

COMMISSIONER OF HUMAN RESOURCES

APPROVED

Meeting of May 21, 2019

RESOLUTION P-9-19

WHEREAS, The 2019 Budget, adopted October 30, 2018 established the titles and salaries of officers and employees of the Town of Oyster Bay pursuant to Section 27 of Town Law, and other Local Laws relating to the establishment of Town Departments, and Rules and Regulations governing appointments, etc., of employees; and

WHEREAS, The adoption of said 2019 Budget, on October 30, 2018, was by a Resolution of the Town Board; and

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

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

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Human Resources

*John Canning*  
COMMISSIONER OF HUMAN RESOURCES

APPROVED

Meeting of May 21, 2019

RESOLUTION P-10-19

WHEREAS, The 2019 Budget, adopted October 30, 2018 established the titles and salaries of officers and employees of the Town of Oyster Bay pursuant to Section 27 of Town Law, and other Local Laws relating to the establishment of Town Departments, and Rules and Regulations governing appointments, etc., of employees; and

WHEREAS, The adoption of said 2019 Budget, on October 30, 2018, was by a Resolution of the Town Board; and

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

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

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

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


cc: Supervisor  
Town Attorney  
Comptroller  
Human Resources

Meeting of May 21, 2019

Resolution No. TF-9-2019

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
027-19	OTC	\$12,590.00	OTC A 1410 44900 000 0000
			TO
		\$12,590.00	OTC A 1410 46410 000 0000
028-19	OTC	\$250.00	FROM
			OTC A 1410 44100 000 0000
			TO
		\$250.00	OTC A 1410 21000 000 0000
029-19	DIG	\$10,000.00	FROM
			DIG A 1345 12000 000 0000
			TO
		\$10,000.00	DIG A 1345 44800 0000 0000
030-19	TWN	\$20,000.00	FROM
			TWN A 9901 90000 000 0000
			TO
		\$20,000.00	TWN A 9785 60000 000 0000
031-19	IGA	\$5,000.00	FROM
			IGA CD 8676 48280 753 CD17
			TO
		\$5,000.00	IGA CD 8662 28800 000 CD17
032-19	CYS	\$25,000.00	FROM
			CYS A 7020 12000 000 0000
			TO
		\$25,000.00	CYS A 7020 12010 000 0000
	CYS	\$15,000.00	FROM
			CYS A 7020 41800 000 0000
			TO
		\$15,000.00	CYS A 7020 47660 000 0000
033-19	DER	\$1,500.00	FROM
			DER A 3510 42200 000 0000
			TO
		\$1,500.00	DER A 3510 44900 000 0000

Reviewed By  
Office of Town Attorney  


034-19	IGA	\$55,735.00	INCREASE IGA CD 0001 04089 000 CW19
		\$55,735.00	INCREASE IGA CD 6293 47850 000 CW19

#

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Town Clerk  
Finance  
Intergovernmental Affairs  
Community & Youth  
Environmental Resources

2A

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

April 30, 2019

TO: MEMORANDUM DOCKET  
FROM: JAMES ALTADONNA JR., TOWN CLERK  
SUBJECT: TRANSFER OF FUNDS

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Town Board authorization is hereby requested to transfer funds from the following account:


FROM:

OTC A 1410 44900 000 0000	OTHER CONTRACTS	\$12,590.00
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TO:

OTC A 1410 46410 000 0000	IT MAINTENANCE	\$12,590.00
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Justification: Transfer requested to have funds covering BAS Clerk Licensing System – Annual Software Support & Maintenance drawn from proper account.

  
JAMES ALTADONNA JR.  
TOWN CLERK

JA:RTS  
cc: Town Attorney with 7 copies.

2B

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

May 6, 2019

TO: MEMORANDUM DOCKET  
FROM: JAMES ALTADONNA JR., TOWN CLERK  
SUBJECT: TRANSFER OF FUNDS

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Town Board authorization is hereby requested to transfer funds from the following account:


FROM:

OTC A 1410 44100 000 0000      PRINTING PUBLIC & LEGAL NOTICES      \$250.00

TO:

OTC A 1410 21000 000 0000      FURNITURE      \$250.00

Justification: Transfer requested to have sufficient funds to cover the cost of four desks in the licensing section of Town Hall North to replace broken furniture and necessary for the daily operation of the Office of the Town Clerk.

  
JAMES ALTADONNA JR.  
TOWN CLERK

JA  
cc: Town Attorney with 7 copies.

2A

## Town of Oyster Bay Inter-Departmental Memo

May 8, 2019

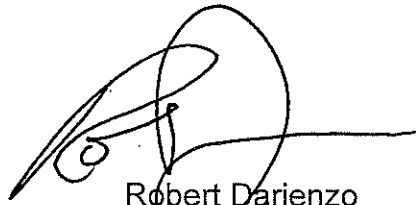
**To:** Memorandum Docket  
**From:** Robert Darienzo, Director of Finance  
**Subject:** Transfer of Funds

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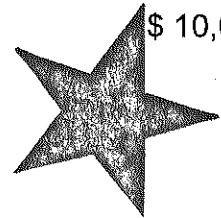
In order to provide funds for Professional Services in the Department of the Inspector General, the following transfer of funds is hereby requested:

Transfer from:							
DIG	A	1345	12000	000	0000	Salaries – Part Time	\$ 10,000.00
Transfer to:							
DIG	A	1345	44800	000	0000	Professional Services	\$ 10,000.00

Thank you.



Robert Darienzo  
Director of Finance



RD/rd  
cc: Town Attorney (with 7 copies)  
Word/Documents/Docket/TOF 2019 DIG

21

Town of Oyster Bay  
Inter-Departmental Memo

May 6, 2019

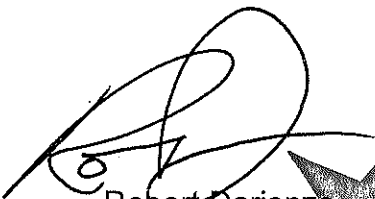
**To:** Memorandum Docket  
**From:** Robert Darienzo, Director of Finance  
**Subject:** Transfer of Funds


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

Transfer from:						
TWN	A	9901	90000	000 0000	Debt Service	\$ 20,000.00
Transfer to:						
TWN	A	9785	60000	000 0000	Debt Principal	\$ 20,000.00

Thank you.

  
Robert Darienzo  
Director of Finance



RD/rd  
cc: Town Attorney (with 7 copies)  
Word/Documents/Docket/TOF 2019 installment purchase



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

TO: Memorandum Docket

FROM: Frank V. Sammartano, Commissioner  
Intergovernmental Affairs

DATE: May 9, 2019

SUBJECT: Transfer of Funds

**FROM**


IGA CD 8676 48280 753 CD17 \$5,000.00  
(Public Services- Community Center Rehabilitation)

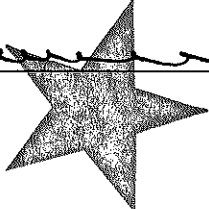
**TO**

IGA CD 8662 28800 000 CD17 \$5,000.00  
(Public Facility Improvement General)

**JUSTIFICATION**

This transfer is respectfully requested to expend CDBG funds which will not be utilized to rehabilitate the community center.

  
Frank V. Sammartano  
Commissioner



FSV/PA  
cc: Town Attorney w/ 7 copies

2D

TOWN OF OYSTER BAY  
Inter-Departmental Memorandum

May 9, 2019

TO: Memorandum Docket  
FROM: Maureen A. Fitzgerald, Commissioner  
Department of Community and Youth Services  
SUBJECT: Transfer of Funds

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The Department of Community and Youth Services requests Town Board authorization to transfer the following funds:

<b>From:</b>	CYS A 7020 12000 000 0000	Salaries Part Time	\$ 25,000.00
	CYS A 7020 41800 000 0000	Recreational Supplies	\$ 15,000.00
<b>To:</b>	CYS A 7020 13000 000 0000	Salaries Seasonal	\$ 25,000.00
	CYS A 7020 47660 000 0000	Special Events	\$ 15,000.00

The transfer will accommodate the cost of the Department's Seasonal Salaries for the Group Activities Program and Special Event costs through December 31, 2019.

  
Maureen A. Fitzgerald  
Commissioner



MAF:iw  
cc: Town Attorney (+7 copies)

2E

# Town of Oyster Bay

## Inter-Departmental Memo

May 6, 2019

TO: Memorandum Docket

FROM: George Baptista, Deputy Commissioner  
Department of Environmental Resources

SUBJECT: Transfer of Funds

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

From:	DER A 3510 42200 000 0000	Light, Power, & Water	\$1500.00
To:	DER A 3510 44900 000 0000	Other Contracts	\$1500.00

This transfer is necessary for the payment of expenses related to dog grooming services for the geese peace canines.

  
George Baptista, Deputy Commissioner  
Department of Environmental Resources



GB/tml  
cc: Town Attorney - w/ 7 copies  
Steven Ballas, Comptroller

Der file no. G500  
Docket memo transfer of funds for dog grooming May 2019 .doc

2F  
TOWN OF OYSTER BAY

Inter-Departmental Memo

MAY 13, 2019

**TO:** MEMORANDUM DOCKET  
**FROM:** FRANK V. SAMMARTANO, COMMISSIONER  
INTERGOVERNMENTAL AFFAIRS  
**SUBJECT:** TRANSFER OF FUNDS

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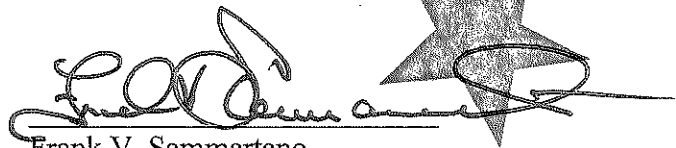
AMOUNT: \$ 55,735.00

INCREASE: IGA CD 0001 04089 000 CW19 \$ 55,735.00  
(Federal Aid- Other)

INCREASE: IGA CD 6293 47850 000 CW19 \$ 55,735.00  
(Contracts Other Government)

The above listed increase of funds is required to accommodate the Department of Intergovernmental Affairs (IGA), Division of Employment and Training's (DET) Temporary Assistance for Needy Families (TANF) Department of Social Services (DSS) program revenue and expenses. All of the above referenced TANF DSS program funding is provided to the Town through a Nassau County grant, funded by Federal, New York State and Nassau County.

IGA DET has been informed by Nassau County of its annual appropriation of TANF DSS funding. IGA DET had made projections prior to this information to accommodate 2019 budget requirements. The revenue has been increased for this program to allow for the increase in TANF DSS cases and to allow for a more robust program. We therefore respectfully request a Town Board resolution authorizing the Comptroller's office to complete the above listed transfer of funds.

  
Frank V. Sammartano  
Commissioner

cc: Town Attorney, 7 copies

WHEREAS, Jonathan King has requested to donate a memorial plaque and a bench, to be located at Theodore Roosevelt Memorial Park and Beach, Oyster Bay, in memory of Richard Oliver Schwartz; and

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

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated April 23, 2019, recommended that the Town accept said donation

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of \$830.00 from Jonathan King to be deposited into Account No. PKS A0001 02770 590 0000, to purchase a plaque and bench, to be placed at Roosevelt Memorial Park and Beach, Oyster Bay, in memory of Richard Oliver Schwartz.

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Parks

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 and Bench

DATE: April 23, 2019

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The Department of Parks has received a request from Jonathan King (letter attached) requesting to donate a memorial plaque and bench to be placed in Theodore Roosevelt Memorial Park and Beach in memory of Richard Oliver Schwartz.

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

The plaque and bench will be purchased by Jonathan King. The value of the plaque and bench estimated to be \$830.00. Town Board approval is requested on behalf of Jonathan King. The monies will be collected in account PKS A 0001 02770 590 0000.

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



JGP/dc  
C: Town Attorney (original +7 copies)  
ATTACHMENT

## Diann Codispodo

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**From:** Jonathan King <jonmkingny@gmail.com>  
**Sent:** Tuesday, April 23, 2019 12:01 PM  
**To:** Diann Codispodo  
**Subject:** Memorial Bench

Hi Diane,

Thank you for being so helpful over the phone.

Richard Oliver Schwartz was a incredible individual who loved the outdoors . We grew up in Oysterbay together. Richard would visit Theodore Roosevelt Park regularly as a kid. As adults we rode our bikes in the park and also would drive to the park to just stare at the water and talk for hours.

We would like to purchase the 8x6 plaque  
And a new bench 8x6 (the larger one) on the water, near the American Flag. We would like the sign to say  
"In loving memory of Richard O. Schwartz"

Thank you again Diane for all of your help

Best,

Jonathan M. King



Meeting of May 21, 2019

Resolution No. 318-2019

WHEREAS, Jim Kaplan has requested to donate two memorial plaques and two benches, to be placed in Sunset Park, Massapequa, in memory of Glen E. Kaplan and Sal and Angela Scrimenti; and

WHEREAS, the value of the two plaques and benches are estimated to be \$1,660.00, and the monies donated will be deposited into Account No. PKS A 0001 02770 590 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated April 23, 2019, has recommended that the Town accept said donation

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of \$1,660.00 from Jim Kaplan to be deposited into Account No. PKS A0001 02770 590 0000, to purchase a plaque and bench, to be placed in Sunset Park, Massapequa, in memory of Glen E. Kaplan and Sal and Angela Scrimenti.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Parks

Reviewed By  
Office of Town Attorney



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

**TO: Memorandum Docket**

**FROM: Joseph G. Pinto, Commissioner of Parks**

**SUBJECT: Two Memorial Plaques and Two Benches**

**DATE: April 23, 2019**

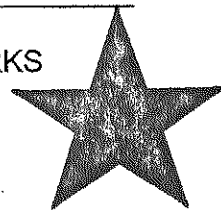
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The Department of Parks has received a request from Jim Kaplan (letter attached) requesting to donate two memorial plaques and two benches to be placed in Sunset Park in memory of the following, Glen E. Kaplan and also Sal and Angela Scrimenti.

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

The plaques and the benches will be purchased by Jim Kaplan. The value of the plaques and benches is estimated to be \$1,660.00. Town Board approval is requested on behalf of Jim Kaplan. The monies will be collected in account PKS A 0001 02770 590 0000.

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



JGP/dc  
C: Town Attorney (original +7 copies)  
ATTACHMENT

## Diann Codispodo

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**From:** Jim Kaplan <jim@chasella.com>  
**Sent:** Tuesday, April 23, 2019 10:33 AM  
**To:** Diann Codispodo  
**Subject:** Sunset Park Bench Dedications

Diann,

Good morning. I would like to request the dedication and installation of 2 park benches to be placed at Sunset Park as per my previous submission.

Bench 1 is in memory of Glen E Kaplan

Bench 2 is in memory of Mr. and Mrs. Salvatore and Angela Scrimenti.

Thank you for your time,

**Jim Kaplan**

*CHASELLA*

4900 Merrick Road, Suite 500

Massapequa Park, NY 11762

(516) 798-0020 - Phone

(516) 798-0030 - Fax

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

On Apr 18, 2019, at 9:18 AM, Diann Codispodo <[dcodispodo@oysterbay-ny.gov](mailto:dcodispodo@oysterbay-ny.gov)> wrote:

Good morning Jim,

For my own files I just need the actual names of Pop and Angela. I emailed the wording to the plaque maker this morning. Please keep in mind that I am only here on Tuesday and Thursday.

Have a great day,  
Diann Codispodo

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



WHEREAS, by Resolution No. 281-2017, adopted May 23, 2017, the Town Board authorized and directed the Supervisor, on behalf of the Town, to enter into an Agreement with J. C. Broderick & Associates, Inc., to provide Lead Based testing services for the Division of Community Development's Residential Rehabilitation program; and

WHEREAS, the agreement was for a one year period, from June 1, 2017 to May 31, 2018, with an option for two (2) - one (1) year extensions; and

WHEREAS, by Resolution No. 343-2018, adopted May 22, 2018, the Town Board authorized the Town to enter into the first of two (2) - one (1) year extensions, for the period June 1, 2018 through May 31, 2019; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated April 23, 2019, requested Town Board authorization to exercise the second option to extend the Agreement with J. C. Broderick & Associates, Inc. for one year, from June 1, 2019 to May 31, 2020, in an amount not to exceed \$20,000.00; and

WHEREAS, funds for payments under this Agreement are available in Account IGA CD 8668 48250 731 CD 19,

NOW, THEREFORE, BE IT RESOLVED, that the recommendation as hereinabove set forth is hereby accepted and approved, and the Supervisor, or his designated representative, is hereby authorized to enter into the second of two (2) - one (1) year extensions of the Agreement with J. C. Broderick & Associates, Inc. for one year, from June 1, 2019 to May 31, 2020, in an amount not to exceed \$20,000.00, to provide Lead Based testing services for the Division of Community Development's Residential Rehabilitation program; and be it further

RESOLVED, that the Comptroller is hereby authorized to make payment for same, in accordance with the applicable terms and provisions of said agreement, in an amount not to exceed \$20,000.00, upon presentation of a duly certified claim, after audit; and be it further

RESOLVED, that the funds for said payment are to be drawn from Account No. IGA CD 8668 48250 731 CD 19.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Intergovernmental Affairs

Reviewed By  
Office of Town Attorney

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

TO: Memorandum Docket

FROM: Frank V. Sammartano, Commissioner  
Intergovernmental Affairs

DATE: April 23, 2019

SUBJECT: Community Development  
J.C. Broderick & Associates, Inc.


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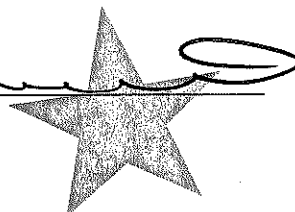
Town Board Resolution # 281-2017 authorized the Supervisor to enter into an Agreement with J.C. Broderick & Associates to provide Lead Based testing services for the Division of Community Development's Residential Rehabilitation program for the period June 1, 2017 through May 31, 2018, and also allowed this division to extend this Agreement ending May 31, 2018, for two (2) one (1) year extension options.

Town Board Resolution # 343-2018 authorized the first one (1) year extension from June 1, 2018 through May 31, 2019. This department is respectfully requesting to exercise the second extension which will extend the Agreement from June 1, 2019 through May 31, 2020.

It is, therefore, respectfully requested that the Town Board authorize the Supervisor to enter into this contract extension in the amount of \$20,000. Funds for this purpose are available in account IGA CD 8668 48250 731 CD 19.

Thank you for your attention to this matter.

  
Frank V. Sammartano  
Commissioner



FVS/PA

cc: Town Attorney w/ 7 copies

WHEREAS, pursuant to public notice, proposals were duly solicited and regularly received for Lead Paint Testing Services by the Department of Intergovernmental Affairs, Division of Community Development, Town of Oyster Bay, Nassau County, New York, in accordance with the Town's Procurement Policy; and

WHEREAS, three (3) firms responded to the request for proposals and the firm that was determined to have the expertise and level of experience required to carry out the anticipated scope of services was J C Broderick & Associates, Inc. Frank V. Sammartano, Commissioner, Intergovernmental Affairs, by memorandum dated May 8, 2017 requested that J C Broderick & Associates, Inc., be awarded a one (1) year contract beginning on June 1, 2017 and ending on May 31, 2018, for the amount of \$20,000.00 with the option of two (2) one (1) year extensions; and

WHEREAS, Commissioner Sammartano, by memorandum dated May 8, 2017, recommended that the proposals as hereinabove set forth be accepted, that the Town Board authorize the Town Attorney to negotiate a professional services agreement with J C Broderick, Inc., and that the Town Board authorize the Supervisor to enter into said agreement,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted, the Town Attorney is to negotiate and approve a professional services agreement with J C Broderick, Inc., and the Supervisor is hereby authorized to enter into an agreement with J C Broderick, Inc., for Lead Paint Testing Services to the Town of Oyster Bay Department of Intergovernmental Affairs, for a one (1) year term, beginning on June 1, 2017 and ending on May 31, 2018, with the option of two (2) one (1) year extensions in an amount not to exceed \$20,000.00, in accordance with the provisions thereunder; 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 Nos. IGA CD 8668 48250 731 CD17 for \$18,000.00 and IGA CD 8668 48250 731 CD16 for \$2,000.00.

—#—

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
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Abstain

cc: Supervisor  
Town Attorney  
Comptroller (2)  
Intergovernmental Affairs



Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution 281-2017, adopted May 23, 2017, the Town Board authorized and directed the Supervisor, on behalf of the Town, to enter into an Agreement with J. C. Broderick & Associates, Inc., to provide Lead Based testing services for the Division of Community Development's Residential Rehabilitation program; and

WHEREAS, the agreement was for a one year period, from June 1, 2017 to May 31, 2018, with an option for two (2) one (1) year extensions; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated April 25, 2018, requested Town Board authorization to exercise the first option to extend the Agreement with J. C. Broderick & Associates, Inc. for one year, from June 1, 2018 to May 31, 2019, in an amount not to exceed \$20,000.00; and

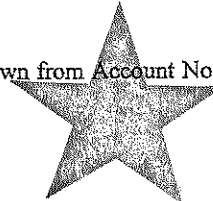
WHEREAS, funds for payments under this Agreement are available in Account IGA CD 8668 48250 731 CD 18,

NOW, THEREFORE, BE IT RESOLVED, that the recommendation as hereinabove set forth is hereby accepted and approved, and the Supervisor, or his designated representative, is hereby authorized to enter into the first of two (2) one (1) year extensions of the Agreement with J. C. Broderick & Associates, Inc. for one year, from June 1, 2018 to May 31, 2019, in an amount not to exceed \$20,000.00, to provide Lead Based testing services for the Division of Community Development's Residential Rehabilitation program; and be it further

RESOLVED, that the Comptroller is hereby authorized to make payment for same, in accordance with the applicable terms and provisions of said agreement, in an amount not to exceed \$20,000.00, upon presentation of a duly certified claim, after audit; and be it further

RESOLVED, that the funds for said payment are to be drawn from Account No. IGA CD 8668 48250 731 CD 18.

-#-



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	Absent
Councilwoman Alesia	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye

cc: Supervisor  
Town Attorney  
Comptroller  
Intergovernmental Affairs

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memorandum dated April 29, 2019, requested Town Board authorization to accept a donation of various tree and shrub seedlings from the New York State Department of Environmental Conservation, to be planted at Anchor Park, Spar Lane, Massapequa, and further requested Town Board authorization for the Supervisor and/or Colin Bell, as his designee, to execute any documents in connection with this donation; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated April 29, 2019, has advised that the value of the donation is \$1,744.60,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are approved, and the Town Board hereby authorizes the acceptance of the donation as set forth hereinabove.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Intergovernmental Affairs

Reviewed By  
Office of Town Attorney  
*[Signature]*

14  
TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER  
INTERGOVERNMENTAL AFFAIRS

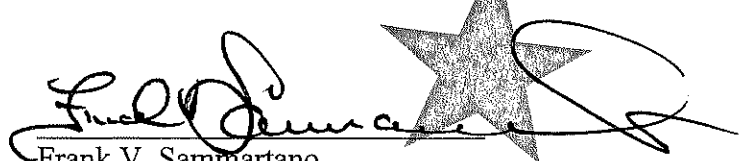
DATE: APRIL 29, 2019

SUBJECT: NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
TREES FOR TRIBS: BUFFER IN A BAG PROGRAM

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The Town of Oyster Bay has been approved to receive a donation of up to 60 tree and shrub seedlings from the New York State Department of Environmental Conservation through the "Trees for Tribs Buffer in a Bag Program". Trees and shrub seedlings provided through this Program will be planted at Anchor Park, located on Spar Lane in Massapequa. New trees and shrubs planted at this waterfront location will reduce the effects of potential flooding and serve as a buffer against pollutants and sediment carried in storm water runoff. Other benefits include providing a habitat of food and protection for birds and other animals, and providing shade, comfort, and improved aesthetics for Anchor Park visitors. As supported by the enclosed memo from the Town's Department of Environmental Resources, the estimated value of this donation is \$1,744.60

While the NYS Department of Environmental Conservation does not require the execution of an Agreement in connection with this Program, it is respectfully requested that the Town Board adopt a Resolution authorizing the acceptance said donation and to authorize the Supervisor and/or Colin Bell as the Supervisor's authorized designee to execute documents in connection with this program as necessary.

  
Frank V. Sammartano,  
Commissioner

cc: Town Attorney w/7 copies



# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

## Division of Lands and Forests

625 Broadway, 5th Floor, Albany, New York 12233-4250

P: (518) 402-9405 | F: (518) 402-9028 | Landsforests@dec.ny.gov

www.dec.ny.gov

April 17, 2019

Mr. Colin Bell  
Town of Oyster Bay  
977 Hicksville Road  
Massapequa, NY 11758

Dear Mr. Bell,

Your application for the Trees for Tribes Buffer in a Bag program has been accepted. You will be receiving two free bags of tree and shrub seedlings, totaling 60 plants. The purpose of this donation is for the seedlings to be planted in the location specified on your application to protect water quality and prevent erosion. Please expect the seedlings to arrive at your mailing address in late April to early May. You will be notified when the seedlings are being shipped.

Sincerely,

Andrea Nieves  
Program Assistant



Department of  
Environmental  
Conservation

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

April 29, 2019

**TO:** COLIN BELL, DEPUTY COMMISSIONER, IGA  
TOM VAN RIPER, IGA

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

**SUBJECT:** NYSDEC TREES FOR TRIBS PROGRAM  
INDUSTRY STANDARD COST ESTIMATE

Through the Buffer in a Bag initiative, NYS DEC's Trees for Tribs Program and Saratoga Tree Nursery provide landowners with a free bag of bare-root trees and shrubs to enhance the streamside area on their property. Each bag of seedlings is made up of a variety of native trees and shrubs chosen specifically to improve streamside areas in New York by supporting wildlife and improving water quality. Each bag includes 25 bare-root native tree and shrub seedlings, approximately 1 to 2 feet in height. The **Long Island Packet includes:** Bayberry, beach plum, eastern red cedar.

The Town of Oyster Bay will be receiving two free bags of tree and shrub seedlings, totaling 60 plants for planting at Anchor Park. Seedlings to arrive in late April to early May and the Town will be notified when the seedlings are being shipped. Based on the site layout and species of plants included in the packet, DER anticipates that the shipment will contain an equal number of plants. NYSDEC currently lists the costs of the plants as follows:

Long Island Packet #3A	10 each/30 plants	bayberry, beach plum, eastern red cedar	\$30
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Therefore, in total, for this grant, based on NYSDEC costs per plant, the donation of trees and shrubs for Anchor Park is worth \$60.

However, it should be noted that industry standard rates are significantly higher than the cost to NYSDEC. DER has reviewed standard rates for these plants species for similar plant heights (indicative of plant maturity). Based on typical costs of plant, as shown in the Table below, DER estimates that a more accurate representation of the amount of the donation is in the amount of 1744.60.

Species	Industry Standard Price for 1-2 ft. height	Quantity
Eastern Red Cedar	\$4.25	20
Northern Bayberry	\$47.99	20
Beach Plum	\$34.99	20
<b>TOTAL COST</b>	<b>\$1744.6</b>	<b>60</b>



Based on the aforementioned we recommend that this figure is used as the basis for the cost estimate of the donation of trees for Anchor Park.

  
GEORGE BAPTISTA JR.  
Deputy Commissioner

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated April 25, 2019, requested Town Board authorization to renew the membership for Christopher Gioia, Inspector, through New York State's Department of State, Division of Code Enforcement and Administration as Code Enforcement Officials for New York State Uniform Fire Prevention and Building Code, as a member of the Building Inspectors Association of Nassau County, for the period, nunc pro tunc, from May 1, 2019 to April 20, 2020, at a cost of \$85.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Highway Department is hereby authorized to renew Christopher Gioia as a member of the Building Inspectors Association of Nassau County, for the period, nunc pro tunc, from May 1, 2019 to April 20, 2020, at a cost of \$85.00, and the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit; and be it further

RESOLVED, That the funds for said payment are to be drawn from Account No. HWY DB 5110 44900.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Highway

Reviewed By  
Office of Town Attorney

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# Town of Oyster Bay

## Inter-Departmental Memo

April 25, 2019

**TO:** Memorandum Docket

**FROM:** John P. Bishop, Deputy Commissioner  
Highway Department

**SUBJECT:** Membership Dues for "Bianco"  
Building Inspectors Association of Nassau County

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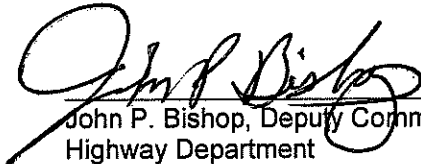
The Highway Department would like to continue the certification for Inspector Christopher Gioia, through New York State's Department of State, Division of Code Enforcement and Administration as Code Enforcement Officials for New York State Uniform Fire Prevention and Building Code. Twenty-four (24) hours of approved in-service training is required annually to maintain the New York State Code Enforcement Official Certification.

Christopher Gioia has been a member of the Building Inspectors Association of Nassau County (BIANCO) through the Code Enforcement Department, which entitles them to take in-service courses sponsored by BIANCO.

Authorization by the Town Board is therefore respectfully requested for the payment of said dues for Christopher Gioia the amount of \$85.00 for BIANCO membership for the Calendar year 2019 (May 1, 2019 – April 20, 2020)

Funds are available in Account Number HWY DB 5110 44900.



  
John P. Bishop, Deputy Commissioner  
Highway Department

JPB/lp

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



# BUILDING INSPECTORS ASSOCIATION OF NASSAU COUNTY

Affiliated with  
New York State Building Officials Conference, Inc  
The International Code Council

## 2019 Membership Application Form

**Douglas Knab**  
President  
Town of Hempstead  
**Thomas McAleer**  
First Vice President  
Village of Valley Stream  
**Michael L. Trotta**  
Second Vice President  
Village of Lynbrook  
**Timothy Dougherty**  
Treasurer  
Village of Brookville  
**Kerry Collins**  
Assistant Treasurer  
Village of Williston Park  
**Jerry DeLucia**  
Secretary  
Town of North Hempstead

CHECK AS APPLICABLE:

☐ NEW MEMBERSHIP ☒ RENEWAL MEMBERSHIP

☒ Active - \$85 (Municipal Employees) ☐ Associate - \$125 (Non-Municipal Employees)

Provide applicable information:

Christopher F. Gioia  
First Name Middle Last Name

MUNICIPALITY: Town of Oyster Bay

### BOARD OF DIRECTORS

**Stephen N. Haramis**  
Immediate Past President  
Village of Lawrence  
**John Rottkamp**  
Town of Hempstead  
**Joseph Cangro**  
Town of Oyster Bay  
**John Niewender**  
Town of North Hempstead  
**Kerry Collins**  
Village of Williston Park  
**Donald Alberto**  
Village of North Hills  
**Daniel Whalen**  
Village of Mineola  
**Thomas Domanico**  
Village of Rockville Centre

NYS ID #: NY000 4540 or CE ID #: \_\_\_\_\_

FDID #: \_\_\_\_\_ (required)

Are You an ICC Member? If Yes, ICC #: \_\_\_\_\_

Are You an NFPA Member? If Yes, NFPA #: \_\_\_\_\_

RA or PE license number: \_\_\_\_\_

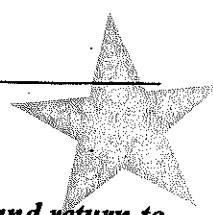
E-Mail address: cgioia@oysterbay-ny.gov

Cell #: (516) 660-5467 (Emergency only) Office #: (516) 677-5793

MAILING ADDRESS:

[REDACTED]  
Number and Street

[REDACTED]  
City, State & Zip



Enclose application with check \_\_\_\_\_ or voucher \_\_\_\_\_ and return to  
Tim Dougherty, Treasurer, at 18 Horse Hill Road • Brookville, NY 11545

May 1, 2019 – April 30, 2020

### DELEGATES TO NYSBOC

**Robert S. Bonnie**  
Village of Lake Success  
**Michael Malatino**  
Village of Old Westbury  
**Stephen N. Haramis**  
Village of Lawrence  
**Village of Hewlett Harbor**

### ICC COMMITTEE

**Robert S. Bonnie**  
**Michael Malatino**  
**Stephen N. Haramis**  
**Daniel V. Casella**

### General Counsel

**Bruce W. Migatz**  
**Joseph Nocella, Jr.**  
**Patrick W. Hoebich**

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated May 2, 2019, requested Town Board approval to employ the services of the performers in the table attached to, and made a part of, said memorandum, for the 2019-2020 Distinguished Artists Concert Series, for the dates and at the various libraries indicated; and

WHEREAS, the Town and the host library will each pay \$350 for each performance, with the Town's total responsibility not to exceed \$4,550.00 for the 2019 portion of the Concert Series; and

WHEREAS, funds for these fees are available in Account CYS A 7020 47660 000 0000;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves the request as hereinabove set forth to employ the services of the performers, for the dates, locations and fees as stated in said memorandum and the attached list; and be it further

RESOLVED, that the Comptroller is hereby authorized and directed to make payment for each performer at a fee of \$350.00, upon presentation of a duly certified claim, after audit, with funds for said payment to be drawn from Account No. CYS A 7020 47660 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
Councilman Muscarella	Absent
Councilman Macagnone	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye

cc: Supervisor  
Town Attorney  
Comptroller  
Community & Youth Services

Reviewed By  
Office of Town Attorney

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# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

May 2, 2019

TO: Memorandum Docket

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

SUBJECT: 2019-2020 Distinguished Artists Concert Series

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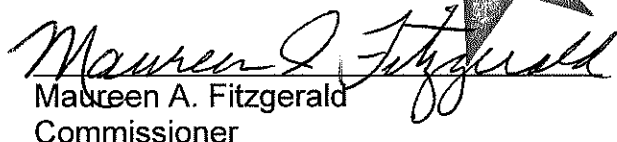
The Department of Community & Youth Services is requesting Town Board authorization to employ the services of the following performers for the dates and locations in accordance with the attached table. This program is co-sponsored by the libraries noted.

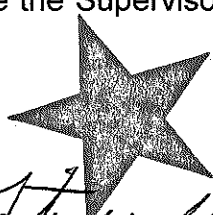
Both the Town and the individual library will each pay \$350 toward the noted performance. The Town's responsibility will not exceed \$4,550 for the 2019 portion of the Concert Series.

In accordance with Guideline 5, Section b. of the Town Procurement Policy, the procurement of these musicians and artists is exempt from the solicitation, written proposal or quotation requirements of the policy.

Funds for these fees are available in Account CYS A 7020 47660 000 0000, Special Events.

Therefore, it is respectfully requested that the Town Board authorize the Town to enter into agreements as negotiated and attached and further authorize the Supervisor and/or his designee to execute said agreements.

  
Maureen A. Fitzgerald  
Commissioner



MAF:SAB:dj  
Attachments  
cc: Town Attorney (+7 copies)

PERFORMER NAME	CHECK PAYABLE TO:	DATE/TIME	LOCATION
The Guthrie Brothers	<b>The Guthrie Brothers, LLC</b> 210 Summit Avenue Ramsey, NJ 07446	Sunday, October 6, 2019 2:00 PM	Jericho Public Library
River of Dreams	<b>John Cozolino</b> 1 Old Town Road Beacon, NY 12508	Sunday, October 13, 2019 2:00 PM	Bethpage Public Library
Tom Polito & Friends	<b>James T. Polito</b> 86 Grohman's Lane Plainview, NY 11803	Sunday, October 20, 2019 2:00 PM	Hicksville Public Library
Rubber Soul	<b>Joe Salucci</b> 6 River Lane Brookhaven, NY 11719	Sunday, October 27, 2019 1:00 PM	Massapequa Public Library
The Evolution of Salsa	<b>Jose Obando</b> 29-16 Hoyt Avenue South Astoria, NY 11102	Sunday, November 3, 2019 3:00 PM	Plainview-Old Bethpage Public Library
Savannah Sky	<b>Nina K. Gordon</b> 200 South Middle Neck Road, Apt. J4 Great Neck, NY 11021	Sunday, November 10, 2019 2:00 PM	Bethpage Public Library
The Paul Effman Band	<b>Paul Effman</b> 15 Meadowbrook Rd Syosset, NY 11791	Saturday, November 16, 2019 8:00 PM	Plainview-Old Bethpage Public Library
Almonds & Raisins Jewish Songs from the Heart	<b>Lois Morton</b> 10 High Oaks Court Huntington, NY 11743	Sunday, November 17, 2019 1:00 PM	Massapequa Public Library
Rhonda Denet & The Silver Fox Songs Trio	<b>Rhonda D. Lipscomb</b> PO Box 15274 Jersey City, NJ 07305	Sunday, November 24, 2019 2:00 PM	Jericho Public Library
Breakdown	<b>Steve Jaworowski</b> 9 Hayes Road Amity Harbor, NY 11701	Sunday, December 1, 2019 2:00 PM	Bethpage Public Library
Copperline - The James Taylor Experience	<b>David Lamm</b> 244 Colony Street West Hempstead, NY 11552	Saturday, December 7, 2019 7:30 PM	Syosset Public Library
Sugar & Spice Soul Band	<b>Joyce Kendrick</b> 18 Buick Drive Selden, NY 11784	Sunday, December 8, 2019 2:30 PM	Farmingdale Public Library
Four Hand Band	<b>Alexander Wu</b> 515 East 85 <sup>th</sup> Street, #3D New York, NY 10028	Sunday, December 15, 2019 3:00 PM	Plainview-Old Bethpage Public Library



Contract

This Contract, made by and between the Town of Oyster Bay's Department of Community and Youth Services, located at 977 Hicksville Road, Massapequa, New York 11758 (hereinafter referred to as "TOWN") and The Guthrie Brothers, LLC., located at 210 Summit Avenue, Ramsey, New Jersey 07446 (hereinafter referred to as "CONTRACTOR") in consideration of mutual interests provided for hereby, the parties herein agree as follows:

Performance by: The Guthrie Brothers

Date: October 6, 2019

Time: 2:00 PM (a 75-90 minute performance is required)

Location: Jericho Public Library, 1 Merry Lane, Jericho

Contact: Phyllis Cox, (516) 935-6790

Amount: \$350.00

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

THE GUTHRIE BROTHERS, LLC

→ \_\_\_\_\_  
CONTRACTOR

→ DATE: \_\_\_\_\_, 2019

TOWN OF OYSTER BAY

\_\_\_\_\_  
COMMISSIONER 

DATE: \_\_\_\_\_, 2019

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated April 30, 2019, recommended that the Town Board authorize a refund to be paid to Roy Weydig, in the amount of \$1,750.00 paid for a boat slip at Tappen Marina, due to his purchase of a larger boat, which the boat slips at Tappen Marina cannot accommodate,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Parks is hereby authorized to issue a refund in the amount \$1, 750.00 to Roy Weydig, from Account No. PKS A 0001 02025 526 0000 and payment of said refunds are to be made upon presentation of a duly certified claim, after audit by the Comptroller.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Parks

Reviewed By  
Office of Town Attorney

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# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner of Parks

DATE: April 30, 2019

SUBJECT: Resident Refund

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The Department of Parks has received correspondence from Roy Weydig requesting a refund in the amount of \$1,750.00. The refund is requested for a boat slip at Tappen Marina which cannot be utilized due to his purchasing a larger boat and needing a larger boat slip. Please see attached for pertinent information regarding this refund request.

The refund should be mailed to:

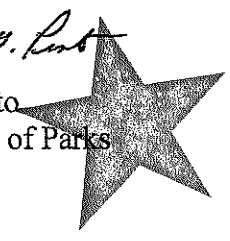
Roy Weydig  
7A Glen Lane  
Box 317  
Glenwood Landing, NY 11547

The Department of Parks requests that the Town Board authorize a refund.

Kindly debit account PKS A 0001 02025 526 0000.

*Joseph G. Pinto*

Joseph G. Pinto  
Commissioner of Parks



JGP:lc

Attachments

CC: Office of the Town Attorney (original + 7 copies)

Roy Weydig  
7A Glen Lane  
Box 317  
Glenwood Landing, NY 11547

Town of Oyster Bay Parks Department  
977 Hicksville Road  
Massapequa, NY 11758  
Attn: Commissioner Joseph G. Pinto

April 26, 2019

Re: Harry Tappen Marina slip L19

Dear Commissioner Pinto:

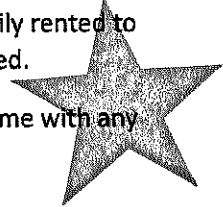
I am writing to you as directed by the Oyster Bay Town Beach division in regard to the above referenced.

I recently sold my boat and acquired a new one that is a few feet longer. I was advised that the new boat had a length that exceeded the parameters of my existing slip and that I would not be able to utilize it. I also was informed that there is a waiting list for the slip and therefore, it could be easily rented to another boater. As such, I am requesting that my dockage fee of \$1,750.00 be refunded.

I thank you for your time and consideration in this matter. Please feel free to contact me with any questions you may have regarding this matter.

Regards,

  
Roy Weydig





Joseph G. Pinto  
Parks Commissioner

**TOWN OF OYSTER BAY**  
**Department of Parks**

Joseph S. Saladino  
Town Supervisor

977 Hicksville Road  
Massapequa, NY 11758  
(516) 797-4111

**SUMMER 2019 MARINA FULL RECEIPT**

Roy Weydig  
7A Glen Lane  
Glenwood Landing, NY 11547

Receipt #: **15531**

Slip No.: Tappen Beach **L19**

Vessel: FLYING FISH

Reg. #: NY7710HW

LOA: 25'

Date: 2/1/2019 1:06:03 PM

Payment Received By: JMOLLINEAUX

Birthdate: 8/6/1968 Payment Type: Business Check

Amount Received: \$1,750.00 Check #: \_\_\_\_\_

**TERMS AND CONDITIONS**

The season shall begin on Monday, Apr 15, 2019 and end on Sunday, Nov 10, 2019.

1. All boat and boating equipment docked, berthed, located or left at Town Facilities are left at the sole risk of the owner of said boats and equipment and permission to so dock, berth, locate or leave such property is conditioned upon the owner's acceptance of said risk. All boat and boat equipment owners are reminded to obtain adequate insurance before making use of Town facilities.
2. The licensee expressly assumes all risk of loss due to damages, theft, vandalism, or accident to his/her property while berthed in the marina and expressly releases the Town of Oyster Bay, its agents, officers, and employees from any and all claims whatsoever for loss, damage, fire, theft, or accident to his/her property.
3. The security that is provided at the marinas is for the protection of Town property. The Town does not assume responsibility for damage done to vessels docked at Town marinas.
4. Upon assignment of boat slip, which is for the exclusive use of the licensee, said boat slip SHALL NOT be transferable to another person or to another vessel.
5. Once a vessel is assigned a slip in a category, only that vessel may occupy said slip. The only change in slip assignment permitted will be those that involve slips in the applicant's authorized category size. The change in slip assignment will only be made through the Beach Division
6. A tenant who wishes to place a different vessel in his/her assigned slip will be permitted to do so only under the following conditions:
  - a. The vessel's overall length must fall within the original category size (for example in the 26-31 foot category, the different vessel cannot be less than 26 feet or more than 31 feet in overall length).
  - b. The tenant has ownership of the new vessel and he/she remains the primary owner.
7. A tenant may not:
  - a. Own or be co-owner of more than one vessel which occupies a slip in either north shore marina.
  - b. Trade up or down in vessel size that takes him/her out of his/her category size
  - c. Transfer ownership to other persons (full or part) and maintain current slip space
8. All deadlines for receipt of various documents, required deposits, and final payment must be met. No extensions will be granted.
9. The boat slip licensee's are under the express stipulation that the licensee shall not sub-lease or assign such space to anyone.
10. All requests for refunds must be made in writing and received at the Parks Department main office.
11. Any false statement contained on the marina application shall constitute grounds for revocation of the assigned slip.
12. Violation of any of the rules and regulations governing the use of the marina area shall constitute grounds for revocation of slip assigned.
13. No refunds of fees upon revocation of assigned slip.
14. Each licensee shall give the facility manager at least 48 hours notice of his/her occupancy of assigned slip and the licensee shall give notice to said manager by Sunday, Nov 3, 2019 as to the date of which licensee shall vacate assigned slip.
15. Any vessel remaining at a marina after Sunday, Nov 10, 2019, will be charged \$30 per day. Please note, regardless of what you may be told by facility employees, this fee cannot be waived. This does not apply to boat owners who have received winter storage assignments.
16. Lessees of boat slips, dinghy and sunfish/sailfish racks shall be issued one vehicle gate pass free of charge.
17. All rules and regulations governing the use of Town marinas shall be established by the Commissioner of Parks.

**Present to Dockmaster Prior to Occupying Slip**

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

DATE \_\_\_\_\_

2419

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

LIST CHECKS SINGLY OR ATTACH LIST

CURRENCY		
COIN CHECK I.D.		
8908	200	00
325	200	00
109	1750	00
\$	2150	00

PLEASE ENTER TOTAL HERE

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

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

### My Transaction Summary

Transaction #57  
Account Number Ending In: 0206  
Checking Deposit \$2,150.00

Further review may result in delayed availability of this document

JPMorgan Chase Bank, N.A.  
North Massapequa Branch 000200  
1-800-935-9935  
Your satisfaction matters. Share your  
feedback at: [chase.com/sendusfeedback](https://chase.com/sendusfeedback)

Member FDIC, Equal Housing Lender  
Please keep your receipt  
02/05/2013 10:11

Business Date 02/05/2019  
Session #30

Thank you - diana  
Cashbox #02

Tappe  
Marine

Summer Deposit

PK: A 0001 #2025 526 0000

Reviewed By  
Office of Town Attorney

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated April 30, 2019, advised that a request for proposals (RFP) was issued to seven (7) firms and the RFP was placed on the Town of Oyster Bay website, to procure Online Auction Services for Surplus Town Property, for a one (1) year period with four (4) extensions at the Town's option, each extension being one (1) year in length, Contract No. RFP001-2019, and the Department of General Services received five (5) responses by the February 15, 2019 response date; and

WHEREAS, following a review and evaluation of said five (5) responses by a selection committee, based on the established criteria in conjunction with a set of guidelines for the purpose of choosing the most qualified firm and in compliance with requirements of Guidelines 6 and 9 of the Town's Procurement Policy, Commissioner Tuman, by said memorandum, requested that the Town Board authorize Auctions International, Inc., to receive the RFP for Online Auction Services for Surplus Town Property,

NOW, THEREFORE, BE IT RESOLVED, that the recommendation as hereinabove set forth is accepted, and Contract No. RFP001-2019 shall be awarded to Auctions International, Inc., for the Online Auction Services for Surplus Town Property.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
General Services

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## Town of Oyster Bay Inter-Departmental Memo

April 30, 2019

TO: MEMORANDUM DOCKET

FROM: ERIC TUMAN, COMMISSIONER OF GENERAL SERVICES

SUBJECT: AWARD RECOMMENDATION OF ONLINE AUCTION SERVICES FOR  
SURPLUS TOWN PROPERTY REQUEST FOR PROPOSAL (RFP)  
CONTRACT; RFP001-2019


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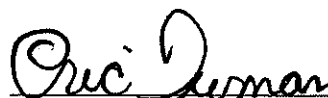
Pursuant to the Town of Oyster Bay Procurement Policy, the Department of General Services has solicited Requests for Proposals (RFP's) for Online Auction Services for Surplus Town Property. A total of seven (7) firms were sent the RFP to provide Online Auction Services for Surplus Town Property for a one (1) year period with four (4) extensions at the Town's option, each extension being one (1) year in length. In addition the RFP was posted on the Town's website.

Of the seven (7) firms, five (5) responded by the February 15, 2019 response date. The evaluation and selection process was performed in compliance within guidelines 6 & 9 of the Town of Oyster Bay Procurement Policy. A RFP Review Committee formed of six (6) employee established and created a criteria in conjunction with a set of guidelines for the purpose of choosing the most qualified firm. That criteria consisted of specific questions relevant to the services the Town was seeking to conduct Online Auction Services. Each question had a numerical scoring method associated with the question.

Of the five (5) firms reviewed and evaluated, Auctions International, Inc. was ranked with the highest numerical score.

Accordingly, the Department of General Services respectfully requests Town Board approval to award Auctions International, Inc. the RFP for Online Auction Services.



  
Eric Tuman  
Commissioner of General Services

ET/nl  
Attachment



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

April 1, 2019

To: ERIC TUMAN  
COMMISSIONER, GENERAL SERVICES

From: RALPH J. RAYMOND  
DEPUTY COMMISSIONER, GENERAL SERVICES

Subject: REQUEST FOR PROPOSAL (RFP)  
ONLINE AUCTION SERVICES FOR SURPLUS TOWN PROPERTY

---

This communication is to advise you that the Town has received five (5) RFP's for Online Auction Services for Surplus Town Property. A Committee of six (6) employees has been established, has created a criteria and set of guidelines for the purpose of choosing the most qualified vendor. The results are as follows: The committee is recommending that **Auctions International, Inc.** be awarded the RFP for Online Auction Services.

RJR/sc

  
RALPH J. RAYMOND  
DEPUTY COMMISSIONER  
OF GENERAL SERVICES



WHEREAS, in accordance with the Town of Oyster Bay Procurement Policy, the Office of the Supervisor issued a Request for Proposals (RFP) for bond counsel services, for a three (3) year period, with an option for one (1) three-year extension; and

WHEREAS, the RFP was sent to several firms and was posted on the Town website, and the four responses to the Request for Proposals were reviewed and evaluated in accordance with all of the terms of the Procurement Policy; and

WHEREAS, Robert Darienzo, Director of Finance, by memorandum dated May 6, 2019, recommended that the Supervisor, or his designee, be authorized to enter into an agreement with Norton Rose Fulbright US, LLP, for a three (3) year period, from May 23, 2019 through May 22, 2022, with an option for one (1) three-year extension, with all funds to be drawn from the applicable capital funds object .29999 Bonding and Finance Accounts,

NOW, THEREFORE, BE IT RESOLVED, That upon the abovementioned recommendation, the Supervisor, or his designee, is authorized and directed to enter into an agreement with Norton Rose Fulbright US, LLP, for a three (3) year period from May 23, 2019 through May 22, 2022, with an option for one (1) three-year extension, with all funds to be drawn from the applicable capital funds object .29999 Bonding and Finance Accounts.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Finance

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

12

TOWN OF OYSTER BAY

Inter-Departmental Memo

May 6, 2019

To: Memorandum Docket

From: Rob Darienzo, Director of Finance

Subject: Award of Bond & Disclosure Counsel RFP

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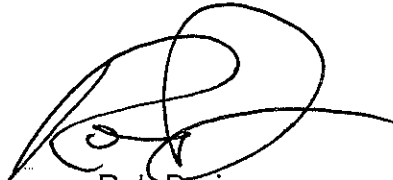
Pursuant to the Town of Oyster Bay Procurement Policy, the Finance Division of the Supervisor's Office solicited Requests for Proposals (RFPs) from several firms for providing Bond and Disclosure Counsel Services to the Town for a three (3) year period with the option of one (1) three-year extension. In addition, the RFP was posted on the Town's website.

Four firms responded by the April 15, 2019 response date. The evaluation and selection process was performed in compliance with the requirements of Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy. An RFP Review Committee consisting of Town Comptroller Steven Ballas, Deputy Comptroller Christine Wiss and I independently evaluated and rated the firms and then held a meeting to discuss our findings.

The unanimous choice of the committee was Norton Rose Fulbright., followed by Orrick and Hawkins, Delafield and Wood.

Accordingly, this office respectfully requests Town Board authorization for the Town to enter into an agreement with Norton Rose Fulbright and further, authorize the Supervisor and/or his designee to execute said agreement for the purpose of providing Bond and Disclosure Counsel Services from May 23, 2019 through May 22, 2022.

The value of Bond and Disclosure Counsel services would be contingent upon the type and amount of debt issued. Funds for this purpose are available in various capital funds object .29999 or other appropriate accounts.



Rob Darienzo  
Director of Finance

RD/rd

cc: Town Attorney (with 7 copies)

Word/Documents/Docket/2019 bond and disclosure counsel RFP award

WHEREAS, Joseph Nocella, Town Attorney, and Matthew D. Fernando, Assistant Town Attorney, by memorandum dated April 26, 2019, requested and recommended that the Town Board authorize payment of a refund in the amount of \$645.94 to Philip Vella, 140 Greenwood Drive, Massapequa New York 11758, for an overpayment for concrete work,

NOW, THEREFORE, BE IT RESOLVED; That the recommendation as hereinabove set forth is accepted and approved, and the Town Board hereby authorizes payment of a refund in the amount of \$645.94 to Philip Vella, 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. TWN DB 0000 00380 000 0000, or any other appropriate account.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney

13

## Town of Oyster Bay Inter-Departmental Memo

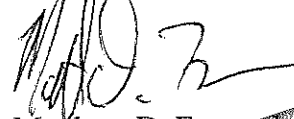
TO: MEMORANDUM DOCKET  
FROM: Office of the Town Attorney  
DATE: April 26, 2019  
SUBJECT: Concrete Work Refund

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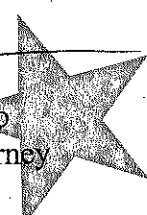
Our Office has received the attached memoranda, from Richard W. Lenz, P.E., Commissioner, Department of Public Works, and John Bishop, Deputy Commissioner, Highway Department, dated February 20, 2019, and from Steven Ballas, Comptroller, dated March 11, 2019, wherein they request a refund in the amount of \$645.94 be paid to Mr. Philip Vella, for an overpayment for concrete work at 140 Greenwood Drive, Massapequa.

Based on these circumstances, our Office requests and recommends that the Town Board authorize this refund. Please debit account TWN DB 0000 00380 000 0000.

JOSEPH NOCELLA  
TOWN ATTORNEY



Matthew D. Fernando  
Assistant Town Attorney



MDF:mdf  
Attachment  
File No. 9-000  
cc: Town Attorney (w 7/copies)

S:\Attorney\RESOS 2019\MD & RESO\MD Refund Vella Concrete Work MDF.docx

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

TOWN OF OYSTER BAY  
COMPTROLLER'S OFFICE

2019 FEB 26 P 3:51

February 20, 2019

TO: STEVEN C. BALLAS, COMPTROLLER

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

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

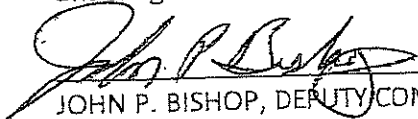
SUBJECT: CONCRETE WORK PERFORMED AT:  
140 GREENWOOD DRIVE, MASSAPEQUA, NY


It has been brought to our attention that Mr. Vella, the owner of the property at 140 Greenwood Drive, Massapequa was charged \$1,254.59 for concrete work performed by the Highway Department.

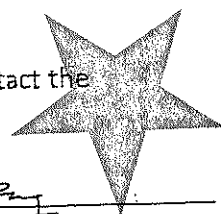
Further review of this matter, it was determined that the work performed at the above referenced location was for a total cost of \$608.65. Therefore, Mr. Vella made an overpayment of \$645.94 due to a clerical error regarding the amount of time for labor and equipment that was actually utilized at this address.

Therefore, this office is requesting a refund be issued to Mr. Vella in the amount of \$645.94. Please take the appropriate action deemed necessary in order to issue this refund to Mr. Vella for his overpayment to the Town.

If you should have any questions regarding this matter, please feel free to contact the undersigned at extension 5944 at your earliest convenience.

  
JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

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



RWL/JPB/km  
CC: Gregory W. Carman, Jr., Deputy Town Supervisor  
Joseph Nocella, Town Attorney  
Frank M. Scalera, Chief Deputy Town Attorney

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

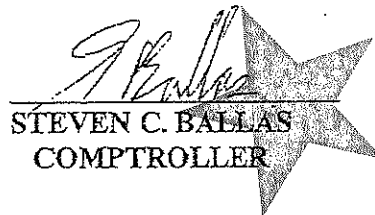
March 11, 2019

**TO: TOWN ATTORNEY**  
**FROM: STEVEN C. BALLAS, COMPTROLLER**  
**SUBJECT: PHILLIP VELLA REFUND - OVERPAYMENT**

---

Please prepare the appropriate resolution for refunding Mr. Philip Vella \$645.94 due to an overpayment for concrete work at 140 Greenwood Drive, Massapequa.

Please review the attached Memo dated February 20, 2019 from Richard Lenz, Commissioner DPW, and John Bishop, Deputy Commissioner detailing the matter.

  
STEVEN C. BALLAS  
COMPTROLLER

Attachment

SCB:mj  
cc: Reading File

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated May 3, 2019, advised that the design for Contract No. DP19-199, Western Waterfront East Side Dock Installation, has been completed; and

WHEREAS, Commissioner Lenz also advised that he approved the plans and specifications submitted, with an estimated construction time for completion of 150 days, and recommended that the Division of Purchasing, Department of Public Works, proceed with setting a date for receiving bids for said Contract; and

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and that the Division of Purchasing, Department of Public Works, is hereby authorized and directed to contact the Division of Engineering and set a date for receiving bids for Contract No. DP19-199.

#

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Public Works

7/19  
Reviewed By  
Office of Town Attorney  
[Signature]



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

May 3, 2019

TO: MEMORANDUM DOCKET

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


SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID  
WESTERN WATERFRONT EAST SIDE DOCK INSTALLATION  
CONTRACT NO. DP19-199

---

The Department of Public Works is performing 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 150 days.

It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract. They are requested to contact the Division of Engineering, at extension 5725 to establish a bid date.

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

RWL/CT/MR/SC  


cc: Town Attorney (w/7 copies)  
Steven C. Ballas, Comptroller  
Eric Tuman, Commissioner/General Services  
Joseph G. Pinto, Commissioner/Parks  
George Baptista, Deputy Commissioner/DER

DP19-199\_Westernwaterfront east side docks\_PERMSSION TO BID

Meeting of May 21, 2019

Resolution No. 329-2019

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated May 6, 2019, advised that the design for Contract No. DP19-188, TOBAY Beach 9/11 Wall of Honor, has been completed; and

WHEREAS, Commissioner Lenz also advised that he approved the plans and specifications submitted, with an estimated construction time for completion to be prior to September 1, 2019, and recommended that the Division of Purchasing, Department of Public Works, proceed with setting a date for receiving bids for said Contract; and

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and that the Division of Purchasing, Department of Public Works, is hereby authorized and directed to contact the Division of Engineering and set a date for receiving bids for Contract No. DP19-188.

#

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Public Works

Reviewed By  
Office of Town Attorney

15

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

May 6, 2019

TO: MEMORANDUM DOCKET


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


SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID  
TOBAY BEACH 9/11 WALL OF HONOR  
CONTRACT NO. DP19-188

---

The design for the subject contract has been completed, and the Commissioner of Public Works has approved the plans and specifications. The estimated completion of this subject contract will be prior to September 1, 2019.

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/DJH/lk

cc: Town Attorney (w/7 copies)  
Steven C. Ballas, Comptroller  
Eric Tuman, Commissioner/General Services  
Joseph G. Pinto, Commissioner/Parks

DP19-188 – DOCKET DESIGN TOBAY BEACH 9/11 WALL OF HONOR

WHEREAS, Richard W. Lenz, P.E. Commissioner, Department of Public Works/Highway, by memorandum dated May 6, 2019, advised that deBruin Engineering, P.C., by letter dated May 6, 2019, made a final inspection of the work performed under Contract No. DP16-136, Improvements to Pool Filter Systems at Various Town Parks, and has certified that the Contractor, Seaford Ave. Corp., 21 Brooklyn Ave., Massapequa, New York 11758, has complied with all of the requirements of the Contract, and said Commissioner, Department of Public Works/Highway, concurs with deBruin Engineering, P.C. that this Contract be accepted as having been completed, and that final payment be made to the Contractor; and

WHEREAS, during the Construction Phase of Contract No. DP16-136, it was found necessary to increase this Contract by the amount of \$125,447.46 to address structural, electrical and plumbing issues at the involved facility that were necessary to project completion, as well as a necessary change to the originally specified chemical feeders due to operational issues; and

WHEREAS, final construction costs were in the amount of \$755,947.46; and

WHEREAS, the Office of the Town Attorney and the Office of the Comptroller, by memoranda dated April 30, 2019 and March 27, 2019, respectively, have stated that there are no legal obstacles or financial encumbrances of record that would necessitate the withholding of final acceptance of this Contract; and

WHEREAS, the Department of Parks, by memorandum dated April 10, 2019, concurs with the recommendation of final acceptance for this project,

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendations as hereinabove set forth, that Contract No. DP16-136 be accepted as being complete, at a final construction cost of \$755,947.46, are hereby accepted and approved and the Office of the Comptroller is hereby authorized and directed to make final payment for same to Seaford Ave. Corp. in accordance with the applicable terms and provisions of the Contract, after the customary review of the engineer's certificate, upon presentation of a duly certified claim, after audit.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Public Works  
Parks

Reviewed By  
Office of Town Attorney

16

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

May 6, 2019

TO: MEMORANDUM DOCKET

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

SUBJECT: ACCEPTANCE & FINAL PAYMENT  
IMPROVEMENTS TO POOL FILTER SYSTEMS AT VARIOUS TOWN PARKS  
TOWN OF OYSTER BAY, NEW YORK  
CONTRACT NO. DP16-136

---


Attached herewith is:

1. A letter dated May 6, 2019 from deBruin Engineering, P.C., recommending final acceptance by the Town of Oyster Bay.
2. The consultant's final engineer's certificate for Seaford Avenue Corp. dated March 21, 2019
3. A statement from the Town Attorney's office indicating there are no legal hindrances.
4. A statement from the Town Comptroller indicating there are no financial hindrances which would delay the acceptance of this contract.
5. A statement from the Parks Department concurring with final acceptance.
6. A Change Order Approval resolution 163-2019 dated February 26, 2019.

Work under this contract was directed to proceed as of December 15, 2017 to be completed within 180 calendar days on June 14, 2018. Actual work was completed on June 4, 2018.

Final construction costs amount to \$755,947.46.

We hereby concur with deBruin Engineering, PC., that this project be accepted as being completed and that all final payments be made to the contractor after the customary review of the engineer's certificate and claim by the Parks, Comptroller and Town Attorney.

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

RWL/JCT/MR/HAS/lk  
Attachments

cc: Town Attorney (w/7 copies)  
Steven C. Ballas, Comptroller  
Kathy Stefanich, Public Works  
Eric Tuman, Commissioner/General Services  
Joseph G. Pinto, Commissioner/Parks

DP16-136 DOCKET Final Accept

# de Bruin

de Bruin Engineering P.C.

*Civil Engineering & Construction Management*

May 6, 2019

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

Re: Improvements to Pool Filter Systems at Various Town Parks  
Contract No. DP 16-136  
Project No. 6101  
**Engineer's Certificate of Completion**

Dear Commissioner:

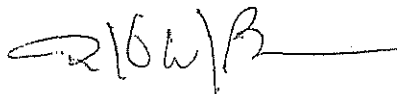
Please be advised that Seaford Avenue Corp., the General Contractor for the Improvements to Pool Filter Systems at Various Town Parks has completed all work for this project. We find the work to be acceptable and in compliance with the plans and specifications.

The contract was substantially complete by June 4, 2018.

The final cost of the project was \$755,947.46.

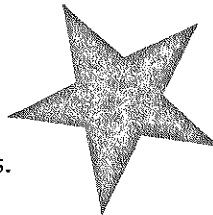
Please contact me at your convenience with any comments or concerns.

Sincerely yours,



Robert W. de Bruin, P.E.

Encls: Contract Summary Sheet



APPLICATION AND CERTIFICATE FOR PAYMENT

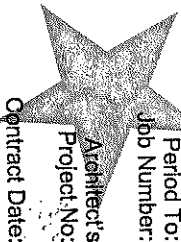
To (OWNER): Town of Oyster Bay DPW  
150 Miller Place  
Syosset, NY 11791

From: Seaford Ave Corp  
21 Brooklyn Avenue  
Massapequa, NY 11758

Via (Architect):

Project: Pool Filters - Various Parks A  
various town locations  
oyster bay, NY 11771

Application No: 7  
Invoice No: 9735  
Period To: 2/28/2019  
Job Number: 1117-01



Architect's  
Project No:  
Contract Date:

CONTRACTOR'S APPLICATION FOR PAYMENT

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

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Approved previous months	138,142.46	12,695.00
Approved this month	0.00	0.00
TOTALS	138,142.46	12,695.00
Net change by change orders	125,447.46	

1. ORIGINAL CONTRACT SUM	\$	630,500.00
2. Net change by Change Orders	\$	125,447.46
3. CONTRACT SUM TO DATE (LINE 1+/-2)	\$	755,947.46
4. TOTAL COMPLETED & STORED TO DATE (Column G on Continuation Sheet)	\$	755,947.46
5. RETAINAGE	\$	0.00
6. TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5)	\$	755,947.46
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT (Line 6 from prior Certificate)	\$	718,150.08
8. SALES TAX	\$	0.00
9. CURRENT PAYMENT DUE	\$	37,797.38
10. BALANCE TO FINISH, PLUS RETAINAGE (Line 3 less Line 6)	\$	0.00

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

CONTRACTOR: Seaford Ave Corp  
By: [Signature]

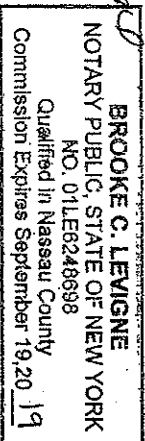
Date: 3/14/19

ARCHITECT'S CERTIFICATE FOR PAYMENT

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

AMOUNT CERTIFIED.....\$ 37,797.38  
(Attach explanation if amount certified differs from the amount applied for.)

State of: New York County of: Nassau  
Subscribed and sworn to before me this 14 day of March 2019  
Notary Public: Brooke C. LeVigne  
My Commission expires: 9/19/19



ARCHITECT: [Signature]  
By: [Signature]  
Date: 3/21/19  
This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the  
Contractor named herein. Issuance, payment and acceptance of payment are without  
prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 7  
Application Date: 3/14/2019  
Period To: 2/28/2019  
Architect's Project No:

A	B	C	D	E	F	G	H	I	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK BILLED FROM PREV APPLICATION (D+E+F)	WORK BILLED THIS PERIOD	MATERIALS STORED THIS PERIOD	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/ C)	BALANCE TO FINISH (C-G)	RETAINAGE
1	Mobilization	31,500.00	31,500.00	0.00	0.00	31,500.00	100	0.00	0.00
2	Bonds	19,000.00	19,000.00	0.00	0.00	19,000.00	100	0.00	0.00
3	Demo-Electric/control	10,000.00	10,000.00	0.00	0.00	10,000.00	100	0.00	0.00
4	Demo- Pumps/Motors/Base	10,000.00	10,000.00	0.00	0.00	10,000.00	100	0.00	0.00
5	Demo-Chemical Treatment	10,000.00	10,000.00	0.00	0.00	10,000.00	100	0.00	0.00
6	Demo-Filter/Media	25,000.00	25,000.00	0.00	0.00	25,000.00	100	0.00	0.00
7	Demo Pool Piping	12,000.00	12,000.00	0.00	0.00	12,000.00	100	0.00	0.00
8	Install new pumps	103,000.00	103,000.00	0.00	0.00	103,000.00	100	0.00	0.00
9	Install New UFD's	104,000.00	104,000.00	0.00	0.00	104,000.00	100	0.00	0.00
10	Electric Upgrades	30,000.00	30,000.00	0.00	0.00	30,000.00	100	0.00	0.00
11	Concrete Pads	15,000.00	15,000.00	0.00	0.00	15,000.00	100	0.00	0.00
12	Pool Piping	18,000.00	18,000.00	0.00	0.00	18,000.00	100	0.00	0.00
13	New Filters/Media	150,000.00	150,000.00	0.00	0.00	150,000.00	100	0.00	0.00
14	Tank Covers	40,000.00	40,000.00	0.00	0.00	40,000.00	100	0.00	0.00
15	New Chemical Equipment	25,500.00	25,500.00	0.00	0.00	25,500.00	100	0.00	0.00
16	Building Maintenance	12,500.00	12,500.00	0.00	0.00	12,500.00	100	0.00	0.00
17	Water Level Controllers	15,000.00	15,000.00	0.00	0.00	15,000.00	100	0.00	0.00
18	Allowance - Isolation Valves (SAC CO #1)	9,962.52	9,962.52	0.00	0.00	9,962.52	100	0.00	0.00
20	CO#1 MMP Chem Wall Repl (SAC	10,305.00	10,305.00	0.00	0.00	10,305.00	100	0.00	0.00



CONTINUATION SHEET

APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification is attached.

Application Number: 7  
Application Date: 3/14/2019  
Period To: 2/28/2019  
Architect's Project No:

A	B	C	D	E	F	G	H	I	
ITEM NO.	DESCRIPTION OF WORK	SCHEDULED VALUE	WORK BILLED FROM PREV APPLICATION (D+E+F)	WORK BILLED THIS PERIOD	MATERIALS STORED THIS PERIOD	TOTAL COMPLETED AND STORED TO DATE (D+E+F)	% (G/C)	BALANCE TO FINISH (C-G)	RETAINAGE
	CO #3)								
19	CO#2 MMP Electric Transformer (SAC CO #2)	6,985.00	6,985.00	0.00	0.00	6,985.00	100	0.00	0.00
22	CO#3 MMP Support Column (SAC CO #5)	8,833.00	8,833.00	0.00	0.00	8,833.00	100	0.00	0.00
23	CO #4 Bonding Improvements All Parks (SAC CO #7?)	85,361.94	85,361.94	0.00	0.00	85,361.94	100	0.00	0.00
21	CO#5 Chlorine Pumps (SAC CO #4)	14,000.00	14,000.00	0.00	0.00	14,000.00	100	0.00	0.00
24	Credit Allowance - Isolation Valves (SAC CO #1)	-9,962.52	-9,962.52	0.00	0.00	-9,962.52	100	0.00	0.00
25	Reduce Contingency not used	-37.48	-37.48	0.00	0.00	-37.48	100	0.00	0.00
		755,947.46	755,947.46	0.00	0.00	755,947.46	100	0.00	0.00

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

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

FROM: RAYMOND J. AVERNA  
DEPUTY TOWN ATTORNEY

DATE: April 30, 2019

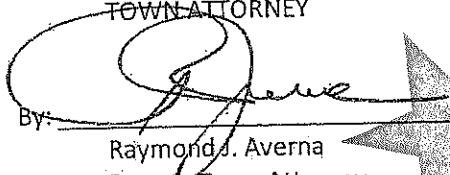
SUBJECT: FINAL ACCEPTANCE  
IMPROVEMENTS TO POOL FILTER SYSTEMS AT VARIOUS TOWN PARKS  
CONTRACT NO. DP16-136 / SEAFORD AVENUE CORP.

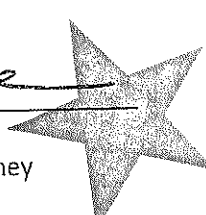
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In reply to your memorandum of March 22, 2019, please be advised that the records of this office disclose no pending litigation or other obstacles which would prevent the final acceptance of the above-referenced project.

In addition, we have reviewed Maintenance Bond No. 100368323 and have approved same as to form. The original Maintenance Bond was forwarded to the Town Clerk.

JOSEPH NOCELLA, ESQ.  
TOWN ATTORNEY

By:   
Raymond J. Averna  
Deputy Town Attorney



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

JF  
H.S.

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 27, 2019

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

**FROM: STEVEN C. BALLAS, COMPTROLLER**


**SUBJECT: FINAL ACCEPTANCE – IMPROVEMENTS TO POOL FILTER SYSTEMS**  
**AT VARIOUS TOWN PARKS -CONTRACT NO. DP16-136**

---

In reply to your memo dated March 22, 2019, copy enclosed, please be advised that there are no financial hindrances that would delay the acceptance of this contract.

STEVEN C. BALLAS  
COMPTROLLER

By: Christine M. Wiss  
Christine M. Wiss  
Deputy Comptroller



Enclosure  
SCB/CMW:jjb/mj

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

Jr  
H.S.

# TOWN OF OYSTER BAY

## Inter-Departmental Memorandum

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

ATTENTION: John C. Tassone, Deputy Commissioner  
Engineering Division

FROM: Joseph G. Pinto, Commissioner  
Department of Parks

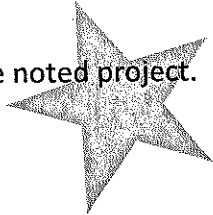

DATE: April 10, 2019

SUBJECT: Final Acceptance Contract No. DP16-136

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Please be advised that this department has reviewed the Inter-Departmental Memo, dated March 22, 2019, in regard to Final Acceptance of Improvements to Pool Filter Systems at various Town Parks, Bethpage, Massapequa, Plainview and Syosset/Woodbury, Contract No. DP16-136.

The Parks Department concurs with the recommendation of the above noted project.

  
  
\_\_\_\_\_  
Joseph G. Pinto  
Commissioner

JGP:ld

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated February 11, 2019, and deBruin Engineering, P.C., Consulting Engineers, by letter dated November 2, 2018, advised that it is necessary and essential to authorize Change Order No.1, submitted by the Contractor, Seaford Avenue Corp., relative to the Construction Phase of Contract No. DP16-136, Improvements to Pool Filter Systems at Various Town Parks, for a total net increase in the amount of \$125,447.46 to address structural, electrical and plumbing issues at the involved facilities that were necessary for project completion, and a necessary change to the originally specified chemical feeders due to operational issues, and recommended such authorization from the Town Board,

NOW, THEREFORE, BE IT RESOLVED, That upon the recommendations as hereinabove set forth, Change Order No.1, relative to the Construction Phase of Contract No. DP16-136, is hereby approved, and the Supervisor, or his designee, is hereby authorized and directed to sign Change Order No.1, for a total net increase in the amount of \$125,447.46, and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. PKS H 7197 20000 000 1310 013; and be it further

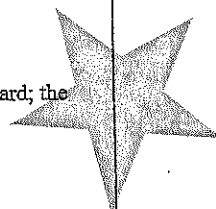
RESOLVED, That the Comptroller is hereby authorized and directed to make payment to Seaford Avenue Corp., for same, upon submission of a duly certified claim, after audit.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Public Works  
Parks



Reviewed By  
Office of Town Attorney

WHEREAS, Resolution No. 855-2017, adopted on December 12, 2017, authorized D&B Engineers and Architects, P.C., to provide Engineering Services to the Town of Oyster Bay under Contract No. PWC12-18, On-Call Engineering Services relative to Environmental Science in the Town of Oyster Bay; and

WHEREAS, Steven A. Fangmann, P.E., President, D&B Engineers and Architects, P.C., by letter dated April 22, 2019, described the scope of work to be performed in an amount not to exceed \$37,500.00, such work to include assisting the Town with Stormwater Pollution Prevention Plan ("SWPPP") reviews, comments, approval recommendations, jurisdictional waiver recommendations and SWPPP compliance site inspections; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated May 3, 2019, requested that the Comptroller issue an encumbrance order in an amount not to exceed \$37,500.00, under Contract No. PWC12-18, for Engineering Services for Environmental Science, with funds to be drawn from Account No. HWY H 5197 20000 000 1903 008,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Office of the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed \$37,500.00, and to pay D&B Engineers and Architects, P.C., for services rendered under Contract No. PWC12-18, upon presentation of a duly certified claim, after audit, with funds to be drawn from Account No. HWY H 5197 20000 000 1903 008, for Contract No. PWC12-18.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Public Works

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

May 3, 2019

TO: MEMORANDUM DOCKET

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

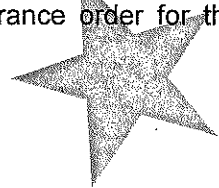
SUBJECT: ON-CALL CONSULTANT SERVICE REQUEST  
CONTRACT NO. PWC 12-18  
ENVIRONMENTAL SCIENCES  
D & B ENGINEERS AND ARCHITECTS, P.C.  
ACCOUNT NO.: HWY H5197 20000 000 1903 008  
PROJECT ID: 1903HWYDB-03

The consultant, D & B Engineers and Architects, P.C., has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC 12-18 by Resolution No. 855-2017 for the subject project. Funds have been made available by the Director of Finance.

Attached is a letter dated April 22, 2019 from D & B Engineers and Architects, P.C. regarding the scope of work to be performed in an amount not to exceed 37,500.00. Services to be performed include assisting the Town with SWPPP reviews, comments, approval recommendations, jurisdictional waiver recommendations and SWPPP compliance site inspections.

Attached is an availability of funds in the amount of 37,500.00 to satisfy said engineering costs from the Office of the Director of Finance indicating that funds are available in Account No. HWY H5197 20000 000 1903 008.

It is hereby requested that the Town Board authorize by Resolution D & B Engineers and Architects, P.C. under Contract No. PWC 12-18, On-Call Engineering Services Relative to Environmental Sciences and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

  
\_\_\_\_\_  
JOHN C. TASSONE  
DEPUTY COMMISSIONER  
DEPARTMENT OF PUBLIC WORKS

RWL/JCT/MP/SC/lk

Attachment

cc: Town Attorney (w/7 copies)  
Steven C. Ballas, Comptroller  
Kathy Stefanich, Public Works  
Eric Tuman, Commissioner/General Services  
John Bishop, Deputy Commissioner/Highway

PWC 12-18 - D&B - ON CALL SERVICE REQUEST\_37,500



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



Requesting Division/Department

HWY

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

Contract Number PWC 12-18

Contract Period 01/01/18 - 12/31/19

Consultant/Contractor D & B Engineers and Architects, P.C.

Discipline Environmental Sciences

Total Authorization \$102,500.00

Resolution No. 855-2017 Date 12/12/2017

Funded To Date \$65,000.00

Amount Requested \$37,500.00

Account To Be Used Hwy 45197 20000 000 1903 008 - 1903 HWY DB-03

If Capital Account, State The Related Contract Number:

Description Of Work

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

SWPPP Review and Inspections

Work To Be Completed In Contract Period:

Yes ☒ No ☐

A "No" response will require Town Board authorization to extend the contract period.

Required Insurances Are In Effect:

Yes ☒ No ☐

A "No" response will prevent further processing of this form.

Required 50% Performance Bond For This Request In Effect:

Yes ☐ No ☐ N/A ☒

Amount of Bond \$

Requesting Division/Department

Signature

Title

Date

Deputy Commissioner  
5-3-19

DPW Approval

Signature

Title

Date

Deputy  
Commissioner of Public Works  
5-3-19

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 37,500.00

Unencumbered Balance 941,658.00

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

Yes ☒ No ☐

Signature

Date

5/3/19





# TOWN OF OYSTER BAY



## WORK ORDER

*This Section To Be Completed By The Department Of Public Works*

Work Order No. \_\_\_\_\_

E.O. No. \_\_\_\_\_

Contract Start 1/1/2018

Contract No. PWC 12-18

Contract End 12/31/2019

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

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

Vendor Name and Address

D & B Engineers and Architects, P.C.

330 Crossways Park Drive

Woodbury, NY, 11797

Requesting Town Department Parks

Contact Sunita Chakraborti Phone (516) 677 - 5725

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

SWPPP Review and Inspections

**This work order shall not exceed \$ 37,500.00**

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

**Requesting Division/Department**

**Department Of Public Works Approval**

Signature

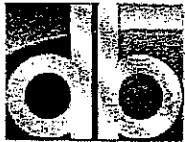
[Signature]  
Title Deputy Commissioner

Date \_\_\_\_\_

Signature

[Signature]  
Deputy  
Commissioner of Public Works

Date 5-3-19



**D&B ENGINEERS  
AND  
ARCHITECTS, P.C.**

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

**Board of Directors**

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

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

William D. Merklin, P.E.  
*Senior Vice President*

April 22, 2019  
Revision 1

Mr. John Tassone  
Deputy Commissioner  
Town of Oyster Bay  
Department of Public Works  
150 Miller Place  
Syosset, NY 11791

Attn: Matthew Russo, P.E.  
Department of Engineering

Re: Revised Proposal for Stormwater Management Program Services  
NYSDEC MS4 Permit Compliance Activities  
SWPPP Review and Inspections  
PWC-12-18

Dear Mr. Tassone:

D&B Engineers and Architects, P.C. (D&B) is pleased to provide this revised proposal to assist the Town in meeting its Stormwater Pollution Prevention Plan (SWPPP) review, approval and inspection obligations under the NYSDEC SPDES General Permit for Stormwater Discharges from Municipal Separate Storm Sewer Systems (MS4s). D&B's scope of work involves the tasks described below to be performed on an as-needed basis:

**Task 1: SWPPP Reviews, Comments and Approval Recommendations**

At the Town's request, D&B will review project-specific SWPPPs submitted to the Town by project applicants. The regulatory aspects of the applicant-prepared SWPPP will be reviewed, including the Notice of Intent (NOI), narrative, maps, drawings, specifications, details, calculations and other provided information. The SWPPP will be reviewed for completeness and consistency with the applicable regulatory provisions of the NYSDEC SPDES General Permit for Stormwater Discharges from Construction Activity, Town Code, and State technical standards: NYSDEC Standards and Specifications for Erosion and Sediment Control (Blue Book) and NYSDEC Stormwater Management Design Manual.

D&B will then review the technical aspects of the SWPPP, including drawings, specifications, proposed best management practices (BMPs), and completeness of the hydrological calculations and/or modeling information submitted as part of the SWPPP. D&B will review the proposed engineering aspects of the SWPPP to evaluate their consistency/conformance with the Blue Book and Stormwater Management Design Manual, and their capability of achieving the pre- and post-construction stormwater management goals and objectives.

Based on the observations made during the regulatory and technical reviews, D&B will submit written comments to the Town for review and transmittal to the project applicant. The project applicant would be

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

Mr. John Tassone  
Deputy Commissioner  
Town of Oyster Bay  
Department of Public Works  
April 22, 2019

Page 2

expected to respond by revising the SWPPP and providing any clarifications or missing elements. In order for the Town to officially track its compliance with the MS4 General Permit, we recommend that SWPPP comments, submittals and responses are processed through the Town's typical site plan submittal/review procedures. Once the project applicant resubmits the revised SWPPP to the Town, D&B will then review the revised SWPPP and compile another round of written comments as necessary.

When comments have been adequately addressed by the project applicant and the SWPPP is deemed acceptable, D&B will advise that the NYSDEC MS4 SWPPP Acceptance Form can be signed by the Town and submitted to the project applicant. The project applicant would then be responsible for submitting the NOI and MS4 SWPPP Acceptance Form to NYSDEC to obtain coverage under the Construction Activity General Permit.

#### **Task 2: Jurisdictional Waiver Recommendations**

Occasionally, the Town receives requests for waivers from the Town and State SWPPP acceptance and permit requirements due to the claim, by the project applicant, of no discharge to surface waters. D&B will review the provided materials for completeness and consistency with the applicable regulatory provisions of the Construction Activity General Permit, Town Code and NYSDEC guidance including the Frequently Asked Questions Version 3.0. If necessary, D&B will compile written comments for the Town's review and submittal to the project applicant. The project applicant would be expected to respond by revising the provided materials.

It is incumbent on the applicant to prepare documentary evidence that demonstrates, conclusively, the assertion that there is no potential for stormwater discharges from the site to surface waters. If the project applicant has provided sufficient documentation, D&B will advise the Town that a waiver is applicable. If the project applicant cannot provide sufficient information, D&B will recommend that the Town request a SWPPP be prepared by the project applicant for review and approval/acceptance as outlined in Task 1 above.

#### **Task 3: SWPPP-Compliance Site Inspections**

The MS4 General Permit requires the Town to inspect any active construction site with a Town-approved SWPPP to ascertain whether the project is generally implementing and monitoring the stormwater controls in accordance with the Construction Activity General Permit, Town Code and approved SWPPP. As part of this task, D&B will conduct SWPPP-compliance site inspections at subject sites at the Town's request/scheduling. At least three inspections are recommended for a typical SWPPP construction activity. Upon Town notifications, D&B would conduct the first inspection after the erosion and sediment controls have been put in place, but before the start of construction. The second inspection would take place around the mid-point of the construction schedule. The final inspection would take place after completion of construction and site stabilization for the Notice of Termination. Follow-up inspections can be scheduled as necessary to ensure observed deficiencies have been corrected by the project applicant.

Mr. John Tassone  
Deputy Commissioner  
Town of Oyster Bay  
Department of Public Works  
April 22, 2019

Page 3

Each site inspection will include review of the SWPPP documentation maintained on the site by the contractor (e.g., plans, inspection reports, maintenance records, etc.) to ascertain whether it is generally up-to-date and consistent with the approved SWPPP. The documentation review will be followed by walking the site to visually inspect erosion and sediment controls, pollution prevention and good housekeeping practices, and post-construction stormwater controls under construction. Photographs will be taken to document observations.

D&B will provide an inspection report to the Town outlining the current status of construction, observed deficiencies, and inconsistencies with the Construction Activity General Permit, Town Code or approved SWPPP that need to be addressed by the project applicant. Upon Town approval, D&B will advise the Town to transmit the inspection report to the applicant for response.

#### ESTIMATED COST


Estimating a single cost for all reviews and site inspections is not appropriate given many variable and unpredictable elements including, but not necessarily limited to:

- The preparer's and contractor's knowledge of and adherence to the provisions of the Construction Activity General Permit, Town Code, technical standards, and other pertinent regulations;
- The quality and completeness of the documentation; and
- Degree to which the project applicant and contractor are responsive to comments.

For the purposes of administering the work of this proposal, we have estimated our review and inspection efforts based upon five (5) projects of average complexity (which require Task 1 and Task 3 full services), D&B respectfully requests an initial authorization of \$37,500. Our effort will be invoiced individually by project based upon time actually incurred in completing the above services in accordance with the terms of our contract with the Town.

We have appreciated the opportunity to assist the Town with stormwater management in the past and look forward to continuing those efforts. If there are any questions, please do not hesitate to call Meredith Byers at (516) 364-9890, Ext. 3035.

Very truly yours,

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



SAF/Est/kap,nc

cc: S. Chakraborti (TOB)  
P. Sachs (D&B)  
M. Byers (D&B)

♦PX9946SAF042219JT-Ltr SWPPP

Meeting of December 12, 2017

Resolution No. 855-2017

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated November 27, 2017 and December 4, 2017, advised that on October 18, 2017, the Department of Public Works issued a Request for Proposals for On-Call Engineering Services relative to Environmental Science, in the Town of Oyster Bay, Nassau County, New York, in accordance with the specifications contained in Contract No. PWC12-18; and

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

WHEREAS, Commissioner Lenz, by said memoranda, stated that after review of the Division of Engineering's preliminary recommendations and in conjunction with the current workload, the Department has selected Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc. The evaluation and selection process was performed in compliance with the requirements of Guideline 9 of the Town of Oyster Bay Procurement Policy; and

WHEREAS, the Department of Public Works requested that the Town Board authorize the Department of Public Works to enter into an agreement with Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc., to provide On-Call Engineering Services relative to Environmental Service, in accordance with the specifications contained in Contract No. PWC12-18, for a two (2) year term, commencing on January 1, 2018 through December 31, 2019.

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted and approved, and the Department of Public Works is hereby authorized to enter into Contract No. PWC12-18 with Cashin Associates, P.C.; D&B Engineering & Architects, P.C.; Holzmacher, McLendon & Murrell, P.C.; and RTP Environmental Associates, Inc., in accordance with the provisions thereunder, for a two (2) year term, commencing on January 1, 2018 through and including December 31, 2019.

#

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

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

cc: Supervisor (2)  
Town Attorney  
Comptroller  
Public Works

Reviewed By  
Office of Town Attorney  
M. J. D. R.

WHEREAS, Salvatore Kelly, School Board Member, Saint Rose of Lima, 2 Bayview Avenue, Massapequa, New York 11758, by letter dated July 17, 2018, requested the use of one hundred (100) complete barricades and two (2) temporary handicap signs for its Annual Family Festival, to be held from July 18, 2019 through July 27, 2019; and

WHEREAS, Salvatore Kelly further requested the placement of temporary "No Parking" signs for Saint Rose of Lima's Annual Family Festival, to be placed in the following areas, from July 17, 2019 through July 27, 2019:

Bayview Avenue - East Side - Starting at the South curblin of  
Merrick Road, South to the North curblin of Harbour Lane;

Morton Avenue - North Side - Starting at the West curblin of  
Bayview Avenue, West to the East curblin of Biltmore Boulevard; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated April 30, 2019, advised that the Highway Department has no objection to providing Saint Rose of Lima Church with one hundred (100) complete barricades and two (2) temporary handicap signs for its Annual Family Festival, from July 18, 2019 through July 27, 2019; with said equipment to be delivered on July 17, 2019 and collected on July 29, 2019 and had no objection to the placement of No Parking signs as requested; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Highway Department is hereby authorized and directed to provide Saint Rose of Lima Church one hundred (100) complete barricades and two (2) temporary handicap signs, for its Annual Family Festival, to be held from July 18, 2019 through July 27, 2019, and the placement of temporary "No Parking" signs for its Annual Family Festival in the aforementioned areas, no later than Wednesday July 17, 2019, through July 29, 2019, with said barricades to be delivered on July 17, 2019 and collected on July 29, 2019 and the placement of No Parking signs; and be it further

RESOLVED, That the use of the abovementioned Town equipment shall be subject to the following conditions:

1. The use of all Town property shall be in conformance with the direction of the Commissioner of the Highway Department, or his duly designated representative;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of Town equipment, and in the conduct of the aforesaid activity; and

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance in the amount of \$1,000,000 bodily injury and \$500,000 property damage and naming the Town of Oyster Bay as an additional insured, in connection with the aforescribed activity.

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Highway

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TOWN OF OYSTER BAY

Inter-Departmental Memo

April 30, 2019

**TO:** MEMORANDUM DOCKET

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

**SUBJECT:** CHURCH OF ST. ROSE OF LIMA, MASSAPEQUA  
FAMILY FESTIVAL – TO BE HELD JULY 18<sup>th</sup> – JULY 27<sup>th</sup>, 2019

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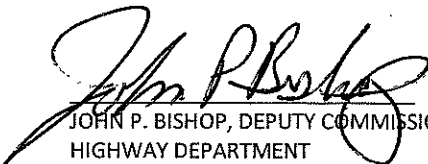
Enclosed please find a copy of the letter from Salvatore Kelly, Church of St. Rose of Lima School Board Member, requesting our assistance on behalf of Church of St. Rose of Lima in Massapequa in conducting their family festival from Thursday July 18<sup>th</sup> through Saturday July 27<sup>th</sup>, 2019.

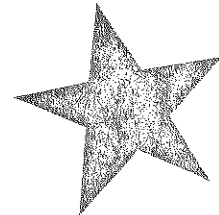
The Highway Department can readily supply one hundred (100) complete barricades and two (2) temporary handicap signs for this worthwhile event. They will be utilized from Wednesday, July 17, 2019 through Monday, July 29<sup>th</sup>, 2019.

In addition, the committee is requesting "No Parking Anytime" signs be posted no later than Wednesday, July 17, 2019 as follows:

BAYVIEW AVENUE – EAST SIDE – STARTING AT THE SOUTH C/L  
OF MERRICK ROAD, SOUTH TO THE NORTH C/L OF HARBOUR LANE.  
MORTON AVENUE – NORTH SIDE – STARTING AT THE WEST C/L OF  
BAYVIEW AVENUE, WEST TO THE EAST C/L OF BILTMORE BLVD.

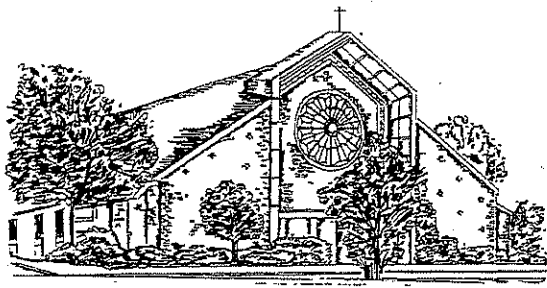
Also attached are a Certificate of Insurance, Endorsement Sheet and Hold Harmless to cover the event. Therefore, Town Board approval is requested.

  
JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT



JPB/kaz

C: Town Attorney (7) copies  
Richard Lenz P.E., Commissioner DPW/HWY  
Doug Robalino, General Foreman 002  
Peter Brown, General Foreman 003  
Steve Kelly, Sign Bureau Supervisor  
Parks Department  
Justin McCaffrey, Dept. of Public Safety  
Grace SantaMaria, Highway Administration



DEPUTY COMM/HIGHWAY

REC'D BY HIGHWAY DEPT  
APR 9 19 AM 11:05

Km 2

**St. Rose of Lima Church**  
2 Bayview Avenue, Massapequa, New York 11758  
(516) 798-4992 Fax: (516) 795-7836 Website: <http://www.stroseoflimaparish.org>

Eileen Walsh  
Department of Public Works-Highway Department  
150 Miller Place  
Syosset, New York 11791-5603

March 17, 2018

Dear Ms. Walsh:

As summer is rapidly approaching the St. Rose Family Festival Committee would like to request the use of a supply of barricades, snow fencing and road cones from the Town of Oyster Bay. As in the past the Town of Oyster Bays help in making it wonderful event for our community is always greatly appreciated. I also would like to personally thank you and the staff for the follow up on this matter.

The St. Rose of Lima Family Festival will be taking place this year from

Thursday July 18<sup>th</sup> – Saturday July 27<sup>th</sup> 2019.

We request to deliver Wednesday July 17<sup>th</sup> and pick materials up Monday July 29<sup>th</sup>. Enclosed is a copy of the Certificate of Insurance and Endorsement issued to the Town of Oyster Bay Department of Public Works-Highway Department to cover this equipment. I can be contacted at (516) 808-8330 if you have any questions.

Thank you for your assistance and consideration of this request.

Sincerely,

Salvatore Kelly  
St. Rose of Lima School Board Member





# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
03/29/2019

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

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

PRODUCER  
Ecclesia Assurance Company c/o Porter & Curtis, LLC  
225 State Road  
Media, PA 19063

CONTACT NAME: Porsha Seal

PHONE (A/C, No, Ext):

FAX (A/C, No):

E-MAIL ADDRESS: pseal@portercurtis.com

INSURER(S) AFFORDING COVERAGE

NAIC#

INSURER A: ECCLESIA ASSURANCE COMPANY

11952

INSURER B:

INSURER C:

INSURER D:

INSURER E:

INSURER F:

INSURED  
ST. ROSE OF LIMA CHURCH  
2 BAYVIEW AVENUE  
MASSAPEQUA, NY 11758

## COVERAGES

CERTIFICATE NUMBER: C000177942

Account: 000037

REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADOL SUBR (MSD) (WVD)	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY		PKG-2018-1	11/01/2018	11/01/2019	EACH OCCURRENCE \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ Included
						MED EXP (Any one person) \$ Not Covered
						PERSONAL & ADV INJURY \$ Included
	GEN'L AGGREGATE LIMIT APPLIES PER:					GENERAL AGGREGATE \$ None Applicable
	<input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PRODUCTS - COMPOSP AGG \$ None Applicable
	OTHER:					\$
	AUTOMOBILE LIABILITY					COMBINED SINGLE LIMIT (Ea accident) \$
	<input type="checkbox"/> ANY AUTO					BODILY INJURY (Per person) \$
	<input type="checkbox"/> OWNED AUTOS ONLY					BODILY INJURY (For accident) \$
	<input type="checkbox"/> HIRED AUTOS ONLY					PROPERTY DAMAGE (Per accident) \$
	<input type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS ONLY					\$
	UMBRELLA LIAB					EACH OCCURRENCE \$
	EXCESS LIAB					AGGREGATE \$
	<input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS-MADE					\$
	DED RETENTION \$					
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY					PER STATUTE OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N				EL EACH ACCIDENT \$
	If yes, describe under DESCRIPTION OF OPERATIONS below	N/A				EL DISEASE - EA EMPLOYEE \$
						EL DISEASE - POLICY LIMIT \$

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

The limits include applicable retentions. The certificate holder is included as an Additional Insured if required by written contract with respect to the St. Rose Family Festival to be held 07/18/2019 - 07/27/2019.

## CERTIFICATE HOLDER

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

## CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

*William A. Gentry*

Reviewed By  
Office of Town Attorney

*[Signature]*

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ACORD 25 (2016/03)

The ACORD name and logo are registered marks of ACORD

Policy Number: PKG-2018-1

Endorsement Number: 17

Date Effective: 11/1/2018

**ADDITIONAL INSURED ENDORSEMENT**

This endorsement modifies the insurance provided under the following Coverage Part(s):  
**GENERAL LIABILITY**

**SCHEDULE**

Town of Oyster Bay, 54 Audrey Avenue, Oyster Bay, NY 11771

The person or organization shown in the Schedule above is an "insured", but only as respects your agreement to insure such person or organization and only if the wrongful act occurs after the date of agreement.

The amount of insurance shall not exceed the lesser of the amount of limits you agree to provide or the available limits of this insurance.

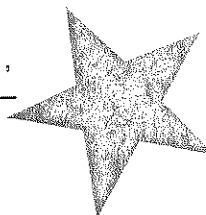
All other terms and conditions remain unchanged.

In witness whereof, this Endorsement has been executed in Rockville Centre, New York by the Company's authorized officer as set forth below.

ECCLESIA ASSURANCE COMPANY

  
Authorized Representative's Signature

9/26/2018  
Date



Reviewed By  
Office of Town Attorney



Hold Harmless Agreement for Use of Town Property and/or Equipment

This Agreement is made this 20th day of July 1989 by  
(hereinafter "CONCESSIONAIRE") Whereas the CONCESSIONAIRE has entered into a  
contract to provide certain services and products at various Town locations as designated in the  
contract between the TOWN and said CONCESSIONAIRE for the contract period  
July 15, 1989 through July 31, 1989

In consideration of the Town granting the Organization permission to temporarily use Town  
property and/or equipment, the undersigned on behalf of the Organization, hereby agrees to  
assume all liability and risk of loss and shall be responsible for the supervision and welfare of all  
persons arriving on and using Town property and/or equipment in connection with the  
above-mentioned event. The undersigned further hereby releases the Town of Oswego, its  
officers, employees, servants, agents and authorized volunteers from any liability for any  
injuries sustained or damages incurred and agrees to reimburse the Town for any damages  
arising out of the Organization's use of the Town property and/or equipment. The undersigned  
agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and  
authorized volunteers, and to protect and defend them against any and all claims for the loss  
and/or expense or sums for damages to personal property, including its property, arising from its  
use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability  
insurance certificate to the amount of \$1,000,000 each occurrence, \$2,000,000 general  
aggregate limit, where appropriate, \$1,000,000 products, naming the Town as additional insured.  
All certificates of insurance must be accompanied by an endorsement.

I agree and warrant that the above-mentioned use of Town property and/or equipment is subject to the  
approval of the Town Board of the Town of Oswego, NY.

Name of Organization

St. Rose of Lima Church

Address of Organization

4904 Menck Rd.

Monticello, NY 11752

Mr. Salubino Kelly  
Authorized Representative

John A. Rose of Lima School Board Member

Telephone Number 516-808-5350

Reviewed By  
Office of Town Attorney

[Signature]

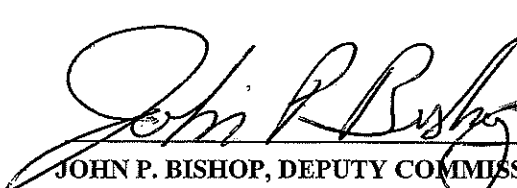
DATE: 4/30/19  
TO: HIGHWAY OPERATIONS  
SUBJECT: Church of St. Rose of Lima, Massapequa Summer festival

PLEASE DELIVER TO:	DATE OF EVENT:	7/18/19-7/27/19
Church Grounds	HANDICAP SIGNS:	2
2 Bayview Ave Massapequa	BARRICADES:	100
CONTACT: Sal Kelly	CONES:	
516-808-8330	SORT PAILS:	
	PORTABLE LIGHTS:	
	GENERATOR:	
	PACKER:	
	DELIVER ON:	7/17/19
	PICKUP ON:	7/29/19

SWEEPING BEFORE AFFAIR IS NEEDED:		XX
	YES	NO

Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.

JPB/kaz

  
JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT

CC: Doug Robalino, General Foreman 002	Dan Kornfeld
Jack Grandine, Area Foreman 007	Jeff VanNostrand
Don Chandler, Area Foreman, 022	Public Safety Division

WHEREAS, Ryan Schlotter, Chamber President, Oyster Bay Chamber of Commerce, Inc., P.O. Box 21, Oyster Bay, New York 11771, by letter dated April 11, 2019, has requested, the use of fifteen (15) complete barricades and twenty (20) orange traffic cones, twelve (12) SORT recycling pails, the closure of Audrey Avenue from South Street past Spring Street down lower Audrey Avenue to the Railroad Museum, the closure of Spring Street from West Main Street north to lower Audrey Avenue and then along the southerly edge of the Gazebo triangle to its western corner, the use of Municipal Parking Field 0-8 on the east side of lower Audrey Avenue just north of Audrey Avenue, Oyster Bay and the use of Fireman's Field for its Classic Car Cruise Nights, to be held every Tuesday evening between the hours of 5:00 p.m. through 10:00 p.m., from May 28, 2019 through September 24, 2019, with the exception of Tuesday, June 18th; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated May 1, 2019, advised that the Highway Department is able to, and will, provide fifteen (15) complete barricades, twenty (20) orange traffic cones, and twelve (12) SORT recycling pails to the Chamber of Commerce, for the evenings requested and has no objection to the street closures as requested; 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 requests, as hereinabove set forth are hereby approved, and the Department of Highways is hereby authorized to provide fifteen (15) complete barricades and twenty (20) orange traffic cones, twelve (12) SORT recycling pails, the closure of Audrey Avenue from South Street past Spring Street down lower Audrey Avenue to the Railroad Museum, the closure of Spring Street from West Main Street north to lower Audrey Avenue and then along the southerly edge of the Gazebo triangle to its western corner, Oyster Bay, the use of Municipal Parking Field 0-8 on the east side of lower Audrey Avenue just north of Audrey Avenue, and the use of Fireman's Field for its Classic Car Cruise Nights, to be held every Tuesday evening between the hours of 5:00 p.m. through 10:00 p.m., from May 28, 2019 through September 24, 2019, with the exception of Tuesday, June 18<sup>th</sup>, subject to the following conditions:

1. The Oyster Bay Chamber of Commerce, Inc. will itself supply the temporary "No Parking" signs required for this event;
2. The use of all Town property for these activities shall in each and every case be in conformance with the direction of the Commissioner of the Department of Highways, or his duly authorized representative;

Reviewed By  
Office of Town Attorney  
*[Signature]*

3. The said organization will comply with all ordinances of the Town of Oyster Bay, both in the conduct of the aforescribed activities and its use of Town property; and

4. The said organization shall file with the Town Clerk a Certificate of Insurance indicating said organization is covered by General Liability Insurance in the amounts of \$1,000,000 with a general agreement of \$2,000,000, and naming the Town as an additional insured in connection with the aforescribed activities.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller  
Highway  
Public Works

19

## TOWN OF OYSTER BAY

### Inter-Departmental Memo

May 1, 2019

**TO:** MEMORANDUM DOCKET

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

**SUBJECT:** THE OYSTER BAY-EAST NORWICH CHAMBER OF COMMERCE  
CLASSIC CRUISE NIGHTS – TO BE HELD TUESDAY EVENINGS  
MAY 28<sup>th</sup> THROUGH SEPTEMBER 24<sup>th</sup> 2019 EXCEPT JUNE 18<sup>th</sup> DUE TO AN EVENING BOARD  
MEETING

---

Enclosed please find a copy of the letter from Ryan Schlotter, Chamber President, requesting our assistance on behalf of the Oyster Bay-East Norwich Chamber of Commerce in hosting Classic Cruise Nights every Tuesday evening on Audrey Avenue in Oyster Bay from May 28, 2019 through September 24, 2019.

The Highway Department has no objection to the Oyster Bay-East Norwich Chamber of Commerce utilizing Audrey Avenue, lower Audrey Avenue and Spring Street in Oyster Bay every Tuesday evening from 5:00 pm until 10:00 pm while hosting the Classic Cruise Nights from May 28, 2019 through September 24, 2019. The event is to be held on Audrey Avenue from South Street, past the Town Hall buildings down to the Railroad Plaza, including Municipal Parking Field O-8 on the east side of lower Audrey Avenue and along Shore Avenue from Spring Street to Maxwell Avenue. The Cruise Night Committee, in an effort to ease congestion, is requesting the use of fireman's field to stage cars prior to the 5:30 start time.

In addition, the Organization has made arrangements to facilitate traffic flow with parents picking up children at Oyster Babies (Children's Day Care Center) on Audrey Avenue in Oyster Bay.

Further, the Oyster Bay-East Norwich Chamber of Commerce will supply and install the temporary "No Parking" signs every Tuesday evening during Cruise Nights from May 28, 2019 through September 24, 2019 and insures that the area residents will not be inconvenienced in any way by this event.

The Highway Department will be pleased to provide fifteen (15) complete barricades, twenty (20) orange cones and twelve (12) SORT pails for Classic Cruise Nights.

Also attached are the Certificate of Insurance, Endorsement Sheet, and Hold Harmless Agreement to cover this event. Therefore, Town Board approval is requested.

  
JOHN P. BISHOP, DEPUTY COMMISSIONER  
HIGHWAY DEPARTMENT



JPB/kaz  
Attachments

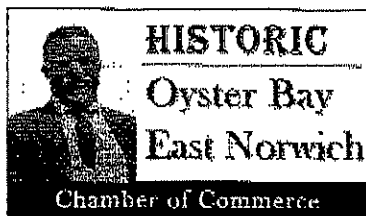
C: Town Attorney (7) copies  
Doug Robalino, General Foreman 002  
Richard Lenz, Commissioner DPW

Grace SantaMaria, Highway Administration  
Justin McCaffrey, Commissioner of Public Safety  
Parks Department

DEPUTY COMM/HIGHWAY

Attn: Kim Zervos

677-5835



**2019 BOARD**

**Officers**

Ryan Schlotter- President  
Ravin Chetram- Vice President  
Susan Dembo- Secretary  
Walter Imperatore- Treasurer

**Past Presidents**

Michele Browner  
Alex Gallego  
Dottie Simons

**Directors**

Robert L. Brusca, Esq.  
Gabrielle Fumai  
Kelly Fuhrmann  
Nathaniel Kingsley  
Rich LaMarca  
Frank Leone  
Patrick Lough  
Rustan Lundstrum  
David Martin  
Daniyal Nadeem  
Jim Perna  
Dawn Riley

**Board Members Emeriti**

Austin Azzaretto  
Paige Dawson  
Alex Gallego

PO Box 21  
Oyster Bay, New York 11771  
(516) 922-6464  
obenchamber@gmail.com  
[www.visitoysterbay.com](http://www.visitoysterbay.com)

April 11, 2019

Richard Lenz Commissioner  
John Bishop, Deputy Commissioner  
Town of Oyster Bay DPW, Highway Division  
150 Miller Place  
Syosset, NY 11791

Dear Mr. Lenz and Mr. Bishop:

The Oyster Bay-East Norwich Chamber of Commerce is hereby requesting the closing of Audrey Avenue in Oyster Bay Hamlet (from South Street past Spring Street down Lower Audrey Avenue to the Rail Road Museum, and to the corner of Maxwell Avenue) for all Tuesdays from May 28, 2019 through September 24, 2019 (Except Tuesday, June 18, 2019 due to IOB evening Board Meeting). We also request to close Spring Street (from West Main Street north to Lower Audrey Avenue). Finally, we request the use of the parking lot on the east side of Lower Audrey Avenue just north of Audrey Avenue. This is for the weekly Classic Car Cruise Nights sponsored by the Oyster Bay-East Norwich Chamber of Commerce.

We request the permit from 5 p.m. with barricades being raised and street closure at 5:30 p.m.

We request 15 barricades, 20 cones and 12 recycle pails if they are available.

The required Certificate of Insurance with Endorsements naming the Town of Oyster Bay as additional insured is attached.

We ask that a copy of the resolution and an actual permit be sent to the OBCC offices at the address above. We thank the Town for all its cooperation and assistance in making Cruise Nights the huge success they have become.

If there are any questions please contact me directly at 631-987-7095.

Sincerely,

Ryan Schlotter  
Chamber President





## CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
04/12/2019

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

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

PRODUCER BC CONSULTING SERVICES LLC 12128308 35 AUDREY AVENUE OYSTER BAY NY11771	CONTACT NAME:	
	PHONE (888) 467-8730 (A/C, No, Ext):	FAX (888) 443-6112 (A/C, No):
	E-MAIL ADDRESS:	
	INSURER(S) AFFORDING COVERAGE NAIC#	
INSURED OYSTER BAY EAST NORWICH CHAMBER OF COMMERCE PO BOX 21 OYSTER BAY NY 11771-0021	INSURER A: The Hartford Casualty Insurance Company 29424	
	INSURER B:	
	INSURER C:	
	INSURER D:	
	INSURER E:	
	INSURER F:	

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

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

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR INSR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	COMMERCIAL GENERAL LIABILITY			12 SBM UQ3886	05/10/2019	05/10/2020	EACH OCCURRENCE \$1,000,000
	CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000
	<input checked="" type="checkbox"/> General Liability						MED EXP (Any one person) \$10,000
	GEN'L AGGREGATE LIMIT APPLIES PER: POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC						PERSONAL & ADV INJURY \$1,000,000
	OTHER:						GENERAL AGGREGATE \$2,000,000
							PRODUCTS - COMP/OP AGG \$2,000,000
A	AUTOMOBILE LIABILITY			12 SBM UQ3886	05/10/2019	05/10/2020	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000
	ANY AUTO						BODILY INJURY (Per person)
	ALL OWNED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS NON-OWNED AUTOS <input checked="" type="checkbox"/>						BODILY INJURY (Per accident)
	HIRE AUTOS <input checked="" type="checkbox"/>						PROPERTY DAMAGE (Per accident)
	UMBRELLA LIAB EXCESS LIAB						EACH OCCURRENCE
	DED RETENTION \$						AGGREGATE
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) (If yes, describe under DESCRIPTION OF OPERATIONS below)	Y/N	N/A				OTH-ER
							E.L. EACH ACCIDENT
							E.L. DISEASE-BA EMPLOYEE
							E.L. DISEASE- POLICY LIMIT

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

Those usual to the Insured's Operations. RE: Classic Cruise Cars May 28, 2019 - October 1st, 2019. Certificate holder is an additional insured per the Business Liability Coverage Form SS0008 attached to this policy.

CERTIFICATE HOLDER Town of Oyster Bay Dept of Public works / Highway 150 MILLER PL SYOSSET NY 11791-6603	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE <i>Susan E. Castaneda</i>
--	--

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ACORD 25 (2016/03)

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Reviewed By  
Office of Town Attorney

Attn: Kim Zervos

Kim Z

677-5835



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## POLICY CHANGE

This endorsement changes the policy effective on the Inception Date of the policy unless another date is indicated below:

Policy Number: 12 SEM UQ3886 SB

Named Insured and Mailing Address: OYSTER BAY EAST NORWICH CHAMBER OF  
COMMERCE  
PO BOX 21  
OYSTER BAY NY 11771

Policy Change Effective Date: 05/10/19 Effective hour is the same as stated in the  
Declarations Page of the Policy.

Policy Change Number: 001

Agent Name: BC CONSULTING SERVICES LLC  
Code: 128308

### POLICY CHANGES:

HARTFORD CASUALTY INSURANCE COMPANY

ANY CHANGES IN YOUR PREMIUM WILL BE REFLECTED IN YOUR NEXT BILLING  
STATEMENT. IF YOU ARE ENROLLED IN REPETITIVE EFT DRAWS FROM YOUR BANK  
ACCOUNT, CHANGES IN PREMIUM WILL CHANGE FUTURE DRAW AMOUNTS.  
THIS IS NOT A BILL.

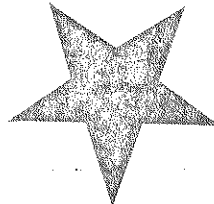
NO PREMIUM DUE AS OF POLICY CHANGE EFFECTIVE DATE

FORM NUMBERS OF ENDORSEMENTS REVISED AT ENDORSEMENT ISSUE:

IH12U01185 ADDITIONAL INSURED - PERSON-ORGANIZATION

PRO RATA FACTOR: 1,000

THIS ENDORSEMENT DOES NOT CHANGE THE POLICY EXCEPT AS SHOWN.



Form SS 12 11 04 05 T  
Process Date: 04/12/19

Page 001

Policy Effective Date: 05/10/19  
Policy Expiration Date: 05/10/20

Reviewed By  
Office of Town Attorney

POLICY NUMBER: 12 SBM UQ3886



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - PERSON-ORGANIZATION

LOC 001 BLDG 001  
ISLAND PROPERTIES, LLC  
255 SOUTH ST  
OYSTER BAY NY 11771

OYSTER BAY CHARITABLE FUND, OYSTER BAY ROTARY CLUB  
PO BOX 132  
OYSTER BAY, NY 11771

TOWN OF OYSTER BAY  
150 MILLER PL  
SYOSSET, NY 11791  
RE: CLASSIC CAR CRUISE NIGHTS EVENT MAY 28, 2019 - OCTOBER 1ST, 2019

TOWN OF OYSTER BAY DEPT OF PUBLIC WORKS  
150 MILLER PL  
SYOSSET, NY 11791  
RE: MAY 18, 2016 TASTE OF THE TOWN

TOWN OF OYSTER BAY DEPT OF PUBLIC WORKS / HIGHWAY  
150 MILLER PL  
SYOSSET, NY 11791  
RE: CLASSIC CRUISE CARS MAY 28, 2019 - OCTOBER 1ST, 2019.

OYSTER BAY WATER DISTRICT  
45 AUDREY AVE  
OYSTER BAY, NY 11771  
RE: CLASSIC CRUISE CARS MAY 28, 2019 - OCTOBER 1ST, 2019.

RENAISSANCE PROPERTY ASSOC  
255 SOUTH ST  
OYSTER BAY, NY 11771  
RE: CLASSIC CRUISE CARS MAY 28, 2019 - OCTOBER 1ST, 2019.

OYSTER BAY WATER DISTRICT

Reviewed By  
Office of Town Attorney

POLICY NUMBER: 12 SEM UQ3886



THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - PERSON-ORGANIZATION

45 AUDREY AVE  
OYSTER BAY, NY 11771  
RE: CAR CRUISE NIGHTS MAY 29 2018 - SEPTEMBER 25 2018

TOWN OF OYSTER BAY DEPT OF PARKS  
150 MILLER PL  
SYOSSET, NY 11791  
RE: CLASSIC CRUISE CARS MAY 28, 2019 - OCTOBER 1ST, 2019.  
TOWN OF OYSTER BAY DEPT OF PUBLIC SAFETY  
150 MILLER PL  
SYOSSET, NY 11791  
RE: CLASSIC CRUISE CARS MAY 28, 2019 - OCTOBER 1ST, 2019.

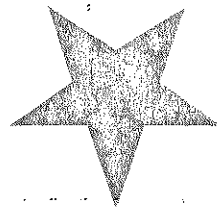
TOWN OF OYSTER BAY  
DEPARTMENT OF HIGHWAY  
150 MILLER PL  
SYOSSET, NY 11791  
RE: HOLIDAY MARKET & TREE LIGHTING  
RE: DECORATIVE LIGHTING OF HAMLETS

TOWN OF OYSTER BAY DEPT OF PARKS  
977 HICKSVILLE RD  
MASSAPEQUA, NY 11758

VERIZON  
2020 WANTAGH AVE  
WANTAGH, NY 11793

PSEG  
176 EAST OLD COUNTRY ROAD  
HICKSVILLE, NY 11801

Reviewed By  
Office of Town Attorney



ATTN: KIM ZERVOS

Harmless Agreement for Use of Town Property and/or Equipment

This Agreement is made this 22 day of April 2019, by Oyster Bay - E. Norwich Chamber of Commerce (hereinafter "CONCESSIONAIRE"). Whereas, the CONCESSIONAIRE has entered into a contract to provide certain services and products at various Town locations, as designated in the contract between the TOWN and the CONCESSIONAIRE for the contract period May 28, 2019 through September 24, 2019.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for the loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of \$1,000,000 each occurrence, \$2,000,000 general aggregate and, where appropriate, \$1,000,000 products, naming the Town as additional insured. All certificates of insurance must be accompanied by an endorsement.

I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.

Name of Organization:

Oyster Bay - E. Norwich Chamber of Commerce

Address of Organization:

P.O. Box 21

OYSTER BAY, N.Y. 11771

By:

[Signature]  
Authorized Representative

Title:

President

Telephone Number: 631-987-7095

Faxed: 4/22/19

Reviewed By  
Office of Town Attorney

[Signature]

Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, the CSEA has filed a grievance on behalf of an employee (whose identity was revealed to the Town Board in Executive Session), alleging that the employee had been assigned to work out of title; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

#

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, the CSEA has filed a a number of grievances on behalf of employees (whose identity was revealed to the Town Board in Executive Session), alleging that an employee with less seniority had been promoted instead of them; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney

Meeting of May 21, 2019

Resolution No. 334C-2019

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, on or about March 15, 2019, the CSEA filed a grievance alleging that the Town had violated Section 5-2.0 "Computation of Hourly Rate", of the Collective Bargaining Agreement; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

#

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

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

cc: Supervisor  
Town Attorney  
Comptroller



WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, the Town and the CSEA are parties to a January 9, 2018 Stipulation of Settlement and Release (the "Stipulation") governing, in part, part-time employees' recognition in the bargaining unit; and

WHEREAS, the Stipulation amended Article II, "Recognition", of the CBA to state, in relevant part: "The Town recognizes the Association as the sole bargaining and representative agent for and on behalf of its employees, including part-time employees. However, only those payments and/or benefits herein that are explicitly and expressly made applicable to part-time employees will apply to same."; and

WHEREAS, on or about March 15, 2019, the CSEA filed a grievance alleging that the Town violated Town/CSEA CBA Article II "Recognition", Article III "Rights of Association", and Section 3-1.1 "Dues", and the Stipulation ("the Grievance"), when the Town allegedly did not deduct dues from part-time employees; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney

Meeting of May 21, 2019

Resolution No. 334E-2019

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, on or about May 16, 2019, the CSEA filed a grievance alleging that the Collective Bargaining Agreement, Article V, Section 5-1.0 and Section 5-1.0.1 "Graded Salary Plan" and the Salary Schedules for employees hired by the Town on or after January 1, 2017, needed to be amended, to avoid the unintended consequence that a junior employee would receive greater compensation than a senior employee for the same job at the same grade; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019, which amends Article V, Section 5-1.0 and Section 5-1.0.1 "Graded Salary Plan" and the Salary Schedules for employees hired by the Town on or after January 1, 2017, of the Collective Bargaining Agreement between the Town and CSEA for the period January 1, 2017 through December 31, 2021, all other terms of the said Collective Bargaining Agreement to remain in full force and effect.

#

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney

Meeting of May 21, 2019

Resolution No. 334F-2019

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, a dispute has arisen between the CSEA and the Town with respect to the number of hours of pay CSEA members are to receive on certain holidays pursuant to Article VII "Leaves", Section 7-1.4.5 "Task Completion", of the Collective Bargaining Agreement between the Town and the CSEA; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019, which amends Article VII, "Leaves", Section 7-1.4.5 "Task Completion", of the Collective Bargaining Agreement between the Town and CSEA for the period January 1, 2017 through December 31, 2021, all other terms of the said Collective Bargaining Agreement to remain in full force and effect.

#

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

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

cc: Supervisor  
Town Attorney  
Comptroller

19

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

TO: MEMORANDUM DOCKET  
FROM: Office of the Town Attorney  
DATE: May 17, 2019  
SUBJECT: Supplemental Memorandum – MD 5/7/19 #20  
Employee Benefits  
Memoranda of Agreement – Town of Oyster Bay with CSEA

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The Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Local 881 (“CSEA”), has filed five (5) grievances against the Town of Oyster Bay, as follows:

1. Grievance filed on behalf of an employee, whose identity will be revealed to the Town Board in Executive Session, alleging that the employee had been assigned to work out of title;
2. Grievance filed on behalf of an employee, whose identity will be revealed to the Town Board in Executive Session, alleging that a less senior employee was promoted;
3. Grievance filed by the Union alleging that one pay period of the “lag payroll” had been improperly prepaid;
4. Grievance filed by the Union regarding the collection of Union dues from part-time employees; and
5. Grievance filed by the Union regarding the re-insertion of Step 1 on Salary Schedules attached to the Collective Bargaining Agreement, for employees hired by the Town on or after January 1, 2017.

In addition to the formal grievances filed, the Union notified the Town that it was considering filing a grievance against the Town with respect to the number of hours of pay its members receive on certain holidays under the Collective Bargaining Agreement, Section 7-1.4.5 “Task Completion.”

The Office of the Supervisor and the CSEA, wishing to resolve the grievances and the considered grievance without resorting to arbitration hearings and possible litigation, have come to agreement and have executed a Memorandum of Agreement with respect to each matter, subject to formal approval by the Town Board. It is requested and recommended that the Town Board ratify the Memoranda of Agreement by adopting a resolution to that effect, and this office has prepared six separate resolutions so that each matter may be considered independently. The six proposed Resolutions are attached hereto.

JOSEPH NOCELLA  
TOWN ATTORNEY

  
Thomas M. Sabellico  
Special Counsel

TMS/nb  
Attachment  
cc: Town Attorney (w/7 copies)

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, on or about May 16, 2019, the CSEA filed a grievance alleging that the Collective Bargaining Agreement, Article V, Section 5-1.0 and Section 5-1.0.1 "Graded Salary Plan" and the Salary Schedules for employees hired by the Town on or after January 1, 2017, needed to be amended, to avoid the unintended consequence that a junior employee would receive greater compensation than a senior employee for the same job at the same grade; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019, which amends Article V, Section 5-1.0 and Section 5-1.0.1 "Graded Salary Plan" and the Salary Schedules for employees hired by the Town on or after January 1, 2017, of the Collective Bargaining Agreement between the Town and CSEA for the period January 1, 2017 through December 31, 2021, all other terms of the said Collective Bargaining Agreement to remain in full force and effect.

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WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, a dispute has arisen between the CSEA and the Town with respect to the number of hours of pay CSEA members are to receive on certain holidays pursuant to Article VII "Leaves", Section 7-1.4.5 "Task Completion", of the Collective Bargaining Agreement between the Town and the CSEA; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019, which amends Article VII, "Leaves", Section 7-1.4.5 "Task Completion", of the Collective Bargaining Agreement between the Town and CSEA for the period January 1, 2017 through December 31, 2021; all other terms of the said Collective Bargaining Agreement to remain in full force and effect.

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143  
Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, the Town and the CSEA are parties to a January 9, 2018 Stipulation of Settlement and Release (the "Stipulation") governing, in part, part-time employees' recognition in the bargaining unit; and

WHEREAS, the Stipulation amended Article II, "Recognition", of the CBA to state, in relevant part: "The Town recognizes the Association as the sole bargaining and representative agent for and on behalf of its employees, including part-time employees. However, only those payments and/or benefits herein that are explicitly and expressly made applicable to part-time employees will apply to same."; and

WHEREAS, on or about March 15, 2019, the CSEA filed a grievance alleging that the Town violated Town/CSEA CBA Article II "Recognition", Article III "Rights of Association", and Section 3-1.1 "Dues", and the Stipulation ("the Grievance"), when the Town allegedly did not deduct dues from part-time employees; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

#



Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, on or about March 15, 2019, the CSEA filed a grievance alleging that the Town had violated Section 5-2.0 "Computation of Hourly Rate", of the Collective Bargaining Agreement; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

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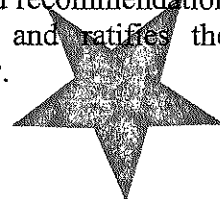
WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, the CSEA has filed a number of grievances on behalf of employees (whose identity was revealed to the Town Board in Executive Session), alleging that an employee with less seniority had been promoted instead of them; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

#



Reviewed By  
Office of Town Attorney

WHEREAS, by Resolution No. 36-3017, adopted on January 10, 2017, the Town Board approved the Memorandum of Agreement dated December 29, 2016, between the Town of Oyster Bay and Local 881 of the Civil Service Employees Association, Local 1000, AFSCME AFL-CIO ("CSEA"), and subsequently the Town and CSEA executed a Collective Bargaining Agreement for the period from January 1, 2017 through December 31, 2021, which Collective Bargaining Agreement was intended to embody all of the terms of the Memorandum of Agreement dated December 29, 2016; and

WHEREAS, the CSEA has filed a grievance on behalf of an employee (whose identity was revealed to the Town Board in Executive Session), alleging that the employee had been assigned to work out of title; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Counsel, by memoranda dated May 7, 2019 and May 16, 2019, advised that a Memorandum of Agreement, dated May 17, 2019, was entered into between the Town and the CSEA, which resolved this matter, which Memorandum was executed by Jarvis T. Brown, President, CSEA, who asserted that he had the agency and authority to bind the CSEA, and by Gregory W. Carman, Jr., Deputy Supervisor, on behalf of the Town, subject to ratification by the Town Board in order for said Memorandum of Agreement to be binding upon the Town, and Mr. Nocella and Mr. Sabellico requested and recommended that the Town Board ratify the Memorandum of Agreement,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are accepted and the Town Board approves and ratifies the Memorandum of Agreement between the Town and CSEA dated May 17, 2019.

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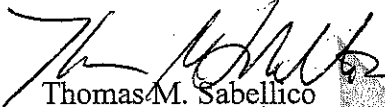
## Town of Oyster Bay Inter-Departmental Memo

**TO** : MEMORANDUM DOCKET  
**FROM** : Office of the Town Attorney  
**DATE** : May 7, 2019  
**SUBJECT:** Employee Benefits

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Please reserve a space at the next Town Board meeting on Tuesday, May 21, 2019, regarding the abovementioned matter. A supplemental memorandum will follow.

JOSEPH NOCELLA  
TOWN ATTORNEY

  
Thomas M. Sabellico  
Special Counsel



TMS:ba  
2017-5790  
cc: Town Attorney (w/7 copies)

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WHEREAS, The Town of Oyster Bay owns an irregularly shaped vacant lot of land located adjacent to 10 Brockmeyer Drive, Massapequa, Town of Oyster Bay, New York, which Town-owned land is described as Section 65, Block 1601, Lot 1001 on the Land and Tax Map of Nassau County; and

WHEREAS, Lillian Markert, fee owner of 10 Brockmeyer Drive, Massapequa, New York, has disputed the Town's ownership of a portion of the Town-owned property, approximately 2,000 square feet in area ("Portion"), and has offered to purchase said Portion from the Town; and

WHEREAS, based on said offer, an appraisal of the Portion of the lot was conducted by ACURA Home Appraisals, a New York State certified rendered appraiser, at Mrs. Markert's expense, which appraisal indicated that based on the average price of properties in the area, the Portion's value was \$7,500.00, but noted that the property "has no value on the open market"; and

WHEREAS, because the chain of the title is not clear, Mrs. Markert, through her attorney, Bruce Hafner Esq., is willing to accept a Quit Claim Deed, for \$7,500.00, plus all costs of subdivision and transfer; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated November 30, 2018, stated that the Portion is not utilized by the Town; and

WHEREAS, by Inter-Departmental Memo, dated November 29, 2018, Neil O. Bergin, Commissioner, Department of Environmental Resources, submitted an environmental report with respect to the subject proposed action pursuant to Article 8 of the New York State Environmental Conservation Law, state Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 NYCRR Part 617, and the Town Environmental Quality Review (TEQR), at Chapter 110 of the Code of the Town of Oyster Bay which report classified the subject proposed action as Type II under SEQRA and indicated that such action will not have a significant impact on the environment and is precluded from environmental review under the Environmental Conservation Law, Article 8, and the SEQRA regulations; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Council, by memoranda dated May 10, 2019 and May 14, 2019, recommended that the portion of Section 65, Block 1601, Lot 1001, be declared surplus property, and authorized the sale of said Portion to Lillian Markert, for \$7,500.00 plus all costs, by Quit Claim Deed, subject to a permissive referendum,

NOW, THEREFORE, BE IT RESOLVED, That the aforementioned recommendation of the TEQR Division be accepted and that the Town Board does hereby find, based upon the memorandum dated November 29, 2018, submitted by the TEQR Division, that

Reviewed By  
Office of Town Attorney

Elizabeth A. Jauchman

said proposed action falls under the classification of Type II under the New York State Environmental Quality Review Act, and issues a Negative Declaration in accordance with the New York State Environmental Conservation Law and its applicable regulations thereon, and as such does not require the completion of an Environmental Impact Statement or other environmental consideration, and it is further

RESOLVED, That the Town Board declares the Portion of Section 65, Block 1601, Lot 1001, Massapequa, New York as indicated by the cross-hatched section on the attached survey, to be surplus property; and it is further

RESOLVED, That the request and recommendation as hereinabove set forth are approved and the Supervisor or his designee is authorized to execute a Contract of Sale for the sale of said Portion to Lillian Markert, as prepared and approved by the Office of the Town Attorney, for the amount of \$7,500.00, and to execute the Deed and related transfer documents, for the sale of the Portion subject to permissive referendum; and it is further

RESOLVED, That the Town Clerk is directed and authorized to publish a Public Notice of the adoption of this Resolution in a newspaper of general circulation.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller

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## Town of Oyster Bay Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: Office of the Town Attorney

DATE: May 14, 2019

SUBJECT: Supplemental Memorandum – MD 5/7/19 #22  
Premises: Vacant Strip Lot adjacent to  
10 Brockmeyer Drive, Massapequa, NY

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The above-referenced vacant parcel of land is an irregularly shaped lot of approximately 2,000+/- square feet in area, which parcel is adjacent to the side and rear of the property located at 10 Brockmeyer Drive, Massapequa, New York. The owner of 10 Brockmeyer Drive is Lillian Markert.

This property has been the subject of contention between the Town of Oyster Bay and Mrs. Markert for quite some time. According to Mrs. Markert, she has used the property openly for a number of years and has made several efforts to purchase the property from the Town. After the Town erected a fence on the subject lot, she instituted suit against the Town for adverse possession. Our office defended this action, specifically including the affirmative defense that an action for adverse possession does not lie against a municipality. The action was dismissed by Justice Peck on April 15, 2016.

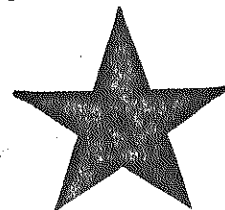
Subsequently, the undersigned confirmed with the Department of Parks that the Town is not in need of the strip lot and the Department of Parks had no objection to the Town conveying this property. Accordingly, we suggested that Mrs. Markert obtain an appraisal of the property. We are in receipt of an appraisal conducted by Acura Home Appraisals, a New York State certified residential appraiser, which appraisal was obtained at Mrs. Markert's expense, and which indicated that the subject property "has no value on the open market" but based on the average price of properties in the area noted the value as \$7,500.

However, the chain of title is not clear, though it appears that the Town acquired title from the County of Nassau in 1951, who acquired it by tax deed in 1947. Mrs. Markert's attorney, Bruce Hafner, Esq., has conveyed his client's offer to pay \$7,500.00, plus all costs, for a Quitclaim Deed to the property, which, in essence, is no warranty of title from the Town, but states that to the extent we have any ownership interest it we convey it. Based upon the opinion of the Department of Parks that this property is of no use to the Town, and the unclear title, we recommend that the Town Board authorize sale of the property to Lillian Markert for \$7,500.00 plus all costs.

JOSEPH NOCELLA  
TOWN ATTORNEY

  
Thomas M. Sabellico  
Special Counsel

TMS/nb  
Attachment  
cc: Town Attorney (w/7 copies)  
S:\Attorney\TMS\MD Brockmeyer Drive TMS.docx



**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN, that on May 21, 2019, the Town Board of the Town of Oyster Bay, County of Nassau, New York, at a regular meeting thereof, adopted the following Resolution, subject to a permissive referendum:

WHEREAS, The Town of Oyster Bay owns an irregularly shaped vacant lot of land located adjacent to 10 Brockmeyer Drive, Massapequa, Town of Oyster Bay, New York, which Town-owned land is described as Section 65, Block 1601, Lot 1001 on the Land and Tax Map of Nassau County; and

WHEREAS, Lillian Markert, fee owner of 10 Brockmeyer Drive, Massapequa, New York, has disputed the Town's ownership of a portion of the Town-owned property, approximately 2,000 square feet in area ("Portion"), and has offered to purchase said Portion from the Town; and

WHEREAS, based on said offer, an appraisal of the Portion of the lot was conducted by ACURA Home Appraisals, a New York State certified rendered appraiser, at Mrs. Markert's expense, which appraisal indicated that based on the average price of properties in the area, the Portion's value was \$7,500.00, but noted that the property "has no value on the open market"; and

WHEREAS, because the chain of the title is not clear, Mrs. Markert, through her attorney, Bruce Hafner Esq., is willing to accept a Quit Claim Deed, for \$7,500.00, plus all costs of subdivision and transfer; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated November 30, 2018, stated that the Portion is not utilized by the Town; and

WHEREAS, by Inter-Departmental Memo, dated November 29, 2018, Neil O. Bergin, Commissioner, Department of Environmental Resources, submitted an environmental report with respect to the subject proposed action pursuant to Article 8 of the New York State Environmental Conservation Law, state Environmental Quality Review Act (SEQRA), and its implementing regulations at 6 NYCRR Part 617, and the Town Environmental Quality Review (TEQR), at Chapter 110 of the Code of the Town of Oyster Bay which report classified the subject proposed action as Type II under SEQRA and indicated that such action will not have a significant impact on the environment and is precluded from environmental review under the Environmental Conservation Law, Article 8, and the SEQRA regulations; and

WHEREAS, Joseph Nocella, Town Attorney, and Thomas M. Sabellico, Special Council, by memoranda dated May 10, 2019 and May 14, 2019, recommended that the portion of Section 65, Block 1601, Lot 1001, be declared surplus property, and authorized the sale of said Portion to Lillian Markert, for \$7,500.00 plus all costs, by Quit Claim Deed, subject to a permissive referendum,

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

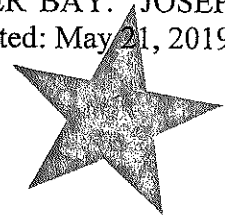
NOW, THEREFORE, BE IT RESOLVED, That the aforementioned recommendation of the TEQR Division be accepted and that the Town Board does hereby find, based upon the memorandum dated November 29, 2018, submitted by the TEQR Division, that said proposed action falls under the classification of Type II under the New York State Environmental Quality Review Act, and issues a Negative Declaration in accordance with the New York State Environmental Conservation Law and its applicable regulations thereon, and as such does not require the completion of an Environmental Impact Statement or other environmental consideration, and it is further

RESOLVED, That the Town Board declares the Portion of Section 65, Block 1601, Lot 1001, Massapequa, New York as indicated by the cross-hatched section on the attached survey, to be surplus property; and it is further

RESOLVED, That the request and recommendation as hereinabove set forth are approved and the Supervisor or his designee is authorized to execute a Contract of Sale for the sale of said Portion to Lillian Markert, as prepared and approved by the Office of the Town Attorney, for the amount of \$7,500.00, and to execute the Deed and related transfer documents, for the sale of the Portion subject to permissive referendum; and it is further

RESOLVED, That the Town Clerk is directed and authorized to publish a Public Notice of the adoption of this Resolution in a newspaper of general circulation.

BY ORDER OF THE TOWN BOARD OF THE TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. JAMES ALTADONNA, JR., Town Clerk. Dated: May 21, 2019.





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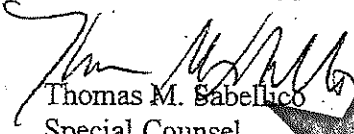
Town of Oyster Bay  
Inter-Departmental Memo


TO : MEMORANDUM DOCKET  
FROM : Office of the Town Attorney  
DATE : May 10, 2019  
SUBJECT: Vacant Land – Brockmeyer Drive, Massapequa, New York

---

Kindly save a space on the docket for the Tuesday, May 21, 2019 action calendar Town Board meeting, regarding the abovementioned matter. A supplemental memorandum will follow.

JOSEPH NOCELLA  
TOWN ATTORNEY

  
Thomas M. Sabellico  
Special Counsel



TMS:ba  
cc: Town Attorney (w/7copies)

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WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated May 8, 2019, have advised that the Office of the Town Attorney solicited proposals for real estate appraisal services pursuant to a request for proposals; and

WHEREAS, the request for proposals was issued directly to five (5) firms having experience in the appraisal field and was also posted to the Town website, which resulted in the receipt of six (6) responses prior to the deadline for proposals; and

WHEREAS, following a review of the responses in accordance with all of the terms of the Town's Procurement Policy, the Office of the Town Attorney recommended that the Town Board of the Town of Oyster Bay (the "Town Board") authorize the Supervisor, or his designee, to execute agreements with the following appraisal firms:

Wilson Appraisal Services, Inc.  
223 Shorewood Drive  
Great Neck, New York 11021

John S. Goess Realty Appraisal, Inc.  
28 Donna Place  
East Islip, New York 11730

Breslin Appraisal Co., Inc.  
44 Elm Street, Suite 5  
Huntington, New York 11743

Real Estate Solutions USA, Inc.  
35 Summit Street, Suite 101  
Oyster Bay, New York 11771

Lynch Appraisal, Ltd.  
15 Dewey Street  
Huntington, New York 11743

Michael Haberman Associates, Inc.  
125 Front Street  
Mineola, New York 11501

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation hereinabove set forth is accepted and approved, and the Supervisor, or his designee, is authorized to execute agreements with the aforementioned real estate appraisal firms, and be it further

RESOLVED, That the Office of the Comptroller is hereby authorized and directed to make payment in accordance with the rate sheets provided by each firm, in a total amount not to exceed \$25,000.00, for expenses incurred in connection with the appraisal services to be rendered under the terms of the RFP, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, upon submission of a duly certified claim, after audit.

-#-

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney  
*[Signature]*

24

## Town of Oyster Bay Inter-Departmental Memo

**TO** : Memorandum Docket  
**FROM** : Office of the Town Attorney  
**DATE** : May 8, 2019  
**SUBJECT:** Retention of Real Estate Appraisers

---

On April 23, 2019, this Office released a Request for Proposals for Real Estate Appraisal Services (the "RFP"). Pursuant to the provisions of the Procurement Policy, the RFP was sent to five (5) firms known to perform such work and was also posted to the Town's website. A total of six (6) responses were received prior to the deadline established in the RFP.

Following a review of the responses for compliance with the terms of the RFP and overall qualifications, this Office recommends that the Town Board authorize the Town Supervisor, or his designee, to execute agreements with the following appraisal firms:

Wilson Appraisal Services, Inc.  
223 Shorewood Drive  
Great Neck, New York 11021

John S. Goess Realty Appraisal, Inc.  
28 Donna Place  
East Islip, New York 11730

Breslin Appraisal Co., Inc.  
44 Elm Street, Suite 5  
Huntington, New York 11743


Real Estate Solutions USA, Inc.  
35 Summit Street, Suite 101  
Oyster Bay, New York 11771

Lynch Appraisal, Ltd.  
15 Dewey Street  
Huntington, New York 11743

Michael Haberman Associates, Inc.  
125 Front Street  
Mineola, New York 11501

Each of these firms' RFP proposals is attached to this memorandum docket. Further, each has completed a Town of Oyster Bay Disclosure Questionnaire, which are similarly attached to this memorandum.

Funds in an amount not to exceed \$25,000.00 are available in Account No. ~~OTA A 1420~~ 44110 000 0000 to satisfy costs associated with the appraisal services contemplated under the RFP. Payment is to be made in accordance with the rate sheets provided by each firm.

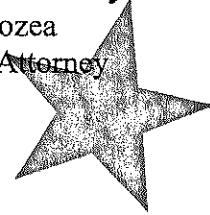


Please place this matter on the May 21, 2019 Town Board action calendar.

JOSEPH NOCELLA  
TOWN ATTORNEY



Matthew M. Rozea  
Deputy Town Attorney



MMR:mmr  
Attachment  
Matter ID 2017-5969  
cc: Town Attorney (w/7copies)

S:\Attorney\RESOS 2019\MD & RESO\MD Appraisal RFP Award.doc

WILSON APPRAISAL SERVICES, INC.  
223 SHOREWARD DRIVE  
GREAT NECK, NEW YORK 11021  
CELL: 516-902-7498  
GLEN@WILSONAPPRAISALSERVICES.COM

May 7, 2019

Mr. Joseph Nocella  
Town Attorney  
Office of the Town Attorney  
Town of Oyster Bay  
54 Audrey Avenue, Second Floor  
Oyster Bay, New York 11771

Re: Request for Proposals  
Real Property Appraisal Services

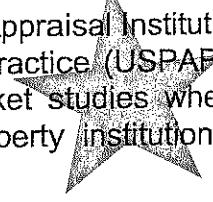
Dear Mr. Nocella:

Thank you very much for the opportunity to present my company to your legal department and the town board. I have had the pleasure of doing business as a commercial real estate appraiser with the Town of Oyster Bay for the past 25± years. I hope to continue this relationship.

As a commercial real estate consultant, my company provides a reliable appraisal service while saving time and money for the Town. Our focus is personal service. My appraisal experience includes real estate appraising and consulting on a local and nationwide basis since 1986. My real estate affiliations include membership in the Appraisal Institute, the National Association of Review Appraisers and Mortgage Underwriters, the Urban Land Institute, the Mortgage Bankers Association of New York, the National Trust for Historic Preservation, and the Real Estate Board of Long Island. Currently, I am licensed by the States of New York, New Jersey, Pennsylvania and Maryland as a Certified General Real Estate Appraiser and I am a Real Estate Broker in New York State. I am also a designated Certified Review Appraiser (CRA).

My professional advisory services include Real Estate Appraising, Investment Counseling, Purchase and Sale Counseling, Tax Certiorari, Litigation Support, Partial Interest Valuations, Institutional Investment Portfolio Analysis, Highest and Best Use Studies, Cash Flow Analyses, Environmental Impact Studies. I have been designated an expert witness and testified in federal, state and local courts. National clients include major financial institutions, law and accounting firms, syndicators, pension funds, real estate developers, owners and investors, nonprofit and governmental agencies, and Fortune 500 companies. I am currently Commercial Seminar Chairman of the Long Island Chapter of the Appraisal Institute.

Our reports are prepared in accordance with the Code of Professional Ethics of the Appraisal Institute, the Appraisal Foundation, and the Uniform Standards of Professional Appraisal Practice (USPAP). Traditional methodology will be applied as well as cash flow analyses and market studies when applicable. We are capable of consulting for an individual property or multi-property institutional portfolios. A sampling of our appraisal product will be forwarded upon your request.



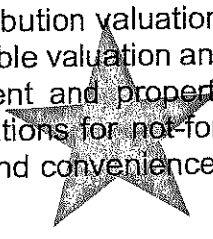
As per your request, I am presenting you with a description of the three types of appraisal reporting formats I can produce for you with a fee structure. The vernacular has changed over the years, but the following brief descriptions give you an idea of report formats.

I will refer to the first format as a "restricted" appraisal report. This report involves a very limited scope of work, briefly discussing the subject property concluding with an opinion of value. There is no discussion of the appraiser's analysis of the data. No photographs, market information, highest and best use analysis, municipal zoning or tax assessment, comparable sales or rental data is included in this report. All research is kept in the appraiser's files. The fee for this format is typically \$1,500 or more depending upon the assignment. This report can also be delivered "verbally" but the appraiser must maintain a document file.

The second format is the "summary" appraisal report. This report has a table of contents itemizing applicable information about the subject property with or without photographs or exhibits, including a condensed presentation of each valuation method (if applicable). The report briefly discusses appraisal theory in process with a limited highest and best use analysis. All content is presented in a table or chart format, and there is an explanation of the adjustment process as a summary, resulting in a value opinion. The fee for this format is typically from \$2,500 to \$3,500 for vacant land and \$3,000 to \$5,000 for improved property generally depending upon the location, size and tenancy of the property.

The "self-contained" full narrative report expands on the summary report with a current area and neighborhood description, a detailed highest and best use analysis, real estate tax assessment reporting (with or without tax comparables), full illustrations, photographs, maps and exhibits, lease abstracts (if applicable), quotes from real estate professionals contacted, published market surveys discussing capitalization rates, income and expense comparable information, and market dynamics, detailed adjustment grids with explanations for comparables used, deeds are researched and verified (if possible). This format sets forth the rationale, assumptions, conditions and significant facts upon which the conclusion is based with a reconciliation discussion resulting in a value conclusion or value range. The fee for this format type is typically \$3,500 or higher for vacant land and between \$3,500 and \$7,500 or more for complex property, condemnation work, court ready appraisal work, depending upon the assignment.

More specialized appraisal and consulting assignments are available which may include litigation support for court testimony, tax certiorari filings, partial interest and partnership distribution valuation, discounts for minority interest and lack of marketability, transitional use studies, insurable valuation and property damage reports, proposed development projects, condemnation, easement and property rights evaluation, charitable donation value conclusions, as well as, business valuations for not-for-profit enterprises, hospitals, nursing homes, congregate care facilities, gas stations and conveniences stores and other properties. The appraiser keeps a work file for all format types.



Mr. Joseph Nocella  
Office of the Town Attorney  
May 7, 2019  
Page 3

I hereby advise you that I currently have a contract with Mr. Kevin C. Walsh, Esquire, Chief Real Estate Negotiator and Special Counsel, Nassau County, Office of Real Estate Services. Kevin's number is 516-571-0591.

Valuations are subject to our on-site inspection, our Standard Letter Agreement, Certification of Appraisal, and Terms and Limiting Conditions. Turn-around time is typically between 3-6 weeks depending upon the format and complexity of the assignment. I have enclosed my qualifications and corporate profile for your perusal.

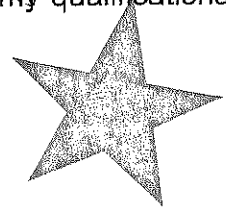
Please feel free to contact me with any questions. Respectfully submitted,

**Wilson Appraisal Services, Inc.**



Glen L. Wilson, CRA  
Certified General Real Estate Appraiser  
State of New York, License No. 46-4971

GLW:md



Glen L. Wilson received his Bachelor of Science degree from The University of Pennsylvania -The Wharton Charter school in 1980, concentrating his studies in Finance and Entrepreneurial Management. He currently holds the senior designation from The National Association of Review Appraisers and Mortgage Underwriters and is a Candidate for Designation of The Appraisal Institute. Affiliated memberships include the National Association of Independent Fee Appraisers, the Urban Land Institute, Mortgage Bankers Association of New York, National Trust for Historic Preservation, and the Real Estate Board of Long Island. Currently he is licensed by the States of New York, New Jersey, Pennsylvania, Maryland, Vermont, Virginia, Ohio and Connecticut as a Certified General Real Estate Appraiser and as a Real Estate Broker in New York State.

In the late 1970's, Glen pursued his interest in real estate by renovating and leasing a series of industrial buildings in Bergen County, New Jersey. He acquired his real estate license and became a member of the Northwest Bergen Board of Realtors, and in 1983, he joined a licensed architect and developer, and was responsible for evaluating property acquisitions. These pro-forma evaluations included the valuation of residential subdivisions, neighborhood shopping centers, office buildings and an assortment of income producing commercial properties.

Glen joined a national appraisal business in 1986 as senior appraiser and consultant. In 1990, he started his own fee appraisal business and has completed business valuations and narrative appraisal reports in thirty states, and he has been designated an expert witness and testified in Federal and State Courts. National clients include major financial institutions, law and accounting firms, syndicators, pension funds, real estate developers, owners and investors, nonprofit and governmental agencies, and Fortune 500 companies. Glen is Seminar Chairman of the Long Island Chapter of the Appraisal Institute. He has completed the following seminars & course work:

Limited Partnership & Common Tenancy Valuation, Special Purpose Properties, Subdivision Analysis, Partial Interest Valuations-Divided/Undivided, Regression Analysis, Supporting Cap Rates, Appraising Environmentally Contaminated Property, Forecasting Revenue, Rates & Ratios, Construction Methodology, Evaluating Commercial Construction, Attacking & Defending an Appraisal in Litigation, Analyzing Operating Expenses and Commercial Leases, Assessment Challenges, Appraising from Blueprints/Specifications, Appraisal Review, Demonstration Appraisal Report.

Principles of Real Estate Appraisal & Valuation Procedures	1A1 & 1A2
Advanced Real Estate Applications	550
Advanced Sales Comparison & Cost Approaches	530
Highest & Best Use and Market Analysis	520
Capitalization Theory and Techniques, Parts A & B	1BA & 1BB
Standards of Professional Practice, Parts A & B	SPPA & SPPB
Non-Residential Report Writing	540

Glen is proficient with Lotus, Excel and Argus computer spreadsheet programs and has focused his concentration in the fields of investment and cash flow analysis for municipal bond development financing, nursing homes, hospitals, charter schools, medical and commercial office buildings, industrial and processing plants, vacant land, hotels and motels, planned retirement communities, amusement and recreational properties, mobile home parks, apartment buildings and multifamily complexes, neighborhood and regional shopping centers, and proposed construction. In addition, Glen has served as adviser to several large midtown Manhattan, Miami and Chicago real estate brokerage firms and private investors for commercial lease analysis and real property acquisitions. He can be reached at [Glen@WilsonAppraisalServices.com](mailto:Glen@WilsonAppraisalServices.com)



WILSON APPRAISAL SERVICES, INC.  
223 SHOREWARD DRIVE  
GREAT NECK, NEW YORK 11021  
CELL: 516-902-7498  
GLEN@WILSONAPPRAISALSERVICES.COM

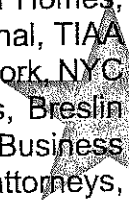
### CORPORATE PROFILE

**Wilson Appraisal Services** is founded on the basis of professional, accurate, and timely real estate investment counseling services. The company is comprised of a consortium of market analysts, appraisers, and investment counselors dedicated to offering state of the art real estate analysis techniques to meet all types of real property investment criteria. Our expert national advisory and consulting services are available for all types of investment properties and are supported by a network of professional consultants with offices in Great Neck, New York.

**Wilson Appraisal Services'** professional advisory services include Business Valuations, Real Estate Appraising, Investment Counseling, Feasibility Studies, Estate Valuations, Tax Certiorari, Litigation Support, Corporate Relocation, Partial Interest Valuations, Institutional Investment Portfolio Analysis, Highest and Best Use Studies, Cash Flow Analyses, Historic Property Evaluations, Environmental Impact Studies and expert witness testimony.

Our office is equipped with the most innovative Pentium networked computer systems with state-of-the-art software including: Microsoft Word, Lotus 123, Pro-Ject, Argus and Excel. We subscribe to multiple On-Line National databases. This equipment enables us to provide clients with up-to-date sales data and property information services.

**Clients include:** Allied Irish Bank, Citibank, HSBC Bank, Bank of America, Fleet Bank of New York, Massachusetts and Rhode Island, JP Morgan/Chase Bank, 1<sup>st</sup> Constitution Bank, Greater New York Saving Bank, Republic Bank, Long Island Savings Bank, Apple Bank, Crosslands Savings Bank, Astoria Federal Savings Bank, Summit Bank of New Jersey, UJB Financial Corp, M&T Bank, Washington Mutual Bank, Banc One, Regents Bank, Navy Federal Credit Union, Mid-Atlantic Financial Partners, Coopers & Lybrand LLP, CIT Insurance, Mobil Oil Corporation, Forest City Ratner, F.E. Roberts, FDIC, RTC, GE Capital Corporation, GMAC Commercial Mortgage, Lehman Brothers, Goldman Sachs Group, Shattuck Hammond Partners, Morgan Keegan, Green Courte Partners, Main Street Lender, Churchill Financial, AT&T Business Lending, Allied Capital, Capital Group, United Capital, Business Loan Center, Orix Capital Markets, Access Capital, United States Postal Service, The Catholic Archdiocese of New York, The Gurwin Geriatric Center, Huntington/Suffolk YMCA, North Shore-LIJ Health System, Milbank Tweed Hadley & McCloy, Windels Marx Lane & Mittendorf, Katz, Bernstein & Katz, Goldstein & Rubinton PC, Rothkrug Weinberg & Spector LLP, Jaspan Schlesinger Hoffman LLP, Certilman Balin, Berry Moorman, Rivkin Radler, MetLife, AIG, Edward S. Gordon, American Land Services, Major Automotive Companies, Nassau County, the Towns of Oyster Bay, North Hempstead, Hempstead, Huntington, Babylon, Brookhaven and Smithtown, Mavis Tire Corp, Scotto Brothers, Toll Brothers, Hovnanian Homes, Federated Department Stores, Peconic Land Trust, Kulka Construction, Phillips International, TIAA CREF, NYC Economic Development Corporation, Dormitory Authority of the State of New York, NYC Transportation Authority, NYC Charter school Construction Authority, Tritec Companies, Breslin Realty Development Corp, The Strathmore Organization, Silverstein Properties, Heartland Business Center, Carlson Restaurants, and numerous Charter school Districts, law firms, private attorneys, NCREIF advisors, unions, pension funds, developers and mortgage brokers.



# *John S. Goess Realty Appraisal, Inc.*

REAL ESTATE APPRAISERS AND CONSULTANTS

Office Phone/Fax: (631) 650-9401

Cell: (516) 317-9109

28 DONNA PLACE  
EAST ISLIP, NY 11730  
[johngoessappraisal@gmail.com](mailto:johngoessappraisal@gmail.com)

May 6, 2019

**Original**

**Via Express Mail**

Joseph Nocella, Town Attorney  
Township of Oyster Bay  
54 Audrey Avenue – 2<sup>nd</sup> Floor  
Oyster Bay, NY 11771

REC'D TOWN ATTORNEY  
'19 MAY 7 AM 10:34

Re: Response to Proposal for Real Property Appraisal Services;

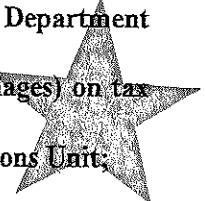
Dear Mr. Nocella:

It is my pleasure to respond to the Town of Oyster Bay's recent Request for Proposal ("RFP") captioned above. As President of John S. Goess Realty Appraisal, Inc., I can assure you that my firm is fully qualified to perform the work described in the RFP and offer you this response as evidence that we are intimately familiar with values of all types of real property situated throughout Nassau County. I have worked as an expert real property consultant and appraiser on tax certiorari, condemnation, acquisition, disposition and other real estate related matters for the Nassau County Department of Assessment, the Nassau County Assessment Review Commission, the Nassau County Attorney's Office, Nassau County DPW Division of Real Estate Services, the Suffolk County Department of Planning's Acquisitions Unit, the NYSDOT Region 10 office (Nassau/Suffolk region), the Township of Smithtown, the Cities of Long Beach and Glen Cove, as well as the incorporated villages of Floral Park, Freeport, Garden City, Hempstead, Lynbrook and Valley Stream. My firm has vast experience in the appraisal of Nassau County based real estate and we are familiar with the needs and requirements of your office, having routinely performed similar appraisal work for the above cited municipal entities for various purposes.

Over the past 30+ years, I have personally prepared thousands of appraisal reports involving Nassau County based properties. Our case tracking software is designed and customized to facilitate the tracking and status of appraisal projects and can be tailored to provide information that suits the Town's needs. Our modern PC computer network, e-mail and other electronic capabilities enable us to electronically provide the Town with our appraisals complete with digitized photographs via the electronic means of choice.

The firm's qualifications are highlighted below and are supplemented hereinafter by a condensed representation of the appraiser's qualifications.

- Recognized expert witness on real-estate related matters – NY State, Federal and County Courts;
- Production of thousands of appraisals on behalf of the Office of the Nassau County Attorney, Tax Certiorari & Condemnation Bureau;
- Consultation and appraisal work performed on behalf of the Nassau County DPW Department of Real Estate Services involving condemnation, acquisition and disposition projects;
- Consultant and appraiser for a number of other Nassau County municipalities (villages) on tax certiorari, condemnation and acquisition matters;
- Consultant and appraiser for the Suffolk County Department of Planning's Acquisitions Unit;



We have an extensive database in place including sales, leases and income and expense information from the local marketplace. Our considerable lease data and accompanying financial information are a luxury afforded us by the high volume of income-producing properties we handle annually. Our support staff including field researchers and a licensed real estate sales agent/project administrator have worked closely together for a number of years. The team is unparalleled in the tracking, researching and data basing of sales, rental and other industry-related data. The local market is monitored constantly through numerous comparable sales services including Comps, Inc., Geo-Data, Co-Star and Multiple Listing Services. Market information is also garnered from published sources and from our relationship with a number of well-known area real estate appraisal and brokerage firms.

Our firm is willing and able to provide timely appraisal services as detailed in the RFP's Scope of Services section for all property types and for all types of appraisals. The ability to meet the Scope of Work and Appraisal Report Requirements detailed in the RFP is evidenced by my 30+ years of providing timely, reliable and professional appraisal services to our municipal client base. Providing the Scope of Services as set forth in the RFP would not pose a conflict to us in any way. The terms and conditions detailed in this proposal remain effective for no less than 180 days.

In summary, the firm is well suited to accommodate the appraisal needs of the Town. We are unsurpassed in our ability to value property within the local Nassau County market area. As a principal of the firm, I can answer any questions you may have concerning this proposal. I can be readily contacted by any of the means supplied below.

John S. Goess Realty Appraisal, Inc.  
28 Donna Place  
East Islip, New York 11730  
Attn: John S. Goess, President  
Taxpayer ID #: [REDACTED]

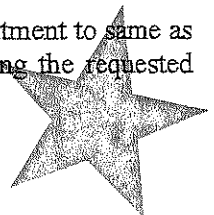
Telephone #: 631-650-9401  
516-317-9109  
Facsimile #: 631-650-9401  
E-mail: johngoessappraisal@gmail.com

I feel that my 30+ years of service to Nassau based municipal entities speaks to my commitment to same as valued clients. I hope to have the opportunity to do the same for the Town by providing the requested services to your department.

I thank you for your consideration and for the opportunity to respond to this RFP.

Sincerely,  
John S. Goess Realty Appraisal, Inc.

  
\_\_\_\_\_  
John S. Goess, President  
NYS Certified General RE Appraiser 46-8631



## Program Description & Staffing

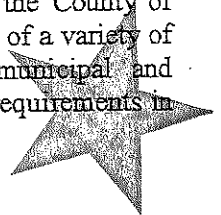
### *Staff Biographies:*

**John S. Goess:** President and Principal – John S. Goess Realty Appraisal, Inc. – See attached qualifications sheet detailing my qualifications; I would directly handle all appraisal analysis and production on behalf of the client as well as property research;

**Allison Goess:** Graduated Gettysburg College with a B.A. in psychology (1983); Visual merchandising manager for Federated Department stores 1984-1997; Laboratory technician and office manager for Sunrise Medical Arts Clinic 1997-1999; Stay at home mom 1999-2006; Office manager and researcher for John S. Goess Realty Appraisal, Inc. 2006 to present; NY State Licensed Real Estate Sales Agent; her current responsibilities include the daily management of the company caseload, lease and sales research and data-basing and property research.

*All of the staff would be available to service the client;*

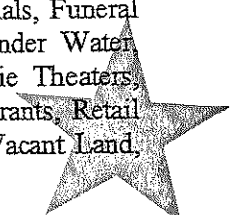
**Service Summary** – I have 30+ years of experience appraising properties situated within the County of Nassau. I have appeared and testified at trial on dozens of occasions involving the valuation of a variety of property types situated within Nassau. I provide appraisal services to numerous municipal and governmental clients situated throughout Long Island and I am well versed in the special requirements in providing appraisal services to municipal clientele.



## QUALIFICATIONS OF JOHN S. GOESS REALTY APPRAISAL, INC.

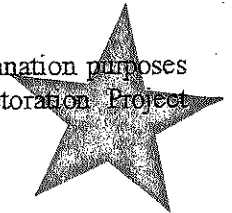
**Nassau Commercial Properties Appraised (Partial Listing)** - A-1 Recycling/Carting, Acme Bus Company, Air National Guard Station East Hills, Auto Spa, Barclay Townhouse Condominium, Beaver Dam Indoor Ice Rink Winter Sports Center, Bethpage Office Center, Burns Properties (Jeep/Eagle and Saturn Dealerships), Caldor Department Stores, Canigiani Commercial Properties, Capital Tire Service Inc., Caprise's Baldwin Bowling Alley, Celebrity Oldsmobile, Cinema Herricks Corp., Commander Oil Waterfront Oil Terminal and Lands Under Water, Country Auto Body, Cumberland Farms Gas Stations, Dime Savings Banks, EAB Office Plaza, Eagle Chase Condominiums, East Rockaway Nursing Home, Emanon Riding Stable, Empire Savings Bank, Estee Lauder Industrial/Office, Eva's Lantern Chinese Restaurant, Exxon - Various Gas Stations, Fairhaven Apartments, Floka Diner, Forrest City Daly's Acreage beneath Roslyn Viaduct, Fox Hollow (Scotto Brothers) Caterers, Fraternal Loyal Order of Moose Lodge, General Bowling Alley, Golub Tire & Rubber Co., Hempstead Pediatric Center, Herricks Fore Plan Medical Office Building, Sweet Pea Market, etc., Honda City, Jericho Quadrangle (100, 200 and 300) Office Buildings, JoLuBee Realty's Glen Cove Retail Properties, Lazarus' Auto Dealership, Levittown Mews Shopping Center (Breslin Realty), Lumber Yards, Lido Beach Hotel, Li Tungsten (DEC Superfund Site), LILCO, Long Island Medical Office Building, Long Island Paneling Inc., Long Island Savings Bank, Longwood Associates Medical Offices, Lord & Taylor, Lordi Estate ("Service Merchandise" Shopping Center), Macy's in Greenacres Mall, Marinas, Markowski Property (Residence converted to supermarket and apartments), Massapequa Shopping Center (Sears Anchor), Melmarkets (Foodtown) Bethpage Shopping Center, Mitchel Field Condominiums, New York Telephone Company Buildings, North Shore Graphic Arts, Oceanside Bowl/B-Zircus Amusement Facility, Old Country Medical Center, PC Richard & Son, Parx, Inc., Park Plaza of Brookville (Waldbaum's Anchor), Pembroke (Residential Lands on the former Loews' Glen Cove Estate), Pergament Express, Port Plastics Manufacturing, Ressa Family-owned Commercial Properties in Manorhaven and Port Washington, Rite Aide Stores, Roosevelt Inn Motel, Roosevelt Raceway Lands, Ruco Polymer Plant, Schmidt Waterfront Commercial Property/marina), Slant Fin Boiler/Furnace/Radiator Manufacturers, Spectronics Manufacturing, Sun NLF Ltd. Partnership Residential Lands in Waterfront Block, State Bank of Long Island, Station Plaza Company Office Building, Sunharbor Manor Adult Care Facility, TBG Cogen Partners & Tri-Gen Facility (Co-generation Power Plants), Tepedino's Long Beach Residential Land, Trousdell Village Apartments, Uniflex, Inc., Unique Racquetball, Wantagh Auto Sales, Warfside Condominiums, Westbury Motel, Wine Hut, Woodbury Roadrunner Motel, Woodale Swimming Pool Associates

**Property Types Appraised (Partial Listing)** - Aircraft Manufacturing Facilities, Apartment Houses, Arcades, Assisted Living Facilities, Banks, Car Washes, Civic Buildings, College Campuses, Converted Residences, Co-op Multi-family Dwellings, Country Clubs/Golf Courses, Day Care Centers, Department Stores, Easements, Electric Power Generating Facilities, Fast Food Restaurants, Fuel Terminals, Funeral Parlors, Hospitals and Hospital Sites, Hotels, Industrial Properties, Junk Yards, Lands Under Water, Marinas, Medical Centers, Medical Office Buildings, Mobile Home Parks, Motels, Movie Theaters, Nursing Homes, Parking Garages, Office Complexes, Residential Development Sites, Restaurants, Retail Stores and Shopping Centers, Sand & Gravel Facilities, Schools, Single-family Residences, Vacant Land, Wetlands, Yacht Clubs;



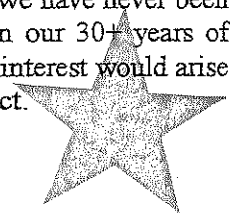
*Current Similar Projects & Services:*

- Valuation of a myriad of properties and property types involved in pending tax certiorari and condemnation litigation for both municipal and private clients;
- Villages of Garden City, Hempstead, Floral Park, Freeport, Lynbrook & Valley Stream – Valuation of parcels involved in pending tax certiorari litigation and condemnation proceedings;
- NYSDOT – Valuation of multiple parcels involved in project (condemnation and disposition) work on behalf of the DOT;
- Nassau County Office of Real Estate Services: Valuation of properties for acquisition, disposition and rental purposes;
- Suffolk County Department of Economic Development & Planning – Division of Real Property Acquisition & Management Unit; Valuation of properties targeted for acquisition/preservation under the County's Open Space Preservation program;
- Town of Brookhaven – Department of the Assessor - Valuation of properties involved in pending tax certiorari litigation;
- Town of Smithtown – Department of the Assessor – Valuation of properties involved in pending tax certiorari litigation as well as properties targeted for acquisition and disposition;
- Town of Oyster Bay – Valuation of properties for acquisition and condemnation purposes;
- NYSDEC – Valuation of properties for acquisition/disposition purposes;
- Suffolk County Water Authority – Valuation of properties for acquisition/disposition purposes;
- Nature Conservancy – Valuation of properties for acquisition purposes;
- US Army Corps of Engineers – Valuation of properties of properties for condemnation purposes specifically involved in the current Fire Island to Moriches Inlet Dune Restoration Project including both pre-vesting appraisals and trial ready appraisals;



### *Business History*

- Business Overview: President and principal of John S. Goess Realty Appraisal, Inc. formed February of 2006. Prior to that, Vice President and principal of Carl L. Todd Associates, Inc. a real estate appraisal firm providing real property appraisal and consulting service to municipal and private clients throughout Long Island since 1988, with an emphasis on appraising properties for tax certiorari and condemnation purposes.
- John S. Goess, President is the only shareholder of the closely held "S" corporation known as John S. Goess Realty Appraisal, Inc.; 28 Donna Place East Islip, NY 11730;
- Incorporated State of New York, February 16, 2006; 13+ years in business;
- Two employees; appraiser & office manager/researcher;
- Annual revenue; \$250,000-\$300,000;
- Summary of relevant accomplishments – Provide appraisal and consultation services to (partial listing): Office of the Nassau County Attorney, Nassau County Office of Real Estate Services; Nassau County Assessment Review Commission; Nassau County Office of Housing & Intergovernmental Affairs; Assessment Departments – Cities of Long Beach and Glen Cove; Assessment Departments Villages of Garden City, Hempstead, Valley Stream, Floral Park, Freeport and East Hills; I have testified on dozens of occasions as a qualified expert witness (real property valuation matters) in State Supreme Court and Federal Bankruptcy Court as well as before numerous Town and Village zoning and planning boards; I have literally appraised thousands of properties situated within the County of Nassau since beginning my career in 1988.
- I have been servicing the County of Nassau as a valued client since 1988.
- Neither my current business entity nor my prior business entity has ever been cited for any unscrupulous business practices; there are no outstanding suits pending against either my current business entity or my former business entity; we have no known conflict of interest with regard to providing the services as detailed in the applicable appraisal contract. Further, we have never been cited for any conflict of interest or the appearance of a conflict of interest in our 30+ years of servicing municipal clientele. There is no reason to believe that any conflict of interest would arise in the performance of the services described within the appraisal services contract.



*QUALIFICATIONS OF JOHN S. GOESS  
CERTIFIED GENERAL REAL ESTATE APPRAISER  
STATE OF NEW YORK #46-8631*

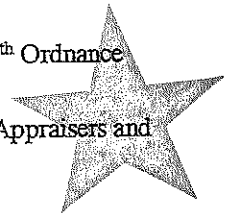
- *New York State Supreme Court & Federal Bankruptcy Court - Qualified Expert Witness Real Estate Related Matters – Testified at trial on numerous occasions involving real estate related matters*
- *Nassau County, New York – Department of Real Estate, Planning & Development, Department of Assessment and Office of the County Attorney – Approved Appraiser*
- *Cities of Long Beach and Glen Cove, New York – Approved Appraiser*
- *Villages of Garden City, Hempstead, Floral Park, Valley Stream & Lynbrook – Approved Appraiser*
- *New York State Department of Transportation – Accredited Right of Way Appraiser*
- *New York State Department of Environmental Conservation – Approved Appraiser*
- *State University of New York at Stony Brook – Approved Appraiser*
- *Suffolk County, New York, Department of Environment and Energy, Division of Real Property Acquisition & Management – Approved Appraiser*
- *Suffolk County Water Authority – Approved Appraiser*
- *Townships of Brookhaven, East Hampton, Islip, North Hempstead, Oyster Bay, Southampton, Southold and Riverhead, New York – Approved Appraiser*
- *Nature Conservancy – Approved Appraiser*
- *The Trust for Public Land – Approved Appraiser*
- *Fordham University School of Law Continuing Legal Education, New York – Approved Instructor*
- *Approved Appraiser; U.S. Army Corp of Engineers;*
- *Expert Zoning Consultant – Expert reports prepared and/or testimony given in hearings before the Townships of Babylon, Huntington, Riverhead, Smithtown & Oyster Bay, New York; Villages of the Branch, Freeport, Lindenhurst, Lynbrook, New Hyde Park, Port Jefferson, Valley Stream & Westhampton Beach, New York; City of Long Beach, New York*
- *30+ years of experience appraising properties in the Long Island/Metro NY area*

Education

New York State Certified General Appraiser: License #46-8631 – New York State has a mandatory program of continuing education for all licensed and certified appraisers. I have met these continuing education requirements.

Prior to the foregoing, my studies included

- Gettysburg College, Gettysburg, Pennsylvania: B.A. in Business Management
- Commissioned Officer (Lieutenant) United States Army 1987 – Active Duty Ordnance Officer 16<sup>th</sup> Ordnance Battalion, Aberdeen Proving Grounds, Aberdeen, Maryland; Army Reserves 1988-1991
- Numerous basic and advanced appraisal courses taken through the former Society of Real Estate Appraisers and currently through the Appraisal Institute
- Ongoing continuing education courses, seminars and Appraisal Institute Courses





**QUALIFICATIONS OF JOHN S. GOESS**

**(Continued)**

**Experience**

1988-1990:	Joseph J. Donovan Associates, Inc. Commercial Property Appraisers
1990-2006:	Vice President and Principal, Carl L. Todd Associates, Inc. Real Property Appraisers & Consultants
2005-Present:	Consultant to Lynch Appraisal, LTD. – Zoning & Valuation Matters
2006-Present:	President and Principal, John S. Goess Realty Appraisal, Inc.
2007-Present:	Consultant to Breslin Appraisal Company – Zoning Matters

**Professional & Other Affiliations**

Appraisal Institute #248819

Past Member of the New York State Condemnation Conference

Boy Scouts of America – Assistant Scout Master

Committeeman – East Islip Anglers & Boating Association

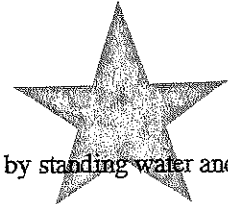
**Real Estate Appraisal/Consultation Services Provided For**

Acquisition/Disposition	Estate Planning	Mortgage Purposes	Rental Negotiation
Condemnation	Tax Certiorari	Insurance Purposes	Market Surveys
Feasibility Studies	Zoning Matters	Casualty Loss Purposes	



## *HIGHLIGHT OF APPRAISED PROPERTIES ON LONG ISLAND*

- Air National Guard Station, East Hills
- Amagansett Farms, 197 acres of Peconic Land Trust Property, Amagansett
- Babylon Cemetery, Babylon
- Benner Farm, East Setauket
- Beaver Dam Winter Sports Center (indoor ice rink), Mill Neck
- Champlain Creek, residential land in wetlands-buffered area (stream on site) -- part of the headwaters of Champlain Creek, Islip Terrace
- Commander Oil Waterfront Terminal, Oyster Bay
- DEC -- 50 acres of vacant residential and industrial zoned land, Flanders and East Quogue & 400+ acres of multi-zoned land in Ridge, NY
- EAB Plaza Office Towers, Uniondale
- East Quogue School District -- farm land for proposed school site, East Quogue
- Emanon Riding Stable, West Hempstead
- Emerald Estates, excess residential parcels outside of building envelopes, Greenlawn
- Exxon Gas Stations throughout Nassau and Suffolk Counties
- Flanders -- NYSDOT -- Route 24 drainage easements and road widening involving vacant land parcels situated within the Peconic Estuary
- Forrest City Daly -- vacant acreage beneath the Roslyn Viaduct intended for development
- Gyrodyne/Flowerfields - 326 contiguous acres with 19 structures totaling 246,828 sq.ft., St. James/Stony Brook (in 2002 and again in 2006)
- Knox School -- 20 acres of vacant waterfront land, Nissequogue
- Li Tungsten (DEC Superfund site), Glen Cove
- Marinas, Glen Cove, New Suffolk
- Montauk Downs -- 6 acres of residential vacant land involving ancient Indian burial grounds
- New York Telephone Company (office buildings and leased land)
- Orowoc Creek, vacant residential and commercial parcels with wetlands, Islip
- Riverhead -- vacant land situated within Pine Barrens Core area
- Ross Institute Private K-12 School; Upper & Lower Campus East Hampton; Bridgehampton
- Roosevelt Raceway Lands, Uniondale/Garden City
- Ruco Polymer Superfund site, Hicksville
- Waterfront commercial property/marina on Nautical Mile, Freeport
- Shelter Island vacant residential land/wetlands;
- Smoke Run Farm horse farm slated for building envelope retention and sale of development rights on balance of acreage, Stony Brook
- Southampton College Campus, Shinnecock Hills
- Southold Vineyards, North Road, Southold -- development rights
- Spectacle Pond, valuation of upland area of site mostly covered by standing water, Nesconset
- "Superblock" oceanfront acreage, City of Long Beach
- Swan River, vacant waterfront parcel, Patchogue
- Sweeney trailer park site, Lake Ronkonkoma
- TBG Cogen Partners (co-generation power plant), Bethpage
- Tri-Gen Power Plant, Uniondale
- Watson Avenue Wetlands, valuation of uplands portions of sites predominantly covered by standing water and/or wetlands vegetation, Babylon



Approved Appraisers - below is a partial listing of entities which have approved and/or engaged our services.

- Brookhaven Township, NY – Department of Planning & Assessment Department
- Brandywine Senior Living Facilities;
- City of Glen Cove, NY
- City of Long Beach, NY
- Corp of Engineers; U.S Army;
- County of Suffolk, Department of Environment & Energy, Division of Real Property Acquisition & Management
- East Quogue School District, NY
- East Hampton Township, NY
- Deer Park School District, NY
- Greater Hempstead Housing Development Agency, Hempstead, NY;
- Islip Township, NY
- Law Firm – Ackerman & O'Brien – East Hampton, NY
- Law Firm - Forchelli, Curto, etal – Mineola, NY
- Law Firm - Jaspan, Schlessinger, etal – Garden City, NY
- Law Firm - Farrell, Fritz, etal – Uniondale, NY
- Law Firm - Cullen & Dykman – Garden City, NY
- Law Firm – Cronin, Cronin & Harris, PC – Mineola, NY
- Law Firm - Dechert LLP – New York, NY
- Law Firm – Scher LLP – Garden City, NY
- Law Firm – Donald Pupke, Garden City, NY
- Law Firm – Herman, Katz, Cangemi & Clyne, LLC Garden City, NY
- Law Firm – Schroder & Strom, PC Mineola, NY
- Law Firm – Koepfel, Martone & Leistman, LLP – Mineola, NY
- Law Firm – Ruskin, Moscou & Faltischek, PC – Uniondale, NY
- Nassau County – Department of Assessment
- Nassau County – Department of Real Estate, Planning & Development
- Nassau County – Office of the County Attorney
- Nassau County – Office of Housing & Intergovernmental Affairs;
- Nassau University Medical Center (NUMC)
- Nature Conservancy
- New York State Department of Environmental Conservation
- New York State Department of Transportation
- North Shore School District
- Oyster Bay Township, NY
- Riverhead Township, NY
- Ross Institute – Private K through 12 Grade School – Bridgehampton & Southampton, NY
- Smithtown Township, NY
- Southampton Township, NY
- Southold Township, NY
- State University of New York at Stony Brook
- Suffolk County Water Authority
- Target Corporation
- The Trust for Public Land
- Town of Oyster Bay, NY
- United States Army Corp. of Engineers
- Village of Floral Park, NY
- Village of Freeport, NY
- Village of Garden City, NY
- Village of Hempstead, NY
- Village of Lynbrook, NY
- Village of Valley Stream, NY



## ADDITIONAL INFORMATION

**Data Sources:** We have an extensive in house database of lease, rental and operating data for properties situated throughout Nassau County. This data was obtained via the processing of literally thousands of appraisal reports for use in tax certiorari and condemnation proceedings involving Nassau County based properties. Further, we have a network of colleagues both locally and through the Appraisal Institute with whom we share data. For sales data, I have a title researcher with 12+ years of experience who researches property histories and comparable sales data.

**Fee Schedule:** See preliminary fee schedule attached hereto detailing the proposed fees for a variety of different appraisal types and services that may be required by the Town.

**Implementation Schedule:** My firm routinely provides appraisal services for clients situated throughout Long Island. The firm stands ready and is currently in position to provide the requested appraisal services on an as needed basis.

**Financial Reports** – Not Dun and Bradstreet rated;



## REFERENCES

- Frederick Ford, Senior Review Appraiser – County of Suffolk, Department of Economic Planning and Development - Acquisitions Unit; (631)-853-5923;
- Heather Amster, Real Property Management Division – NYS Department of Environmental Conservation – (631)-444-0300;
- Nassau County Assessment Review Commission; John Peguillan, Director of Commercial Property, 516-571-3110;
- Nature Conservancy – Valuation of parcels targeted for open space preservation; Contact: Randall Parsons, Senior Policy Advisor; (631)-329-7689;
- John V. Terrana, Esq. – Forchelli, Curto, Etal. – Former City Attorney City of Glen Cove; Currently specializes in real estate law – condemnation and tax certiorari; (516)-248-1700;
- Michael J. Lynch, Principal of Lynch Appraisal, LTD – Firm specializing in expert zoning work and testimony before various village and town boards throughout Long Island; (631)-427-1000;
- Peter Johnson, Esq. – Town of Smithtown Assessor; 631-360-7560;
- Nicole Zaidi – NYSDOT – Region 10 Appraisal Management – Real Estate Division – (631) 952-6632;
- Stacey Hargraves-Hogan, Assessor – Incorporated Village of Hempstead; (516)-489-3417;

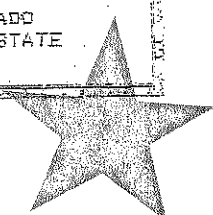
No clients have terminated services for cause from either my current business entity or my former business entity within the past three years and beyond.



# COPY OF APPRAISAL LICENSE

UNIQUE ID NUMBER 45000008631	State of New York Department of State DIVISION OF LICENSING SERVICES	FOR OFFICE USE ONLY Control No. 110346
PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.		EFFECTIVE DATE MO DAY YR 09 01 18
GOESS JOHN S C/O JOHN S GOESS REALTY APPRAI 28 DONNA PLACE EAST ISLIP, NY 11730		EXPIRATION DATE MO DAY YR 08 31 20
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A R. E. GENERAL APPRAISER		
ROSSANA ROSADO SECRETARY OF STATE		

DDSS-1000 (Rev. 4/01)



### Preliminary Proposed Fee Schedule for Appraisal Services

<u>Type of Appraisal</u>	<u>Size of Property</u>	<u>Proposed Fee</u>
Commercial Building (Market Value)	100,000 sq. ft. or less (Irrespective of total lot size)	<u>\$2,995</u>
Commercial Building (Market Value)	Greater than 100,000 sq. ft. (Irrespective of total lot size)	<u>\$3,950</u>
Vacant Land (Market Value)	Less than 1 acre	<u>\$1,995</u>
Vacant Land (Market Value)	1 acre to less than 10 acres	<u>\$2,900</u>
Vacant Land (Market Value)	10 acres or greater	<u>\$3,250</u>
Commercial Building (Rental Analysis)	100,000 sq. ft. or less (Irrespective of total lot size)	<u>\$1,995</u>
Commercial Building (Rental Analysis)	Greater than 100,000 sq. ft. (Irrespective of total lot size)	<u>\$2,950</u>
Vacant Land (Rental Analysis)	100,000 sq. ft. or less	<u>\$2,500</u>
Vacant Land (Rental Analysis)	Greater than 100,000 sq. ft.	<u>\$2,950</u>
Easement Valuations	less than ½ acre	<u>\$2,750</u>
Easement Valuations	½ acre to less than 5 acres	<u>\$2,950</u>
Easement Valuations	5 acres to less than 50 acres	<u>\$3,250</u>
Easement Valuations	50 acres or greater	<u>\$3,995</u>
Review Appraisals	N/A	<u>\$155.00/hour</u>
Consulting Services (Beyond First Hour)	N/A	<u>\$155.00/hour</u>
Limited Appraisal Reports (Vacant Land)	Less than 10,000 sq. ft.	<u>\$395</u> (No more than \$400 per report)
Limited Appraisal Reports (Vacant Land)	10,000 sq. ft. and greater	<u>\$495</u> (No more than \$500 per report)

**BRESLIN APPRAISAL CO., INC.**

44 Elm Street, Suite 5

Huntington, NY 11743

(631) 271-7277

Fax (631) 271-7298

John J. Breslin, Jr., President

Email: [jbreslin@breslinappraisal.com](mailto:jbreslin@breslinappraisal.com)

May 6, 2019

Matthew M. Rozea, Esq.  
Office of the Town Attorney  
Town of Oyster Bay  
Town Hall  
54 Audrey Avenue  
Oyster Bay, NY 11771

**RE: Municipal Assignments**

Dear Mr. Rozea:

Pursuant to your request below you will find a list of Municipal Assignments that we have completed since 2017:

Town of Oyster Bay

- SCTM: Sec 14-Block 24-Lots 22, 28, & 29 Huntington Hill Road, Woodbury NY 11797 (10/09/2018)
- 2-4 Spring Street, Oyster Bay, NY 11771 (12/03/2018)
- 8063 Jericho Turnpike, Woodbury, NY 11797 (10/25/2017)

Village of Port Washington North

- 382 Channel Drive, Port Washington North, NY 11050 (02/17/2017)  
(SCTM: Sec 4-Block 123-Lot 50)

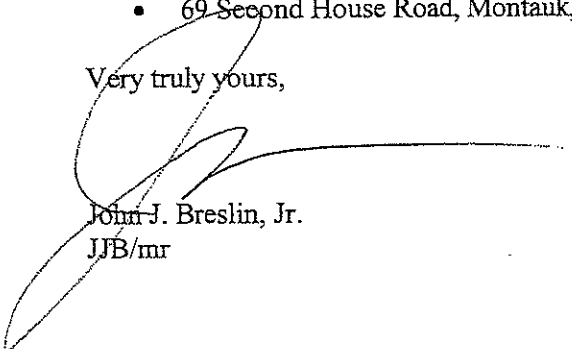
Town of Islip

- 100 Carleton Avenue East Islip, NY (05/24/2018)
- 11 Swayze Street, Sayville, NY 11782 (01/09/2018)
- 190 Railroad Avenue, Sayville, NY 11782 (06/05/2017)

PSEG Long Island

- 250 Willis Avenue, Roslyn Heights, NY 11577 (09/22/2018)
- Across Fire Island from Watch Hill on East to The Pines Community on the West (10/02/2018)
- Along Transmission Line Running from Bridgehampton to East Hampton (10/02/2018)
- Far Rockaway Power Station, Far Rockaway, NY (04/05/2017)  
Queens County Block 15670 Part of Lot 125
- 550 Stewart Avenue, Garden City, NY 11530 (01/18/2017)
- 69 Second House Road, Montauk, NY 11954 (03/02/2017)

Very truly yours,

  
John J. Breslin, Jr.  
JJB/mr





**BRESLIN APPRAISAL CO., INC.**

44 Elm Street, Suite 5

Huntington, NY 11743

(631) 271-7277

Fax (631) 271-7298

John J. Breslin, Jr., President

Email: [jbreslin@breslinappraisal.com](mailto:jbreslin@breslinappraisal.com)

May 6, 2019

Matthew M. Rozea, Esq.  
Office of the Town Attorney  
Town of Oyster Bay  
Town Hall  
54 Audrey Avenue  
Oyster Bay, NY 11771

**RE: Municipal Assignment Fee Schedule**

Dear Mr. Rozea:

It is impossible to establish a fee structure that is fixed for assignments that involve anything other than your traditional single family house with a single valuation date. Those would be \$600 provided they are not waterfront or waterview and have no excess land or development potential.

As to any other property the fee would be based upon the estimate of the time involved to complete the assignment based upon our hourly rates for the various personnel involved. Most if not all assignments involve a variety of personnel for the purpose of keeping the cost down. Where work can be done by a less expensive employee it is done that way. However, final analysis and conclusions are always done by Senior Staff and final value determinations are made by John Breslin, Jr. upon his review.

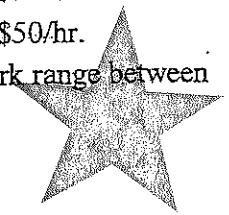
Those fees are based upon our hourly rates which are listed below:

- |                        |           |                       |           |
|------------------------|-----------|-----------------------|-----------|
| • John J. Breslin, Jr. | \$350/hr. | • Jr. Appraiser       | \$125/hr. |
| • Sr. Appraiser        | \$200/hr. | • Support Staff, etc. | \$50/hr.  |

In our experience most of the jobs we have done in the past exclusive of any trial work range between \$2,500 and \$5,000.

Very truly yours,

John J. Breslin, Jr.  
JJB/jr



REAL ESTATE SOLUTIONS USA, INC.  
35 Summit Street, Suite 101  
Oyster Bay, NY, 11771  
917 691-9966  
Ron@RPRAppraisal.com

May 6, 2018

Joseph Nocella, Town Attorney  
54 Audrey Avenue, Second Floor  
Oyster Bay, NY 11771  
jnocella@oysterbay-ny.gov

Re: Real Property Appraisal Services

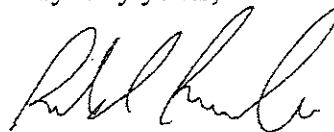
Dear Mr. Nocella

In accordance with the Town of Oyster Bay please find the attached RFP.

If you have any questions concerning its content, please do not hesitate to email or call.

Please note that I will be personally available to attend all necessary meetings or phone conferences with any assignment completed by my firm, Real Estate Solutions USA, Inc.

Very truly yours,



Ronald Paradiso, MRICS, SRA  
Real Estate Solutions USA Inc.  
President  
Phone: 917-691-9966  
[ron@rprappraisal.com](mailto:ron@rprappraisal.com)

REC'D TOWN ATTORNEY  
'19 MAY 7 AM 10:30

REAL ESTATE SOLUTIONS USA, INC.  
35 Summit Street, Suite 101,  
Oyster Bay, New York 11771  
917-691-9966 – ron@rprappraisal.com  
RPRAppraisal.COM

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Real Estate Solutions USA, Inc. was formulated as a Domestic Business Corporation in July 2010, in Nassau County, New York. The company specializes in residential and commercial real estate appraisal and advisory services. The company is owned and operated by Ronald Paradiso, who is the exclusive share holder. The company is located in Oyster Bay, New York.

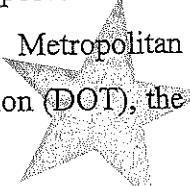
Mr. Paradiso is the President and founder of Real Estate Solutions USA, Inc. starting the company after an extensive 25-year career in real estate valuation and consulting, working with some of the most respected professional real estate companies in the world.

Mr. Paradiso, as president of the company performs all of the appraisal assignments. This assures that all of the firm's clients receive direct input from Mr. Paradiso, allowing him the ability to discuss all aspects of the assignment in detail. Through technology and affiliations with a network of local and regional appraisers the company is able to handle multi-property assignments that would be impossible in the past.

The firm headed by Mr. Paradiso has extensive experience in Nassau County real estate and in the Tri-State New York Metropolitan Area, completing the valuation of all types of residential and commercial real estate assignments, inclusive of fee simple, lease fee, easements, right-of-way and leasehold analysis.

Mr. Paradiso is a New York State Certified General Real Estate Appraiser, a Member of the Royal Institution of Chartered Surveyors (MRICS), and an SRA designated member of the Appraisal Institute, and a New York State licensed real estate salesperson.

Approved by the State of NY Unified Court System as an appraiser for Nassau, Suffolk, Queens, Kings, Bronx, Westchester and New York Counties; completing appraisal assignments for litigation, condemnation, right-of-way, estate planning, and tax certiorari purposes and has been used as special consultant by governmental agencies including the Metropolitan Transportation Authority (MTA), the New York State Department of Transportation (DOT), the NYC Law Department and Nassau County Surrogate's Court.



REAL ESTATE SOLUTIONS USA, INC.  
35 Summit Street, Suite 101,  
Oyster Bay, New York 11771  
917-691-9966 – ron@rprappraisal.com  
RPRAppraisal.COM

---

Mr. Paradiso has testified in Nassau County District Court and in Nassau, Kings and Suffolk County State Supreme Court as a real estate valuation expert and has been used as an expert for arbitration proceedings for Townships and Villages on Long Island, and has been asked to review appraisal assignments and write rebuttal reports for court related real estate matters.

Mr. Paradiso has been actively engaged in real estate valuation since 1990 and involved in real estate sales, leasing and management of residential and commercial real estate since 1988.

He is a two time recipient of Cushman & Wakefield's Inc. achievement conference, -1997 & 1998 and awarded a Who's Who in real estate, as a valuation expert.

Professional and Personal affiliations and licenses are summarized as follows:

New York State Certified General Real Estate Appraiser,  
New York State Licensed Real Estate Salesman  
Member of the Royal Institute of Chartered Surveyors (MRICS)  
Member of the Appraisal Institute (SRA Designation)  
State of NY Unified Court System Approved Appraiser  
Nassau/Suffolk/Queens/Kings/Bronx/Westchester/New  
York Counties)  
HUD, (Housing Urban Development) Approved Appraiser  
Nassau County Approved Appraiser  
Port Authority of NY/NJ, Approved Appraiser  
New York State Department of Transportation, Approved Appraiser  
Certified Appraiser –Historic Preservation Easements  
Certified Appraiser –Green Valuations  
NYS Certified Supervisory Appraiser  
Member of the Long Island Board of Real Estate

Oyster Bay Lions Club – Chairman Beekman Beach Committee, OB, NY  
USTA Tennis Member, WSI Certified Water Safety Instructor  
Five time Oyster Bay Triathlon participant



# Appraisal Rate Sheet

REAL ESTATE SOLUTIONS USA, INC.  
35 Summit Street, Suite 101  
Oyster Bay, NY, 11771  
917 691-9966  
Ron@RPRAppraisal.com

May 6, 2018

Joseph Nocella, Town Attorney  
54 Audrey Avenue, Second Floor  
Oyster Bay, NY 11771  
jnocella@oysterbay-ny.gov

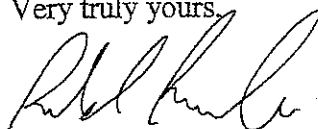
Re: Real Property Appraisal Services

As requested the following fee range for appraisal services are summarized below.

Rate Sheet			
<u>Fee Simple</u>	Vacant Land	\$ 750.00	to \$1,500.00
	Improved Property	\$ 900.00	to \$2,500.00
<u>Leased Fee</u>	Vacant Land	\$ 800.00	to \$1,500.00
	Improved Property	\$1,000.00	to \$2,500.00
<u>Easements</u>	Vacant Land	\$ 800.00	to \$1,500.00
	Improved Property	\$1,100.00	to \$2,500.00
<u>Rental Value</u>	Vacant Land	\$1,000.00	to \$1,800.00
	Improved Property	\$1,100.00	to \$2,500.00
<u>Leasedhold</u>	Vacant Land	\$ 900.00	to \$1,500.00
	Improved Property	\$1,000.00	to \$2,500.00

Note that the range reflects the size and complexity of the property to be appraised.  
If you have any questions, please do not hesitate to email or call.

Very truly yours,



Ronald Paradiso, MRICS, SRA  
Real Estate Solutions USA Inc.  
President  
Phone: 917-691-9966  
[ron@rprappraisal.com](mailto:ron@rprappraisal.com)



LYNCH APPRAISAL LTD.

REAL ESTATE APPRAISERS AND CONSULTANTS  
15 DEWEY STREET  
HUNTINGTON, NEW YORK 11743  
(631) 427-1000

May 6, 2019

Mr. Joseph Nocella,  
Town Attorney  
Town of Oyster Bay  
54 Audrey Avenue, 2<sup>nd</sup> Floor  
Oyster Bay, New York 11771

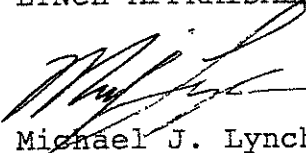
Re: Request For Proposal  
Real Property Appraisal  
Services


Dear Mr. Nocella:

In accordance with your request, I have completed the Request For Proposal application for your review. I have also included a copy of my qualifications.

Thank you for giving me the opportunity to be of continued service to the Town of Oyster Bay.

Very truly yours,  
LYNCH APPRAISAL LTD.

  
Michael J. Lynch, Pres.  
Cert. N.Y.S. General Real Estate Appraiser



**MICHAEL J. LYNCH**

**Certified N.Y.S. General Real Estate Appraiser #46-1012**

**QUALIFICATIONS**

Real estate appraiser since 1981. President of Lynch Appraisal Ltd., located at 15 Dewey Street, Huntington, New York 11743.

Appraised various types of real property on Long Island, New York City and Westchester County including multi-family dwellings, apartment buildings, commercial property, factories, warehouses, R & D buildings, office buildings, large residential estates, residential and commercial subdivisions, boat yards, and special-use properties.


Prepared appraisals for use in estates, estate planning, feasibility studies, condemnation proceedings, tax certiorari, and matrimonial matters.

Specialized in testimony such as special permits, area and use variances for properties. Applications have included proposed wireless communications sites, fast-food establishments, convalescent homes, gasoline service stations, convenience stores, multi-family residences, new construction, etc.

Appeared as Expert Witness:

Nassau County Supreme Court.  
New York Supreme Court.

Town of Babylon Zoning Board of Appeals.  
Town of Babylon Planning Board.  
Town of Babylon Town Board.  
Town of Brookhaven Board of Zoning Appeals.  
Town of Brookhaven Planning Board.  
Town of Brookhaven Town Board.  
Town of East Hampton Planning Board.  
Town of East Hampton Zoning Board of Appeals.  
Town of Huntington Zoning Board of Appeals.  
Town of Huntington Planning Board.  
Town of Huntington Town Board.  
Town of Islip Board.  
Town of Islip Planning Board.  
Town of Riverhead Planning Board.  
Town of Riverhead Board of Zoning Appeals.  
Town of Shelter Island Zoning Board of Appeals.  
Town of Smithtown Board of Zoning Appeals.  
Town of Smithtown Town Board.



LYNCH APPRAISAL LTD.

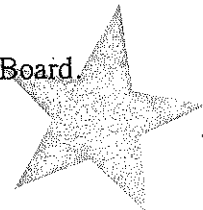
Appeared as Expert Witness (cont.):

Town of Southampton Planning Board.  
Town of Southold Zoning Board of Appeals.  
Town of Southold Planning Board.  
Town of Oyster Bay Zoning Board of Appeals.  
Town of Oyster Bay Town Board.  
Town of North Hempstead Board of Zoning Appeals.  
Town of North Hempstead Town Board.  
Town of Hempstead Board of Zoning Appeals.  
Town of Hempstead Town Board.  
Town of Shelter Island Zoning Board of Appeals.  
Village of Bayville Zoning Board of Appeals.  
Village of Brookville Board of Zoning Appeals.  
Village of Cedarhurst Board of Zoning Appeals.  
Village of Cove Neck Zoning Board of Appeals.  
Village of East Hills Zoning Board of Appeals.  
Village of East Rockaway Board of Appeals.  
Village of Farmingdale Board of Trustees.  
Village of Farmingdale Planning Board.  
Village of Floral Park Board of Trustees.  
Village of Freeport Planning Board.  
Village of Freeport Board of Zoning Appeals.  
Village of Garden City Zoning Board of Appeals.  
Village of Garden City Board of Trustees.  
Village of Garden City Planning Commission.  
Village of Great Neck Zoning Board of Appeals.  
Village of Great Neck Plaza Board of Trustees.  
Village of Great Neck Estates Zoning Board of Appeals.  
Village of Hempstead Zoning Board of Appeals.  
Village of Hempstead Personal Wireless Services Facilities Review Board.  
Village of Lattingtown Zoning Board of Appeals.  
Village of Laurel Hollow Board of Zoning Appeals.  
Village of Lawrence Zoning Board of Appeals.  
Village of Lynbrook Board of Trustees.  
Village of Malverne Board of Trustees.  
Village of Massapequa Park Zoning Board of Appeals.  
Village of Matinecock Zoning Board of Appeals.  
Village of Mill Neck Board of Zoning Appeals.  
Village of Mineola Board of Trustees.  
Village of Munsey Park Board of Trustees.  
Village of New Hyde Park Board of Trustees.  
Village of New Hyde Park Zoning Board of Appeals.  
Village of North Hills Zoning Board of Appeals.  
Village of Muttontown Board of Trustees.  
Village of Muttontown Board of Zoning Appeals.  
Village of Old Brookville Zoning Board of Appeals.  
Village of Old Westbury Board of Zoning Appeals.



Appeared as Expert Witness (cont.):

Village of Oyster Bay Cove Board of Zoning Appeals.  
Village of Oyster Bay Cove Board of Trustees.  
Village of Oyster Bay Cove Planning Board.  
Village of Port Washington North Zoning Board of Appeals.  
Village of Rockville Centre Zoning Board of Appeals.  
Village of Roslyn Board of Trustees.  
Village of Roslyn Harbor Zoning Board of Appeals.  
Village of Sands Point Board of Zoning Appeals.  
Village of Sea Cliff Zoning Board of Appeals.  
Village of Upper Brookville Board of Trustees.  
Village of Upper Brookville Zoning Board of Appeals.  
Village of Valley Stream Board of Zoning Appeals.  
Village of Westbury Board of Trustees.  
Village of Westbury Zoning Board of Appeals.  
Village of Williston Park Board of Trustees.  
Village of Williston Park Zoning Board of Appeals.  
Village of Asharoken Zoning Board of Appeals.  
Village of Huntington Bay Zoning Board of Appeals.  
Village of Islandia Board of Trustees.  
Village of Islandia Zoning Board of Appeals.  
Village of Lloyd Harbor Board of Trustees.  
Village of Lloyd Harbor Planning Board.  
Village of Lloyd Harbor Zoning Board of Appeals.  
Village of Northport Board of Zoning Appeals.  
Village of Northport Board of Architectural & Historic Review.  
Village of East Hampton Zoning Board of Appeals.  
Village of Amityville Zoning Board of Appeals.  
Village of Lindenhurst Zoning Board of Appeals.  
Village of Lake Grove Zoning Board of Appeals.  
Village of Bellport Board of Trustees.  
Village of Patchogue Planning Board.  
Village of Patchogue Zoning Board of Appeals.  
Village of Port Jefferson Board of Trustees.  
Village of Quogue Zoning Board of Appeals.  
Village of Southampton Board of Architectural Review & Historic Preservation.  
Village of Southampton Planning Board.  
Village of The Branch Zoning Board of Appeals.  
Village of Head of the Harbor Board of Trustees.  
Village of Westhampton Beach Board of Trustees.  
Village of Westhampton Beach Architectural Review Board.  
  
City of Glen Cove Planning Board.  
City of Glen Cove Zoning Board of Appeals.  
City of Long Beach Zoning Board of Appeals.



## PARTIAL LIST OF MUNICIPAL CLIENTS

Town of Oyster Bay (Office of Town Attorney)  
Town of N. Hempstead (Community Development Agency)  
Village of Muttontown  
Village of Centre Island  
Village of Upper Brookville  
Locust Valley Water District

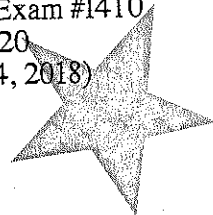
## EDUCATION

Hofstra University, Hempstead, New York: BBA - Management (1983);  
MBA - Banking & Finance (1991).

## TECHNICAL TRAINING

### Appraisal Institute

Real Estate Appraisal Principles - Exam #1A-1.  
Basic Valuation Procedures - Exam #1A-2.  
Capitalization Theory and Techniques, Part A, - Exam #1B-A.  
Capitalization Theory and Tech. Part B, - successfully challenged Exam #1B B.  
Case Studies in Real Estate Valuation - successfully challenged Exam #2-1.  
Standards of Professional Practice, Part A (USPAP) - Exam #I410  
Standards of Professional Practice, Part B - Exam #II420  
7-Hour National USPAP Update Course (December 14, 2018)



LYNCH APPRAISAL LTD.

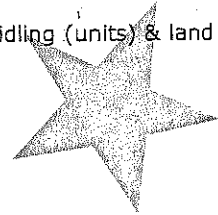
# LYNCH APPRAISAL LTD

## Fee Schedule

May 2019

Property Type	Fee	Notes
1-Family Residence	\$750	Does not include Surplus Land Analysis
2-Family Residence	\$1,500	Does not include Surplus Land Analysis
Multi-Family Residence	\$3,000	Not including apartment building
Buildable Lot	\$1,500	Typically under 1-acre parcels
Non-buildable Land	\$2,500	Typically land slivers, excess land, etc.
Acreage	\$3,500	Typical, but fee could be higher based on complexity of land & assignment
Commercial Building	\$3,500+	Based on size of building & land
Industrial Building	\$3,500+	Based on size of building & land
Apartment Building	\$4,500+	Based on size of building (units) & land

All Listed quotes are approximate and can vary on a case by case basis.



**MICHAEL HABERMAN ASSOCIATES, INC.**

125 FRONT STREET  
MINEOLA, NEW YORK 11501  
(516) 739-8080

**PROPOSAL**

**To Provide Real Property Appraisal Services**

**To the Town of Oyster Bay**

**Attn: Joseph Nocella, Town Attorney**

**Town of Oyster Bay**

**Town Hall**

**54 Audrey Avenue**

**Oyster Bay, New York 11771**



**MAY 2019**

May 6, 2019

Joseph Nocella, Town Attorney  
Town of Oyster Bay  
Town Hall  
54 Audrey Avenue  
Oyster Bay, New York 11771

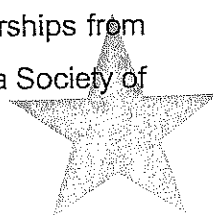
Re: Proposal to Provide Real  
Property Appraisal Services

Dear Mr. Nocella:

Michael Haberman Associates, Inc. (MHAI) submits this proposal in response to your Request for Proposal (RFP) dated April 23, 2019 for Real Property Valuation Services. It is being submitted by Ronald Haberman, Vice-President of MHAI who is authorized by the Corporation to sign and bind MHAI contractively with the Town of Oyster Bay.

MHAI is a "C" Corporation with its main office at 125 Front Street, Mineola, NY 11501. The Company is ready, willing and able to provide appraisal services in a timely manner to the Town. Michael Haberman, Ronald Haberman and Thomas Donato are the partners and key management personnel who will oversee all assignments requested by the Town and will verify that conflicts of interest are not occurring. It is anticipated that a two to four week appraisal turnaround can be expected depending upon complexity of assignment.

Michael Haberman holds professional memberships from the Appraisal Institute, American Society of Appraisers and the Columbia Society of Real Estate Appraisers. Ronald Haberman holds professional memberships from the Appraisal Institute and the Columbia Society of Real Estate Appraisers. Thomas Donato holds professional memberships from the Institute of Assessing Officers, NYS Assessor's Association and the Columbia Society of Real Estate Appraisers.



These principals have been appraising real property for over 20 years and continue to do so for the Nassau County Attorney's Office, New York State Department of Transportation, New York State Thruway Authority, County of Suffolk, Towns of Smithtown, Riverhead, Islip, Babylon, Huntington and numerous villages in Nassau and Suffolk Counties. In addition to appraisal and consulting services, the Company has been providing litigation support and expert testimony in defense of its value estimates over the same period.

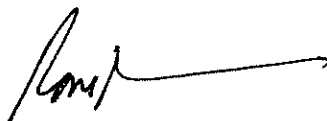
Our history of real estate valuations makes us qualified to perform valuation and support services required by the Town. Personnel assigned to any contract/appraisal services will be certified or licensed real estate appraisers with at least 20 years' experience. The Company's president and vice-president have over 48 and 38 years of experience and its project manager/vice-president over 20 years of valuation/consulting experience.

The Company is totally capable of providing reports that are thorough and concise, presented in a timely fashion meeting all target completion dates. Our appraisals are well planned and supported, consistent and accurate, providing defensible indications of market value.

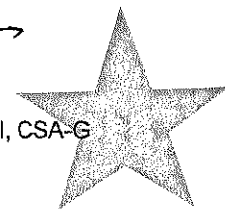
All appraisals will conform to the *Uniform Standards of Professional Appraisal Practice (USPAP 2018-2019)* and with New York State Uniform Court Rules. The *Town Disclosure Questionnaire*, our *Proposal*, *Municipal Client List*, and CV's of the company's three principals along with their *NYS Licenses* follow this *Letter of Introduction*.

It has always been a pleasure to be of service to the Town and we hope you look favorably upon this proposal.

Respectfully submitted,



Ronald Haberman, MAI, CSA-G



RH/bb

MICHAEL HABERMAN ASSOCIATES, INC.

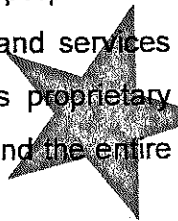
## Proposal

MHAI is proposing to provide appraisal services for the Town of Oyster Bay covering all types of appraisals requiring valuation of various property interests.

MHAI performs Real Property appraisals in numerous formats. As briefly discussed earlier, the company produces over 400 commercial/industrial/multi-family appraisals and hundreds of residential reports on a yearly basis. The firm's specialties include preparation of project and trial condemnation appraisals encompassing total and partial acquisitions along with expert trial testimony and support. Other specialties include analysis and valuation of fractional property interests including easements, railroad and right of ways, specialized lease interests, utility and water company property, along with expertise in valuation of wetlands and development rights.

The firm's management approach starts with weekly staff meetings where goals, deadlines, tracking and new projects are discussed. During the ensuing week, principals manage appraisals being processed. One appraiser is typically the lead with additional resources available when required. Upon completion, the report goes through a formal review by one of the principals who are also actively engaged in its preparation. Key to this approach is constant communication on all projects, identification of critical issues as they arise, a consistent and thorough review process and, as a result, preparation of valuations which are meaningful, accurate and defensible.

In addition to its professional staff, the firm has a dedicated group of administrative and clerical support personnel along with a Management Information System (MIS) administrator. The Company is located in an owner-occupied office building in the heart of Mineola. It maintains the latest equipment (including a plotter when GIS is utilized) and computers along with the most current industry software. The firm maintains a hard copy/digital/micro-film library and database for research purposes as an aid in the valuation and consulting services it provides. Materials and services include CoStar, RealQuest, Comps Inc., GeoData, MLS and the firm's proprietary database. A high-speed internet connection is in place and operational and the entire office staff has access to it.



MICHAEL HABERMAN ASSOCIATES, INC.

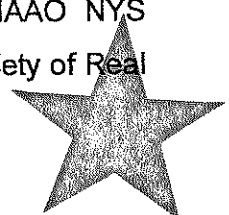
The company understands all of the sections seen within the RFP and is totally committed to follow all facets of it including "Payments 6." It is ready and able to provide consulting services as a value-added item.

The Company has been in business since 1968 and over the last 50 years has performed appraisals covering a wide range of property types and complexities. Of the firm's eight professional staff appraisers, four hold NYS Real Estate General Appraiser certifications.

Michael Haberman, one of the firm's three principals has lectured at the Nassau Academy of Law and the New York State Bar Association of Real Property Tax Assessment. He has been a faculty member at the Fordham University School of Law, Continuing Legal Education Department and has taught numerous courses for the Columbia Society of Real Estate Appraisers at Hofstra University. His professional memberships include holding the SRPA designation from the Appraisal Institute, ASA designation from the American Society of Appraisers and the CSA-G designation from the Columbia Society of Real Estate Appraisers. He is a past President of the Columbia Society of Real Estate Appraisers.

Ronald Haberman, another principal of the firm has taught courses for the Columbia Society of Real Estate Appraisers at Hofstra University. He is a past president of the New York Condemnation Conference. His professional memberships include holding the MAI designation from the Appraisal Institute and the CSA-G designation from the Columbia Society of Real Estate Appraisers. He was 1<sup>st</sup> Vice-President and currently sits on the Board of Directors of the Long Island Chapter of the Appraisal Institute.

Thomas Donato, another principal of the firm has taught courses for the Nationwide Real Estate & Appraisal Training Center. His professional memberships include holding the IAO Designation from the Institute of Assessing Officers, IAAO NYS Assessor's Association and the CSA-G designation from the Columbia Society of Real Estate Appraisers.



MICHAEL HABERMAN ASSOCIATES, INC.



The Company has been providing Real Estate Valuation Services to the Town of Oyster Bay for over 15 years, the last appraisal report submitted August 2018.

The Company has completed revaluations of nine villages in Nassau County under the certification of the Office of Real Property Tax Services (ORPTS) and continues to handle their tax certiorari and small claims cases on an on-going basis. It has recently completed the Monitoring of Revaluations for the Towns of Greenburg, Ossining and North Salem in Westchester County and has recently finished the revaluation of all Class 2 and 4 parcels in Nassau County.

Working closely with Senator Martins, the Senator was able to facilitate a change to New York State law providing "Advisory Appraisals" to villages during an annual reassessment. Prior to the changes, only counties and towns were eligible for these reports, requiring villages to retrieve dated data from towns and counties or maintain static values therefor preventing a village from having a fair and equitable assessment roll.

One of the Company's partners has been a member of the Real Property Tax Administration Committee (RPTC), equalization subcommittee for the past five years. He has been instrumental in writing procedures pertaining to Equalization Rates and Residential Assessment Ratios. This board position provides the Company with insight to New York State goals and procedures long before the general assessment community is aware of them.

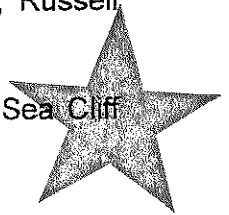
We believe that our history of real estate valuations makes us uniquely qualified to perform valuation and support services required by the Town of Oyster Bay. As briefly discussed prior, the Company has a vast body of experience and expertise in providing appraisal services in connection with Tax Certiorari and Condemnation proceedings for local governments in New York. In addition to appraisal and consulting services, the Company has been providing litigation support and expert testimony in defense of its value estimates over the same period.




MICHAEL HABERMAN ASSOCIATES, INC.

### Municipal Client List

- Deputy County Assessor, Steve Corte, County of Nassau, 240 Old Country Road, Mineola, NY 11501. Phone (516) 571-3587
- Mayor Timothy Tenke, City of Glen Cove, City Hall, 9 Glen Street, Glen Cove, NY 11542. Phone (516) 676-2004
- Administrator, Ralph Suozzi, Village of Garden City, 351 Stewart Avenue, Garden City, NY 11530. Phone (516) 465-4051
- Chief Deputy County Attorney, Lisa LoCurto, County of Nassau, 1 West Street, Mineola, NY 11501. Phone (516) 571-3056
- Chief Real Estate Negotiator and Special Counsel, County of Nassau, Kevin C. Walsh, 1 West Street, Mineola, New York 11501. Phone (516) 571-3986
- NYS DOT Real Estate Specialist I, Nicole Zaidi, 250 Veterans Memorial Highway, Hauppauge, New York 11788. Phone (631) 952-6069
- Suffolk County Senior Appraisal Reviewer, Frederick Ford, Dept. of Economic Development and Planning, 100 Veterans Memorial Highway, 2<sup>nd</sup> Floor, Hauppauge, New York 11788. Phone (631) 853-5923
- Sole Town Assessor, Roger Ramme, Town of Huntington, 100 Main Street, Huntington, NY 11743. Phone (631) 351-2800
- Sole Town Assessor, Joan Ball, Town of Babylon, 200 East Sunrise Highway, Lindenhurst, NY 11757. Phone (631) 957-4421
- Mayor Ralph Ekstrand, Village of Farmingdale, Village Hall, 361 Main Street, Farmingdale, NY 11735. Phone (516) 249-0093
- Administrator, Kathleen L. Santelli, Village of Great Neck Estates, 4 Atwater Plaza, Great Neck, NY 11021. Phone (516) 482-8284
- Mayor Adam Hoffman, Village of Lake Success, 318 Lakeville Road, Lake Success, NY 11020. Phone (516) 482-4411
- Senator Jack Martins, Former Mayor, Village of Mineola, 155 Washington Avenue, Mineola, NY 11501. Phone (516) 746-0750
- Mayor Steven Kirschner, Village of Russell Gardens, 6 Tain Drive, Russell Gardens, NY 11021. Phone (516) 482-8246
- Administrator, Bruce Kennedy, Village of Sea Cliff, Village Hall, 300 Sea Cliff Avenue, Sea Cliff, NY 11579. Phone (516) 671-0080



MICHAEL HABERMAN ASSOCIATES, INC.

- Administrator. Ted Blach, Village of Westbury, 235 Lincoln Place, Westbury, NY 11590. Phone (516) 334-1700
  - Mayor Edwin A. Fare, Village of Valley Stream, 123 South Central Avenue, Valley Stream, NY 11580. Phone (516) 334-1700
  - Fernando Gonzales, IAO, Town of Ossining Assessor, 16 Croton Avenue, Ossining, NY 10562. Phone (914) 762-8274.  
E-mail: [fgonzales@townofossining.com](mailto:fgonzales@townofossining.com)
  - Karen Futia, IAO, Assessor Town of North Salem, 266 Titicus Road, North Salem, NY 10562. Phone (914) 669-5214. E-mail: [kfutia@northsalemny.org](mailto:kfutia@northsalemny.org)
  - Edye McCarthy, IAO, Assessor Town of Greenburgh, 177 Hillside Avenue, Greenburgh, NY 10607. Phone (914) 993-1635.  
E-mail: [emccarthy@greenburghny.com](mailto:emccarthy@greenburghny.com)
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MICHAEL HABERMAN ASSOCIATES, INC.

## **QUALIFICATIONS OF MICHAEL HABERMAN – PRESIDENT**

Michael Haberman Associates, Inc.  
125 Front Street  
Mineola, New York 11501

516-739-8080

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### **EDUCATION:**

Bachelor of Science degree in Accounting - Long Island University, C. W. Post College - 1965. Real Estate I; Real Estate II; Long Island University. Real Estate Appraising I; Appraising Income Producing Real Estate II; Adelphi University. Appraising Real Property Course 101; Appraising Income Property Course 201; Professional Practice; Society of Real Estate Appraisers. Advanced Real Estate Appraising; Columbia Society of Real Estate Appraisers. Investing in Real Estate - Income Property Valuation; C. W. Post College. Instructor of Income/Capitalization Methods for the Columbia Society of Real Estate Appraisers; Hofstra University. New York State Instructor for Certified Residential and Certified General Appraiser - #I-114.

### **PROFESSIONAL MEMBERSHIPS/LICENSES:**

Certified to transact business as a Real Estate General Appraiser - I.D. #: 46-4496.

Appraisal Institute - Senior Member with the Senior Real Property Appraiser designation - SRPA - Currently certified.

America Society of Appraisers – Senior Member with ASA designation – Currently certified.

Columbia Society of Real Estate Appraisers - Senior member – CSA-G

Nassau County Assessors Association

Licensed Real Estate Broker - New York State

### **EXPERIENCE:**

Actively engaged in the appraisal of real estate since 1966. Appeared and testified in Supreme Courts of Manhattan, Brooklyn, Queens, Bronx, Nassau, Suffolk and Westchester Counties, New York State Court of Claims and Federal Courts with regard to real estate valuation. Consultant - review appraiser for the Nassau County's Attorney Office from 1974 to 2010. Special Consultant to the City of Long Beach for their 1990 reassessment program. Special Consultant to the Nassau County

MICHAEL HABERMAN ASSOCIATES, INC.

Department of Assessment regarding Small Claim proceedings commencing 1993/94 and ending in 2008. Analyzed over 150,000 properties for purposes of negotiating and litigation. Completed the Nassau County's reassessment program as prime sub-contractor to Cole Layer Trumble Company and completed the six-year annual reassessment program.

Prepared appraisal reports for the Corporation Counsel of the City of New York; Housing and Urban Development Corporation; Metropolitan Transit Authority; Housing and Development Administration; Tax Division of the City of New York; Office of the Nassau County Attorney - Tax Review and Condemnation Divisions; Nassau County Department of Assessment; Facilities Development Corporation of New York State; Public Development Corporation of the City of New York; City of Long Beach; City of Glen Cove; Villages of Cedarhurst, Freeport, Great Neck, Great Neck Estates, Great Neck Plaza, Hempstead; Floral Park, Kensington, Kings Point, Laurel Hollow, Lynbrook, Malverne, Manorhaven, Massapequa Park, Old Westbury, Port Washington North, Rockville Centre, Russell Gardens, Sands Point, Thomaston, Valley Stream, and Westbury; Town of Babylon; lending institutions i.e.: Dime Savings Bank, Fidelity Savings and Loan, Bank of New York, Suburbia Savings and Loan, Beacon Federal Savings and Loan, Marine Midland Bank, Long Island Savings Bank, Hamilton Savings Bank, Independence Savings Bank, Greater New York Savings Bank, Continental Bank, Home Savings Bank of America and clients for purposes of tax review, condemnation, feasibility studies, estates, sales, purchases and lending.

Lectured at the Nassau Academy of Law on valuation models of discounted cash flow analysis. Lectured at the New York State Bar Association of Real Property Tax Assessment - Issues and Developments in Valuing Properties and Challenging Assessments. Instructor for the Columbia Society of Real Estate Appraisers at Hofstra University - Capitalization/Income Methods to Value. Former faculty at Fordham University School of Law, Continuing Legal Education Department - Course Title "Challenging Your Real Property Tax Assessment".

Have appraised more than 75,000 individual properties including shopping centers, taxpayers, office buildings, apartments, condominiums/cooperatives, fast food restaurants, gas stations, industrial facilities, country clubs, beach clubs, hospitals, nursing homes, theatres, schools, churches and temples, land of all types and private homes and in excess of 150,000 homes for small claims. Have acted as consultant numerous times for 3rd party requests from courts, attorneys and government agencies.

MICHAEL HABERMAN ASSOCIATES, INC.

NYS Licenses of Company's Three Principals

UNIQUE ID NUMBER 46000004496	State of New York Department of State DIVISION OF LICENSING SERVICES	FOR OFFICE USE ONLY Control No. 103116
PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.		EFFECTIVE DATE MO. DAY YR 11 09 17
HABERMAN MICHAEL C/O MICHAEL HABERMAN ASSOCIATE 125 FRONT ST MINEOLA, NY 11501		EXPIRATION DATE MO. DAY YR 11 08 19
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A R. E. GENERAL APPRAISER		
In Witness Whereof, The Department of State has caused its official seal to be hereunto affixed.		
ROSSANA ROSADO SECRETARY OF STATE		

DOS-1096 (Rev. 3/01)

MICHAEL HABERMAN ASSOCIATES, INC.

## QUALIFICATIONS OF RONALD HABERMAN - VICE PRESIDENT

Michael Haberman Associates, Inc.  
125 Front Street  
Mineola, New York 11501

516-739-8080

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### EDUCATION:

Bachelor of Science degree in Accounting – LIU Post -1972. Graduate course work in Mathematics Education - Yeshiva University - 1974/75.

Courses, seminars and programs over last 5 years: State of the Appraisal Institute and Valuation Issues 2017, Appraisal Institute, 2017; Golf Outing and Seminar Marketing, Appraising and History of LI Gold Coast Properties, Appraisal Institute, 2017; Practical Highest and Best Use, Appraisal Institute, 2017; The 2017 Long Island Housing Market and Overuse of the Term "Uncertainty", Appraisal Institute, 2017; Current Real Estate Issues on Long Island, Appraisal Institute, 2016; Business Practices and Ethics, Appraisal Institute, 2016; Arbitration of Valuation, Lease and Mortgage Disputes, Appraisal Institute, 2016; Tax Certiorari and Condemnation, Appraisal Institute, 2016; Prudent Appraisal Trial Practices, Appraisal Institute, 2016; Valuation of Oheka Castle: High Value and Historic Home on Long Island, Appraisal Institute, 2016; Drone Technology and Its Impact on the Appraisal Industry, Appraisal Institute, 2016; Understanding Long Island and Metro NY Hospitality Properties, Appraisal Institute, 2016; Market and Appraisal Industry Outlook for 2016 and Beyond, Appraisal Institute, 2016; 2016-2017 7-Hour National USPAP Update Course, Appraisal Institute, 2015; Rent Code and Rents Stabilization: Changes Due to the New York State Rent Act of June 2015, Appraisal Institute, 2015; Real Estate Cycles and Valuation, Appraisal Institute, 2015; The New York Area Hotel Market, Appraisal Institute, 2015; Current State of the Long Island Economy, Appraisal Institute, 2015; Assessing Economic Trends Nationally and for Long Island, Appraisal Institute, 2014; The Importance of Valuation and Financing of Green Properties, Appraisal Institute, 2014; Basics of Golf Course and Country Club Valuation, Appraisal Institute, 2014; Economic Update for the Region, Appraisal Institute, 2014; Performance Building: The Basics and the Benefits, Appraisal Institute, 2014; Shaping The Future of Long Island, Appraisal Institute, 2013; Appraiser/Realtor and Mortgage Banker/Realtor: Issues and Housing Trends on Long Island Building Costs and Challenges in the Long Island Region, Appraisal Institute, 2013; Valuation Issues & Challenges After Super Storm Sandy, Appraisal Institute, 2013.

Appraising Real Property Course 101, NYS Code R-1 and R-2, 60 hours; Appraising Income Property Course 201, NYS Code G-1 and G-2, 60 hours; Applied Residential Property Valuation Course 102, NYS Code R-3, 39 hours; Applied Income Property Valuation Course 202, NYS Code G-3, 39 hours; Professional Practice; Society of Real Estate Appraisers.

Real Estate Appraisal Principles Course 1A1, NYS Code R-1, 36 hours; Basic Valuation Procedures Course 1A2, NYS Code R-2, 36 hours; American Institute of Real Estate Appraisers (n/k/a Appraisal Institute).

MICHAEL HABERMAN ASSOCIATES, INC.

### **INSTRUCTOR:**

Past Instructor of Uniform Standards of Professional Appraisal Practice, NYS Code E/S; Columbia Society of Real Estate Appraisers, Hofstra University, Hempstead, New York.

Past Instructor of State Certified Exam Preparation Seminar - Residential; Columbia Society of Real Estate Appraisers, Hofstra University, Hempstead, New York.

Past Instructor of NYS Code R-1, R-2 and R-3; Columbia Society of Real Estate Appraisers, Hofstra University, Hempstead, New York.

### **CERTIFICATION:**

New York State Department of State, Division of Licensing Services - Certified to transact business as a Real Estate General Appraiser, I.D. #: 46-4499 - *I am currently certified.* Certified Residential/General Appraiser Instructor, ID#: I-99. NYS Approved Supervisory Appraiser, 2013.

### **PROFESSIONAL MEMBERSHIPS:**

Appraisal Institute - Senior Member with the MAI designation.

Appraisal Institute, Long Island Chapter - Chairman, Reception Committee - 1994 and 1995; Chairman, Seminars - General Committee - 1996 to 2000; Treasurer - 2001; Secretary - 2002; Vice President - 2003; Chair of Associate Guidance/General Committee - 2006 to 2010; Board of Directors - 2001, 2003, 2006 to 2018.

Columbia Society of Real Estate Appraisers - Senior Member - CSA-G.

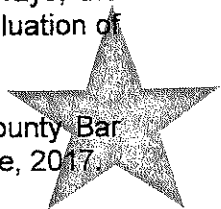
New York State Condemnation Conference - Past President, 1997/98.

### **EXPERIENCE:**

Actively engaged in the appraisal of real estate during 1975 - 1976 and 1981 to present.

Appeared and testified in the Supreme Courts of Nassau, Suffolk, Brooklyn and Queens County, New York State Court of Claims and Federal Bankruptcy Court with regard to real estate valuation. Appeared and spoke at zoning board hearings in Nassau County with regard to variance applications. Specialties include the preparation of project and trial/claim condemnation and tax certiorari appraisals along with expert trial testimony and litigation support. Other specialties include the analysis and valuation of fractional property interests including specialized lease interests such as leased fee or leasehold; conservation and other types of easements, development rights and right of ways; the appraisal of utility and water company property, along with an expertise in the valuation of wetlands.

Panel member Tax Certiorari Mock Trial; Suffolk Academy of Law, Suffolk County Bar Association Condemnation & Tax Certiorari Committee, and the Appraisal Institute, 2017.



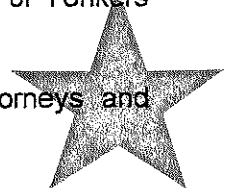
MICHAEL HABERMAN ASSOCIATES, INC.



Prepared appraisal reports for the Corporation Counsel of the City of New York; Housing and Urban Development Corporation; Metropolitan Transportation Authority; Housing and Development Administration; Tax Division of the City of New York; Office of the Nassau County Attorney - Tax Review and Condemnation Divisions; Nassau County Department of Assessment; Suffolk County Department of Real Estate; Suffolk County Department of Public Works; Town of Babylon, Town of Brookhaven; Town of Huntington; New York State Office of Mental Health; Facilities Development Corporation/Office of Mental Retardation and Developmental Disabilities; City of Long Beach; City of Glen Cove; Villages of Freeport, Valley Stream, Hempstead, Cedarhurst, Russell Gardens, Great Neck Plaza, Great Neck, Floral Park and Rockville Centre; Attorneys, Corporations and Private Clients; lending institutions including Dime Savings Bank, Beacon Federal Savings Bank, Bank of New York, New York Bank for Savings, Fidelity New York, Marine Midland Bank, Chase, Suburbia Savings and Loan, Long Island Savings Bank, Greater New York Savings Bank, Independence Savings Bank, Hamilton Savings Bank, Jamaica Savings Bank, Astoria Federal Savings; and clients for purposes of tax review, condemnation, feasibility studies, trusts & estates, sales, purchases, matrimonials, open space and conservation easements for example.

Have appraised over 20,000 individual properties including private dwellings, shopping centers, taxpayers, office buildings, apartments, condominiums/cooperatives, fast food restaurants, gas/service stations, industrial facilities, religious properties, country clubs, beach clubs, hospitals, nursing homes, theaters, schools and land of all types. Experience includes the development of office management, flow control and operating systems utilized for the analysis and/or appraisal of over 150,000 properties as part of the work performed for the Nassau County Department of Assessment regarding Small Claims proceedings commencing 1993/94. Have acted as review appraiser on approximately 5,000 URAR, Small Residential Income Appraisals and condominium and co-operative reports for purposes of tax review, estates, matrimonial and lending. Completed working on Nassau County's reassessment program as a prime sub-contractor to the Cole Layer Trumble Company and on two years of updates. Completed reassessment programs for the Villages of Farmingdale, Great Neck, Great Neck Estates, Lake Success, Mineola, Russell Gardens, Sea Cliff, Westbury and Williston Park and subsequent yearly updates. Acted as monitor of the revaluation project performed by Tyler Technologies in Westchester County in the Townships of Greenburgh, Ossining, and the City of Yonkers 2014 - 2016.

Have acted as consultant various times for 3rd party requests from attorneys and government agencies.



MICHAEL HABERMAN ASSOCIATES, INC.

UNIQUE ID NUMBER  
46000004499

State of New York  
Department of State  
DIVISION OF LICENSING SERVICES

FOR OFFICE USE ONLY  
Control  
No. 104736

PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE  
EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.

EFFECTIVE DATE  
MO. DAY YR.  
12 10 17

HABERMAN RONALD H  
C/O MICHAEL HABERMAN ASSOCIATE  
125 FRONT ST  
MINEOLA, NY 11501

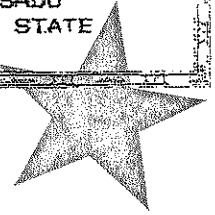
EXPIRATION DATE  
MO DAY YR.  
12 09 19

HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A  
R. E. GENERAL APPRAISER

In Witness Whereof, The Department of State has caused  
its official seal to be hereunto affixed

ROSSANA ROSADO  
SECRETARY OF STATE

DCS-1096 (Rev. 9/01)



MICHAEL HABERMAN ASSOCIATES, INC.

## QUALIFICATIONS OF THOMAS DONATO – VICE PRESIDENT

Michael Haberman Associates, Inc.  
125 Front Street  
Mineola, New York 11501

516-739-8080

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### EDUCATION

November 2011 – The Seven Deadliest Environmental Issues Impacting Real Property Appraisals - Columbia Society of Real Estate Appraisers – 3 hours. July 2011 - IAO Instructors Training – Institute of Assessing Officers – 30 hours - January 2011 – Commercial Real Estate Finance Trends & Outlook – Columbia Society of Real Estate Appraisers – 3 hours - November 2010 – Outside the Box Appraisal Assignments - Columbia Society of Real Estate Appraisers – 3 hours. October 2010 - The Basics of Reassessments – Institute of Assessing Officers – 6 hours. September 2010 – Reading and Understanding Deeds and Titles – Columbia Society of Real Estate Appraisers – 3 hours. July 2010 – Mobile Home Park/Mobile Home Valuation – Cornell – 16 hours. July 2010 – Article 7 Proceedings and Trial – Cornell 16 hours. September 2009 – Hotel Appraising-New Techniques for Today's Uncertain Times – Appraisal Institute – 7 hours. July 2009 – Restaurant Valuation - Institute of Assessing Officers, Cornell – 15 hours. July 2009 – Big Box Store Appraisal – Institute of Assessing Officers, Cornell – 15 hours. July 2008 – SPSS Modeling – Institute of Assessing Officers, Cornell – 40 hours. January 2008 – Real Estate Cost Segregation Studies and 1031 Exchanges: What the Experts Say – Columbia Society of Real Estate Appraisers – 3 hours. November 2007 – Real Estate Investments & Alternative Investments – Columbia Society of Real Estate Appraisers – 3 hours. September 2007 – Eminent Domain – Columbia Society of Real Estate Appraisers – 3 hours. June 2007 – Data Collection, Fundamentals – New York State Office of Real Property Services (ORPS). May 2007 – Hotel Valuation – Columbia Society of Real Estate Appraisers – 3 hours. February 2007 – Introduction to Mass Appraisal – New York State Office of Real Property Services (ORPS). January 2007 – Exemption Administration Fundamentals – New York State Office of Real Property Services (ORPS). January 2007 – Assessment Administration – New York State Office of Real Property Services (ORPS). August 2006 – SPSS and Pre-Decisional Collaboration – New York State Office of Real Property Services (ORPS). August 2006 – RPS V4 and GIS – New York State Office of Real Property Services (ORPS). August 2006 – RPS V4 Report Writing – New York State Office of Real Property Services (ORPS). April 2006 – Valuation of Assisted Living – New York State Assessors Association – 6 hours. January 2006 – New York State Building Codes & Detrimental Property Conditions - Columbia Society of Real Estate Appraisers – 3 hours. November 2005 – New York State Board of Real Estate Appraisal & Its Function - Columbia Society of Real Estate Appraisers – 2 hours. September 2005 – Fannie Mae & The Appraisal Process - Columbia Society of Real Estate Appraisers – 3 hours. August 2005 – IAAO Standards of Practice and Professional Ethics – IAAO Internet Course. July 2005 – Market Analysis and the Site To Do Business – Appraisal Institute – 7 hours. June 2005 – Assessment Administration (Class 400) – International Association of

MICHAEL HABERMAN ASSOCIATES, INC.

Assessing Officers, Massachusetts – 40 hours. March 2005 – Appraisal Review from the Perspective of a Bank Review Appraiser - Columbia Society of Real Estate Appraisers – 3 hours. January 2005 – Protect Yourself from Environmental Risks - Columbia Society of Real Estate Appraisers – 2 hours. November 2004 – Valuation Issues In Manufactured Housing and Modular Housing – Columbia Society of Real Estate Appraisers – 3 hours. March 2004 – Mathematically Modeling Real Estate Data – Long Island Chapter of the Appraisal Institute – 8 hours. February 2004 – Sales Ratio Study – Institute of Assessing Officers, Fishkill, NY - 8 hours. November 2003 – 15 Hour USPAP Course – The Appraisal Foundation March 2003 – What's My Job – A Primer for Appraisers – Columbia Society of Real Estate Appraisers – 2 hours. December 2002 – Argus Power User – Enhanced 2-day course – Realm Business Solutions, Inc., New York City - 16 hours. November 2002 – Analysis of Market Sales: When Are They Comparables – Columbia Society of Real Estate Appraisers – 3 hours. November 2001 – HUD/FHA Property Appraisal Quality Review Issues – Columbia Society of Appraisers – 4 hours. September 2001 – Appraising Small Income Properties Using Form 71-B – Columbia Society of Appraisers – 3 hours. November 2000 – Evaluating Property Conditions That Will Affect Appraised Value – Columbia Society of Real Estate Appraisers – 3 hours. October 2000 – How GIS Can Help Appraisers Keep Pace with changes in the Real Estate Industry – Appraisal Institute – C.W. Post/LIU, Brookville, New York – 7 hours. June 2000 – Regression Analysis in Appraisal Practice (General/Residential) – New Jersey Chapter of the Appraisal Institute, Iselin, New Jersey – 7 hours. March 2000 – Appraising Mixed-Use Properties – Columbia Society of Real Estate Appraisers – 3 hours. January 2000 - #0076 – AQ-1 Fair Housing & Fair Lending/Environmental Issues – Realty Institute, Flushing, New York – 15 hours. September 1999 – Appraising Unique and Special Purpose Properties – Columbia Society of Real Estate Appraisers – 3 hours. May, 1999 - Real Estate Appraisal Course, New York State Code G-3 Columbia Society of Real Estate Appraisers, Hofstra University, Hempstead, New York – 30 hours. December, 1998 - Real Estate Appraisal Course, New York State Code G-2, Columbia Society of Real Estate Appraisers, Hofstra University, Hempstead, New York – 30 hours. November, 1998 – Environmental and Detrimental Issues – Columbia Society of Real Estate Appraisers – 3 hours. June, 1998 - Automated Valuation Models Seminar - Appraisal Institute - 8 hours. April, 1998 – Real Estate Appraisal Course, New York State Code G-1, Columbia Society of Real Estate Appraisers, Hofstra University, Hempstead, New York – 30 hours. March, 1998 - Real Estate Appraisal Continuing Education, New York State Code 0751-02 Columbia Society of Real Estate Appraisers – 3 hours. November, 1997 – Real Estate Appraisal Course, New York State Code Ethics and Standards of Professional Practice, New York School of Real Estate, Levittown, New York – 15 hours. October, 1997 – Real Estate Appraisal Course, New York State Code R-2, New York School of Real Estate, Levittown, New York – 30 hours. August, 1997 – Real Estate Appraisal Course, New York State Code R-1, New York School of Real Estate, Levittown, New York – 30 hours. March, 1997 – New York State Real Estate Salesperson Qualifying Course, New York School of Real Estate, Levittown, New York – 45 hours.



MICHAEL HABERMAN ASSOCIATES, INC.

**PROFESSIONAL MEMBERSHIPS AND LICENSES**

The Institute of Assessing Officers – IAO Designation  
RPTAC – (Real Property Tax Administration Committee (Equalization sub-committee)  
New York State Assessor’s Association – Associate Member  
International Association of Assessing Officers – CAE & AAS Candidate  
NYS Approved Candidate Assessor  
Columbia Society of Real Estate Appraisers, Board of Governors CSA-G  
Appraisal Institute - Candidate Member (former)  
New York Condemnation Conference – Member (former)  
New York State Real Estate General Appraiser - #46-39299  
New York State Real Estate Salesperson #10401218495

**EXPERIENCE**

Assessor Positions:

Village of Lake Success – Since 2007  
Village of East Rockaway – Since 2007  
Village of Great Neck – Since 2011  
Village of Amityville – Since 2011

Reassessment Projects:

Nassau County	Russell Gardens	Mineola	Sea Cliff
Lake Success	Farmingdale	Westbury	Williston Park.

Tax Certiorari Specialist for the Villages of East Rockaway, Floral Park, Great Neck & East Hills

Represented Nassau County Department of Assessment and Nassau/Suffolk County Villages in thousands of Small Claims Assessment Review proceedings

*Currently working for Michael Haberman Associates, Inc. as a full time Commercial Appraiser/Tax Specialist/GIS Specialist. Properties appraised include condominiums, cooperatives, private homes, shopping centers, gasoline service stations, marinas, industrial buildings, commercial buildings, office buildings, churches/temples, restaurants and vacant land.*

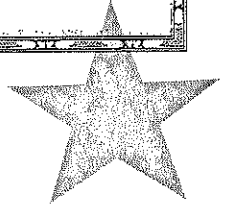
Worked as Real Estate Salesperson, All Island Estate Realty Corp., Wantagh, New York.

Worked as a commercial appraiser assistant for Benjamin J. Berger and Associates, Huntington, New York.

**INSTRUCTOR:** Nationwide Real Estate & Appraisal Training Center in Westbury, NY (former)



UNIQUE ID NUMBER 46000039299	State of New York Department of State DIVISION OF LICENSING SERVICES	FOR OFFICE USE ONLY Control No. 108859
PURSUANT TO THE PROVISIONS OF ARTICLE 46 OF THE EXECUTIVE LAW AS IT RELATES TO R.E. APPRAISERS		EFFECTIVE DATE MO. DAY YR. 06 19 18
DONATO THOMAS C/O MICHAEL HABERMAN ASSOCIATE 125 FRONT ST MINEOLA, NY 11501		EXPIRATION DATE MO. DAY YR. 06 18 20
HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A R.E. GENERAL APPRAISER		In Witness Whereof, The Department of State has caused its official seal to be hereunto affixed. ROSSANA ROSADO SECRETARY OF STATE
DOS-1088 (Rev. 3/01)		



MICHAEL HABERMAN ASSOCIATES, INC.

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, 54 Audrey Avenue, in said Town, on May 21, 2019, at 10:00 o'clock A.M., Prevailing Time.

PRESENT:

Joseph Saladino

Supervisor

Anthony Macagnone

Councilman

Michele Johnson

Councilman

Louis Imbroto

Councilman

Thomas Hand

Councilman

Steven Labriola

Councilman

Councilman

\_\_\_\_\_X

In the Matter of  
the Increase and Improvement of the Facilities  
of the South Farmingdale Water District  
in the Town of Oyster Bay, Nassau County  
New York.

\_\_\_\_\_X

Resolution No. 338A-2019

PUBLIC INTEREST ORDER

WHEREAS, the Commissioners of the South Farmingdale Water District (the "District") have submitted a petition, dated March 14, 2019 (the "Petition"), requesting that the Town Board of the Town of Oyster Bay, New York (the "Town") hold a public hearing to consider approving the increase and improvement of certain District facilities and the financing thereof by the issuance of Town obligations;

Reviewed by  
Office of Town Attorney  
*John A. DeBella*

WHEREAS, said increase and improvement consists of various water system improvements, including, the installation of iron removal facilities for Well No. 4-1, improvements to the water distribution system, expansion of the garage at Plant No. 1, and installation of an Advanced Oxidation Process (AOP) water treatment system for Plant No. 3, including incidental expenses in connection therewith; and

WHEREAS, the Town Board of said Town has reviewed the Petition and a map, plan and report, including an estimate of cost relating to said increase and improvement of facilities in said District; and

WHEREAS, the estimated maximum cost to said District of such increase and improvement of facilities is determined to be \$16,300,000; 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 ("SEQRA") in connection with such increase and improvement of the facilities of said District and it has been determined by the District that such increase and improvement of the facilities of said District and the use thereof constitute an "unlisted" action under SEQRA which will not result in any significant environmental effects; and

WHEREAS, the Town Board has reviewed the aforesaid environmental analysis and has concurred in the determination made under SEQRA by the District; and

WHEREAS, at a meeting of said Town Board duly called and held on May 7, 2019, an order was duly adopted by it and entered in the minutes specifying that said Town Board would meet to consider the increase and improvement of the Town of Oyster Bay South Farmingdale Water District in said Town at an estimated maximum cost of \$16,300,000 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 May 21, 2019, at 10:00 A.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 and place set forth in said notice, at which all persons desiring to be heard were duly heard; and NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to increase and improve the facilities in said District in said Town, consisting of various water system improvements, including, the installation of iron removal facilities for Well No. 4-1, improvements to the water distribution system, expansion of the garage at Plant No. 1, and installation of an Advanced Oxidation Process (AOP) water treatment system for Plant No. 3, including incidental expenses in connection therewith, at an estimated maximum cost of \$16,300,000.

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:

<u>Supervisor Saladino</u>	<u>VOTING</u>	<u>AYE</u>
<u>Councilman Muscarella</u>	<u>VOTING</u>	<u>ABSENT</u>
<u>Councilman Macagnone</u>	<u>VOTING</u>	<u>AYE</u>
<u>Councilwoman Johnson</u>	<u>VOTING</u>	<u>AYE</u>
<u>Councilman Imbroto</u>	<u>VOTING</u>	<u>AYE</u>
<u>Councilman Hand</u>	<u>VOTING</u>	<u>AYE</u>
<u>Councilman Labriola</u>	<u>VOTING</u>	<u>AYE</u>

The order was thereupon declared duly adopted.

\* \* \*

Cc: Supervisor

Town Attorney

Comptroller

Finance

At a regular meeting of the Town Board of the Town of Oyster Bay, Nassau County, New York, held at the Town Hall, 54 Audrey Avenue, in Oyster Bay, New York, in said Town, on May 21, 2019, at 10:00 o'clock A.M., Prevailing Time.

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

PRESENT: Supervisor Saladino  
Councilman Macagnone  
Councilwoman Johnson  
Councilman Imbroto  
Councilman Hand  
Councilman Labriola

ABSENT: Councilman Muscarella

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

Resolution No. 338B-2019

BOND RESOLUTION DATED MAY 21, 2019.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$16,300,000 BONDS OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK, TO PAY COSTS OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE SOUTH FARMINGDALE WATER DISTRICT IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK.

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an order dated May 21, 2019, said Town Board has determined it to be in the public interest to increase and improve the facilities of the South Farmingdale Water District (the "District") in the Town of Oyster Bay, Nassau County, New York, at an estimated maximum cost of \$16,300,000; 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 District in said Town, consisting of various water system improvements, including, the installation of iron removal facilities for Well No. 4-1, improvements to the water distribution system, expansion of the garage at Plant No. 1, and installation of an Advanced Oxidation Process (AOP) water treatment system for Plant No. 3, including incidental expenses in connection therewith, there are hereby authorized to be issued \$16,300,000 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 \$16,300,000 and that the plan for the financing thereof is by the issuance of the \$16,300,000 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 forty years, pursuant to subdivision one of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

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

Section 5. The faith and credit of said Town of Oyster Bay, Nassau County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such obligations becoming due and payable in such year. Such cost shall be annually apportioned and assessed upon the several lots and parcels of land within said District 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 pursuant to Section 35.00(b)(2) of the Local Finance Law, 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
Councilman Muscarella	VOTING	ABSENT
Councilman Macagnone	VOTING	AYE
Councilwoman Johnson	VOTING	AYE
Councilman Imbroto	VOTING	AYE
Councilman Hand	VOTING	AYE
Councilman Labriola	VOTING	AYE

The resolution was thereupon declared duly adopted.

\* \* \*

- Cc: Supervisor
- Town Attorney
- Comptroller
- Finance



Meeting of May 21, 2019

Resolution No. 339-2019

WHEREAS, pursuant to duly published notice, a hearing was held before the Town Board on May 21, 2019, to present Contracts for Fire Protection, as follows:

For the calendar year 2019:

Bayville Fire Company No. 1, Inc.	for Bayville Fire Protection District
Bayville Fire Company. No. 1, Inc.	for certain territory Located in Bayville
Glenwood Hook & Ladder, Engine and Hose Co. No. 1, Inc	for Glenwood-Glen Head Fire Protection District
Incorporated Village of Farmingdale	for Northeast Farmingdale Fire Protection District
Plainview Volunteer Fire Company, Inc.	for Plainview Fire Protection District
The Roslyn Highlands Hook and Ladder, Engine and Hose Company	for Greenvale Fire Protection District
The Rescue Hook and Ladder Company Number One	for Greenvale Fire Protection District
Wantagh Fire District	for Town-owned property known as TOBAY Beach

For the two year period 2019 through 2020:

Atlantic Steamer Fire Company No. 1, Inc.	for Oyster Bay Fire Protection District
Oyster Bay Fire Department, Inc.	for Oyster Bay Fire Protection District

WHEREAS, the Town Board finds it desirable to authorize the Town to enter into Contracts with the above-listed entities for the periods stated,

NOW, THEREFORE, BE IT RESOLVED, That the Supervisor is hereby authorized to execute the aforesaid Contracts covering Fire Protection on behalf of the Town, as well as other documents that are necessary to carry out the purpose of this Resolution and Contracts to be effective nunc pro tunc January 1, 2019.

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney  
Elizabeth A. Faughnan

Reviewed By  
Office of Town Attorney  
Elizabeth A. Faughnan

WHEREAS, since 2010, The Morgan Center, a 501(c)(3) not-for-profit charitable organization has utilized a portion of the second floor of the Town's Hicksville Athletic Facility, on a month-to-month basis, to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development, operating its programs at the Hicksville Athletic Facility during the school year, on Mondays, Wednesdays and Fridays, from 9:00 a.m. to 1:00 p.m.; and

WHEREAS, children on chemotherapy treatment have a suppressed immune system, and could otherwise risk infection and serious illness by attending typical age appropriate preschool programs; and

WHEREAS, Joseph Nocella, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated May 17, 2019, have advised and requested that the Town Board, at the request of the Department of Parks, authorize the Town to enter into a license agreement with The Morgan Center, 26 Seafield Lane, Bay Shore, NY 11706, for the use of a portion of the Town's Hicksville Athletic Facility to continue to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development for the two year term June 1, 2019 through and including May 31, 2021, at a monthly fee of \$750.00, with two (2) two year renewals, at the Town's sole option, at a fee to be determined,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Town is authorized, to enter into a license agreement to be signed by the Supervisor, or his designee, with The Morgan Center, 26 Seafield Lane, Bay Shore, NY 11706, for the use of a portion of the Town's Hicksville Athletic Facility to continue to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development for the two year term June 1, 2019 through and including May 31, 2021, at a monthly fee of \$750.00, with two (2) two year renewals, at the Town's sole option, at a fee to be determined.

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

	Supervisor Saladino	Aye
	Councilman Muscarella	Absent
	Councilman Macagnone	Aye
	Councilwoman Johnson	Aye
	Councilman Imbroto	Aye
	Councilman Hand	Aye
	Councilman Labriola	Aye
cc:	Supervisor	
	Town Attorney	
	Comptroller	
	Parks	

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

**TO** : MEMORANDUM DOCKET  
**FROM** : OFFICE OF THE TOWN ATTORNEY  
**DATE** : May 17, 2019  
**SUBJECT:** Agreement with The Morgan Center for use of space  
at the Hicksville Athletic facility

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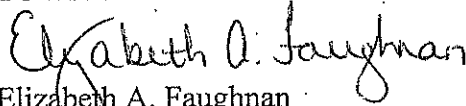
Since 2010, The Morgan Center, a 501(c)(3) not-for-profit charitable organization, has utilized a portion of the second floor of the Town's Hicksville Athletic Facility, on a month-to-month basis, to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development. Children on chemotherapy treatment have a suppressed immune system, and could otherwise risk infection and serious illness by attending typical age appropriate preschool programs. The Morgan Center has operated its programs at the Hicksville Athletic Facility during the school year, on Mondays, Wednesdays and Fridays, from 9:00 a.m. to 1:00 p.m..

In furtherance of the relationship with The Morgan Center, the Department of Parks asked this Office to prepare a license agreement for the two year term June 1, 2019 through and including May 31, 2021, at a monthly fee of \$750.00, with two (2) two year renewals, at the Town's sole option, at a fee to be determined.

In order to continue the relationship with The Morgan Center, it is requested that the Town Board authorize the Town to enter into a license agreement with The Morgan Center, 26 Seafield Lane, Bay Shore, NY 11706, for the use of a portion of the Town's Hicksville Athletic Facility to continue to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development for the two year term June 1, 2019 through and including May 31, 2021, at a monthly fee of \$750.00, with two (2) two year renewals, at the Town's sole option, at a fee to be determined.

It is requested that the rules be suspended and this matter be placed on the May 21, 2019 calendar for action.

JOSEPH NOCELLA  
TOWN ATTORNEY

  
Elizabeth A. Faughnan  
Deputy Town Attorney

EAF:eaf

cc: Town Attorney (with 7/copies)

Town of Oyster Bay  
Inter-Departmental Memo

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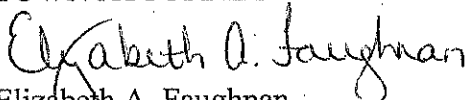
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It is requested that the rules be suspended and this matter be placed on the May 21, 2019 calendar for action.

JOSEPH NOCELLA  
TOWN ATTORNEY

  
Elizabeth A. Faughnan  
Deputy Town Attorney

EAF:eaf

cc: Town Attorney (with 7/copies)

Reviewed By  
Office of Town Attorney  
Elizabeth A. Faughnan

WHEREAS, since 2010, The Morgan Center, a 501(c)(3) not-for-profit charitable organization has utilized a portion of the second floor of the Town's Hicksville Athletic Facility, on a month-to-month basis, to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development, operating its programs at the Hicksville Athletic Facility during the school year, on Mondays, Wednesdays and Fridays, from 9:00 a.m. to 1:00 p.m.; and

WHEREAS, children on chemotherapy treatment have a suppressed immune system, and could otherwise risk infection and serious illness by attending typical age appropriate preschool programs; and

WHEREAS, Joseph Nocella, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated May 17, 2019, have advised and requested that the Town Board, at the request of the Department of Parks, authorize the Town to enter into a license agreement with The Morgan Center, 26 Seafield Lane, Bay Shore, NY 11706, for the use of a portion of the Town's Hicksville Athletic Facility to continue to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development for the two year term June 1, 2019 through and including May 31, 2021, at a monthly fee of \$750.00, with two (2) two year renewals, at the Town's sole option, at a fee to be determined,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the Town is authorized, to enter into a license agreement to be signed by the Supervisor, or his designee, with The Morgan Center, 26 Seafield Lane, Bay Shore, NY 11706, for the use of a portion of the Town's Hicksville Athletic Facility to continue to provide preschool age children with cancer the opportunity to learn and socialize in a safe environment that stimulates cognitive and social development for the two year term June 1, 2019 through and including May 31, 2021, at a monthly fee of \$750.00, with two (2) two year renewals, at the Town's sole option, at a fee to be determined.

WHEREAS, since 2010, the Office of the Town Attorney has litigated a matter involving the judicial determination of the boundary line between the Long Island Sound and Oyster Bay Harbor, which resulted in a judgment of Justice Stephen Bucaria of Supreme Court, Nassau County, in favor of the State of New York; and

WHEREAS, Joseph Nocella, Town Attorney, and Matthew M. Rozea, Deputy Town Attorney, by memorandum dated May 20, 2019, have advised that because of the unique issues involved in a potential appeal to the New York Court of Appeals, the Office of the Town Attorney deemed it necessary to retain, pursuant to Guideline 5 of the Procurement Policy, Berkman Henoch Peterson and Peddy, P.C., 100 Garden City Plaza, Garden City, New York 11530 as special counsel to the Town Attorney; and

WHEREAS, by the aforementioned memorandum, Messrs. Nocella and Rozea requested that the Town Board ratify the retention of Berkman Henoch Peterson and Peddy, P.C. for purposes of pursuing an appeal of the Appellate Division, Second Department's order that affirmed Justice Bucaria's judgment,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and the retention of Berkman Henoch Peterson and Peddy, P.C. is ratified, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment, in an amount not to exceed \$25,000, with funds to be drawn from Account No. OTA A 1420 44110 000 0000, upon submission of a duly certified claim, after audit.

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

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

cc: Supervisor  
Town Attorney  
Comptroller

Reviewed By  
Office of Town Attorney  
*[Signature]*