

Meeting of February 9, 2021

Resolution No. TF-2-2021

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
002-21	DGS	\$50,000.00	DGS A 1620 42200 000 0000
		\$50,000.00	TO DGS A 1620 46100 000 0000

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

INTER – DEPARTMENTAL MEMO

Date: JANUARY 22, 2021
To: MEMORANDUM DOCKET
From: RALPH J. RAYMOND, DEPUTY COMMISSIONER GENERAL SERVICES
Subject: **OPERATING ACCOUNTS – TRANSFER OF FUNDS**

The following transfer is respectfully requested:

FROM: DGS A 1620 42200 000 0000 Light, Power & Water \$50,000.00

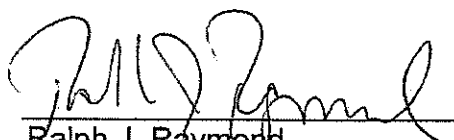
TOTAL \$50,000.00

TO: DGS A 1620 46100 000 0000 Equipment Maintenance \$50,000.00

TOTAL \$50,000.00

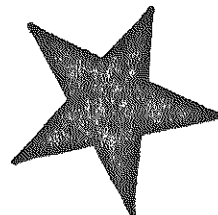
JUSTIFICATION: TRANSFER REQUIRED TO MAINTAIN COPY MACHINE
CONTRACTS DUE TO HIGH VOLUME OF USAGE AND
EQUIPMENT REPAIRS IN THE PRINT SHOP

Town Board approval is respectfully requested.



Ralph J. Raymond
Deputy Commissioner of General Services

RJR/nl



WHEREAS, by Resolution No. 649-2020, adopted on December 8, 2020, the Town Board renewed the Town's licensing agreement with the Society of European Stage Authors & Composers (SESAC), in order to fulfill the requirement that all the Town's music programs be licensed, at a cost not to exceed \$4,000.00, for a period of one (1) year, from January 1, 2021 through December 31, 2021, with the funds for said payment to be drawn from Account No. CYS A 7020 476 000 0000, Special Events, and with the Town Comptroller being authorized and directed to make payment for same, upon submission of a duly certified claim, after audit; and

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated January 14, 2021, requested that the Town Board amend Resolution No. 649-2020, to increase the licensing renewal fee from \$4,000.00 to an amount not to exceed \$4,091.00,

NOW, THEREFORE, BE IT RESOLVED, that the request as hereinabove set forth is hereby approved, and the Town Board hereby amends Resolution No. 649-2020, to increase said licensing renewal fee from \$4,000.00 to an amount not to exceed \$4,091.00; and be it further

RESOLVED, that the funds for said payment shall be drawn from Account No. CYS A 720 47660 000 0000, Special Events; and be it further

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

-#-

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

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

Reviewed By
Office of Town Attorney

TOWN OF OYSTER BAY
Inter-Departmental Memorandum

January 14, 2021

TO: Memorandum Docket

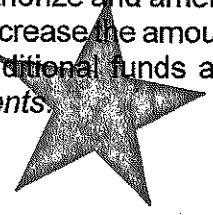
FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services


SUBJECT: Amend Town Board Resolution No. 649-2020, dated 12/8/20

The Department of Community & Youth Services requests authorization to amend Town Board Resolution No. 649-2020, dated December 8, 2020 to increase the licensing renewal amount. The Resolution authorized the Department to renew a performance license with Society of European Stage Authors & Composers, Incorporated (SESAC). The renewal is for the period covering January 1, 2021 through December 31, 2021. The Resolution states that the renewal is at a cost not exceed \$4,000.00. The attached Invoice states a renewal fee amount of \$4,091.00.

SESAC is a music performance licensing company. All music performed through the Town's programs must be licensed. This license is one of three licenses that the Department renews each year to cover all Town sponsored performances and events.

Therefore it is respectfully requested that the Town Board authorize and amend Town Board Resolution No. 649-2020, dated December 8, 2020, to increase the amount of the licensing renewal fee from \$4,000.00 to \$4,091.00. The additional funds are available in Account No. CYS A 7020 47660 000 0000, *Special Events*.




Maureen A. Fitzgerald
Commissioner

MAF:iw
Attachments

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated November 13, 2020, requested authorization to renew a licensing agreement between the Town of Oyster Bay and the Society of European Stage Authors and Composers, Incorporated (SESAC), in order to fulfill the requirement that all of the Town's music programs be licensed, at a cost not to exceed \$4,000.00, from January 1, 2021 through December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, that the request as hereinabove set forth, is approved, and that the Town of Oyster Bay hereby renews its licensing agreement with the Society of European Stage Authors & Composers (SESAC), in order to fulfill the requirement that all of the Town's music programs be licensed, at a cost not to exceed \$4,000.00, from January 1, 2021 through December 31, 2021; and be it further

RESOLVED, that the funds for said payment shall be drawn from Account No. CYS A 7020 476 000 0000, Special Events; and be it further

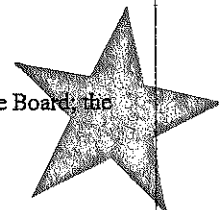
RESOLVED, that the Town Comptroller is hereby authorized and directed to make payment for same, upon submission of a duly certified claim, after audit.

#-

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





INVOICE

1-866-218-5823
www.sesac.com
FED ID: 83-2154058

Music Performance License

Account Name: Town of Oyster Bay
Account #: 67023
Bill To #: 721263
Statement Period Through End Date 12/31/2021
Payment Due Date 01/01/2021

Simplify your life with AutoPay

Visit sesac.com/pay to enroll today
Have your account # and bill to # ready
All major credit cards and echeck accepted

BALANCE DUE SUMMARY

Current Period Payment Due	\$4,091.00
Past Period(s) Payment Due	\$0.00
Late Fees	\$0.00
Total Amount Due	\$4,091.00
Last Payment Received 02/04/2020	\$0.00
Amount Due	\$4,091.00

Important Information

If you have any questions, please call Customer Service at 1-866-218-5823.

By continuing to use SESAC repertoire and paying this invoice you agree to the following addition to Paragraph 2 of the contract or contracts referenced in the details section of this invoice: "The rights granted pursuant to Paragraph 1 exclude the right to publicly perform the Compositions during political campaign events and/or events organized by political organizations."

SESAC wishes you Happy Holidays and a Prosperous New Year!



SIMPLIFY

Enroll in autopay at:
www.sesac.com/pay



VISIT

Create an account or
login at sesac.com



CALL

Call Customer Service
at 1-866-218-5823



WRITE

35 Music Square East
Nashville, TN 37203

Please detach and return the bottom portion when paying by check.

Internal Use Only
67023 12/15/2020

TO AVOID LATE CHARGES, PAY TOTAL BY THE DUE DATE



VISA

Pay by Credit Card: www.sesac.com/pay



DISCOVER

Login Account #67023 Bill to #721263

Login to update information

TOTAL DUE BY 01/01/2021

\$4,091.00

CHECK #

CHECK AMOUNT



TOWN OF OYSTER BAY
DEPT. OF COMMUNITY & YOUTH SERV
977 HICKSVILLE RD
MASSAPEQUA, NY 11758-1281

030411
T170 P1



000670230022780600004091007

Make check payable to:

SESAC
P.O. BOX 5246
New York, NY 10008-5246



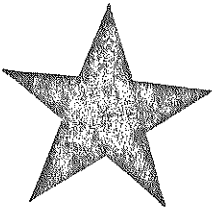
Account #: 67023

Bill To #: 721263

Town of Oyster Bay

Inv Number	Inv Date	Inv Amount	Paid/Applied	Late Charge	Other Adj	Balance
10468100	01/01/2021	\$4,091.00				\$4,091.00
Town of Oyster Bay		54 Audrey Ave, Oyster Bay, NY				\$4091.00
Contract No.: 56198-1		Municipalities, Jan 01, 2021 - Dec 31, 2021				

Group Total: \$4,091.00



WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 14, 2021, requested and recommended Town Board approval for the sponsorship of the Thirty-Fifth Annual Town of Oyster Bay Bluefish Tournament; and

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

1. Date: September 12, 2021;
2. Time: 4:30 a.m. to 4:00 p.m.;
3. Place: Theodore Roosevelt Memorial Park, Oyster Bay;
4. Cost: \$35.00 Residents, \$50.00 Non-Residents;
5. Funds collected shall be deposited into Trust Account No. TWN TA 0000 00085 474 0000 to be used to cover the following costs, according to the Town's Procurement Policy, through the Purchasing Department:
 - A. Purchase gift certificates and plaques. Gift certificates shall be awarded to contestants finishing first through fifteenth place. Plaques shall be awarded to contestants finishing first through tenth place;
 - B. The following fixed expenses shall be procured using the sponsor donations and registration fees: Food items such as hot dogs, soda, water and chips; charcoal, lighter fluid and paper goods; t-shirts for participants; and ice;
 - C. The remaining balance of the registration and donated sponsor fees shall be used to purchase door prizes. Door prizes shall 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;

The fees, regulations and conditions set forth hereinabove shall remain unchanged and in effect unless amended or modified by the Town Board, upon the recommendation of the Commissioner of the Department of Parks; 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 are hereby accepted and approved in accordance with the guidelines hereinabove stated, for the Department of Parks sponsorship of the Thirty-Fifth Annual Town of Oyster Bay Bluefish Tournament.

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

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

TOWN OF OYSTER BAY
INTER - DEPARTMENTAL MEMORANDUM

January 14, 2021

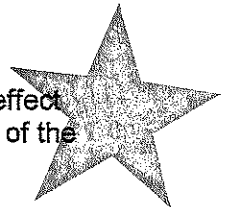
TO: MEMORANDUM DOCKET
FROM: JOSEPH PINTO, COMMISSIONER OF PARKS
SUBJECT: THIRTY FIFTH ANNUAL BLUEFISH TOURNAMENT

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 12, 2021
2. Time: 4:30 AM – 4:00 PM
3. Place: Theodore Roosevelt Memorial Park
4. Cost: \$35.00 Residents, \$50.00 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

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 11, 2021, requested Town Board authorization to conduct the Town of Oyster Bay Tennis Program for Ages 5 to 8 years old, at various Town of Oyster Bay facilities; and

WHEREAS, Commissioner Pinto, by said memorandum, requested authorization for an entry fee of sixty dollars (\$60.00) per Town resident, and seventy five dollars (\$75.00) per non-resident to cover the cost of equipment needed to successfully run the program, with the dates, times and locations of the games to be established by the Commissioner,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby approved, and the Department of Parks, is hereby authorized to conduct the hereinabove described Town of Oyster Bay Tennis Program for the fees as requested.

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

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

Reviewed By
Office of Town Attorney
Ralph P. Healey

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: Joseph G. Pinto, Commissioner of Parks

DATE: January 11, 2021

SUBJECT: Town of Oyster Bay Tennis Program

The Department of Parks, Division of Recreation, respectfully requests Town Board approval to establish 2021 fees for the following the Town of Oyster Bay sponsored Tennis Program at no increase.

Tennis Program for Ages 5-8


This is a fun organized sports program for resident ages 5-9. The program will be administered by the Department of Parks, Division of Recreation. Dates, times and locations of the program are to be established by the Commissioner of Parks.

The fee for this program will be \$60.00 per resident and \$75.00 per non-resident.

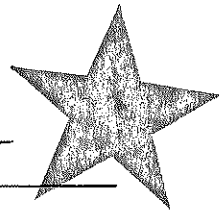
The fees will cover the cost of equipment needed to successfully run this program.

The fees, regulations and conditions remain unchanged and shall be in effect up to and until they are amended or modified by the Town Board upon recommendation by the Commissioner of Parks.

Town Board approval is recommended.



Joseph G. Pinto
COMMISSIONER OF PARKS



WHEREAS, by Town Board Resolution No. 35-2017, adopted on January 10, 2017; Resolution No. 49-2018, adopted on January 23, 2018; and Resolution 837-2019, adopted on December 10, 2019, the Town Board authorized the retention of Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, to provide legal services with respect to certain negligence matters; and

WHEREAS, Jeffrey Lesser, Deputy Town Attorney, by memorandum dated January 25, 2021, requested and recommended that the Town Board authorize an increase of \$86,000.00, in order to satisfy outstanding legal fees and expenses in connection with negligence defense matters,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation hereinabove set forth is accepted and approved, and the Town Board hereby authorizes an increase in fees payable to Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, in an amount not to exceed \$86,000.00, including expenses and disbursements; and be it further

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

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

-#-

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

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

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

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

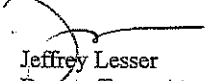
TO: Memorandum Docket
FROM: Office of the Town Attorney
DATE: January 25, 2021
SUBJECT: Payment for Outside Counsel in Certain Negligence Actions
Account Numbers: TWN AMS 1910 43010 602 0000 000
TWN AMS 1910 43020 602 0000 000

Pursuant to Town Board Resolution No. 35-2017, adopted on January 10, 2017; Resolution No. 49-2018, adopted on January 23, 2018; and Resolution 837-2019, adopted on December 10, 2019, the Town Board authorized the retention of Cascone & Kluepfel, LLP, 1399 Franklin Avenue, Garden City, New York 11530, to provide legal services with respect to certain negligence matters.

These matters require additional funds to pay for outstanding fees, disbursements, and expenses. Therefore, it is recommended and requested that the Town Board authorize such increase in the amount of \$86,000.00, in order to satisfy the outstanding fees, disbursements, and expenses. The aforementioned amount shall be paid with funds drawn from Account Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020 602 0000 000.

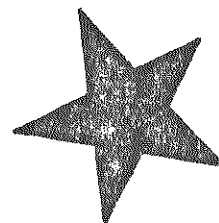
Submitted herewith is a proposed resolution for the foregoing request.

FRANK M. SCALERA
TOWN ATTORNEY


Jeffrey Lesser
Deputy Town Attorney

JAL:jl
Attachment
2018-6472

S:\Attorney\RESOS 2021\MD & RESO\Increase in Fees - Cascone and Kluepfel JAL.docx



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 3, 2020, authorized the Highway Department to clean up the premises located at 6 Prade Lane, Massapequa Park, New York 11762, also known as Section 48, Block 524, Lot 23, on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 13, 2021, 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 25, 2020, in the total amount of \$1,804.19, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 13, 2021, 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 \$1,804.19 may be assessed by the Legislature of the County of Nassau against the parcel known as 6 Prade Lane, Massapequa Park, New York 11762, also known as Section 48, Block 524, Lot 23 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

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

Reviewed By
Office of Town Attorney

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 13, 2021


SUBJECT: Property Cleanup Assessment
6 Prade Lane, Massapequa Park, New York 11762
Section 48, Block 524, Lot 23

The Department of Planning and Development, by memorandum dated September 3, 2020, directed the Highway Department to clean the premises located at 6 Prade Lane, Massapequa Park, New York 11762, also known as Section 48, Block 524, Lot 23 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, 2020, advised that the property was cleaned by a crew from the Highway Department on September 25, 2020. The cost incurred by the Town of Oyster Bay was \$1,804.19.

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.

FRANK M. SCALERA
TOWN ATTORNEY


Ralph P. Healey
Special Counsel

RPH:aml
Attachments

amlS:\Attorney\RESOS 2020\MD 6 Prade Ln 1.13.2021.doc

2020-7826

TOWN OF OYSTER BAY

Inter-Departmental Memo

September 3, 2020

*e-mailed letter to
owner 10/12/2020
See attached*

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 6 Prade Lane, Massapequa Park, New York 11762
SBL: 48-524-23

Notice of Violation No. 02865 was issued to the owner of the above-referenced premises on 08/26/20 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:

- Cut and trim lawn and vegetation.

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: Frank Scalera, Chief Deputy 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 4, 2020

Specialized Loan Servicing LLC
8742 Lucent Boulevard
Highlands Ranch, CO 80129

RE: PREMISES: 6 Prade Lane, Massapequa, New York 11762
SECTION 48 BLOCK 524 LOT 23


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. 02865 (copy attached) has been served on 08/26/20. 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.

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER


Michael Esposito, Bureau Chief
Code Compliance Division

ELM:ME:tc
Enclosure

Alicia Lazarek

From: Andrew Klingman <aklingman@iarny.com>
Sent: Thursday, October 22, 2020 11:34 AM
To: Alicia Lazarek
Cc: Michael Esposito; Jim Jazwinski
Subject: RE: 6 Prade Lane, Massapequa Pk

Good morning ,

Thank you very much for the previously attached .


I will forward this to the owner of the subject and will advise once my client responds.

Have a great day.

Thank you,

Andrew Klingman
Occupancy Manager



Island Advantage Realty, LLC. 
360 Motor Parkway
Suite 200A
Hauppauge, NY 11788

Direct 631-820-4258
Fax 631-351-6988

From: Alicia Lazarek <ALazarek@oysterbay-ny.gov>
Sent: Thursday, October 22, 2020 11:31 AM
To: Andrew Klingman <aklingman@iarny.com>
Cc: Michael Esposito <mesposito@oysterbay-ny.gov>; Jim Jazwinski <jjazwinski@oysterbay-ny.gov>
Subject: 6 Prade Lane, Massapequa Pk

Good morning - Jim Jazwinski, Code Enforcement Inspector, requested that I e-mail you a copy of the Miscellaneous Highway Cleanup Costs for 6 Prade Lane, Massapequa Park. Attached you will find the costs which total \$1,804.19 dated September 25, 2020. Please send the payment, made out to the Town of Oyster Bay, to the Town of Oyster Bay, 54 Audrey Avenue, Oyster Bay, New York 11771 to the attention of Ralph P. Healey, Special Counsel.

Thank you,

REFEREE'S DEED

This Deed, made this 21 Day of January 2020, between GEORGE P. ESERNIO, ESQ., as Referee, having an address at 1050 FRANKLIN AVENUE, GARDEN CITY, NY 11520, in the foreclosure action hereinafter mentioned party of the first part and FEDERAL HOME LOAN MORTGAGE CORPORATION, assignee by Assignment of Bid from: SPECIALIZED LOAN SERVICING LLC, party of the second part, having an address of 8742 LUCENT BLVD, HIGHLANDS RANCH, CO 80129.

WITNESSETH, that the party of the first part, being the Referee appointed in an action between SPECIALIZED LOAN SERVICING LLC, Plaintiff and GARY HORTON, Defendant, et al.; foreclosing a mortgage recorded on June 13, 2007, in Liber 51990 of Mortgages, at Page 489, et seq., and pursuant to a judgment entered on June 17, 2019. And in consideration of the sum of \$500.00 paid by the party of the second part, being the highest sum bid at the sale under such judgment does hereby grant and convey unto the party of the second part, its successors and assigns, the premises described in Schedule "A" attached hereto and made a part hereof.

COUNTY OR TOWN: NASSAU COUNTY
PROPERTY ADDRESS: 6 PRADE LANE
MASSAPEQUA PARK, NY 11762 (TOWN OF OYSTER BAY)
SECTION: 0046 BLOCK: 00524-00 LOT: 00023

SUBJECT to all unpaid taxes, assessments and water rates which are now a lien on the premises.

TO HAVE AND TO HOLD the premises described in Schedule "A" and hereby conveyed unto the said party of the second part, its successors and assigns forever.

IN WITNESS WHEREOF, the said party of the first part has thereunto set his hand the day and year first written above.



GEORGE P. ESERNIO, ESQ., As Referee

RECORD AND RETURN TO:
FEIN, SUCH & CRANE LLP
7 CENTURY DRIVE, SUITE 201
PARSIPPANY, NJ 07054
QSLSN074

AL

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

September 29, 2020

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

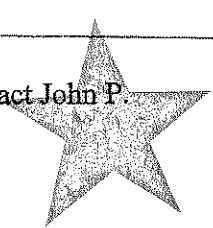
FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT


**SUBJECT: 6 PRADE LANE, MASSAPEQUA PARK
BOARD-UP/ 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 \$1,804.19.

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

RECEIVED
OCT 20 12:00

BOARD - UP/CLEAN-UP 6 PRADE LANE, MASSAPEQUA PARK TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED
UNDER ROAD RESTORATION

Location (48-524-23) 6 PRADE LN MASSAPEQUA PARK 11762

Date Sep 25, 2020

Work Order # 74471

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
MARTIN LANG	General Maintenance	01:30	\$51.35	00:00	0	\$77.03
ROBERT PALACIOS	General Maintenance	01:30	\$26.44	00:00	0	\$39.66
ANTHONY MODAFFERI	General Maintenance	01:30	\$15.00	00:00	0	\$22.50
SCOTT KELLY	General Maintenance	01:30	\$15.00	00:00	0	\$22.50
STEVEN KELLY	General Maintenance	01:30	\$15.00	00:00	0	\$22.50
Total Labor						\$184.19

Tools/Vehicle


Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU413	PICK UP 2011 FORD F250 YELLO (14 / 027)	\$79.00	01:30	\$118.50
TD697	TRUCK DUMP 2011 INTER 7400 YW (T-239) -10 Wheeler	\$93.00	01:30	\$139.50
TD728	POWER WAGON 2015 T-245	\$105.00	01:30	\$157.50
TD738	TRUCK DUMP 2016 DODGE RAM 3500 POWER WAGON (T-275)	\$105.00	01:30	\$157.50
TD758	2020 INTERNATIONAL HV607 10 WHEELER YW	\$93.00	01:30	\$139.50
TR213	2019 INTEG ITI TRAILER YW	\$105.00	01:30	\$157.50
Total Equipment				\$870.00

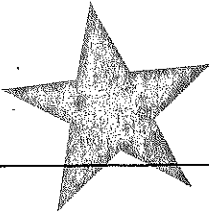
Materials

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

Grand Total \$1804.19

Description of Work:
CLEAN UP 6 PRADE LANE MS

Signature: 
Name: PETER BROWN
Title: DIRECTOR OF HIGHWAY OPERATIONS
Date: Sep 28, 2020



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 3, 2020, authorized the Highway Department to clean up the premises located at 28 Pickwick Drive, Old Bethpage, New York 11804, also known as Section 47, Block 128, Lot 19 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 13, 2021, 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 8, 2020, in the total amount of \$1,163.60, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 13, 2021, 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 \$1,163.60 may be assessed by the Legislature of the County of Nassau against the parcel known as 28 Pickwick Drive, Old Bethpage, New York 11804, also known as Section 47, Block 128, Lot 19 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

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

Reviewed By
Office of Town Attorney
[Signature]

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 13, 2021


SUBJECT: Property Cleanup Assessment
28 Pickwick Drive, Old Bethpage, New York 11804
Section 47, Block 128, Lot 19

The Department of Planning and Development, by memorandum dated September 3, 2020, directed the Highway Department to clean the premises located at 28 Pickwick Drive, Old Bethpage, New York 11804, also known as Section 47, Block 128, Lot 19 on the Land and Tax Map of the County of Nassau. (See attached copy of Deed). The Highway Department has, by memorandum dated September 9, 2020, advised that the property was cleaned by a crew from the Highway Department on September 8, 2020. The cost incurred by the Town of Oyster Bay was \$1,163.60.

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.

FRANK M. SCALERA
TOWN ATTORNEY



Ralph P. Healey
Special Counsel

RPH:aml
Attachments

2020-7807

TOWN OF OYSTER BAY

Inter-Departmental Memo

September 3, 2020

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 28 Pickwick Drive, Old Bethpage, NY 11804
SBL: 47-128-19

Notice of Violation No. 02370 was issued to the owner of the above-referenced premises on 08/25/20 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:

- Cut and trim grass and vegetation.

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: Frank Scalera, Chief Deputy 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) 624-6248
www.oysterbaytown.com

ELIZABETH L. MACCARONE
COMMISSIONER

TIMOTHY R. ZEKE
DEPUTY COMMISSIONER

JAMES McCAFFREY
DEPUTY COMMISSIONER

September 3, 2020

The Estate of Edward Boyle
28 Pickwick Drive
Old Bethpage, New York 11804

RE: PREMISES: 28 Pickwick Drive, Old Bethpage, New York 11804
SECTION 47 BLOCK 128 LOT 19

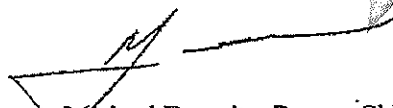
Dear Property Owner:

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. 02370 (copy attached) has been served on 08/25/20. 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.

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 30th day of March in the year Two Thousand and Nine BETWEEN

Candice K. Fischer, 3000 Portofino Circle, #109, Palm Beach Gardens, Florida 33418

as executrix of the Estate of Sheldon Reia under the last will and testament of

Sheldon Reia, late of 28 Pickwick Drive, Old Bethpage, New York 11804 deceased,

party of the first part, and

Edward J. Boyle, residing at 300 County Line Road, Amityville, New York 11701

party of the second part.

WITNESSETH, that the party of the first part, by virtue of the power and authority given in and by said last will and testament, and in consideration of Four Hundred and Thirty-Two Thousand (\$432,000.00), Dollars, paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Oyster Bay at Old Bethpage, County of Nassau and State of New York known and designated as and by Lot Numbered 19 in Block 128 on a certain map entitled, "Map of Lido at Old Bethpage, Section No. 1, Old Bethpage, Town of Oyster Bay, Nassau County, N.Y., surveyed July 1959 by Rizzo, Nelson and Pope Civil Engineers and Surveyors" and filed in the Nassau county Clerk's Office on December 24, 1959 as Map No. 7259 and being more particularly bounded and described as follows:

Tax Map
Designation:

BEGINNING at a point on the easterly side of Barry Lane West at the extreme northerly end of the arc of a curve having a radius of 10.00 feet connecting the easterly side of Barry Lane West and the northerly side of Pickwick Drive;

Dist.:
Sec.: 47
Blk.: 128
Lot 19

RUNNING THENCE North 10 degrees 55 minutes 30 seconds East, along the easterly side of Barry Lane West, 75.00 feet;

THENCE South 79 degrees 4 minutes 30 seconds East, 125.00 feet;

THENCE South 31 degrees 54 minutes East, 57.60 feet to the northerly side of Pickwick Drive;

THENCE along the northerly side of Pickwick Drive, the following three courses and distances:

1. South 58 degrees 6 minutes West, 23.68 feet;
2. Southwesterly along the arc of a curve bearing to the right having a radius of 100 feet, a distance of 74.74 feet;
3. North 79 degrees 4 minutes 30 seconds West, 68.80 feet to the extreme easterly end of the above first mentioned Arc of a curve;

THENCE along said arc of a curve and bearing to the right having a radius of 10 feet, a distance of 15.71 feet to the point or place of BEGINNING.

"The grantors herein are the same parties and the premises herein is the same premises as described in deed, dated February 28, 2002 and recorded April 1, 2002 in Liber 11456 cp 4."

Said premises known as 28 Pickwick Drive, Old Bethpage, New York

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

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

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

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

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

IN PRESENCE OF:

James C. Mott, Esq.

Candice K. Fischer
Candice K. Fischer, as Executrix of the Estate of
Sheldon Reia

AC

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

September 9, 2020

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: 28 PICKWICK DRIVE, OLD BETHPAGE
BOARD-UP/ 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 \$1,163.60.

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
20 SEP 23 4:26

BOARD - UP/CLEAN-UP 28 PICKWICK DRIVE, OLD BETHPAGE TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED
UNDER ROAD RESTORATION

Location (47-128-19) 28 PICKWICK DR OLD BETHPAGE 11804

Date Sep 8, 2020

Work Order # 74254

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
JAMES AJAMIAN	General Maintenance	01:00	\$47.21	00:00	0	\$47.21
JUAN ALFARO	General Maintenance	01:00	\$27.30	00:00	0	\$27.30
VICTOR NIETO	General Maintenance	01:00	\$27.30	00:00	0	\$27.30
MICHAEL RICCARDO	General Maintenance	01:00	\$48.79	00:00	0	\$48.79
Total Labor						\$150.60

Tools/Vehicle


Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU437	PICK UP 2012 FORD F250 TAN (8 / 008)	\$79.00	01:00	\$79.00
PU458	2020 FORD F350 PICK UP YW	\$79.00	01:00	\$79.00
TD702	TRUCK DUMP 2011 FORD F350 YELLO (T-165) - Power Wagons	\$105.00	01:00	\$105.00
Total Equipment				\$263.00

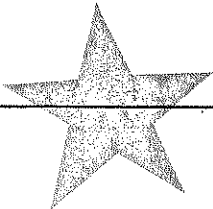
Materials

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

Grand Total \$1163.60

Description of Work:
CLEAN UP 28 PICKWICK DRIVE OBP

Signature: 
Name: PETER BROWN
Title: DIRECTOR OF HIGHWAY OPERATIONS
Date: Sep 9, 2020



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 25, 2020, authorized the Highway Department to clean up the premises located at 145 Greenwood Drive, Massapequa, New York 11758, also known as Section 52, Block 385, Lot 8, on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 13, 2021, pursuant to Section 135-54(C) of the Code of the Town of Oyster Bay, have requested that the cost of cleaning up the aforementioned premises on September 3, 2020, in the total amount of \$1,609.46, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 13, 2021, 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 \$1,609.46 may be assessed by the Legislature of the County of Nassau against the parcel known as 145 Greenwood Drive, Massapequa, New York 11758, also known as Section 52, Block 385, Lot 8 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

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

Reviewed By
Office of Town Attorney
Ralph P. Healey

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 13, 2021

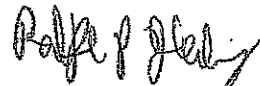
SUBJECT: Property Cleanup Assessment
145 Greenwood Drive, Massapequa, New York 11758
Section 52, Block 385, Lot 8

The Department of Planning and Development, by memorandum dated August 25, 2020, directed the Highway Department to clean the premises located at 145 Greenwood Drive, Massapequa, New York 11758, also known as Section 52, Block 385, Lot 8 on the Land and Tax Map of the County of Nassau. (See attached copy of Deed). The Highway Department has, by memorandum dated September 9, 2020, advised that the property was cleaned by a crew from the Highway Department on September 3, 2020. The cost incurred by the Town of Oyster Bay was \$1,609.46.

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.

FRANK M. SCALERA
TOWN ATTORNEY



Ralph P. Healey
Special Counsel

RPH:aml
Attachments

TOWN OF OYSTER BAY

Inter-Departmental Memo

August 25, 2020

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 145 Greenwood Drive, Massapequa, NY 11758
SBL: 52-385-8

Notice of Violation No. 03015 was issued to the owner of the above-referenced premises on 08/14/20 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:

- Cut and trim grass and vegetation.

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

18
ME:tc

cc: Frank Scalera, Town Attorney

2020-7799



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

August 25, 2020

James De Palma
145 Greenwood Drive
Massapequa, New York 11758

RE: PREMISES: 145 Greenwood Drive, Massapequa, New York 11758
SECTION 52 BLOCK 385 LOT 8


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. 03015 (copy attached) has been served on 08/14/20. 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.

Very truly yours,

ELIZABETH L. MACCARONE
COMMISSIONER


Michael Esposito, Bureau Chief
Code Compliance Division

ty
ELM:ME:tc
Enclosure

Name and Address of Preparer:
RICHARD M. SHERIDAN, ESQ.
150 BROADHOLLOW RD, STE 360
MELVILLE, NY 11747

Return to:

JAMES G. DEPALMA
145 GREENWOOD DRIVE
MASSAPEQUA, NY 11758

W4ID 53207 BARGAIN and SALE DEED

This indenture, made the 11TH day of JUNE, 2003, between
JAMES G. DEPALMA AND DEBRA A. DEPALMA, RESIDING AT 145 GREENWOOD DRIVE,
MASSAPEQUA, NY 11758
party of the first part, and JAMES G. DEPALMA, RESIDING AT 145 GREENWOOD DRIVE,
MASSAPEQUA, NY 11758
party of the second part,

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

All that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the (SEE ATTACHED SCHEDULE A).

BEING AND INTENDED TO BE THE SAME PREMISES CONVEYED TO THE PARTY OF THE FIRST PART, WHO ACQUIRED TITLE FROM DAVID E. GINSBERG DATED 9/3/86 RECORDED 11/14/86 AT LIBER 9766 PAGE 465.

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.

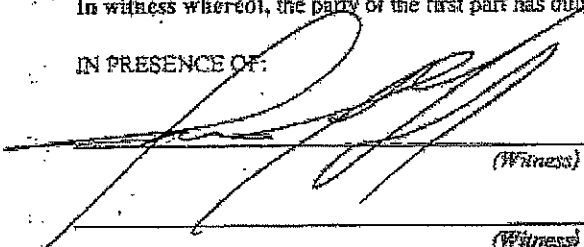
And the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

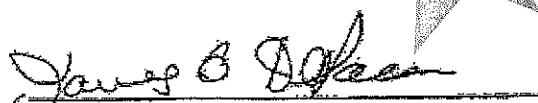

And the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of 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:


(Witness)
(Witness)


JAMES G. DEPALMA

DEBRA A. DEPALMA

AL

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

September 9, 2020

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: 145 GREENWOOD DRIVE, MASSAPEQUA
BOARD-UP/ 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 \$1,609.46.

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
20 SEP 23 4:35

BOARD - UP/CLEAN-UP 145 GREENWOOD DRIVE/ARWOOD ROAD, MASSAPEQUA TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED
UNDER ROAD RESTORATION

Location (52-385-8) 145 GREENWOOD DR MASSAPEQUA 11758

Date Sep 3, 2020

Work Order # 73913

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PETER LLOYD	General Maintenance	01:00	\$44.99	00:00	0	\$44.99
JAMES AJAMIAN	General Maintenance	01:00	\$47.21	00:00	0	\$47.21
JUAN ALFARO	General Maintenance	01:00	\$27.30	00:00	0	\$27.30
TYRONE JACKSON	General Maintenance	01:00	\$37.67	00:00	0	\$37.67
VICTOR NIETO	General Maintenance	01:00	\$27.30	00:00	0	\$27.30
MICHAEL RICCARDO	General Maintenance	01:00	\$48.79	00:00	0	\$48.79
JASON WAHL	General Maintenance	01:00	\$34.20	00:00	0	\$34.20
Total Labor						\$267.46

Tools/Vehicle


Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PU437	PICK UP 2012 FORD F250 TAN (8 / 008)	\$79.00	01:00	\$79.00
PU458	2020 FORD F350 PICK UP YW	\$79.00	01:00	\$79.00
TD693	TRUCK DUMP 2010 FORD F-350 YW (T-255) - Power Wagons	\$105.00	01:00	\$105.00
TD702	TRUCK DUMP 2011 FORD F350 YELLO (T-165) - Power Wagons	\$105.00	01:00	\$105.00
TD708	TRUCK DUMP 2012 INTER 7400 YW (T-259) -10 Wheeler	\$93.00	01:00	\$93.00
TD749	2019 INTER 7300 6 WHEELER YW	\$131.00	01:00	\$131.00
Total Equipment				\$592.00

Materials

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

Grand Total \$1609.46

Description of Work:
CLEAN UP 145 GREENWOOD DRIVE MS

Signature: 
Name: PETER BROWN
Title: DIRECTOR OF HIGHWAY OPERATIONS
Date: Sep 9, 2020



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 June 10, 2020, authorized the Highway Department to clean up the premises located at 545 Clocks Boulevard, Massapequa, New York 11758, also known as Section 66, Block 119, Lots 10 to 15 on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 13, 2021, 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 July 16, 2020, in the total amount of \$2,339.15, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 13, 2021, is approved, and the Town Clerk shall file a certified copy of this Resolution with the Clerk of the Legislature of the County of Nassau, so that the amount of \$2,339.15 may be assessed by the Legislature of the County of Nassau against the parcel known as 545 Clocks Boulevard, Massapequa, New York 11758, also known as Section 66, Block 119, Lots 10 to 15 on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

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

Reviewed By
Office of Town Attorney
Ralph P. Healey

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

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 13, 2021

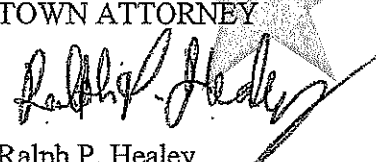
SUBJECT: Property Cleanup Assessment
545 Clocks Boulevard, Massapequa, New York 11758
Section 66, Block 119, Lots 10 to 15

The Department of Planning and Development, by memorandum dated June 10, 2020, directed the Highway Department to clean the premises located at 545 Clocks Boulevard, Massapequa, New York 11758, also known as Section 66, Block 119, Lots 10 to 15 on the Land and Tax Map of the County of Nassau. (See attached copy of deed). The Highway Department has, by memorandum dated July 22, 2020, advised that the property was cleaned by a crew from the Highway Department on July 16, 2020. The cost incurred by the Town of Oyster Bay was \$2,339.15.

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.

FRANK M. SCALERA
TOWN ATTORNEY



Ralph P. Healey
Special Counsel

RPH:aml
Attachments

S:\AML\CleanupMD&Reso\CleanupMD&Reso\MD 545 Clocks Blvd. 1.13.2021.doc

TOWN OF OYSTER BAY

Inter-Departmental Memo

June 10, 2020

To: JOHN BISHOP: DEPUTY COMMISSIONER/HIGHWAY
From: MICHAEL ESPOSITO: CODE ENFORCEMENT BUREAU
Through: ELIZABETH L. MACCARONE: COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT
Subject: 545 Clocks Boulevard, Massapequa, New York 11758
SBL: 66-119-10 -15

Notice of Violation No. 02087 was issued to the owner of the above-referenced premises on 06/01/20 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:

- Cut and trim lawn and vegetation.
- Remove garbage.

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: Frank Scalera, Chief Deputy 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

June 10, 2020

Nassau Commons LLC
415 14th Street
Carlstadt, New Jersey 07020

RE: PREMISES: 545 Clocks Boulevard, Massapequa, New York 11758
SECTION 66 BLOCK 119 LOT 10

Dear Property Owner:

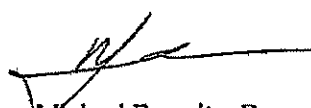
Inspections of the above-referenced property have revealed that the premises has not been maintained in accordance with the provisions of Section 135-52 of the Code of the Town of Oyster Bay, based in part from the overgrown grass and weeds on the property.

Please be advised that N.O.V. No. 02087 (copy attached) has been served on 06/01/20. 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

REFEREE'S DEED

THIS DEED, made the 12th day of NOVEMBER, 2019 between Arza R. Feldman, Esq., having an address of 626 Reckson Plaza, West Tower, 6th Floor, Uniondale, New York 11556, the Referee duly appointed in the foreclosure action hereinafter mentioned ("Grantor"), and Nassau Commons, LLC ("Grantee") having an address of 415 14th Street, Carlstadt, New Jersey 07072, and is authorized to do business in the State of New York;

WITNESSETH, that Grantor, the Referee appointed in a foreclosure action by WILMINGTON TRUST, NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY, BUT SOLELY AS TRUSTEE FOR MFRA TRUST 2014-2, as Plaintiff -against- MORRIS BOARDMAN; ROSIE BOARDMAN; CAPITAL ONE BANK; CITIBANK, N.A.; NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE; TARGET NATIONAL BANK; UNITED STATES OF AMERICA- INTERNAL REVENUE SERVICE, as Defendant(s), foreclosing a Mortgage dated April 8, 1988 recorded April 29, 1988, with the Office of the Clerk of the County of Nassau in Book 12646 at Page 364, pursuant to a Judgment of Foreclosure and Sale entered by the Supreme Court of the State of New York, County of Nassau under the index number 011276/2014 on November 12, 2018, and in consideration of \$195,000.00 paid by the Grantee, being the highest sum bid at the sale under judgment, does hereby grant and convey unto Grantee and the heirs, executors, administrators, successors and assigns of the Grantee forever;

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Unincorporated Village of Amityville, Town of Oyster Bay, Nassau County, New York known as 545 Clocks Boulevard, Massapequa, New York 11758 (Section: 66; Block: 119; Lots: 10-15), being more particularly described in Schedule A attached hereto and made a part hereof,

SUBJECT to all unpaid taxes, assessments and water rates which are now a lien on the premises.

TOGETHER with the appurtenances and all the estate and rights of grantor in and to said premises, TO HAVE AND TO HOLD the premises described in the attached Schedule A herein granted unto Grantee and the theirs, executors, administrators, successors and assigns of the Grantee forever.

IN WITNESS WHEREOF Grantor has duly executed this deed on the date first above written.


Arza R. Feldman, Esq. - Referee

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

JULY 22, 2020

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

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

**SUBJECT: 545 CLOCKS BLVD. MASSAPEQUA
BOARD-UP/ 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 \$2,339.15

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

*NO
Picture*



BOARD - UP/CLEAN-UP 545 CLOCKS BLVD. MASSAPEQUA TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED
UNDER ROAD RESTORATION

Location (66-119-10) 545 CLOCKS BLVD MASSAPEQUA 11758

Date Jul 16, 2020

Work Order # 71033

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PATRICK PETERS	General Maintenance	01:00	\$30.54	00:00	0	\$30.54
JAMES CHADWICK,II	General Maintenance	01:00	\$46.66	00:00	0	\$46.66
MARTIN LANG	General Maintenance	01:00	\$51.35	00:00	0	\$51.35
MICHAEL MCGEEVER	General Maintenance	01:00	\$29.28	00:00	0	\$29.28
ROBERT PALACIOS	General Maintenance	01:00	\$26.44	00:00	0	\$26.44
JOHN STERGIPOULOS	General Maintenance	01:00	\$25.71	00:00	0	\$25.71
PHILIP BADOME	General Maintenance	01:00	\$30.13	00:00	0	\$30.13
ANGELO T TARZIA	General Maintenance	01:00	\$20.90	00:00	0	\$20.90
ANTHONY MODAFFERI	General Maintenance	01:00	\$15.00	00:00	0	\$15.00
STEVEN KELLY	General Maintenance	01:00	\$15.00	00:00	0	\$15.00
THOMAS CORBETT	General Maintenance	01:00	\$15.00	00:00	0	\$15.00
Total Labor						\$306.01

Tools/Vehicle

Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
PLO90	Payloader 2013 Komat W380 Yellow	\$168.00	01:00	\$168.00
PU413	PICK UP 2011 FORD F250 YELLO (14 / 027)	\$79.00	01:00	\$79.00
PU461	PICK UP 2020 FORD F350 YW	\$79.00	01:00	\$79.00
SK001	SKID LOADER 2005 KOMAT 1020 YW	\$26.00	01:00	\$26.00
SW183	SWEEPER 2012 ELGIN PELIC YW (S-241)	\$115.00	01:00	\$115.00
TD618	TRUCK DUMP 2007 INTER 7300 YW (T-271 / T-272)- 6 Wheeler	\$131.00	01:00	\$131.00
TD640	TRUCK DUMP 2008 INTL 7400 YW (T-279) -10 Wheeler	\$93.00	01:00	\$93.00
TD692	TRUCK DUMP 2010 FORD F-350 YW (T-215) - Power Wagons	\$105.00	01:00	\$105.00
TD696	TRUCK DUMP 2011 INTER 7400 YW (T-249) -10 Wheeler	\$93.00	01:00	\$93.00
TD728	POWER WAGON 2015 T-245	\$105.00	01:00	\$105.00
TD738	TRUCK DUMP 2016 DODGE RAM 3500 POWER WAGON (T-275)	\$105.00	01:00	\$105.00
TR213	2019 INTEG ITI TRAILER YW	\$105.00	01:00	\$105.00
Total Equipment				\$1204.00

Materials

Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Tipping Fee (per ton)	\$88.92	0.89	\$79.14
Total Materials			\$829.14

Grand Total \$2339.15

Description of Work:
CLEAN UP 545 CLOCKS BLVD MS

Signature: Peter Brown
Name: PETER BROWN
Title: DIRECTOR OF HIGHWAY OPERATIONS
Date: Jul 22, 2020

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, pursuant to an Order of the Court dated October 2, 2020, to demolish the house located at 3982 Kingsberry Road, Seaford, New York 11783, also known as Section 52, Block 450, Lot 19A on the Land and Tax Map of the County of Nassau; and

WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, by memorandum dated January 13, 2021, 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 November 17, 2020, in the total amount of \$38,543.43, be referred to the County of Nassau for assessment,

NOW, THEREFORE, BE IT RESOLVED, That the request of Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, as set forth in their memorandum dated January 13, 2021, 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 \$38,543.43 may be assessed by the Legislature of the County of Nassau against the parcel known as 3982 Kingsberry Road, Seaford, New York 11783, also known as Section 52, Block 450, Lot 19A on the Land and Tax Map of the County of Nassau, at the same time as other taxes are levied or assessed.

- # -

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

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

Reviewed By
Office of Town Attorney
[Signature]

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: January 13, 2021


SUBJECT: Property Cleanup Assessment
3982 Kingsberry Road, Seaford, New York 11783
Section 52, Block 450, Lot 19A

By the emergency powers granted to the Department of Planning and Development, the Highway Department was directed to demolish the premises, located at the abovementioned property, pursuant to an Order of the Court dated October 2, 2020. The Highway Department has, by memorandum dated December 15, 2020, advised that the property was demolished by a crew from the Highway Department on November 17, 2020. The costs incurred by the Town of Oyster Bay were \$27,387.43, \$7,425.00 (legal fees), \$2,339.00 (tank abandonment), and \$1,392.00 (structural inspection), for a Total of \$38,543.43.

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.

FRANK M. SCALERA
TOWN ATTORNEY


Ralph P. Healey
Special Counsel

RPH:aml
Attachments

Daniel Kornfeld

Kingsberry

From: John Bishop
Sent: Thursday, November 5, 2020 3:29 PM
To: Leslie Maccarone; Brian Nevin; Timothy R. Zike; Michael Esposito
Cc: Peter Brown; Daniel Kornfeld; Marta Kane
Subject: RE: National Grid Confirmation Gas Svc Line Disconnected Letter for 3982 Kingsberry Rd, Seaford

Great I will keep you posted

-----Original Message-----

From: Leslie Maccarone <lmaccarone@oysterbay-ny.gov>
Sent: Thursday, November 5, 2020 3:15 PM
To: Brian Nevin <bnevin@oysterbay-ny.gov>; John Bishop <jbishop@oysterbay-ny.gov>; Timothy R. Zike <tzike@oysterbay-ny.gov>; Michael Esposito <mesposito@oysterbay-ny.gov>
Cc: Peter Brown <pbrown@oysterbay-ny.gov>; Daniel Kornfeld <dkornfeld@oysterbay-ny.gov>; Marta Kane <mkane@oysterbay-ny.gov>
Subject: RE: National Grid Confirmation Gas Svc Line Disconnected Letter for 3982 Kingsberry Rd, Seaford

~~I defer to Highway. Any day from 11/12 and beyond works for P & D due to notice requirements.~~

Leslie

-----Original Message-----

From: Brian Nevin <bnevin@oysterbay-ny.gov>
Sent: Thursday, November 5, 2020 3:10 PM
To: Leslie Maccarone <lmaccarone@oysterbay-ny.gov>; John Bishop <jbishop@oysterbay-ny.gov>; Timothy R. Zike <tzike@oysterbay-ny.gov>; Michael Esposito <mesposito@oysterbay-ny.gov>
Cc: Peter Brown <pbrown@oysterbay-ny.gov>; Daniel Kornfeld <dkornfeld@oysterbay-ny.gov>; Marta Kane <mkane@oysterbay-ny.gov>
Subject: RE: National Grid Confirmation Gas Svc Line Disconnected Letter for 3982 Kingsberry Rd, Seaford

Can we plan the tear down for 11/16?

-----Original Message-----

From: Leslie Maccarone
Sent: Thursday, November 05, 2020 3:06 PM
To: John Bishop; Timothy R. Zike; Michael Esposito
Cc: Peter Brown; Daniel Kornfeld; Marta Kane; Brian Nevin
Subject: RE: National Grid Confirmation Gas Svc Line Disconnected Letter for 3982 Kingsberry Rd, Seaford

Andrew Preston has been given the direction notify the property owner. Mike gave him a date of 11/12 to use. I will forward the confirmation we receive from Andrew once we receive it.

Leslie

-----Original Message-----

From: John Bishop <jbishop@oysterbay-ny.gov>
Sent: Thursday, November 5, 2020 1:40 PM
To: Leslie Maccarone <lmaccarone@oysterbay-ny.gov>; Timothy R. Zike <tzike@oysterbay-ny.gov>; Michael Esposito <mesposito@oysterbay-ny.gov>
Cc: Peter Brown <pbrown@oysterbay-ny.gov>; Daniel Kornfeld <dkornfeld@oysterbay-ny.gov>; Marta Kane <mkane@oysterbay-ny.gov>; Brian Nevin <bnevin@oysterbay-ny.gov>
Subject: FW: National Grid Confirmation Gas Svc Line Disconnected Letter for 3982 Kingsberry Rd, Seaford

See attached

As per your directive. We will not schedule the take down until we have received confirmation that the owner had the 5 days prior notice.

Respectfully

John P. Bishop, Deputy Commissioner
Town of Oyster Bay, Highway Department

-----Original Message-----

From: Daniel Kornfeld <dkornfeld@oysterbay-ny.gov>
Sent: Thursday, November 5, 2020 1:27 PM
To: Peter Brown <pbrown@oysterbay-ny.gov>
Cc: John Bishop <jbishop@oysterbay-ny.gov>
Subject: FW: National Grid Confirmation Gas Svc Line Disconnected Letter for 3982 Kingsberry Rd, Seaford

-----Original Message-----

From: Sargent, Kathleen T. <Kathleen.Sargent@nationalgrid.com>
Sent: Thursday, November 5, 2020 1:21 PM
To: Daniel Kornfeld <dkornfeld@oysterbay-ny.gov>
Cc: NGrid LI RUD Processing <NGridLIRUDProcessing@nationalgrid.com>
Subject: National Grid Confirmation Gas Svc Line Disconnected Letter for 3982 Kingsberry Rd, Seaford

Good Afternoon,

Attached please find a National Grid letter confirming the natural gas service line to the above-mentioned property has been disconnected.

Please call me on 631-348-6150 or email me with any questions.

Sincerely,

Kathy
National Grid
Customer Connections

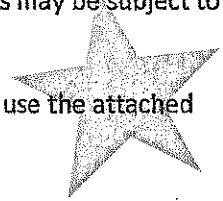
REC'D TOWN ATTORNEY
20 DEC 16 PM 2:59

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CEB

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

December 15, 2020

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


FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: 3982 KINGSBERRY ROAD, SEAFORD
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 \$27,387.43 for labor and material as well as \$2,339.00 for oil tank removal for a total amount of \$29,726.43.

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
20 DEC 18 PM 1:57

HOUSE TAKE DOWN 3982 KINGSBERRY ROAD, SEAFORD TO P & D



MISCELLANEOUS HIGHWAY CLEANUP COSTS NOT COVERED UNDER ROAD RESTORATION

Location (52-450-19A) 3982 KINGSBERRY RD SEAFORD 11783 Date Nov 17, 2020
Work Order # 76940

Labor Costs

Employee's Name		Regular Work Hours	Regular Rate	Overtime Hours	Overtime Rate	Line Cost
PETER BROWN	General Maintenance	08:00	\$47.07	00:00	0	\$376.56
MICHAEL R. GIORDANO	General Maintenance	08:00	\$30.98	00:00	0	\$247.84
MICHAEL SOLOMON	General Maintenance	08:00	\$25.71	00:00	0	\$205.68
GIACOMO GRANDINE	General Maintenance	03:00	\$54.99	00:00	0	\$164.97
TYRONE JACKSON	General Maintenance	08:00	\$37.67	00:00	0	\$301.36
CHRISTOPHER MOORE	General Maintenance	11:00	\$28.73	00:00	0	\$316.03
ROBERT PALACIOS	General Maintenance	11:00	\$26.44	00:00	0	\$290.84
DERRICK SCOTT	General Maintenance	11:00	\$42.63	00:00	0	\$468.93
JOHN STERGIOPOULOS	General Maintenance	11:00	\$25.71	00:00	0	\$282.81
JASON WAHL	General Maintenance	08:00	\$34.20	00:00	0	\$273.60
JOHN KOZIKOWSKI	General Maintenance	08:00	\$35.17	00:00	0	\$281.36
SEAN MCLAUGHLIN	General Maintenance	08:00	\$25.10	00:00	0	\$200.80
JAMES KOZIKOWSKI	General Maintenance	08:00	\$30.12	00:00	0	\$240.96

Total Labor \$3651.74

Tools/Vehicle


Tool/Vehicle	Description	Rate per Hour	Hours	Line Cost
BH013	BACK HOE 2008 KOMAT 200LC YW	\$168.00	08:00	\$1344.00
PU409	PICK UP 2011 FORD F250 TAN (11 / 007)	\$79.00	03:00	\$237.00
SK001	SKID LOADER 2005 KOMAT 1020 YW	\$26.00	03:00	\$78.00
SK010	SKID LOADER 2012 TAKEU TL240 GR/WH	\$26.00	08:00	\$208.00
TD695	TRUCK DUMP 2011 INTER 7400 YW (T-229) -10 Wheeler	\$93.00	11:00	\$1023.00
TD696	TRUCK DUMP 2011 INTER 7400 YW (T-249) -10 Wheeler	\$93.00	11:00	\$1023.00
TD697	TRUCK DUMP 2011 INTER 7400 YW (T-239) -10 Wheeler	\$93.00	08:00	\$744.00
TD709	TRUCK DUMP 2012 INTER 7400 YW (T-109) -10 Wheeler	\$93.00	08:00	\$744.00
TD735	TRUCK DUMP 2016 INTL - 10 WHEELER (T179)	\$93.00	08:00	\$744.00
TD746	2019 INTERNATIONAL DUMP TRUCK POWER WAGON YW	\$105.00	11:00	\$1155.00
TD749	2019 INTER 7300 6 WHEELER YW	\$131.00	08:00	\$1048.00
TD758	2020 INTERNATIONAL HV607 10 WHEELER YW	\$93.00	08:00	\$744.00
TH008	TRACTOR HORSE 2011 INTER 7600 YW (PT-941 / PT941)	\$93.00	08:00	\$744.00
TR191	TRAILER 2012 ETNYR 55LTD YW	\$105.00	08:00	\$840.00
TR205	TRAILER 2017 FELLI FT3 BL	\$105.00	08:00	\$840.00
TU047	TRUCK UTILITY 2009 FORD F-250 YW (HP-900)	\$79.00	08:00	\$632.00

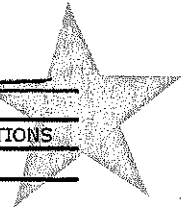
Total Equipment \$12148.00

Materials			
Material	Cost Per Unit	Units	Line Cost
Administrative Fee	\$750.00	1	\$750.00
Clean Fill (per yd)	\$15.00	220	\$3300.00
Temporary Fence	\$114.40	6	\$686.40
Tipping Fee (per ton)	\$88.92	77.05	\$6851.29
Total Materials			\$11587.69

Grand Total \$27387.43

Description of Work:
HOUSE TAKEDOWN 3982 KINGSBERRY ROAD

Signature: 
Name: PETER BROWN
Title: DIRECTOR OF HIGHWAY OPERATIONS
Date: Dec 9, 2020



Phoenix Environmental

65 Austin Blvd
Commack, NY 11725

HIGHWAY DEPARTMENT

Invoice

DATE	INVOICE #
11/5/2020	112499

BILL TO
TOWN OF OYSTER BAY PETER BROWN 74 AUDREY AVE OYSTER BAY, NY 11771

JOB SITE
3982 KINGSBERRY RD SEAFORD

		P.O. NO.	TERMS	PROJECT #
		50806 8606		
QTY	UNIT	DESCRIPTION	RATE	AMOUNT
16	HOUR	10/15/2020 REMOVED 30 GALLONS DEADLINE FROM TANK. CUT, CLEANED AND REMOVED 1 - 275 GALLON FUEL OIL TANK FROM BASEMENT 2 MEN - 8 HOURS	105.00	1,680.00
1	EACH	TRIP VAC TRUCK & OPERATOR	300.00	300.00
1	EACH	DOT DRUM	44.00	44.00
1	EACH	DISPOSAL OF DOT DRUM - TANK BOTTOMS	315.00	315.00
			Subtotal	\$2,339.00
			Sales Tax (8.625%)	\$0.00
			Total	\$2,339.00



TOWN OF OYSTER BAY

CLAIM

AUDREY AVENUE, OYSTER BAY, NEW YORK 11771

TAXPAYER IDENTIFICATION NUMBER

FEDERAL ID # ☒ SOCIAL SECURITY # ☐

11-3547453

45790
8/31ORDER #
E00002763 3490CLAIMANT'S NAME
Cashin Spinelli & Ferretti, LLCCONTRACT #
PWCCLAIMANT'S ADDRESS
801 Motor Parkway, Hauppauge, NY 11788CONTRACT NAME
Structural InspectionsTOWN DEPARTMENT
Department of Planning and DevelopmentCLAIMANT INVOICE #
45790RESO #
745-2019

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

DETAILED DESCRIPTION OF MATERIALS OR SERVICES

DATE	DESCRIPTION	UNIT PRICE	TOTAL
	CLAIM NUMBER:		
	3 - 3982 Kingsberry Road June 1 - June 30, 2020		
	CLAIM PERIOD:		
	CONTRACT AUTHORIZATION: \$10,000.00		
	APPROVED INCREASES: \$0.00		
	REVISED CONTRACT AUTHORIZATION: \$10,000.00		
	39% Complete		
	PREVIOUS COST TO DATE: \$ 2,560.00		
	AMOUNT OF CLAIM: \$ 1,392.00		\$1,392.00
	NEW COST TO DATE: \$ 3,952.00		
	P&D		
	TOB ENGINEERING PM INITIALS: <i>TS</i> JUN 30 2020		
	TOB ENGINEERING SIGNATURE: <i>Timothy R. Zike, D.C.</i> JUN 30 2020		

THE BELOW CERTIFICATION MUST BE PROPERLY FILLED OUT BY THE CLAIMANT

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

One Thousand Three Hundred Ninety Two Dollars and Zero Cents

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

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

Signature

Title

Date June 23, 2020

Print or type name

Stephen P. Ferretti

Name of Company

Principal

Cashin Spinelli & Ferretti, LLC

I HEARBY APPROVE this claim form for the sum of 1392.00 for the services, disbursements and materials herein indicated which were actually performed and were for the Town of Oyster Bay.

Signature

Title

Commissioner

Date

8-25-20

Department

P&D

Account

PAD B 3620 44500 000 0000

Date	Entry #	Received From/Paid To Explanation	Chq# Rec#	General		Fees	Bld Inv#	Trust Activity		Balance
				Rcpts	Disbs			Rcpts	Disbs	
	961536	Telephone conversation with chambers re: submission of motion for demolition				56.25	60676			
Aug 31/2020	962123	Lawyer: 93 0.25 Hrs X 225.00 Telephone conversation with Tim Z. re: neighbor complaint and issuance of decision				56.25	60676			
Aug 31/2020	962449	Billing on Invoice 60676 FEES 225.00			0.00		60676			
Sep 14/2020	963820	Town of Oyster Bay PMT - PMT Inv 60465-479 ck#9287	376978	618.75						
Sep 21/2020	964659	Town of Oyster Bay PMT - PMT Inv 60667-83 ck#9433	377039	225.00						
Oct 6/2020	967043	Lawyer: 93 0.25 Hrs X 225.00 Receipt and review of decision and order of J. Sher; two e-mails with Leslie M. re: same				56.25	61486			
Oct 7/2020	967060	Lawyer: 93 0.25 Hrs X 225.00 Receipt of entered order of demolition and e-mail Leslie M. re: same				56.25	61486			
Oct 8/2020	967727	Lawyer: 93 0.25 Hrs X 225.00 Prepare and serve notice of entry				56.25	61486			
Oct 14/2020	968260	Lawyer: 93 0.25 Hrs X 225.00 Telephone conversation with Tim Z. re: Fannie Mae demolition inquiry; communicate (telephone) with Shea T. re: same				56.25	61486			
Oct 16/2020	968275	Lawyer: 93 0.25 Hrs X 225.00 Two e-mails with ShayLynn T. re: property demolition				56.25	61486			
Oct 20/2020	968805	Lawyer: 93 0.25 Hrs X 225.00 Draft/revise litigation status update to client				56.25	61486			
Oct 21/2020	968820	Lawyer: 93 0.25 Hrs X 225.00 Two e-mails with Theresa C. re: property cleanup				56.25	61486			
Oct 26/2020	969081	Lawyer: 93 0.25 Hrs X 225.00 Telephone conversation with Leslie M. re: Town's deadline to serve notice of demolition				56.25	61486			
Oct 31/2020	972889	Billing on Invoice 61486 FEES 450.00			0.00		61486			
Nov 9/2020	971910	Lawyer: 93 1.00 Hrs X 225.00 Three e-mails with Michael E. re: property demolition notice; three e-mails with Leslie M. re: same; telephone conversation with Theresa C. re: same; e-mail Ken B. re: demolition order; e-mail Defense counsel re: notice of demolition				225.00	61626			
Nov 10/2020	971949	Lawyer: 93 0.50 Hrs X 225.00 Three e-mails with Leslie M. re: noticing demolition; telephone conversation with same re: same				112.50	61626			
Nov 30/2020	974686	Billing on Invoice 61626 FEES 337.50			0.00		61626			
Dec 2/2020	976203	Lawyer: 93 0.25 Hrs X 225.00 Telephone conversation with Michael E. re: neighbor inquiry re: purchase of property; e-mail same re: same and related				56.25				

UNBILLED					BILLED				BALANCES		
TOTALS	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST	
PERIOD	0.00	0.00	56.25	56.25	142.86	7425.00	0.00	6780.36	787.50	0.00	
END DATE	0.00	0.00	56.25	56.25	142.86	7425.00	0.00	6780.36	787.50	0.00	

UNBILLED					BILLED				BALANCES		
FIRM TOTAL	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST	
PERIOD	0.00	0.00	56.25	56.25	142.86	7425.00	0.00	6780.36	787.50	0.00	
END DATE	0.00	0.00	56.25	56.25	142.86	7425.00	0.00	6780.36	787.50	0.00	

REPORT SELECTIONS - Client Ledger

Layout Template	Default
Advanced Search Filter	None
Requested by	Andrew
Finished	Friday, December 18, 2020 at 09:52:30 AM
Ver	14.1 (14.1.20150324)
Matters	7094-1914
Clients	All
Major Clients	All
Client Intro Lawyer	All
Matter Intro Lawyer	All
Responsible Lawyer	All
Assigned Lawyer	All

SHORT FORM ORDER

SUPREME COURT OF THE STATE OF NEW YORK

PRESENT: HON. DENISE L. SHER
Acting Supreme Court Justice

In the Matter of the Application of
THE TOWN OF OYSTER BAY,

Petitioner,

- against -

NATIONSTAR MORTGAGE LLC,

Respondent,

For an Order Pursuant to Chapters 96 and 135 of the
Town Code of the Town of Oyster Bay sounding in
Declaratory and Injunctive Relief.

TRIAL/IAS PART 33
NASSAU COUNTY

Index No.: 616759/19
Motion Seq. No.: 02
Motion Date: 08/03/2020
XXX

The following papers have been read on this motion:

	<u>Papers Numbered</u>
<u>Notice of Motion, Affirmation and Exhibits</u>	<u>1</u>

Upon the foregoing papers, it is ordered that the motion is decided as follows:

Petitioner moves, pursuant to Oyster Bay Town Code § 96-16, for an order declaring the structure on the property located at 3982 Kingsberry Road, Seaford, New York 11783 to be a nuisance; and moves, pursuant to Oyster Bay Town Code § 96-16, for an order directing that the structure on the property located at 3982 Kingsberry Road, Seaford, New York 11783 be demolished, taken down and removed. No opposition was submitted to the motion.

In support of the motion, counsel for petitioner submits, in pertinent part, that, "[p]etitioner commenced the instant proceeding by Order to Show Cause and Verified Petition dated November 25, 2019.... On January 3, 2020, the proposed Order to Show Cause was signed by the Honorable Denise L. Sher, AJSC.... Proofs of service of the commencement documents were filed with This Honorable Court (sic) January 9, 2020.... No opposition was ever received from Respondent Nationstar Mortgage, LLC, though Counsel for same has filed a notice of appearance in this action. On March 6, 2020, This Honorable Court issued an Order granting the relief necessary for Petitioner to conduct a survey of the premises in question and granting petitioner leave to request further relief upon the results of the survey.... By authority of the March 6, 2020 Order of This Honorable Court, the Town issued a Notice of Survey on March 11, 2020, which noticed a survey to be conducted on March 17, 2020.... A copy of this notice was affixed to the door of the subject property on March 14, 2020.... The survey was not conducted as scheduled on March 17, 2020 due to the coronavirus shutdown. On June 5, 2020 the survey was re-noticed to be conducted on June 15, 2020.... A copy of the June 5, 2020 notice was annexed to the door of the subject property and sent via first class and certified mail on June 10 and June 11, respectively.... A survey of the premises was conducted on June 15, 2020, and a report of said survey ('the report') was generated by architect Bruce Strum.... The exterior of the subject property 'has been devastated by fire,'... The interior was in similarly poor condition.... The report revealed numerous violations of the 2020 Property Maintenance Code of New York State, 2020 Fire Code of New York State, 2020 Building Code of New York State and the Town Code of Oyster Bay.... The report is supplemented by twenty-two color photographs which evidence the dangerous and unsanitary conditions of this property.... This survey concludes 'this building is considered to be unsafe, has sustained severe fire damage, is structurally unsound, is

in a state of advanced disrepair, is unsanitary, and is unfit for human occupancy.' It is CSF's recommendation (s/c) 'this site poses a threat to the health, safety and general welfare of the public and 'due to this structure's extensive fire damaged condition of the residence, the potential for the collapse of fire damaged structural members, and the numerous violations of New York State and Town of Oyster Bay Building Codes ... this structure (s/c) be demolished immediately.' ... Town Code §96-16 provides that where a building surveyed is dangerous, the Town Attorney shall apply for an order determining same and directing that it be demolished." See Petitioner's Affirmation in Support Exhibits A-I.

As previously indicated, no opposition was submitted to the motion.

Accordingly, based upon the above, petitioner's motion, pursuant to Oyster Bay Town Code § 96-16, for an order declaring the structure on the property located at 3982 Kingsberry Road, Seaford, New York 11783 (Section 52, Block 450, Lot 19A) to be a nuisance; and, pursuant to Oyster Bay Town Code § 96-16, for an order directing that the structure on the property located at 3982 Kingsberry Road, Seaford, New York 11783 (Section 52, Block 450, Lot 19A) be demolished, taken down and removed, is hereby **GRANTED**.

This constitutes the Decision and Order of this Court.

ENTERED
Oct 07 2020
NASSAU COUNTY
COUNTY CLERK'S OFFICE

ENTER:

DENISE L. SHER, A.J.S.C.
XXX

Dated: Mineola, New York
October 2, 2020

WHEREAS, by Resolution No. 805-2019, adopted on December 10, 2019, the Town Board authorized and directed Hirani Engineering and Land Surveying, P.C. ("Hirani Engineering") to provide On-Call Engineering Services relative to Surveying in connection with Contract No. PWC14-20, for a two-year term, from January 1, 2020 through December 31, 2021; and

WHEREAS, Hirani Engineering, by letter dated December 7, 2020, set forth the scope of work to be performed under Contract No. PWC31-20, in an amount not to exceed \$90,000.00, in connection with On-Call Engineering Services relative to surveying, preparation of preliminary and final design plans, costs estimates and construction inspection services for Coronet Crescent, Bethpage, New York; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated January 15, 2020, requested Town Board authorization for Hirani Engineering to provide On-Call Engineering Services in connection with surveying, preparation of preliminary and final design plans, costs estimates and construction inspection services for Coronet Crescent, Bethpage, New York under Contract No. PWC31-20, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed \$90,000.00 for this purpose, and advised that funds in the amount of \$90,000.00, to satisfy said engineering costs, are available in Account No. HWY H 5197 20000 000 2003 008,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are approved, and Hirani Engineering and Land Surveying, P.C is hereby authorized to provide the aforementioned services in connection with Contract No. PWC31-20, relative to Coronet Crescent, Bethpage, New York, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed \$90,000.00, with funds to be drawn from Account No. HWY H 5197 20000 000 2003 008.

-#-

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

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

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

January 15, 2021

TO: MEMORANDUM DOCKET

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


SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST
RELATIVE TO SURVEYING
CONTRACT NO. PWC 14-20
ACCOUNT NO.: HWY H 5197 20000 000 2003 008
PROJECT ID NO. 2003 HWY DB-11

The consultant, Hirani Engineering and Land Surveying, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC14-20 by Resolution No. 805-2019 for the subject project.

Attached is a letter dated December 7, 2020 from Hirani Engineering and Land Surveying, P.C., regarding the scope of work performed in an amount not to exceed \$90,000.00. Services to be performed include surveying, prepare preliminary and final design plans, cost estimates and construction inspection services for Coronet Crescent, located in Bethpage, New York.

Attached is an availability of funds in the amount of \$90,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. HWY H 5197 20000 000 2003 008.

It is hereby requested that the Town Board authorize, by Resolution, Hirani Engineering and Land Surveying, P.C., under Contract No. PWC14-20, On-Call Engineering Services Relative to Surveying and requests that the Comptroller be directed to issue an encumbrance order for this purpose.



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

RWL/JCT/MR/DJH/nm

Attachment

cc: Steve C. Ballas, Comptroller
John Bishop, Deputy Commissioner/HWY

PWC07-20 HIRANI Docket Funding \$90,000



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



Requesting Division/Department

Highways

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

Contract Number: PWC 14-20

Contract Period: January 1, 2020 through December 31, 2021

Consultant/Contractor: Hiran Engineering and Land Surveying, P.C.

Discipline: Surveying

Total Authorization: \$90,000.00

Resolution No. 805-2019 Date 12/10/2019

Funded To Date: \$0.00

Amount Requested: \$90,000.00

Account To Be Used: HWY H5197 20000000 2003008-2003 HWYDB-11

If Capital Account, State The Related Contract Number:

Description Of Work

If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.

Funds are required to survey, prepare preliminary and final design plans, cost estimates

and construction inspection services for Coronet Crescent, located in Bethpage, New York

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

DPW Approval

Only To Be Executed By The Commissioner

Signature: [Signature]

Signature: [Signature]

Title: Commissioner Deputy

Title: Commissioner of Public Works

Date: 12-21-2020

Date: 1/15/21

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested: 90,000.00

Unencumbered Balance: 48,446.00

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

Signature: [Signature]

Date: 1/15/21



TOWN OF OYSTER BAY



WORK ORDER

This Section To Be Completed By The Department Of Public Works

Work Order No. _____

E.O. No. _____

Contract Start 1/1/2020

Contract No. PWC 14-20

Contract End 12/31/2021

Commencement Date _____

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

Vendor Name and Address

Hirani Engineering and Land Surveying, P.C.

120 West John Street

Hicksville New York

Requesting Town Department Highways

Contact Daniel Haas Phone 677-5883

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

Funds are required to survey, prepare preliminary and final design plans,

cost estimates and construction inspection services

for Coronet Crescent, located in Bethpage, New York

This work order shall not exceed \$ \$90,000.00

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

Requesting Division/Department

Department Of Public Works Approval

Only To Be Executed By The Commissioner

Signature

Signature

Title

Commissioner of Public Works

Date

Date

12-21-2020

1/15/21

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated November 22, 2019, advised that a Request for Proposals for On-Call Engineering Services relative to Surveying, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC14-20, for a two (2) year term contract commencing January 1, 2020 through December 31, 2021 was issued to six (6) firms, and was placed on the Town of Oyster Bay website; and

WHEREAS, in response to that Request for Proposals, seven (7) responses were timely received by the Division of Engineering; and

WHEREAS, Commissioner Lenz, by said memorandum; stated that after review of the Division of Engineering's preliminary recommendations, including the current workload performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy, the Department has selected Barbara Thayer P.E., Arch., Landscape Architecture, L.S., D.P.C., Gayron de Bruin Land Surveying and Engineering, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., Hiran Engineering & Land Surveying, P.C., N&P Engineering, Architecture and Land Surveying, PLLC and RLT Engineering, Geology and Land Surveying, P.C.; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with Barbara Thayer P.E., Arch., Landscape Architecture, L.S., D.P.C., Gayron de Bruin Land Surveying and Engineering, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., Hiran Engineering & Land Surveying, P.C., N&P Engineering, Architecture and Land Surveying, PLLC and RLT Engineering, Geology and Land Surveying, P.C., to provide On-Call Engineering Services relative to Surveying, in accordance with the specifications contained in Contract No. PWC14-20, for a two (2) year term, commencing on January 1, 2020 through December 31, 2021,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC14-20 with Barbara Thayer P.E., Arch., Landscape Architecture, L.S., D.P.C., Gayron de Bruin Land Surveying and Engineering, P.C., H2M Engineers, Architects, Land Surveying & Landscape Architecture, D.P.C., Hiran Engineering & Land Surveying, P.C., N&P Engineering, Architecture and Land Surveying, PLLC and RLT Engineering, Geology and Land Surveying, P.C., in accordance with the provisions thereunder for a two (2) year term, commencing on January 1, 2020 through December 31, 2021.

#

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

Supervisor Saladino	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Johnson	Recused
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye



Hirani Engineering and Land Surveying, P.C.

Hirani Engineers ■ Land Surveyors ■ Construction Managers

December 7th, 2020

Daniel Haas – Civil Engineer II
Town of Oyster Bay Department of Public Works
150 Miller Place
Syosset, NY 11791

RE: PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH ROAD RECONSTRUCTION AT CORONET CRESCENT, BETHPAGE

Dear Daniel:

Hirani Engineering and Land Surveying (Hirani) is pleased to submit this proposal associated with Engineering Consulting Services for the above referenced project. This work is being completed by Hirani under their existing On-Call Contract with the Town of Oyster Bay; Contract PWC 14-20 for On-Call Engineering Services Related to Surveying. All contract terms and agreements under PWC 14-20 shall apply to the scope of work outlined in this proposal.

UNDERSTANDING

The Town of Oyster Bay is retaining Hirani to provide road reconstruction services related to Coronet Crescent in Bethpage, New York. The Town's records indicate that the neighborhood had been constructed during the 1960's but further information on the development was not available.

The Town has observed road deterioration related to differential and localized settlement across the road's cross section. Archived Google Maps imagery from 2007 (shown in Figure 1) indicates the original cross section with a tack-coated seam along the centerline. Today, the same seam has required patching as it grew in width and length (shown in Figure 2). It is anticipated that during the neighborhood's original development a layer of organics (such as tree trunks and other plant materials) was used to backfill the area during development. The decomposition of the organic material caused the section to reduce unevenly, leading to differential settlement.

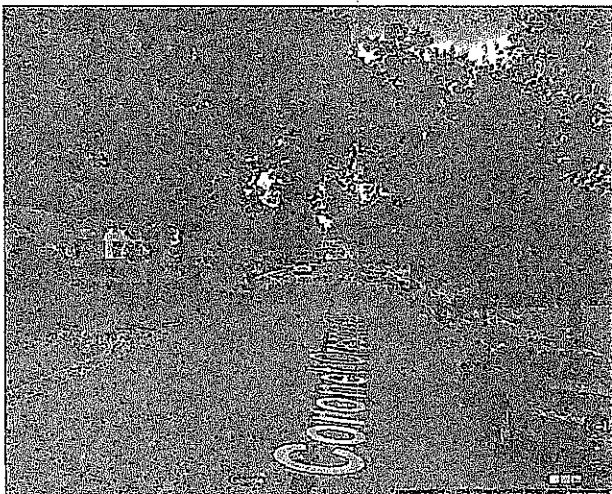


Figure 2: Coronet Crescent South 2007



Figure 1: Coronet Crescent South 2020

120 West John Street ■ Hicksville, NY 11801 ■ 516-248-1010 ■ Fax: 516-248-9018
421 Seventh Avenue, Room 808 ■ New York, NY 10001 ■ 646-273-5000
www.hiranigroup.com

D/M/SBE

The pavement's surface appears to be generally in fair condition with large cracks forming along the centerline of the roadway and transverse to the direction of travel. The road may be a candidate for a mix-in-place operation and will be determined by observing the site during water main replacement work currently being scheduled. The age of the residential area will also take into consideration the potential for soil cement to be present, which would have an adverse effect on a mix-in-place operation. The NRCS Soil Survey Report will be created for the project area to aid in the site's evaluation. No other geotechnical investigation will be completed. Hirani will recommend a pavement restoration technique to the Town during the Preliminary Design Phase.



Figure 3: Curb and gutter installed immediately adjacent to a standard TOB curb section



Figure 4: Uplifted sidewalk and tree that will require removal.

The road's reconstruction is expected to require regrading of the flow lines along the curb. Currently there is a variety of curb types of various ages found throughout the project (as indicated in Figure 3). All flow lines will have curb and gutter installed to provide a consistent, maintainable drainage flow. Installing new curb will require some street trees to be removed and the sidewalk replaced concurrently. One such example is indicated in Figure 4. Each case will be identified during preliminary design for the Town's approval prior to removal. It is anticipated that tree removals will be part of the contract, but tree trimming/maintenance will be completed by the Town's subcontractor prior to starting the project.

ADA facilities within the neighborhood will be updated during the road reconstruction with line striping and signage installed if appropriate. All ADA facilities will be designed in accordance with the NYSDOT standard sheet 608-01. Asphalt and concrete driveways will be restored with residents allowed to request a line of Belgium block runners to conceal a seam. All concrete driveway aprons will be replaced in kind with electrical conduit running underneath for street lighting replaced along the inner radii of Coronet Crescent.

SCOPE OF WORK

- 1. TOPOGRAPHIC SURVEY OF SITE** – A topographic survey will be provided along Coronet Crescent, Coronet Crescent North, and Coronet Crescent South indicated in Figure 5. The anticipated length of the survey will be 1,700 linear feet with additional surveying completed along Stewart Ave and Broadway to tie into the proposed elevations. Horizontal Control will be based upon NYSRTN network, Robotic Total Station Control Traverse, and location of existing monuments. All topographical survey information will be provided in NAVD 88 Datum by establishing NAVD 88 Vertical Control based upon NYSRTN. Existing features at each project location will be identified which will include curbs, buildings, drainage grates, light posts, walls, fences, driveways, concrete aprons, and pavement markings. Visible utility appurtenances, utility mark outs, and spot elevations will be recorded to show existing site conditions. Cross-sections will be identified every 25' along the road's profile within the Town's right-of-way. Boundary surveys will not be completed under this project since the road reconstruction will not modify the existing right-of-way or the curblines. All information from the survey will be incorporated into the project basemap for use in the design.

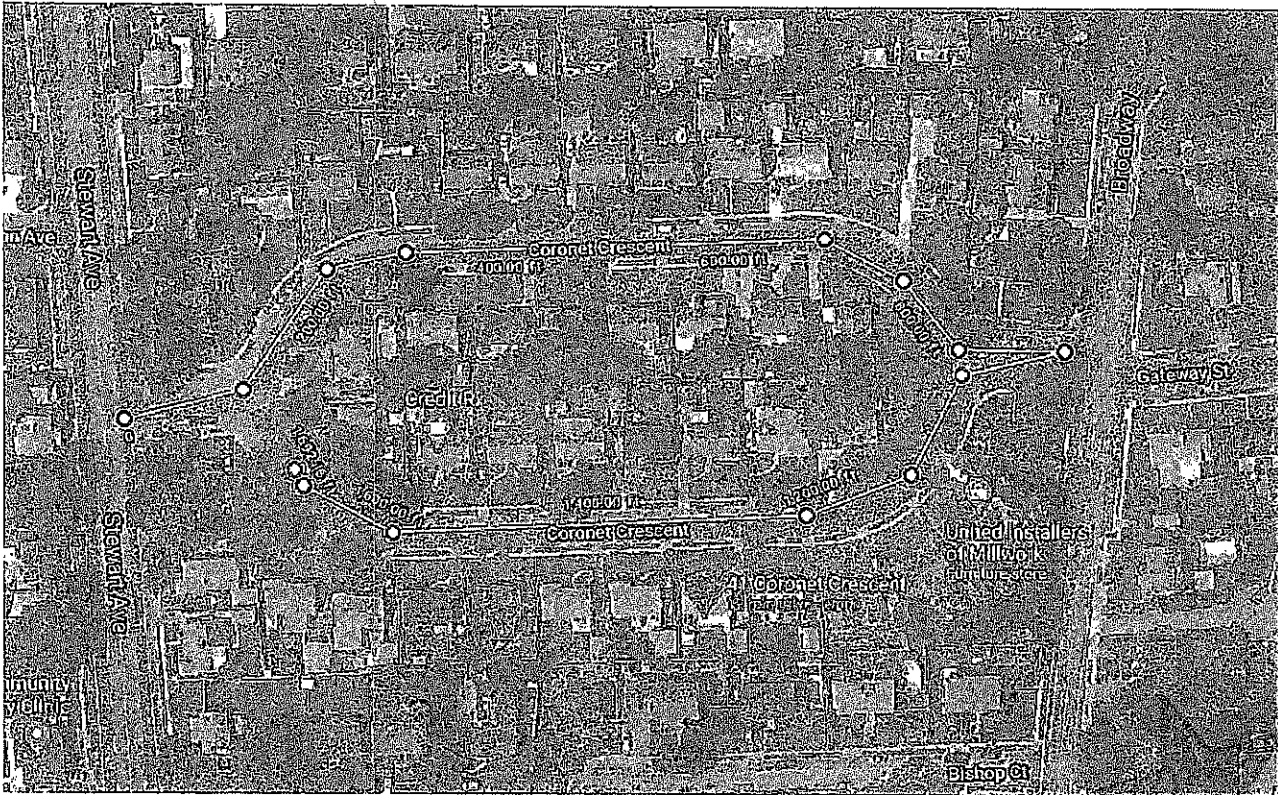


Figure 5: The project will replace approximately 1,700 linear feet of roadway

SURVEYING TECHNICAL ASSUMPTIONS

- a. The project consists of performing a topographic elevation and locations survey in accordance with the current Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors (NYSAPLS).
- b. No special equipment is required beyond what is necessary to perform a conventional urban topographic / planimetric / utility Land Survey unless Subsurface Utility Engineering (SUE) services are requested by the Client. SUE Services are inherently limited to existing ground conditions (soil type, water content, conflicting utilities, depth of object, etc) which may prevent obtaining reliable data. **HIRANI's** cost presented herein does not include SUE Services.
- c. The site will be accessible without cost for our crew to perform conventional land surveying operations between the hours of 7:00 AM and 3:30 PM Monday to Friday. No costs are included herein for maintenance and protection of traffic (MPT), flagmen or entry permits, etc. If any of these are required, the Client shall procure and pay for said services.
- d. Surface appurtenances of underground utilities will be field located. Underground utility lines will be delineated from record plates (if available) in conjunction with surface appurtenances and shall not be certified. One-call utility mark out will be requested.
- e. Utility Record Plates for the adjacent public roadways are obtained from local agencies where a timely delivery schedule is not always possible; this information may take up to 6 weeks to obtain.
- f. On-Site underground utilities shall not be shown unless the locations can be verified by one of the following: A) field excavation, B) private record plate(s) supplied by the owner or client, or C) measurement by qualified **HIRANI** personnel. Item "A" would require additional cost.
- g. No costs are included herein for Hydrological Data, Environmental Data, Wetland determination / delineation / location or any type of Tree Survey. Large (6" diameter or more) Trees shall be field located, however only outlines of areas of dense trees will be shown without locating individual trees. All identification of tree species, condition, etc., shall be done by others.
- h. This Proposal is specifically for "Consulting" Land Surveying Services in accordance with the current City Surveyors and Consulting Engineers Agreement with IUOE-15D and do not apply to any type of Construction Land Surveying Layout Services.
- i. Property Lines (private ownership lines, if they exist, intersecting ROW Lines) are **not** included as part of this project and shall be **not** shown either graphically or computationally. The property corners shall **not** be field staked.
- j. The Horizontal Coordinate System shall be as per the Control supplied to Hirani. Both shall be expressed in the U.S. Standard of Measurement. The Project Horizontal / Vertical control network shall be to Federal Geodetic Control Subcommittee (FGCS) 3rd Order, Class I specifications.
- k. The Costs stated herein encompass all of the efforts we expect will be required to complete our Tasks. The Client is hereby notified that certain elements of some Tasks are utilized for the completion other Tasks; therefore, elimination of individual Tasks often results in a lesser savings than anticipated.

2. **PRELIMINARY DESIGN** – Hirani personnel will conduct a drainage inventory of the existing drainage structures and pipes within the project area. Drainage structures which are considered deficient will be repaired. Preliminary construction plans will be completed to a 70% draft set which is anticipated to include the following drawings:
 - a. Title Page (1 sheet)
 - b. General Notes (1 sheet)
 - c. Legend, Abbreviations, and List of Drawings (1 sheet)
 - d. Control Plan (1 sheet)
 - e. Proposed Plans & Profiles (4 sheets)
 - f. Typical Sections (1 sheet)
 - g. Miscellaneous Details for concrete flatwork such as curb and gutter, driveway restoration, concrete aprons, and sidewalk (1 sheet)
 - h. Miscellaneous Details for ADA-compliant ramps (1 sheet)
 - i. Miscellaneous Details for Drainage Structure restoration (1 sheet)
 - j. Erosion and Sediment Control Details (1 sheet).
3. **FINAL DESIGN & CONSTRUCTION DOCUMENTS** – Hirani will prepare final plans incorporating any comments received from the Town of Oyster Bay during preliminary design. Documents will be stamped and signed by a New York State Professional Engineer and in accordance with the Town's Procurement Policy contract provisions. Hirani will prepare the construction documents for construction as requested by the Town of Oyster Bay.
4. **COST ESTIMATE** – Hirani will provide a cost estimate with the preliminary design and final design construction documents. The cost estimate will indicate the anticipated quantities based on the results of the project survey and market prices for Town of Oyster Bay standard specification items.
5. **CONSTRUCTION ADMINISTRATION SERVICES** – Hirani will prepare for and schedule a pre-construction kick-off meeting to review the project scope. Under this task Hirani will review shop drawings and submittals, attend bi-weekly meetings, and respond to RFI's.
6. **CONSTRUCTION INSPECTION SERVICES** – Hirani will provide an inspector for 45 days to oversee the contractor's work. Under this task Hirani will prepare daily inspection reports, process payment requests, prepare the project punch list, and certify substantial completion.
7. **MEETINGS** – Hirani staff will prepare for and attend the following meetings:
 - a. One (1) design phase kick-off meeting with the Town of Oyster Bay after the survey has been conducted.
 - b. One (1) 70% design progress meeting with the Town of Oyster Bay
 - c. One (1) construction phase kick-off meeting with the Town of Oyster Bay and the contractor to review the scope of work.

**GENERAL CONTRACT TECHNICAL ASSUMPTIONS:**

1. Hirani agrees to provide its professional services in accordance with generally accepted standards of its profession. Hirani agrees to put forth reasonable efforts to comply with codes, laws and regulations in effect as of the date of this agreement.
2. All proposed design improvements will be limited to the existing right-of-way, Town property, or drainage easements.
3. Surveying services do not include right-of-way mapping or boundary survey.
4. This proposal includes no provisions for costs associated with environmental remediation or geotechnical investigation.
5. Any services not specifically enumerated herein this proposal are not included under this contract.

PROJECT SCHEDULE:

The schedule for Tasks 1 - 4 is four (4) months from a Notice to Proceed. This schedule is based on a two-week turnaround for any Town of Oyster Bay reviews. Construction is anticipated to occur over a two (2) month period.

DELIVERABLES:

1. The existing topographic survey of the site provided in AutoCAD format.
2. Cost estimates for the Preliminary Construction Estimate and the Final Construction Estimate will be provided in PDF and paper format. Paper copies of the estimates will be provided in ANSI A (8.5x11) format with the number of copies to be specified by the Town of Oyster Bay.
3. A full set of Construction Plans will be provided in PDF, and paper format. Paper copies of the Construction Plans will be printed to ANSI D (22x34) paper with the number to be specified by the Town of Oyster Bay.
4. Construction Inspection Reports, punch lists, and payment requisition approval.

FEE PROPOSAL

Hirani's proposed fee for Tasks 1-7 described are anticipated to have a price of \$90,000 (Ninety thousand dollars) for surveying and civil engineering services. All work will be billed at an hourly rate with a 2.5 multiplier to account for overhead and profit as per the On-Call Contract. Anticipated fees are broken out according to the table below:

1. Surveying	\$23,000
2. Preliminary Design	\$20,000
3. Final Design & Construction Documents	\$12,000
4. Cost Estimates	\$2,000
5. Construction Administration Services	\$3,000
6. Construction Inspection Services	\$28,000
7. Meetings	\$2,000
ENGINEERING SERVICES CONTRACT TOTAL	\$90,000

120 West John Street ▪ Hicksville, NY 11801 ▪ 516-248-1010 ▪ Fax: 516-248-9018
421 Seventh Avenue, Room 808 ▪ New York, NY 10001 ▪ 646-273-5000
www.hiranigroup.com

D/M/SBE



AUTHORIZATION TO PROCEED:

To initiate the work, please sign and return one copy of this agreement to our office. If you have any questions regarding this proposal, please do not hesitate to contact me for further discussion (516-510-8476). We look forward to making our staff available to complete this project for the Town of Oyster Bay Department of Public Works.

Very truly yours,

Hirani Engineering and Land Surveying, PC

A handwritten signature in black ink, appearing to read 'Daniel Loscalzo'.

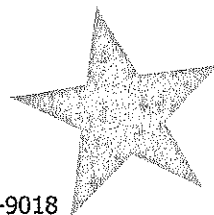
Daniel Loscalzo, P.E.
Director of Civil Site Services

AGREEMENT WITH THE ABOVE

TOWN OF OYSTER BAY DEPARTMENT OF PUBLIC WORKS

Signature

Name / Title



120 West John Street ▪ Hicksville, NY 11801 ▪ 516-248-1010 ▪ Fax: 516-248-9018
421 Seventh Avenue, Room 808 ▪ New York, NY 10001 ▪ 646-273-5000
www.hiranigroup.com

D/M/SBE

WHEREAS, by Town Board Resolution No. 496-2020, adopted on September 15, 2020, N&P Engineering, Architecture, and Land Surveying, PLLC, 70 Maxess Road, Melville, New York 11747 was approved to provide technical services in connection with Contract No. PWC07-20, with a scope of work including Design, Bid and Construction Inspection services regarding the replacement of the synthetic turf field at John A. Walker Memorial Park, Hicksville, New York; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated January 14, 2021, advised that the design for Contract No. DP21-213 regarding replacement of the synthetic turf field at John A. Walker Memorial Park has been completed; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that he has approved the plans and specifications submitted, with an estimated construction time for completion of sixty (60) days, and recommended that the Department of General Services, Division of Purchasing, proceed with setting a date for receiving bids for said Contract,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted, and that the Department of General Services, Division of Purchasing, is hereby authorized and directed to contact the Division of Engineering to set a date for receiving bids for Contract No. DP21-213.

#

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

January 14, 2021

TO: MEMORANDUM DOCKET

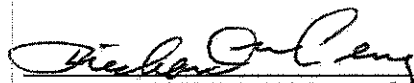
FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID &
CONSTRUCTION PHASES
REPLACEMENT OF THE SYNTHETIC TURF FIELD AT JOHN A. WALKER
MEMORIAL PARK
CONTRACT NO. DP21-213

Town Board Resolution No. 496-2020 authorized N&P Engineering, Architecture, and Land Surveying, PLLC, to perform engineering services relative to the above-mentioned contract.

The design has been completed, and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 60 days.

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



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


RWL/SCT/MR/BK/ik

Attachment

cc: Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services
Joseph G. Pinto, Commissioner/Parks

DP21-213 Docket Accept Design & Permission To Bid

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 806-2019, adopted on December 10, 2019, the Town Board authorized the Department of Public Works to enter into an agreement with N & P Engineering, Architecture and Land Surveying, PLLC, to provide technical services in connection with Contract No. PWC07-20, On-Call Engineering Services relative to Civil Engineering, for a two (2) year period, from January 1, 2020 through December 31, 2021; and

WHEREAS, Russell Z. Scott, P.E., Senior Partner, N & P Engineering, Architecture and Land Surveying, PLLC, by letter dated August 17, 2020, described the scope of work to be performed under Contract No. PWC07-20, which includes Design, Bid and Construction Inspection regarding the replacement of the synthetic turf field at John A. Walker Memorial Park, Hicksville, in an amount not to exceed \$200,000.00; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated August 31, 2020, requested Town Board authorization for N & P Engineering, Architecture and Land Surveying, PLLC, to perform the aforesaid engineering services under Contract No. PWC07-20, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed \$200,000.00 for this purpose; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that funds in the amount of \$200,000.00 to satisfy said engineering costs are available in Account No. PKS H 7197 20000 000 2002 001, Project ID No. 2002PKSA-03,

NOW, THEREFORE, BE IT RESOLVED, that the requests as hereinabove set forth are accepted and approved, and N & P Engineering, Architecture and Land Surveying, PLLC, is hereby authorized to perform the aforementioned engineering services in connection with Contract No. PWC07-20, On-Call Engineering Services relative to Civil Engineering, and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to make payment for same upon presentation of a duly certified claim, after audit, with the funds for said payment to be drawn from Account No. PKS H 7197 20000 000 2002 001, Project ID No. 2002PKSA-03.

-#-



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

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

WHEREAS, by Town Board Resolution No. 553-2020, adopted on October 6, 2020, Cameron Engineering & Associates, LLP, 177 Crossways Park Drive, Woodbury, New York 11797, was approved to provide technical services in connection with Contract No. PWC09-20, with a scope of work including Design, Bid and Construction Inspection services regarding installation of a Needle Point Bipolar Ionizations System at 54 Audrey Avenue, Oyster Bay; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated January 14, 2021, advised that the design for Contract No. DPW21-211 regarding installation of a Bipolar Ionization System at 54 Audrey Avenue, Oyster Bay, New York has been completed; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that he has approved the plans and specifications submitted, with an estimated construction time for completion of ninety (90) days, and recommended that the Department of General Services, Division of Purchasing, proceed with setting a date for receiving bids for said Contract,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted, and the Department of General Services, Division of Purchasing, is hereby authorized and directed to contact the Division of Engineering to set a date for receiving bids for Contract No. DPW21-211.

#

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

January 15, 2021

TO: MEMORANDUM DOCKET


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

SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID &
CONSTRUCTION PHASES
INSTALLATION OF A BIPOLAR IONIZATION SYSTEM AT 54 AUDREY AVENUE,
OYSTER BAY
CONTRACT NO. DPW21-211

Town Board Resolution No. 553-2020 authorized Cameron Engineering & Associates, LLP to perform engineering services relative to the above-mentioned contract.

The design has been completed, and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 90 days.

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



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

RWL/JCF/MR/BK/nm

Attachment

cc: Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services

DPW21-211 Docket Accept Design & Permission To Bid

Reviewed By
Office of Town Attorney
[Signature]

WHEREAS, by Resolution No. 809-2019, adopted on December 20, 2019, the Town Board authorized Cameron Engineering & Associates, LLP, to provide the Town of Oyster Bay with technical services pursuant to Contract No. PWC09-20, On-Call Engineering Services relative to site development for a term of two years, commencing on January 1, 2020 through December 31, 2021; and

WHEREAS, Joseph R. Amato, P.E., LEED AP, Senior Partner, Cameron Engineering & Associates, LLP, by letter dated August 25, 2020, described the scope of work to be performed under Contract No. PWC09-20 regarding the design, bid, and construction inspections services regarding the installation of a Needle Point Bipolar Ionizations System at 54 Audrey Avenue, Oyster Bay, in an amount not to exceed \$39,500.00;

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated September 17, 2020, requested that the Town Board authorize Cameron Engineering & Associates, LLP, to perform the aforesaid services relative to Contract No. PWC09-20; and

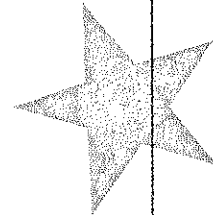
WHEREAS, Commissioner Lenz, by said memorandum, further requested that the Town Board authorize and direct the Town Comptroller to issue an encumbrance order, in an amount not to exceed \$39,500.00, to satisfy said engineering costs, and advised that funds to satisfy said engineering costs are available in Account No. DGS H 1997 20000 000 001 0000; and

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

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and Cameron Engineering & Associates, LLP, is authorized to provide the aforementioned technical services relative to On-Call Engineering Services relative to Structural Engineering in connection with Contract No. PWC09-20, and it is further

RESOLVED, that the Comptroller is authorized to issue an encumbrance order, in an amount not to exceed \$39,500.00, to satisfy said engineering costs, with funds to be drawn from Account No. DGS H 1997 20000 000 001 0000.

##



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

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

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated January 15, 2021, stated that the contract specifications for Contract No. HCR21-212, Concrete Restoration throughout the Town of Oyster Bay, have been completed by the Division of Engineering, and the Department of Public Works has approved the plans and specifications, with an estimated budget amount of \$3,000,000; and

WHEREAS, Commissioner Lenz, by said memorandum requested that the Town Board authorize the Division of Purchasing proceed with setting a bid date for receiving bids for a contract based upon a one-year period starting from the date of award, with the Town having an option to extend for four (4) one-year extensions, at no additional cost to the Town, and further requested that the Division of Purchasing contact the Division of Engineering to establish a bid date,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby approved, and that the Division of Purchasing is hereby authorized and directed to proceed with the bidding phase for Contract No. HCR21-212, and the Division of Purchasing is hereby authorized to proceed with setting a bid date for receiving bids for Contract No. HCR21-212.

#

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

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

Reviewed By
Office of Town Attorney
1/20/21

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

January 15, 2021

TO: MEMORANDUM DOCKET

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

SUBJECT: REQUEST TO ENTER BID & CONSTRUCTION PHASES
REQUIREMENTS CONTRACT FOR CONCRETE RESTORATION THROUGHOUT
THE TOWN OF OYSTER BAY
CONTRACT NO. HCR21-212

The Division of Engineering has prepared the contract specifications for Contract No. HCR21-212. The anticipated budgeted amount for this contract is \$3,000,000.00.

This contract shall be awarded based upon a one year period starting from date of award, with an option for four (4) one year extensions, at no additional cost to the Town..

The Commissioner of Public Works has approved the specifications and recommends that the Division of Engineering be authorized to proceed with the bidding phase and construction phase for Contract No. HCR21-212. It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract.



RICHARD W. LENZ, P.E.
COMMISSIONER

DEPARTMENT OF PUBLIC WORKS/HIGHWAY


RWL/JCT/MR/BK/nm
Attachment

cc: Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services

HCR21-212 Docket Accept Design & Permission To Bid

WHEREAS, Laurie Scarpa, Deputy Commissioner, Department of Environmental Resources, by memorandum dated January 15, 2021, requested Town Board authorization and ratification for the Town of Oyster Bay Animal Shelter's acceptance of a donation on January 14, 2021, of fifty (50) rabies vaccines, each worth approximately \$3.00, from the Nassau County Department of Health ("County"), which the County would be unable to use prior to the April 2021 expiration,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Town Board hereby authorizes and ratifies the Town of Oyster Bay Animal Shelter's acceptance of a donation of fifty (50) rabies vaccines, each worth approximately \$3.00, from the Nassau County Department of Health, *nunc pro tunc*, to January 14, 2021.

-#-

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

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

Reviewed By
Office of Town Attorney
Elizabeth A. Saughan

TOWN OF OYSTER BAY
Inter-Departmental Memo

January 15, 2021

TO: The Memorandum Docket

FROM: Laurie Scarpa, Deputy Commissioner of Environmental Resources

SUBJECT: DONATIONS- RABIES VACCINATIONS

The Nassau County Department of Health contacted the Town of Oyster Bay Animal Shelter in reference to donating fifty (50) rabies vaccines. In past years, the Town of Oyster Bay Animal Shelter has hosted a "Free Rabies Clinic" event in conjunction with the Nassau County Department of Health. The Department of Health routinely donates the rabies vaccinations for the clinic. This past year the rabies clinic was canceled due to COVID-19 leaving the Department of Health with extra vaccinations that are due to expire in a short amount of time.

Due to the sensitive date of the vaccinations, The Town of Oyster Bay Animal Shelter is requesting Town Board approval to accept the donation of the rabies vaccines from the Nassau County Department of Health, nunc pro tunc from January 14, 2021 to April 3, 2021. The cost of each vaccine is approximately \$3.00.



LAURIE SCARPA
Deputy Commissioner of Environmental Resources



NASSAU COUNTY DEPARTMENT OF HEALTH

RECEIPT OF BIOLOGICALS

DATE: 1/14/21

The undersigned individual is accepting biological disbursement from the Nassau County Department of Health and agrees to the following conditions:

- The biological(s) must be kept refrigerated at all times during transport.

Name of Biological(s) IMRAB 3

Number of Vials

1 TRAY

Doses

50

Received for: _____ M.D.

Organization: Town of Great Bay Animal Shelter

Received by:
(signed)

CCW CW

Title: Supervisor

Print Name:

Chris Campion

Distributed by:

[Signature]

Title:

SANITARIAN II

Name Print:

ERIN DOUGLAS



200 COUNTY SEAT DRIVE, MINEOLA, NEW YORK 11501
Phone: 516-227-9663 Fax: 516-227-9547



I Ronel Jean acknowledge that the Nassau County Health Department is donating excess Rabies vaccines to the Town of Oyster Bay Animal Shelter. The Nassau County Health Department purchased these vaccines in anticipation of an annual rabies clinic. Due to Covid-19, all rabies clinics were cancelled in the interest of public safety. The Nassau County Health Department will be unable to use these vaccines by their expiration date of April 2021. It is because of this that they are being donated to the Town of Oyster Bay Animal Shelter.

X 

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 26, 2021, requested and recommended that the Town Board authorize the Department's Division of Recreation to conduct the Town of Oyster Bay Dek Hockey Program, subject to the following conditions:

- 1) The program shall be open to individuals between six (6) years of age and twelve (12) years of age.
- 2) The dates, times and locations of the Program shall be established by the Commissioner of the Department of Parks.
- 3) The entry fees for the program shall be ninety-five dollars (\$95.00) per resident, and one hundred ten dollars (\$110.00) per non-resident.
- 4) The aforementioned fees shall be used to cover the cost of equipment needed to conduct the Program successfully.
- 5) The monies collected shall be deposited in Parks Special Event Account No. TWN TA- 0000-00085-471.
- 6) The entry fees shall remain in effect until revised and/or amended by the Town Board after the recommendation of the Commissioner of the Department of Parks.

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are hereby accepted and approved, and that the Town Board hereby authorizes the Department of Parks, Division of Recreation, to conduct the Town of Oyster Bay Dek Hockey Program, subject to the aforementioned conditions.

-#-

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
Robert P. Healey

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: Joseph G. Pinto, Commissioner of Parks

DATE: January 26, 2021

SUBJECT: CORRECTED COPY Town of Oyster Bay Dek Hockey Program

The Department of Parks, Division of Recreation, respectfully requests Town Board authorization to conduct the Town of Oyster Bay Dek Hockey Program. Permission to operate the program requires the adoption of an entry fee of ninety five dollars (\$95.00) per resident and one hundred ten dollars (\$110.00) per non-resident. The entry fee provides the funds to purchase equipment needed to run this program successfully. The entry fee shall remain in effect until revised or amended by the Town Board after recommendation by the Commissioner of the Department of Parks.

Dek Hockey Program for Ages 6-12

This is a fun organized sports program for residents ages 6-12. The program will be administered by the Department of Parks, Division of Recreation. Dates, times and locations of the program are to be established by the Commissioner of Parks.

The fee for this program will be \$95.00 per resident and \$110.00 per non-resident.

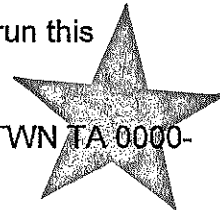
The fees will cover the cost of equipment needed to successfully run this program.

The monies will be collected in the Parks Special Event Account TWN TA 0000-00085-471.

Town Board approval is recommended.



Joseph G. Pinto
COMMISSIONER OF PARKS



WHEREAS, Joseph Bosco has requested to donate a memorial plaque to be placed under an existing tree in Bethpage Skate Park, Bethpage, in memory of Justin J. Gottlieb; and

WHEREAS, the value of the plaque is estimated to be \$480.00, and the monies donated will be deposited into Account No. PKS A 0001 02705 000 0000; and


WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated January 13, 2021, 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 \$480.00 from Joseph Bosco to be deposited into Account No. PKS A 0001 02705 000 0000, to purchase a plaque to be placed under an existing tree in Bethpage Skate Park, Bethpage in memory of Justin J. Gottlieb.

-#-

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

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

Reviewed By
Office of Town Attorney


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

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner of Parks

SUBJECT: Memorial Plaque

DATE: January 13, 2021

The Department of Parks has received a request from Joseph Bosco (letter attached) requesting to donate a memorial plaque under an existing tree to be placed in Bethpage Skate Park in memory of Justin J. Gottlieb.

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

The plaque will be purchased by Joseph Bosco and donated to the Parks Department. The value of the plaque and existing tree is estimated to be \$480.00. Town Board approval is requested on behalf of Joseph Bosco. The monies will be collected in account PKS A 0001 02705 000 0000.



Joseph G. Pinto
COMMISSIONER OF PARKS



JGP/dc

Joseph Bosco
177 Apollo Circle
Bethpage, NY 11714

[REDACTED]
[REDACTED]@gmail.com

Diane Codispodo
T.O.B. Recreation

My grandson Justin J. Gottlieb was an avid skateboarder at Bethpage skate park located on Stewart Ave. in Bethpage.

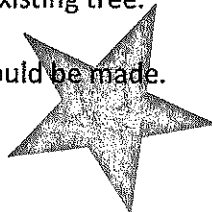
On January 14, 2020 he was shot and killed in front of his home.

I am requesting that an 8 X 6 Plaque be placed under an existing tree.

Photo of tree location is attached.

If this is acceptable, please let me know how payment should be made.

Wording on the plaque will read,



Justin J. Gottlieb

4/30/92 – 1/14/20

Your life was a Blessing

Your memory a Treasure

Never stop shredding.

WHEREAS, the Office of the Town Attorney, by memorandum dated September 14, 2020, furnished an opinion indicating that in light of the emergency need for COVID-19 testing services, the retention of Island Occupational Medical Resources, P.C. was in compliance with the Procurement Policy; and

WHEREAS, by Town Board Resolution No. 507-2020 adopted September 15, 2020, the Town Board authorized payment to Island Occupational Medical Resources, P.C., 618 Broadway, Amityville, New York, *nunc pro tunc* for testing through September 8, 2020, for the provision of rapid testing of Town employees for COVID-19, in an amount not to exceed \$38,450.00;

WHEREAS, by Town Board Resolution No. 634-2020 adopted December 8, 2020, the Town Board authorized payment to Island Occupational Medical Resources, P.C., 618 Broadway, Amityville, New York, *nunc pro tunc* from September 9, 2020 through December 31, 2020, for the provision of rapid testing of Town employees for COVID-19 in an amount not to exceed \$50,000.00;

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated January 25, 2021, advised that due to a renewed spike in COVID-19 cases, the Department of General Services deemed it necessary to continue to retain the professional services of Island Occupational Medical Resources, P.C., 618 Broadway, Amityville, New York, to perform rapid testing of Town employees for COVID-19, due to its possession of unique data which is crucial to the Town's need and obligation to conduct contact tracing; and

WHEREAS, the Office of the Town Attorney, by memorandum dated January 27, 2021, furnished an opinion indicating that in light of the possession of one-of-a-kind data which is crucial to the Town's need and obligation to conduct contact tracing, the retention of Island Occupational Medical Resources, P.C. to perform rapid testing of Town employees for COVID-19, was in compliance with the Procurement Policy; and

WHEREAS, Commissioner Tuman, by memorandum dated January 25, 2021, requested and recommended that the Town Board amend Resolution No. 634-2020 adopted December 8, 2020, and authorize increased payment to Island Occupational Medical Resources, P.C. in an additional amount not to exceed \$50,000.00, for a total authorization of \$100,000.00, with funds to be drawn from Account No. TWN A 1989 47900 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth are accepted and approved, and the Town Board hereby amends Resolution No. 634-2020 adopted December 8, 2020, and authorizes payment to Island Occupational Medical Resources, P.C., *nunc pro tunc* from September 9, 2020 through December 31, 2020, in an additional amount not to exceed \$50,000.00, for a total authorization of \$100,000.00, and be it further

Reviewed By
Office of Town Attorney

Elizabeth A. Saughan

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit, with the funds for said payment to be drawn from Account No. TWN A 1989 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

Town of Oyster Bay Inter-Departmental Memo

To: MEMORANDUM DOCKET

From: ERIC TUMAN, COMMISSIONER
GENERAL SERVICES DEPARTMENT

Date: JANUARY 25, 2021

Subject: COVID19 TESTING FOR FACILITY HEALTH AND SAFETY
AMENDMENT TO TOWN OF OYSTER BAY TOWN BOARD
RESOLUTION NO. 642-2020

Referencing Resolutions No. 507-2020 and 634-2020 (attached) and due to the renewed spike of COVID19 virus cases coming to the attention of our COVID Team, the General Services Department has again secured the services of IOMR, Island Occupational Medical Resources, P.C., 618 Broadway, Amityville, New York to perform the testing on an expedited, emergency basis.

The Office of the Town Attorney, by memorandum dated January 28, 2021 (attached), rendered an opinion that based on IOMR's unique and particular data, no further compliance with the Town's Procurement Policy is required.

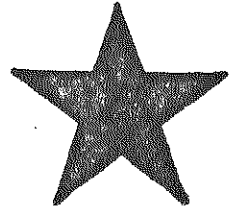
Due to an influx of COVID19 cases the Department of General Services requests and recommends to amend Town Board Resolution No. 634-2020 to increase the previous approved amount by \$50,000.00 to pay IOMR, Island Occupational Medical Resources, P.C., 618 Broadway, Amityville, New York for professional services pertaining to COVID testing. The amended total amount not to exceed from September 9, 2020 through December 31, 2020 is \$100,000.00. Funds are available from account TWN-A-1989-47900-000-0000, Other General Government Support for Professional Services.

Eric Tuman by: [Signature]
Eric Tuman, Commissioner
General Services Department

ET/sc

Attachments

cc: Comptrollers/Account Payable
General Services Department



PREPARED BY
 OFFICE of Town Attorney
 Edward P. Healey

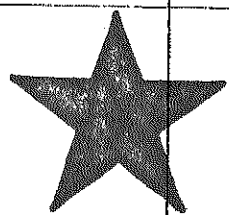
WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated November 9, 2020, advised that due to the increase in COVID-19 cases, the Department of General Services deemed it necessary to retain the professional services of Island Occupational Medical Resources, P.C., 618 Broadway, Amityville, New York, to perform rapid virus testing of employees; and

WHEREAS, Commissioner Tuman, by the aforementioned memorandum, requested and recommended that the Town Board authorize payment to Island Occupational Medical Resources, P.C. in an amount not to exceed \$50,000.00, with funds to be drawn from Account No. TWN A 1989 47900 000 0000,

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit, with the funds for said payment to be drawn from Account No. TWN A 1989 47900 000 0000.

— 卅 —

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



Meeting of September 15, 2020

Resolution No.507-2020

WHEREAS, Eric Tuman, Commissioner, General Services Department, by memorandum dated September 14, 2020, advised that based on several Town of Oyster Bay employees having tested positive for the COVID 19 virus, it became necessary to test additional employees on an emergency basis. The General Services Department was able to secure the services of Island Occupational Medical Resources, P.C., 618 Broadway, Amityville, New York to perform the testing on an emergency basis; and

WHEREAS, the Office of the Town Attorney, by memorandum dated September 14, 2020, advised that the requirements of the Town's Procurement policy may be waived concerning the procurement of Island Occupational Medical Resources, P.C., to provide same day COVID-19 testing of Town of Oyster Bay employees and to provide results in 24 hours, insuring the Town's ability to continue to provide services; and

WHEREAS, Commissioner Tuman, by said memorandum, requested that the Town Board authorize payment to Island Occupational Medical Resources, P.C., in an amount not to exceed \$38,450.00, for Town of Oyster Bay employee COVID 19 testing, provided to the Town, on an emergency basis,

NOW, THEREFORE, BE IT RESOLVED, that the abovementioned request is hereby accepted and approved, and the General Services Department is hereby authorized to make payment to Island Occupational Medical Resources, P.C., in an amount not to exceed \$38,450.00, for Town of Oyster Bay employee COVID 19 testing, on an emergency basis; and be it further

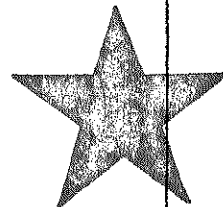
RESOLVED, that the funds for said payment shall be drawn from Account No. TWN-A-1989-47900-000-0000; and be it further

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

#

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

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



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

MEMO SENT BY EMAIL; ORIGINAL SENT BY INTER-OFFICE MAIL.

TO: ERIC TUMAN, Deputy Commissioner
Department of General Services

FROM: OFFICE OF THE TOWN ATTORNEY

DATE: January 28, 2021

SUBJECT: Continued Procurement of Island Occupational Medical Resources, P.C.

We are in receipt of your request for a waiver of the Town's procurement policy, for the continued procurement of Island Occupational Medical Resources, P.C. ("IOMR") to provide Covid 19 testing to Town employees.

It is our understanding that since September 2020, IOMR has conducted several hundred COVID-19 tests of Town employees and has provided an invaluable service to the Town in its attempt to contain the pandemic. Because of the extensive number of tests conducted, IOMR is in possession of one-of-a-kind data which is crucial to the Town to conduct contact tracing.

We recognize this asset as being particular to IOMR. Therefore, this memorandum shall serve as the opinion of the Office of Town Attorney that the procurement of Island Occupational Medical Resources, P.C. is in compliance with the Town's Procurement Policy and any further need to comply with the Town's procurement policy for this item shall be waived.

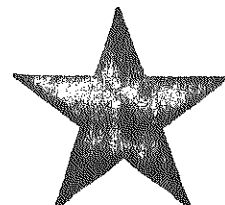
Very truly yours,

Thomas M. Sabellico

Thomas M. Sabellico
Special Counsel

TMS/nb

cc: Gregory W. Carman, Jr., Deputy Supervisor
Brian Noone, Inspector General
Frank M. Scalera, Town Attorney
Ralph Raymond, Deputy Commissioner, Dept. of General Services



TMS

TOWN OF OYSTER BAY
Inter-Departmental Memorandum

TO : Office of the Town Attorney

FROM : Eric Tuman, Commissioner
Department of General Services

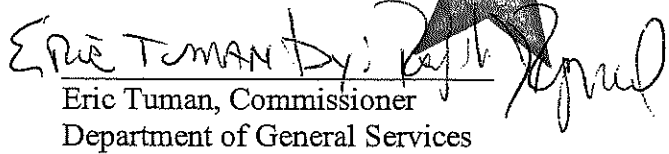
REC'D TOWN ATTORNEY
21 JAN 23 AM 9:56

DATE : January 27, 2021

SUBJECT: Request for Waiver of Procurement Policy
IOMR, Island Occupational Medical Resources, P.C.

Resolutions No. 507-2020 and 634-2020, authorized the Department of General Services to retain the services of IOMR, Island Occupational Medical Resources, P.C., ("IOMR") 618 Broadway, Amityville, New York to perform COVID-19 testing on Town employees. The Office of the Town Attorney, by memorandum dated September 14, 2020, rendered an opinion that based on the emergency nature of the services needed, no further compliance with the Town's procurement policy was needed.

Since that time, IOMR has conducted several hundred tests of Town employees for COVID-19. These tests were all administered within 24 hours of request. IOMR has provided an invaluable service to the Town, not only in providing the tests on an emergency basis, but by assisting the Town in conducting the contact tracing necessary to help stop the spread of the pandemic. IOMR is in possession of these test results and all contact information, and as such, they now possess a special resource impossible to duplicate in assisting the Town. Therefore, we request an opinion from the Office of the Town Attorney that based on this special resource that any requirement for further compliance with the Town's procurement policy be waived.


Eric Tuman, Commissioner
Department of General Services

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated January 25, 2021, requested that the Town Board authorize and ratify the Town Clerk's publication of a Public Notice regarding the Forty-Sixth Community Development Program Year 2021-2022, in the Nassau County edition of Newsday, no later than February 9, 2021, to announce that a virtual public hearing will be held on February 18, 2021, at 10:00 a.m., prevailing time, via the Town of Oyster Bay website at www.oysterbaytown.com, to provide for public participation in the programming of Community Development funding. Any party interested in submitting questions and/or comments on this matter may submit those comments not later than the close of business March 15, 2021, by mail, to the Town of Oyster Bay, Community Development Office, c/o Department of Intergovernmental Affairs, 977 Hicksville Road, Massapequa, NY 11758, or by email to paiello@oysterbay-ny.gov,

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 9, 2021, is hereby ratified and 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 21.

-#-

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

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

Reviewed By
Office of Town Attorney
[Signature]

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

TO: Memorandum Docket

FROM: Frank V. Sammartano, Commissioner
Intergovernmental Affairs

DATE: January 25, 2021

SUBJECT: Community Development
Notice for Virtual Public Hearing
47th Program Year 2021-2022

To announce the Town's Community Development Forty Seventh 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 Virtual Public Hearing will be held via the Town Website at www.oysterbaytown.com, on February 18, 2021 at 10:00 am. The public notice has been approved by the Town Attorney's Office and has been forwarded to the Town Clerk for publication in the Nassau edition of Newsday no later than, February 9, 2021.

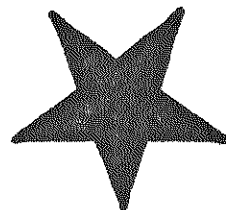
It is therefore, respectfully requested that the Town Board authorize and ratify said publication in Newsday no later than February 9, 2021. Funds for this purpose are available within account number IGA CD 8686 44100 000 CD 21.

Thank you for your attention to this matter.



Frank V. Sammartano
Commissioner

FVS/PA



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 2021-2022 Community Development Program Year. The Town anticipates submitting its recommended Community Development Program application to Nassau County on March 19 2021.

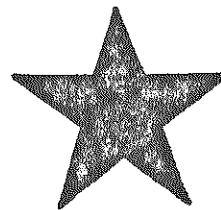
Hearing Date

The Town of Oyster Bay will conduct a virtual Public Hearing on Thursday February 18, 2021 at 10 AM Eastern Prevailing Time. In light of current emergency restrictions and conditions, and in accordance with Executive Order 202.1, et seq., signed by New York State Governor Andrew Cuomo, such meeting will be held remotely by conference call or similar service, and the public will have the ability to view or listen to such proceeding on the Town website www.oysterbaytown.com, and such proceeding shall be recorded and later transcribed. Questions or comments related to the subject of the Public Hearing can be submitted by email to paiello@oysterbay-ny.gov or mailed correspondence can be sent to 977 Hicksville Road, Massapequa NY 11758, no later than March 15th 2021. Any comments will form part of the public record with respect to said hearing.

The hearing will explain program guidelines, review past activities and offer an opportunity for proposals from the public.

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 18 to March 15, 2021.

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.

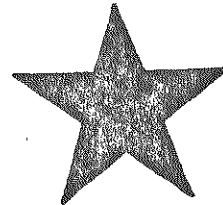
Prior year Community Development Activities are comprised of following components: Residential Rehabilitation, Public Housing Rehabilitation, Public Facilities and Improvement within eligible census tracts and block groups (except in the case of the Removal of Architectural Barriers), and Funding for 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: _____



WHEREAS, Frank M. Scalera, Town Attorney, and Ralph P. Healey, Special Counsel, Office of the Town Attorney, by memorandum dated January 20, 2021, requested that the Town Board authorize payment to Lynch Appraisal, Ltd., 15 Dewey Street, Huntington, New York 11743, the amount of \$3,000.00, for an appraisal said firm performed on behalf of the Town of Oyster Bay, with respect to the property located at Heroes Court in Bethpage, and more particularly described as Section 49, Block 266, Lots 38, 39, 40, 41, 42, 43 & 44 (f/k/a Lots 33 & 34) on the Nassau County Land and Tax Map,

NOW, THEREFORE, BE IT RESOLVED, that the request as hereinabove set forth is hereby approved, and the Town Board authorizes the Office of the Town Attorney to pay Lynch Appraisal, Ltd. the amount of \$3,000.00, for an appraisal said firm performed on behalf of the Town of Oyster Bay, with respect to the property located at Heroes Court in Bethpage, and more particularly described as Section 49, Block 266, Lots 38, 39, 40, 41, 42, 43 & 44 (f/k/a Lots 33 & 34) on the Nassau County Land and Tax Map; and be it further

RESOLVED, that the funds for said payment shall be drawn from Account No. TWN A 1989 47900 000 0000; and be it further

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

-#-

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

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

Reviewed By
Office of Town Attorney

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: OFFICE OF THE TOWN ATTORNEY

DATE: January 20, 2021

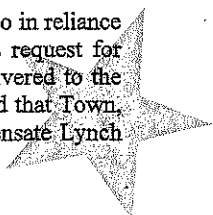
SUBJECT: Payment for Appraisal of
Heroes Court/Union Avenue (f/k/a Lewis Court)
Bethpage, New York 11714
Section: 49
Block: 266
Lots: 38, 39, 40, 41, 42, 43 & 44 (f/k/a/ Lots 33 & 34)

The Office of the Town Attorney requests Town Board authorization to pay Lynch Appraisals, Inc., \$3,000.00 to satisfy an outstanding invoice for a cash-in-lieu of parkland appraisal that the firm performed on behalf of the Town with respect to the abovementioned property. This office requests further that the Town Board authorize and direct the Town Comptroller to make payment for same, upon presentation of a duly certified claim, after audit. The funds for said payment shall be drawn from Account No. TWN A 1989 47900 000 0000.

The property is a cul-de-sac adjoining several single-family homes. On March 25, 2015, Lewis Construction, Ltd. (the then owner/developer of the property, and hereafter referred to as "Lewis") requested commencement of the process for calculation of the cash-in-lieu of parkland fee. On May 20, 2015, the Town requested Lynch Appraisal, Inc. (hereinafter referred to as "Lynch") to perform an appraisal of the property for the sum of \$3,000.00. The appraisal was necessary in order to calculate the amount of the cash-in-lieu of parkland fee that Lewis was to pay the Town. The appraisal was completed, certified and sent to the Town on July 31, 2015.

The Town assumed that Lewis would bear the cost of the appraisal. However, Lewis ignored the Town's request to pay for the appraisal upon its completion. Over the next five years, numerous attempts by the Town to have Lewis pay Lynch directly were unsuccessful.

Lynch performed the work that the Town requested it to do, and did so in reliance upon being paid. From an equitable standpoint, the Town should honor Lynch's request for payment. Moreover, The Town gained the benefit of the bargain when Lynch delivered to the Town, a timely, expert, and professional appraisal report. Finally, it should be noted that Town, and not Lewis, was Lynch's client. Therefore, the ultimate responsibility to compensate Lynch rests with the Town.



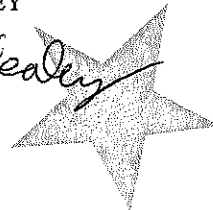
In light of the foregoing, it is requested that this matter be placed on the earliest available Town Board action calendar for consideration.

Very truly yours:

FRANK M. SCALERA
TOWN ATTORNEY

Ralph P. Healey

Ralph P. Healey
Special Counsel



RPH:ba
Attachment
2015-4899

WHEREAS, by Resolution No. 432-2020, adopted on August 18, 2020, the Town Board authorized and ratified the retention of Rosenberg, Calica & Birney, LLP, to provide legal services with respect to litigation involving attempts to establish a long term homeless shelter at 120 Jericho Turnpike, Jericho, New York; and

WHEREAS, Frank M. Scalera, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated January 27, 2021, requested that Resolution No. 432-2020 be amended to provide an additional amount not to exceed \$5,992.35, in order to provide funding for outstanding invoices for professional services rendered during the firm's representation of the Town in this matter,

NOW, THEREFORE, BE IT RESOLVED, That the request as to hereinabove set forth is approved, and Resolution No 432-2020 is hereby amended to provide additional funds to Rosenberg, Calica & Birney, LLP, in an amount not to exceed \$5,992.35 to provide funding for outstanding invoices for professional services rendered during the course of the firm's representation of the Town in this matter; and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. OTA A 1420 44110 000 0000; and be it further

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

-#-

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

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

Reviewed By
Office of Town Attorney


Town of Oyster Bay
Inter-Departmental Memo

To: Memorandum Docket
From: Office of the Town Attorney
Date: January 27, 2021
Subject: Payment for Outside Counsel
Town of Oyster Bay v. 120 Westend, LLC
Account Number: OTA A 1420 44110 000 0000


On August 18, 2020, the Town Board adopted Resolution No. 432-2020, which authorized and ratified the retention of Rosenberg, Calica & Birney, LLP (the "Firm"), 100 Garden City Plaza, Garden City, New York 11530, to provide legal services with respect to litigation involving attempts to establish and construct a long term homeless shelter at 120 Jericho Turnpike, Jericho, New York.

Since their retention, the Firm secured a temporary restraining order to preserve the status quo, defended that temporary restraining order in the Appellate Division, Second Department, responded to Defendant's extensive and novel legal arguments, and secured a preliminary injunction, which injunction prohibits the establishment of the long term homeless shelter. Parenthetically, Defendant has taken an appeal from the Court's order that imposed the preliminary injunction.

The litigation is now in the discovery phase. In order to satisfy outstanding invoices, additional funds in the amount of \$5,992.35 are necessary to pay for legal fees, expenses, and disbursements in this matter. Funds are available in, and shall be drawn from, Account No. OTA A 1420 44110 000 0000.

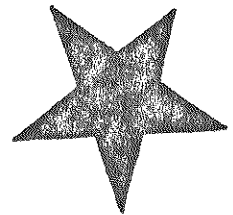
Submitted herewith is a proposed resolution requesting that Resolution No. 432-2020 be amended in order to effectuate payment of the outstanding invoices. Kindly place this matter on the February 9, 2021 Town Board Action Calendar.

FRANK M. SCALERA
TOWN ATTORNEY

By: 
Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment

S:\Attorney\RESOS 2021\MD & RESO\Inc. Auth. Rosenberg Calica MMR.docx



WHEREAS, anti-Semitism is an evil scourge on civilized societies throughout the world that must be clearly identified, and categorically rejected by all responsible individuals, as well as private and public entities; and

WHEREAS, the Town Board categorically rejects anti-Semitism, and heretofore by Resolution No. 325-2017, adopted on June 6, 2017, enacted a local law which, among other things, prohibits Town agencies from entering into public contracts with firms that support the Boycott, Divestment and Sanctions (BDS) movement against the State of Israel; and

WHEREAS, on May 26, 2016, the International Holocaust Remembrance Alliance (IHRA) adopted a Working Definition of anti-Semitism, which includes illustrative examples and has become the internationally recognized, authoritative definition for use by governments and international organizations, which states in full:

“Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

“To guide IHRA in its work, the following examples may serve as illustrations:”

“Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits.”

“Contemporary examples of antisemitism in public life, the media, schools, the workplace, and in the religious sphere could, taking into account the overall context, include, but are not limited to:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but

Reviewed By
Office of Town Attorney
[Signature]

- not exclusively, the myth about a world Jewish conspiracy or of Jews controlling the media, economy, government or other societal institutions.
- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (e.g. gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Accusing Jewish citizens of being more loyal to Israel, or to the alleged priorities of Jews worldwide, than to the interests of their own nations.
- Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.
- Applying double standards by requiring of it a behavior not expected or demanded of any other democratic nation.
- Using the symbols and images associated with classic antisemitism (e.g., claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Drawing comparisons of contemporary Israeli policy to that of the Nazis.
- Holding Jews collectively responsible for actions of the state of Israel.

“Antisemitic acts are criminal when they are so defined by law.”

“Criminal acts are antisemitic when the targets of attacks, whether they are people or property – such as buildings, schools, places of worship and cemeteries – are selected because they are, or are perceived to be, Jewish or linked to Jews.”

“Antisemitic discrimination is the denial to Jews of opportunities or services available to others and is illegal in many countries.” and;

WHEREAS, it is in the public interest for the Town of Oyster Bay to adopt the said IHRA definition and attendant illustrative examples, in order to provide a definitive message for the public, expressly identifying those acts which constitute anti-Semitism and are as such deserving of categorical rebuke; and to aid the Town’s government in cooperating with recognized organizations which combat anti-Semitism, and assist them in educating Town residents about

identifying acts of anti-Semitism, and available procedures for reporting acts of anti-Semitism which have occurred or may occur in the Town of Hempstead or elsewhere,

NOW, THEREFORE, BE IT RESOLVED, that the May 26, 2016 International Holocaust Remembrance Alliance (IHRA) Working Definition of anti-Semitism, including attendant illustrative examples as fully set forth hereinabove be and hereby is adopted by the Town Board as an official declaration of policy for the Town of Hempstead; and be it further

RESOLVED, that it shall be the policy of the Town's government to utilize the said Working Definition of anti-Semitism and attendant illustrative examples, in a continuing endeavor to cooperate with recognized organizations which combat anti-Semitism, and to assist such organizations in educating residents about identifying acts of anti-Semitism, and about available procedures for reporting acts of anti-Semitism which have occurred or may occur in 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


Town of Oyster Bay
Inter-Departmental Memo

TO : Memorandum Docket
FROM : Office of the Town Attorney
DATE : January 27, 2021
SUBJECT: Working Definition of Anti-Semitism

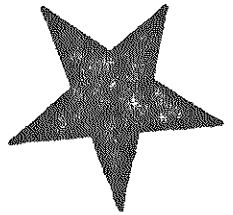
The Town of Oyster Bay was requested to adopt the International Holocaust Remembrance Alliance ("IHRA") Working Definition of Anti-Semitism. Accompanying the request was a model resolution, which has been adopted by other municipalities.

The IHRA model resolution is attached to this memorandum. Kindly place this matter on the February 9, 2021 Town Board Action Calendar for consideration.

FRANK M. SCALERA
TOWN ATTORNEY

By: 
Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment



RESOLVED, That a public hearing will be held in the Hearing Room, Town Hall North, 54 Audrey Avenue, Oyster Bay, New York on the 23rd day of February, 2021, at 10:00 o'clock, a.m. prevailing time on that day, or as soon thereafter as practicable, to consider the application of DEJANA INDUSTRIES, LLC, lessee, and 135-165 CANTIAGUE ROCK ROAD, LLC, fee owner, for Site Plan Approval and a Special Use Permit to allow for the operation of an automotive repair and body work shop, including spray painting, on a portion of premises located in a Light Industry ("LI") zone, at 135-165 Cantiague Rock Road, Hicksville, Town of Oyster Bay, County of Nassau, State of New York and described as Section 11, Block 441, Lot 49, on the Land and Tax Map of Nassau County, and be it further

RESOLVED, That if meeting restrictions imposed by New York State Executive Order remain in effect, said meeting may be held by teleconference, and said meeting will be livestreamed on oysterbaytown.com where the public will have the ability to view or listen to said hearing, and said hearing shall be recorded and later transcribed. The public will have until the end of business on March 22, 2021, to submit any comments on the subject of the hearing, by mailing or delivering same to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to publiccomment@oysterbay-ny.gov. Any comments received will form part of the public record with respect to said hearing, 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

Reviewed By
Office of Town Attorney

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 23, 2021, at 10:00 a.m., prevailing time, or as soon thereafter as may be practicable, in the Hearing Room, Town Hall North, East Building, 54 Audrey Avenue, Oyster Bay, New York, for the purpose of considering an application from DEJANA INDUSTRIES, LLC, lessee, and 135-165 CANTIAGUE ROCK ROAD, LLC, fee owner, for Site Plan Approval and a Special Use Permit to allow for the operation of an automotive repair and body work shop, including spray painting, on a portion of premises located in a Light Industry ("LI") zone, at 135-165 Cantiague Rock Road, Hicksville, Town of Oyster Bay, County of Nassau, State of New York and described as Section 11, Block 441, Lot 49, on the Land and Tax Map of Nassau County.

If meeting restrictions imposed by New York State Executive Order remain in effect, said meeting may be held by teleconference, and said meeting will be livestreamed on oysterbaytown.com where the public will have the ability to view or listen to said hearing, and said hearing shall be recorded and later transcribed. The public will have until the end of business on March 22, 2021, to submit any comments on the subject of the hearing, by mailing or delivering same to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to publiccomment@oysterbay-ny.gov. Any comments received will form part of the public record with respect to said hearing.

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.

Reviewed By
Office of Town Attorney

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

TO : MEMORANDUM DOCKET
FROM : OFFICE OF THE TOWN ATTORNEY
DATE : January 28, 2021
SUBJECT: Dejana Industries, LLC, lessee,
135-165 Cantiague Rock Road, LLC, fee owner
Special Use Permit and Site Plan Approval
Premises: 135-165 Cantiague Rock Road, Westbury
Section 11, Block 441, Lot 49

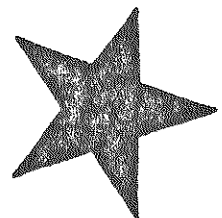
It is requested that the Town Board authorize the Town Clerk to advertise a Notice of Hearing, for a Public Hearing to be held on February 23, 2021, in connection with the above referenced matter.

FRANK M. SCALERA
Town Attorney

Thomas M. Sabellico
Thomas M. Sabellico
Special Counsel

TMS:nb
Enclosure

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RESOLVED, That a public hearing will be held in the Hearing Room, Town Hall North, 54 Audrey Avenue, Oyster Bay, New York on the 23rd day of February, 2021, at 10:00 o'clock, a.m. prevailing time on that day, or as soon thereafter as practicable, to consider the application of GALENA ASSOCIATES,LLC, lessee, and ROARING BROOK, LLC, fee owner, for Site Plan Approval and a Special Use Permit to allow for the demolition of existing motor vehicle service station and construction and operation of a new motor vehicle service station at premises located in a Central Business ("CB") zone, at 56 Old Country Road, Hicksville, Town of Oyster Bay, County of Nassau, State of New York and described as Section 11, Block 286, Lot 812, on the Land and Tax Map of Nassau County, and be it further

RESOLVED, That if meeting restrictions imposed by New York State Executive Order remain in effect, said meeting may be held by teleconference, and said meeting will be livestreamed on oysterbaytown.com where the public will have the ability to view or listen to said hearing, and said hearing shall be recorded and later transcribed. The public will have until the end of business on March 22, 2021, to submit any comments on the subject of the hearing, by mailing or delivering same to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to publiccomment@oysterbay-ny.gov. Any comments received will form part of the public record with respect to said hearing, 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

7/1/21
Reviewed By
Office of Town Attorney
[Signature]

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 23, 2021, at 10:00 a.m., prevailing time, or as soon thereafter as may be practicable, in the Hearing Room, Town Hall North, East Building, 54 Audrey Avenue, Oyster Bay, New York, for the purpose of considering an application from GALENA ASSOCIATES, LLC, lessee, and ROARING BROOK, LLC, fee owner, for Site Plan Approval and a Special Use Permit to allow for the demolition of existing motor vehicle service station and construction and operation of a new motor vehicle service station at premises located in a Central Business ("CB") zone, at 56 Old Country Road, Hicksville, Town of Oyster Bay, County of Nassau, State of New York and described as Section 11, Block 286, Lot 812, on the Land and Tax Map of Nassau County.

If meeting restrictions imposed by New York State Executive Order remain in effect, said meeting may be held by teleconference, and said meeting will be livestreamed on oysterbaytown.com where the public will have the ability to view or listen to said hearing, and said hearing shall be recorded and later transcribed. The public will have until the end of business on March 22, 2021, to submit any comments on the subject of the hearing, by mailing or delivering same to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to publiccomment@oysterbay-ny.gov. Any comments received will form part of the public record with respect to said hearing.

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: February 9, 2021, Oyster Bay, New York.

Reviewed By
Office of Town Attorney

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

TO : MEMORANDUM DOCKET
FROM : OFFICE OF THE TOWN ATTORNEY
DATE : January 28, 2021
SUBJECT: Galena Associates, LLC, lessee,
Roaring Brook, LLC, fee owner
Special Use Permit and Site Plan Approval
Premises: 56 Old Country Road, Hicksville
Section 11, Block 286, Lot 812

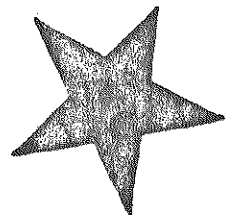
It is requested that the Town Board authorize the Town Clerk to advertise a Notice of Hearing, for a Public Hearing to be held on February 23, 2021, in connection with the above referenced matter.

FRANK M. SCALERA
Town Attorney

Thomas M. Sabellico
Thomas M. Sabellico
Special Counsel

TMS:nb
Enclosure

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WHEREAS, the New York State Department of Transportation (NYSDOT) apportions and provides funds to municipalities through the Consolidated Local Street and Highway Improvement Program (CHIP), the Extreme Winter Recovery Program (EWRP) and the PAVE-NY Program, with said funds provided as reimbursements for costs incurred towards eligible construction and repair projects completed on highways, local roadways, bridges, highway railroad crossings, and other facilities; and

WHEREAS, the New York State Fiscal Year 2020-2021 apportionments presently available to the Town Of Oyster Bay through these Programs are as follows:

Consolidated Local Street and Highway Improvement Program (CHIPS)	\$1,670,456.71
Extreme Winter Recovery Program (EWRP)	\$320,886.64
PAVE-NY	<u>\$381,298.37</u>
TOTAL	\$2,372,641.72; and

WHEREAS, the Town has recently incurred road resurfacing and/or road reconstruction costs in excess of NYSDOT appropriations, thereby allowing the Town to pursue the maximum potential reimbursement of \$2,372,641.72, contingent upon the submission of a request for reimbursement for each of the aforementioned Programs, executed by the Town's Commissioner of the Department of Public Works/Highways; and

WHEREAS, Colin Bell, Deputy Commissioner, Department of Intergovernmental Affairs, by memorandum dated January 28, 2021, requested that the Town Board authorize Richard W. Lenz, P.E., Commissioner, Department of Public Works/ Highways, to execute all documents in connection with a request for reimbursement in the amount of \$2,372,641.72, from the New York State Department of Transportation (NYSDOT) Consolidated Highway Improvement Program (CHIP), Extreme Winter Recovery Program (EWRP) and PAVE-NY Program,

NOW, THEREFORE, BE IT RESOLVED, that the request as hereinabove set forth is hereby approved, and the Town Board hereby authorizes Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, to execute all documents in connection with a request for reimbursement in the amount of \$2,372,641.72, from the New York State Department of Transportation (NYSDOT) Consolidated Highway Improvement Program (CHIP), Extreme Winter Recovery Program (EWRP) and PAVE-NY Program.

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

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

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

DATE: JANUARY 29, 2021

SUBJECT: NEW YORK STATE DEPARTMENT OF TRANSPORTATION;
CONSOLIDATED LOCAL STREET AND HIGHWAY IMPROVEMENT PROGRAM
EXTREME WINTER RECOVERY PROGRAM
PAVE-NY


The New York State Department of Transportation (NYS DOT) apportions and provides funds to municipalities through the Consolidated Local Street and Highway Improvement Program (CHIP), Extreme Winter Recovery Program (EWR) and PAVE-NY Program. Funding through these Programs is provided in reimbursement to municipalities for costs incurred towards eligible construction and repair projects completed on highways, local roadways, bridges, highway-railroad crossings, and other facilities.

The New York State Fiscal Year 2020-2021 apportionments presently available to the Town through these Programs are as follows:

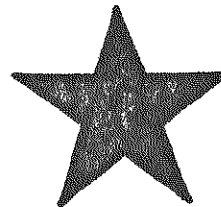
Consolidated Local Street and Highway Improvement Program	\$1,670,456.71
Extreme Winter Recovery Program	\$320,886.64
PAVE-NY	\$381,298.37
 Total NYS Department of Transportation Funding	 \$2,372,641.72

The Town has recently incurred road resurfacing and/or road reconstruction costs in excess of the NYS DOT appropriations, thereby allowing for the Town to pursue the maximum potential reimbursement of \$2,372,641.72. The Town's receipt of NYS DOT CHIP, EWR and PAVE-NY funding is contingent upon the submission of a request for reimbursement per each Program, as executed by the Town's Street/Highway Superintendent.

It is, therefore, respectfully requested that a Town Board Resolution be adopted authorizing Richard Lenz, P.E., Commissioner, Department of Public Works/Highway to execute documents in connection with the New York State Department of Transportation; Consolidated Highway Improvement Program, Extreme Winter Recovery Program and PAVE-NY Program.


Frank V. Sammartano,
Commissioner

cc: Richard Lenz PE, Commissioner, Public Works/Highway Department



WHEREAS, Northrop Grumman Systems Corporation ("NGSC") previously entered into an Order on Consent, Index No. W1-1183-14-05, with the New York State Department of Conservation ("NYSDEC") for the investigation and remediation of groundwater contamination from Northrop Grumman Property and Bethpage Community Park. As part of this work, NYSDEC has required NGSC to construct and operate a groundwater treatment system to treat the defined area known as the RW-21 hotspot; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated January 25, 2021 and February 4, 2021, informed the Town Board that NGSC has requested access to the Town's right-of-way of residential roads in Bethpage, for the purpose of the installation of conveyance piping to connect recovery wells to a future treatment plant on NGSC property; and

WHEREAS, a site access agreement was negotiated by and between the Town and NGSC, which agreement allows for the construction of conveyance piping in the Town of Oyster Bay roadways and right-of-ways to connect groundwater recovery wells to the groundwater treatment facility, and provides the guidelines for NGSC and its representatives to provide protections to the Town in the performance of the work on Town property; and

WHEREAS, Commissioner Lenz, by the aforementioned memoranda, recommended and requested that the Town Board authorize the Supervisor, or his designee, to execute said agreement in the form annexed hereto, which is entitled "RW-21 Project Area Treatment System, Site Access Agreement: Pipe Installation,"

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth are accepted, and the Supervisor, or his designee, is authorized to execute the "RW-21 Project Area Treatment System, Site Access Agreement: Pipe Installation," as previously negotiated by and between the Town and NGSC and in the form annexed hereto.

-#-

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

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

Ms.
Reviewed By
Office of Town Attorney

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

FEBRUARY 4, 2021

TO : MEMORANDUM DOCKET

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

SUBJECT: SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 18
 DOCKET OF JANUARY 26, 2021
 SITE ACCESS FOR NORTHROP GRUMMAN SYSTEMS CORPORATION
 GRUMMAN-NAVY PLUME, RW-21 GROUNDWATER REMEDIATION SYSTEM
 CONVEYANCE PIPING INSTALLATION

In furtherance to Item No. 18 of the docket of January 26, 2021, Northrop Grumman Systems Corporation ("NGSC") previously entered into an Order on Consent Index No. W1-1183-14-05 with the New York State Department of Conservation ("NYSDEC") for the investigation and remediation of groundwater contamination from Northrop Grumman property and Bethpage Community Park. As part of this work, NYSDEC has required NGSC to construct and operate a groundwater treatment system to treat the defined area known as the RW-21 hotspot.

To facilitate this work, NGSC has requested access to Town right-of-way of residential roads in Bethpage, for the purpose of the installation of conveyance piping to connect recovery wells to a future treatment plant on NGSC property. The proposed piping layout is attached. The Town has previously facilitated the investigation of alternate routes for the piping installation to avoid impacting area residents to the extent possible. Due to existing utility conflicts and the inability to access private property, the layout now proposed has been determined the most efficient and practical. The use of Town roads for the installation of the conveyance piping has been approved by the New York State Department of Environmental Conservation.

The attached Site Access Agreement has been negotiated between the Town of Oyster Bay and NGSC, which provides the guidelines for NGSC and its representatives to perform the work on Town property and to provide protections to the Town and the area residents. This Agreement has been reviewed and approved by the Office of the Town Attorney.

The Department of Public Works recommends and requests that the Town Board, by Resolution, approve the attached Site Access Agreement and authorize the Town Supervisor, or his designee, to execute this Agreement on behalf of the Town.

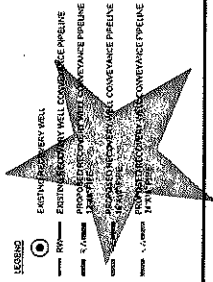
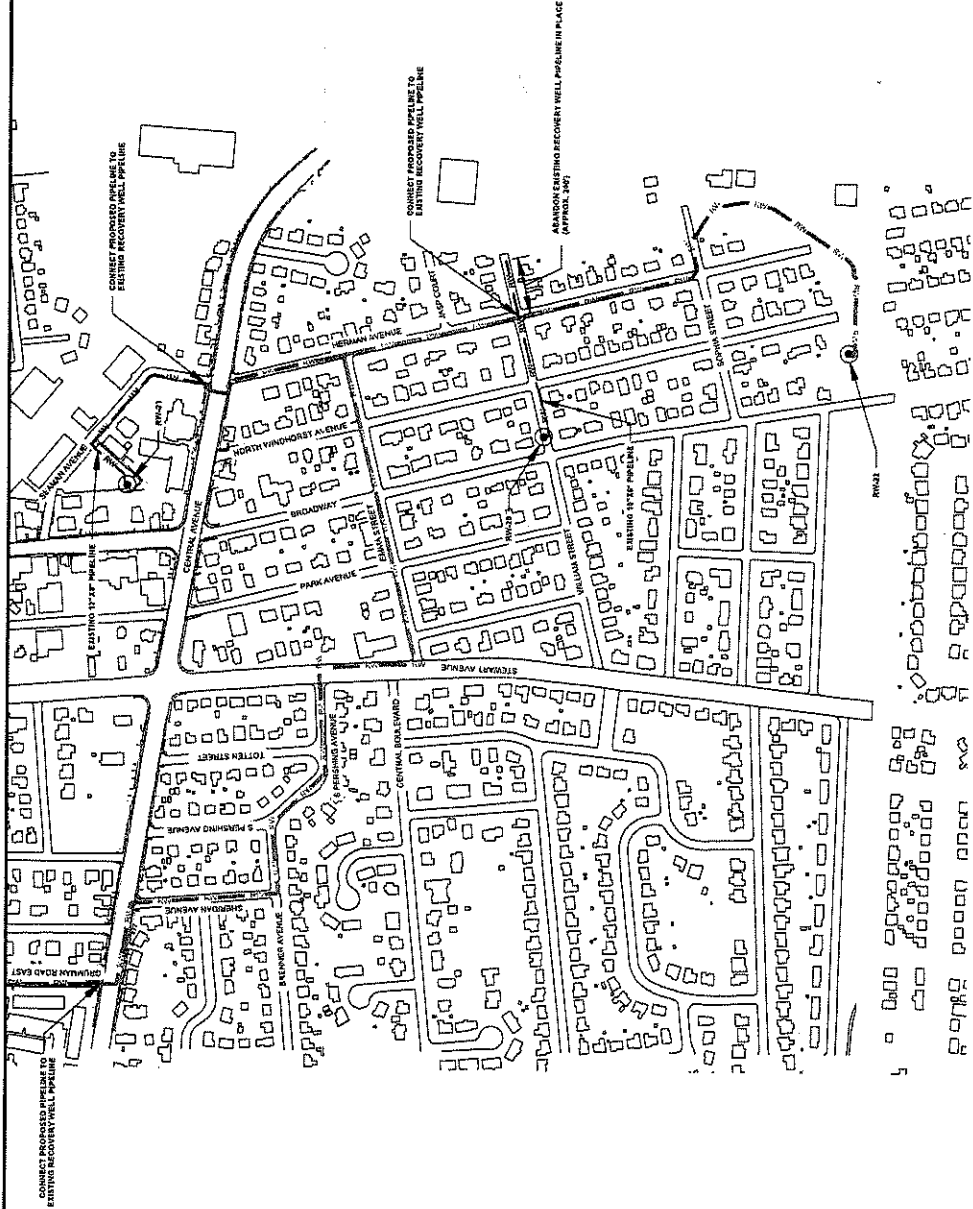

 RICHARD W. LENZ, P.E.

COMMISSIONER
 DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/let/MR/mr

c: Steven Ballas, Comptroller
 John Bishop, Deputy Commissioner/Highway

TB DOCKET NGSC RW-21 PIPELINE SUPP



- NOTES:
1. BASED ON INFORMATION PROVIDED BY CALLAS SUBURBAN HOUSE, AND ARE NOT TO BE USED FOR ANY OTHER PURPOSES. THE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY OR GUARANTEE. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES. THE INFORMATION IS NOT TO BE USED FOR ANY OTHER PURPOSES.
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DRAFT

NORTHROP GRUMMAN SYSTEMS CORPORATION
BETHPAGE, NEW YORK
RW-21 PROJECT AREA TREATMENT SYSTEM
CONCEPTUAL RW PIPING LAYOUT
SOPHIA STREET OPTION

**RW-21 PROJECT AREA TREATMENT SYSTEM
SITE ACCESS AGREEMENT: Pipe Installation**

THIS ACCESS AGREEMENT (the "Agreement"), effective on the date of the last signature below (the "Effective Date"), is entered into by and between NORTHROP GRUMMAN SYSTEMS CORPORATION and THE TOWN OF OYSTER BAY.

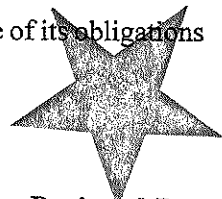
WITNESSETH:

WHEREAS, THE TOWN OF OYSTER BAY (the "TOWN") is a municipal corporation, having its principal place of business at Town Hall, Audrey Avenue, Oyster Bay, New York 11771; and

WHEREAS, NORTHROP GRUMMAN SYSTEMS CORPORATION ("NGSC"), having its place of business at 925 South Oyster Bay Road Bethpage, New York 11714, has entered into an Order on Consent Index # W1-1183-14-05 ("DEC Order") with the New York State Department of Environmental Conservation ("DEC"); and

WHEREAS, to properly carry out NGSC's obligations under the DEC Order, and consistent with the Amended Record of Decision for the Northrop Grumman Bethpage Facility and Naval Weapons Industrial Reserve Plant, Site Nos. 130003A&130003B (Dec. 2019), to remediate the RW-21 Project Area groundwater contamination hotspot, which is a portion of the Operable Unit ("OU3") off-site plume, it is necessary for NGSC to access the Town property shown on Exhibit A (the Town Property) for the installation of pipes at the property shown on Exhibit A.

WHEREAS, in the spirit of cooperation and in order to expedite the remediation process and without assuming any remediation obligations, or any other obligations that are not set forth in this Agreement, the TOWN desires to cooperate with NGSC in its performance of its obligations under the DEC Order.



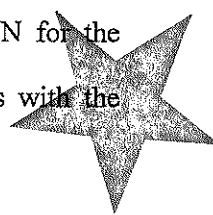
Reviewed By
Office of Town Attorney
MJA

NOW, THEREFORE, for the purpose set forth above and in consideration of the promises and mutual covenants contained in this Agreement, it is hereby agreed as follows:

1. The TOWN agrees to provide NGSC and its duly authorized agents, employees, contractors, consultants and sub-consultants (collectively, the "NGSC Representatives") reasonable access (in accordance with this Agreement) to the Town Property for the purpose of conducting the pipe installation, associated work in support of the RW-21 project at the Town Property, and all other activities done by NGSC under this Agreement (the "Work"). Work on the Town Property granted pursuant to this Agreement shall be limited to weekdays from 7:30 a.m. to 4:30 p.m. The parties recognize that certain streets in the pipe route service school traffic, and on which a 7:30 a.m. start time may create difficulties because of school traffic. If the Town reasonably determines that such difficulties are occurring on a particular street, the Town will notify NGSC and the start time for Work on that street shall be moved to no earlier than 8:00 am. Work start up and shut down tasks at the staging area may occur starting at 7 a.m. and ending by 5 p.m. No Work shall be permitted on Saturdays, Sundays, or official TOWN holidays, unless the TOWN agrees otherwise or unless required to respond to an emergency. This work schedule may be modified upon NGSC providing written notification to the TOWN and in turn NGSC receiving written consent from the TOWN.

2. NGSC agrees to conduct the Work, in cooperation with the TOWN, in a manner and on a schedule that reasonably minimizes the impacts on the TOWN, TOWN residents, the Town Property and the public. Specific requirements to meet this goal shall be outlined in the project Work Plan to be submitted by NGSC to the Town for review and approval.

3. NGSC shall also continue to participate in meetings with the TOWN for the purposes of coordinating said Work and to reasonably minimize potential conflicts with the



TOWN and its residents. In connection with its obligations under this Agreement, NGSC shall conduct public outreach by providing information (such as a fact sheet) through electronic means until NGSC is able, consistent with law, to conduct public outreach in a manner consistent with the public outreach conducted by NGSC for other NGSC projects in the TOWN. NGSC shall, consistent with the public outreach it has undertaken for such other projects, inform the TOWN of its public outreach plans and, except where there is an immediate need to provide information to the residents or to some residents (i) provide the Town with a schedule for the distribution of outreach material such as fact sheets and project updates and an opportunity to review and comment prior to distribution of such material and (ii) inform the Town at least 14 days in advance of public meetings. NGSC shall distribute a fact sheet that describes the Work and provides contact information so that members of the public know where to address questions. NGSC shall also provide periodic updates to be distributed to residents of the area in which the Work is to occur.

4. Prior to being provided access to the Town Property for any portion of the Work, NGSC shall provide the TOWN a copy of a Work Plan depicting the actions that NGSC intends to undertake and provide the Town a reasonable opportunity to review, comment and request additional information or changes to said Plan. NGSC shall accommodate reasonable requests to modify the Work Plan as long as said requests are not inconsistent with any plan approved by DEC and such requests do not add significant cost or time to the Work. Upon TOWN review of the Work Plan for any portion of the Work, NGSC shall have access to the area of the Town Property shown on the respective Work Plan to perform the Work described in such Work Plan. Upon receiving Work Plan approval, NGSC shall provide to the Town a project schedule to be updated bi-weekly.

5. NGSC shall provide the TOWN with the name and telephone number of two (2) emergency contacts who can be reached on a 24-hour basis in the event of emergency.

6. During all field activities, NGSC shall have an on-site representative who is qualified to supervise the Work to be undertaken, and whose name shall be submitted to the TOWN prior to such field activities. This individual shall be available for contact by telephone from the TOWN at all times during the performance of the Work in the event that the TOWN has a need to establish contact with an on-site representative of NGSC.

7. NGSC shall provide, when reasonably practicable, prior written notice to the DEC and the TOWN regarding additions, changes, or modifications to the Work that is to be performed at the Town Property. NGSC shall promptly inform the DEC and the TOWN of any material or significant additions, changes or modifications in the Work made in the field. If an emergency condition arises such that NGSC needs to respond immediately, NGSC must address the emergency situation and provide immediate notice to the TOWN, but no later than 4 hours after the event.

8. A Traffic Safety Plan ("TSP"), Health and Safety Plan ("HASP"), and Community Air Monitoring Plan ("CAMP") will be prepared for the Work and provided to the TOWN. NGSC shall be responsible for administering the TSP, the HASP, and the CAMP. NGSC will also coordinate the necessary utility mark-out prior to the performance of the Work, in accordance with applicable regulations. NGSC assumes all liability for any damage to all utilities and infrastructure relating to the Work, including but not limited to subsurface utilities (e.g., water, sewers), road pavement, sidewalks/curbs, and landscaping.

9. NGSC will provide a check in the amount of \$100,000 to be held in escrow (the "Escrow Funds") (a) as security to cover repairs to TOWN utilities and infrastructure caused by

Northrop Grumman or its contractors relating to performance of the Work; and (b) to reimburse the TOWN for engineering and consulting expenses incurred in reviewing plans for the Work, including reviewing the Work Plan, TSP, HASP and CAMP. The TOWN may draw down on the Escrow Funds to repair any damage to its utilities and/or infrastructure that is not repaired by NGSC within 15 days after NGSC receives written notice of the damage from the TOWN. NGSC shall replenish the Escrow Funds with an additional \$100,000 within ten (10) business days of the funds being exhausted. Prior to drawing down on the Escrow Funds, the TOWN shall forward to NGSC a copy of the invoice that the TOWN is using the Escrow Funds to pay. The cost of engineering and consulting fees for which the Town may use Escrow Funds shall not exceed \$20,000. Upon completion of the Work and restoration of the Town Property as provided herein, NGSC shall inform the TOWN by email that the Work is complete. The TOWN shall inspect the Work within fifteen (15) days after notice of completion and shall within a reasonable time after the inspection, inform NGSC that the Work is complete or it shall identify items of Work that it asserts are not complete. The TOWN shall return any unused portion of the Escrow Funds to NGSC. Within 45 days after the TOWN approves the completion of the Work, the TOWN shall return any money remaining in the escrow to NGSC.

10. Any and all solid waste, soil cuttings, excavation dewatering water, and groundwater development water or any other waste generated as a result of the Work by NGSC Representatives shall be controlled, removed and disposed, and, if necessary, treated, consistent with applicable law, at the sole cost and expense of NGSC. Work that involves excavation or soil disturbance shall be performed in accordance with the CAMP. NGSC shall notify the TOWN of any exceedances of criteria established under the CAMP or any other regulatory requirement pursuant to which NGSC is monitoring within 24 hours of identifying the exceedance and shall

provide to the TOWN copies of the daily data and reports of the air monitoring program concurrent with NGSC's provision of such data and reports to the DEC. NGSC Representatives shall not perform any equipment decontamination on or at the Town Property.

11. Upon completion of Work, the Town Property, including any asphalt within the Work area, will be restored to the TOWN's reasonable satisfaction in accordance with TOWN standards, including by milling and resurfacing affected asphalt. Any pavement striping that is affected by the Work shall also be restored.

12. NGSC shall provide to the TOWN a copy of any and all data and reports, including but not limited to the CAMP monitoring data, that NGSC submits to the DEC, New York State Department of Health, or other regulatory agency regarding the Work covered by this Agreement. NGSC's provision of such data and reports to the TOWN shall be concurrent with NGSC's submission to said agency or agencies. All data and reports shall be provided to the TOWN in an electronic format.

13. The TOWN may have a representative present to observe the Work, who must fully comply with the HASP.

14. NGSC and NGSC Representatives shall be solely responsible for compliance with any and all applicable laws governing or relating to their activities pursuant to this Agreement, and all Work performed at the Town Property shall be done in workmanlike manner.

15. NGSC Representatives having access to the Town Property shall maintain, at their sole cost and expense, the following insurance coverage: (a) worker's compensation insurance, as required by law, to cover employees engaged in the activities conducted pursuant this Agreement; (b) automobile insurance with a combined single limit of not less than \$1,000,000; (c) comprehensive commercial liability insurance with a general aggregate limit of not less than

\$2,000,000 and a per occurrence limit of not less than \$1,000,000; and (d) professional liability or contractor's pollution liability insurance with an aggregate limit of not less than \$5,000,000, relating to the performance of the Work conducted pursuant to this Agreement. The TOWN and any of its participating consultants shall be named as an additional insured on the policies issued pursuant to (b), (c), and (d) above, except for professional liability insurance provided by its consultants, and NGSC has provided the TOWN with certificates of insurance and policy endorsements for the Work prior to the start of the Work.

16. NGSC shall indemnify and hold the TOWN and/or its agents, employees, tenants, invitees, contractors and/or consultants harmless from any and all losses, costs, damages, liens, claims, actions, liabilities, and expenses (including, but not limited to, reasonable attorneys' fees, reasonable expert and consulting fees, court costs and disbursements), resulting from personal injury or property damage of whatsoever kind whether direct or indirectly caused by the negligent acts or omissions or malfeasance of NGSC or NGSC Representatives arising from or by reason of the Work conducted by or on behalf of NGSC or NGSC Representatives at the Town Property pursuant to this Agreement. NGSC's obligation to indemnify and hold the TOWN harmless shall not apply to the extent the above-described losses, costs, damages, liens, claims, actions, liabilities, and expenses result from the negligence or malfeasance of the TOWN and/or its agents, employees, contractors, consultants, tenants, invitees or licensees. To the extent the negligent and/or intentional malfeasance of the TOWN and/or its agents, etc. caused or contributed in any way to the loss, cost, damage, claim, lien, action, liability, or expense, NGSC shall have no obligation to indemnify or hold the TOWN or its agents, etc. harmless with respect to the percentage of the loss, cost, etc. resulting therefrom. Under those circumstances, NGSC shall indemnify and hold the TOWN and its agents and consultants harmless only for that percentage of

the loss, claim, etc. that resulted from the negligent conduct, omissions, or malfeasance of NGSC and/or the NGSC Representatives. NGSC's obligation to indemnify and hold the TOWN harmless relates exclusively to the Work performed and NGSC's access to the Town Property under this Agreement and shall not apply to any losses, claims, actions or liabilities arising from the environmental conditions existing at the Town Property at the time access to such area was first granted and/or to activities not undertaken as Work under this Agreement. This indemnification shall survive the expiration and/or termination of this Agreement. This Paragraph is not intended to be, nor shall it be interpreted as, a waiver or release by either party for any claim or potential claim arising outside of this Agreement. This Agreement is not intended to address liability for other work that may be necessary at the Property, including if additional work is required following the implementation of the Work described in this Agreement. This provision is not intended to bar the TOWN from asserting a claim against NGSC arising from contamination that may exist on the Property for which the TOWN asserts that NGSC is responsible.

17. This Agreement shall constitute a temporary license that may not be expanded or extended without the written consent of the TOWN, and the granting of access conferred by this Agreement shall not be construed as any form of tenancy interest or ownership interest in the Town Property or other type of interest.

18. This Agreement shall expire or terminate the earlier of: (1) NGSC's written notification to the TOWN that the Work has been completed and access to the Town Property is no longer needed with respect thereto; or (2) if the TOWN has good cause to terminate the Agreement (which good cause may include NGSC's abandonment of the Work), and if NGSC fails to cure the cause, or take substantial steps to cure the cause, within ten (10) days after notice

from the TOWN. After termination or expiration of the Agreement, the TOWN and NGSC are subject to the continuing obligations as outlined in Paragraphs 9 and 16, respectively.

19. This Agreement shall be binding upon and inure to the benefit of NGSC and the TOWN and their respective assigns, successors, and any subsequent owner, transferee, or lessee.

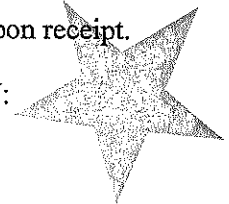
20. The TOWN Department of Public Works shall issue a Notice to Proceed to NGSC upon final review of the Work Plan, CAMP, HASP and TSP for the Work or for any portion of the Work. The Notice to Proceed shall not be unreasonably withheld or delayed.

21. The TOWN may stop or interrupt the Work if it reasonably determines that there has been a change in conditions that has resulted in a significant risk to health and safety, or the environment, and notifies NGSC and DEC of the condition. The Work shall be recommenced upon the TOWN's reasonable review and determination that the risk to health and safety or to the environment has been abated.

22. Except for legal notices provided pursuant to paragraphs 17 and 18 of this Agreement, all notices and communications pursuant to this agreement shall be made to Edward Hannon representing NGSC and to Richard Lenz representing the Town. Such notices shall be in writing and may be by email. Notices provided pursuant to paragraph 7 shall also be emailed to counsel of record at the email addresses set forth below. All notices desired or required to be given pursuant to paragraphs 17 and 18 of this Agreement, shall be given in writing by certified mail, return receipt requested, or by Federal Express, or other overnight courier service to the respective addresses shown below or such other address as the parties may later specify for that purpose by notice to the other party. All such notices shall be deemed given effective upon receipt.

If to NORTHROP GRUMMAN SYSTEMS CORPORATION:

Northrop Grumman Systems Corporation
Attention: Corporate Real Estate - Legal Notices



One Space Park Drive, M/S: D2
Redondo Beach, California 90278

Northrop Grumman Systems Corporation
2980 Fairview Park Drive
Attention: Law Department – Real Estate Notices
Falls Church, VA 22042-4511

With a copy to:

Aaron Gershonowitz, Esq.
Forchelli Deegan Terrana LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553
AGershonowitz@forchellilaw.com

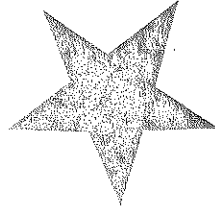
Edward J. Hannon
Environmental, Safety, Health and Medical Manager
Northrop Grumman Systems Corporation
925 South Oyster Bay Road
Mail Stop D08083 / BP15
Bethpage, NY 11714-3582

Northrop Grumman Systems Corporation
Attn: Sector Real Estate – Legal Notices
One Space Park Drive, M/S: K02620
Redondo Beach, CA 90278

If to the TOWN:

Office of the Town Attorney
TOWN OF OYSTER BAY
54 Audrey Avenue
Oyster Bay, N.Y. 11771
Attn: Matthew M. Rozea, Esq.
mrozea@oysterbay-ny.gov

Richard Lenz P.E., Commissioner
TOWN OF OYSTER BAY
Department of Public Works
150 Miller Place
Syosset, N.Y. 11791



With a copy to:

Rich LaMarca, Town Clerk
TOWN OF OYSTER BAY
54 Audrey Avenue
Oyster Bay, N.Y. 11771

Matt Russo P.E.
TOWN OF OYSTER BAY
54 Audrey Avenue
Oyster Bay, N.Y. 11771

Russell B. Selman, Esq.
Schiff Hardin LLP
233 South Wacker Dr., Ste. 7100
Chicago, IL 60606
rselman@schiffhardin.com

23. This Agreement is not an admission of liability or responsibility as against either NGSC or the TOWN for any environmental contamination nor is this Agreement admissible in any proceeding except in connection with the enforcement of its terms. This Agreement shall not give rise to any rights by parties who are not signatories to this Agreement and may not be deemed to grant any rights whatsoever to third parties.

24. This Agreement is the complete and exclusive Agreement between the Parties, notwithstanding any representations or statements to the contrary heretofore made.

25. Any modifications to this Agreement shall be in writing, executed by authorized representatives of NGSC and the TOWN, and shall specifically state that it is such a modification. This provision cannot be waived orally.

26. This Agreement shall be governed by and construed in accordance with the laws of the State of New York. Any dispute arising hereunder shall be commenced and tried in the Supreme Court of the State of New York, County of Nassau.

27. This Agreement may be executed in one or more counterparts, which together shall constitute one Agreement.

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

JANUARY 25, 2021

TO : MEMORANDUM DOCKET


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

SUBJECT: SITE ACCESS FOR NORTHROP GRUMMAN SYSTEMS CORPORATION
 RW-21 REMEDIAL SYSTEM CONVEYANCE PIPING INSTALLATION
SUPPLEMENTAL MEMO TO FOLLOW

Northrop Grumman Systems Corporation ("NGSC") previously entered into an Order on Consent Index No. W1-1183-14-05 with the New York State Department of Conservation ("NYSDEC") for the investigation and remediation of groundwater contamination from Northrop Grumman property and Bethpage Community Park. As part of this work NYSDEC has required NGSC to construct and operate a groundwater treatment system to treat the defined area known as the RW-21 hotspot.

NGSC and the Town have entered into previous Site Access Agreements to facilitate the investigation, design, and construction of elements of this work. At this time a Site Access Agreement is being negotiated to allow for the construction of conveyance piping in Town of Oyster Bay roadways to connect groundwater recovery wells to the groundwater treatment facility. Once negotiations have been completed, the Department of Public Works will submit a recommendation for approval by a supplemental memorandum docket.

The Department of Public Works requests that a space be reserved at the Town Board meeting of February 9, 2021 for the Town Board to take action, by Resolution, on a Site Access Agreement with Northrop Grumman Systems Corporation for RW-21 Remedial System Conveyance Piping Installation.


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

RWL/JCT/MR/lk

Attachment

c: Steven Ballas, Comptroller
 John Bishop, Deputy Commissioner/Highway

TB DOCKET NGSC RW-21 CONVEYANCE PIPING INSTALL

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

PRESENT:

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

86A-21

Office of Town Attorney
Thomas M. Labriola

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

Resolution No. 86A-2021

PUBLIC INTEREST ORDER

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

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

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

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

WHEREAS, at a meeting of said Town Board duly called and held on January 12, 2020, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of all Park Districts in said Town, at an estimated maximum cost of \$870,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time set forth in said notice, however, in light of COVID-19 pandemic restrictions and conditions, and in accordance with Executive Order 202.1, et seq., signed by New York State Governor Andrew Cuomo, such meeting was held remotely by conference call or similar service and the public had the ability to view or listen to such proceeding on the Town's website www.oysterbaytown.com. Such meeting was recorded and will be transcribed. The public had until the end of business on February 6, 2021, to submit any

comments on the subject of the hearing, by mailing or delivering same to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to publiccomment@oysterbay-ny.gov. Any comments received were added to part of the public record with respect to said hearing; and NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities of all Park Districts in said Town, consisting of the refurbishing and improvement of facilities in all Park Districts, including incidental expenses in connection therewith, at an estimated maximum cost of \$870,000.

Section 2. This order shall take effect immediately.

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

_Supervisor Saladino_____ VOTING __AYE__

_Councilwoman Johnson_____ VOTING __AYE__

_Councilman Imbroto_____ VOTING __AYE__

_Councilman Hand_____ VOTING __AYE__

_Councilman Labriola_____ VOTING __AYE__

_Councilwoman Maier_____ VOTING __AYE__

_Councilwoman Walsh_____ VOTING __AYE__

The order was thereupon declared duly adopted.

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the order contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

__x__ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:


<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Various publications throughout the Town of Oyster Bay.	February 5, 2021

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice
Bulletin board, 1st floor 54 Audrey Avenue
Oyster Bay, NY 11771

Date of Posting
February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.



Town Clerk

(SEAL)

86B-21

10604814.244 (1000179864)

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

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

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: no one.

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

BOND RESOLUTION DATED FEBRUARY 9, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$870,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY COSTS OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF ALL PARK DISTRICTS IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated February 9, 2021, said Town Board has determined it to be in the public interest to increase and improve the facilities of all Park Districts in the Town of Oyster Bay, Nassau County, New York, at an estimated maximum cost of \$870,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying costs of the joint increase and improvement of the facilities of all Park Districts in said Town (in the aggregate, the "Park Districts"; each, a "Park District"), consisting of the refurbishing and improvement of facilities in all Park Districts, including incidental expenses in connection therewith, there are hereby authorized to be issued \$870,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$870,000 and that the plan for the financing thereof is by the issuance of the \$870,000 bonds of said Town authorized to be issued pursuant to this bond resolution, and, further, that no original capital improvement shall be financed as part of the aforesaid class of objects or purposes where the estimated maximum cost thereof shall be \$2,000,000 or more.

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

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

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. Such cost shall be annually apportioned among such Park Districts by said Town Board, and the amounts so apportioned shall be levied and collected upon the several lots and parcels of land within in each Park District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

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

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

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the resolution contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

___x___ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:


<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Various publications throughout the Town of Oyster Bay.	February 5, 2021

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

<u>Designated Location(s) of Posted Notices</u>	<u>Date of Posting</u>
Bulletin board, 1 st floor 54 Audrey Avenue Oyster Bay, NY 11771	February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.

(SEAL)



Town Clerk

87A-21

10604814.245 (1000179864)

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

Office of Town Attorney
Theresa Bell

PRESENT:

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

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

Resolution No. 87A-2021

PUBLIC INTEREST ORDER

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

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

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

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

WHEREAS, at a meeting of said Town Board duly called and held on January 12, 2021, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the facilities of the Public Parking District, in said Town, consisting of the refurbishing and improvement of facilities in said District, including incidental expenses in connection therewith, at an estimated maximum cost of \$4,800,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time set forth in said notice, however, in light of COVID-19 pandemic restrictions and conditions, and in accordance with Executive Order 202.1, et seq., signed by New York State Governor Andrew Cuomo, such meeting was held remotely by conference call or similar service and the public had the ability to view or listen to such proceeding on the Town's website www.oysterbaytown.com. Such meeting was recorded and will be transcribed. The public had until the end of business on February 6, 2021, to submit any

comments on the subject of the hearing, by mailing or delivering same to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to publiccomment@oysterbay-ny.gov. Any comments received were added to part of the public record with respect to said hearing; and NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improvement of the facilities of the Public Parking District, in said Town, consisting of the refurbishing and improvement of facilities in said District, including incidental expenses in connection therewith, at an estimated maximum cost of \$4,800,000.

Section 2. This order shall take effect immediately.

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

- _Supervisor Saladino_____ VOTING __AYE__
- _Councilwoman Johnson_____ VOTING __AYE__
- _Councilman Imbroto_____ VOTING __AYE__
- _Councilman Hand_____ VOTING __AYE__
- _Councilman Labriola_____ VOTING __AYE__
- _Councilwoman Maier_____ VOTING __AYE__
- _Councilwoman Walsh_____ VOTING __AYE__

The order was thereupon declared duly adopted.

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the order contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

 x (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:

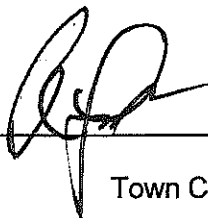
<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Various publications throughout the Town of Oyster Bay.	February 5, 2021

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice
Bulletin board, 1st floor 54 Audrey Avenue
Oyster Bay, NY 11771

Date of Posting
February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.



Town Clerk

(SEAL)

87B-21

10604814.245 (1000179864)

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

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

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: no one.

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

BOND RESOLUTION DATED FEBRUARY 9, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$4,800,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY COSTS OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE PUBLIC PARKING DISTRICT IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated February 9, 2021, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Public Parking District (the "District") in the Town of Oyster Bay, Nassau County, New York, at an estimated maximum cost of \$4,800,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying costs of the increase and improvement of the facilities of the Public Parking District, in said Town, consisting of the refurbishing and improvement of facilities in said District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$4,800,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$4,800,000 and that the plan for the financing thereof is by the issuance of the \$4,800,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is ten years, pursuant to subdivision ninety of paragraph a of

Section 11.00 of the Local Finance Law, as said class is comprised of items which have a period of probable usefulness of at least ten years under one or both of subdivisions twelve and twenty of said paragraph a. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

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

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

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the resolution contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

___x___ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Various publications throughout the Town of Oyster Bay.	February 5, 2021

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:


Designated Location(s) of Posted Notices

Date of Posting

Bulletin board, 1st floor 54 Audrey Avenue
Oyster Bay, NY 11771

February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.



Town Clerk

(SEAL)

88A-21

10604814.247 (1000179864)

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

Office of Town Attorney
Thomas M. M. M.

PRESENT:

Joseph Saladino

Supervisor

Michele Johnson

Councilman

Louis Imbroto

Councilman

Thomas Hand

Councilman

Steve Labriola

Councilman

Laura Maier

Councilman

Vicki Walsh

Councilman

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

Resolution No. 88A-2021

PUBLIC INTEREST ORDER

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

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

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

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

WHEREAS, at a meeting of said Town Board duly called and held on January 12, 2021, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the Town of Oyster Bay Public Lighting District in said Town at an estimated maximum cost of \$310,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time set forth in said notice, however, in light of COVID-19 pandemic restrictions and conditions, and in accordance with Executive Order 202.1, et seq., signed by New York State Governor Andrew Cuomo, such meeting was held remotely by conference call or similar service and the public had the ability to view or listen to such proceeding on the Town's website www.oysterbaytown.com. Such meeting was recorded and will be transcribed. The public had until the end of business on February 6, 2021, to submit any comments on the subject of the hearing, by mailing or delivering same to the Office of the Town

Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to publiccomment@oysterbay-ny.gov. Any comments received were added to part of the public record with respect to said hearing; and NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improvement of the facilities of the Town of Oyster Bay Public Lighting District in said Town, consisting of the refurbishing and improvement of facilities in such Public Lighting District, including incidental expenses in connection therewith, at an estimated maximum cost of \$310,000.

Section 2. This order shall take effect immediately.

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

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

The order was thereupon declared duly adopted.

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the order contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

 x (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Various publications throughout the Town of Oyster Bay.	February 5, 2021


I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice
Bulletin board, 1st floor 54 Audrey Avenue
Oyster Bay, NY 11771

Date of Posting
February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.

(SEAL)


Town Clerk

88B-21

10604814.247 (1000179864)

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

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

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: no one.

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

BOND RESOLUTION DATED FEBRUARY 9, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$310,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY COSTS OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE TOWN OF OYSTER BAY PUBLIC LIGHTING DISTRICT IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated February 9, 2021, said Town Board has determined it to be in the public interest to increase and improve of the facilities of the Town of Oyster Bay Public Lighting District in the Town of Oyster Bay, Nassau County, New York, at an estimated maximum cost of \$310,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying costs of the increase and improvement of the facilities of the Town of Oyster Bay Public Lighting District in said Town, consisting of the refurbishing and improvement of facilities in such Public Lighting District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$310,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$310,000 and that the plan for the financing thereof is by the issuance of the \$310,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is thirty years, pursuant to subdivision five of paragraph a of

Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within such Public Lighting District in the manner provided by law and levied and collected in an amount sufficient to pay the principal and interest on said bonds as the same become due.

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

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

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the resolution contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

___X___ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:

Newspaper and/or Other News Media

Date Given

Various publications throughout the

February 5, 2021

Town of Oyster Bay.

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

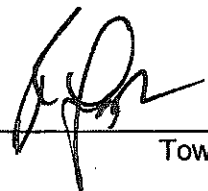
Designated Location(s) of Posted Notices

Date of Posting

Bulletin board, 1st floor 54 Audrey Avenue
Oyster Bay, NY 11771

February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.



Town Clerk

(SEAL)

89A-21

10604814.246 (1000179864)

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

PRESENT:

Joseph Saladino

Supervisor

Michele Johnson

Councilman

Louis Imbroto

Councilman

Thomas Hand

Councilman

Steve Labriola

Councilman

Laura Maier

Councilman

Vicki Walsh

Councilman

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

Resolution No. 89A-2021

PUBLIC INTEREST ORDER

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

WHEREAS, the estimated maximum cost to said District of such increase and improvement of facilities is determined to be \$720,000; and

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

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

WHEREAS, at a meeting of said Town Board duly called and held on January 12, 2021, an order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of the Town of Oyster Bay Solid Waste District in said Town, at an estimated maximum cost of \$720,000,000 and to hear all persons interested in the subject thereof concerning the same at the Town Hall East, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on January 26, 2021, at 7:00 P.M., Prevailing Time; and

WHEREAS, said order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time set forth in said notice, however, in light of COVID-19 pandemic restrictions and conditions, and in accordance with Executive Order 202.1, et seq., signed by New York State Governor Andrew Cuomo, such meeting was held remotely by conference call or similar service and the public had the ability to view or listen to such proceeding on the Town's website www.oysterbaytown.com. Such meeting was recorded and will be transcribed. The public had until the end of business on February 6, 2021, to submit any comments on the subject of the hearing, by mailing or delivering same to the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771, or by submitting same by email to

publiccomment@oysterbay-ny.gov. Any comments received were added to part of the public record with respect to said hearing; and NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improvement of the facilities of the Solid Waste District, in said Town, consisting of the refurbishing and improvement of the Solid Waste Disposal Facility in said District, including incidental expenses in connection therewith, at an estimated maximum cost of \$720,000,000.

Section 2. This order shall take effect immediately.

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

- _Supervisor Saladino_____ VOTING __AYE__
- _Councilwoman Johnson_____ VOTING __AYE__
- _Councilman Imbroto_____ VOTING __AYE__
- _Councilman Hand_____ VOTING __AYE__
- _Councilman Labriola_____ VOTING __AYE__
- _Councilwoman Maier_____ VOTING __AYE__
- _Councilwoman Walsh_____ VOTING __AYE__

The order was thereupon declared duly adopted.

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the order contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

__x__ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Various publications throughout the Town of Oyster Bay.	February 5, 2021

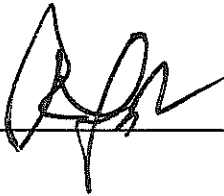
I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notice
Bulletin board, 1st floor 54 Audrey Avenue
Oyster Bay, NY 11771

Date of Posting
February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.

(SEAL)



Town Clerk

89B-21

10604814.246 (1000179864)

At a virtual meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, Audrey Avenue, in Oyster Bay, New York, in said Town, on February 9, 2021, at 10:00 A.M., Prevailing Time.

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

PRESENT: Supervisor Saladino

Councilwoman Johnson

Councilman Imbroto

Councilman Hand

Councilman Labriola

Councilwoman Maier

Councilwoman Walsh

ABSENT: no one.

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

BOND RESOLUTION DATED FEBRUARY 9, 2021.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$720,000,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY COSTS OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE SOLID WASTE DISTRICT IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated February 9, 2021, said Town Board has determined it to be in the public interest to increase and improve the facilities of the Solid Waste District (the "District") in the Town of Oyster Bay, Nassau County, New York, at an estimated maximum cost of \$720,000,000; and

WHEREAS, it is now desired to provide funding for such capital project; NOW, THEREFORE, BE IT

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

Section 1. For the class of objects or purposes of paying costs of the increase and improvement of the facilities of the Solid Waste District, in said Town, consisting of the refurbishing and improvement of the Solid Waste Disposal Facility in said District, including incidental expenses in connection therewith, there are hereby authorized to be issued \$720,000,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the estimated maximum cost of the aforesaid class of objects or purposes is \$720,000,000 and that the plan for the financing thereof is by the issuance of the \$720,000,000 bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is twenty-five years, pursuant to subdivision six of paragraph

a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District in the manner provided by law in an amount sufficient to pay the principal and interest on said bonds as the same become due.

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

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

* * *

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

I, the undersigned Clerk of the Town of Oyster Bay, Nassau County, New York, DO
HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Town Board
of said Town, including the resolution contained therein, held on February 9, 2021, with the original
thereof on file in my office, and that the same is a true and correct transcript therefrom and of the
whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, [please check one below]

_____ (1) pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said
meeting was open to the general public, or

___x___ (2) due to the COVID-19 pandemic, said meeting was held remotely by conference
call, video conference, or other similar means in accordance with the requirements set forth in
Executive Order 202.1, as amended.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public
notice of the time and place of said meeting to be given to the following newspaper and/or other
news media as follows:

<u>Newspaper and/or Other News Media</u>	<u>Date Given</u>
Various publications throughout the Town of Oyster Bay.	February 5, 2021

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s) of Posted Notices


Date of Posting

Bulletin board, 1st floor 54 Audrey Avenue
Oyster Bay, NY 11771

February 5, 2021

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town,
on February 9, 2021.

(SEAL)



Town Clerk

Meeting of February 9, 2021

Resolution No. 90-2021

WHEREAS, pursuant to Resolution No. 254-2017, adopted on May 9, 2017, the Town Board authorized the commencement of litigation against those parties responsible for deficiencies in the design, construction, inspection, and remedial work of the Town of Oyster Bay Garage, Hicksville; and

WHEREAS, pursuant to Resolution No. 859-2017, adopted on December 12, 2017, the Town Board authorized Hirani Engineering & Land Surveying, P.C. ("Hirani Engineering") to perform On-Call Engineering Services relative to Structural Engineering in connection with Contract No. PWC19-18; and

WHEREAS, pursuant to Town Board Resolution No. 683-2020, adopted on December 8, 2020, the Town Board ratified the Office of the Town Attorney's use of Hirani Engineering as an expert witness; and

WHEREAS, Frank M. Scalera, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated February 2, 2021, requested and recommended that the Town Board direct the Comptroller to issue an encumbrance order in an amount not to exceed \$51,574.27 for this expert witness purposes, with funds to be drawn from Account No. OTA A 1420 44110 000 0000,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and approved, and the Town Board hereby directs and authorizes the Comptroller to issue an encumbrance order in an amount not to exceed \$51,574.27, with funds to be drawn from Account No. OTA A 1420 44110 000 0000.

-#-

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

Supervisor Saladino	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
M. Scalera

Town of Oyster Bay
Inter-Departmental Memo

To : Memorandum Docket
From : Office of the Town Attorney
Date : February 2, 2021
Subject : Expert-Witness Fees
Hicksville Garage Litigation

Pursuant to Resolution No. 254-2017, adopted on May 9, 2017, the Town Board authorized the commencement of litigation against those parties responsible for deficiencies in the design, construction, inspection, and remedial work of the Town of Oyster Bay Garage, Hicksville. Thereafter, on December 12, 2017, pursuant to Town Board Resolution No. 859-2017, the Town Board authorized Hirani Engineering & Land Surveying, P.C. ("Hirani Engineering") to perform On-Call Engineering Services relative to Structural Engineering in connection with Contract No. PWC19-18.

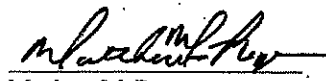
As is typical and customary in construction design litigation, expert witness reports and testimony are necessary to support the claims against the defendant's defenses. In this case, given the investigative work in which Hirani Engineering was engaged at the Garage, this Office utilized the services of Hirani Engineering as an expert witness in order to further develop the Town's litigation. Pursuant to Town Board Resolution No. 683-2020, adopted on December 8, 2020, the Town Board ratified this Office's use of Hirani Engineering as an expert witness.

There are outstanding invoices from Hirani Engineering for expert witness services in the amount of \$51,574.27. This Office requests and recommends that the Town Board direct the Comptroller to issue an encumbrance order in an amount not to exceed \$51,574.27 for this purpose, with funds to be drawn from Account No. OTA A 1420 44110 000 0000.

Kindly suspend the rules and place this matter on the February 9, 2021 Town Board Action Calendar.

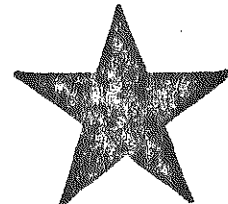
FRANK M. SCALERA
TOWN ATTORNEY

By:


Matthew M. Rozea
Deputy Town Attorney

MMR:mmr
Attachment

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WHEREAS, Resolution No. 31- 2021, adopted on January 12, 2021, authorized the Supervisor, or his designee, to execute an Inter-Municipal Agreement with the Incorporated Village of Massapequa Park ("Village"), providing that the Town is to perform work involving drainage improvements on Pennsylvania Avenue, Philadelphia Avenue and Front Street, all located within the Village; and

WHEREAS, the implementation of these drainage improvements have been approved for receipt of Block Grant Disaster Recovery funding; and

WHEREAS, Frank M. Scalera, Town Attorney, and Jeffrey Lesser, Deputy Town Attorney, by memorandum dated February 3, 2021, recommended and requested that Resolution No. 31-2021 be amended to authorize the execution of an amended IMA to reflect that should Block Grant Disaster Recovery funding for the project become exhausted, that the Village is to advise the Town if it wishes the project to continue and upon such advice, is to reimburse the Town for reasonable costs associated with the remaining work; and

WHEREAS, Colin Bell, Deputy Commissioner, Intergovernmental Affairs, by memorandum dated February 1, 2021, advised that the subject project is for the implementation of drainage improvements within the Village, and that the project is to be funded through the Block Grant Disaster Recovery Program through the New York Rising Community Reconstruction Program,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation and request as hereinabove set forth are accepted and approved, and Resolution No. 31-2021 is amended accordingly, and the Supervisor or his designee is hereby authorized to execute an Inter-Municipal Agreement with the Village of Massapequa Park stating that should Block Grant Disaster Recovery funding for the project become exhausted, that the Village shall advise the Town if it wishes the project to continue, with the Village being solely responsible to reimburse the Town for reasonable costs associated with the remaining work..

- # -

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

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

Town of Oyster Bay Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: February 3, 2021

SUBJECT: Authorization to amend Resolution No. 31-2021 and
To Enter into an Inter-Municipal Agreement
With the Village of Massapequa Park

Resolution No. 31-2021, adopted on January 12, 2021, authorized the Supervisor, or his designee, to execute an Inter-Municipal Agreement with the Incorporated Village of Massapequa Park ("Village"), to perform work involving drainage improvements on Pennsylvania Avenue, Philadelphia Avenue and Front Street, all located within the Village. The work is to be funded pursuant to a Community Development Block Grant Disaster Recovery ("CDBG-DR") Program, provided through the New York Rising Community Reconstruction Program ("NYCRP"). NYCRP is a grant program designed to fund the development of Community Reconstruction Zone Plans for communities identified by the Governor's Office of Storm Recovery ("GOSR") as Community Reconstruction Zones ("CRZ") and provide the funding required to complete certain projects identified within the Plan. Massapequa and the Incorporated Village of Massapequa Park have been identified collectively as one CRZ by GOSR and has been approved for receipt of CDBG-DR funding. The drainage improvement work to be conducted within the Village has been identified for CDBG-DR funding. To complete the project within the Village, an Inter-Municipal Agreement is required.

Following the adoption of Resolution No. 31-2021, further negotiations regarding the Agreement were held between the Town and Village, requiring a request for authorization for the Supervisor or his designee to execute the attached amended Inter-Municipal Agreement. All costs associated with this Project are to be funded pursuant to CDBG-DR funding. The amended Agreement provides that if there is an exhaustion of funds, the Village would advise the Town that it wishes to proceed with remaining work with the Village to pay any costs in excess of CDBG-DR funding, with no monetary contribution by the Town. As such, authorization is requested for the Supervisor, or his designee, to execute the proposed Inter-Municipal Agreement.

Kindly suspend the rules and place this matter on the February 9, 2021 Town Board Action Calendar.

FRANK M. SCALERA
TOWN ATTORNEY


Jeffrey Lesser
Deputy Town Attorney

JAL:jl
Attachment
2021-7891

Town of Oyster Bay
Inter-Departmental Memo

TO: FRANK M. SCALERA, TOWN ATTORNEY

ATTN: JEFFREY LESSER, DEPUTY TOWN ATTORNEY

FROM: COLIN BELL, DEPUTY COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

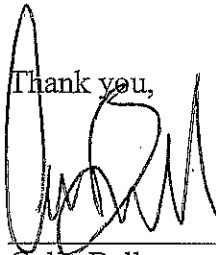
DATE: FEBRUARY 1, 2021

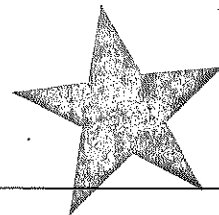
SUBJECT: REQUESTED REVISION TO INTERMUNICIPAL AGREEMENT WITH
MASSAPEQUA PARK

Through the enclosed December 30, 2020 correspondence I had requested that the Office of the Town Attorney develop an Intermunicipal Agreement (IMA) between the Town and the Incorporated Village of Massapequa Park (Village) in connection with the Town's facilitation of a New York Rising Community Reconstruction Program funded drainage improvement Project to be undertaken with the Village's boundaries. In response to this request, the Office of the Town Attorney had prepared an IMA, presented the IMA to the Village and pursued and received Town Board authorization to enter into said IMA via Resolution Number 31-2021 adopted during the Town Board Meeting of January 12, 2021.

Subsequent to the adoption of Resolution number 31-2021; the Village had contacted the Office of the Town Attorney requesting revisions to the Intermunicipal Agreement. Please coordinate with and consider the request of the Village for revisions to this IMA. Upon acceptance and approval from the Office of the Town Attorney, please amend this IMA accordingly and coordinate with the Village in pursuit of the IMA's full-execution.

Thank you,


Colin Bell
Deputy Commissioner



Town of Oyster Bay Inter-Departmental Memo

TO: FRANK M. SCALERA, TOWN ATTORNEY

ATTN: JEFFREY LESSER, DEPUTY TOWN ATTORNEY

FROM: COLIN BELL, DEPUTY COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

DATE: DECEMBER 30, 2020

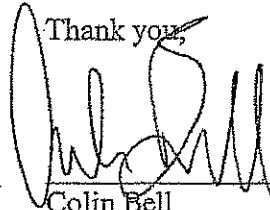
SUBJECT: REQUEST FOR DEVELOPMENT ON AN INTERMUNICIPAL AGREEMENT WITH
MASSAPEQUA PARK

The Town of Oyster Bay (Town) has been identified by the Governor's Office of Storm Recovery (GOSR) as an eligible Subrecipient of Community Development Block Grant Disaster Recovery (CDBG-DR) Program funding provided through the New York Rising Community Reconstruction Program (NYCRP). The New York Rising Community Reconstruction Program is a grant program designed to fund the development of Community Reconstruction Zone Plans for communities identified by GOSR as Community Reconstruction Zones and in turn; to provide the funding required to complete certain projects identified within the Plan. Massapequa and the Village of Massapequa Park (The Massapequa's) have been identified collectively as one CRZ by GOSR. As such, The Massapequa's NY Rising Community Reconstruction Plan has been developed and projects within that Plan have been subsequently approved for receipt of CDBG-DR funding.

One of the projects identified through The Massapequa's Community Reconstruction Plan and approved for receipt of CDBG-DR funding is the implementation of drainage improvements to be undertaken on Pennsylvania Avenue, Philadelphia Avenue and Front Street; all within the boundaries of the Incorporated Village of Massapequa Park. As the Town is the selected recipient of the CDBG-DR funding and this project being located within the Village; an Intermunicipal Agreement between the Town and Village allowing for the Town to complete this project within the boundaries of the Village is recommended.

Please prepare an Intermunicipal Agreement with the Incorporated Village of Massapequa Park for the purposes detailed above. Upon receipt of draft IMA I will work with the Village and internally to advance the IMA to full-execution. Feel free to contact me should require additional information.

Thank you



Colin Bell
Deputy Commissioner

INTER-MUNICIPAL AGREEMENT

DATED: February , 2021

PARTIES: THE TOWN OF OYSTER BAY, a municipal corporation of the State of New York, having its principal office and place of business at Town Hall, 54 Audrey Avenue, Oyster Bay, New York 11771, hereinafter referred to as the "TOWN"; and

THE INCORPORATED VILLAGE OF MASSAPEQUA PARK, a municipal corporation, having its principal place of business located at 151 Front Street, Massapequa Park, N.Y., hereinafter called the "VILLAGE",

WITNESSETH:

WHEREAS, the VILLAGE has requested to enter into an Inter-Municipal Agreement ("Agreement") with the TOWN; and

WHEREAS, the United States Congress passed the Disaster Relief Appropriations Act of 2013, appropriating funds to impacted States, through the United States Department of Housing and Urban Development, for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure, and housing and economic revitalization in areas impacted and distressed as a result of severe weather events; and

WHEREAS, the TOWN has entered into a Subrecipient Agreement with the Housing Trust Fund Corporation allowing for the Town to receive Community Development Block Grant Disaster Recovery funding for the Town to perform certain projects within the boundaries of the TOWN; and

WHEREAS, the TOWN is able to assist the VILLAGE in its operations to provide recovery and remediation of damage pursuant to Community Development Block Grant Disaster Recovery Subrecipient Agreement;

NOW, THEREFORE, IN CONSIDERATION of the mutual covenants and agreements hereinafter set forth, the parties hereto do agree as follows:

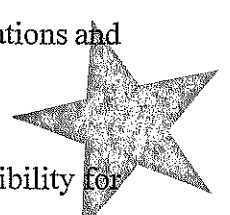
FIRST: The TOWN shall be responsible for performing the activities detailed in Exhibit "A", which may be amended from time to time, and is hereby incorporated by reference ("Project Description/Work"). The TOWN shall perform the tasks and deliverables contained in the Project Description in accordance with the terms of the Subrecipient Agreement, which may require the general cooperation and assistance, access, and timely licensing or similar reviews/processing from and of the VILLAGE;

SECOND: The Parties shall arrange and coordinate the schedule of work in such a manner so as to achieve the timely completion of the tasks and deliverables contained in the Project Description;

THIRD: The TOWN shall notify the Village in writing at least ten (10) days in advance of the scheduled mobilization date of the selection of any contractor for commencement of work.

FOURTH: The term of this Agreement shall be for the completion of the Work, and this Agreement shall terminate upon the satisfactory completion of the Parties' obligations and responsibilities as required herein.

FIFTH: The TOWN shall have no further and/or ongoing responsibility for the Work, including maintenance thereof, upon completion of the tasks and deliverables contained



in the Project Description. The VILLAGE shall be solely responsible for the maintenance of the services, structures and apparatuses, including to any drainage facilities within the Village.

SIXTH: It is understood by the Parties that any monetary obligations regarding the TOWN pursuant to the Project Description is limited to funds received pursuant to the Subrecipient Agreement for this specific Work. The Town is not responsible for any costs associated with the Work which is in excess to any funds received pursuant to the Subrecipient Agreement for this specific Work.

SEVENTH: In the event of the exhaustion of aforementioned funds, the Town shall notify the VILLAGE of the exhaustion of funds for the Project at which time the VILLAGE shall timely advise the TOWN if it wishes to proceed with the Work. If the VILLAGE wishes to proceed with the Work, the VILLAGE shall reimburse the TOWN, on a monthly basis, for reasonable costs associated with the Work remaining following exhaustion of funds. Failure of the VILLAGE to timely reimburse the TOWN for the aforementioned reasonable costs shall subject this Agreement to termination upon ten (10) days' notice.

EIGHTH: The VILLAGE, to the maximum extent permitted by law, shall indemnify and hold harmless the TOWN, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorneys' fees and disbursements) and damages, arising out of or in connection with the activities pursuant to this Agreement, except for any acts of negligence of the Town.

NINTH: Except where otherwise provided in the Agreement, including in paragraph "SEVENTH", this Agreement may be cancelled by either party upon sixty (60) days' written notice to the other party. Such notice shall be sent by certified mail, return receipt

requested to the Town Attorney's Office of the Town or to the Village Clerk, as the case may be. A notice shall be deemed to have been given: in the case of hand delivery, at the time of delivery; in the case of registered or certified mail, when delivered or two Business Days after mailing; or in the case of overnight courier service, on the Business Day after the same was sent.

TENTH: The VILLAGE shall obtain insurance coverage in regard to the work performed pursuant to this Agreement, and provide Certificates of Insurance with respect to comprehensive general liability in amounts per occurrence of not less than \$1,000,000.00 and \$2,000,000 in the aggregate and shall name the TOWN as an additional named insured. A copy of relevant endorsements are to be provided to the TOWN.

ELEVENTH: It is understood and agreed that this Agreement embodies the entire understanding of the parties with regard to Project Description and Work performed, and may not be extended or modified except in writing, and subscribed by both parties hereto. This Agreement may be executed in any number of duplicate originals, and each duplicate original shall be deemed to be original. This Agreement may be executed in any number of counterparts; each of which counterpart shall be deemed an original and all of which together constitute a fully executed agreement even though all signatures do not appear on the same document. The Agreement may also be signed and delivered utilizing electronic signatures sent via electronic mail in "pdf" format. Such electronic signatures shall be binding upon the signatory.

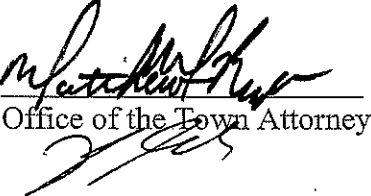
TWELFTH: If any term of this Agreement or the application thereof to any person or circumstances shall to any extent, be invalid or unenforceable, the remainder of this Agreement or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby and each term

and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

THIRTEENTH: It is expressly agreed that this instrument represents the entire agreement of the Parties and that all previous understandings are merged in this Agreement.

FOURTEENTH: This Agreement is subject to Town Board ratification and supersedes any prior agreements for the subject Work.

IN WITNESS WHEREOF, the parties hereto have caused their corporate seals to be hereunto affixed and these presents to be signed by the proper officials thereof pursuant to resolutions duly adopted by the respective Boards of said parties.

REVIEWED:

Office of the Town Attorney

TOWN OF OYSTER BAY

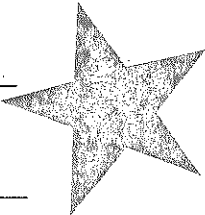
BY _____

TITLE: _____

VILLAGE OF MASSAPEQUA PARK

BY: _____

TITLE: _____



[illegible]

On this day of , 2021, before me personally came
_____, to me known, who, being by me duly sworn, did depose
and say that he resides in _____, New York and that he is the
_____ of the Town of Oyster Bay, the municipal corporation described herein and
which executed the foregoing instrument; that this agreement is authorized by order of the Town
Board of said corporation, and that he signed his name thereto by like order.

Notary Public

[illegible]

On this _____ day of _____, 2021, before me personally came _____, to me known, who, being by me duly sworn, did depose and say that he resides in _____, New York, and that he/she is the _____ of the Incorporated Village of Massapequa Park, the municipal corporation described herein and which executed the foregoing instrument; that this agreement is authorized by order of the Board of said corporation, and that he/she signed his/her name thereto by like order.

Notary Public

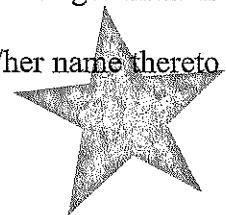


EXHIBIT "A"

This project will increase the available storage and detention in 3 storm water recharge basins (RBs) within Massapequa Park. Work will consist of removing material within these RBs and raising the outlet elevation controls in them. The project also raises the roadway elevation on Philadelphia Ave between Front Street and Pennsylvania Avenue and includes replacing existing drainage structures and adding an additional drainage outfall into the adjacent RB.

