to the day of each event, and a Twenty-Five (\$25.00) Dollar Registration Fee for all vehicles registering on the day of each event; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum further requested approval to offer the following sponsorship levels with varying valuation amounts and promotional opportunities: Presenting Sponsor with a monetary valuation set by the Department, which value shall not exceed Five Thousand (\$5,000.00) Dollars, Event Sponsor with a monetary valuation set by the Department, which value shall not exceed Two Thousand Five Hundred (\$2,500.00) Dollars, Sponsor with a monetary valuation set by the Department, which value shall not exceed One Thousand (\$1,000.00) Dollars, In-Kind Sponsor based on their commitment of service and/or promotional value provided to the event, to be determined by the Commissioner of the Department of Parks or his designee; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum further requested approval to offer Vendors the opportunity to sell products directly to the public and to offer Exhibitors the opportunity to display product and distribute product related literature, each such Vendor or Exhibitor to be allotted a specific 10 foot x 15 foot area at the event as designated by the Department of Parks, and up to two 8 foot tables, one 6 foot table and one 10 foot x 10 foot tent, said tables and tents to be provided by each Vendor and Exhibitor, with a monetary valuation set by the Department, which value shall not exceed One Hundred Fifty (\$150.00) Dollars; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum confirmed that each such Sponsor, Vendor and Exhibitor shall be a legal, accredited business in good standing with the State of New York and will be required to provide such documentation upon request, including, but not limited to a then-current certificate of insurance naming the Town of Oyster Bay as an additional insured;

WHEREAS, Commissioner Pinto by the above-referenced memorandum also confirmed that the Town of Oyster Bay and the Department of Parks reserves the right to refuse any Sponsor, Vendor and Exhibitor, for any reason that it deems does not properly serve said event and/or the public in attendance; and

WHEREAS, Commissioner Pinto by the above-referenced memorandum, further requested Town Board approval to employ the services of a dedicated judging staff to adjudicate the aforesaid Town of Oyster Bay Car Show Long Island events, said judges to be recognized and selected by the Commissioner of Parks or his designee based on their expertise and knowledge of classic, antique and show cars, which is in accordance with Guideline 5, Section 6, of the Town's Procurement Policy, whereby the procurement of judges is exempt from the solicitation, written proposal and response requirements of the policy, with the number of judges not to exceed twenty

NOW, THEREFORE, BE IT RESOLVED, That the requests as set forth hereinabove are hereby accepted and approved, and the Department of Parks is hereby authorized to conduct two Town of Oyster Bay Car Show Long Island events to be held at TOBAY Beach, on Saturday, April 25, 2020, from 11:00 am to 4:00 pm, with a rain date set for Sunday, April 26, 2020; and on Sunday, October 4, 2020, from 11:00 am to 4:00 pm, with a rain date set for Sunday, October 11, 2020, or as otherwise determined by the Department, upon the terms as requested by Commissioner Pinto and as set forth hereinabove.

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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

8

TOWN OF OYSTER BAY Inter-Department Memo

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: JANUARY 10, 2020

SUBJECT: TOWN OF OYSTER BAY CAR SHOW LONG ISLAND 2020

The Department of Parks requests Town Board approval to conduct two Town of Oyster Bay Car Show Long Island events, to be held at Tobay Beach. The first show being Saturday, April 25, 2020, from 11:00am to 4:00pm with a rain date set for Sunday, April 26, 2020. The second show will be Sunday, October 4, 2020, from 11:00am to 4:00pm with a rain date set for Sunday, October 11, 2020. Dates and/or times may change as determined by this department.

There shall be a registration fee for all cars showing at the event. Fees will be set as follows:

\$15.00 for all cars pre-registered to the date of the event

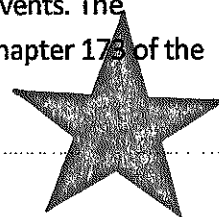
\$25.00 for all cars registering the day of the event

Show car owners shall be required to fill out a registration form to register their vehicle online or at a designated location within the Town of Oyster Bay prior to or on the date of the event.

All spectators attending the event shall be admitted free of charge.

Food and beverage shall be available to the public for purchase. The Department of Parks reserves the right to utilize the current Town concessionaire(s) at Tobay (as of the date of the each event) and/or reserves the right to select alternate food and beverage provider(s), as determined by the Commissioner of Parks or his designee and pursuant to the Town's procurement policy.

The Commissioner of Parks or his designee may incorporate the use of mobile food concession(s), in lieu of the current Town Food and Beverage concessionaire(s), at specific events. The Department of Parks requests that the Town Board waive the provisions of Chapter 173 of the



Code of the Town of Oyster Bay - Peddlers, provided that all mobile food concession merchants shall be in compliance with the provisions of the New York State Sanitary Code and shall possess any and all necessary insurance, permissions and permits required by the Nassau County Department of Health, said insurance, permissions and permits to be valid and current. Each mobile food concession shall be charged a fee (per event) not to exceed \$250.00. All fees collected for each event shall be deposited in the Town of Oyster Bay General Fund Account No. TWN A 0001 02770 590 0000.

Event entertainment shall be provided by the Department of Parks, the Town concessionaire(s) at Tobay (as of the date of each event) and/or participating sponsor(s). Talent selection shall be approved by Commissioner of Parks or his designee. Entertainment fees shall be satisfied solely by or in conjunction with the Town of Oyster Bay Department of Parks, the Town concessionaire(s) at Tobay (as of the date of each event) and/or a participating sponsor(s) and shall not exceed the total amount of \$4,000.00 for said event. Any partial or whole fees billed to the Town by the entertainment group shall be drawn from the Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000 in accordance with Guideline 5, section b of the Town Procurement Policy.

The Department of Parks is seeking Town Board approval to accept the addition of sponsors, vendors and exhibitors to said event, at a fee, to be collected by this department. Sponsors/vendor/exhibitor fees are as follows:

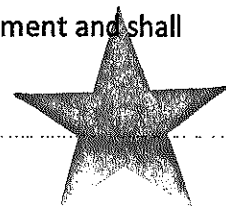
PRESENTING SPONSOR

Presenting sponsorship shall include the logo and/or wordmark in the title of the event and appear as such on all promotional impressions, including but not limited to printings, posters, banners, press releases, media promotion and/or advertising, mailings and commemorative merchandise. Presenting sponsors shall be entitled to a dedicated area at the event, designated by this department for any promotional displays, advertising and giveaways. Valuation of Presenting Sponsors shall be set by this department and shall not exceed \$5,000.

EVENT SPONSOR

Event sponsors shall be included on all promotional impressions by logo and/or wordmark, including but not limited to printings, posters, banners, press releases, mailings and commemorative merchandise.

Event sponsors shall be entitled to a dedicated area at the event, designated by this department, for any promotional displays, advertising and giveaways. Valuation of Event Sponsors shall be set by this department and shall



not exceed \$2,500.

SPONSOR

Sponsors shall be included in all mailings by logo and/or wordmark and shall be entitled to a dedicated area at the event, designated by this department, for any promotional displays, advertising and giveaways. Valuation of Sponsor shall be set by this department and shall not exceed \$1,000.

IN-KIND SPONSOR

In-kind sponsors shall be included in promotional material and may be entitled to a dedicated area at the event, designated by this department, based on their commitment of service and/or promotional value provided to the event, to be determined by the Commissioner of Parks or his designee.

VENDOR

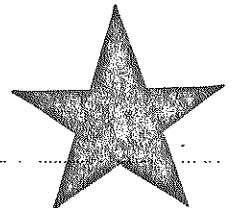
A vendor shall be allotted a 10' X 15' area at the event, designated by this department, and up to two 8ft tables, one 6ft table and one 10' X 10' tent to sell product directly to the spectators attending the event. Tables and tent shall be the responsibility of the vendor. Valuation of a Vendor shall be set by this department at \$150.

EXHIBITOR

An exhibitor shall be allotted a 10' X 15' area at the event, designated by this department, and up to two 8ft tables, one 6ft table and one 10' X 10' tent to display product and hand out product related literature directly to the spectators attending the event. Tables and tent shall be the responsibility of the exhibitor. Valuation of an Exhibitor shall be set by this department at \$150.

All sponsors/vendors/exhibitors must be legal, accredited businesses in good standing within the State of New York and will be required to provide such documentation upon request including but not limited to current certificate of insurance naming the Town of Oyster Bay as an additional insured.

The Town of Oyster Bay and the Department of Parks reserves the right to refuse any sponsor/vendor/exhibitor, for any reason, that it deems does not properly serve said event and/or the public in attendance.



The Department of Parks requests Town Board authorization to employ the services of a dedicated judging staff to adjudicate for the 2020 Car Show Long Island event at Tobay Beach on Saturday, April 25, 2020 with a rain date set for Sunday, April 26, 2020. The second show will be Sunday, October 4, 2020 with a rain date set for Sunday, October 11, 2020. Judges shall be recognized and chosen based on their expertise and knowledge of classic, antique and show cars and shall be selected at the discretion of the Commissioner of Parks or his designee with an individual fee not to exceed \$150, with the number of judges not to exceed 20 per event.

All judging service fees shall be funded by event registrant fees and shall be drawn from the Oyster Bay Car Show Trust Account No. TWN TA 0000 00085 438 0000.

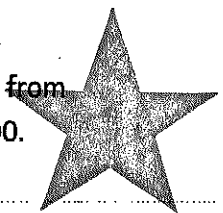
In accordance with Guideline 5, section b of the Town Procurement Policy, the judges are exempt from the solicitation, written proposal or requirements of the policy.

The Department of Parks is seeking Town Board approval to produce commemorative merchandise, highlighting the event, to be sold at the event by this department. Merchandise shall be ordered through the Town procurement policy. Merchandise will be available for public purchase at the event and will be set at a cost not to exceed \$20 per piece. Cost will be determined by this department.

The Department of Parks may hire an outside organization to arrange for insurance and transportation for specialty vehicles and/or show cars to appear in the show to help promote and/or benefit the show. The cost of this service shall not to exceed \$500 per vehicle.

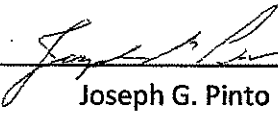
All monies collected from said event which shall include but are not limited to car registration fee, event sponsor fee, vendor fee, exhibitor fee and commemorative merchandise revenue shall be deposited in the Town of Oyster Bay General Fund Account No. TWN A 0001 02770 590 0000. Upon event reconciliation, 65% of the total monies shall remain in the Town of Oyster Bay General Fund Account No. TWN A 0001 02770 590 0000 and 35% of total monies received from event shall be transferred to the Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000 to be used to develop and execute future events for the Town of Oyster Bay. Additionally, a working bank shall be established prior to the event to allow on site staff to facilitate the proper change for day of registrants and/or merchandise sales.

Event expenses including but not be limited to signage branded merchandise, trophies, promotional advertising, such as print, radio, television, internet and computerized pre-recorded messaging shall not exceed the total amount of \$14,000.00 and are to be paid from Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000.



Any further event expenses (pursuant to the Town's procurement policy) not listed that are deemed appropriate by the Commissioner of Parks or his designee shall not exceed the total amount of \$2,000.00 and are to be paid from the Town of Oyster Bay Car Shows Program Trust Account No. TWN TA 0000 00085 438 0000.

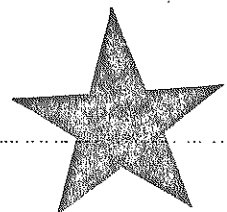
Pursuant to the aforementioned, the Department of Parks recommends Town Board approval.



Joseph G. Pinto
Commissioner of Parks

JGP;ew

Cc: Town Attorney (+ 9 copies)



WHEREAS, Pamela Vannatta has offered to donate a memorial plaque to be placed on an existing bench in Marjorie R. Post Community Park, Massapequa, in memory of her son, Leonard Vannatta; and

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

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 9, 2020, has recommended that the Town accept said donation;

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of \$380.00 from Pamela Vannatta, for a plaque to be placed on an existing bench in Marjorie R. Post Community Park, Massapequa, in memory of her son, Leonard Vannatta.

-#-

Reviewed By
Office of Town Attorney
[Signature]

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

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

9

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

TO: Memorandum Docket
FROM: Joseph G. Pinto, Commissioner of Parks
SUBJECT: Memorial Plaque
DATE: January 9, 2020

The Department of Parks has received a request from Pamela Vannatta (letter attached) requesting to donate a memorial plaque to be placed on an existing bench in Marjorie R. Post Community Park in memory of Leonard R. Vannatta.

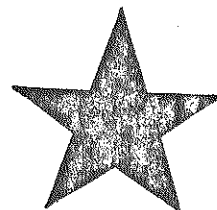
The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

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



Joseph G. Pinto
COMMISSIONER OF PARKS

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



Diann Codispodo

From: [REDACTED]
Sent: Tuesday, January 7, 2020 10:59 PM
To: Diann Codispodo
Subject: Re: memorial guidelines

Follow Up Flag: Follow up
Flag Status: Completed

Dear Diann Cidispodo,

I Pamela Vannatta would like a donate a 8x6 plaque for my Beloved Son , Leonard R. Vannatta, at Marjorie Post Park in Massapequa.

He grew up in our town, Went to all the schools, and learned to ice skate at Marjorie ice rink . He Played Ice Hockey through out High School for the Massapequa Chiefs . Waiting to hear from Sean for the bench

Thank You for your help

Regards

Pamela Vannatta

On Jan 7, 2020, at 3:57 PM, Diann Codispodo <dcodispodo@oysterbay-ny.gov> wrote:

Good afternoon Pam,

Attached are the guidelines for the plaques. In order for me to get started I need a request letter from you. It needs to include your name, what you would like to donate, the park and the name of the honoree. I left your phone number with Sean at Post to call and set a meeting with you to agree on a bench.

Bear in mind that I'm only here part time but I will keep you posted on the steps as we go. If you have any other questions feel free to call or email me on Tuesday or Thursday.

Have a great night,

Diann Codispodo

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

<plaque guidelines letter.docx>

Reviewed By
Office of Town Attorney
Elizabeth A. Dougherty

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated January 13, 2020, advised that the Town of Oyster Bay has been approved to receive a grant in the amount of \$3,500.00 from the National Hockey League through the Hockey Is For Everyone Grant Program in support of the Town of Oyster Bay Youth Ice Hockey Program; and

WHEREAS, Commissioner Sammartano, by said memorandum, requested Town Board authorization to accept the grant in the amount of \$3,500.00, with the funds to be deposited into Trust Account No. TWN TA 0000 00085 439 0000,

NOW, THEREFORE, BE IT RESOLVED, That the Department of Intergovernmental Affairs is hereby authorized to accept the grant in the amount of \$3,500.00 from the National Hockey League through their Hockey is For Everyone Grant Program, and that the Supervisor, or his authorized designee, is authorized to execute a Letter of Acceptance as provided by the National Hockey League relative to the Hockey is for Everyone Grant Program and the funds are to be deposited in Trust Account No. TWN TA 0000 00085 439 0000.

-#-

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

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

14

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

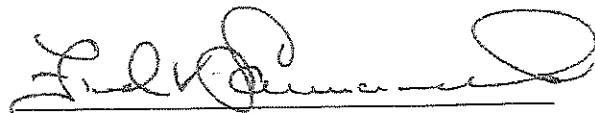
FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

DATE: JANUARY 13, 2020

SUBJECT: NATIONAL HOCKEY LEAGUE
HOCKEY IS FOR EVERYONE - GRANT AWARD

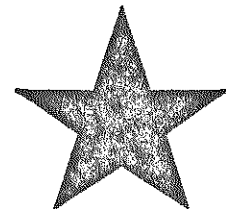
The Town of Oyster Bay has been approved to receive a grant in the amount of three thousand five hundred (\$3,500) dollars, from the National Hockey League through the Hockey is for Everyone grant program, in support of the Town of Oyster Bay Youth Hockey Ice Program. Acceptance of this grant funding is contingent upon the execution of an Acceptance Letter as provided by the National Hockey League.

Therefore, it is respectfully requested that the Town Board authorize the Supervisor or his authorized designee to execute a Letter of Acceptance as provided by National Hockey League relative to the Hockey is for Everyone Grant Program. Said funds should be deposited into Trust Account, TWN TA 0000 00085 439 0000.



Frank V. Sammartano
Commissioner

cc: Town Attorney w/9 copies
Joseph Pinto, Commissioner, Parks Department





November 12, 2019

Anthony Rothstein
Oyster Bay Skating Center
1001 Stewart Ave
Bethpage, NY 11714

Dear Anthony:

On behalf of the NHL Foundation, it is my pleasure to inform you that a grant to Oyster Bay Skating Center in the amount of \$3,500 has been approved in support of your organization's programs and services.

Grantee must provide a written update by **June 30, 2020** describing conclusions, progress, and/or status of objectives including how funds were expended to attain objectives.

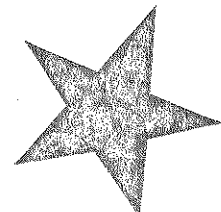
Please acknowledge your receipt of this agreement by signing and returning a copy of this letter as soon as possible.

The NHL Foundation is proud to support your mission.

Sincerely,

John Sanful
Manager, NHL Foundation

ACCEPTED BY: _____
Name and Title Date



National Hockey League Foundation

1185 Avenue of the Americas, New York, NY 10036 | 212.789.2000 | Fax: 212.789.2020

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated January 13, 2020, advised that the Town of Oyster Bay is eligible to receive up to \$200,000.00 through the New York State and Municipal Facilities Program, which would fund new doors, windows, electrical improvements, and LED lighting throughout the Marjorie Post Community Park Community Center, Massapequa, and

WHEREAS, Commissioner Sammartano further advised that receipt of the aforesaid funding is contingent upon the execution of a Grant Disbursement Agreement with the Dormitory Authority of the State of New York and therefore requested Town Board authorization to permit the Supervisor, or his designee, to execute the Grant Disbursement Agreement in connection with the New York State and Municipal Facilities Program with respect to improvements to the Marjorie Post Community Park Community Center,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Supervisor, or his designee, is authorized to execute the Grant Disbursement Agreement in connection with the New York State and Municipal Facilities Program with respect to improvements to the Marjorie Post Community Park Community Center.

-#-

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]

15

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

DATE: JANUARY 13, 2020

SUBJECT: STATE AND MUNICIPAL FACILITIES PROGRAM
MARJORIE POST COMMUNITY CENTER RENOVATION

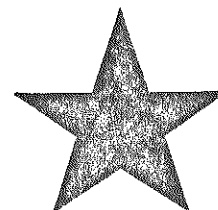
The Town of Oyster Bay is eligible to receive up to \$200,000 in New York State grant funding provided through the State and Municipal Facilities Program to be applied to Renovations at the Marjorie Post Community Center in Massapequa. Through this Project the Town proposes to make improvements inclusive of new doors, windows, electrical improvements and LED lighting throughout the Community Center.

Receipt of state funding to be applied to this Project is contingent upon the execution of a Grant Disbursement Agreement between the Dormitory Authority of the State of New York and the Town of Oyster Bay. It is therefore respectfully requested that a Town Board Resolution be adopted authorizing the Supervisor or his authorized designee to execute a Grant Disbursement Agreement with the Dormitory Authority of the State of New York thereby securing up to \$200,000 in state funding to be applied to the Marjorie Post Community Center Renovation Project.



Frank V. Sammartano
Commissioner

cc: Town Attorney w/9 copies
Maureen Fitzgerald, Commissioner, Department of Community and Youth Services
Richard Lenz, P.E., Commissioner, Department of Public Works



WHEREAS, by Resolution No. 985-84, adopted on October 9, 1984, the Town Board granted a Special Use Permit to maintain a technical school on the southerly portion of the premises located in a Light Industry (LI) District, at 250 Crossways Park Drive, Woodbury, Town of Oyster Bay, New York 11801, (the "subject premises"), said premises being described as Section 15, Block 184, Lot 43, on the Land and Tax Map of Nassau County; and

WHEREAS, by Resolution No. 633-87, adopted on June 23, 1987, the Town Board granted Site Plan Approval in connection with the Special Use Permit granted by Resolution No. 985-84; and

WHEREAS, PJA 250 CROSSWAYS PARK, LLC, fee owner of the subject premises, has submitted an amended site plan for approval in order to construct an additional parking area with thirty (30) parking spaces (including accessible parking spaces and other associated accessible measures) located on the western portion of the premises, along Crossways Park Drive, and associated site improvements; and

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated January 13, 2020, has advised that the Department of Planning and Development has reviewed the following six (6) drawings prepared by Michael Rant, P.E., Northcoast Civil, Oyster Bay, New York:

SHEET NO.	TITLE	PREPARED BY	DATED
1/6	Site Plan	Michael Rant, P.E.	01/06/2020
2/6	Grading and Drainage Plan	Michael Rant, P.E.	01/06/2020
3/6	Soil Erosion Control Plan	Michael Rant, P.E.	01/06/2020
4/6	Landscape Plan	Michael Rant, P.E.	01/06/2020
5/6	Lighting Plan	Michael Rant, P.E.	01/06/2020
6/6	Sign Plan	Michael Rant, P.E.	01/06/2020

WHEREAS, by Inter-Departmental Memo dated December 27, 2019, George Baptista Jr., Deputy Commissioner, Department of Environmental Resources, submitted an environmental report with respect to the subject proposed action pursuant to Article 8 of the New York State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 NYCRR Part 617, and the Town Environmental Quality Review (TEQR) law, at Chapter 110 of the Oyster Bay Town Code, which report classifies the subject proposed action as Type II under SEQRA and indicates that such action will not have a significant impact on the environment and is precluded from environmental review under the Environmental Conservation Law, Article 8, and the SEQRA regulations,

Reviewed By
Office of Town Attorney

Ralph P. Healey

NOW, THEREFORE, BE IT RESOLVED, That the request of PJA 250 CROSSWAYS PARK, LLC, fee owner, that the Amended Site Plan for premises located at 250 Crossways Park Drive, Woodbury, Town of Oyster Bay, County of Nassau, New York, and designated as Section 15, Block 184, Lot 43, on the Land and Tax Map of Nassau County, be APPROVED and be it further

RESOLVED, That in accordance with the memorandum of Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, January 13, 2020, the six (6) plans described herein are hereby approved.

-#-

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

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

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

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

DATE: JANUARY 13, 2020

SUBJECT: SITE PLAN REVIEW AND APPROVAL
PJA 250 CROSSWAYS PARK, LLC
250 CROSSWAYS PARK DRIVE
WOODBURY, N.Y. 11797
SEC. 15 BLK. 184 LOT 43
ZONE: LIGHT INDUSTRY
SITE PLAN APPLICATION NUMBER: SP 21-19

This Department has reviewed the proposed Site Plan Application for the above-captioned project with regard to section, block and lot designation, zoning classification, existing variances, zoning violations and required off-street parking. The Department's review is made pursuant to Chapter 246 of the Code of the Town of Oyster Bay.

Previously, this site was granted a Special Use Permit through Town Board Resolution Number 985-84, dated October 9, 1984, to maintain a technical school on the subject premises. The Restrictive Covenants associated with Resolution Number 985-84, specifically Number 7 state, "That no building permit and/or Certificate of Occupancy shall be issued unless and until a "Site Plan" has been approved by Town Board Resolution..." Prior to the current review, the subject property received Site Plan approval through Town Board Resolution 633-87, dated June 23, 1987. The current applicant is seeking Town Board approval without the need for a Public Hearing for the enclosed Site Plan in order to construct an additional parking area with 30 parking spaces (including accessible parking spaces and other associated accessible measures) located in the front of the property along Crossways Park Drive; and associated site improvements.

This Department has reviewed the following six (6) drawings prepared by Michael Rant, P.E. of Northcoast Civil, Oyster Bay N.Y. are identified as follows:

<u>SHEET NO.</u>	<u>TITLE:</u>	<u>PREPARED BY:</u>	<u>DATE:</u>
1/6	Site Plan	Michael Rant, P.E.	1/6/2020
2/6	Grading and Drainage Plan	Michael Rant, P.E.	1/6/2020
3/6	Soil Erosion Control Plan	Michael Rant, P.E.	1/6/2020
4/6	Landscape Plan	Michael Rant, P.E.	1/6/2020
5/6	Lighting Plan	Michael Rant, P.E.	1/6/2020
6/6	Sign Plan	Michael Rant, P.E.	1/6/2020

Also submitted for your review are the following documents:

1. Town Board Resolution Number 985-84, dated October 9, 1984
2. Town Board Resolution Number 633-87, dated June 23, 1987
3. Memorandum from George Baptista, Deputy Commissioner, Department of Environmental Resources, dated December 27, 2019.

Said plans were prepared and modified using the standards set forth in Chapter 246, Section 6 (Site Plan Review) of the Code of the Town of Oyster Bay as a guide. Development of the subject premises in accordance with the plans attached does comply with the requirements of Chapter 246, Section 6 (Site Plan Review) of the Code of the Town of Oyster Bay and therefore, I recommend Site Plan Approval by the Town Board.


ELIZABETH L. MACCARONE
COMMISSIONER




ELM:jv
Encls.

cc: Legislative Affairs (9 copies w/ attachments)

planning
SP 21-19

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

December 27, 2019

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

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

SUBJECT: 250 CROSSWAYS PARK DRIVE, WOODBURY; CLASSIFICATION PURSUANT TO
THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA): TYPE II

LOCATION: 250 CROSSWAYS PARK DRIVE, WOODBURY, NY 11797;
SECTION: 15 BLOCK: 184 LOT(S): 43

Pursuant to Article 8 of the New York State Environmental Conservation Law, SEQRA, and the implementing regulations thereto at 6 NYCRR Part 617, and the Town of Oyster Bay Environmental Quality Review Law (Chapter 110 of the Code of the Town of Oyster Bay), the Department of Environmental Resources has reviewed the above captioned proposed action. In connection with review of this subject action pursuant to SEQRA, the Department was provided with the Short Environmental Assessment Form dated September 18, 2019, and the Town of Oyster Bay Short Environmental Assessment Form Addendum dated September 18, 2019, and revised Site Plans dated November 18, 2019, from The Department of Planning and Development.

On the basis of our evaluation, the Department of Environmental Resources concludes that this proposed action is classified as Type II pursuant to the SEQRA Type II Actions List, at 6 NYCRR §617.5(c), item #9, pertaining to "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities." Pursuant to Section 246.4 of Town Code, parking areas do not constitute gross floor area (GFA); "...floor space used for off-street parking and/or loading purposes shall be excluded." Thus, while the parking lot expansion is greater than 4,000 square feet, the subject action is classified as a Type II because the expansion does NOT consist of an exceedance of the aforementioned threshold for GFA, or that which would require review as a Type I Action due to physical disturbance (i.e., 10 acre threshold, whereas the proposed project only consists of 0.3 acres of site disturbance).

Actions or classes of actions identified as Type II in the above-referenced section of the SEQRA 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 SEQRA regulations. Inasmuch as the subject proposed action is classified under SEQRA'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 SEQRA.


GEORGE BAPTISTA JR.
Deputy Commissioner

File: FILE/ TYPE II/250 Crossways Park Drive, Woodbury

Meeting of June 23, 1987

WHEREAS, by Resolution No. 591-86 adopted June 3, 1986, the Town Board of the Town of Oyster Bay approved the petition of GRUMMAN DATA SYSTEMS CORPORATION and INDUSTRIAL & RESEARCH ASSOCIATES COMPANY for a Special Use Permit to maintain a technical school at the southerly portion of the premises known as 250 Crossways Park Drive, Woodbury, New York; and further identified as Section 15, Block 184, Lot 33 on the Land and Tax Map of the County of Nassau; and

WHEREAS, said resolution was subject to certain covenants, restrictions and provisions; and

WHEREAS, Covenant No. 7 provided: "That no building permit and/or certificate of occupancy shall be issued unless and until a "site plan" has been approved by Town Board resolution within one (1) year of adoption of this resolution. Said "site plan" shall be drawn to scale and presented in a form acceptable to the Department of Planning and Development, and shall include location of ingress and egress, location, layout and striping of all parking areas, sidewalks, drainage, landscaping and planters, location of dumpsters and refuse baskets, size, type and location of signs, size, type and location of fences, emergency exits and safety equipment and any other information or details as required by regulation and the Department of Planning and Development"; and

WHEREAS, Richard S. Blankfein, Commissioner of the Department of Planning and Development, by memorandum dated May 18, 1987, reports his office has reviewed the one (1) site plan submitted for approval. It is entitled, "Site Plan - GDS1 Woodbury, 250 Crossways Park", prepared by Grumman Data Systems Corporation, Dwg. No. 239-2066 SP-1 dated 2-1-84 last rev., 4/14/87. Said plan depicts the existing building and proposed expansion, size, type and location of parking and paved areas, dumpsters, fencing, exterior lighting, signage, landscaping and means of ingress and egress; and

WHEREAS, Richard S. Blankfein, Commissioner of the Department of Planning and Development, by memorandum dated May 18, 1987, further reports that the development of the subject premises in accordance with the attached site plan, would be compatible with the surrounding area and recommends Town Board approval of the plan herein enumerated,

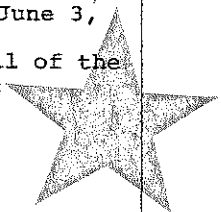
NOW, THEREFORE, BE IT RESOLVED, That the one (1) site plan submitted entitled, "Site Plan - GSDI Woodbury, 250 Crossways Park", prepared by Grumman Data Systems Corporation, Dwg. No. 239-2066 SP-1 dated 2-1-84 last rev., 4/14/87, be and the same is hereby APPROVED, pursuant to the same terms and conditions set down in Resolution No. 591-86 adopted on June 3, 1986.

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

Supervisor Colby	Aye
Councilman Hogan	Absent
Councilman Diamond	Aye
Councilman Clark	Aye
Councilman Hynes	Aye
Councilman Venditto	Aye
Councilman Delligatti	Aye

cc: Supervisor
Town Board
Town Attorney
Comptroller (2)
Plan. & Dev.
Building Div.

Approved as to form
Asst. Town Attorney



Meeting of October 9, 1984

WHEREAS, GRUMMAN DATA SYSTEMS CORPORATION and INDUSTRIAL & RESEARCH ASSOCIATES COMPANY, by petition verified June 7, 1984, heretofore petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit in an "H" Industrial District (Light Industry) to maintain and operate a technical school on the premises located at Woodbury, New York; and

WHEREAS, a duly advertised public hearing on said petition was held by the Town Board of the Town of Oyster Bay on August 28, 1984, at which hearing all parties interested in the subject matter and desiring to be heard, were heard; and

WHEREAS, Cullen and Dykman, Esqs., attorneys for the petitioner, by Gerard Fishberg, Esq., of Counsel, appeared in support of the application; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 2751-84, adopted August 23, 1984, recommends the Town Board of the Town of Oyster Bay take such action as it deems appropriate, the Commission having no objections or modifications; and

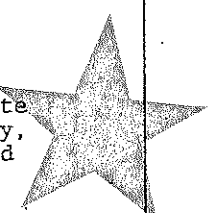
WHEREAS, the Town Board of the Town of Oyster Bay, after having reviewed the recommendations of the Town of Oyster Bay Environmental Quality Review Commission, which reported that this application would not have a significant effect upon the environment, did by Resolution No. 732-84, dated July 31, 1984, declare and find that the petition of GRUMMAN DATA SYSTEMS CORPORATION and INDUSTRIAL & RESEARCH ASSOCIATES COMPANY, would not have a significant effect upon the environment; and

WHEREAS, the Town Board of the Town of Oyster Bay finds from the relevant facts and circumstances adduced at the hearing and from facts within the personal knowledge of the members of the Town Board that because of the area, location, nature and character of the subject premises and the zoning and uses of the surrounding properties and in the vicinity thereof, said subject premises is adequate and suitable for the requested use; that the granting of the application will not endanger the health, welfare or safety of the community or the inhabitants thereof and will be compatible with the purposes and objectives of the comprehensive zoning plan of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the petition of GRUMMAN DATA SYSTEMS CORPORATION and INDUSTRIAL & RESEARCH ASSOCIATES COMPANY, for a Special Use Permit in an "H" Industrial District (Light Industry) to maintain and operate a technical school on the below described premises, be and the same is hereby GRANTED:

SCHEDULE "A"

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



Approved as to form
Town Attorney
B. J. [signature]

Sec 15
B.L.R. 184
at 10:33

Beginning at a point lying in the northerly side of Crossways Park Drive located by running the following 4 courses and distances along the street line of Crossways Park Drive from a point of curvature at the southerly end of a curve having a radius of 57.00 feet joining the easterly side of Crossways Park Drive with the southerly side of Jericho Turnpike; as said streets are laid down on the Maps of Nassau Crossways Industrial Park:

1. South 4°-16'-59" east, 1466.03 feet along the easterly side of Crossways Park Drive to a point of curvature.
2. Southerly and easterly along a curve bearing to the left having a radius of 120.00 feet for the arc length of 179.53 feet to a point of tangency lying in the northerly side of Crossways Park Drive.
3. North 89°-59'-44" east along said northerly side of Crossways Park Drive 532.77 feet to a point of curvature in said northerly side.
4. Easterly along the northerly side of Crossways Park Drive, along a curve bearing to the right having a radius of 180.00 feet for the arc length of 85.49 feet to the point of beginning of the parcel herein being described.

Running thence from this point of beginning north 27°-12'-24" east 78.62 feet; thence north 0°-00'-16" west, 245.00 feet; thence north 89°-59'-44" east, 159.00 feet to a point of curvature; thence easterly and southerly along a curve bearing to the right having a radius of 300.00 feet for the arc length of 471.24 feet to a point of tangency; thence south 0°-00'-16" east, 80.00 feet to a point of curvature; thence southerly along a curve bearing to the right having a radius of 1848.97 feet for the arc length of 258.43 feet; thence south 84°-13'-31" west, 360.05 feet to the easterly side of Crossways Park Drive; thence north 5°-46'-29" west, along the easterly side of Crossways Park Drive, 218.00 feet to a point of curvature; thence northerly and westerly along said Crossways Park Drive along a curve bearing to the left having a radius of 180.00 feet for the arc length of 179.13 feet to the point or place of beginning.

SAID premises being known and designated as Section 15, Block 184, p/o Lot 33 on the Land and Tax Map of the County of Nassau.

The below recited covenants, restrictions and provisions shall apply for only so long as the subject premises is being used for the purposes authorized by the special use permit granted herein and are not intended to be and shall not be applicable or enforceable in the event that the entire subject property shall be

utilized for those uses which do not require a special use permit in accordance with the Building Zone Ordinance of the Town of Oyster Bay, Nassau County, New York, as amended and revised, then in effect. Said special use permit shall not become effective unless and until a certified copy of this resolution shall be duly filed in the Office of the Clerk of Nassau County.

1. All debris, garbage, waste and refuse shall be kept in suitable covered containers.

2. That the hours of operation are restricted to 8:00 a.m. to 10:00 p.m., Mondays through Fridays, prevailing time.

3. That the building shall meet all the requirements of OSHA and the Department of Health as to soundproofing and as to venting out the exhaust fumes.

4. That the interior and exterior of the building, the parking area, the fencing and the landscaped area shall be kept in clean and neat condition and continually maintained.

5. That all outdoor lighting shall be no higher than twenty (20) feet above the parking field, shall be contained within the subject premises and shall be extinguished at 10:30 p.m., prevailing time, except such lighting utilized for security purposes.

6. Students shall not be allowed to remain in the parking area after the evening class. There shall be no gathering, congregating or loitering, nor boisterous, loud or rowdy conduct in the parking area of the subject premises.

7. That no building permit and/or certificate of occupancy shall be issued unless and until a "site plan" has been approved by Town Board resolution within one (1) year of the adoption of this resolution. Said "site plan" shall be drawn to scale and presented in a form acceptable to the Department of Planning and Development and shall include location of ingress and egress; location, layout and striping of all parking areas; sidewalks; drainage; landscaping and planters; location of dumpsters and refuse baskets; size, type and location of all exterior lighting, size, type and location of signs; size, type and location of fences; emergency exits and safety equipment and any other information or details as required by regulation and the Department of Planning and Development may require.

8. That in the event of any violation of any kind of the restrictions, covenants or provisions contained herein, or any previously imposed, or any ordinance or regulations, and failure of the then owner of the real property, or any first mortgagee, to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate and any first mortgagee of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith the special use permit granted unless a cure for such violation has been commenced and the then owner and/or first mortgagee is diligently prosecuting the curing of any violation.

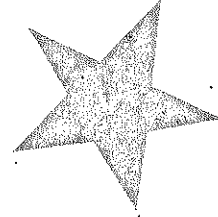
9. That there shall be strict and complete compliance

with any and all laws, ordinances and directives of the Town of Oyster Bay, the Nassau County Fire Marshal's Office, the County of Nassau, the State of New York and the United States of America.

10. That the covenants, restrictions and provisions recited herein may only be changed, modified or terminated by Town Board resolution.

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

Supervisor Colby	Aye
Councilman Mosca	Absent
Councilman Hogan	Aye
Councilman Diamond	Aye
Councilman Clark	Aye
Councilman Hynes	Aye
Councilman Venditto	Aye



cc:Supervisor
Town Board
Town Attorney
Comptroller(2)
Building Div.
Plan. & Dev.(cert.)

Ops
Reviewed By
Office of Town Attorney
M. J. [Signature]

WHEREAS, Resolution No. 625-2017, adopted on October 3, 2017, authorized and directed the Supervisor to enter into a License Agreement with 25NB LLC from January 1, 2019 through December 31, 2019 with one (1) one year extension options at an annual rate of \$49,612.50 for the use of property at 47 West Barclay Street, Hicksville, New York, for 65 parking spaces for residents' use for commuter parking; and

WHEREAS, Frank M. Scalera, Chief Deputy Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, have recommended Town Board authorization to exercise the one year extension option for the period beginning January 1, 2020 through December 31, 2020, at an annual rate of \$49,612.50; and

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted, and the Supervisor, or his designee, is hereby authorized and directed to exercise the one year extension option extend the license agreement with 25NB, LLC nunc pro tunc for the period beginning January 1, 2020 through December 31, 2020, in a total amount of \$49,612.50; 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 therefor, after audit, with funds to be drawn from Account No. HWY H 5997 20000 000 1804 016 and Project No. 1804HWYST-02.

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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

cc:

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Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 6, 2020

SUBJECT: Lease Extension: Commuter Parking Lot.
47 West Barclay Street, Hicksville, New York

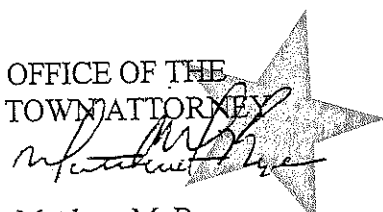
The Town Board, by Resolution No. 625-2017, adopted on October 3, 2017, authorized and directed the Supervisor to enter into a License Agreement with 25NB LLC from January 1, 2019 through December 31, 2019 with one (1) one year extension options at an annual rate of \$49,612.50, for the use of property at 47 West Barclay Street, Hicksville, New York, for 65 parking spaces for residents' use for commuter parking.

It is recommended that the one year extension option be exercised nunc pro tunc for the period beginning January 1, 2020 through December 31, 2020, at an annual rate of \$49,612.50.

An encumbrance in the amount of \$49,612.50 is requested, to satisfy The Town's obligations through December 2020. Funds are available in Account No. HWY H 5997 20000 000 1804 016 and Project No. 1804 HWYST-02.

A proposed resolution is attached hereto.

OFFICE OF THE
TOWN ATTORNEY



Matthew M. Rozea
Deputy Town Attorney

MMR:mz
Attachment
2016-5464
cc: Town Attorney (with 9 copies)

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated September 24, 2019, authorized the Highway Department to clean up the premises located at 18 Cheryl Lane South, Farmingdale, New York 11735, also known as Section 49, Block 269, Lot 6 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 9, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 1, 2019, in the total amount of \$1,239.19, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 9, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,239.19 may be assessed by the Legislature of the County of Nassau against the parcel known as 18 Cheryl Lane South, Farmingdale, New York 11735, also known as Section 49, Block 269, Lot 6 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
[Signature]

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

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

22

Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2020


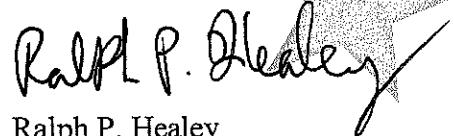
SUBJECT: Property Cleanup Assessment
18 Cheryl Lane South, Farmingdale, New York 11735
Section 49, Block 269, Lot 6

The Department of Planning and Development, by memorandum dated September 24, 2019, directed the Highway Department to clean the premises located at 18 Cheryl Lane South, Farmingdale, New York 11735, also known as Section 49, Block 269, Lot 6 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 8, 2019, advised that the property was cleaned by a crew from the Highway Department on October 1, 2019. The cost incurred by the Town of Oyster Bay was \$1,239.19.

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

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE
TOWN ATTORNEY



Ralph P. Healey
Special Counsel

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

2019-7373

TOWN OF OYSTER BAY

Inter-Departmental Memo

September 24, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 18 Cheryl Ln. S, Farmingdale, NY 11735
SBL: 49-269-6


Notice of Violation No. 00851 was issued to the owner of the above-referenced premises on 9/10/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

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

- The grass and vegetation be cut.

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

ELIZABETH L. MACCARONE
COMMISSIONER
BY:



MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU


ME:tc

cc: Joseph Nocella, Town Attorney



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

ELIZABETH L. MACCARONE
COMMISSIONER

TIMOTHY R. ZIKE
DEPUTY COMMISSIONER

JAMES McCaffrey
DEPUTY COMMISSIONER

September 24, 2019

Mr. and Mrs. Schwartzman
18 Cheryl Ln.
Farmingdale, NY 11735

RE: PREMISES: 18 Cheryl Ln., Farmingdale NY 11735
SECTION 49 BLOCK 269 LOT 6

Dear Property Owner:


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


Please be advised that N.O.V. No. 00851 (copy attached) has been served on 9/10/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

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

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER


Michael Esposito, Bureau Chief
Code Compliance Division


ELM:ME:tc
Enclosure

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

THIS INDENTURE, made the 15th day of December, nineteen hundred and ninety-eight
BETWEEN MARVIN P. SCHWARTZMAN and HENRIETTA SCHWARTZMAN, his wife, both residing
at 18 Cheryl Lane South, Farmingdale, New York 11735 (as to one-half (1/2) of
premises from each Grantor)

party of the first part, and LOIS SCHWARTZMAN, residing at 18 Cheryl Lane South, Farmingdale,
New York 11735 and JOSEPH SCHWARTZMAN, residing at 5 Powell Street, Farmingdale,
New York 11735 as Trustees of the Schwartzman Family Trust Dated December 15, 1998

party of the second part.

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

ALL that certain plot, piece or parcel of land, with the buildings and improvements
thereon erected, situate, lying and being at Bethpage, Town of Oyster Bay, County of
Nassau and State of New York, known as and by lot 6 in block 269 on a certain map
entitled "Map of Tulip Gardens, Section No. 2, situated at Bethpage, Town of Oyster
Bay, Nassau County, New York, November 1954, Donald C. Voorhis, L.L.S." and filed in
the Office of the Clerk of the County of Nassau on February 28, 1955 under case
number 6367 and which said lot is bounded and described as follows:

BEGINNING at a point on the southerly side of Cheryl Lane South, distant 324.35 feet
easterly from the extreme easterly end of the arc connecting the easterly side of Tulip
Drive with the southerly side of Cheryl Lane South; running thence easterly, along the
southerly side of Cheryl Lane South along the arc of a circle bearing to the left having a
radius of 80 feet, a distance of 48.156 feet; thence south 35 degrees 11 minutes, 56
seconds east, 50 feet; thence south 48 degrees 43 minutes 22 seconds east, 133.98
feet to the new northerly side of Boundary Avenue, thence along the new northerly side
of Boundary Avenue, south 89 degrees 24 minutes 37 seconds west, 152.52 feet;
thence north 10 degrees 46 minutes 41 seconds west, 118.28 feet to the southerly side
of Cheryl Lane South, the point or place of BEGINNING.

SUBJECT TO any state of facts which an accurate survey may show.

SUBJECT TO covenants, restrictions and easements of record, if any.

BEING THE SAME PREMISES heretofore conveyed to Grantors herein by deed dated
October 17, 1968 and recorded in the office of the Clerk of the County of Nassau on
October 24, 1968 in Liber 7903, Page 81.

BEING THE SAME PREMISES known as and by street number 18 Cheryl Lane South,
Farmingdale, New York 11735. Section 49, Block 269, Lot 6.

RESERVING, however, unto the Grantors herein the exclusive possession and the use
and enjoyment of the above-described premises for and during the natural lives of the
Grantors.

THIS IS A LIFE ESTATE.

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first
part will receive the consideration for this conveyance and will hold the right to receive such consideration as a
trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to
the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

IN PRESENCE OF:

Charles R. Ford

Marvin P. Schwartzman
MARVIN P. SCHWARTZMAN

Henrietta Schwartzman
HENRIETTA SCHWARTZMAN

AL

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

October 8, 2019

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

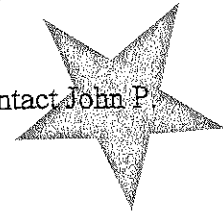
FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

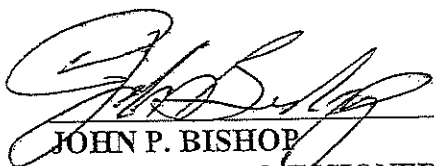
SUBJECT: 18 CHERYL LANE, FARMINGDALE
CLEAN-UP

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

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,239.19.

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





**JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT**

JPB/kjb

Enc. T & M sheet



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (49-269-6) 18 CHERYL LN FARMINGDALE 11735

Date Oct 1, 2019

Work Order # 64086

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PATRICK PETERS	General Maintenance	01:00	\$29.53	00:00	0	\$29.53
GEORGE TIEDEMANN	General Maintenance	01:00	\$43.19	00:00	0	\$43.19
DONALD CHANDLER	General Maintenance	01:00	\$45.86	00:00	0	\$45.86
STEVE DIAKOIANNIS	General Maintenance	01:00	\$39.61	00:00	0	\$39.61
MARK SCHLOSSER	General Maintenance	01:00	\$42.00	00:00	0	\$42.00
Total Labor						\$200.19

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
TD667	PICK-UP TRUCK 2009 FORD F-250 YW (22 / 022)	\$79.00	01:00	\$79.00
TD683	TRUCK DUMP 2010 FORD F-350 YW (T-225) - Power Wagons	\$105.00	01:00	\$105.00
TD728	POWER WAGON 2015 T-245	\$105.00	01:00	\$105.00
Total Equipment				\$289.00

Materials

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

Grand Total \$1239.19

Description of Work:

CLEAN UP 18 CHERYL LANE S. FARMINGDALE

Signature: 

Name: Peter Brown

Title: Director of Highway Operations

Date: Oct 4, 2019

WHEREAS, pursuant to Section 182-22(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated August 19, 2019, authorized the Highway Department to clean up the premises located at Old Country Road, Hicksville, New York 11801, also known as Section 45, Block 66, Lot 292 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 9, 2020, pursuant to Section 182-22(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on September 3, 2019. In the total amount of \$1,304.91, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 9, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,304.91 may be assessed by the Legislature of the County of Nassau against the parcel known as Old Country Road, Hicksville, New York 11801, also known as Section 45, Block 66, Lot 292 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

-#-

Reviewed By
Office of Town Attorney
Ralph P. Healey

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

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

23

Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2020

SUBJECT: Property Cleanup Assessment
Old Country Road, Hicksville, New York 11801
Section 45, Block 66, Lot 292

The Department of Planning and Development by memorandum dated August 19, 2019, directed the Highway Department to clean the premises located at Old Country Road, Hicksville, New York 11560, also known as Section 45, Block 66, Lot 292 on the Land and Tax Map of the County of Nassau. The Highway Department has, by memorandum dated September 29, 2019, advised that the property was cleaned by a crew from the Highway Department on September 3, 2019. The cost incurred by the Town of Oyster Bay was \$1,304.91.

Pursuant to Section 182-22(C) of the Code of the Town of Oyster Bay, which allows the Town to be reimbursed for the cost of the work performed, the Highway Department has requested that the cost of said work be referred to the County of Nassau for placement on the Nassau County Tax Assessment Rolls.

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE
TOWN ATTORNEY



Ralph P. Healey
Special Counsel

RPH:aml
Attachment

Town Attorney (w/9 copies)

S:\Cleanup MD & Reso\MD Old Country Rd Comm 1.9.20.doc

TOWN OF OYSTER BAY

Inter-Departmental Memo

August 19, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: Old Country Rd., Hicksville, NY 11801
SBL: 45-66-292

Notice of Violation No. 00238 was issued to the owner of the above-referenced premises on 7/29/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

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

- The grass and vegetation be cut.

10-22

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

ELIZABETH L. MACCARONE
COMMISSIONER
BY:


MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU



ME:tc

cc: Joseph Nocella, Town Attorney

This Indenture, made this 19th day of APRIL in the year

Two thousand TEN Between STEVEN D. CONKLING as Treasurer of the County of Nassau, State of New York, party of the first part, and Peter A. Bekich d/b/a Modcor Holding residing at 139 Oakland Ave., West Hempstead NY 11552 party of the second part.

Witnesseth that Whereas, by and under the provisions of Chapter 272 of the Laws of 1939 of the State of New York and all amendments therein, the Treasurer of the County of Nassau is authorized and required to advertise and sell real estate upon which taxes, together with interest, penalties and charges as therein prescribed remain unpaid, and

Whereas, default was so made in the payment of such taxes, interest and charges on sundry parcels of land within Nassau County, and the said Treasurer of the said County of Nassau did cause a list of said lands charged with such taxes, interest and other charges, with the notice required by Chapter 272 of the Laws of 1939 and all amendments therein, to be published as required by said article, and

Whereas, pursuant to said notice and law, the said County Treasurer did, on the 19th day of February, 2008 sell at public auction each of said parcels of land for an amount sufficient to pay such taxes, interest and charges thereon, and

Whereas, the party of the second part purchased at said sale for unpaid taxes of the year(s) 06-07 school district and 2007 general both full or has acquired by assignment the purchase rights from such sale in the property hereinafter described, and

Whereas, the said party of the second part has served notice of election to accept a deed of conveyance of such property as prescribed by Chapter 272 of the Laws of 1939, including all amendments therein, of the State of New York, and

Whereas, the said party of the second part has filed due proof of the services of each and every notice by said law required, and

Whereas, the said piece or parcel of land has not been redeemed within the time prescribed by law for the redemption thereof, and

Whereas, the said party of the second part has assumed all outstanding prior tax liens upon said premises held by the County of Nassau,

Now, Therefore, in consideration of the premises and the sum of Twenty-Five dollars paid into the Treasury of said County by the said party of the second part, the receipt whereof is hereby acknowledged, the said party of the first part has granted, released and conveyed and doth hereby grant, release and convey unto the said party of the second part, heirs and assigns forever, all that lot, piece or parcel of land situate in the Town/City of Oyster Bay County of Nassau, and State of New York, described as follows:

School District 17

Section 45

(Cert. # 489/07)

Block 66

Lot 292 as shown on the Nassau County Land and Tax Map.

including the right, title and interest of New Realty Corp et al

in said premises, being the owner thereof so far as appears on the record, together with the hereditaments, and appurtenances thereunto belonging.

Subject to any claims for taxes or for other liens or encumbrances and to any right, title or interest of the County of Nassau founded upon a tax or other lien or encumbrance,

Subject to the provisions of the Federal and State Soldiers and Sailors Civil Relief Acts.

To Have and to Hold the same unto the said party of the second part its heirs and assigns forever.

In the Presence of

I, Steven D. Conkling, I have hereunto subscribed my name and affixed my official seal, at Mineola, N. Y., the day and year first above written.

STEVEN D. CONKLING

Town of Oyster Bay
Inter- Departmental Memo

September 29, 2019

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

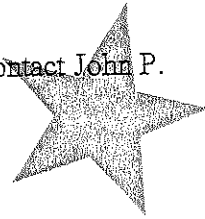
FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

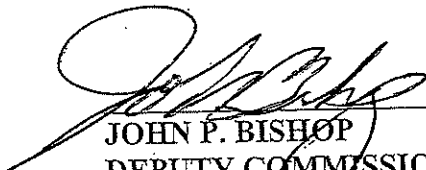
SUBJECT: OLD COUNTRY ROAD, HICKSVILLE
CLEAN-UP

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

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,304.91.

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





JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP OLD COUNTRY ROAD, HICKSVILLE TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (45-66-292) OLD COUNTRY RD

Date Sep 3, 2019

Work Order # 62938

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
GARY LEWIS, II	General Maintenance	01:00	\$34.02	00:00	0	\$34.02
JAMES ROMANO	General Maintenance	01:00	\$28.31	00:00	0	\$28.31
VINCENT PADAVANO	General Maintenance	01:00	\$48.31	00:00	0	\$48.31
SEAN MCLAUGHLIN	General Maintenance	01:00	\$24.27	00:00	0	\$24.27
Total Labor						\$134.91

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU433	PICK UP 2012 FORD F250 YW	\$79.00	01:00	\$79.00
TD731	2016 INTER 4200 YW 6 WHEELER	\$131.00	01:00	\$131.00
TD736	TRUCK DUMP 2016 DODGE RAM 3500 - POWER WAGON (T105)	\$105.00	01:00	\$105.00
TR203	TRAILER 2015 FELLINGS BL	\$105.00	01:00	\$105.00
Total Equipment				\$420.00

Materials

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

Grand Total \$1304.91

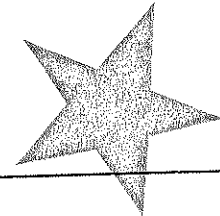
Description of Work:
clean up old country road

Signature: _____

Name: Douglas Robalson

Title: Director of Highway Operations

Date: Sep 26, 2019



WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated August 6, 2019, authorized the Highway Department to clean up the premises located at 165 Wilfred Boulevard, Hicksville, New York 11801, also known as Section 12, Block 147, Lot 45 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 9, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on September 11, 2019, in the total amount of \$1,709.09, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 9, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,709.09 may be assessed by the Legislature of the County of Nassau against the parcel known as 165 Wilfred Boulevard, Hicksville, New York 11801, also known as Section 12, Block 147, Lot 45 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
Ralph P. Healey

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

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

24

Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET
FROM: Office of the Town Attorney
DATE: January 9, 2020
SUBJECT: Property Cleanup Assessment
165 Wilfred Boulevard, Hicksville, New York 11801
Section 12, Block 147, Lot 45

The Department of Planning and Development, by memorandum dated August 6, 2019, directed the Highway Department to clean the premises located at 165 Wilfred Boulevard, Hicksville, New York 11801, also known as Section 12, Block 147, Lot 45 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated September 29, 2019, advised that the property was cleaned by a crew from the Highway Department on September 11, 2019. The cost incurred by the Town of Oyster Bay was \$1,709.09.

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

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE
TOWN ATTORNEY



Ralph P. Healey
Special Counsel



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

2019-7404

AL

TOWN OF OYSTER BAY

Inter-Departmental Memo

August 6, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 165 Wilfred Blvd. Hicksville, NY 11801
SBL: 12-147-45

Notice of Violation No. 00148 was issued to the owner of the above-referenced premises on 7/25/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

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

- The grass and vegetation be cut.

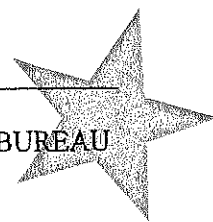
Pursuant to the provisions of Section 135.54(C) of the code, the Town is entitled to be reimbursed for the cost of the work performed by assessment against the owner. In addition, please notify us by fax, the date and time cleanup is completed. Please proceed accordingly.

ELIZABETH L. MACCARONE
COMMISSIONER
BY:


MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME:tc

cc: Joseph Nocella, Town Attorney



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

THIS INDENTURE, made the 5th day of December 2013

BETWEEN

Carol-Ann Lund a/k/a Carol-Ann Ryan, residing at 165 Willfred Blvd, Hicksville, New York 11801, as sole surviving distributee and heir-at-law of Jacob Hirsch, who was predeceased by his wife, Mildred Hirsch, and died a resident of Nassau County, State of New York, on the 12th day of May 2002 as to a two-thirds interest

party of the first part, and

Carol-Ann Ryan, residing at 165 Willfred, Blvd, Hicksville, New York 11801, as to a two-thirds interest

party of the second part,

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

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

See Attached Description

Said premises known as 165 Willfred Blvd, Hicksville, NY

Being and intended to be the same premises as conveyed to the party of the decedent by deed, dated 01/21/1986, recorded 02/18/1986 in Liber 8704 in page 371 in the Office of the City Register of New York, Nassau County. *Clerk's office*

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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

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

Carol-Ann Lund
AKA Carol-Ann Ryan

Carol-Ann Lund a/k/a Carol-Ann Ryan, as Heir-at-Law

AL

Town of Oyster Bay
Inter- Departmental Memo

September 29, 2019

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

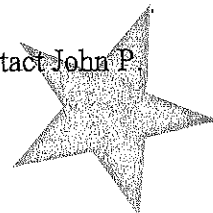
FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: 165 WILLFRED BLVD., HICKSVILLE
CLEAN-UP

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

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,709.09.

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





JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

CLEAN - UP 165 WILLFRED BLVD., HICKSVILLE TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (12-147-45) 165 WILLFRED BLVD HICKSVILLE 11801

Date Sep 11, 2019

Work Order # 62888

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
MICHAEL ZEREBAK	General Maintenance	01:00	\$25.11	00:00	0	\$25.11
PETER LLOYD	General Maintenance	01:00	\$43.19	00:00	0	\$43.19
MICHAEL SOLOMON	General Maintenance	01:00	\$24.86	00:00	0	\$24.86
THOMAS KRAEMER	General Maintenance	01:00	\$48.12	00:00	0	\$48.12
JOHN SANDIFORD	General Maintenance	01:00	\$29.53	00:00	0	\$29.53
RAYMOND SWIERKOWSKI	General Maintenance	01:00	\$30.05	00:00	0	\$30.05
JASON SEMINARIO JR.	General Maintenance	01:00	\$19.23	00:00	0	\$19.23
JESSE VITERI	General Maintenance	01:00	\$15.00	00:00	0	\$15.00
TODD FRENCH	General Maintenance	01:00	\$15.00	00:00	0	\$15.00
Total Labor						\$250.09

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU444	PICK UP 2012 FORD F350 YELLO (21 / 021)	\$79.00	01:00	\$79.00
TD571	TRUCK DUMP 2005 FORD F-350 YW (T-185) - Power Wagons	\$105.00	01:00	\$105.00
TD574	TRUCK DUMP 2005 INTL 7300 YW (T-233)- 6 Wheeler	\$131.00	01:00	\$131.00
TD662	PICK-UP TRUCK 2009 FORD F-250 YW (18 / 023)	\$79.00	01:00	\$79.00
TD670	TRUCK DUMP 2009 FORD F-350 YW (T-235) - Power Wagons	\$105.00	02:00	\$210.00
TD704	TRUCK DUMP 2011 FORD F350 YELLO (T145 / T-145) - Power Wagons	\$105.00	01:00	\$105.00
Total Equipment				\$709.00

Materials

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

Grand Total **\$1709.09**

Description of Work:

CLEAN UP 165 WILFRED BLVD HV

Signature: 

Name: Douglas Robalino

Title: Director of Highway Operations

Date: Sep 25, 2019

WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated September 19, 2019, authorized the Highway Department to clean up the premises located at 90 Cold Spring Road, Syosset, New York 11791, also known as Section 15, Block 84, Lot 16 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 9, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on October 9, 2019, in the total amount of \$3,145.22, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 9, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$3,145.22 may be assessed by the Legislature of the County of Nassau against the parcel known as 90 Cold Spring Road, Syosset, New York 11791, also known as Section 15, Block 84, Lot 16 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
[Signature]

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

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

25

Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2020

SUBJECT: Property Cleanup Assessment
90 Cold Spring Road, Syosset, New York 11791
Section 15, Block 84, Lot 16

The Department of Planning and Development, by memorandum dated September 19, 2019, directed the Highway Department to clean the premises located at 90 Cold Spring Road, Syosset, New York 11791, also known as Section 15, Block 84, Lot 16 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 16, 2019, advised that the property was cleaned by a crew from the Highway Department on October 9, 2019. The cost incurred by the Town of Oyster Bay was \$3,145.22.

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

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE
TOWN ATTORNEY



Ralph P. Healey
Special Counsel

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

2019-7405

TOWN OF OYSTER BAY

Inter-Departmental Memo

September 19, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 90 Cold Spring Rd., Syosset NY 11758
SBL: 15-84-16

Notice of Violation No. 00852 was issued to the owner of the above-referenced premises on 9/12/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

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

- The grass and vegetation be cut.

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

ELIZABETH L. MACCARONE
COMMISSIONER
BY:


MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME:tc

cc: Joseph Nocella, Town Attorney



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

ELIZABETH L. MACCARONE
COMMISSIONER

TIMOTHY R. ZIKE
DEPUTY COMMISSIONER

JAMES McCaffrey
DEPUTY COMMISSIONER

September 19, 2019

90 Cold Spring Rd. LTD
90 Cold Spring Rd.
Syosset, New York 11758

RE: PREMISES: 90 Cold Spring Rd., Syosset, New York 11758
SECTION 15 BLOCK 84 LOT 16

Dear Property Owner:

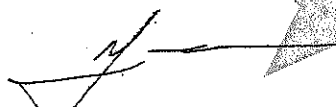
Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 00852 (copy attached) has been served on 09/12/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

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

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER


Michael Esposito, Bureau Chief
Code Compliance Division

ELM:ME:tc
Enclosure

VC CLERK

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

THIS INDENTURE, made the

15th day of

FEBRUARY

2012

BETWEEN

ALICE E BRYANT, 90 COLD SPRING RD, SYOSSET, NY

party of the first part, and

90 COLD SPRING RD LTD, 90 COLD SPRING RD, SYOSSET, NY

party of the second part,

WITNESSETH, that the party of the first part, in consideration of

paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever, TEN dollars

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

SEC 15 BLK 64 LT 16

PREMISES KNOWN AT 90 COLD SPRING ROAD, SYOSSET, NY 11791

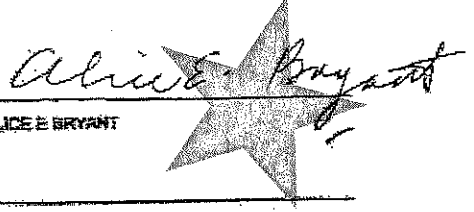
TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof, TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,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

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

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" when ever the sense of this indenture so requires.

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

IN PRESENCE OF


ALICE E BRYANT

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

October 16, 2019

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

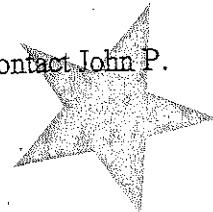
FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

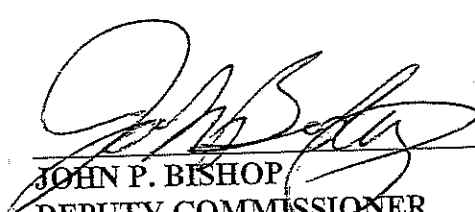
SUBJECT: 90 COLD SPRING ROAD, SYOSSET
CLEAN-UP

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

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$3,145.22.

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





JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (15-84-16) 90 COLD SPRING RD SYOSSET NY 11791

Date Oct 9, 2019

Work Order # 53910

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
MICHAEL BARRY	General Maintenance	04:30	/ \$30.19	00:00	0	\$135.86
KEVIN FREIBERG	General Maintenance	04:30	/ \$35.98	00:00	0	\$161.91
ERIC GOLDEN	General Maintenance	04:30	/ \$37.48	00:00	0	\$168.66
RODOLFO MERCADO	General Maintenance	04:30	\$26.39	00:00	0	\$118.76
RONNIE WILCOX	General Maintenance	04:30	15.00	00:00	0	67.50
DARIN S RIEFBERG	General Maintenance	04:30	\$19.23	00:00	0	\$86.54

Total Labor

739.23

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PK407	SANJ PACKER 2012 INTER 7400 YW (PP934 / PP-934)	\$105.00	04:30	\$472.50
PU454	PICK UP TRUCK 2019 FORD F350 YW	\$79.00	04:30	\$355.50
TD656	PICK-UP TRUCK 2009 FORD F-250 YW (15 / 015)	\$79.00	04:30	\$355.50
TD737	TRUCK DUMP 2016 DODGE RAM 3500 - POWER WAGON (T-155)	\$105.00	04:30	\$472.50

Total Equipment

\$1656.00

Materials

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

Total Materials

\$750.00

Grand Total

3145.22

Description of Work:
clean up 90 cold spring rd

Signature: P. Brown

Name: Peter Brown

Title: Director of Highway Operations

Date: Oct 15, 2019

WHEREAS, pursuant to Sections 96-15 and 96-20 of the Code of the Town of Oyster Bay, the Department of Planning and Development, by its emergency powers, authorized the Highway Department, to demolish the house located at 63 Vandewater Street, Farmingdale, New York 11735, also known as Section 48, Block 503, Lot 114 on the Land and Tax Map of the County of Nassau: and

WHEREAS, Frank M. Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 9, 2020, pursuant to Section 96-19 of the Code of the Town of Oyster Bay, have requested that the cost of demolishing the aforementioned premises on September 30, 2019, in the total amount of \$32,061.28, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 9, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$32,061.28 may be assessed by the Legislature of the County of Nassau against the parcel known as 63 Vandewater Street, Farmingdale, New York 11735, also known as Section 48, Block 503, Lot 114 on the land and tax map of the County of Nassau, at the same time as other taxes are levied or assessed.

-#-

Reviewed By
Office of Town Attorney
Ralph P. Healey

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

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

24

Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2020

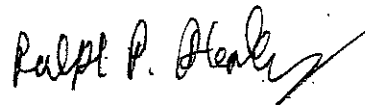
SUBJECT: Property Cleanup Assessment
63 Vandewater Street, Farmingdale, New York 11735
Section 48, Block 503, Lot 114

By the emergency powers granted to the Department of Planning and Development, the Highway Department, under their emergency powers, demolished the premises located at 63 Vandewater Street, Farmingdale, New York 11735, also known as Section 48, Block 503, Lot 114 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated October 16, 2019, advised that the property was secured by a crew from the Highway Department on September 30, 2019. The total cost incurred by the Town of Oyster Bay was \$32,061.28.

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

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE
TOWN ATTORNEY



Ralph P. Healey
Special Counsel

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

KanB 2019-7423

Town of Oyster Bay
Inter-Departmental Memo DEPUTY COMM/HIGHWAY

TO: RICHARD LENZ, COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

ATTENTION: JOHN BISHOP, DEPUTY COMMISSIONER ✓
HIGHWAY DEPARTMENT

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

DATE: SEPTEMBER 19, 2019

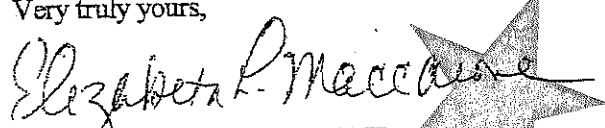
SUBJECT: DANGEROUS BUILDING
TO BE DEMOLISHED LOCATED AT
63 VANDEWATER STREET - FARMINGDALE, NEW YORK

Please be advised that a visual inspection of the above referenced property was performed by this Department's outside engineering consultant along with a Building Inspector of this Department.

As a result of this Department's outside engineering consultant's inspection, in accordance with Chapter 96 (Dangerous Buildings and Abandoned Buildings), Section 20 (Emergencies) of the Code of the Town of Oyster Bay, the undersigned has declared that the vacant and abandoned dwelling located at the above referenced address is deemed to be dangerous building because it poses a threat to the general public's safety and welfare.

The undersigned hereby requests that the Town's Highway Department demolish the unsafe structure as soon as possible. It is requested that once the dwelling is demolished, the property be properly secured. Prior to the demolition, all utilities including electric, gas and water should be properly disconnected.

Thank you for your attention to this matter. If you have any questions regarding this issue, kindly contact the undersigned at extension 6294.

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER

ELM:tz
cc: Joseph Nocella, Town Attorney
Andrew K. Preston, Bee, Ready, Fishbein, Hatter, & Donovan, LLP.
Michael Esposito, T.O.B. Code Enforcement Bureau

CONVEY YOUR LANDS BEFORE DEEDING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LANDLORDS ONLY.

THIS INSTRUMENT, made the 13th day of July, nineteen hundred and eighty-nine
BETWEEN Donald E. Temple, residing at 63 Vandewater Street, Farmingdale, New York
and Lucy D. Temple, residing at 1692 Powers Avenue, East Meadow, New York

party of the first part, and Donald E. Temple, residing at 63 Vandewater Street, Farmingdale, New York

AS SHOWN ON THE MAPS

COUNTY LAND-TAX MAP NO.

48

503

LOT 114

party of the second part,

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

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the at Farmingdale, in the Town of Oyster Bay, County of Nassau and State of New York, known and designated as and by the part of Lots Numbered 56, 57, 58, 59 and 60 in Block 35, on a certain map entitled, "Map of Fallwood Realty Corp., Section #1, properties at Farmingdale, Nassau County, N.Y., surveyed by C.W. Smith, April 9, 1917" and filed in the Nassau County Clerk's Office on April 20, 1917 as Map #32, Case #276, which said part of Lots are more particularly bounded and described accordingly to said map, as follows:

BEGINNING at the corner formed by the intersection of the northerly side of Radcliffe Avenue with the westerly side of Vandewater Street; thence thence westerly along the northerly side of Radcliffe Avenue, 70 feet; thence northerly, parallel with Vandewater Street, 100 feet; thence easterly, parallel with Radcliffe Avenue, 70 feet to the westerly side of Vandewater Street; thence southerly along the westerly side of Vandewater Street, 100 feet to the corner, the point or place of BEGINNING

SAID PREMISES known as and by the street number 63 Vandewater Street, Farmingdale, NY and intended being the same premises as conveyed to the party of the first part herein by deed dated 8/26/55 and recorded 8/26/58 in Liber 6815 of page 57.

SUBJECT TO easements, covenants, encumbrances, restrictions and agreements of record, if any; and to any state of facts an accurate survey would show.

SAID premises being more commonly known as 63 Vandewater Street, Farmingdale, New York.

SAID premises being and intending to be the same premises as was conveyed to the party of the first part by deed dated July 25, 1979 which deed was recorded on July 31, 1979 in the office of the Clerk in the County of Nassau in Liber 9223 of deeds in page 625.

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

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 15 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first in the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

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

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

In presence of:

Handwritten signatures of witnesses

Donald E. Temple
Donald E. Temple
Lucy D. Temple
Lucy D. Temple

DEED 10015/26 670

No Consideration

RECORDED
INDEXED
503
48

REI 7-1989

KQ

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

October 16, 2019

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

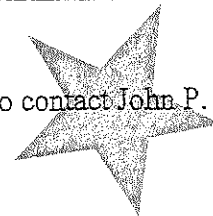
FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT


SUBJECT: 63 VANDERWATER STREET, FARMINGDALE
HOUSE TAKE DOWN

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

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$32,061.28.

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





JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

REC'D TOWN ATTORNEY
'19 OCT 24 PM 4:13



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (48-503-114) 63 VANDERWATER ST FARMINGDALE 11735

Date Sep 30, 2019

Work Order # 64031

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PETER BROWN	General Maintenance	08:00	\$41.77	03:00	1.5	\$522.13
MICHAEL R. GIORDANO	General Maintenance	08:00	\$29.95	03:00	1.5	\$374.38
SCOTT PFEIFER	General Maintenance	08:00	\$57.04	03:00	1.5	\$713.00
PETER GADIGIAN	General Maintenance	08:00	\$43.19	03:00	1.5	\$539.88
JOHN GUARINO	General Maintenance	08:00	\$45.78	04:00	1.5	\$640.92
PETER LLOYD	General Maintenance	08:00	\$43.19	02:00	1.5	\$475.09
JUAN ALFARO	General Maintenance	08:00	\$26.39	03:00	1.5	\$329.88
RUBEN FOURNIER	General Maintenance	04:00	\$35.84	00:00	0	\$143.36
RUBEN FOURNIER	General Maintenance	08:00	\$35.84	03:00	1.5	\$448.00
RICHARD JULIANO	General Maintenance	04:00	\$43.19	00:00	0	\$172.76
RICHARD JULIANO	General Maintenance	08:00	\$43.19	02:00	1.5	\$475.09
GARY LEWIS, II	General Maintenance	04:00	\$34.02	00:00	0	\$136.08
GARY LEWIS, II	General Maintenance	08:00	\$34.02	02:00	1.5	\$374.22
VICTOR NIETO	General Maintenance	08:00	\$26.39	03:00	1.5	\$329.88
MICHAEL RICCARDO	General Maintenance	08:00	\$47.21	03:00	1.5	\$590.13
DERRICK SCOTT	General Maintenance	04:00	\$41.25	00:00	0	\$165.00
DERRICK SCOTT	General Maintenance	08:00	\$41.25	02:00	1.5	\$453.75
JASON WAHL	General Maintenance	08:00	\$31.60	03:00	1.5	\$395.00
MICHAEL CALAMIA	General Maintenance	04:00	\$25.56	00:00	0	\$102.24
MICHAEL CALAMIA	General Maintenance	08:00	\$25.56	03:00	1.5	\$319.50
JEFFREY VAN NOSTRAND	General Maintenance	08:00	\$44.64	00:00	0	\$357.12
Total Labor						\$8057.41

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
BH013	BACK HOE 2008 KOMAT 200LC YW	\$168.00	11:00	\$1848.00
BR109	2006 CHEVY TRAILBLAZER GRAY	\$79.00	11:00	\$869.00
PL091	PAYLOADER 2013 KOMAT WA380 YELLO (HT-2)	\$168.00	04:00	\$672.00
PLO90	Payloader 2013 Komat W380 Yellow	\$168.00	04:00	\$672.00
PU438	PICK UP 2012 FORD F250 TAN (90)	\$79.00	11:00	\$869.00
SK010	SKID LOADER 2012 TAKEU TL240 GR/WH	\$26.00	06:00	\$156.00

TD599	TRUCK DUMP 2006 INTL 7400 YW (T-278) -10 Wheeler	\$93.00	14:00	\$1302.00
TD640	TRUCK DUMP 2008 INTL 7400 YW (T-279) -10 Wheeler	\$93.00	10:00	\$930.00
TD641	TRUCK DUMP 2008 INTER 7400 YW (T-169) -10 Wheeler	\$93.00	15:00	\$1395.00
TD672	TRUCK DUMP 2009 INTER 7400 YW (T-149) -10 Wheeler	\$93.00	03:00	\$279.00
TD696	TRUCK DUMP 2011 INTER 7400 YW (T-249) -10 Wheeler	\$93.00	14:00	\$1302.00
TD709	TRUCK DUMP 2012 INTER 7400 YW (T-109) -10 Wheeler	\$93.00	07:00	\$651.00
TD731	2016 INTER 4200 YW 6 WHEELER	\$131.00	04:00	\$524.00
TD734	TRUCK DUMP 2016 INTL - 10 WHEELER (T-129)	\$93.00	15:00	\$1395.00
TR191	TRAILER 2012 ETNYR 55LTD YW	\$105.00	11:00	\$1155.00
TR205	TRAILER 2017 FELLI FT3 BL	\$105.00	06:00	\$630.00
TU052	TRUCK UTILITY 2012 FORD F-350 YW (RR911)	\$79.00	08:00	\$632.00
Total Equipment				\$15281.00


Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Clean Fill (per yd)	\$15.00	240	\$3600.00
Tipping Fee (per ton)	\$87.51	49.97	\$4372.87
Total Materials			\$8722.87

Grand Total \$32061.28

Description of Work:

HOUSE DEMO 63 VANDERWATER STREET FM

Signature: 

Name: Peter Brown

Title: Director of Highway Operations

Date: Oct 15, 2019



WHEREAS, pursuant to Section 135-54(B) of the Code of the Town of Oyster Bay, the Department of Planning and Development, by memorandum dated August 20, 2019, authorized the Highway Department to clean up the premises located at 116 Thorne Drive, Bethpage, New York 11714, also known as Section 47, Block D, Lot 120 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 9, 2020, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on September 5, 2019, in the total amount of \$1,542.66, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Chief Deputy Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 9, 2020, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$1,542.66 may be assessed by the Legislature of the County of Nassau against the parcel known as 116 Thorne Drive, Bethpage, New York 11714, also known as Section 47, Block D, Lot 120 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

Reviewed By
Office of Town Attorney
Ralph P. Healey

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

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

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Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 9, 2020

SUBJECT: Property Cleanup Assessment
116 Thorne Drive, Bethpage, New York 11714
Section 47, Block D, Lot 120

The Department of Planning and Development, by memorandum dated August 20, 2019, directed the Highway Department to clean the premises located at 116 Thorne Drive, Bethpage, New York 11714, also known as Section 47, Block D, Lot 120 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated September 29, 2019, advised that the property was cleaned by a crew from the Highway Department on September 5, 2019. The cost incurred by the Town of Oyster Bay was \$1,542.66.

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

Kindly place this matter on the Town Board Action Calendar.

OFFICE OF THE
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel

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

2019-7419

TOWN OF OYSTER BAY

Inter-Departmental Memo

August 20, 2019

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 116 Thorne Dr., Bethpage, NY 11714
SBL: 47-D-120

Notice of Violation No. 00241 was issued to the owner of the above-referenced premises on 8/5/2019 for property non-maintenance, in violation of Section 135.52 of the Town Code. More than five days have passed since the Notice was served and the condition still remains.

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

- The grass and vegetation be cut.

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

ELIZABETH L. MACCARONE
COMMISSIONER
BY:


MICHAEL ESPOSITO
CODE ENFORCEMENT BUREAU

ME:tc

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

2019-7419



Town of Oyster Bay
Department of Planning and Development
Town Hall - 74 Andrey 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

August 20, 2019

Ms. Margaret Murphy
116 Thorne Drive
Bethpage, New York 11714

RE: PREMISES: 116 Thorne Drive, Bethpage, New York 11714
SECTION 47 BLOCK D LOT 120

Dear Property Owner:

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

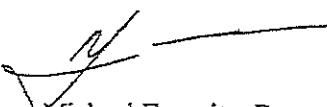
Please be advised that N.O.V. No. 00241 (copy attached) has been served on 8/5/19. As of this date, the violation has not been rectified and the conditions at the premises continue to endanger the health, safety and welfare of the residents of the Town of Oyster Bay. Please be further advised that I have directed the Highway Department to perform the necessary maintenance, and to take all the necessary steps to recover from you the costs thereof.

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

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER




Michael Esposito, Bureau Chief
Code Compliance Division

ELM:ME:tc
Enclosure

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

THIS INDENTURE, made the 19th day of ^{February}~~January~~, nineteen hundred and ninety nine

BETWEEN

Gennaro J. Scarpati, residing at

231 TROSKINS AVE
YONKERS, NY 10703

party of the first part, and

Margaret A. Murphy, residing at

136 Thorne Drive
Bethpage, New York 11714

party of the second part.

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

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

Beginning at a point on the northeasterly side of Thorne (Central Park Avenue) Drive distant 298.41 feet southeasterly from the corner formed by the intersection of the northeasterly side of Thorne (Central Park Avenue) Drive with the southeasterly side of Styx Avenue;

Running Thence North 45 degrees 27 minutes 10 seconds East 200.00 feet;

Thence South 44 degrees 00 minutes East 80.00 feet;

Thence South 45 degrees 27 minutes 10 seconds West 200.00 feet to the northeasterly side of Thorne (Central Park Avenue) Drive;

Thence northwesterly along the northeasterly side of Thorne (Central Park Avenue) Drive North 44 degrees 00 minutes West 80.00 feet to the point or place of Beginning.

SUBJECT TO UTILITY easement of record.

SUBJECT TO Mortgage dated April 2, 1993

47
D
20
BEING THE SAME PREMISES conveyed to Margaret A. Murphy and Gennaro J. Scarpati by deed dated April 2, 1993 and recorded on Liber 10302 page 0678.

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

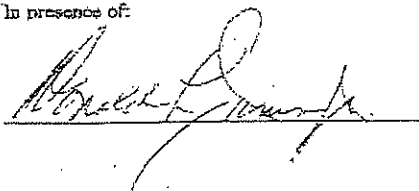
AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been Incumbered in any way whatever, except as aforesaid.

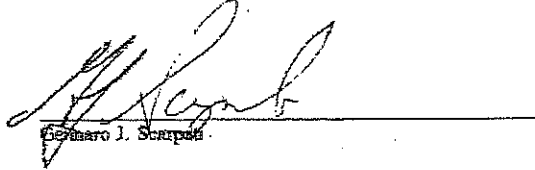
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of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

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

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

In presence of:




Gennaro J. Scarpati

AL

Town of Oyster Bay
Inter- Departmental Memo

September 29, 2019

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

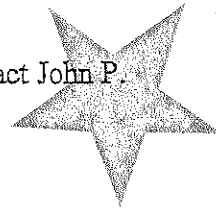
FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT


SUBJECT: 116 THORNE DRIVE, BETHPAGE
CLEAN-UP

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

In accordance with the rectification of this violation it is asked that this department be reimbursed in the total amount of \$1,542.66.

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




JOHN P. BISHOP
DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kjb

Enc. T & M sheet

RECEIVED
SEP 30 2019

SEP 30 2019



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (47-D-120) 116 THORNE DR BETHPAGE 11714

Date Sep 5, 2019

Work Order # 62940

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
MICHAEL ZEREBAK	General Maintenance	01:30	\$25.11	00:00	0	\$37.67
MICHAEL SOLOMON	General Maintenance	01:30	\$24.86	00:00	0	\$37.29
BRIAN TROTTA	General Maintenance	01:30	\$28.08	00:00	0	\$42.12
RAYMOND SWIERKOWSKI	General Maintenance	01:30	\$30.05	00:00	0	\$45.08
Total Labor						\$162.16

Tools/Vehicle

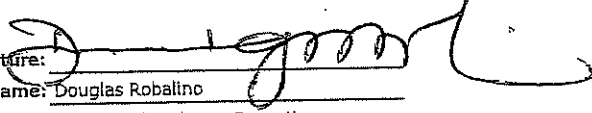
Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU444	PICK UP 2012 FORD F350 YELLO (21 / 021)	\$79.00	01:30	\$118.50
TD670	TRUCK DUMP 2009 FORD F-350 YW (T-235) - Power Wagons	\$105.00	01:30	\$157.50
TD732	TRUCK DUMP 2016 INTL 7300 YW (T141) 6 WHEELER	\$131.00	01:30	\$196.50
TO088	TRACTOR 1999 DEERE 5210 GREEN (LT-8 / LT8)	\$158.00	01:00	\$158.00
Total Equipment				\$630.50

Materials

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

Grand Total \$1542.66

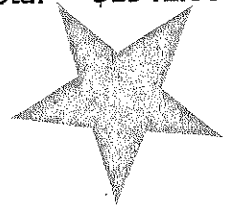
Description of Work:
CLEAN UP 116 THORNE DRIVE BP

Signature: 

Name: Douglas Robalino

Title: Director of Highway Operations

Date: Sep 25, 2019



WHEREAS, Resolution No. 862-2017, adopted on December 12, 2017, authorized Holzmacher, McLendon & Murrell, P.C. to provide Engineering Services to the Town of Oyster Bay under Contract No. PWC23-18, On-Call Environmental Engineering; and

WHEREAS, Holzmacher, McLendon & Murrell, P.C., by letter dated December 7, 2019, described the scope of work performed in connection with providing engineering services relative to environmental and geotechnical monitoring of backfilling of an excavated area at the Country Pointe Plainview site under Contract No. PWC23-18 in an amount not to exceed \$275,000.00; and

WHEREAS, the developer, The Beechwood Organization, is required to provide reimbursement to the Town of Oyster Bay for costs associated with the aforesaid work and has made payment of \$242,860.75 to the Town for the work performed by Holzmacher, McLendon & Murrell, P.C. The Beechwood Organization has made payment in that amount and these funds are available in Account No. TWNA TA 000 0085 466 0000; and

WHEREAS, services provided by Holzmacher, McLendon & Murrell, P.C., under Contract No. PWC23-18 through December 31, 2019 total \$256,699.72; and

WHEREAS, Holzmacher, McLendon & Murrell, P.C., requested authorization to retain Soil Mechanics Drilling Corp. and York Analytical Laboratories, Inc. as sub-consultants under Contract No. PWC 23-18 to provide geotechnical testing services and laboratory services, respectively; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated January 10, 2020, requested Town Board authorization to make payment to Holzmacher, McLendon & Murrell, P.C. for the aforesaid On-Call Environmental Engineering Services under Contract No. PWC23-18, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed \$275,000.00 for this purpose, and further requested that Holzmacher, McLendon & Murrell, P.C. be authorized to retain Soil Mechanics Drilling Corp. and York Analytical Laboratories, Inc. as sub-consultants under Contract No. PWC 23-18; and

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed \$275,000.00, for payment to Holzmacher, McLendon & Murrell, P.C. for the aforementioned services in connection with Contract No. PWC23-18, On-Call Environmental Engineering Services, with funds to be drawn from Account No. TWNA TA 000 0085 466 0000, and Holzmacher, McLendon & Murrell, P.C. is hereby authorized to retain Soil Mechanics Drilling Corp. and York Analytical Laboratories, Inc. as sub-consultants under Contract No. PWC 23-18 to provide geotechnical testing services and laboratory services, respectively.

-#-

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 O. Taugman

29/

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TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

JANUARY 10, 2020

TO: MEMORANDUM DOCKET

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

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST &
USE OF SUB-CONSULTANT
RELATIVE TO ENVIRONMENTAL ENGINEERING
CONTRACT NO. PWC23-18
ACCOUNT NO.: TWN TA 000 00085 466 0000

The consultant, Holzmacher, McLendon & Murrell, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC23-18 by Resolution No. 862-2017 for the subject project.

Attached is a letter dated December 7, 2019 from Holzmacher, McLendon & Murrell, P.C. regarding the scope of work performed in an amount not to exceed \$275,000.00 through the completion of the project. Services performed included environmental and geotechnical monitoring of backfilling of an excavated area at the Country Pointe Plainview site. Services provided through December 31, 2019 total \$256,699.72.

The developer, The Beechwood Organization, provides reimbursement of costs associated with this work. Attached is an availability of funds in the amount of \$242,860.75, representing reimbursement received to date for these services. A supplemental funding authorization will be submitted for the balance of funds once reimbursement is received from the developer. In accordance with the Director of Finance, funds are available in Account No. TWNA TA 000 00085 466 0000.

Further, Holzmacher, McLendon & Murrell, P.C. requests the use, as sub-consultants, Soil Mechanics Drilling Corp. for geotechnical testing services, and York Analytical Laboratories, Inc. for laboratory services.

It is hereby requested that the Town Board, by Resolution, authorize payment as foresaid to Holzmacher, McLendon & Murrell, P.C., for services under Contract PWC23-18, On-Call Engineering Services Relative to Environmental Engineering and requests that the Comptroller be directed to issue an encumbrance order for this purpose, and that Soil Mechanics Drilling Corp. and York Analytical Laboratories, Inc. be approved as sub-consultants.


RICHARD W. LENZ, P.E.
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL//MR/lk

Attachment

cc: Office of the Town Attorney (w/9 copies)
Steve C. Ballas, Comptroller
George Baptista, Deputy Commissioner/Environmental Resources
Kathy Stefanich, Administrative Division/DPW

PWC23-18 H2M DOCKET COUNTRY POINTE 2019 FUNDS A





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



Requesting Division/Department

PUBLIC WORKS

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

Contract Number PWC 23-18

Contract Period 1/1/2018 - 12/31/19

Consultant/Contractor Holzmacher, McLendon & Murrell, P.C.

Discipline Environmental Engineering

Total Authorization \$267,860.75

Resolution No. 862-2017 Date 12/12/2017

Funded To Date \$25,000

Amount Requested \$242,860.75

Account To Be Used TWNA TA 000 00085 466 0000

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.

OVERSIGHT OF RESTORATION OF EXCAVATED AREA

AT COUNTRY POINTE DEVELOPMENT, PLAINVIEW

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

Date JANUARY 10, 2020

DPW Approval

Only To Be Executed By The Commissioner

Signature [Signature]

Title Commissioner of Public Works

Date JAN. 10, 2020

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 242,860.75

Unencumbered Balance 242,860.75

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? Yes ☒ No ☐

Signature [Signature]

Date 1/13/2020



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 1/1/2018

Contract No. PWC23-18

Contract End 12/31/2019

Commencement Date JANUARY 1, 2019

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

Vendor Name and Address

HOLZMACHER, MCLENDON & MURRELL, P.C.

290 BROADHOLLOW ROAD

SUITE 400E

MELVILLE, NEW YORK 11747

Requesting Town Department PUBLIC WORKS

Contact MATTHEW RUSSO, P.E. Phone 516-677-5719

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

OVERSIGHT OF RESTORATION OF EXCAVATED AREA

AT COUNTRY POINTE DEVELOPMENT, PLAINVIEW

This work order shall not exceed \$ 242,860.75

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

Requesting Division/Department

Department Of Public Works Approval

Only To Be Executed By The Commissioner

Signature [Signature]

Signature [Signature]

Title DEPUTY COMMISSIONER

Commissioner of Public Works

Date JANUARY 10, 2020

Date JAN. 10, 2020

Meeting of December 12, 2017

Resolution No. 862-2017

Attest By
TOWN ATTORNEY

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memoranda dated November 27, 2017 and December 4, 2017, advised that the Department of Public Works issued a Request for Proposal to firms seeking to provide On-Call Engineering Services to the Town, relative to Environmental Engineering, resulting in the receipt of nine (9) submissions, and after review and analysis of the submissions based upon the technical merits of the responses has selected D & B Engineers & Architects, P.C., Gannett Fleming Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., Lockwood, Kessler & Bartlett, Inc. and PW Grosser Consulting Engineers, P.C. to perform On-Call Engineering Services in connection with Contract No. PWC23-18, for a two (2) year contract, from January 1, 2018 through December 31, 2019; and

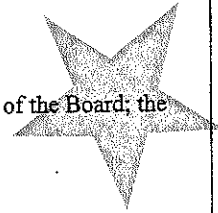
NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved and in connection with Contract No. PWC23-18, D & B Engineers & Architects, P.C., Gannett Fleming Engineers & Architects, P.C., Holzmacher, McLendon & Murrell, P.C., Lockwood, Kessler & Bartlett, Inc. and PW Grosser Consulting Engineers, P.C., are hereby authorized and directed, in connection with Contract No. PWC23-18, to provide On-Call Engineering Services relative to Environmental Engineering for a two (2) year contract, from January 1, 2018 through December 31, 2019.

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Absent
Councilwoman Johnson	Aye
Councilman Imbroto	Absent
Councilman Hand	Aye

cc: Supervisor (2)
Town Attorney
Comptroller
Public Works





architects + engineers

290 Broad Hollow Road, Suite 400E
Melville, NY 11747

tel 631.756.8000

December 7, 2019

Mr. Matt Russo, P.E.
Town of Oyster Bay Department of Public Works
Division of Engineering
150 Miller Place
Syosset, New York 11791

**Re: Professional Engineering Services
Environmental Monitoring and Backfill Plan
1425 Old County Road, Plainview, New York – Country Pointe
H2M Proposal #: LP19-0643**

Dear Mr. Russo:

As you are aware, H2M previously transmitted proposals to the Town of Oyster Bay on May 30, 2019 and August 9, 2019 associated with the environmental monitoring and backfill efforts for the Country Pointe Plainview site. H2M has provided copies of the May 30th and August 9th proposals for your convenience. As noted within the August 9th proposal, The Beechwood Organization (Beechwood) indicated that site work would be completed by mid-September. Within the August 9th proposal, H2M estimated a fee of \$245,000.00 for services to be rendered. However, Beechwood's site work and therefore H2M's environmental sampling, monitoring and compaction testing services conducted at the site were not completed until late October. This is approximately one month after initial projections based on Beechwood communications.

H2M has supplied invoices with backup including timesheets and laboratory invoices totaling \$242,860.75. Based on the additional four weeks of site work and unexpected sampling/analytical tasks, H2M has incurred additional and unexpected effort. H2M proposes a total project cost of \$275,000.00 and assumes no significant evaluations of Beechwood's site activities besides limited topsoil specifications/testing will be required. A report documenting all site activities will be completed after final topsoil specifications, testing and analysis is completed.

If you should have any questions, please contact the undersigned at (631) 756-8000 x1483.

Very truly yours,

H2M architects + engineers

Paul R. Lageraaen, P.E., P.G.
Vice President
Director | Environmental/Forensics/Industrial Hygiene

Attachments:

Attachment 1: Prior Proposal Submissions

ATTACHMENT 1

Prior Proposal Submissions



architects + engineers

290 Broad Hollow Road, Suite 400E
Melville, NY 11747

tel 631.756.8000

August 9, 2019

Mr. Matt Russo, P.E.
Town of Oyster Bay Department of Public Works
Division of Engineering
150 Miller Place
Syosset, New York 11791

**Re: Addendum Proposal for Professional Engineering Services
Environmental Monitoring and Backfill Plan**

Dear Mr. Russo;

H2M architects + engineers (H2M) was requested to provide professional engineering services in conjunction with the County Pointe Plainview site. H2M transmitted a proposal to the Town of Oyster Bay (Town) on May 30, 2019. H2M performed baseline stockpile sampling and analysis and provided comments on The Beechwood Organization (Beechwood) proposed Backfill Plan. In addition, H2M continues to provide periodic monitoring of site work, sampling and analysis for geotechnical and environmental parameters and compaction testing utilizing a subcontractor (Soil Mechanics Drilling Corp.).

Within the proposal dated May 30, 2019, H2M proposed a scope of services based on reasonable assumptions on the methodologies and procedures likely to be enacted by Beechwood. These assumptions included:

- H2M would be monitoring the project for an estimated 30-days.
- Beechwood would be conducting their own geotechnical analysis for ensuring consistency with backfill specifications.
- H2M would conduct geotechnical analysis on about 10% of the samples for QA/QC purposes.
- Environmental soil samples would be analyzed at a standard turn-around-time.
- Beechwood would be performing their own compaction testing intermittently with H2M providing QA/QC compaction testing on about 10% of these lifts.
- The Beechwood Organization would utilize imported fill to backfill the 2.1 acre site.

Rather than import new certified clean fill, Beechwood has elected to utilize soils which were previously excavated and staged onsite during construction activities. Analysis of stockpiled soils indicated the presence of fine grained soils (silt and clay) that exceeded the approved Backfill Plan limit of 12% (based on passing a 200 sieve). This has complicated Beechwood's backfilling efforts as soil piles, each between 750 to 1,000-cubic yards in volume, are blended to reduce the percent fines. In addition, Beechwood has ceased using their own geotechnical expert and has been relying on the Town's consultant (H2M and our subconsultant Soil Mechanics) to perform the geotechnical analysis and compaction testing. While the approved Backfill Plan allowed for analysis of one gradation analysis per 5,000-cubic yards, H2M's visual inspections and increased frequency of geotechnical analysis (samples collected from each isolated soil pile) have indicated that intermittently soils staged do not meet Backfill Plan specifications.

Beechwood's approach of triple handling soils by excavating bankrun from within the excavation and mixing with previously identified soils with high fines content, and then relocating blended soils to within the excavation has increased anticipated project duration. With the increased scope above and beyond the originally proposed services, we do not expect the project to be completed within the previously established budget of \$116,000.00. As of Friday, July 26th, H2M incurred \$43,500.00 in effort. This includes H2M's documentation of site work, geotechnical analysis of 57 samples and 10 samples for

environmental parameters. This price does not include estimated fees to date of \$10,000.00 by Soil Mechanics performing the compaction testing.

For comparison purposes, an estimated 20% of the necessary soil volume was placed within the excavation as of July 26, 2019. Based on preliminary calculations, recent rates at which backfilling efforts are performed and high frequency of preliminary geotechnical failures, it is apparent that site work will not be completed within the initial assumed 30-day period. During an on-site discussion on August 6, 2019, Mr. Bill Carman of Beechwood indicated an additional 6 weeks of site work is likely. Bankrun continues to be removed from the excavation and will be blended for an estimated 64,000-cubic yards to be placed within the excavation. The following actions, the associated impact and cost considerations are provided for your review:

Action	Impact	Cost Difference based on Beechwood Schedule
Triple handling soils by Beechwood versus importing fill to backfill excavation	Increased labor by H2M personnel to conduct site evaluations and review of data – increased Beechwood and therefore H2M project duration by 6 weeks	\$61,150.00
Discharge by Beechwood of their geotechnical expert	Increased geotechnical sieve analysis and site personnel to conduct soil compaction - H2M originally proposed only QA/QC (spot check)	\$61,100.00
Additional soil analysis based on lack of certified clean fill and increased TAT	15 additional soil samples anticipated and surcharge of 35% applied	\$11,205.00

Based on the above, we anticipate to complete the project for an estimated budget of **\$245,000.00**, assuming no additional timeline overrun or scope changes by Beechwood. H2M proposes to provide the services outlined in the proposal dated May 30, 2019, in addition to the services detailed above for an estimated fee of **\$245,000.00**. To reiterate, for estimation purposes, H2M has made some assumptions with regards to the environmental monitoring, analytical and geotechnical services, and therefore, this price will vary based upon Beechwood's construction activities.

Consistent with prior projects and H2M's current contract with the Town, H2M will conduct all work on a time and materials basis and only invoice for incurred effort. If this proposal meets your approval, please return a purchase order referencing the original proposal and this Addendum.



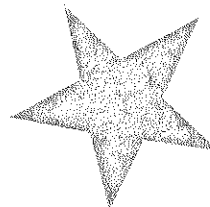
Mr. Matt Russo, P.E., Town of Oyster Bay
H2M Addendum Proposal for Environmental Monitoring and Backfill Plan
Country Pointe Plainview, 1425 Old Country Road, Plainview, NY
August 9, 2019
Page 3 of 3

If you should have any questions, please contact the undersigned at (631) 756-8000 x1483.

Very truly yours,

H2M architects + engineers

Paul R. Lageraaen, P.E., P.G.
Vice President
Director | Environmental/Forensics/Industrial Hygiene





architects + engineers

290 Broad Hollow Road, Suite 400E
Melville, NY 11747

tel 631.756.8000

May 30, 2019

Mr. Matt Russo, P.E.
Town of Oyster Bay Department of Public Works
Division of Engineering
150 Miller Place
Syosset, New York 11791

**Re: Proposal for Professional Engineering Services
Environmental Monitoring and Backfill Plan**

Dear Mr. Russo;

H2M architects + engineers (H2M) is pleased to submit herein our proposal for professional engineering services to be performed in conjunction with the Country Pointe Plainview site. As we understand it, the developer for the site, i.e., The Beechwood Organization, is proposing to backfill, compact and return to the Town certain property that has undergone significant excavation. In order to ensure that the material used for backfilling is of a suitable quality, and that it is compacted appropriately to allow the Town safe and unencumbered future use, H2M offers the following scope of services to support the Town's acceptance of the parcel. In furtherance of the parcel transfer, H2M proposes to develop a Backfill and Sampling Plan that will include environmental sampling and analysis and geotechnical testing, before and during backfilling operations, to ensure that the subject parcel is received in a manner that supports the best interests of the Town and the public.

Based on preliminary on-site discussions on May 7, 2019, as well as preliminary sampling performed on May 7 and May 15, 2019, H2M proposes the following tasks:

Task 1 – Baseline Sampling & Analysis

To initially assess the environmental quality of soils that were indicated by the developer for backfilling of the existing excavated area of the parcel, H2M conducted a preliminary sampling of the designated stockpiled soils. H2M collected five environmental samples for submission to an ELAP-accredited laboratory for 6 NYCRR Part 375 parameters including volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs), metals, PCB's, pesticides/herbicides and cyanide (collectively denoted as Part 375 parameters). It should be noted that the five samples collected and submitted for analysis do not represent a sufficient number of samples to characterize the stockpiles consistent with NYS DER-10 Technical Guidance for Site Investigation and Remediation (DER-10); a guideline typically utilized for backfilling monitoring. Since the Country Pointe property is not within any state remedial program administered by the NYSDEC Division of Environmental Remediation, the guidelines are not directly applicable. However, they can serve as a suitable and established guide for the backfilling situation.

In addition to sampling and analysis for environmental parameters, H2M has submitted six (6) samples for geotechnical evaluation to Soil Mechanics Drilling Corp., H2M's subcontractor, for compaction, gradation and sieve analysis. The analytical results and the geotechnical tests will be utilized to initially assess acceptability of the proposed stockpiled soils for backfilling and will be consistent with H2M's proposed Task 2 - Backfill and Sampling Plan. H2M will compare the Town's contract specifications for geotechnical requirements for Item 5 Select Borrow Fill for evaluation of the results.

Estimated Task 1 Fee: \$13,000.00



Task 2 – Existing Data Review & Backfill Sampling Plan

H2M proposes to develop a Backfill and Sampling Plan for the Town in consideration of future backfilling efforts that will be conducted by Beechwood at the site. Both the frequency of observations, amount of environmental and geotechnical sampling, and degree of environmental oversight will all be adjusted in the Town's best interests as the Country Pointe project proceeds. Technical specifications will be provided to address lift thickness, compaction requirements, gradation limits, and testing techniques.

H2M will review site-wide sampling data previously collected by VHB for Beechwood and conduct a site visit with H2M's geotechnical subconsultant (Soil Mechanics), to develop a strategy for future geotechnical analysis for inclusion in the Backfill and Sampling Plan.

Utilizing H2M's preliminary baseline sample analysis and after a review of VHB's Open Space Site Investigation Reports and Remedial Action Workplans, H2M will design a plan that meets Town objectives and is protective of human health. The Plan will include the intended environmental sample and analysis strategies to evaluate Part 375 parameters during any import of new backfill to the site as well as the placement of any of the existing piles of stockpiled material currently staged at the County Pointe property. It is noteworthy that it would likely be cost-prohibitive to samples and analyze the stockpile in a manner consistent with DER-10 guidelines for imported fill characterization a NYS guideline typically utilized for backfilling monitoring. As mentioned above, since the Country Pointe property is not within any state remedial program administered by the NYSDEC Division of Environmental Remediation, the guidelines are not directly applicable. However, they can serve as a suitable and established guide for the backfilling situations. The Plan will evaluate the cost-benefit ratio of sampling efforts and will be protective of Town resources.

Estimated Task 2 Fee: \$5,000.00

Task 3 – Environmental Field Monitoring & Project Management

Based on preliminary discussions with the Town, H2M proposes to be on-site to witness and observe backfilling efforts by Beechwood, field screen soils and collect appropriate environmental samples and conduct geotechnical analysis. For the purposes of this proposal, H2M has assumed that site backfilling activities are projected to occur over a 30-day period. It is also anticipated that, based on our preliminary observations, Beechwood may need to import quality backfill which will also need to be tested and monitored. To be cost conscious, H2M proposes that an environmental scientist witness and observe site activities for approximately 3 hours per business day over the six week period (30 days) and gather samples as needed. H2M also proposes that our geotechnical subconsultant be onsite daily to conduct compaction tests and observe contractor backfilling operations when they occur. Samples will also be collected for gradation analysis when deemed appropriate. Since H2M has not yet developed the Backfill and Sampling Plan, H2M cannot place a fixed price on analytical and geotechnical services at this time. However, for budgetary purposes, H2M has proposed \$55,000.00 (included in the estimated Task fee) for environmental laboratory/geotechnical fees. In addition to witnessing site activities, H2M will perform visual assessments to evaluate soil pile manipulation and backfilling efforts. An aerial drone may be utilized if approved. H2M's actual billing for this task will be entirely dependent on the rate and manner in which Beechwood conducts backfilling operations.

Estimated Task 3 Fee: \$95,000.00

Task 4 - Reporting

H2M proposes to generate a summary report documenting H2M's services relative to the environmental monitoring, baseline sampling and analysis and conformance by the developer with Town's requirements



Mr. Matt Russo, P.E., Town of Oyster Bay
H2M Proposal for Environmental Monitoring and Backfill Plan
Country Pointe Plainview, 1425 Old Country Road, Plainview, NY
May 30, 2019
Page 3 of 3

for their parcel. The report will serve to document the parcel's condition on receipt by the Town and provide requisite record for future reference should it be needed.

Estimated Task 4 Fee: \$3,000.00

H2M proposes to provide the services outlined in tasks 1 through 4 on a labor plus expense basis for an estimated fee of **\$116,000.00**. To reiterate, for estimation purposes, H2M has made some assumptions with regards to the environmental monitoring analytical and geotechnical services, and therefore, this price may vary dependent upon the sampling plan which can be modified to address any Town need. Review of VHB reports may reduce environmental analytical fees, however, any importation of fill material or modification to backfilling methodology may necessitate additional unplanned sampling.

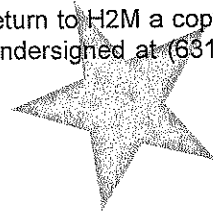
Consistent with prior projects and H2M's current contract with the Town, H2M will conduct all work on a time and materials basis and only invoice for incurred effort. If this proposal meets your approval, please return a purchase order referencing this proposal. All work shall be performed in accordance with the terms and conditions within the attached proposal statement. Please execute and return to H2M a copy of the proposal statement. If you should have any questions, please contact the undersigned at (631) 756-8000 x1483.

Very truly yours,

H2M architects + engineers

A handwritten signature in black ink, appearing to read 'Paul Lageraaen'.

Paul R. Lageraaen, P.E., P.G.
Vice President
Director | Environmental/Forensics/Industrial Hygiene



7/1/20
Reviewed By
Office of Town Attorney

WHEREAS, Syosset Park Development, LLC ("Syosset Park") commenced an action in Supreme Court: Nassau County (Index No. 606442/2019) against the Town of Oyster Bay relative to a Purchase and Sale Agreement between the Town, as Seller and Syosset Park, as successor in interest to the Purchaser, Oyster Bay Realty, LLC.; and

WHEREAS, Jeffrey Lesser, Deputy Town Attorney, by memorandum dated January 9, 2020, advised that claimant, Syosset Park alleges damages of \$31,900,000.00 as a result of breach of contract of a Purchase and Sale Agreement between the parties, dated August 27, 2013, asserting Purchaser's right of the return of a deposit paid by Syosset Park in the amount of \$2,500,000.00, return of an installment payment paid by Syosset Park in the amount of \$27,525,000.00, and damages related to closing deferment in the appropriate amount of \$1,900,000.00; and

WHEREAS, after extensive negotiations, the matter has settled for a total of \$30,450,000.00, in full resolution of all claims of Claimant;

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendation as set forth above, the Town Board finds that it is just, reasonable, and in the best interests of the Town to settle this matter for the sum of \$30,450,000.00, which sum is hereby authorized and approved by the Town Board, as full settlement to Claimant, Syosset Park, with regard to Claim No. 2019-7053 and with regard to the action instituted under Index No. 606442/2019, and the Comptroller is hereby authorized and directed to make payment therefor, by wire transfer to Plaintiff as stipulated in the Stipulation of Settlement dated January 2, 2020; and be it further

RESOLVED, That the funds for said payments are to be drawn from Account No. TWN A 1989 44170 000 0000 in the amount of \$30,000,000.00 and from Account No. DGS A 1620 45200 000 0000 in the amount of \$450,000.00.

#

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

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

31

Town of Oyster Bay

Inter-Departmental Memo

TO : Memorandum Docket

FROM : Office of the Town Attorney

DATE : January 9, 2020

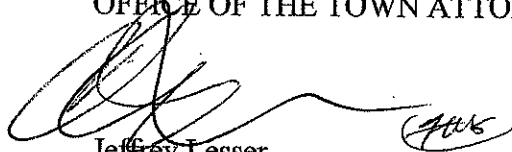
SUBJECT: SETTLEMENT OF LITIGATION
Claimant: Syosset Park Development, LLC v. Town of Oyster Bay
Claim No.: 2019-7053
Supreme Court: Nassau County - Index Number: 606442/2019

The above referenced claim arose from a Purchase and Sale Agreement, dated August 27, 2013, between the Town, as Seller and Syosset Park Development, LLC, as successor in interest to the Purchaser, Oyster Bay Realty, LLC. The Agreement regards approximately 54 acres of property located at 150 Miller Place, Syosset, New York. Following execution of the agreement, the Purchaser made a deposit payment of \$2,500,000.00, and an installment payment of \$27,525,000.00. Following deferment of the closing date of the property, Plaintiff, Syosset Park Development, LLC brought suit for breach of contract, seeking among other things, a refund of the \$30,025,000.00 payments along with unpaid use and occupancy of approximately \$1,200,000.00 and cell tower revenues of approximately \$700,000.00.

After extensive settlement negotiations, this matter has settled for \$30,450,000.00. It is this Office's opinion that such settlement is just, reasonable, and in the best interests of the Town given the uncertainties associated with litigation.

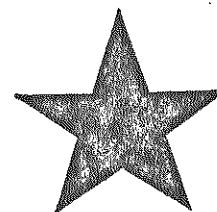
Accordingly, we have attached a resolution authorizing payment of \$30,450,000.00, together with a Stipulation of Settlement, executed by Claimant, and a Stipulation of Discontinuance. The funds for said payments are to be drawn from Account No. TWN A 1989 44170 000 0000 in the amount of \$30,000,000.00 and from Account No. DGS A 1620 45200 000 0000 in the amount of \$450,000.00.

OFFICE OF THE TOWN ATTORNEY


Jeffrey Lesser
Deputy Town Attorney

JAL:jl
Attachment
cc: Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\MD & Reso\Syosset Park Settlement JAL.docx



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
SYOSSET PARK DEVELOPMENT, LLC,
as successor-in-interest to Oyster Bay Realty LLC

Plaintiff,

-against-

THE TOWN OF OYSTER BAY,

Defendant.
-----X

Index No. 606442/2019

**STIPULATION OF
SETTLEMENT**

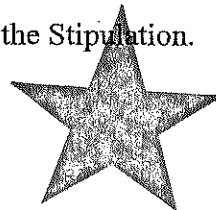
WHEREAS, the above-named plaintiff ("Plaintiff"), commenced this action on May 10, 2019, against the above-named defendant ("Defendant"), seeking *inter alia* a Judgment and Order (a) finding that Defendant (i) materially breached the Purchase and Sale Agreement, dated August 27, 2013, (ii) was unjustly enriched at Plaintiff's expense, and (iii) breached the implied covenant of good faith and fair dealing; and (b) awarding Plaintiff over \$31,000,000.00; and

WHEREAS, the above-named parties have agreed to settle this action, pursuant to the terms and conditions set forth herein; and

WHEREAS, all parties, intending to be legally bound, have consulted with their counsel and the undersigned counsel herein have the requisite authority and approval to enter into this Stipulation of Settlement ("Stipulation").

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES THAT:

1. The parties acknowledge that this Stipulation is the product of negotiation by all parties through their counsel, including negotiation as to the language set forth herein, and as such, to the extent there is any issue with respect to any alleged, perceived or actual ambiguity in this Stipulation, the ambiguity shall not be resolved on the basis of who drafted the Stipulation.



2. Defendant agrees to pay Plaintiff thirty-million-four-hundred-fifty-thousand U.S. dollars (\$30,450,000.00), which amount Plaintiff shall receive via wire by January 31, 2020. Before January 31, 2020, the parties shall mutually agree on the wiring instructions for payment.


3. Upon the execution of this Stipulation by or on behalf of all parties, Plaintiff will file a stipulation of discontinuance (attached hereto as "Exhibit 1") within 30 days of the receipt and clearing of the payment described in paragraph 2 of this Stipulation.

4. This Stipulation is enforceable under CPLR 3213, by Motion for Summary Judgment in Lieu of Complaint, and by any other means available under New York law. The prevailing party in the enforcement of this Stipulation shall be entitled to all costs and attorneys' fees incurred as a result of the enforcement.

5. This Stipulation may be delivered by electronic means (i.e. facsimiles or attachment to an e-mail), and signatures on this Stipulation delivered electronically will be deemed original signatures.

6. This agreement is subject to a vote for approval by the Town Board of the Town of Oyster Bay on January 28, 2020.

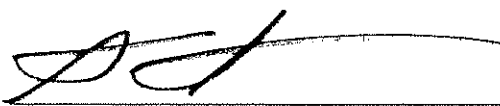
DEFENDANT:



Joseph Nocella, Esq. *Frank M. Scaler, Esq.*
THE TOWN OF OYSTER BAY
Town Attorney
54 Audrey Avenue
Oyster Bay, NY 11771
T. (516) 624-6150
jnocella@oysterbay-ny.gov

Dated January 2, 2020

PLAINTIFF:



Robert D. Gaudio, Esq.
SNYDER & SNYDER, LLP
Attorneys for Plaintiff
94 White Plains Road
Tarrytown, NY 10591
T. (914) 333-0700
rgaudio@snyderlaw.net

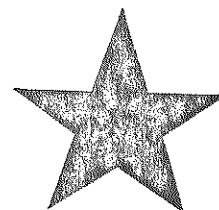
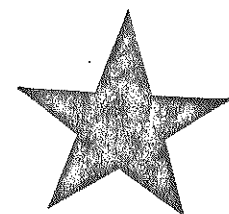


EXHIBIT 1



SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
SYOSSET PARK DEVELOPMENT, LLC,
as successor-in-interest to Oyster Bay Realty LLC

Plaintiff,

-against-

THE TOWN OF OYSTER BAY,

Defendant.
-----X

Index No. 606442/2019

**STIPULATION OF
DISCONTINUANCE**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned that
whereas no party hereto is an infant or incompetent person for whom a committee has been
appointed and no person not a party has an interest in the subject matter of the action, the above-
entitled action be, and the same is hereby discontinued, with prejudice, without costs to any party
as against the other. This Stipulation may be filed without further notice with the Clerk of the
Court.

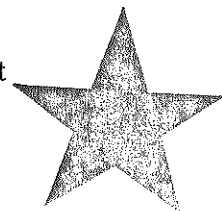
IT IS FURTHER STIPULATED AND AGREED that this Stipulation may be delivered by
electronic means (i.e. facsimiles or attachment to an e-mail) and signatures on this Stipulation
delivered electronically will be deemed original signatures.

DEFENDANT:

Joseph Nocella, Esq.
THE TOWN OF OYSTER BAY
Town Attorney
54 Audrey Avenue
Oyster Bay, NY 11771
T. (516) 624-6150
jnocella@oysterbay-ny.gov

PLAINTIFF:

Robert D. Gaudio, Esq.
SNYDER & SNYDER, LLP
Attorneys for Plaintiff
94 White Plains Road
Tarrytown, NY 10591
T. (914) 333-0700
rgaudio@snyderlaw.net



At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on January 28, 2020, at 7:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: No one.

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

BOND RESOLUTION DATED JANUARY 28, 2020.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$30,000,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY A PORTION OF THE \$30,450,000 ESTIMATED MAXIMUM COST OF THE SETTLEMENT OF CLAIMS FILED AGAINST THE TOWN OF OYSTER BAY BY SYOSSET PARK DEVELOPMENT, LLC., INDEX NO. 606442/2019, IN AND FOR SAID TOWN.

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

Section 1. For paying a portion of the cost of the settlement of claims filed against the Town of Oyster Bay by Syosset Park Development, LLC., Index No. 606442/2019, including incidental expenses in connection therewith, a specific object or purpose, there are hereby authorized to be issued \$30,000,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum costs of the aforesaid class of objects or purposes is \$30,000,000, and the plan for the financing thereof is by (i) \$450,000 of available funds on hand and (ii) the issuance of the \$30,000,000 bonds of said Town authorized to be issued pursuant to this resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid classes of objects or purposes is fifteen years, pursuant to subdivision thirty-three of paragraph a of Section 11.00 of the Local Finance Law, as the aggregate amount of judgments, compromised claim or settled claims and awards or sums payable by the Town falling due in the 2020 fiscal year shall amount to more than two percent of the average assessed valuation of the Town. It is hereby further determined that the maximum maturity of the bonds authorized will not exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the

Reviewed By
Office of Town Attorney
Thomas M. DeBenedictis

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

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

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

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

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

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

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

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

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

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

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

which resulted as follows:

Supervisor Saladino_____	VOTING	AYE
Councilwoman Johnson_____	VOTING	AYE
Councilman Imbroto_____	VOTING	AYE
Councilman Hand_____	VOTING	AYE
Councilman Labriola_____	VOTING	AYE
Councilwoman Maier_____	VOTING	AYE
Councilwoman Walsh_____	VOTING	AYE

The resolution was thereupon declared duly adopted.

* * *

198

Town of Oyster Bay Inter-Departmental Memo

January 9, 2020

To: Memorandum Docket
From: Rob Darienzo, Director of Finance
Subject: Bond Resolution – 150 Miller Place Settlement

It is respectfully requested that the Town Board vote on a resolution authorizing the issuance of \$30 million in serial bonds to pay for the settlement of a lawsuit related to the sale of the Town's Public Works complex located at 150 Miller Place, Syosset, at the January 28th board meeting. Bond Counsel will prepare authorizing resolution and forward same to the Office of the Town Attorney.

Thank you.



Rob Darienzo
Director of Finance

RD/rd
cc: Town Attorney (with 9 copies)
Word/Documents/Docket/2020 DPW settlement

WHEREAS, on April 20, 2018, an administrative proceeding was commenced against the Town by the Equal Employment Opportunity Commission; and

WHEREAS, the Town maintains a Public Officials and Employees Liability Insurance Policy with Chubb Insurance Company, authorized by Town Board Resolution No. 212-2018; and

WHEREAS, the aforementioned policy provides coverage to the Town for the above referenced Claim; and

WHEREAS, the insurance carrier has assigned the law firm of Jackson Lewis, P.C., 58 South Service Road, Suite 250, Melville, New York, to represent the Town's interest in said Claim; and

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

WHEREAS, subject to the terms and conditions of the Public Officials and Employees Insurance Policy, Jeffrey Lesser, Deputy Town Attorney, by memorandum dated January 8, 2020, recommended that an amount not to exceed \$25,000.00 be set aside for the aforementioned claim, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, in order to satisfy the self-insurance retention thresholds,

NOW, THEREFORE, BE IT RESOLVED, That the above recommendation is hereby accepted and approved, and subject to the terms and conditions of the Public Officials and Employees Liability Insurance Policy authorized by Town Board Resolution No. 212-2018, an amount not to exceed \$25,000.00 be set aside for the aforementioned matter, in order to satisfy the self-insurance retention threshold for the payment of defense and/or indemnity costs, either to the law firm of Jackson Lewis, P.C., 58 South Service Road, Suite 250, Melville, New York or to the insurance carrier or its affiliates; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to the law firm of Jackson Lewis, P.C., 58 South Service Road, Suite 250, Melville, New York or the insurance carrier or its affiliates, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, upon submission of a duly certified claim, after audit.

-#-

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

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

7/1/20
Reviewed By
Office of Town Attorney

32

Town of Oyster Bay Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: January 10, 2020

SUBJECT: Self-Insured Retention for Administrative Proceeding (EEOC)
Our Matter ID No. 2018-6605

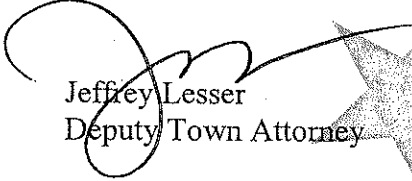
The Town of Oyster Bay maintains a Public Officials and Employees Liability Insurance Policy with Chubb Insurance Company, which was authorized by Town Board Resolution No. 212-2018. This policy provides coverage to the Town for the above referenced claim, and the carrier retained the law firm of Jackson Lewis, P.C., 58 South Service Road, Suite 250, Melville, New York, to represent the Town's interests in said claim.

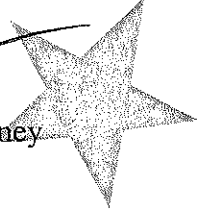
The insurance policy carries a self-insurance retention provision which obligates the Town to pay the first \$25,000.00 of defense and/or indemnity costs, either to the aforementioned law firm and/or the insurance carrier or its affiliates, before the insurance carrier assumes any costs.

Accordingly, subject to the terms and conditions of the Public Officials and Employees Insurance Policy, this Office recommends that an amount not to exceed \$25,000.00 be set aside for the aforementioned claim, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, to satisfy the self-insurance retention provision, for the payment of defense costs to the above law firm and/or indemnity costs to the insurance carrier or its affiliates.

Attached hereto is a proposed resolution authorizing the foregoing request.

OFFICE OF TOWN ATTORNEY
TOWN OF OYSTER BAY


Jeffrey Lesser
Deputy Town Attorney



JAL:jl
Enclosure
cc: Town Attorney (with 9 copies)

WHEREAS, Joseph Nocella, Town Attorney, and Paul S. Ehrlich, Deputy Town Attorney, by memorandum dated March 13, 2018, recommended that the Town's Public Officials & Employees Liability insurance coverage be obtained from Ace American Insurance Company (ACE USA) through Salerno Brokerage Corp. for the period *nunc pro tunc* from January 28, 2018 to January 28, 2019, at a premium of \$160,139.00;

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Office of the Town Attorney is hereby authorized to secure the Town's Public Officials & Employees Liability insurance coverage from Ace American Insurance Company (ACE USA) through Salerno Brokerage Corp. for the period *nunc pro tunc* from January 28, 2018 to January 28, 2019, at a premium of \$160,139.00 and that the Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim, after audit, with said funds to be drawn from Account No. TWN AMS 1910 43010 603 0000 000.

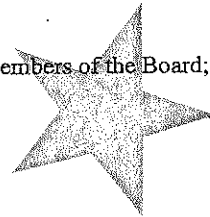
-#-

Reviewed By
Office of Town Attorney
Macagnone

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor
Town Attorney
Comptroller



Reviewed By
Office of Town Attorney
[Signature]

WHEREAS, by memorandum dated January 13, 2020, Paul S. Ehrlich, Deputy Town Attorney recommended that pursuant to New York State Town Law Sections 25 and 116, and the New York State Public Officers Law Section 11, the Town Board procure insurance in lieu of the undertaking requirement for Town elected, officers and employees; and

WHEREAS, pursuant to the Town Procurement Policy the Town Attorney's Office issued a Request for Proposals to eight insurance brokers for quotes for premiums for Public Officials & Employees Liability Insurance, and received a response from one broker with nine responses from nine (9) insurance carriers; and

WHEREAS, the Office of the Town Attorney received and reviewed the proposals received and determined that an adequate attempt was made to obtain proposals in accordance with Guideline 7 of the Town's procurement policy; and

WHEREAS, Paul S. Ehrlich, Deputy Town Attorney, by memorandum dated January 13, 2020, recommended that based on compliance with the Town's procurement policy, Ace American Insurance Company, through Salerno Brokerage Corp., be selected, at a premium of \$197,467.00, for the period January 28, 2020 to January 28, 2021, with funds to be drawn from Account No. TWN AMS 1910 43010 603 0000 000.

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth are hereby accepted and approved, and that that pursuant to New York State Town Law Sections 25 and 116, and the New York State Public Officers Law Section 11, the Town Board procure insurance in lieu of the undertaking requirement for Town elected, officers and employees, and that the Office of the Town Attorney is hereby authorized to secure the Town's Public Officials & Employees Liability Insurance coverage from Chubb Insurance, through Salerno Brokerage Corp., at a premium of \$197,467.00, for the period January 28, 2020 to January 28, 2021, with funds to be drawn from Account No. TWN AMS 1910 43010 603 0000 000; and be it further

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

-#-

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

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

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Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 13, 2020

SUBJECT: 2020 Public Officials & Employees Liability Insurance Policy

Pursuant to New York State Town Law §§ 25 and 116, and the New York State Public Officers Law Section 11, the Town Board may procure insurance in lieu of the undertaking requirement for Town elected, officers and employees.


On December 20, 2019, the Town issued a Request for Proposals ("RFP") seeking quotes for the Town's Public Officials & Employees Liability Insurance policy, in accordance with the requirements of the Town's procurement policy. Requests were sent to eight (8) insurance brokers, to obtain quotes/proposals from insurance carriers.

The sole broker to submit quotes, Salerno Brokerage Corp., advised the Office of the Town Attorney that it had forwarded the Town's Request for Proposals to multiple insurance carriers and received responses from nine (9) insurance carriers, Ace American Insurance Company, AIG, HCC, Western World, Greenwich (XL Catlin), Hudson Insurance, Ironshore, Kinsale Insurance and RSUI. Given the Town's efforts to obtain responses from at least three (3) brokers, it is this Office's opinion that the Procurement Policy has been satisfied.

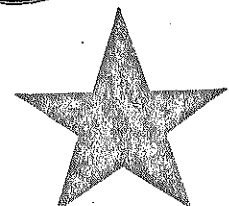
The RFP process and the quotes received were reviewed and evaluated by the Office of the Town Attorney. Based on compliance with Guideline 7 of the Town's procurement policy, it is recommended that Ace American Insurance Company, through Salerno Brokerage Corp., be selected, at the renewal premium of \$197,476.000, for the period January 28, 2020 to January 28, 2021, with funds to be drawn from Account No. TWN AMS 1910 43010 603 0000 000.

Accordingly, kindly place this item on the January 28, 2020 Town Board action calendar.

OFFICE OF THE TOWN ATTORNEY

Paul Ehrlich 

Paul S. Ehrlich
Deputy Town Attorney



PSE:ba
Enclosure
cc: Town Attorney (w/9 copies)



SALERNO BROKERAGE CORP.

TOWNS & VILLAGES RISK MANAGEMENT CORP.

HEALTH & FITNESS RISK MANAGEMENT CORP.

117 Oak Drive, Syosset, New York 11791-4625 • 516-364-4044 • Fax: 516-364-5901

www.salernoins.com

January 9, 2020

Mr. Paul Ehrlich, Esq.
Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, NY

Re: Public Officials Liability renewal policy effective 1/28/2020

Dear Paul,

In advance of the January 28th renewal date, and in advance of the January 10, 2020 deadline, we approached the following carriers to obtain quotations for the Town's Public Officials Liability renewal:

- AIG- declined as they are unable to be competitive. They would not offer a \$25,000 retention and indicated a minimum of a \$250,000 deductible due to loss history and size.
- HCC- declined as they don't write monoline policies
- Western World -this year would only offer \$5 M limit with \$150,000 retention
- Greenwich (XL Catlin) - cannot be competitive
- Hudson Insurance- declined due to loss history and too many open claims
- Ironshore- indicating a decline
- Kinsale Insurance- declined as not a fit
- RSUI- pending but will not offer full \$10M limits.

We are pleased to advise that your current insurance carrier, CHUBB insurance, has provided two renewal options in their quotation for the captioned coverage.

Option 1- Coverage and retention as expiring

Option 2- Increased the retention from \$25,000 to \$50,000

The present policy (1/28/19-20) with a limit of \$10,000,000, each claim subject to a \$25,000 Self Insured Retention for both Public Officials and Employment Practices liability insurance, has a premium of \$179,795.

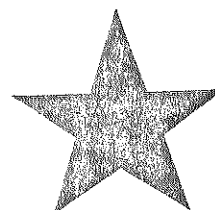
CHUBB has provided two options for renewal:

Option 1: Limit \$10,000,000

Retention \$25,000/Public Officials applying to both defense and indemnity.

Retention \$25,000/Employment Practices liability applying to both defense and indemnity.

Renewal premium: \$197,467





SALERNO BROKERAGE CORP.

TOWNS & VILLAGES RISK MANAGEMENT CORP.

HEALTH & FITNESS RISK MANAGEMENT CORP.

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Town of Oyster Bay

Option 2: Limit \$10,000,000

Self-Insured Retention – Public Officials \$50,000 both applying to defense and indemnity.

Self-Insured Retention – Employment Practices liability **\$50,000** for both defense and indemnity.

Renewal premium: \$178,892

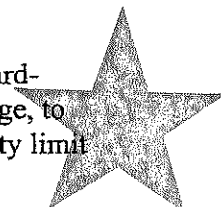
Based on the number of claims, we suggest the Town continue with the \$25,000 per covered claim retention.

2013-14 – 2 claims
2014-15- 3 claims
2015-16- 8 claims
2016-17- 6 claims
2017-18- 5 claims
2018-19- 12 claims
2019-20- 1 claim

Enhancements

- Non-monetary Suit defense- \$100,000 sublimit
- Choice of Counsels – Kendrick law group (\$205 partner, \$190 associate, \$95 paralegal)
- Notice Amended Endorsement- The **Insured** shall, as a condition precedent to their rights under this **Policy**, give to the **Insurer** written notice of any **Claim** as soon as practicable after the Risk Manager or General Counsel of the **Public Entity** first becomes aware of such **Claim**, but in no event later than 60 days after: (1) the end of the **Policy Period**, or (2) with respect to **Claims** first made during any applicable Automatic or Optional **Extended Reporting Period**, the end of such Automatic or Optional **Extended Reporting Period**.
- Exclusion E Amended- (Eminent domain) claims expense sublimit \$100,000
- Pollution exclusion carve back
- Breach of Contract Exclusion amended- \$100,000 defense
- Cyber
 - Liability- \$1,000,000
 - Cyber Incident reporting fund- \$250,000
 - Cyber Extortion- \$50,000

The sub-limits on the Cyber endorsement under the Public Officials policy are hard-coded, so the carrier is not able to increase. We were able to include this coverage, to provide the Town with some sort of Cyber protection. While the Cyber Liability limit is \$1,000,000, the limit for Cyber Extortion and Data recovery is only \$50,000.





SALERNO BROKERAGE CORP.

TOWNS & VILLAGES RISK MANAGEMENT CORP.

HEALTH & FITNESS RISK MANAGEMENT CORP.

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Town of Oyster Bay

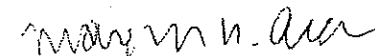
We can explore a standalone cyber policy for the Town of Oyster Bay (with full limits).
In order to do so, we need the Chubb Cyber application completed.

Copies are included for your perusal. Please provide permission to bind no later than
January 21, 2020.

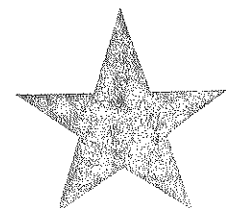
We await your renewal instructions.

Cordially,


Nicholas J. Salerno


Maryann K. Aiello

Enc.



Reviewed By
Office of Town Attorney

Ralph P. DeLong

WHEREAS, Richard La Marca, Town Clerk, by memorandum dated January 14, 2020, requested Town Board authorization to renew the Town of Oyster Bay's membership in the following organizations, which provide helpful information to the Town Clerk's Office and Town Administration in general, with annual membership dues as follows:

1. The Association of Towns of the State of New York: \$1,950.00;
2. New York State Town Clerk's Association: \$75.00; and
3. Nassau/Suffolk Town Clerk's Association: \$50.00.

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and Richard La Marca, Town Clerk, is hereby authorized to renew the Town of Oyster Bay's membership in the abovementioned organizations for 2020, nunc pro tunc, at the abovementioned annual dues, for a total amount not to exceed \$2,075.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of duly certified claims, after audit, and that the funds for said payments are to be drawn from Account No. OTC A 1410 47900 000 0000.

—#—

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

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

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

January 14, 2020

TO: MEMORANDUM DOCKET

FROM: RICHARD LaMARCA, TOWN CLERK

SUBJECT: RENEWAL OF VARIOUS TOWN MEMBERSHIPS

Through the Office of the Town Clerk, the Town has maintained memberships in various municipal government associations. Information received through these associations has often proved helpful to the Town Clerk's Office and the Town Administration in general.

Therefore, I request authorization to renew membership in the following associations:

1. The Association of Towns of the State of New York: \$1,950.00.
2. New York State Town Clerk's Association: \$75.00; and
3. Nassau/Suffolk Town Clerk's Association: \$50.00.

Sufficient funds are budgeted in Account Number OTC A 1410 47900 000 0000 for these memberships.



RICHARD LaMARCA
TOWN CLERK

RL:RTS
Attachments
cc: Town Attorney w/9 copies

WHEREAS, this Town Board has heretofore authorized and directed the implementation of a Self-Insurance Program for the Town's general liability; and

WHEREAS, the Town Board of the Town of Oyster Bay must authorize and approve the settlement of any negligence claims brought against the Town, where the amount of the proposed settlement is in excess of \$10,000.00; and

WHEREAS, Dennis P. Sheehan, Deputy Town Attorney, by memorandum dated January 13, 2020, advised that claimant Allstate Insurance Company as subrogee of Maria Lerner, paid No-Fault benefits to its insured as a result of a Town vehicle having struck its insured's vehicle on November 15, 2018, on North Broadway, Massapequa, New York; and

WHEREAS, The Office of the Town Attorney has arbitrated this matter resulting in an Arbitration Decision in the sum of \$10,304.46, and recommends and requests authorization to sign the documents to complete the payment of the arbitration award,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth, to pay the sum of \$10,304.46, as full settlement to claimant, Allstate Insurance Company as subrogee of Maria Lerner, with regard to Claim No.: 2019-7210, is hereby authorized and approved, and the Comptroller is hereby authorized and directed to make payment therefore, in accordance with the procedures established under the Town's Self-Insurance Program, by issuing a check made payable to Allstate Insurance Company as subrogee of Maria Lerner, in the amount of \$10,304.46; and be it further

RESOLVED, That the Office of the Town Attorney is authorized to sign all documentation to execute the arbitration award; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No.: TWN AMS 1910 43020 602 0000 000.

-#-

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

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

Reviewed By
Office of Town Attorney

36

Town of Oyster Bay Inter-Departmental Memo

TO : MEMORANDUM DOCKET

FROM : OFFICE OF THE TOWN ATTORNEY

DATE : January 13, 2020

SUBJECT: ARBITRATION OF NO-FAULT CLAIM
Claimant: Allstate Insurance Company
a/s/o Maria Lerner
Claim No.: 2019-7210

A resolution of the Town Board is required in order for the Town to settle claims, where the amount of the proposed settlement exceeds Ten Thousand (\$10,000.00) Dollars.

The above referenced claim arose as a result of a motor vehicle accident that occurred on November 15, 2018. Claimant alleges that it paid No-Fault benefits in the sum of \$12,880.57 to its insured for damages sustained as a result of a Town vehicle having struck his vehicle on North Broadway, Massapequa, New York. However, after arbitration, this matter can be settled for \$10,304.46.

Accordingly, attached is a copy of the Arbitration Decision and Release. The Office of the Town Attorney requests Town Board authorization to settle this matter for \$10,304.56.

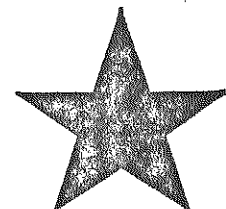
OFFICE OF THE TOWN ATTORNEY



Dennis P. Sheehan
Deputy Town Attorney

DPS:ba
Attachment
cc: Town Attorney (w/9 copies)

S:\Attorney\RESOS 2020\MD & RESO\Allstate\Lerner



CASE INFORMATION

Date Filed: 02/19/2019 Total Company Claim Amount: \$ 12,880.57
Date of Loss/Accident: 11/15/2018 Deductible Paid By Insured: \$ 0.00
Place of Loss/Accident: OYSTER BAY, NY Legal Fees Sought: \$ 0.00
Injured Party: MARIA LERNER

Party	Subsidiary	Representative	File Number/Remit Addr	Insured Name
App	ALLSTATE INSURANCE COMPANY 360 MOTOR PKWY STE 500 HAUPPAUGE, NY 11788-5182	MATTHEW JORDAN 6315858270	0524682267 ATTN: Matthew Jordan 360 MOTOR PKWY STE 500 HAUPPAUGE, NY 11788-5182	MARIA LERNER
Rsp 01	TOWN OF OYSTER BAY 54 AUDREY AVE OYSTER BAY, NY 11771-1504	DENNIS SHEEHAN 516-624-7898	PLEASE PROVIDE	TOWN OF OYSTER BAY

Arbitrator(s) considered the following in rendering the decision (Hearing Representation Information):

Applicant APPLICATION, CONTENTIONS, ALL LISTED EVIDENCE RECEIVED, PERSONAL REPRESENTATIVE, CLAIM_REP CHRIS GEORGIO
Respondent 1 RESPONSE, CONTENTIONS, ALL LISTED EVIDENCE RECEIVED

AFFIRMATIVE DEFENSE / DEFERMENT FINDINGS

Summary: Affirmative Defense (Other) raised by Respondent 1
Ruling Date: 08/06/2019 Arbitrator(s): 2000420904
Ruling: Denied for Respondent 1
Comments: This is not a valid affirmative defense. This is a liability argument based upon the facts of the case and not a defense precluding the case from being heard. The affirmative defense is denied.

DECISION INFORMATION

Arbitrator #1: ERIC LIPMAN Date Closed: 08/06/2019

Note: Above Arbitrator(s) have acknowledged the AF Neutrality Statement.

Summary of Dispute

This is a liability dispute involving two vehicles that were traveling in the same direction and in adjacent points of the roadway. The applicant contends that the applicant vehicle was traveling within the right travel lane when the respondent vehicle attempted to enter the roadway from a parked position and collided with the applicant. The respondent contends that that respondent vehicle was stationary along with a theory of liability of based upon New York VTL 1144, of which the respondent's standard of care would not rise to the level of "negligence."

Liability Decision

Respondent #01 - TOWN OF OYSTER BAY admits 0% liability.

Applicant proved 80% liability against Respondent #01 - TOWN OF OYSTER BAY based on: Respondent failure to yield right of way and maintain proper lookout / Applicant failure to take evasive action

Damages Decision

Applicant ALLSTATE INSURANCE COMPANY proved ALL damages.

Damages Proven: \$ 12,880.57

Respondent(s) indicate that they are not disputing damages.

What evidence caused you to render this decision and why?

The applicant and respondent do dispute the material facts as indicated within their contentions. The applicant contends that the applicant vehicle had already completed their maneuver and was established within the right lane when the respondent vehicle proceeded to maneuver into the roadway from the side of the road. The respondent appears to contend that the respondent vehicle was "stopped at a home" within its capacity of garbage removal as a town vehicle. The police report however conveys within the "accident description," along with the "pre-accident vehicle action," that the respondent vehicle was re-entering the roadway from the side of the roadway. The material dispute essentially lies within the action of the applicant vehicle and whether the vehicle was in the process of "changing lanes" or was established within the right lane of travel. The caveat to this case however, since it

appears that the respondent vehicle was operating within its official capacity as a municipal garbage truck, is whether or not the respondent vehicle acting within its mandated capacity factored into the collision.

The forum also acknowledges the respondent's application of New York State VTL 1144-a however the forum will not consider the respondent's argument as part of the liability assessment. The rule referenced by the respondent is not applicable to this accident scenario as it essentially mandates for "authorized emergency vehicles" acting within their official capacity. The respondent vehicle does not fall within the classification as indicated within 1144-a. This also invalidates the respondent's contention that the respondent vehicle would be held to a higher "standard of care" in determining their comparative negligence in this accident.

The forum has determined that the respondent would hold a majority of the liability for this accident. The respondent vehicle, being established within the roadway, would have a "right of way" relative to the applicant vehicle, contrary to the police officer documenting both drivers as "failing to yield." While the respondent vehicle was apparently operating in its official capacity, the driver is held to the same standard if the vehicle is to attempt a maneuver to "re-enter" the roadway from the side of the road. In this scenario, the respondent driver would have a duty to ensure a safe passageway and yield to any oncoming vehicles. Even if the applicant vehicle was in the process of maneuvering into the right lane, the respondent driver would have a duty to see and react accordingly to this maneuver. This is where the respondent's liability derives from and these breaches of duties owed would aggregate to the respondent's action being the proximate cause of the accident. The applicant however was negligent in partially causing the accident due to an apparent failure to see and anticipate the respondent vehicle's maneuver into the roadway as municipal vehicle acting within its capacity. While it cannot be determined whether the applicant vehicle was in the process of or had completed a lane change, the driver did still have a duty to take any potential evasive action to avoid the respondent vehicle due to the reasonably foreseeable maneuver. In addition, ANY vehicle maneuvering into the roadway from a parked position is a foreseeable maneuver of which must be considered and accounted for when attempting a merge into the right lane. This is from which the applicant's liability derives and will be apportioned to both vehicles accordingly.

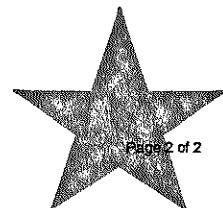
Award

State Negligence Law applied to award calculations: Pure Comparative

Rsp #	Damages Award Against (not including Deductible)	Insured Paid Deductible Award Against	Legal Fees Award Against	Credit for Prior Payment	Total Award Against
01	\$ 10,304.46	\$ 0.00	\$ 0.00	\$0.00	\$ 10,304.46
TOTAL	\$ 10,304.46	\$ 0.00	\$ 0.00	\$0.00	\$ 10,304.46

Please send payment to Remittance Address listed in the Case Information Section.

If you have any questions about this decision, please call our Member Service Center at (866) 977-3434.



NO-FAULT RELEASE

TO ALL TO WHOM THESE PRESENTS SHALL COME OR MAY CONCERN, KNOW
THAT ALLSTATE INSURANCE C/O SECOND LOOK INC. A/S/O MARIA LERNER
as RELEASOR,

Received from TOWN OF OYSTER BAY & SEAN MCLAUGHLIN,

as RELEASEE,

in consideration of the sum of \$10,304.46 (Ten Thousand three hundred four and 46/100) the receipt of which is hereby acknowledged, releases and discharges TOWN OF OYSTER BAY & SEAN MCLAUGHLIN for no-fault payments dating from 12/14/2018 through 04/23/2019, the Releasee, Releasee's heirs, executors, administrators, successors, and assigns from all actions, causes of action, suits, proceedings, debts, dues, contracts, judgments, damages, claims, and demands whatsoever in law or equity, which against the Releasee, the Releasor, Releasor's successors and assigns ever had, now have, or hereafter can, shall, or may have for or by reason of any matter, cause, or thing whatsoever, from the beginning of the world to the date of this Release, arising on account of first party no fault payments, arising out of an incident which occurred on or about the 15th day of November, 2018, on or near North Broadway in the County of Nassau, State of New York.

The Releasor further warrants that he/she has made no settlement with, given any release to, or prosecuted any claim to judgment against any person or organization legally liable for such damages, and that no settlement will be made, no such release will be given, and no claim will be prosecuted to judgment without the written consent of TOWN OF OYSTER BAY & SEAN MCLAUGHLIN.

ANY PERSON WHO KNOWINGLY AND WITH INTENT TO DEFRAUD ANY PERSON OR ENTITY FILES A STATEMENT OF CLAIM CONTAINING ANY MATERIALLY FALSE INFORMATION, OR CONCEALS FOR THE PURPOSE OF MISLEADING, INFORMATION CONCERNING ANY FACT MATERIAL THERETO, COMMITS A FRAUDULENT ACT, WHICH IS A CRIME.

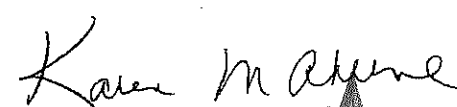
This Release may not be changed orally.

IT IS UNDERSTOOD AND AGREED that neither this Release nor any payment made pursuant hereto is to be taken as an admission of liability on the part of any person in whose favor this Release is given.

IN WITNESS WHEREOF, the Releasor has executed this Release on Tuesday, November 26, 2019

Second Look for ALLSTATE INSURANCE A/S/O MARIA LERNER


Matthew Jordan, Second Look Representative


KAREN M. AHEARN
Notary Public, State of New York
No. 01AH6093373
Qualified in Suffolk County
Commission Expires March 4, 2022

March 4, 2020

Reviewed By
Office of Town Attorney
Elizabeth A. Laughnan

WHEREAS, by Resolution No. 110-2019, adopted on February 12, 2019, the Town Board authorized the Department of Intergovernmental Affairs to obtain Workers Compensation Insurance with the New York State Insurance Fund, through Salerno Brokerage Corp., for the youth enrolled in the Division's Youth Employment and Training Program for the period January 1, 2019 through December 31, 2019, in the total amount of \$6,290.84, representing a premium of \$5,540.84 and a brokerage service fee of \$750.00; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated January 17, 2020, advised that the 2019 Workers' Compensation policy contained an auto-renew provision through which this policy has been renewed for the period January 1, 2020 through January 1, 2021, at a cost of \$6,671.16 towards the premium and a \$750.00 Service Agreement Fee; and

WHEREAS, Commissioner Sammartano, by said memorandum, requested Town Board authorization for payment of the above referenced premium of \$6,671.16 and the Service Agreement Fee of \$750.00, for the auto-renewal of the said Workers Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program for the period January 1, 2020 through December 31, 2020, *nunc pro tunc*, to Salerno Brokerage Corp.,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and payment of the above referenced premium of \$6,671.16 and the Service Agreement Fee of \$750.00, both to Salerno Brokerage Corp., for the auto-renewal of the said Workers Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program for the period January 1, 2020 through December 31, 2020, *nunc pro tunc*, is authorized and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Salerno Brokerage Corp., for same in the total amount of \$7,421.16, upon presentation of a duly certified claim, after audit, and that the funds for said payment shall be drawn from Account No. IGA CD 6293 43000 000 CW19.

#

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

14

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

DATE: JANUARY 13, 2020

SUBJECT: 2020 SUMMER YOUTH EMPLOYMENT PROGRAM
WORKERS' COMPENSATION INSURANCE

In connection with the above referenced matter, kindly reserve a space on the Town Board Action Calendar for the meeting of January 28, 2020. Details will follow by supplemental memorandum.


Frank V. Sammartano
Commissioner



cc: Town Attorney w/9 copies

9

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS


DATE: JANUARY 17, 2020

SUBJECT: SUPPLEMENTAL MEMORANDUM TO MD 1/14/20; ITEM # 16
2020 SUMMER YOUTH EMPLOYMENT PROGRAM
WORKERS' COMPENSATION INSURANCE

With use of federal funding provided through the Workforce Innovation and Opportunity Act (WIOA) the Town's Department of Intergovernmental Affairs (IGA), Division of Employment and Training administers an annual Summer Youth Employment Program. Through this Program eligible participants receive job readiness training and work experience assignments paid in full with WIOA funding. In connection with the work experience assignments IGA is required to retain Workers' Compensation Insurance for the Program's participants.

Resolution number 110-2019 (enclosed) authorized the purchase of Workers' Compensation Insurance for a period of January 1, 2019 through December 31, 2019. The 2019 Workers' Compensation policy contained an auto-renew condition through which this policy has been renewed for a period of January 1, 2020 through January 1, 2021. The cost associated with the renewal policy is \$6,671.16 towards the premium and a \$750.00 Service Agreement Fee; totaling \$7,421.16.

It is therefore respectfully requested that the Town Board adopt a resolution authorizing payment to Salerno Brokerage Corp. in the amount of \$7,421.16 for the provision of Workers' Compensation Insurance for participants of the 2020 Summer Youth Employment Program. This resolution must be adopted nunc pro tunc as of January 1, 2020. This purchase is made entirely with use of WIOA funding and funds for this purpose are available in account IGA CD 6293 43000 000 CW19.


Frank V. Sammartano
Commissioner

cc: Town Attorney w/7 copies

Meeting of February 12, 2019

Resolution No.110-2019

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated January 23, 2019, requested Town Board authorization to obtain Workers' Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program, through Salerno Brokerage Corp., 117 Oak Drive, Syosset, New York 11791, for the premium of \$5,540.84, with a brokerage service fee of \$750.00, for the period January 1, 2019 through December 31, 2019,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, is hereby authorized to obtain Workers' Compensation Insurance for the youth enrolled in the Division's Youth Employment and Training Program through Salerno Brokerage Corp., for the premium of \$5,540.84, with a brokerage service fee of \$750.00, for the period January 1, 2019 through December 31, 2019, nunc pro tunc, and be it further

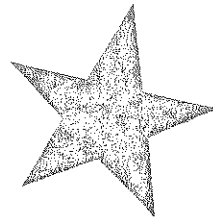
RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same in the total amount of \$6,290.84, upon presentation of a duly certified claim, after audit, and that the funds for said payment shall be drawn from Account No. IGA CD 6293 43000 000 CW18.

#

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

cc: Supervisor
Town Attorney
Comptroller
IGA



7/10/19
Reviewed By
Office of Town Attorney
Elizabeth A. Jaeger

SALERNO BROKERAGE CORPORATION

117 Oak Drive
Syosset, NY 11791

INVOICE

Customer	Oyster Bay-North Hempstead-Glen Cove Workforce Development Board
Acct #	9556
Date	11/18/2019
Customer Service	Salerno Brokerage Maryann Aiello
Page	1 of 1

Oyster Bay-North Hempstead-Glen Cove Workforce Development
977 Hicksville Road
Massapequa, NY 11755

Payment Information	
Invoice Summary	\$ 6,671.16
Payment Amount	
Payment to:	Invoice#70946
H2148337-5	

Thank You

Please detach and return with payment

Customer: Oyster Bay-North Hempstead-Glen Cove Workforce Development Board

Invoice	Effective	Transaction	Description	Amount
70946	01/01/2020	Renew policy	Policy #H2148337-5 01/01/2020-01/01/2021 State Insurance Fund Workers Compensation - Renew policy Due Date: 1/1/2020	6,671.16
				Total
				\$ 6,671.16

Thank You

SALERNO BROKERAGE CORPORATION
117 Oak Drive
Syosset, NY 11791

(516)364-4044

Date

11/18/2019

SALERNO BROKERAGE CORPORATION

117 Oak Drive
Syosset, NY 11791

INVOICE

Customer	Oyster Bay-North Hempstead-Glen Cove Workforce Development Board
Address	9556
Date	11/18/2019
Customer Service	Salerno Brokerage Maryann Aiello
Page	1 of 1

Oyster Bay-North Hempstead-Glen Cove Workforce Development
977 Hicksville Road
Massapequa, NY 11755

Payment Information	
Invoice Summary	\$ 750.00
Payment Amount	
Payment for	Invoice#70947
SERVICE FEE	

Thank You

Please detach and return with payment

Customer: Oyster Bay-North Hempstead-Glen Cove Workforce Development Board

Invoice	Effective	Transaction	Description	Amount
70947	01/01/2020	Renew policy	Policy #SERVICE FEE 01/01/2020-01/01/2021 State Insurance Fund Workers Compensation - Renew policy Due Date: 1/1/2020	750.00
				Total
				\$ 750.00

Thank You

SALERNO BROKERAGE CORPORATION
117 Oak Drive
Syosset, NY 11791

(516)364-4044

Date

11/18/2019

WHEREAS, Matthew M. Rozea, Deputy Town Attorney, by memoranda dated January 10, 2020 and January 15, 2020, recommended that the following independent medical examination firms be authorized provide services to the Office of the Town Attorney, from January 1, 2020 through December 31, 2020, with two (2) one-year extension options, in an amount not to exceed \$25,000.00:

D&D Medical Associates, PC
P.O. Box 9150
Garden City, New York 11530

CorVel IME Corporation
320 Carleton Avenue., Suite 4800
Central Islip, New York 11722

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved and the abovementioned firms are hereby authorized to provide independent medical examination services to the Office of the Town Attorney, from January 1, 2020 through and including December 31, 2020, at the rates set forth by each of the firms in their respective responses to the request for proposals, with two (2) one-year extension options, in an amount not to exceed \$25,000.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, upon submission of a duly certified claim, after audit.

-#-

DAS
Reviewed By
Office of Town Attorney
Matthew M. Rozea

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

296

Town of Oyster Bay Inter-Departmental Memo

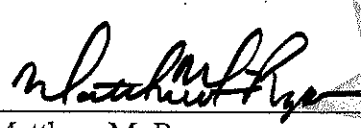
To: Memorandum Docket
From: Office of the Town Attorney
Date: January 9, 2020
Subject: RFP for Independent Medical Examinations

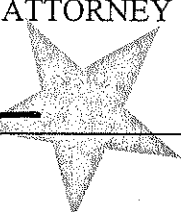
This Office will be recommending an award of a Request for Proposals for Independent Medical Examination Services to the Town Attorney's Office for Calendar Year 2020. Additional information will be forwarded to the Docket by way of a supplemental memorandum.

Please reserve a space on the Docket for the January 28, 2020 Town Board action calendar.

OFFICE OF THE TOWN ATTORNEY

By:


Matthew M. Rozea
Deputy Town Attorney



MMR:mmr

cc: Office of the Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\RFP IMEs Save a Space MMR.docx

17

Town of Oyster Bay Inter-Departmental Memo

TO : Memorandum Docket

FROM : Office of the Town Attorney

DATE : January 15, 2020

SUBJECT: Request for Proposals
Independent Medical Examinations
Supplemental to Memorandum Docket No. 28, January 14, 2020.

Pursuant to the Town of Oyster Bay Procurement Policy, the Office of the Town Attorney recently solicited independent medical examination ("IME") firms regarding their interest in providing the Town of Oyster Bay with IME services in connection with civil actions and, where necessary, in other proceedings. These services would include, but not be limited to, securing physicians to conduct IMEs, provide testimony at examinations before trial, and, if necessary, at the time of trial. This Office received five (5) responses to the Request for Proposals by the deadline established in the request for proposals.

After a thorough review of the responses submitted by each IME firm in compliance with all relevant provisions of the Procurement Policy, this Office recommends the following firms be retained to assist the Office of the Town Attorney, as described above:


D&D Medical Associates, PC	CorVel IME Corporation
P.O. Box 9150	320 Carleton Avenue., Suite 4800
Garden City, New York 11530	Central Islip, New York 11722

Accordingly, attached hereto for Town Board consideration is a proposed resolution appointing the above referenced firms as authorized IME providers for the Town of Oyster Bay, from January 1, 2020 through and including December 31, 2020, with two (2) one (1) year extension options, in an amount not to exceed \$25,000.00.

Fees shall be invoiced according to the fee schedule set forth in the response to the request for proposals, which are attached hereto. Funds shall be drawn from Account No. OTA A 1420 44110 000 0000.

OFFICE OF THE TOWN ATTORNEY

By:


Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment
File: 2019-7444

cc: Town Attorney (w/9 copies)



TOWN ATTORNEY
JOSEPH NOCELLA

CHIEF DEPUTY TOWN ATTORNEY
FRANK M. SCALERA

SPECIAL COUNSEL
RALPH P. HEALEY
THOMAS M. SABELLICO

Office of the Town Attorney
Town of Oyster Bay

TOWN HALL
64 AUDREY AVENUE
OYSTER BAY, NY 11771
(516) 624-6150
FAX (516) 624-6196
www.oysterbaytown.com

DEPUTY TOWN ATTORNEY
RAYMOND J. AVERNA
PAUL S. EHRICH
ELIZABETH A. FAUGHNAN
JEFFREY A. LESSER
MATTHEW M. ROZEA
DENNIS P. SHEEHAN

ASSISTANT TOWN ATTORNEY
MATTHEW D. FERNANDO
SAMANTHA A. GOETZ
REGAN U. LALLY

November 27, 2019

D&D Associates
P.O. Box 9150
Garden City, New York 11530

Dear Sir/Madam:

This Office represents the Town of Oyster Bay (the "Town").

Enclosed you will find a Request for Proposals regarding Independent Medical Examinations.

Should your firm be interested in responding to the Request, kindly adhere to the requirements set forth therein regarding, among other things, the form of proposal and deadline for submission.

Very truly yours,

JOSEPH NOCELLA
TOWN ATTORNEY



Matthew M. Rozea
Deputy Town Attorney

MMR:mmmr
Enclosure
2019-7444



Established 1984

Anthony Minichini
P.O. Box 9150, Garden City, NY 11530
Tel 516-240.4001 ▲ Fax 516.240.4056
aminichini@ddassociates.com

December 26, 2019

Joseph Nocella, Town Attorney
Jeffrey A. Lesser, Esq.
Mathew M. Rozea, Esq.
54 Audrey Avenue
Oyster Bay, NY 11771

RE: Independent Medical Examinations RFP

Gentlemen,

Thank you for your interest in D&D Associates as one of your IME providers. Pursuant to your correspondence of November 27, 2019, enclosed please find some information regarding our organization.

Should you have any questions or require any additional information, please contact me accordingly. I would be happy to come meet with you and provide an in-person overview of D&D and the services we can offer to the Town of Oyster Bay.



Sincerely,

A handwritten signature in black ink, appearing to read 'Anthony Minichini'. The signature is fluid and cursive, with a long horizontal line extending from the end.

Anthony Minichini
General Manager



P.O. Box 9150, Garden City, NY 11530

ime@ddassociates.com

Tel: 516-326-8800 Fax: 516-240-4059

Company Overview

D&D Associates has been providing Independent Medical Examinations and associated services to the insurance industry since 1984.

D&D offers Independent Medical Examinations, Peer Reviews, Record Reviews, Radiology Reviews, Functional Capacity Evaluations and Intra-Operative Reviews. We provide administrative support services, litigation support and medical record retrieval services. Our panel consists of over 3,500 independently contracted and credentialed, Board Certified Physicians and Certified Insurance Consultants.

Our Clients consist of insurance carriers, third-party claim administrators, government agencies and law firms, which use our services to confirm the veracity of claims by injured individuals for automotive, disability, general liability, liability, and workers' compensation claims. D&D helps its clients manage costs and enhance their risk management processes by verifying the validity, nature, cause and extent of claims, identifying fraud, and providing fast, efficient, and quality IME Services.

Excellent Customer Service Standards are what set us apart from our competition. The strategic relationships we maintain with our providers in our market enable us to provide a quality product to our customer. Our products and services have been consistently delivered in a timely manner and we are committed to customer satisfaction. Continuing to invest back into our company in such areas as quality assurance, technology, personnel training and other operation efficiencies have allowed us to maintain our status and reputation as an industry leader.

D&D provides significant industry knowledge and experience in all lines of insurance. The company had approximately 80 employees as of December 2019 and is headquartered in Garden City, NY. Our management team has been providing Independent Medical Examination services to the insurance industry for 36 years, and our track record in successfully delivering a quality and timely product is reflected in our ongoing and strong business relationship with our customers. We believe we have established a sense of "trust" over the many years we have been providing Independent Medical Examination services.

D&D Associates has URAC Core accreditation and completes annual security audits, defense reviews and cyber investigations. We continue our commitment to "raising the bar" on the standards that the insurance industry demands when selecting an independent injury evaluation partner such as: compliance, provider credentialing, quality assurance programs, financial stability and customer service. Our greatest commitment will always be focused on maintaining and improving the service and quality our customers experience.

**Independent
Medical Evaluations**
**Peer, Record, and
Radiology Reviews**



LEADING THE INSURANCE INDUSTRY SINCE 1984

Our specialty is providing injury evaluation and medical evidence gathering services to the insurance claims industry. Insurance carriers, law firms, third party administrators, self-insureds and government municipalities benefit from our quality-assured and efficient services.

- Evaluation services for Workers Compensation, Automobile, Commercial, General Liability and Disability
- National Network - Regional Strength
- Core Services:
 - Functional Capacity Evaluations
 - Independent Medical Evaluations
 - Intra-Operative reviews
 - Peer Reviews
 - Radiology Reviews
 - Record Reviews
 - Schedule Loss of Use
 - Utilization Reviews

Customer Service

- Friendly, tenured and knowledgeable staff
- Specific customer service personnel assigned to your account
- Protocols/procedures created to meet your service level standards
- Excellent combination of quality and turnaround time

Credentialed Network of Providers

- National coverage
- All pertinent records maintained
- All healthcare professionals enrolled in the National Practitioner Data Bank
- Ready and willing to testify!

Compliant

- URAC Core Accredited
- Licensed to comply with State Regulations
- Fully insured
- Disaster recovery program
- Secure electronic communication

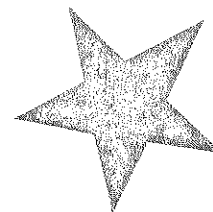
Ancillary Services

- Interactive website for requests and status
- All documents digitally imaged and stored
- Dedicated field staff
- State forms created
- Radiology film retrieval and storage
- Testimony and deposition coordination

Website

User ID _____ Password _____

800-554-0347 phone | 832-485-0741 fax
ime@ddassociates.com | www.ddassociates.com





IME Services

Essential Objective Reports

IME reports provide an objective, medically-informed assessment of a claimant's condition. Getting there takes a professional to identify the appropriately credentialed physician evaluator, asking the right questions, and meeting all the jurisdictional, regulatory and workflow requirements.



Expert Professionals Evaluators

- Board Certified, Credentialed and Licensed
- Active practice
- Multi-specialty
- Address causality
- Observe HIPAA and HITECH
- Available for expert testimony

Secure Web Portal

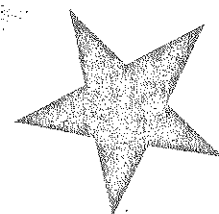
Submit referrals online and track their status in real time. Check appointment status, referral details, collaborate on the case and download the final report.

Trust in D&D

D&D provides services to insurers, self-insureds, third-party administrators, employers, legal professional corporations and government agencies. Our IME services enable professionals to evaluate diagnostics, treatments, excessive costs and combat fraud. Contact us to learn why we are the IME vendor of choice.

Claim Types

Auto		Disability		Workers' Compensation	
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800-554-0347 phone | 832-485-0741 fax
ime@ddassociates.com | www.ddassociates.com

Peer/Record Reviews

Hassle Free, Speedy Turnarounds



SERVING THE INSURANCE INDUSTRY SINCE 1984

Peer/Record Reviews evaluate the reasonableness and appropriateness of medical care, medical necessity and causal relationships. A concurrent, prospective or retrospective review: there are so many options.



Our Professionals Can Help You Choose

- Intra-Operative Reviews
- Medical Record Reviews
- Peer Reviews
- Record Reviews
- Specialty Bill Reviews

At Your Service.

There are many peer review options from which to choose, and if you aren't sure, we can help you identify which one will meet your needs. Peer reviews are conducted by credentialed experts too. A physical examination isn't always necessary. The review, conducted by a physician with the appropriate specialty and training, examines a previous diagnostic report and is a cost-effective way to determine if a claimant's condition is properly documented, diagnosed and understood.

Use Our Secure Portal.

Save time and always be in the know about the status of your current referral and certain that the referral is being handled in accordance with HIPAA.

Independent Audits

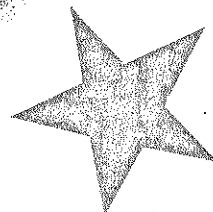
Financial



Healthcare



Information Technology



800-554-0347 phone | 832-485-0741 fax
ime@ddassociates.com | www.ddassociates.com



Radiology Reviews

Hassle Free, Speedy Turnarounds

LEADER IN THE INSURANCE INDUSTRY SINCE 1984

Radiology Reviews provide critical diagnostic information and interpretation of a claimant's condition as supporting evidence for many types of peer reviews. There is much truth to the adage: a picture is worth a thousand words.



Expert Professionals at Every Step

- Board Certified Radiologists/Neuroradiologists
- X-rays, Bone Scans, MRIs and CT Scans
- Obtain medical records
- Secure authorizations
- Address diagnosis, etiology and causality
- Comparative reviews of multiple studies
- Submit using our secure web portal

At Your Service.

D&D provides Radiology Request support services to save time, eliminate follow up by the case managers and find missing historical studies. Leave radiology requests with us.

If requested, D&D will secure authorizations to obtain diagnostic studies and secure all requested studies and records. If assistance is needed to locate and secure diagnostic studies from facilities that have transferred custody, relocated or closed, D&D will investigate until the records are located.

Independent Audits

Financial



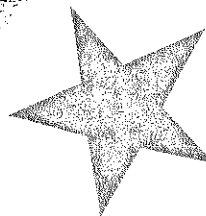
Healthcare



Information Technology



800-554-0347 phone | 832-485-0741 fax
ime@ddassociates.com | www.ddassociates.com



URAC Accreditation

CORE Organizational Quality



REPUTATION IN THE INSURANCE INDUSTRY SINCE 1984

D&D has received CORE Organizational Quality accreditation from URAC.
The company was first accredited in 2006.

urac[®]

ACCREDITED

CORE

Expires 03/01/2020

Operating Principles Evaluated

- Organizational Structure
- Staff Qualifications
- Training and Management
- Regulatory Compliance
- Oversight of Delegated Activities
- Quality Management
- Consumer Protection
- Customer Satisfaction

What URAC Accreditation Means

D&D's achievement of CORE Organizational Quality accreditation assures payors, examinees, providers, purchasers, regulators and employers that our practices are quality-focused and fair and equitable for all parties. The process to become accredited is lengthy and requires a dedicated focus and commitment by all individuals throughout the organization. URAC's standards of quality and accountability must be adhered to and maintained throughout the accreditation cycle as accredited companies are subject to random monitoring by URAC.

Independent Audits

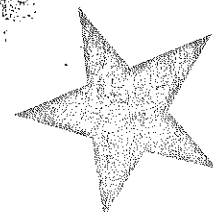
Financial



Healthcare

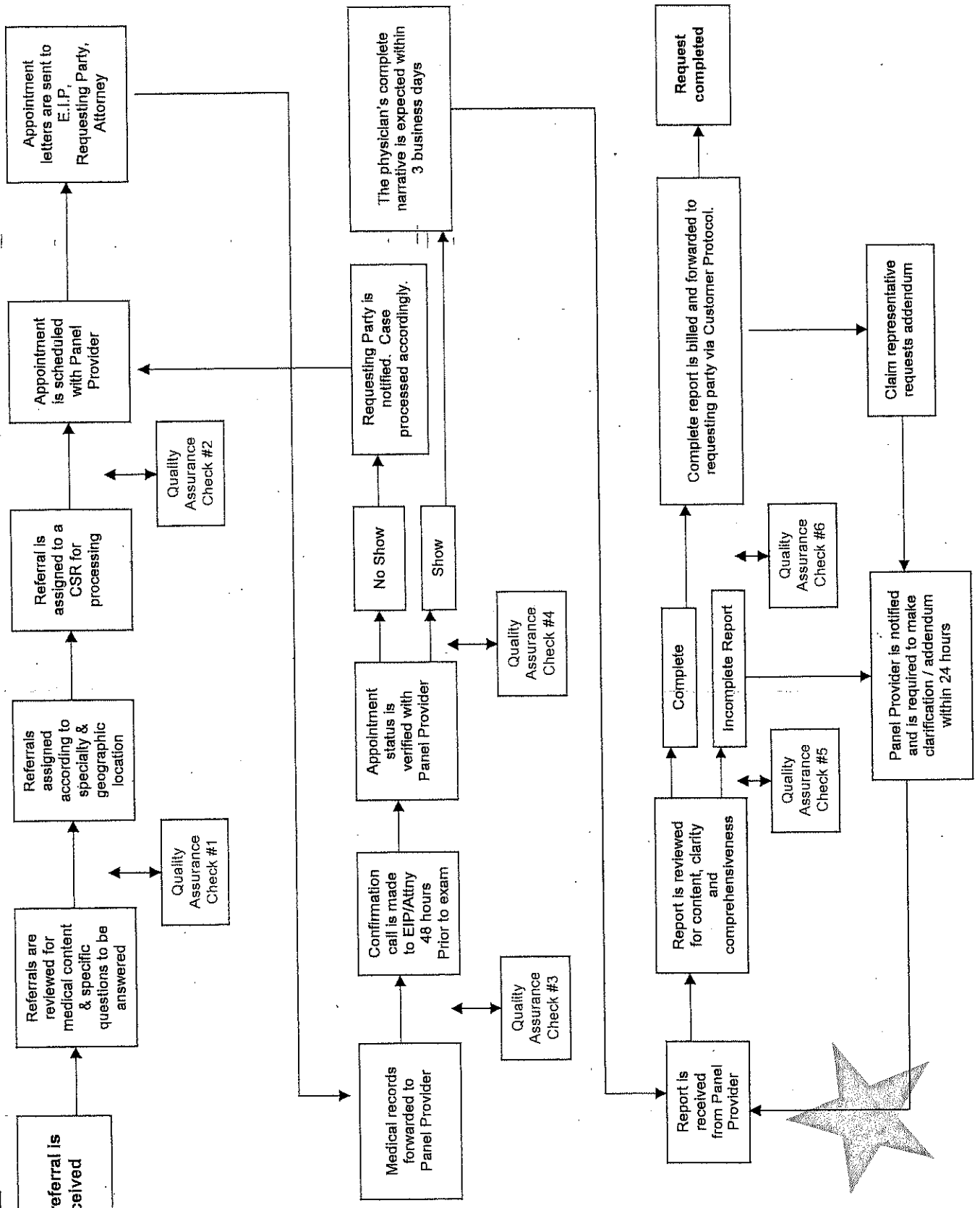


Security



800-554-0347 phone | 832-485-0741 fax
ime@ddassociates.com | www.ddassociates.com

D & D ASSOCIATES PROCESS FLOW CHART – I.M.E.





D & D ASSOCIATES QUALITY ASSURANCE CHECKS

Throughout the entire work-flow process, D&D Associates has quality assurance check points.

Quality Assurance Check #1

- Upon receipt of an IME request, our management staff assigns the appropriate Panel Provider. This is based on geographic location and specialty. Specific issues involving each claim are identified and highlighted.

Quality Assurance Check #2

- Requests are entered into our data base, which automatically assigns a D&D case number. Our CSR's verify and review all data entry for accuracy. The Panel Provider is contacted and an appointment is scheduled within a 24 hour period.
- Appointment confirmation letters are sent to all appropriate parties including, EIP, Attorney and Requesting Party.

Quality Assurance Check #3

- Management team reviews all appointments scheduled for the following week.
- Appointments and requests are checked for accuracy in all areas including, but not limited to:
 - * Spelling
 - * Date of loss
 - * Geographic location
 - * Appropriate letters sent
 - * Addresses
 - * Claim number
 - * Physician specialty matches request
 - * File documented correctly

Quality Assurance Check #4

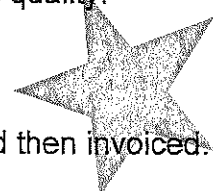
- When an appointment is kept by an Injured Party, a 72 hour list is generated for all exams in preparation for incoming reports. The Panel Providers are contacted within 3 days if a report is not received to insure timely delivery to the requesting party.

Quality Assurance check #5

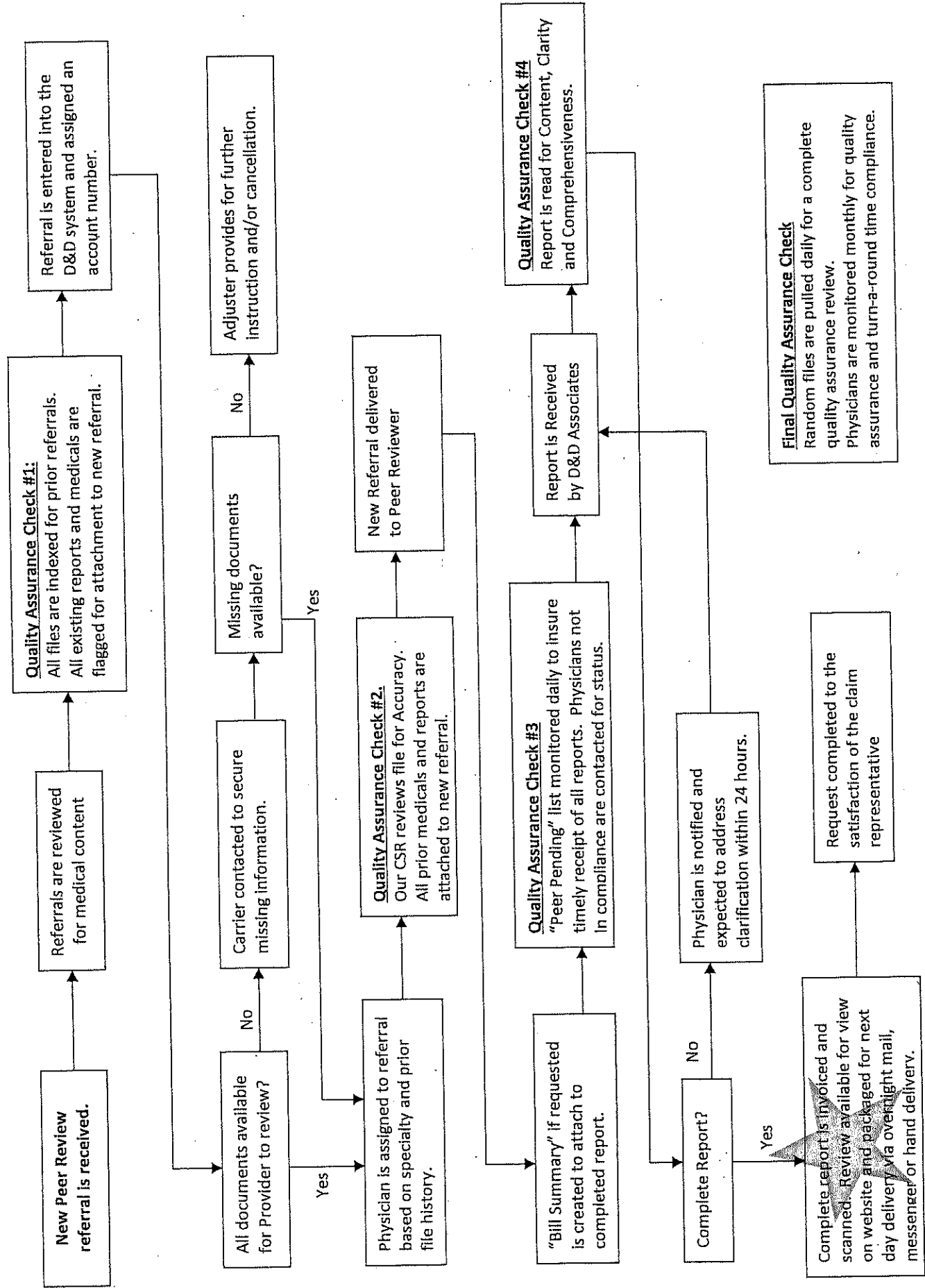
- Medical records provided by the requesting party are compared with the Panel Provider's report to verify that all information provided to them was reviewed taken into consideration at the time of the evaluation.
- Each report is thoroughly scrutinized in an effort to ensure that all pertinent issues and requested questions are answered precisely, clearly and comprehensively.
- Format, grammar and content are also reviewed in an effort to ensure quality.

Quality Assurance check #6

- Once the report/review is complete, the entire request is reviewed and then invoiced.
- All requests are delivered to the requesting party per their protocol.



D & D ASSOCIATES PROCESS FLOW CHART - PEER REVIEW





D & D Associates **2019 Fee Schedule** **Confidential**

Specialty		Chiropractic	Orthopedic Surgery	Neurology	Physiatrist PMR	All Other Available	Radiology First Study MRI CT-Scan	Radiology Add'l Study MRI CT-Scan	Radiology First Study X-Ray	Radiology Add'l Study X-Ray
New York-Metro* (5 boroughs, Nassau & Suffolk)										
	Auto - Peer Review	\$250	\$300	\$325	\$300	Range	\$350	\$150	\$250	\$100
	Auto - No-fault IME	\$300	\$375	\$400	\$375	Range				
	Liability IME	\$300 avg.	\$650 avg.	\$650 avg.	\$450 avg.	Range				
	Workers' Comp IME	\$300 avg.	\$450 avg.	\$450 avg.	\$400 avg.	Range				
	WC Variance Review	\$250	\$300	\$325	\$300	Range				
Missed Appointment Fee		\$0	\$0	\$0	\$0	Range				
New York-State*										
	Auto - Peer Review	\$250 avg.	\$300 avg.	\$325 avg.	\$300 avg.	Range	\$350	\$150	\$250	\$100
	Auto - No-fault IME	\$450 avg.	\$625 avg.	\$650 avg.	\$695 avg.	Range				
	Liability IME	\$400 avg.	\$750 avg.	\$750 avg.	\$695 avg.	Range				
	Workers' Comp IME	\$400 avg.	\$625 avg.	\$650 avg.	\$695 avg.	Range				
	WC Variance Review	\$250 avg.	\$300 avg.	\$325 avg.	\$300 avg.	Range				
Missed Appointment Fee		Range	Range	Range	Range	Range				
Connecticut*		\$995 avg.	\$1195 avg.	\$1195 avg.	\$1195 avg.	Range	Range	Range	Range	Range
	Missed Appointment Fee	Range	Range	Range	Range	Range				
New Jersey*		\$550 avg.	\$1295 avg.	\$1195 avg.	\$1095 avg.	Range	\$350	\$150	\$250	\$100
	Missed Appointment Fee	Range	Range	Range	Range	Range				
Pennsylvania*		\$995 avg.	\$1595 avg.	\$1895 avg.	\$1595 avg.	Range	Range	Range	Range	Range
	Missed Appointment Fee	Range	Range	Range	Range	Range				
All Other States and Specialties		Available Upon Request								
<p>* New York Metro = NY 5 Boroughs, Nassau & Suffolk.</p> <p>* Some Provider fees are above our standard schedule.</p> <p>* Based upon Provider requested, specialty and or geographic location, D&D Associates reserves the right, with approval of the requesting party, to charge at a rate outside the above outlined fee schedule.</p> <p>* Pricing for testimony varies by business line. 1st Party Auto testimony (Non Jury bench trial) are invoiced \$2500 for a full day. Worker's Compensation is typically in the form of phone deposition, not personal appearance and fees may be directed by the WCB. D&D can provide phone deposition rates that range from \$400 to \$650 depending on provider and venue. Liability trials vary by physician and venue. Testimony rates for 3rd party trials range from \$3000 to \$7,500. D&D will assist in negotiating physician testimony rates that fall outside the range.</p> <p>* Customer provider requirements may have an effect on pricing.</p> <p>* Fees may be negotiated once customer protocols are understood.</p>										



January 6, 2020

54 Audrey Avenue
Oyster Bay, New York 11771
Attn: Joseph Nocella, Town Attorney

Re: Independent Medical Examination Services

Dear Mr. Nocella:

CorVel truly appreciates the opportunity to build and strengthen our relationship with the Town of Oyster Bay. CorVel's focus is to help you reach your risk management goals by arranging and managing IME's relating to the Town's general liability defense practice. Our purpose is to reduce exposure and provide patient advocacy, while reducing your Liability costs.

During our experience, we have assisted our clients in achieving numerous goals. Below are a few results we feel best illustrate the impact we can have on your program;

- Timeliness of examinations
- Timely communication
- Comprehensive and accurate reports
- Professionalism

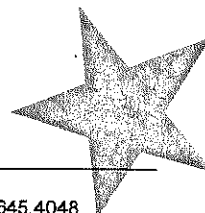
We value our partnership with the Town and we are excited for the opportunity to support and develop your program. Currently, CorVel is the TPA that administers the Town's Workers' Compensation claims. We understand your culture, your team and your program and we know how to deliver the results to make the greatest impact to meet the Town's needs.

I will serve as the primary contact for the Town's IME program and for this proposal. Please do not hesitate to ask me any questions you may have. I can be reached by telephone at 631-434-4577 or by email at Aria.Zaferiou@corvel.com. Thank you again for the opportunity to continue to build upon this already strong partnership.

Sincerely,

Aria Zaferiou

Aria Zaferiou
IME Manager





+



Request for Proposal

Town of Oyster Bay

Independent Medical Examinations
for the Office of the Town Attorney

January 6, 2020

Aria Zaferiou

T 631.434.4577

IME Manager, New England

C 516.273.4513 aria_zuferiou@corvel.com

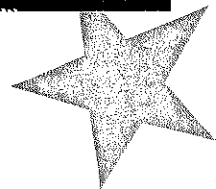




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PROPOSER PROFILE

General Information/Proposer's History

Company name and address.

CorVel IME Corporation
320 Carleton Ave, Suite 4800
Central Islip, NY 11722

Company History

CorVel has over 35 years of experience as a national provider of healthcare management solutions to employers, third party administrators, insurance companies and government agencies. We are publicly traded (NASDAQ:CRVL) with annual revenues exceeding \$595 million in fiscal year 2019. We have approximately 3,800 associates who serve more than 1,000 customers through a national branch office network covering all 50 states. Our continued customer growth is a testament to our financial stability and our significant investments in new systems and technologies allows us to continue to deliver industry-leading solutions to the marketplace.

CorVel is an industry leader in risk management solutions. Throughout the years, we have enjoyed long-term relationships with many of the largest and most innovative payors in the nation. Using the expertise gained in those relationships, our entire client base is able to take advantage of the pooled insights of many of the leaders in the casualty insurance industry. CorVel helps reduce costs through early intervention, medical treatment plans, return to work programs, medical bill review, preferred provider savings, patient management and pharmacy benefits management. Our managed care solutions are based on a simple formula – combine state-of-the-art bill review software, case management expertise and a national PPO built for the casualty market. Each cost containment innovation offers employers improved return to work outcomes and industry leading savings.

Looking to the future, new information management tools are being added to the service line, further expanding the information processing capabilities that have always been the core of the Company's value proposition.

IME Experience

Our IME panel of physicians includes a variety of disciplines, including but not limited to: Orthopedics, Neurology, Chiropractic, Internal Medicine, Oral Surgery, Plastic Surgery and Psychology. Each physician is provided with the injured party's medical records to review at least a week in advance of the scheduled exam.

CorVel offers a national network of IME providers who provide objective medical evaluations of injured workers. This service requires accurate, comprehensive and timely assessments of pivotal medical questions on workers' compensation, automobile and specifically liability claims. Our IME services are available in all 50 states and may be requested through a national toll free number, fax or electronic referral process. Our IME network provides the following benefits:



- Access to extensive panel of physicians licensed in the state of New York and willing to testify at depositions and trials if necessary
- Preferred appointment scheduling
- Guaranteed report turnaround within 14 days of the exam
- Singular rates for coordination and exam
- Radiology Review and Peer Review services

Our use of technology and experienced staff has ensured an efficient means of completing all required tasks in the successful processing of Independent Medical Exam and Review services. As will be further outlined, the Town of Oyster Bay will be provided with multiple options for referring IME/IMR and related services. These options will include:

- Direct submission via Care^{MC}
- On site pickup
- Electronic Submission (Fax, Email, Data files)
- Regular mail and/or carrier
- Telephone via toll free number

Regardless of method of receipt referrals are entered into our CareMC database and able to be viewed by the Town's designated personnel. Each file is then reviewed, organized and assigned to the appropriate provider in the requested specialty within 24-48 hours of our receipt and notification is issued immediately. Upon receipt of referral, the CorVel coordinator gathers information from the request, including medical records, special instructions and other pertinent information provided for an organized review. The coordinator will facilitate the review with incorporating any specific client requests. This scheduling would be completed within a maximum of two business days. Once scheduled, confirming correspondence is sent to the referral source.

Reports of examination are received within the established timeframes as agreed upon with our network providers. Reports are then reviewed by our Quality Assurance staff to ensure all items have been addressed and subsequently provided to the parties of interest. Our goal is to obtain a clear, defensible, independent medical opinion on issues of relatedness, apportionment, causality, treatment frequency/duration, achievement of MMI, ability to work and perform previous job requirements. Reports are reviewed for completeness and impartiality, and to ensure that questions related to the alleged injuries and damages have been addressed.

Referral Requests

Referrals are scheduled with written appointment confirmations issued to the attorney within 24 hours of receipt of the referral and documented accordingly. Actual appointments are scheduled within two to three weeks of the request.

The Town will be provided access to CorVel's award winning proprietary system Care^{MC}. This unique platform is a web based, secure and HIPAA compliant operating system which will provide the Town with the ability to issue requests for services directly and instantly.





CorVel also provides the Town with the option of issuing requests via Fax, Telephone, in person or Email. Each client is provided with an electronic form for submission by means of a .PDF Referral Form. This form may be downloaded to each user who requires it. Should the user wish to submit the form electronically, they simply need to enter the required information and click "Submit via Email". The data is sent directly to our office in the form of an .XML file which is reviewed by CorVel for processing. If direct email is preferred, we have a general mailbox that is consistently monitored where referrals can be emailed directly to NY-IME@CorVel.com.

Should the user choose, they may print the form in order to attach to a hard copy file for mailing or pick-up. We are capable of receiving medicals and referrals electronically. Thus eliminating the need for postage, pick up and ensuring that the documents are available to CorVel and the Department at the click of a button. Our Care^{MC} users also have the ability to view submitted medical records, forms, correspondence and reports. We will pick up paper referrals from the Department if and/or when necessary.

Regardless of the method of receipt all referrals are entered into the Care^{MC} system the same day they are received (if prior to 3 pm). The IME Coordinator verifies all information on the referral and begins the origination process.

Origination includes the assigning of a unique internal file number and creation of a paper file utilized for tracking while the file remains active. All medical records received electronically are printed and placed in the claimant's folder for review. Once the CorVel Number and file have been generated the file is issued to a Quality Assurance representative for review and provider assignment.

Provider Assignment and Scheduling

Each file is reviewed by a Quality Assurance representative prior to being assigned to a network provider. The Quality Assurance Representative sorts the medical records into categories as follows:

- EBT's (when applicable)
- Narrative reports
- Testing/Imaging studies
- Operative reports
- Hospital records
- PT and/or progress notes
- Medical bills

The records are grouped, sorted and scanned into the claimant's electronic folder. These medicals may now be printed for mailing or issued to providers electronically. This process also ensures that the requested specialty is appropriate for the injuries and that the provider assigned is best suited to address the claimed injuries as reported.

For Liability examinations, this also provides our Quality Assurance Representative the opportunity to review for file inconsistencies as part of our fraud detection program. If substantial inconsistencies are found, a notification will be issued to the Town advising of our findings. Such inconsistencies can include, differences in reported height, significant reported history from one provider to the next, etc.



Upon completion of the file review and provider assignment (24 to 48 hours) the appointment is scheduled with an authorized CorVel Network Provider. Scheduling guidelines are as follows:

- Liability: 12-14 days
- All other exams: 10-12 days

All appointments (unless otherwise requested) are issued in the county for which the case has been established. At the request of the Town or plaintiff attorney with prior authorization, CorVel will schedule within the venue most convenient for the claimant in order to ensure attendance.

If additional services are required such as transportation or translation services, CorVel has the ability to provide these via our Care^{IQ} services with prior authorization. We will also respond to urgent requests by conducting examinations as rushes.

Notification of Examination

All appointment notifications are issued via Regular USPS or Certified Mail within 48 hours from CorVel's receipt of the referral to required parties. Notification letters are subsequently scanned into Care^{MC} and able to be viewed and /or printed by the Town.

In instances where proof of delivery is required, information is easily accessible. Proof of delivery when obtained via the USPS is printed and scanned into the claimant's electronic file. These images are available on Care^{MC} for the Department to view and print as needed 24 hours a day.

Notice and Medicals to Providers

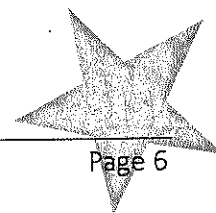
Network providers are issued medical records either electronically, via regular mail, or courier. Each provider is issued a cover letter including the following information:

- Type of appointment (WC, Liability, FCE, etc.)
- Claimant name
- Appointment date and time
- Office location
- Questions needing to be addressed

The cover letter is attached to the previously sorted medical records and sent to the network provider.

Confirmation and Appointment Status

Appointment confirmations are made and documented 24 to 48 hours prior to the scheduled appointment date. This reduces the rate of no-show for appointments by verifying with the attorney that they will be present for the previously scheduled appointment. Additionally, confirmation contacts allow CorVel IME Coordinators to express the importance to claimants of presenting for scheduled examinations. All communications with the attorney are documented in the diary files and viewable by the Town.





Attendance confirmation with the physician's office the day the IME is scheduled is standard procedure in the management of the IME request. The status is obtained by CorVel either via fax from the network providers' office or by telephone. We provide each office with a listing of the examinations scheduled for them 24 hours prior to the date of exam. CorVel requires this list to be faxed or emailed back, completed with the status of the day's prior examinations before 11:00 am daily. In the event the exam has been scheduled for early in the day, CorVel may request that the provider issue the status the same day. Appointment status is viewable by the Town in our system.

Reports of Examination

Upon completion of the examination, CorVel requires all reports to be provided within 3-5 business days. This ensures that reports of examination are able to be reviewed prior to submission. Our Quality Assurance Representatives review the report to ensure all items have been addressed. Each Representative runs through a checklist of items which is designated to each claimant. Only upon completion of this checklist is the report approved for release.

Immediately upon receipt of the initial report, the report is reviewed by our QA staff to ensure completeness and compliance with the review objectives. Immediately upon determining that the report is complete, it is forwarded to the referral source via the requested transmission method. CorVel has the capability to accept referrals and return results electronically, and is also comfortable utilizing more conventional communication technologies.

In the event there are grammatical errors, the report did not address all of the questions required, or an answer requires further clarification, the QA Representative will complete a cover sheet to be sent out along with the IME-4 outlining errors and omissions and that an addendum will be forthcoming.

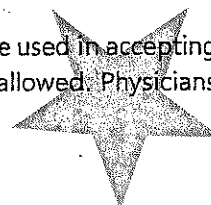
All network providers have agreed to submit addendums and/or corrections within 48-72 hours from CorVel's request. In an effort to expedite corrections, many of our clients have provided us with blanket authorization to request an addendum on their behalf. In most cases we can have an addendum completed prior to the release of the original report of examination therefore issuing both at the same time.

Peer Reviews

CorVel has a large consultant panel, which perform peer reviews. These physicians are board certified in their specialty, and are in an active medical practice. Peer reviews are performed between like specialties, i.e. Neurosurgeon to Neurosurgeon, Orthopedic to Orthopedic. CorVel recruits providers are needed in each state to accommodate the volume of peer reviews. The peer reviewer professionals must go through the same certification process as the providers that are in the IME network.

The specialty of the treating provider will determine which peer specialty will be utilized. CorVel only utilizes peer review physicians who support their findings with medically based evidence.

Our certified physicians will provide a detailed written review explaining the rationale used in accepting or denying treatment/payment and will indicate which treatment is allowed or disallowed. Physicians must adhere to a 72 hour turnaround time for completion of reviews.





Peer review credentialing is administered through each CorVel office to ensure provider familiarity with regional practices and state regulatory environments. CorVel has peer review capabilities for the following specialties:

- Occupational Medicine
- Orthopedic Surgery
- Pain Management
- Physical Medicine and Rehabilitation
- Neurology
- Podiatry
- Internal Medicine
- Toxicology
- Oncology
- Psychiatry
- Acupuncture
- Anesthesiology
- Cardiovascular
- Dentistry
- General Surgery
- Hand Surgery
- Hematology
- Neurosurgery
- Plastic Surgery
- Rheumatology
- Thoracic Surgery and Urology

Total number of employees in company, and the number of employees at servicing office(s).

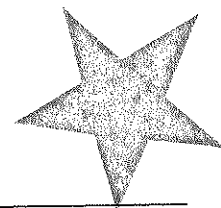
CorVel has over 3,800 employees, 42 of which are located in the Central Islip office, who serve more than 1,000 customers through a national branch office network covering all 50 states.

Location(s) from which services will be performed.

Administration services will be performed from CorVel's Central Islip, New York office:

CorVel IME Corporation
320 Carleton Avenue, Suite 4800
Central Islip, NY 11722

IMEs will be performed at various provider locations in requested counties.





Nature of organization (e.g. business corporation, not-for-profit corporation, proprietorship, etc.).

CorVel IME Corporation is a wholly-owned operating subsidiary of CorVel Corporation, a publicly traded healthcare management company (NASDAQ GS: CRVL) held to the standards of NASDAQ and the SEC. CorVel Corporation is incorporated in the state of Delaware.

Contact person and title.

Contact: Amanda Cadwallader, Director, Regional Accounts
Phone: (631) 357-8199
Email: amanda_cadwallader@corvel.com

Qualifications and Experience of Personnel

Resumes of the account manager and other key staff who will be assigned to this account.

- Amanda Cadwallader, Director, Regional Accounts
- Aria Amato, IME Manager, New England
- Donna DeRamo, IME Supervisor

Please see Attachment B: Resumes of Key Personnel

For each professional listed above, below are his/her qualifications:

Amanda Cadwallader, Director, Regional Accounts

- i. Amanda earned a degree in business, marketing in 2004 at Marist College. She also earned a degree in Liberal Arts in 2000 from Dutchess Community College.
- ii. York Self-Insured Association
New York State Association of Self-Insured Counties
National Association of Insurance Women
Risk and Insurance Management Society
New York Claims Association
- iii. Amanda has more than 15 years of experience in workers' compensation cost containment services working in account management and sales.
- iv. Amanda is involved in managing all areas of New York Managed Care services including nurse case management, utilization review, medical bill review, Medicare Set Asides and independent medical evaluations. She has experience in handling both medical only and lost time New York Workers' Compensation Claims. She serves as the internal New York State Expert for Workers' Compensation and No Fault, translating regulatory and legal updates to our national product team and law department. Amanda has been employed with CorVel for 9 years.
- v. Amanda is responsible for all aspects of operations for the New York office including any regulatory changes that may impact our services. She will also oversee the implementation process to ensure a successful transition.



Aria Amato, Account Manager

- i. Aria earned her Bachelor of Arts in Writing and Rhetoric with a minor in Women's Studies from the University of Rhode Island.
- ii. National Association of Professional Women
- iii. Aria has more than 5 years of experience in customer service, account management and leadership within the New York managed care market.
- iv. Aria is responsible for managing the area of New England systematically and logically with regards to the IME product. She conducts client meetings and visits, offering customer support and resolutions. She is accountable for troubleshooting and problem-solving, ensuring timely solutions, leading training and education sessions.
- v. Aria will coordinate annual stewardship meetings with the Town to discuss program results and identify opportunities for program enhancement.

Donna DeRamo, IME Supervisor

- i. Donna earned her degree in Secretarial Sciences and Business from Nassau Community College.
- ii. Donna does not hold any licenses or affiliations.
- iii. Donna has more than 10 years of Workers' Compensation, No Fault, Liability and Disability experience in the NY IME and managed care market.
- iv. Donna is responsible for managing the NY IME Department and for day to day customer experience.
- v. Donna will work with the Town and Account Manager to ensure service standards are met.

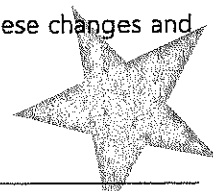
Related Experience

CorVel Corporation has been providing managed care services to the workers' compensation industry for more than 35 years and Independent Medical Examinations in the state of New York for more than 25 years. Our experience includes, but is not limited to, the provision of:

- Independent Medical Examinations
- Peer and File Review Services
- Variance Nurse Review Services (Medical Treatment Guide implementation 1/1/2011)
- Radiological Review Services
- Medical Record Procurement

We have provided IME services in the workers' compensation, No Fault and Liability arenas to national and local, public and private sector employers either directly or through their insurance carriers or third party administrators. CorVel continues to successfully provide IMEs in accordance with all New York State Workers' Compensation Board and New York Insurance Department requirements.

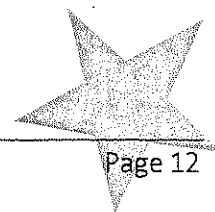
CorVel ensures we remain current with all workers' compensation recent reform changes and proposed legislation. Through constant communication with the Workers' Compensation Board as well as active participation in industry organizations, we maintain a thorough understanding of these changes and are able to explain how proposed or new legislation will impact our clients.





PROPOSER PROFILE

- Prince George County, MD
- Seattle School District
- Shelby County, MD
- State of Colorado
- State of North Carolina
- State of Tennessee
- Virginia Beach City Public Schools
- Washington County, OR





TECHNICAL REQUIREMENTS

CorVel represents and warrants that we have the necessary knowledge, skills and experience to perform the IME services in accordance with the scope of work. We will perform the services in a diligent, professional manner using an appropriate number of qualified individuals and in accordance with applicable industry standards.

We have been serving the claims industry for more than 35 years and providing IMEs and related services in the state of New York for over 25 years. We provide a full range of services for workers' compensation, liability, no fault and disability examinations. Our NYS WCB Authorization Number is 010041.

CorVel's provider network consists of IME providers located nationally. Each network provider is certified by the American Board of Medical Specialties (where applicable) and is required to have a minimum of five years of experience in providing objective IMEs and reviews. CorVel's panel also includes expert radiologists who can review and report on a variety of radiological studies.

CorVel holds our network providers to the highest standards. Prior to acceptance into our provider network, each provider must undergo an initial credentialing process. This process includes but is not limited to the review of the applicants Medical School Diploma, NYS License, NYS Registration Certificate, ABMS Board Certification, Malpractice Insurance as well as a list of hospital affiliations. Additionally, a search is conducted to ensure that the applicant's license is in good standing and has not received any sanctions by the NYS Department of Professional Misconduct and that there are no pending or prior malpractice issues. All network providers are required to maintain an active practice and affirm that they receive less than 50% of their practice revenue from the provision of IME related services.

As part of the application process, each provider is required to submit both a Provider Statement and Provider Agreement which acknowledges their responsibilities and demonstrates their commitment as an IME provider to comply with the requirements as issued by CorVel in the provision of these services. Consequently, we are able to ensure our ability to facilitate prompt turnaround, required testimony when needed and our providers' compliance with the requirements as mandated by the state and adhered to by CorVel.

In order to ensure the examinations provided remain independent and do not pose any compromise to our clients, CorVel does not employ any medical provider in the provision of IME and IMR services. However, we do maintain written agreements for the provision of these services. Each provider is issued a "Memorandum to Practitioners" which outlines CorVel's performance and compliance requirements.

CorVel takes pride in maintaining one of the largest IME networks in the state of New York and the country. As such, we ensure coverage in each of the five boroughs of New York City and all 62 counties in the state. We staff local network developers who credential, re-credential, and perform local inspections of facilities to ensure compliance with CorVel's performance and facility standards including compliance with the Americans with Disabilities Act as well as verify our providers offer professional, clean and convenient facilities.



TECHNICAL REQUIREMENTS

Further, we affirm that all applicable physicians are in compliance with the New York Medical Treatment Guidelines and include appropriate language within their reports. CorVel's experience in providing IMEs encompass a wide array of industries with services provided direct and via insurers and/or third party administrators which include but are not limited to:

- Manufacturers (Local and National)
- Transportation Industry (Livery, Airlines, Shipping, Transit, etc.)
- Retail (National Chains, restaurants, etc.)
- Hospitality
- Entertainment Industry
- Government and Municipal Agencies

CorVel's technology and operational protocols ensure our capability in processing any additional volume as proposed in this request. However, in the event of additional and/or unanticipated growth either from the Town or other areas, we maintain the resources and ability to expand personnel as required and/or dictated by volume.

Approach and Philosophy

Although we do not anticipate any potential problems, in the small chance that any problems arise, the Account Manager will expedite an immediate resolution. CorVel's New York team also makes communication a priority by updating the Town in a clear concise manner, making all necessary participants aware of any issue that may have developed as well as steps initiated to resolve.

Every IME comes with a unique set of factors and inherent challenges; CorVel's team understands that there are always going to be unavoidable issues that may arise within the process. When these issues do arise, our team approaches the situation proactively by working within New York State regulations to expedite an immediate resolution. Our New York team also makes communication a priority by updating the Town in a clear concise manner, making all necessary participants aware of any issue that may have developed as well as steps initiated to resolve.

In addition to handling all issues that are raised proactively, CorVel performs routine internal audits scheduled throughout the week as well as daily to reduce the margin of error and head off any issues before they occur. Workflow and progress are monitored through a myriad of internal auditing reports to ensure our adherence to best practice protocols. These reports include:

- **Unscheduled Examination Report:** Provides details of all referrals received but not scheduled.
- **Pending Report:** Details IMEs and MRRs which have been scheduled, but report has not been received.
- **Outstanding Items Report:** Details all scheduled outstanding open items IMEs, MRRs, Addendum Requests regardless of status.
- **Non-Invoiced Report:** Details items for which reports have been received but not invoiced by CorVel. Indicates the item remains open and has not been provided to the client.
- **No Show Report / Reschedule:** Details all examinations which are No Shows or Cancelled examinations and not been rescheduled.



Based on the data contained in the audit reports, workflows can be modified to ensure efficient and timely processing. Progress updates are provided to IME Coordinators and Quality Assurance Representatives by the IME Coordination Supervisor via email. These provide a checks and balance system providing directives to staff and requiring status updates be provided. Additionally, CorVel's system maintains a diary of all activity on a file which is able to be reviewed outlining the progress and all actions taken on a file.

Coordination of Testimony

CorVel has implemented a process for the provision of expert witness testimony that is efficient and in the best interest of our clients. CorVel ensures our providers cooperation begins at the credentialing phase.

Each CorVel network provider is required to provide their agreements customary testimony rates for full day, half day and arbitration. When the provider application is being reviewed, we will verify that the provider has previous testimony experience. During the interview call we determine:

- Years of experience providing testimony
- Majority of testimony provided for (i.e. defense / plaintiff)
- Testimony record

For Liability testimony, it is customary to provide two weeks prior notice to the providers to prepare and arrange their calendars accordingly.

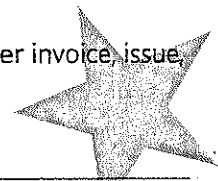
When testimony by an expert witness is required, the Town can notify the CorVel office by telephone or email. The Town would provide the following information:

- Date and Time of Requested Appearance
- Required Time – Full Day / Half Day
- Claimant Information

CorVel will contact the network provider to schedule the testimony and issue a written confirmation to the provider upon successful scheduling. Confirmation notices will be copied to the Town as verification of the successful scheduling.

In the event the requested provider has a previously scheduled testimony or is otherwise unavailable on the requested date, CorVel will obtain a minimum of 3 dates from the provider to provide to the Town as alternatives. Upon the Town's selection and/or presentation of an alternate testimony date, CorVel will contact the provider and issue the appropriate notification. Please note, it is CorVel's policy that if a provider presents a history of being unavailable for testimony, they are considered in violation of their obligations as agreed upon with CorVel and will be removed from our network of authorized providers.

Although CorVel assists in the negotiation of testimony fees and scheduling, we neither invoice, issue nor collect fees for testimony issued by our network providers.





Provider Unavailable for Testimony

If a provider is unavailable for testimony, the Town is notified immediately and presented with alternate dates, or the Town can issue an alternative date for testimony.

CorVel has an understanding with our providers that they must be available for testimony when required. In the event that a provider demonstrates a history of denying requests for testimony, they will be removed from the authorized provider network.

Our national capability provides us with the technology and resources to quickly resolve any issues which may arise on a local level. We ensure that we remain aware of any and all industry developments including NYS Workers' Compensation Reform and new regulations. Each member of our staff is educated on the proper processing and requirements as mandated by the WCB.

CorVel prides itself on our ability to provide superior services, without compromise to our clients and strongly hold to our philosophy of prevention through implementation of systems and protocols.



ATTACHMENTS

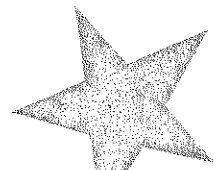
Attachment A: Table of Organization

Attachment B: Resumes of Key Personnel

Attachment C: Sample Reports

Attachment D: Disclosure Statement

Attachment E: Cost Proposal



Attachment A

Table of Organization

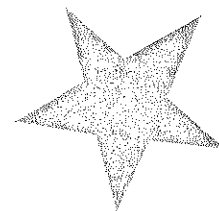




Table of Organization

Board of Directors

V. Gordon Clemons, Sr.
Chairman of the Board and CEO
2010 Main Street, Suite 600
Irvine, CA 92614

Richard J. Schweppe, Treasurer
2010 Main Street, Suite 600
Irvine, CA 92614

Alan R. Hoops, Director
14 Gondoliers Bluff
Newport Beach, CA 92663

Steven J. Hamerslag, Director
11710 El Camino Real
San Diego, CA 92130

Judd Jessup, Director
2010 Main Street, Suite 600
Irvine, CA 92614

Jean H. Macino, Director
2010 Main Street, Suite 600
Irvine, CA 92614

Jeffrey J. Michael, Director
10901 Red Circle Drive, Suite 370
Minnetonka, MN 55343

Corporate Officers

V. Gordon Clemons, Sr.
Chairman of the Board
2010 Main Street, Suite 600
Irvine, CA 92614

Michael Combs, President and CEO
2010 Main Street, Suite 600
Irvine, CA 92614

**Michael Saverien, Executive Vice
President, Risk Mgmt. Services**
2010 Main Street, Suite 600
Irvine, CA 92614

Brandon O'Brien
Chief Financial Officer
2010 Main Street, Suite 600
Irvine, CA 92614

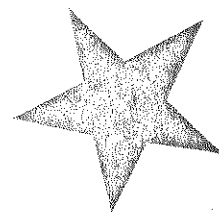
Richard J. Schweppe, Treasurer
2010 Main Street, Suite 600
Irvine, CA 92614

**Maxim Shishin, Chief
Information Officer**
2010 Main Street, Suite 600
Irvine, CA 92614

Diane Blaha, Chief Marketing Officer
2010 Main Street, Suite 600
Irvine, CA 92614

Attachment B

Resumes of Key Personnel



AMANDA CADWALLADER

DIRECTOR, REGIONAL ACCOUNTS

STATEMENT OF QUALIFICATIONS

Advanced experience in workers' compensation disability management, auto liability, and overall disability management. Experienced liaison for insurance companies, self-insureds and third party administrators. Strong communication, interpersonal, writing and organizational skills.

PROFESSIONAL HISTORY

Director, Regional Accounts

CorVel Corporation / 2019 – Current

Responsible for interacting with customers on an executive level and acting as an extension of the client; understanding and communicating agreed upon expectations to field offices and increasing the market share of business by providing service that meets and exceeds customer expectations, stewardship reporting, commitment to customer goals, and introducing/selling/implementing additional services.

Branch Manager

CorVel Corporation / 2009 – 2019

Responsible for all aspects of operations for the Central Islip, NY office, including IME, Medical Bill Review, New York Variance Program and Medical Case Management. Increases revenue through sales and marketing. Maintains updates on all New York state workers' compensation and other state regulator acts pertaining to operations. Maintains monthly and annual budgets. Oversees new client implementations.

Account Executive

MedAllocators / 2009

Assisted in growing territories in Delaware, New Jersey, New York and Pennsylvania. Served as a product specialist to clients and performed claim reviews to help reduce claim cost.

Account Sales Manager

Coventry Healthcare / 2006 – 2009

Produced over \$2.1 million per year in sales revenue. Assisted in growing the New York territory by maintaining existing accounts and acquiring new accounts.

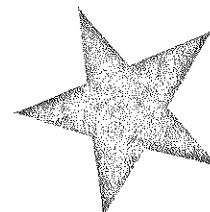
Claims Manager

Compensation Risk Manager, LLC / 2003 – 2006

Managed a caseload of workers' compensation claims, which included investigation, reserving, disability and litigation management, second injury fund and third party identification, and claim settlement.

EDUCATION

Bachelor of Science / Business, Marketing
Marist College



AMANDA CADWALLADER

DIRECTOR, REGIONAL ACCOUNTS

CREDENTIALS AND AFFILIATIONS

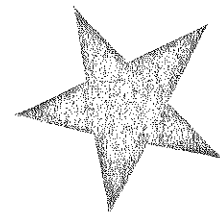
Member, National Association of Insurance Women

Member, New York Claims Association

Member, New York State Association of Self-Insured Counties

Member, Risk and Insurance Management Society

Member, York Self-Insured Association



ARIA ZAFERIOU

IME MANAGER, NEW ENGLAND

STATEMENT OF QUALIFICATIONS

5+ years of Customer Service and Leadership experience within NY Managed Care. Dynamic, responsible, energetic professional with the ability manage multiple projects simultaneously

PROFESSIONAL HISTORY

IME Manager, New England

CorVel / June 2019- Present

Account Manager

CorVel / Feb. 2017 - June 2019

Responsible for managing local accounts systematically and logically. Conduct client meetings and visits, offering customer support in claims triaging, case management, bill review, IME and payment resolutions. Liable for developing effective, tactical action plans to drive client revenue growth. Accountable for troubleshooting and problem-solving, ensuring timely solutions, leading training and education sessions, and general customer service matters. Currently successfully expanding network connections and introducing products persuasively.

Marketing Assistant

Dane Street / July 2015 - Feb. 2017

Accountable for on-site client support on a weekly basis. Responsible for handling invoices and payments in regards to IME's, Peer Reviews, and Addendums. Accessed unique customer data portals to obtain necessary medical records and patient information. Liaison between the Quality Assurance/Customer Service team and the Sales/Marketing team. Clerical duties as well included entering referrals, assigning cases to providers and scheduling IME's.

Provider Recruiter

MagnaCare / July 2014 - July 2015

Recruited 45 doctors per month into the MagnaCare PPO network within assigned field territory. Assigned and negotiated single case network affiliation letters of agreement. Handled recruitment phone line on a daily basis, assisting providers and offices with claims, coding, application statuses, etc. Worked closely with both Provider Relations and the Credentialing team to close participation agreements.

EDUCATION Bachelor of Arts / Writing and Rhetoric / Minor in Women's Studies
University of Rhode Island - Sept. 2009 - May 2014

CREDENTIALS AND AFFILIATIONS

National Association of Professional Women

DONNA DERAMO

IME SUPERVISOR

STATEMENT OF QUALIFICATIONS

More than 10 years of experience in the Workers' Compensation, Liability and No Fault Industry. Strong background in the Independent Medical Exam arena including New York regulatory knowledge, scheduling of exams and quality assurance.

PROFESSIONAL HISTORY

IME Supervisor

CorVel Corporation / 2017 – present

Supervision and Management of the New York and New England IME Department department for Central Islip, NY office. Oversee the entire Independent Medical Exam process from recruitment, to Quality Assurance. Responsible for maintaining regulatory compliance.

IME Coordinator & Quality Assurance Specialist

Genex Services LLC / 2011-2017

Provided customer service for assigned accounts by promptly scheduling appointments for injured workers and no fault applicants. Reviewed IME reports for quality, accuracy and timeliness.

Claims Scheduling Coordinator

Medical Management Group / 2009-2011

Diligently managed a caseload of over 225 files per month. Assisted in scheduling Workers' Compensation, Liability and No Fault Independent Medical Exams.

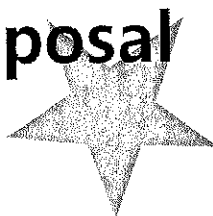
EDUCATION

Secretarial Sciences and Business
Nassau Community College Uniondale, NY



Attachment E

Cost Proposal





Cost Proposal

Thank you for allowing CorVel to present our program and initial pricing options for the **Office of the Town Attorney, Town of Oyster Bay.**

IME Fee Schedule

Description	Pricing
Chiropractic Orthopedic Neurologic Physical Medicine and Rehabilitation	See Table Below
*Radiology Review *Testimony	\$150 per study Half Day: \$1000-\$3000 Full Day: \$3000-\$6000
*Depositions	\$600.00-\$800.00

2020 IME/Peer FEE SCHEDULE

	IME CHIRO	IME NEURO	IME ORTHO	IME PM&R	PEER CHIRO	PEER NEURO	PEER ORTHO	PEER PM
NY – Downstate*	\$450	\$515	\$500	\$400	\$350	\$450	\$425	\$475

The flat fee includes the cost of the exam or review, CorVel coordination and final report.

The flat fee does not include additional tests, x-rays, lab work, etc., that may be necessary to complete exam.

Additional fees may apply for complex or extremely large files.

Complex IME (defined below), non-network providers, other specialties are priced at physician fee plus \$300 coordination fee.

Complex IME/Peer Review is defined as: Cases with over 200 pages of records to be reviewed.

CorVel No-Show or Cancellation within 72 hours of scheduled exam is waived for the 1st no show. Second No-Show is \$75 plus provider fee, if one is charged by provider.

Addendums requiring additional records and/or questions are \$100 plus provider fee.

Pre-approval of additional fees or any fee above flat fee will be obtained from the adjuster.

*Additional specialties and sub-specialties are available upon request and we will obtain fee approval prior to any scheduling. Physicians are chosen from the CorVel Network Provider list and fees reflective above are for basic examination and report in New York with physicians on the "standard" network and are subject to change with prior notice to carrier.

*Extensive Medical records are billed accordingly to reasonable fee negotiations with the network providers. Physicians not on the "standard" list are billed at the best negotiated rate. NY ancillary services that a physician states need to be performed, whose results are necessary to render unequivocal opinion, will not be performed without prior consent from your adjuster in writing. A fee for this service will be additional and made known prior to such fees being imposed.

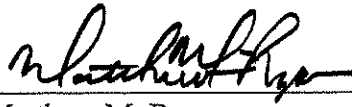
Town of Oyster Bay
Inter-Departmental Memo

To: Memorandum Docket
From: Office of the Town Attorney
Date: January 9, 2020
Subject: RFP for Independent Medical Examinations

This Office will be recommending an award of a Request for Proposals for Independent Medical Examination Services to the Town Attorney's Office for Calendar Year 2020. Additional information will be forwarded to the Docket by way of a supplemental memorandum.

Please reserve a space on the Docket for the January 28, 2020 Town Board action calendar.

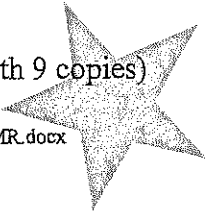
OFFICE OF THE TOWN ATTORNEY

By: 
Matthew M. Rozea
Deputy Town Attorney

MMR:mmmr

cc: Office of the Town Attorney (with 9 copies)

S:\Attorney\RESOS 2020\RFP IMEs Save a Space MMR.docx



Meeting of January 28, 2020

Corrected Copy
Resolution No. 86-2020

Reviewed By
Office of Town Attorney

WHEREAS, SERITAGE SRC FINANCE LLC, fee owner, ("Petitioner"), petitioned the Town Board of the Town of Oyster Bay for Special Use Permits for the property located at 195 North Broadway, Hicksville, Town of Oyster Bay, New York, and described as Section 12, Block B, Lot 185 on the Land and Tax Map of Nassau County, to permit a portion of a proposed mixed-use development to include grade level residential use and residential use over parking, a fitness center and theater and also seeking concurrent site plan approval; and

WHEREAS, the Town Board, as lead agency, has classified the subject action as a Type I Action pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA") and the implementing regulations contained in 6 NYCRR Part 617, and the Town Environmental Quality Review ("TEQR") law; and

WHEREAS, the Town Board, in conformance with the TEQR Law, has directed that the proposed Special Use Permit and Site Plan Approval shall undergo an environmental review process contemporaneously, in accordance with established procedures for review and approval of such applications; and

WHEREAS, Petitioner has prepared a Draft Environmental Impact Statement ("DEIS") relative to the aforementioned application in accordance with the provisions of the Town Environmental Quality Review Law and the New York State Environmental Conservation Law, and the Town Environmental Quality Review Division ("TEQR Division") has reviewed the DEIS and recommended, by memoranda dated January 13, 2020 and January 16, 2020, that said document be accepted by the Town Board as satisfactory with respect to scope, content and adequacy for the purposes of the Town Environmental Quality Review Law and the New York State Environmental Conservation Law and its applicable regulations thereon, and that a public meeting be held on March 10, 2020, with the public comment period to conclude on March 27, 2020,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation of the TEQR Division is hereby accepted, and the DEIS of the Petitioner for the aforementioned application is hereby accepted as satisfactory with respect to its scope, content and adequacy for the purposes of the Town Environmental Quality Review Law and the New York State Environmental Conservation Law and its applicable regulations thereon; and be it further

RESOLVED, That the TEQR Division is hereby directed to file a notice of completion of the DEIS and hold an appropriate public hearing on March 10, 2020 at 7:00 p.m. at Hicksville High School Auditorium, 180 Division Avenue, Hicksville, New York, in accordance with the requirements set forth in the New York State Environmental Conservation Law and its applicable regulations thereon, post a copy of the DEIS on the Town website, and that a hard copy of the DEIS be available for inspection at the following locations: Town of Oyster Bay Town

Clerk's Office, Town of Oyster Bay Department of Environmental Resources, and the Hicksville Public Library; and be it further

RESOLVED, That residents and members of the public are invited to submit their comments on the DEIS at the public hearing on Tuesday, March 10, 2020 at 7:00 p.m. at Hicksville High School Auditorium, and/or from January 29, 2020 through Friday, March 27, 2020, via the following methods:

Town of Oyster Bay
Department of Environmental Resources
29 Spring Street
Oyster Bay, New York 11771
Attention: George Baptista, Jr., Deputy Commissioner
Telephone: (516) 677-5824
Fax: (516) 677-5730
Email: GBaptista@oysterbay-ny.gov

-#-

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

DATE : January 13, 2020

SUBJECT : Town Board Acceptance –The Seritage -DEIS Completeness

A request seeking Town Board acceptance of a completeness recommendation regarding a Draft Environmental Impact Statement pursuant to Article 8 of the Environmental Conservation Law and the provisions of the New York State Environmental Quality Review Act with regards to the above captioned project, will be submitted in a supplemental memorandum. Therefore we recommend and request that a space be reserved at the next Town Board Meeting to be held on January 28, 2020.


George Baptista Jr.
Deputy Commissioner

c. Town Attorney with 9 copies

23

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: Memorandum Docket

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

DATE: January 16, 2020

SUBJECT: Supplemental Memorandum Docket of January 15, 2020, item #33
Seritage – Draft Environmental Impact Statement (DEIS) recommendation of DEIS acceptance as complete for commencement of the public review and comment process pursuant to SEQRA

Based on review from the Department of Environmental Resources (DER), with assistance from DER consultants, DER recommends that the Town Board of the Town of Oyster Bay, as lead agency, accept the Draft Environmental Impact Statement (DEIS) for the above-referenced subject action as adequate with respect to scope and content for the purposes of commencing public review pursuant to 6 NYCRR Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act, SEQRA) of the Environmental Conservation Law and Chapter 110 (Town Environmental Quality Review) of the Code of the Town of Oyster Bay.

If the Town Board decides to proceed in accepting the DEIS as complete for the purpose of commencing the public review process, it is also recommended that the Town Board set the date for a public hearing to receive comments from the public and duration of the public comment period. DER recommends the following:

Public Comment Period Begins: January 29, 2020

Public Hearing Date: March 10, 2020, Time: 7pm

Location: Hicksville High School Auditorium

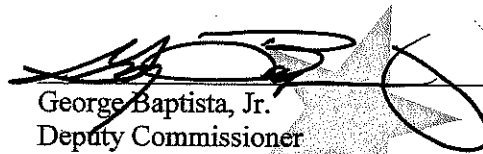
Public Comment Period ends: Friday, March 27, 2020

A hard copy of the DEIS will be available at the following locations:

Town of Oyster Bay, Town Clerk's Office; Town of Oyster Bay, Department of Environmental Resources (DER); and Hicksville Public Library

The online version of the DEIS will be available after it is deemed complete at the following publically accessible website:

<http://oysterbaytown.com/seritage-development-project/>


George Baptista, Jr.
Deputy Commissioner

GB:JS:ca

cc: Town Attorney (with 9 copies)

Elizabeth L. Maccarone, Commissioner, Department of Planning and Development

Meeting of January 28, 2020

Resolution No. 87-2020

WHEREAS, this Town Board had heretofore authorized and directed the implementation of a Self-Insurance Program for the Town's general liability; and

WHEREAS, the Town Board of the Town of Oyster Bay must authorize and approve the settlement of any property damage claims brought against the Town, where the amount of the proposed settlement is in excess of \$10,000.00; and

WHEREAS, Raymond J. Averna, Deputy Town Attorney, by memorandum dated January 15, 2020, have advised that claimant, Leyda Cruz, alleges that she sustained property damage when her parked and unoccupied vehicle was struck by a vehicle owned by the Town of Oyster Bay in front of 75 West Avenue, Hicksville, New York; and

WHEREAS, after extensive negotiations, the matter has settled with the Town for a total of \$11,463.35, in full resolution of all claims of Claimant, and the Office of the Town Attorney recommends settling this matter for \$11,463.35,

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendation as set forth above, the Town Board finds that it is just, reasonable, and in the best interests of the Town to settle this matter for the sum of \$11,463.35, the payment of which sum is hereby authorized and approved by the Town Board of the Town of Oyster Bay, as full settlement to Claimant, Leyda Cruz, with regard to Claim No. 2019-7255 and the Comptroller is hereby authorized and directed to make payment therefor, in accordance with the procedures established under the Town's Self-Insurance Program, by issuing a check made payable to "Leyda Cruz" in the amount of \$11,463.35; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. TWN AMS 1910 43020 602 0000 000.

-#-

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

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

Reviewed By
Office of Town Attorney

37

Town of Oyster Bay Inter-Departmental Memo

TO : MEMORANDUM DOCKET
FROM : Office of the Town Attorney
DATE : January 15, 2020
SUBJECT: SETTLEMENT OF PROPERTY DAMAGE CLAIM
Claimant: Leyda Cruz
Claim No.: 2019-7255

A resolution of the Town Board is required in order for the Town to settle claims, where the amount of the proposed settlement exceeds Ten Thousand (\$10,000.00) Dollars.

The above referenced claim arose as a result of a motor vehicle accident that occurred on May 6, 2019. Claimant, Leyda Cruz, alleges that her parked and unoccupied vehicle located at 75 West Avenue, Hicksville, New York was struck by a vehicle owned by the Town of Oyster Bay causing extensive damage.

The claim was originally in the amount of \$7,218.78. However, after repairs to the vehicle commenced, additional damage became apparent. After extensive settlement negotiations, this matter was settled for a total of \$11,463.35. It is this Office's opinion that such settlement is just, reasonable, and in the best interests of the Town given the uncertainties associated with litigation.

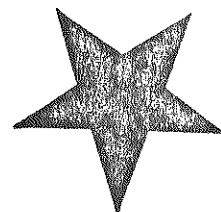
Accordingly, we have attached a resolution authorizing payment of \$11,463.35, together with a copy of the General Release executed by Claimant, Leyda Cruz. The funds for said payment are to be drawn from Account No. TWN AMS 1910 43020 602 0000 000.

OFFICE OF THE TOWN ATTORNEY



Raymond J. Averna
Deputy Town Attorney

RJA:rja
Attachment
cc: Town Attorney (w/9 copies)



General Release

BE IT KNOWN, that

Leyda Cruz

467 Mineola Avenue

Carle Place, New York 11514

as **RELEASOR(S)**

in consideration of the sum of

ELEVEN THOUSAND FOUR HUNDRED SIXTY-THREE 35/100-----dollars \$ 11,463.35

received from

THE TOWN OF OYSTER BAY

as **RELEASEE**,

the receipt of which is hereby acknowledged, releases and forever discharges

TOWN OF OYSTER BAY,

the **RELEASEE**, its officers, employees, agents, successors and assigns, of and from all manner of actions, causes of action, suits, debts, sums of money, accounts, reckonings, bonds, bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments, executions, claims and demands whatsoever, in law or in equity, which the **RELEASOR**, its successors, assigns, heirs, executors, and administrators ever had, now have, or hereafter may have, against the **RELEASEE**, by reason of any matter, cause, or thing whatsoever, from the beginning of time to the date of this release.

It is further understood and agreed that this document contains the entire contents and terms of the settlement being entered into.

Leyda Cruz
RELEASOR (print name)

Leyda Cruz
Signature

1/15/2020
Date

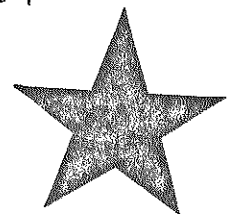
ACKNOWLEDGMENT

State of New York, County of Nassau ss.:

On this 15th day of January, 2020, before me, the undersigned personally appeared Leyda Cruz, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

[Signature]
(signature and office of individual taking acknowledgment)

PAUL S. ENRICH
Notary Public, State of New York
No. 3047522
Qual. in Nassau County
Commission Expires 7/31/22



WHEREAS, SUNRISE REAL ESTATE ENTERPRISES LLC, fee owner, and 27 CARMANS INC., lessee, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit to allow for the operation of a restaurant with a maximum occupancy greater than seventy-five (75) persons on property located in an NB (Neighborhood Business) District, at 25-27 Carmans Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block 35, Lots 304-305, on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on November 19, 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 March 27, 2019, recommended Town Board determination that the subject legislation is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c), Type II Actions List, as Item No. 18, relative to "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4" of Part 617; and

WHEREAS, the Nassau County Planning Commission, by letter dated December 19, 2019, deferred to the Town Board of the Town of Oyster Bay to take action as it deemed appropriate on said application; and

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

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated August 2, 2019 advised that the Department of Planning

Reviewed By
Office of Town Attorney
[Signature]

and Development has reviewed the following five (5) plans prepared by Luigi Gileno, R.A., Syosset, New York, and two (2) plans prepared by Michael Rant, P.E., Bladykas & Panetta, Oyster Bay, New York:

<u>SHEET NO.</u>	<u>TITLE</u>	<u>PREPARED BY</u>	<u>DATE</u>
A-1.1	General Notes, Building Code Info And Location Plan	Luigi Gileno, R.A.	07/29/19
A-2.0	Demolition Plan	Luigi Gileno, R.A.	07/29/19
A-2.1	Construction Floor Plan, Notes and Partition Details	Luigi Gileno, R.A.	07/29/19
A-3.1	Reflected Ceiling Plan, Notes and Symbols	Luigi Gileno, R.A.	07/29/19
A-4.1	Egress Plan	Luigi Gileno, R.A.	07/29/19
N/A	Site Plan	Michael Rant, P.E.	07/22/19
N/A	Lighting and Landscape Plan	Michael Rant, P.E.	07/22/19

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

NOW, THEREFORE, BE IT RESOLVED, That the Petition of SUNRISE REAL ESTATE ENTERPRISES LLC, fee owner, and 27 CARMANS INC., lessee, for a Special Use Permit to allow for the operation of a restaurant with a maximum occupancy greater than seventy-five (75) persons on property located in an NB (Neighborhood Business) District, at 25-27 Carmans Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block 35, Lots 304-305, on the Land and Tax Map of Nassau County, is hereby GRANTED, on the premises described as follows:

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and/or improvements erected thereon, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, known and designated as Lot Nos. 282 and 283 and

part of Lot Nos. 92 to 101 inclusive on the "Map of Cedar Brook Grove Property Formerly of the Federal Land and Improvement Co." filed July 22, 1905 as Map No. 47, Case No. 341, said lots more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Carmans Road at the northerly end of an arc of curve connecting the easterly side of Carmans Road with the northerly side of East Walnut Street;

RUNNING THENCE North 22 degrees 25 minutes 00 seconds East along the easterly side of Carmans Road, 225.49 feet;

RUNNING THENCE Northeasterly along the arc of a curve bearing to the right and having a radius of 20.00 feet, 27.79 feet to the southerly side of Hemlock Street;

RUNNING THENCE South 77 degrees 57 minutes 30 seconds East along the southerly side of Hemlock Street, 125.24 feet;

RUNNING THENCE South 12 degrees 02 minutes 30 seconds West, 125.00 feet;

RUNNING THENCE North 77 degrees 57 minutes 30 seconds West, 75.00 feet;

RUNNING THENCE South 12 degrees 02 minutes 30 seconds West, 125.00 feet to the northerly side of East Walnut Street;

RUNNING THENCE North 77 degrees 57 minutes 30 seconds West, 100.68 feet;

RUNNING THENCE Northwesterly along the arc of a curve bearing to the right and having a radius of 10.00 feet, 17.52 feet to the easterly side of Carmans Road, the point or place of BEGINNING.

and be it further

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

RESOLVED, That in accordance with the memorandum of Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, dated August 2, 2019, the seven (7) plans described herein are hereby approved.

-#

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

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

DECLARATION OF RESTRICTIVE COVENANTS

SUNRISE REAL ESTATE ENTERPRISES LLC, fee owner, with a business address of 790 Riviera Drive South, Massapequa, New York 11758, and 27 CARMANS INC., lessee, with a business address of 25-27 Carmans Road, Massapequa, New York 11758, (hereinafter collectively referred to as "Declarants"), do, by this declaration, dated January 28, 2020, declare as follows:

WHEREAS, said Declarants, petitioned the Town Board for a Special Use Permit to allow for the operation of a restaurant with a maximum occupancy greater than seventy-five (75) persons on property located in an NB (Neighborhood Business) District, at 25-27 Carmans Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block 35, Lots 304-305, on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on November 19, 2019, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 88 - 2020, dated January 28, 2020, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, does hereby voluntarily impose the following covenants and restrictions with respect to the premises identified as 25-27 Carmans Road, Massapequa, Town of Oyster Bay, New York, which will run with the land and be binding upon said Declarants, their successors and/or assigns,

NOW, THEREFORE, said Declarants, do hereby covenant and declare as follows:

1. That the hours of operation will be Mondays through Saturdays, from 11:00 a.m. to 2:00 a.m. of the next day, and Sundays from 11:00 a.m. to 10:00 p.m.
2. Declarant must obtain a Public Assembly License from the Town of Oyster Bay Department of Planning and Development.
3. That of the 147 permitted occupants for this restaurant, 33 of them are allocated outdoor seats for the patio for seasonal use.
4. That all driveway and parking areas shall be paved and maintained in good repair at all times and shall be provided with proper storm water drainage.
5. That the subject premises shall be continually policed and maintained as to be free of all papers, trash, debris or other discarded materials.

Reviewed By
Office of Town Attorney
John M. [Signature]

6. That all shrubs, trees and landscaping shall be continually maintained in good and healthy condition and replaced when necessary.

7. That any and all signs that are to be erected and maintained are to comply with all applicable provisions of present laws or ordinances of the Town of Oyster Bay.

8. That there shall be installed and properly maintained a fully automatic sprinkler system to quell fires, satisfactory to and approved by the Town of Oyster Bay and the Fire Marshal of Nassau County. Adherence to all applicable laws shall satisfy this condition.

9. That the exterior of all structures, parking areas and all other installations shall be continually maintained in neat and good repair.

10. That all garbage, refuse and rubbish shall be placed and kept in suitable containers, emptied daily and disposed of in accordance with applicable statutes, ordinances, and laws.

11. That all exterior lighting shall be directed onto the subject premises and no lighting is to be directed onto adjacent properties or roadway.

12. That no Certificate of Occupancy shall be issued unless and until the development of the site is in conformance with the below listed five (5) plans prepared by Luigi Gileno, R.A., Syosset, New York, and two (2) plans prepared by Michael Rant, P.E., Bladykas & Panetta, Oyster Bay, New York, reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, recommended for acceptance by Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated August 2, 2019, and approved by the Town Board of the Town of Oyster Bay, including any and all amendments that the Town Board may have required to said plans. Any major modifications to said plans subsequent to approval by the Town Board may be done only by Town Board Resolution. If a proposed modification is deemed minor by the Commissioner of the Department of Planning and Development, the Commissioner will have final approval of same. The plans are as follows:

<u>SHEET NO.</u>	<u>TITLE</u>	<u>PREPARED BY</u>	<u>DATE</u>
A-1.1	General Notes, Building Code Info And Location Plan	Luigi Gileno, R.A.	07/29/19
A-2.0	Demolition Plan	Luigi Gileno, R.A.	07/29/19
A-2.1	Construction Floor Plan, Notes and Partition Details	Luigi Gileno, R.A.	07/29/19
A-3.1	Reflected Ceiling Plan, Notes and Symbols	Luigi Gileno, R.A.	07/29/19
A-4.1	Egress Plan	Luigi Gileno, R.A.	07/29/19
N/A	Site Plan	Michael Rant, P.E.	07/22/19
N/A	Lighting and Landscape Plan	Michael Rant, P.E.	07/22/19

13. That there shall be strict compliance with any and all ordinances, laws, regulations or directives of the Town of Oyster Bay, the Nassau County Fire Marshal's Office, the Nassau

County Department of Health and any and all other agencies or departments of the Town of Oyster Bay, Nassau County, the State of New York and/or the United States of America.

14. That in the event of any violation of any kind of the restrictions, covenants or provisions recited herein, or any ordinances or regulations, and failure to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate or the current operator of the subject premises of whom the Town has been given notice, the Town shall have the right to suspend or revoke forthwith, the special use permit granted, unless a cure for such violation has been commenced or is being diligently pursued.

15. Except to the extent as modified by this Declaration, all previously recorded Declaration of Restrictive Covenants filed with the County Clerk of Nassau County and affecting the subject premises shall remain in full force and effect.

16. This Declaration shall be filed with the County Clerk of Nassau County and be construed with the same force and effect as a recorded document, and shall be deemed a covenant running with the land. The restrictions contained herein may be enforced by the Town Board of the Town of Oyster Bay to the same extent and with the same authority as the enforcement of a Zoning Ordinance. This Declaration shall not be modified, changed, altered or amended except with the consent of the Town Board of the Town of Oyster Bay.

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and/or improvements erected thereon, situate, lying and being at Massapequa, Town of Oyster Bay, County of Nassau and State of New York, known and designated as Lot Nos. 282 and 283 and part of Lot Nos. 92 to 101 inclusive on the "Map of Cedar Brook Grove Property Formerly of the Federal Land and Improvement Co." filed July 22, 1905 as Map No. 47, Case No. 341, said lots more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Carmans Road at the northerly end of an arc of curve connecting the easterly side of Carmans Road with the northerly side of East Walnut Street;

RUNNING THENCE North 22 degrees 25 minutes 00 seconds East along the easterly side of Carmans Road, 225.49 feet;

RUNNING THENCE Northeasterly along the arc of a curve bearing to the right and having a radius of 20.00 feet, 27.79 feet to the southerly side of Hemlock Street;

RUNNING THENCE South 77 degrees 57 minutes 30 seconds East along the southerly side of Hemlock Street, 125.24 feet;

RUNNING THENCE South 12 degrees 02 minutes 30 seconds
West, 125.00 feet;

RUNNING THENCE North 77 degrees 57 minutes 30 seconds
West, 75.00 feet;

RUNNING THENCE South 12 degrees 02 minutes 30 seconds
West, 125.00 feet to the northerly side of East Walnut Street;

RUNNING THENCE North 77 degrees 57 minutes 30 seconds
West, 100.68 feet;

RUNNING THENCE Northwesterly along the arc of a curve
bearing to the right and having a radius of 10.00 feet, 17.52 feet to
the easterly side of Carmans Road, the point or place of
BEGINNING.

SAID premises are known and described as Section 53, Block 35,
Lots 304-305 on the Land and Tax Map of the County of Nassau.

IN WITNESS WHEREOF, the Declarants have hereunto set their hand and seal
the day and year first above written.

SUNRISE REAL ESTATE ENTERPRISES LLC, Fee Owner

BY: _____
Managing Member

27 CARMANS INC., Lessee

BY: _____
President

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

On the day of in the year 2020 before me, the undersigned,
personally appeared , personally known to me or proved to me on the
basis of satisfactory evidence to be the individual whose name is subscribed to the within
instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and
that by his/her signature on the instrument, the individual, or the person upon behalf of which the
individual acted, executed the instrument.

Notary Public

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

On the day of in the year 2020 before me, the undersigned,
personally appeared , personally known to me or proved to me on the
basis of satisfactory evidence to be the individual whose name is subscribed to the within
instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and
that by his/her signature on the instrument, the individual, or the person upon behalf of which the
individual acted, executed the instrument.

Notary Public

WHEREAS, MASSAPEQUA PLAZA ASSOCIATES LP, fee owner, and MASSAPEQUA FBBC LLC, lessee, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit to allow for the establishment and operation of a fitness center exceeding 1,500 square feet in size, on property located in an NB (Neighborhood Business) District, at 5117-5167 Merrick Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block 172, Lot 15, on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on December 10, 2019, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town of Oyster Bay Department of Environmental Resources, Town Environmental Quality Review Division, by memorandum dated July 1, 2019, recommended Town Board determination that the subject legislation is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c), Type II Actions List, as Item No. 18, relative to "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4" of Part 617; and

WHEREAS, the Nassau County Planning Commission, by letter dated December 19, 2019, deferred to the Town Board of the Town of Oyster Bay to take action as it deemed appropriate on said application; and

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

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated October 17, 2019 advised that the Department of Planning

Reviewed By
Office of Town Attorney
[Signature]

and Development has reviewed the following two (2) plans prepared by Marc Pilotta, P.E., Key Civil Engineering, Holtsville, New York, and one (1) plan prepared by John Schimenti, R.A., John Schimenti, P.C., Lynbrook, New York:

<u>SHEET NO.</u>	<u>TITLE</u>	<u>PREPARED BY</u>	<u>DATE</u>
C-1	Site Plan	Marc Pilotta, P.E.	09/30/19
C-2	Truck Run Plan	Marc Pilotta, P.E.	09/30/19
A-003.00	First Floor Construction Plans	John Schimenti, R.A.	03/27/19

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

NOW, THEREFORE, BE IT RESOLVED, That the Petition of MASSAPEQUA PLAZA ASSOCIATES LP, fee owner, and MASSAPEQUA FBBC LLC, lessee, for a Special Use Permit to allow for the establishment and operation of a fitness center exceeding 1,500 square feet in size, on property located in an NB (Neighborhood Business) District, at 5117-5167 Merrick Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block 172, Lot 15, on the Land and Tax Map of Nassau County, is hereby GRANTED, on the premises described as follows:

SCHEDULE A

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

BEGINNING at the corner formed by the intersection of the northerly side of Merrick Road (as widened) with the easterly side of Joludow Drive;

RUNNING THENCE along said easterly side of Joludow Drive North 17 degrees 41 minutes 24 seconds East, 319.87 feet;

THENCE South 84 degrees 15 minutes 00 seconds East, 390.00 feet;

THENCE South 44 degrees 45 minutes 35 seconds East, 85.25 feet;

THENCE South 03 degrees 08 minutes 25 seconds West, 279.05 feet to the said northerly side of Merrick Road;

THENCE along said northerly side of Merrick Road, as widened, North 86 degrees 51 minutes 35 seconds West, 228.86 feet to a point of curvature of a curve having a radius of 889.66 feet;

THENCE along said northerly side of Merrick Road, as widened, and said curve, in a westerly direction a distance of 183.12 feet to a point of tangency;

THENCE still along said northerly side of Merrick Road, as widened, North 75 degrees 04 minutes 00 seconds West, 125.16 feet to the point or place of BEGINNING.

and be it further

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

RESOLVED, That in accordance with the memorandum of Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, dated October 17, 2019, the three (3) plans described herein are hereby approved.

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- 3 -

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

DECLARATION OF RESTRICTIVE COVENANTS

MASSAPEQUA PLAZA ASSOCIATES, fee owner, with a business address of 1270 Avenue of the Americas, Suite 1911, New York, New York 10020, and MASSAPEQUA FBBC LLC, lessee, (hereinafter collectively referred to as "Declarants"), do, by this declaration, dated January 28 2020, declare as follows:

WHEREAS, said Declarants, petitioned the Town Board for a Special Use Permit to allow for the establishment and operation of a fitness center exceeding 1,500 square feet in size, on property located in an NB (Neighborhood Business) District, at 5117-5167 Merrick Road, Massapequa, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 53, Block 172, Lot 15, on the Land and Tax Map of Nassau County; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on December 10, 2019, at which hearing all parties interested in the subject matter and desiring to be heard were heard; and

WHEREAS, the Town Board of the Town of Oyster Bay, by Resolution No. 89 - 2020, dated January 28, 2020, approved said application subject to the execution of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarants, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, does hereby voluntarily impose the following covenants and restrictions with respect to the premises identified as 5117-5167 Merrick Road, Massapequa, Town of Oyster Bay, New York, which will run with the land and be binding upon said Declarants, their successors and/or assigns,

NOW, THEREFORE, said Declarants, do hereby covenant and declare as follows:

1. That the hours of operation will be Mondays through Friday, from 5:00 a.m. to 10:00 p.m., Saturdays from 6:30 a.m. to 6:00 p.m., and Sundays from 7:00 a.m. to 12:00 noon.
2. That all driveway and parking areas shall be paved and maintained in good repair at all times and shall be provided with proper storm water drainage.
3. That the subject premises shall be continually policed and maintained as to be free of all papers, trash, debris or other discarded materials.
4. That all shrubs, trees and landscaping shall be continually maintained in good and healthy condition and replaced when necessary.
5. That any and all signs that are to be erected and maintained are to comply with all applicable provisions of present laws or ordinances of the Town of Oyster Bay.

Reviewed By
Office of Town Attorney
John McMiller

6. That there shall be installed and properly maintained a fully automatic sprinkler system to quell fires, satisfactory to and approved by the Town of Oyster Bay and the Fire Marshal of Nassau County. Adherence to all applicable laws shall satisfy this condition.

7. That the exterior of all structures, parking areas and all other installations shall be continually maintained in neat and good repair.

8. That all garbage, refuse and rubbish shall be placed and kept in suitable containers, emptied daily, and disposed of in accordance with applicable statutes, ordinances, and laws.

9. That all exterior lighting shall be directed onto the subject premises and no lighting is to be directed onto adjacent properties or roadway.

10. That no Certificate of Occupancy shall be issued unless and until the development of the site is in conformance with the below listed two (2) plans prepared by Marc Pilotta, P.E., Key Civil Engineering, Holtsville, New York, and one (1) plan prepared by John Schimenti, R.A., John Schimenti, P.C., Lynbrook, New York, reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, recommended for acceptance by Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated October 17, 2019, and approved by the Town Board of the Town of Oyster Bay, including any and all amendments that the Town Board may have required to said plans. Any major modifications to said plans subsequent to approval by the Town Board may be done only by Town Board Resolution. If a proposed modification is deemed minor by the Commissioner of the Department of Planning and Development, the Commissioner will have final approval of same. The plans are as follows:

SHEET NO.	TITLE	PREPARED BY	DATE
C-1	Site Plan	Marc Pilotta, P.E.	09/30/19
C-2	Truck Run Plan	Marc Pilotta, P.E.	09/30/19
A-003.00	First Floor Construction Plans	John Schimenti, R.A.	03/27/19

11. That Declarants shall amend the Site Plan with input and consent of the Department of Planning and Development to show the appropriate pavement markings prohibiting vehicles from blocking the access aisle parallel to Merrick Road, and shall install the appropriate signage in order to facilitate the traffic flow exiting the property onto Merrick Road.

12. That there shall be strict compliance with any and all ordinances, laws, regulations or directives of the Town of Oyster Bay, the Nassau County Fire Marshal's Office, the Nassau County Department of Health and any and all other agencies or departments of the Town of Oyster Bay, Nassau County, the State of New York and/or the United States of America.

13. That in the event of any violation of any kind of the restrictions, covenants or provisions recited herein, or any ordinances or regulations, and failure to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate or the current operator of the subject premises of whom the Town has been given notice, the Town shall have

the right to suspend or revoke forthwith, the special use permit granted, unless a cure for such violation has been commenced or is being diligently pursued.

14. Except to the extent as modified by this Declaration, all previously recorded Declaration of Restrictive Covenants filed with the County Clerk of Nassau County and affecting the subject premises shall remain in full force and effect.

15. This Declaration shall be filed with the County Clerk of Nassau County and be construed with the same force and effect as a recorded document, and shall be deemed a covenant running with the land. The restrictions contained herein may be enforced by the Town Board of the Town of Oyster Bay to the same extent and with the same authority as the enforcement of a Zoning Ordinance. This Declaration shall not be modified, changed, altered or amended except with the consent of the Town Board of the Town of Oyster Bay.

SCHEDULE A

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

BEGINNING at the corner formed by the intersection of the northerly side of Merrick Road (as widened) with the easterly side of Joludow Drive;

RUNNING THENCE along said easterly side of Joludow Drive North 17 degrees 41 minutes 24 seconds East, 319.87 feet;

THENCE South 84 degrees 15 minutes 00 seconds East, 390.00 feet;

THENCE South 44 degrees 45 minutes 35 seconds East, 85.25 feet;

THENCE South 03 degrees 08 minutes 25 seconds West, 279.05 feet to the said northerly side of Merrick Road;

THENCE along said northerly side of Merrick Road, as widened, North 86 degrees 51 minutes 35 seconds West, 228.86 feet to a point of curvature of a curve having a radius of 889.66 feet;

THENCE along said northerly side of Merrick Road, as widened, and said curve, in a westerly direction a distance of 183.12 feet to a point of tangency;

THENCE still along said northerly side of Merrick Road, as widened, North 75 degrees 04 minutes 00 seconds West, 125.16 feet to the point or place of BEGINNING.

SAID premises are known and described as Section 53, Block 172,
Lot 15 on the Land and Tax Map of the County of Nassau.

IN WITNESS WHEREOF, the Declarants have hereunto set their hand and seal
the day and year first above written.

MASSAPEQUA PLAZA ASSOCIATES LP, Fee Owner

BY: _____
General Partner

MASSAPEQUA FBBC LLC, Lessee

BY: _____
Managing Member

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

On the day of in the year 2020 before me, the undersigned,
personally appeared , personally known to me or proved to me on the
basis of satisfactory evidence to be the individual whose name is subscribed to the within
instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and
that by his/her signature on the instrument, the individual, or the person upon behalf of which the
individual acted, executed the instrument.

Notary Public

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

On the day of in the year 2020 before me, the undersigned,
personally appeared , personally known to me or proved to me on the
basis of satisfactory evidence to be the individual whose name is subscribed to the within
instrument and acknowledged to me that he/she executed the same in his/her capacity(ies), and
that by his/her signature on the instrument, the individual, or the person upon behalf of which the
individual acted, executed the instrument.

Notary Public

Reviewed By
Office of Town Attorney

Elizabeth L. Maccarone

WHEREAS, 62 SOUTH STREET TOWER, INC., fee owner, petitioned the Town Board of the Town of Oyster Bay for a Special Use Permit to allow for the conversion of the second floor (5,959 square feet) of a building located in a GB (General Business) District, at 62 South Street, Oyster Bay, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 27, Block 42, Lots 572, and 576-583, on the Land and Tax Map of Nassau County, from office space to residential use consisting of eight (8) apartments; and

WHEREAS, a duly advertised public hearing on said Petition was held by the Town Board of the Town of Oyster Bay on November 19, 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 July 19, 2019, recommended Town Board determination that the subject legislation is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c), Type II Actions List, as Item No. 18, relative to "reuse of a residential or commercial structure, or of a structure containing mixed residential and commercial uses, where the residential or commercial use is a permitted use under the applicable zoning law or ordinance, including permitted by special use permit, and the action does not meet or exceeds any of the thresholds in section 617.4" of Part 617; and

WHEREAS, the Nassau County Planning Commission, by Resolution No. 10353-19, adopted on January 9, 2020, deferred to the Town Board of the Town of Oyster Bay to take action as it deemed appropriate on said application; and

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

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated August 21, 2019 advised that the Department of Planning and Development has reviewed the following six (6) plans prepared by Michael S. Tedesco, R.A., Core Group Architects, L.L.P., Oyster Bay, New York:

SHEET NO.	TITLE	PREPARED BY	LAST REVISED
A-1	Site Plan, Zoning Data, Vicinity Map and Existing Building Photos	Michael S. Tedesco, R.A.	04/18/18

A-2	Cellar Plan	Michael S. Tedesco, R.A.	03/23/18
A-3	First Floor Plan	Michael S. Tedesco, R.A.	03/23/18
A-4	Second Floor Plan	Michael S. Tedesco, R.A.	03/23/18
A-5	Attic/Roof Plan and Existing Signage Photos	Michael S. Tedesco, R.A.	03/23/18
A-6	Property Use Map	Michael S. Tedesco, R.A.	03/23/18

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

NOW, THEREFORE, BE IT RESOLVED, That the Petition of 62 SOUTH STREET TOWER, INC., fee owner, for a Special Use Permit to allow for the conversion of the second floor (5,959 square feet) of a building located in a GB (General Business) District, at 62 South Street, Oyster Bay, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 27, Block 42, Lots 572, and 576-583, on the Land and Tax Map of Nassau County, from office space to residential use consisting of eight (8) apartments, is hereby GRANTED, on the premises described as follows:

SCHEDULE A

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

BEGINNING at a point on the westerly side of South Street distant 84.59 feet South from the intersection formed by the westerly side of South Street and the southerly side of Hamilton Avenue;

RUNNING THENCE South 60 degrees 47 minutes West, 82.20 feet;

THENCE North 59 degrees 13 minutes 30 seconds West, 113.07 feet;

THENCE North 34 degrees 11 minutes East, 166.10 feet (actual count 34 degrees 12 minutes 20 seconds East, 166 feet);

THENCE North 52 degrees 43 minutes East, 78.61 feet;

THENCE South 40 degrees 49 minutes West, 59.30 feet;

THENCE South 39 degrees 37 minutes 40 seconds East, 81.19 feet
to the westerly side of South Street, the point or place of
BEGINNING.

SAID premises are known and described as Section 27, Block 42,
Lots 572 and 576-583 on the Land and Tax Map of the County of
Nassau.

and be it further :

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

RESOLVED, That in accordance with the memorandum of Elizabeth L.
Maccarone, Commissioner, Department of Planning and Development, dated August 21, 2019,
the six (6) plans described herein are hereby approved.

-#-

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

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

3 -

DECLARATION OF RESTRICTIVE COVENANTS

62 SOUTH STREET TOWER, INC., fee owner, with a business address of 11-22 44th Road, Long Island City, New York 11101, ("the Declarant"), by this declaration, dated January 28, 2020, declares as follows:

WHEREAS, 62 SOUTH STREET TOWER, INC., requested that the Town Board of the Town of Oyster Bay ("Town Board") grant a Special Use Permit to allow for the conversion of the second floor (5,959 square feet) of a building located in a GB (General Business) District, at 62 South Street, Oyster Bay, Town of Oyster Bay, County of Nassau, State of New York, and described as Section 27, Block 42, Lots 572, and 576-583, on the Land and Tax Map of Nassau County, from office space to residential use consisting of eight (8) apartments; and

WHEREAS, The Town Board, by Resolution No. 90 - 2020, dated January 28, 2020; approved said request subject to the execution and recording of a Declaration of Restrictive Covenants; and

WHEREAS, said Declarant, for the purpose of preserving the value, and in order to assure the orderly development of the below described premises in Schedule "A" herein, and for the benefit and protection of persons and property in the area, do hereby voluntarily impose the following covenants and restrictions with respect to the premises identified as being located at 62 South Street, Oyster Bay, Town of Oyster Bay, New York, which will run with the land and be binding upon said Declarants, their successors and/or assigns,

NOW, THEREFORE, said Declarant, does hereby covenant and declare as follows:

1. That the entire area, including the enclosed dumpster area, shall be policed daily and shall be continuously maintained and kept in good repair, free of all papers, trash, and debris. Specifically, but not limiting the foregoing, the dumpster must be emptied on a daily basis.
2. That any and all signs to be erected and maintained shall comply with all applicable provisions of laws or ordinances of the Town of Oyster Bay.
3. That all exterior lighting shall be focused only on the subject premises and shall not penetrate into adjoining areas.
4. That there shall be strict compliance with any and all laws, ordinances and regulations of the Nassau County Fire Marshal's Office and all other agencies and departments of the Town of Oyster Bay, the County of Nassau and the State of New York.

Reviewed By
Office of Town Attorney

5. That no Certificate of Occupancy shall be issued unless and until the development of the site is in conformance with the below listed six (6) plans prepared by Michael S. Tedesco, R.A., Core Group Architects, L.L.P., Oyster Bay, New York, reviewed in accordance with Section 246-6, "Site Plan Review", of the Zoning Code of the Town of Oyster Bay, recommended for acceptance by Elizabeth L. Maccarone, Commissioner of the Department of Planning and Development, by memorandum dated August 21, 2019, and approved by the Town Board of the Town of Oyster Bay, including any and all amendments that the Town Board may have required to said plans. Any major modifications to said plans subsequent to approval by the Town Board may be done only by Town Board Resolution. The plans are as follows:

SHEET NO.	TITLE	PREPARED BY	LAST REVISED
A-1	Site Plan, Zoning Data, Vicinity Map and Existing Building Photos	Michael S. Tedesco, R.A.	04/18/18
A-2	Cellar Plan	Michael S. Tedesco, R.A.	03/23/18
A-3	First Floor Plan	Michael S. Tedesco, R.A.	03/23/18
A-4	Second Floor Plan	Michael S. Tedesco, R.A.	03/23/18
A-5	Attic/Roof Plan and Existing Signage Photos	Michael S. Tedesco, R.A.	03/23/18
A-6	Property Use Map	Michael S. Tedesco, R.A.	03/23/18

6. That in the event Declarants seek permission to make a change to the subject building or property after the date of the granting resolution, the Commissioner of the Department of Planning and Development shall determine whether the proposed change is a major or minor modification. If a proposed modification is deemed minor, the Commissioner shall have final approval of same. Any major modification to the building or property shall be accomplished only by Town Board Resolution.

7. That in the event of any violation of any kind of the restrictions, covenants or provisions recited herein, or any ordinances or regulations, and failure to remedy such violation within thirty (30) days after notice by the Town to the then owner of the real estate or the current operator of the subject premises, or any mortgagee, the Town shall have the right to suspend or revoke forthwith, the special use permit granted, unless a cure for such violation has been commenced or is being diligently pursued.

8. This Declaration shall supersede any previously recorded Declaration of Restrictive Covenants filed with the County Clerk of Nassau County and affecting the subject premises.

9. This Declaration shall be filed with the County Clerk of Nassau County and be construed with the same force and effect as a recorded document, and shall be deemed a covenant running with the land. The restrictions contained herein may be enforced by the Town Board of the Town of Oyster Bay to the same extent and with the same authority as the enforcement of a Zoning Ordinance.

SCHEDULE A

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

BEGINNING at a point on the westerly side of South Street distant 84.59 feet South from the intersection formed by the westerly side of South Street and the southerly side of Hamilton Avenue;

RUNNING THENCE South 60 degrees 47 minutes West, 82.20 feet;

THENCE North 59 degrees 13 minutes 30 seconds West, 113.07 feet;

THENCE North 34 degrees 11 minutes East, 166.10 feet (actual count 34 degrees 12 minutes 20 seconds East, 166 feet);

THENCE North 52 degrees 43 minutes East, 78.61 feet;

THENCE South 40 degrees 49 minutes West, 59.30 feet;

THENCE South 39 degrees 37 minutes 40 seconds East, 81.19 feet to the westerly side of South Street, the point or place of BEGINNING.

SAID premises are known and described as Section 27, Block 42, Lots 572 and 576-583 on the Land and Tax Map of the County of Nassau.

IN WITNESS WHEREOF, the Declarant has hereunto set their hand the day and year first above written.

62 SOUTH STREET TOWER, INC., Fee Owner

BY: _____, President

STATE OF NEW YORK)

COUNTY OF NASSAU) ss.:

On the day of in the year 2020 before me, the undersigned,
personally appeared , personally known to me or proved to me
on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to
the within instrument and acknowledged to me that he/she/they executed the same in his/her/their
capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the
person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

Reviewed By
Office of Town Attorney

Elizabeth A. Dougherty

WHEREAS, pursuant to public notice, a public hearing was held on January 7, 2020 at 10:00 o'clock a.m., prevailing time, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, at which hearing all parties interested were given an opportunity to be heard upon the question of the proposed contract between the Town of Oyster Bay, acting on behalf of the Oyster Bay Fire Protection District, and the Oyster Bay Water District, for the period January 1, 2020 through December 31, 2020, for the rental of two hundred twenty-five (225) hydrants located within the Town's boundaries, which hydrants are owned and maintained by the Water District, at a rental of Ninety (\$90.00) Dollars per hydrant, not to exceed \$20,250.00; and

WHEREAS, following due deliberation, it was determined to be in the best interests of the residents of the Oyster Bay Fire Protection District to enter into an Agreement with the Oyster Bay Water District, for the rental of fire hydrants for the year 2020,

NOW, THEREFORE, BE IT RESOLVED, That the Supervisor or his designee are authorized to enter into an Agreement with the Town of Oyster Bay, acting on behalf of the Oyster Bay Fire Protection District, and the Oyster Bay Water District for the rental of fire hydrants for the year 2020, nunc pro tunc, upon the terms set forth hereinabove and payments pursuant to the terms and conditions thereof are hereby authorized upon presentation of a duly certified claim therefor, after audit by the Comptroller, said Agreement to be approved and ratified through December 31, 2020.

-#

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

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

Reviewed By
Office of Town Attorney

WHEREAS, the Town of Oyster Bay seeks to obtain, through purchase or condemnation, a utility easement upon a portion of the real property located at 185 Central Avenue, Bethpage, N.Y. 11714, and further identified as Section 49 Block 293 Lot 51 on the Nassau County Land and Tax Map; and

WHEREAS, the utility easement shall measure approximately twenty (20) feet in width and one thousand four hundred (1,400) feet in length, and be utilized for the installation of underground piping and infrastructure to facilitate the groundwater remediation plan imposed upon Northrop Grumman by the New York State Department of Environmental Conservation via an Amended Record of Decision; and

WHEREAS, Frank M. Scalera, Chief Deputy Town Attorney, by memorandum dated January 17, 2020, recommends that the Town be authorized to enter into negotiations to purchase the aforementioned easement, or in the alternative, to commence condemnation proceedings to acquire said easement; and

WHEREAS, Frank M. Scalera, Chief Deputy Town Attorney, by memorandum dated January 17, 2020, further recommends that the Office of the Town Attorney be authorized to conduct an appraisal of the easement and utilize the services of an appraiser, Real Estate Solutions USA, Inc. (previously approved by Resolution No. 336-2019) at a cost not to exceed \$2,500.00, with funds to be drawn from Account OTA A 1420 44110 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth be hereby accepted and approved and that the Town be authorized to negotiate the purchase of the aforementioned easement, or in the alternative, be authorized to commence condemnation proceedings to acquire said easement; and be it further

RESOLVED, that the Town be authorized to utilize Real Estate Solutions USA, Inc. to conduct the appraisal of the aforementioned easement at a cost not to exceed \$2,500.00, with funds to be drawn from Account OTA A 1420 44110 000 0000; and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to make payment to Real Estate Solutions USA, Inc., with funds to be drawn from Account OTA A 1420 44110 000 0000, upon submission of a duly certified claim, after audit.

-#-

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

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

25

Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: OFFICE OF THE TOWN ATTORNEY

DATE: January 17, 2020

SUBJECT: Easement at 185 Central Avenue, Bethpage, New York

The Town of Oyster Bay seeks to obtain, through purchase or condemnation, a utility easement upon a portion of the real property located at 185 Central Avenue, Bethpage, N.Y. 11714, and further identified as Section 49 Block 293 Lot 51 on the Nassau County Land and Tax Map. The utility easement shall measure approximately twenty (20) feet in width and one thousand four hundred (1,400) feet in length, and be utilized for the installation of underground piping and infrastructure to facilitate the groundwater remediation plan imposed upon Northrop Grumman by the New York State Department of Environmental Conservation via an Amended Record of Decision.

This Office recommends that the Town be authorized to enter into negotiations to purchase the aforementioned easement, or in the alternative, to commence condemnation proceedings to acquire said easement. Towards that effort, the Town requires an appraisal of the proposed easement and seeks to retain Real Estate Solutions USA, Inc.- previously approved by Resolution No. 336-2019- at a cost not to exceed \$2,500.00, with funds to be drawn from Account OTA A 1420 44110 000 0000.

Kindly suspend the rules and place this item on the January 28, 2020 Town Board Action Calendar.

OFFICE OF THE TOWN ATTORNEY


Frank M. Scatena
Chief Deputy Town Attorney

FMS:fms
Attachment
cc: Town Attorney (w/9 copies)
2020-7503
S:\Attorney\RESOS 2020\MD & RESO\EasementKingKullenFMS.docx

Meeting of January 28, 2020

Resolution No. 93-2020

DRS
Reviewed By
Office of Town Attorney
Robert P. Healy

RESOLVED, That a public hearing will be held in the Hearing Room, Town Hall, 54 Audrey Avenue, Oyster Bay, New York on, the 25th day of February, 2020, at 10:00 o'clock, a.m. prevailing time on that day, or as soon thereafter as practicable, to consider the application of 31 PEARL STREET, contract vendee, and ISLAND PROPERTIES, LLC, fee owner, for a Change of Zone from R1-6 (Residence District) to General Business (GB) District, for a portion of the premises located at 41 Summit Street, Oyster Bay, Town of Oyster Bay, County of Nassau, State of New York and described as Section 27, Block 33, Lots 18 & 39, on the Land and Tax Map of Nassau County, so that the entire parcel will be zoned General Business (GB), and for Site Plan Approval; and be it further

RESOLVED, That the Town Clerk shall publish notice of such hearing in

newspapers of general circulation within the Town of Oyster Bay.

#-

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

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

PUBLIC NOTICE

NOTICE is hereby given, pursuant to law, that a public hearing will be held by the Town Board of the Town of Oyster Bay, Nassau County, New York, on Tuesday, February 25, 2020, at 10:00 a.m., prevailing time, or as soon thereafter as may be practicable, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, for the purpose of considering an application from 31 PEARL STREET, contract vendee, and ISLAND PROPERTIES, LLC, fee owner, for a Change of Zone from R1-6 (Residence District) to General Business (GB) District, for a portion of the premises located at 41 Summit Street, Oyster Bay, Town of Oyster Bay, County of Nassau, State of New York and described as Section 27, Block 33, Lots 18 & 39, on the Land and Tax Map of Nassau County, so that the entire parcel will be zoned General Business (GB), and for Site Plan Approval. The abovementioned application is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk at Oyster Bay and Massapequa. Any person interested in the subject matter of said hearing will be given an opportunity to be heard with reference thereto, at the time and place above designated. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. RICHARD LAMARCA, Town Clerk.

Dated: January 28, 2020, Oyster Bay, New York.

Reviewed By
Office of Town Attorney

Elizabeth A. Taughman

743

27

Town of Oyster Bay Inter-Departmental Memo

TO : MEMORANDUM DOCKET
FROM : OFFICE OF THE TOWN ATTORNEY
DATE : January 22, 2020
SUBJECT: 31 Pearl Street, LLC and Island Properties, LLC
Change of Zone and Site Plan Approval
Premises: 41 Summit Street, Oyster Bay, New York
Section 27, Block 33, Lots 18 & 39

It is requested that the Town Board authorize the Town Clerk to advertise a Notice of Hearing, for a Public Hearing to be held on February 25, 2020, in connection with the above referenced matter.

Kindly suspend the rules so that the attached Resolution pertaining to this matter can be heard at the January 28, 2020 Town Board meeting.

OFFICE OF THE TOWN ATTORNEY



Thomas M. Sabellico
Special Counsel

TMS:nb
Enclosure
2019-7187

s/Atty/MD&Reso2020/31PearlSt TMS

Meeting of January 28, 2020

Resolution No. 94-2020

Reviewed By
Office of Town Attorney
Ralph P. Healey

RESOLVED, That a public hearing will be held in the Hearing Room, Town Hall, 54 Audrey Avenue, Oyster Bay, New York on, the 25th day of February, 2020, at 10:00 o'clock, a.m. prevailing time on that day, or as soon thereafter as practicable, to consider the application of 56 WASHINGTON PKWY, INC., fee owner, for a Special Use Permit to allow for the operation of an automobile repair shop on the premises located in a Light Industry (LI) District, at 56 Washington Parkway, Hicksville, Town of Oyster Bay, County of Nassau, State of New York and described as Section 46, Block 184, Lots 46-49, on the Land and Tax Map of Nassau County; and be it further

RESOLVED, That the Town Clerk shall publish notice of such hearing in

newspapers of general circulation within the Town of Oyster Bay.

#

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

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

PUBLIC NOTICE

Reviewed By
Office of Town Attorney
Elizabeth A. Taughman

NOTICE is hereby given, pursuant to law, that a public hearing will be held by the Town Board of the Town of Oyster Bay, Nassau County, New York, on Tuesday, February 25, 2020, at 10:00 a.m., prevailing time, or as soon thereafter as may be practicable, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, for the purpose of considering an application from 56 WASHINGTON PKWY, INC., fee owner, for a Special Use Permit to allow for the operation of an automobile repair shop on the premises located in a Light Industry (LI) District, at 56 Washington Parkway, Hicksville, Town of Oyster Bay, County of Nassau, State of New York and described as Section 46, Block 184, Lots 46-49, on the Land and Tax Map of Nassau County. The abovementioned application is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk at Oyster Bay and Massapequa. Any person interested in the subject matter of said hearing will be given an opportunity to be heard with reference thereto, at the time and place above designated. TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. RICHARD LAMARCA, Town Clerk.

Dated: January 28, 2020, Oyster Bay, New York.

28

Town of Oyster Bay Inter-Departmental Memo

TO : MEMORANDUM DOCKET

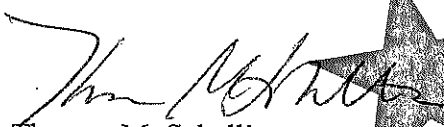
FROM : OFFICE OF THE TOWN ATTORNEY


DATE : January 22, 2020

SUBJECT: 56 Washington Pkwy, Inc.
Special Use Permit
Premises: 56 Washington Parkway, Hicksville, New York
Section 46, Block 184, Lots 46-49

It is requested that the Town Board authorize the Town Clerk to advertise a Notice of Hearing, for a Public Hearing to be held on February 25, 2020, in connection with the above referenced matter.

Kindly suspend the rules so that the attached Resolution pertaining to this matter can be heard at the January 28, 2020 Town Board meeting.


Thomas M. Sabellico
Special Counsel



TMS:nb
Enclosure
2018-6777

s/Atty/MD&RESO/56Washington MD TMS

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated January 23, 2020, advised that pursuant to Town Board Resolution 704-2019, adopted on November 19, 2019, the publication of a public notice related to the presentation of the Town's Solid Waste Disposal District Draft Local Solid Waste Management Plan was authorized, with a comment period that was set to close on January 24, 2020; and

WHEREAS, Commissioner Lenz advised and requested that, based upon community feedback, an extension of the public comment is appropriate, with such extension to close on January 31, 2020,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the public comment period relative to the Town's Solid Waste Disposal District Draft Local Solid Waste Management Plan is extended through and including January 31, 2020.

-#-

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

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

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

9/9

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

JANUARY 23, 2020

TO : MEMORANDUM DOCKET

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

SUBJECT: PUBLIC COMMENT PERIOD EXTENSION
TOWN OF OYSTER BAY SOLID WASTE DISPOSAL DISTRICT
LOCAL SOLID WASTE MANAGEMENT PLAN

Town Board resolution 704-2019, dated November 19, 2019, authorized the Town Clerk to publish a Public Notice for a presentation of the Town of Oyster Bay Solid Waste Disposal District Draft Local Solid Waste Management Plan ("LSWMP") and to commence a public comment period on December 10, 2019. The purpose of the LSWMP is to summarize the current Town solid waste management and recycling practices, and to set goals for future reduction in waste generation through the expansion and development of waste diversion programs. The Public Comment Period was to close on January 24, 2020.

Based upon community feedback on the LSWMP it has been determined that an extension of the Public Comment Period is warranted. It is requested that the Town Board authorize an extension to the Public Comment Period to January 31, 2020.



RICHARD W. LENZ, P.E.
COMMISSIONER

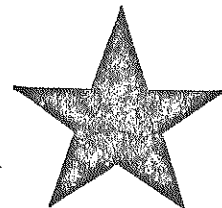
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL//MR/lk

Attachments

- c: Office of the Town Attorney (w/9 copies)
- Steven Ballas, Comptroller
- George Baptista, Deputy Commissioner/Environmental Resources
- Daniel Pearl, Deputy Commissioner/Public Works

DOCKET LSWMP PUBLIC COMMENT EXTENSION



Meeting of November 19, 2019

Resolution No. 704-2019

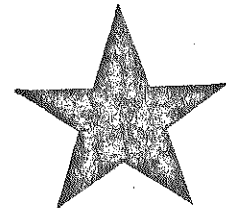
WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated October 31, 2019, requested that the Department of Public Works be permitted to conduct a presentation of the Local Solid Waste Management Plan (LSWMP) at the Town Board meeting of December 10, 2019. Commissioner Lenz, in said memorandum, further requested that the Office of the Town Clerk be authorized to publish a Public Notice for this purpose at least 15 days prior to the presentation,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Department of Public Works is hereby authorized to conduct a presentation of the LSWMP at the Town Board meeting of December 10, 2019, and the Office of the Town Clerk is hereby authorized and directed to publish the aforesaid Public Notice.

#

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 Ambroto	Aye
Councilman Rand	Aye
Councilman Lebricola	Aye



Reviewed By
Office of Town Attorney

Elizabeth A. Faughnan

WHEREAS, after a duly issued Request for Proposals for the provision of insurance for the fire companies under contract with the Town pursuant to the New York State Volunteer Firefighters' Benefit Law Policy (VFBL), the Town Board adopted Resolution No. 49-20 on January 7, 2020, authorizing the Office of the Town Attorney to secure such coverage from Public Employer Risk Management Association, Inc. ("PERMA"), 9 Cornell Road, Latham, NY 12110, nunc pro tunc for the period from January 1, 2020 to January 1, 2021, with a premium in an amount not to exceed \$263,230.00; and

WHEREAS, Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated January 28, 2020, informed the Town Board that New York State Workers' Compensation Board must review the resolution of each municipal entity securing such coverage with PERMA, and she recommended that the Town Board supplement Resolution No. 49-20, adopted on January 7, 2020, to include the following language which has regularly been approved by the New York State Workers' Compensation Board,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and Resolution No. 49-20, is hereby supplemented to include the following language which has been approved by the New York State Workers' Compensation Board:

WHEREAS, the Town Board of the Town of Oyster Bay, as the Authorized Representative of the Town of Oyster Bay Volunteer Firefighters, desires to fulfill its obligation to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance program of which the Town of Oyster Bay will be a member; and

WHEREAS, the Town Board of the Town of Oyster Bay, duly convened in regular session, does hereby resolve, pursuant to, and in accordance with the provisions of Section 50 3-a of the New York State Workers Compensation Law and other applicable provisions of law and regulations thereunder, as follows,

NOW, THEREFORE, BE IT RESOLVED, That the Authorized Representative (hereinafter "Representative") of the Town of Oyster Bay Volunteer Firefighters does hereby resolve to provide volunteer firefighters' benefit law, volunteer ambulance workers' benefit law and workers' compensation benefits, as applicable, through participation in a group self-insurance plan of which the Town of Oyster Bay will be a member for the period from January 1, 2020 to January 1, 2021; and

BE IT FURTHER RESOLVED, That the Representative of the Town of Oyster Bay Volunteer Firefighters does hereby resolve to become a member of Public Employer Risk Management Association, Inc., a workers' compensation group self-insurance program for local governments and other public employers and instrumentalities of the State of New York; and

BE IT FURTHER RESOLVED, That in order to effectuate the Town of Oyster Bay's membership in said group self-insurance program, the Supervisor or his designee are hereby authorized to execute any and all documents necessary and to enter into the Public Employer Risk Management Association Workers' Compensation Program Agreement, on behalf of the Town of Oyster Bay and the Town of Oyster Bay Volunteer Firefighters; and

BE IT FURTHER RESOLVED, That this Resolution shall be effective as of January 1, 2020.

#

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

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

WHEREAS, John Canning, Commissioner, Department of Human Resources, by memorandum dated January 28, 2020, advised that the Department of Human Resources issued a Request for Proposals to provide "non-DOT" and US-DOT employee drug and alcohol testing services for employees who possess a commercial driver's license, who are covered specifically under the Federal Highway Administration (FHA) regulations, 49 CFR Part 382; and

WHEREAS, in response to that Request for Proposals, four (4) responses were timely received by the Department of Human Resources; and

WHEREAS, after review of all of the responses that were received by the Department of Human Resources, in accordance with both the Procurement Policy and the criteria set forth in the Request for Proposals, the Department of Human Resources recommends and requests that the Town Board authorize the Supervisor, or his designee, to enter into an agreement with COMPLY, Inc., 105 Maxess Road, Suite 124, Melville, New York 11724, for one (1) year, beginning on January 1, 2020, nunc pro tunc, and terminating on December 31, 2020, with the option of two (2) one year, mutually agreed upon, extensions, not to exceed \$25,000.00 per year, and these funds are available in Account No. TWN AMS 1910 43020 603 0000 000; and

WHEREAS, the Town Board deems it to be in the best interest of the Town to enter into such license agreement,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth are hereby approved, and the Supervisor, or his designee, is hereby authorized to execute any and all documents necessary to enter into an agreement with COMPLY, Inc., 105 Maxess Road, Suite 124, Melville, New York 11724 as set forth hereinabove; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit, with funds to be drawn from Account No. TWN AMS 1910 43020 603 0000 000.

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

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

Reviewed By
Office of Town Attorney
John M. Salata