	TOBAY TOWN BOARD MTG 02.28.23 SPECIAL PRESENTATION
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2	TOWN BOARD
3	TOWN OF OYSTER BAY
4	REGULAR MEETING
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6	February 28, 2023
7	10:17 a.m.
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9	SPECIAL PRESENTATION
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12	JOSEPH SALADINO
13	SUPERVISOR
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17	RICHARD LaMARCA
18	TOWN CLERK
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22	TAKEN BY: KAREN LORENZO, STENOGRAPHER
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	TOP KEY COURT REPORTING, INC. (516) 414-35161

	TOBAY TOWN BOARD MTG 02.28.23 SPECIAL PRESENTATION
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2	APPEARANCES
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4	PRESENT:
5	SUPERVISOR JOSEPH S. SALADINO
6	COUNCILWOMAN MICHELE M. JOHNSON
7	COUNCILMAN LOUIS B. IMBROTO
8	COUNCILMAN THOMAS P. HAND
9	COUNCILMAN STEVE L. LABRIOLA (ABSENT)
10	COUNCILWOMAN LAURA L. MAIER
11	COUNCILWOMAN VICKI WALSH
12	
13	ALSO PRESENT:
14	RICHARD LaMARCA TOWN CLERK
15	DONNA ANTETOMASO, DEPUTY TOWN CLERK
16	JEFFREY P. PRAVATO RECEIVER OF TAXES
17	FRANK SCALERA, ESQ. TOWN ATTORNEY
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20	APPEARED:
21	JOHN HUTTLE, JR.
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23	PLEDGE:
24	MICHAEL SCHLENOFF
25	ARTURO JEROME EDWARDS

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SUPERVISOR SALADINO: Good morning, ladies and gentlemen, and thank you for joining us at the Town of Oyster Bay Town Board meeting of Tuesday, February 28, the last day of February 2023. Boy, oh, boy. Time is moving fast.

For those of you joining us, we will be giving you an opportunity to be heard on matters brought before the Town Board, as well as during the public comment period at the end of the meeting. And as always, this meeting's being live streamed for anyone who would like to view it on social media and on the Town's website, OysterBayTown.com.

These proceedings are being recorded, so professionally, and later transcribed. And we want you to know that your voice is very important to us, to submit comments online e-mail public comment at OysterBay-ny.gov or mail us at the Office of the Town Attorney 54 Audrey Avenue, Oyster Bay, New York 11771.

Leading us in prayer today is our

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good friend, Rabbi Jason Fruithandler of Woodbury Jewish Center. Hello, Rabbi. Thank you for being with us here on this day. A little cold, a little snowy, but what a beautiful drive through the Mutton Town Hollow. It looked like we were in the Berkshires.

RABBI FRUITHANDLER: Beautiful. Thanks for plowing my street.

SUPERVISOR SALADINO: You are very welcome. And, really, a great opportunity to say thank you to our team in highway in the phenomenal job they do under the stewardship of our Deputy Commissioner, John Tassone, and so all of our highway employees are very dedicated; they did a great job.

So let's all rise for our morning prayer.

(Whereupon, all rise.)

RABBI FRUITHANDLER: Shalem, creator of all that is this weak. We read in the book of Exodus of the tragic story of the Golden Calf, we read of our people

recently freed from slavery. Told that they could follow God's way, and then making the horrible mistake of building an idol right at God's mountain. They took the rings off their ears and built a false God.

Today, please, God, give us the strength to remember that there are false paths in front of us, that we can be too afraid to take a step forward, too afraid of what could be of the 40 year wandering in the wilderness it will take to reach the promised land to do what is right.

Please, God, give us the strength to look up at your proverbial mountain and take one more step forward. One more day towards a more perfect world. Let us be your partner and making a more perfect world. And let us say, amen.

(Whereupon, all, "Amen".)

SUPERVISOR SALADINO: Let me thank
you, Rabbi Jason Fruithandler. You've
been a wonderful inspiration to us and to
your congregation. We appreciate your

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friendship. God bless you and your family.

RABBI FRUITHANDLER: Thank you so much.

SUPERVISOR SALADINO: And at this time, leading us in the Pledge of Allegiance, our two incredible veterans, dear friends and people, we look up to Army veteran Sergeant Michael Schlenoff, who served from 1958 to 1961 as a special agent in the Counter Intelligence Corps, and someone who we have honored recently and continues to serve those honors. Retired United States Army Staff Sergeant Arturo Jerome Edwards. Thank you, gentlemen, so much for being here. You were an inspiration not only to us, but to all Americans from all walks of life and all branches of the service, including the Marines. And I say that because we have a gentleman wearing his Marine shirt. All of you are greatly appreciated and make an enormous difference in America's history and going

forward. So please, let's all face the flag.

(Whereupon, the Pledge of Allegiance is said.)

SUPERVISOR SALADINO: Thank you both for being here. And thank you for your honorable service and for the path that you set for so many others.

Please remain standing for a moment of silence as we keep in mind the men and women in the armed services serving here. And for the men and women in law enforcement, for all of our first responders, our firefighters, our Nassau County Police, our public safety officers here in the Town of Oyster Bay, and, of course, all of our healthcare heroes.

Thank you, folks. Please be seated.

This morning, we recognize the heroic efforts of a member of our town family, John Huttle, Jr., a longtime sanitation worker in the Town of Oyster Bay and a resident of Bethpage. We also extend greetings to members of John's

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family. His daughter, Tricia is joining us here today. And John's work colleagues are here, as well as including two members of our team. We talk about dealing with the snow and our sanitation employees play a big role in that and it's a lot more than just picking up garbage and recyclables. With us today is Commissioner of Sanitation, Danny Pearl. Let's give Dan a big hand, please (applause) and Sanitation Supervisor, Bill Fox and Gary Terrell is here. Oh, there he is. Deputy Commissioner Gary Terrell from Sanitation (applause), and all things Bayville, including some good advice you gave me recently.

So, folks, John Huttle, Jr. began his distinguished Town career with the Town of Oyster Bay on October 29, 1992 and just retired on January 25, 2023.

When he was returning back to the Syosset Yard on the morning of December 23rd, two days before Christmas, with his crew on their sanitation truck, he noticed the

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aftermath of a serious car accident at the corner of the Long Island Expressway Service Road and South Oyster Bay Road in Syosset. One of the cars was on fire and a bystander was unsuccessfully trying to extricate a young child from that car seat while the mom watched on frantically. It was a very stressful moment, as you could imagine. And with the car fire, it could have ended in death. We take this very seriously.

We also appreciate John for his quick thinking and his moving quickly. Without hesitation, John and the crew stopped at the scene to help and without regard for his own personal safety, John immediately went into action. After giving several firm tugs, the child's safety seat was jolted open and John returned the frightened child to the grateful mom.

John then attempted to put the fire out with an extinguisher before turning the job over to members of the Syosset

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Fire Department who had been arriving on the scene. John then returned to his truck and along with his colleagues, he did not wait around the scene for acknowledgement or fanfare, he just knew what the right thing to do was.

Those on hand noted that John's decisive actions were life saving. He had not responded quickly and skillfully, the outcome would have been tragically different. And we all think of the life of that child and how horrific it must have been for that mother to be watching what was going on.

On behalf of all of my colleagues on the Town Board and the Town's more than 300,000 residents, we're proud to publicly acknowledge and commend John Huttle, Jr. for demonstrating an ability to act quickly and courageously when our fellow residents are in need. His selfless and alert actions are exemplary and exceedingly worthy of the town's highest honor.

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And with that, we have a Town of Oyster Bay citation that all of us, the elected officials of this town and quite frankly, the entire town family, would like to present to you. Vicki Walsh, if you would help us with this presentation. And let's ask the Commissioner, the Deputy Commissioner and our Supervisor to also join us as we rise and applaud John Huttle, Jr.

(Whereupon, applause.)

SUPERVISOR SALADINO: John, would you step forward? There he is. Come on, let's go.

> (Whereupon, Citation is presented.)

SUPERVISOR SALADINO: With the possibility of putting you on the spot, would you like to say a few words?

MR. HUTTLE, JR.: No, thanks.

SUPERVISOR SALADINO: Well, we would. John, thank you very, very much. You help to make the town one of the best towns in the entire New York State. But

luetobay town board mtg 02.28.23 special presentation luewhat a message to every employee and every resident that our town, our employees are here to serve on the normal days and here to serve when it means saving a life. We appreciate you very much and God bless you. And thank you for your service. (Whereupon, applause.)

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SUPERVISOR SALADINO: Folks, just a few quick announcements we have before we get started with our meeting. We'll be polling the Board in just a moment.

We'd like to recognize the Town of Oyster Bay and our team for hosting the Annual Pet Food and Supply Drive in partnership with Long Island Cares. Throughout the month of March, we'll be doing this, and we have done this in the past was very successful. The focus will be on collecting for family members to help the most vulnerable to help feed our pets in this town. Pets are truly members of our families. That's how we feel. And we know you do, too. Pet food and supply donations will help our furry friends in need, which in turn keeps pets at home with their loved ones. Because, obviously, imagine the feeling of being in such financial straits that you might have to give up your pet because you can't afford to feed them or care for them. That's a horrible situation. We get

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that, so we're helping out here in our town.

Those interested in supporting the Town of Oyster Bay's Pet Food and Supply Drive can place donated items in boxes that we will have in the following locations: Town Hall North, right here, 54 Audrey Avenue, Oyster Bay; Town Hall South, 977 Hicksville Road, Massapequa; and the Town of Oyster Bay's Ice Skating Center, 1001 Stewart Avenue, Bethpage.

For more information, you can visit LIcares.org, that is LIcares.org, or call the town's public information office at 5-1-6-6-2-4-6-3-8-0.

In an effort to keep health hospitals facing a nationwide blood shortage, my colleagues and I invite residents to donate blood at our next blood drive taking place Tuesday, March 28, from 1:00 p.m. to 7:00 p.m. at the Hicksville Athletic Center that's located at 167 South Broadway in Hicksville.

I'd like to thank Councilwoman Laura

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Maier for her efforts in coordinating this drive, as blood is critically needed for local hospitals to meet the demand and to continue saving lives. For additional information regarding the Town's blood drive, contact the Town's Public Information Office at 5-1-6-6-2-4-6-3-8-0, or visit our website to get more information about this and so many other programs that we undertake at OysterBayTown.com.

You know, one of those programs that we undertake just happened a couple of weeks ago, our Black History Month Program. It was phenomenal. It was held right here at Town Hall North. An excellent way to teach our residents about black history, not only in the more recent decades, but going back to the colonial times when African Americans played such a vital role here in Oyster Bay and in attaining freedom for America. It was a wonderful ceremony. We had help from the Historical Society. Raynham

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Hall was here playing a great role and I thank you, Rich LaMarca, and of course, our Councilwoman Johnson for all the connection and bringing Raynham Hall here and we appreciate your relationship with them. And that was a really terrific event filled with warmth and good information. Vicki Walsh also played a role with Raynham Hall and connecting with them. Thank you, Councilwoman Walsh. And it was a very warm ceremony.

And why do I keep saying warm over and over? Because in a few weeks we're going to have Freezin' For a Reason, which is a polar plunge benefiting the Special Olympics, New York. That's on Saturday, March 25th at Tobay Beach. Each year, we join with our residents to raise money for the Special Olympics and we go to Tobay Beach. It's a lot of fun. We all jump in the Great South Bay at our beach. And I'm looking for volunteers to join me. I know, Councilwoman, you join me in the past. I see our Receiver's thumb go

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up. You jumping in the water?

TOWN RECEIVER: It's going to be a little warmer this year, I think, so.

SUPERVISOR SALADINO: I think so. So we have Jeff Pravato is jumping in. Laura Maier, will you be joining us in the water this year?

COUNCILWOMAN MAIER: Maybe.

SUPERVISOR SALADINO: Perhaps. What other volunteers can we get?

COUNCILWOMAN JOHNSON: Councilman Imbroto shows up with his jacket.

SUPERVISOR SALADINO: Any chance you're joining us this year, Lou?

COUNCILMAN IMBROTO: I'll take it under advisement (laughter).

SUPERVISOR SALADINO: All right. So they're all going to consider it. And, you know, I'll always be jumping in without a moment's hesitation. And I appreciate the partnership with all of you, and that means just coming down to cheer us on, too. So the Freezin' For a Reason Annual Polar Plunge takes place at

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Saturday, March 25th, at Tobay Beach over on the bay side. We have, in the morning there's all kinds of great activities. It's a lot of fun. And you can register your team and get more information about the Freezin' For Reason Polar Plunge if you visit Polarplungeny.org/tobay. I'll say that again, Polarplungeny.org/tobay.

Coincidentally, residents can also work to protect our shoreline at Tobay Beach on the same day. I know you're all environmentalists just like I am, and we love to protect our dunes and everything that is our beach and marine environment. So at the same time we'll be hosting our Beach Cleanup and Dune Stabilization program, again, Saturday, March 25th, at Torbay. That begins at 10:00 a.m. The Dunes Stabilization Project brings together residents of all ages to help protect and preserve our beautiful shoreline. And one of the most important steps that we take to preserve our dunes is planting stalks of dune grass.

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Town has been doing this for a very, very long time. Anyone interested in volunteering, it's a great program. Obviously, it's all free. It really makes a difference. We have scout troops there, Girl Scouts, Boy Scouts, all kinds of groups will be there. You can get more information about the program by calling

5-1-6-6-7-7-5-9-4-3 or visit the Town's website at OysterBaytown.com.

our town of Oyster Bay Department of

Environmental Resources at

So I guess the right thing to do is first plant the dune grass when you're dry and then go across the street, across the parking lot and go jump in the bay. So I'll be doing that. Who else? Frank Scalera looks like the kind of guy would love to jump into the freezing cold water, like George Costanza from an episode of Seinfeld.

TOWN ATTORNEY: I refer to my attorney, Lou Imbroto (laughter).

SUPERVISOR SALADINO: I hope we get

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big, bit turn out. Listen, they're both very worthy, terrific programs. For some, they want to jump in the water. Others want to protect the dunes. And then there are other people like to get in their Sunday car and drive down to Tobay because they love that drive on Ocean Parkway. So it's fun for everyone and it'll be a great time. So please join us that Saturday, March 25th. You can get more information by taking a look at our Town's website OysterBayTown.com.

> (Whereupon, above matter concludes, 10:37 a.m.)

TOBAY TOWN BOARD MTG 02.28.23 SPECIAL PRESENTATION = $\texttt{C} \; \texttt{E} \; \texttt{R} \; \texttt{T} \; \texttt{I} \; \texttt{F} \; \texttt{I} \; \texttt{C} \; \texttt{A} \; \texttt{T} \; \texttt{E}$ STATE OF NEW YORK : SS.: COUNTY OF NASSAU I, KAREN LORENZO, a Notary Public for and within the State of New York, do hereby certify: That the above is a correct transcription of my stenographic notes. IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of February, 2023. Karen Lorenzo
KAREN LORENZO 2.4

_TOP KEY COURT REPORTING, INC. (516) 414-3516 _____21 _

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	TOBAY TOWN BOARD HEARING P-1-23 02.28.23
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3	TOWN BOARD
4	TOWN OF OYSTER BAY
5	REGULAR MEETING
6	February 28, 2023
7	10:38 a.m.
8	
9	HEARING P-1-23 - To Consider the Application
10	of Bolla EM Realty, LLC, Lessee, and Blue
11	Hills Fuels, LLC, Fee Owner, For a Special Use
12	Permit and Site Plan Approval on Premises
13	Located At 285 North Broadway. Hicksville, New
14	York. (M.D. 1/31/23 #13).
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16	
17	JOSEPH SALADINO RICHARD LAMARCA
18	SUPERVISOR TOWN CLERK
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______TOP KEY COURT REPORTING, INC. (516) 414-3516 _____1 ___

,	TOBAY TOWN BOARD HEARING P-1-23 02.28.23
1	TOBAY TOWN BOARD HEARING P-1-23 U2.28.23
2	APPEARANCES
3	
4	PRESENT:
5	SUPERVISOR JOSEPH S. SALADINO
6	COUNCILWOMAN MICHELE M. JOHNSON
7	COUNCILMAN LOUIS B. IMBROTO
8	COUNCILMAN THOMAS P. HAND
9	COUNCILMAN STEVE L. LABRIOLA (ABSENT)
10	COUNCILWOMAN LAURA L. MAIER
11	COUNCILWOMAN VICKI WALSH
12	
13	ALSO PRESENT:
14	RICHARD LaMARCA TOWN CLERK
15	DONNA ANTETOMASO DEPUTY TOWN CLERK
16	JEFFREY P. PRAVATO RECEIVER OF TAXES
17	FRANK SCALERA, ESQ. TOWN ATTORNEY
18	
19	APPEARED:
20	DAVID ALTMAN, ESQ. BROWN ALTMAN DELEO
21	
22	AMANDA LAROSA STONEFIELD ENGINEERING
23	CHRIS TARTAGLIA HIGHPOINT ENGINEERING
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1	TOBAY TOWN BOARD HEARING P-1-23 02.28.23
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2	SUPERVISOR SALADINO: So with that,
3	let's move on to the morning's business.
4	Would our clerk, Rich LaMarca, please
5	poll the Board?
6	TOWN CLERK: Supervisor Saladino?
7	SUPERVISOR SALADINO: Proud to be
8	present.
9	TOWN CLERK: Councilwoman Johnson.
10	COUNCILWOMAN JOHNSON: Here.
11	TOWN CLERK: Councilman Imbroto?
12	COUNCILMAN IMBROTO: Also present.
13	TOWN CLERK: Councilman Hand?
14	COUNCILMAN HAND: Present.
15	TOWN CLERK: Councilman Labriola is
16	absent.
17	Councilwoman Maier?
18	COUNCILWOMAN MAIER: Present.
19	TOWN CLERK: Councilwoman Walsh?
20	COUNCILWOMAN WALSH: Present.
21	TOWN CLERK: We have a quorum,
22	Supervisor.
23	SUPERVISOR SALADINO: Wonderful.
24	Would the Town Clerk please call the
25	first of our hearings Oh, just so I

_____TOP KEY COURT REPORTING, INC. (516) 414-3516 ______3 __

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can let you know. Today, folks, we have four hearings. And then, as is, our policy to adhere with the law, we will be breaking for Executive Session, and then we'll come back. I'm not sure how long that's going to last, so please be patient with us.

So there are four hearings and then Executive Session and then we'll begin the Calendar of all of our Resolutions. At the end of that, if anyone would like to comment on the regular Resolutions, then we'll vote on that and then we'll remain here to listen to public comments. So that's how things are going to work today. If you're here for the Resolutions, you certainly have some time. If you want to go grab breakfast or what have you, I just want to make sure we're transparent so people can gauge accordingly. We appreciate folks coming out in this weather.

And with that, Mr. LaMarca, please call the first hearing.

TOWN CLERK: Today's first hearing 2 3 is to consider the Application of Bolla EM Realty, LLC, lessee, and Blue Hills 5 Fuels, LLC, fee owner, for a Special Use 6 Permit and Site Plan Approval on premises 7 located at 285 North Broadway,

8 Hicksville, New York.

> MR. ALTMAN: Good morning, everybody.

SUPERVISOR SALADINO: Good morning. How are you today?

MR. ALTMAN: Good, Mr. Supervisor, how are you?

SUPERVISOR SALADINO: I'm excellent. The communities look like, as I said, like we're driving through New England, and yet the roads were very safe and we didn't have to deal with a plethora of snow. And so the combination is wonderful.

MR. ALTMAN: It was a nice ride in on Cove Road this morning.

SUPERVISOR SALADINO: It looked like the Berkshires, right?

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MR. ALTMAN: Absolutely amazing. Absolutely amazing. Good to see everybody.

For the record, David Altman, Law Office of Brown, Altman and DeLeo, LLP 538 Broad Hollow Road, Suite 301W, Melville, New York. For the Applicant.

Before I start, I just wanted to submit to the Board a package of exhibits which I'll just read into the record, and then that way the Board can follow along with the presentation a little easier.

(Whereupon, Exhibits handed to Town Clerk.)

MR. ALTMAN: Provided with this submission you're going to have an updated aerial photo dated January 27th of 2023 depicting the area of surrounding the subject property; a colorized rendering of the site plan recently revised February 15th of 2023. The reason I mention that is, part of the application as originally submitted, and this Board is probably aware, included a

drive-thru component to the convenience store. Right about a month or so ago following discussion with the folks at the Planning Department and then consultation with Bolla's Principal,

Harry Singh, who is with us this morning, that aspect of the application is withdrawn from today's proceeding. There is no longer a drive-thru component to the proposed convenience store.

We also have exterior building elevation drawings dated February 8th of 23; Canopy and freestanding ID sign diagrams last revised January 7th of 23; a parking and traffic assessment report prepared by Stonefield Engineering, dated February 23rd of this year. And with us today is Amanda LaRosa from Stonefield, and Amanda will offer a few comments relative to traffic and parking. And, of course, I have with me sitting next to me to my left, Chris Tartaglia from High Point Engineering. Chris is the project civil engineer. Their respective CVs are

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attached to the submission package.

SUPERVISOR SALADINO: Counselor, would you kindly move your visuals a little closer. Not only closer so we can see them, but if you can, if it's possible to angle them in a way so folks who may be watching online can also see what we're talking about.

MR. ALTMAN: Absolutely.

(Whereupon, Display is

moved.)

SUPERVISOR SALADINO: Is that okay

for you, Councilwoman?

COUNCILWOMAN WALSH: Yes. Yes. It's

fine.

SUPERVISOR SALADINO: Is there anyone who is here on this application who would like to move up so they can see? We want to be fully embracing of anyone of the public.

> (Whereupon, multiple boards are displayed and referred to during this application.)

MR. ALTMAN: So, subject property

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which is depicted on the aerial photograph to my right on the easel, is actually bounded in yellow, is known as to 285 North Broadway, Hicksville, New York, Nassau County Tax map number Section 12, Block B, Lot 180. Zoned general Business B and is located on the east side of North Broadway, just south of the intersection of North Broadway and Bethpage Road. This parcel is actually a through parcel as it enjoys frontage on the west side of Bethpage Road as well. It is a lot area of approximately 28,772 square feet or 0.66 acres. Frontage on North Broadway is approximately 130 feet, and on Bethpage Road, approximately 160 feet.

The property itself has been utilized continuously as a gasoline service station from circa 1956, having received approval from this Board originally, and a C of O having been issued C of O 53-6432. Last zoning approvals as it relates to this

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particular parcel date back to 1989; wherein, this Town Board granted the current approvals which govern this site on July 11th, of '89, application number 717-89, allowing for the present use of the property as a gasoline service station. There is a small convenience store component on the western portion of the existing building, and then there was an auto repair component with three repair bays on the eastern portion of the existing building.

The current improvements consist of a 2360 square foot building with snack shop in auto repairs. As I mentioned, there are existing underground petroleum storage tanks situated on the eastern portion of the property. And if you just look at the aerial, you can actually see the tank mat right here along the eastern portion of the site (indicating).

There are presently three multi product dispensers and one diesel dispenser underneath the canopy. The

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canopy is actually parallel to North Broadway on the western side of the site.

Interestingly enough, there are two curb cuts which allow access on North Broadway as well as two on Bethpage Road (indicating). This site also shares common access points with a sub-driveway that abuts to the south right here and right here (indicating), servicing the Broadway plaza.

There was a masonry trash enclosure at the northeast corner of the property, as well as a price ID sign, a ground sign at the southwest corner of the property. We have nine parking spaces currently designated along the south lot line and five along the eastern lot line. Vacuum and air are situated along the northern lot line. And currently, there is a generator pad which would be at the south lot line.

What you see here today will be raised with a complete brand new rebuild on the site. The approximate investment

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of the site will be between somewhere between \$3.5 to \$4 Million in terms of expenditure. And as this Board is aware, and I hope the Board is aware of the Bolla brand. Bolla Brand enjoys, and deservedly so, a tremendous reputation. They are the gold standard for gas and convenience operation throughout the New York metropolitan area.

In fact, as I know the Board is also aware on the western side of North Broadway, over here (indicating) is a brand new Bolla station with convenience store that this Board approved in 2019. Let me see if I have the application number for that (perusing); I do not. But that was recently approved in 2019 by this Board.

In addition, on the west side of Broadway, right here at the (indicating), southwest corner of 16th Street and Broadway, you've got a BP station as well that also has convenience store component to it.

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The character of the area, as the board can see, is completely commercial in and around the site. You have the Broadway Diner immediately abutting to the north. To the east, you have mixed use retail shopping plaza. To the south, you have the Hicksville Plaza Shopping Center, which includes the Atlantic Bank, Dollar Tree, Five Guys, etcetera. On the west, we have North Broadway, which consists of three lanes of northbound traffic and three lanes of southbound

traffic and is a divided roadway. Directly across the street, as I mentioned, is the Bolla station at the northwest corner of Broadway and Princess Street. There is also a Chase Bank, McDonald's and, of course, the BP station

The new station, which is what you see on color Site Plan to my left on the easel will consist of a 2,998 square foot convenience store with the traditional Bolla and market and Tim Horton's coffee

I mentioned, as well.

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shop. On the east side of the building, here you have a 10 x 10 x 6 white solid chain link fence trash enclosure proposed, moving it away from the street where the current one sits right on the corner.

You have four parking stalls that will be proposed along the eastern side of the building right here (indicating). Nine parking stalls will be proposed on the west side of the building at the front entrance to the convenience store.

In addition, Bolla will be adding a loading zone to the site where none exists today, as well as a new landscape planter along the south side of the property. The USTs currently exist right in this area (indicating). These will be removed and they will be placed along the north lot line right here underneath this white area (indicating). The new canopy itself will be situated roughly in the same area. Where the existing canopy is today, that canopy is 40×96 or

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approximately 3840 square feet. It is larger than what is there today. However, what's there today only protects three pump islands. This will have six product dispensers perpendicular - two, two, two; providing for 12 fueling positions. Curb cuts will remain, two on Broadway. Right in here (indicating) on the south curb cut, right out on the north curb cut. And the existing curb cuts on Bethpage will remain as well. The North curb cut on Bethpage will be narrowed slightly. Those will be full movement curb cuts.

In addition, there will be added green space. And I know, as this Board is aware, Bolla maintains year round landscaping. It's one of the things they're noted for. So we're going to be adding some new landscaping to the site, greening it up a little bit.

Just to briefly touch on signage, since it does go to the overall site plan itself, on the west side of the building, facing Broadway, where the entrance will

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be, you'll have the Bolla market sign (indicating) directly over the entry door at approximately 32 square feet. To the right of that, you'll have the Tim Hortons coffee sign. That's also about 31-and-one-half-square feet. And then the traditional Bolla company placards. These are precast concrete non-illuminated placards which provide a very nice decorative element. On the north facade you'll have one Tim Hortons sign and another Bolla placard. There'll be no signage on the east elevation or on the south elevation.

The new freestanding sign. A little tough to see down there, but I'll just go through the measurements real quick. Given the location on a six lane roadway where the posted speed limit, I believe, is 40 or 45 miles an hour and traffic, depending on the time of day in that area, can grow substantially faster, is proposed at approximately 127 square feet and 25 feet of height, consisting of the

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Mobile logo at top, then the Bolla market sign at 18 square feet and below that Tim Hortons and at 18 square feet. The Mobile Synergy sign also at 18. And then the price sign for regular diesel combined at 36.

Part of the application that's before the Board today also requests relief from covenants and restrictions that were imposed pursuant to this Board's approval under application 717-89. Those covenants will be replaced by a new modern set of covenants consistent with Town practice and based on consult with the Town Planning Department. I also note for the record that the applicant has received -- and I believe a copy of the approval was provided to the Town -- approval from the DOT for site access and management. That was approval was granted December 31 of '21 under case number 942-65.

Finally, I'll note for the record that having reviewed the Town

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Departmental comment memos, there was no objection voiced by any of the Town Departments that opined, which included Planning, Environmental Resources, Highway, Public Works.

That being said, if the Board has any questions regarding the site plan that's in front of you, Chris can certainly answer those questions. Otherwise, I want to ask Amanda LaRosa from Stonefield to step up and just provide some comment as it relates to our traffic and parking study.

SUPERVISOR SALADINO: Are there any questions at this point?

(Whereupon, no questions

SUPERVISOR SALADINO: Please

from the Board.)

proceed.

MS. LAROSA: Good morning. I'm Amanda LaRosa with the firm StoneField Engineering Design, and for the record, the office is located at 301 Broadway Suite 310, New York, New York.

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My firm was contracted to prepare a traffic and parking study, which was submitted. That report is dated February 23rd. And it does conclude that the improvements proposed on this site are not expected to negatively impact the surrounding roadway network. This is primarily due to the use as a gas station and convenience store, which really feeds off of traffic that's already on the roadway. And it's furthered by the fact that the site already offers a gas use.

This application is also seeking a parking variance, as you've heard. Based on the calculations provided within the Town Code, 18 spaces are required, and we are proposing 13 in support of this. Our report does includes some data that we've collected at operating Bolla sites, which demonstrates that the maximum observed parking demand at a site of this nature is usually around seven vehicles. So based on that, we do expect that the supply will be adequate to support the

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parking demand.

And finally, as you've heard, my firm has made applications to DOT, and we recently pulled the highway work permit at the beginning of the year.

With that, I'll take any questions that you may have or turn it back to counsel.

SUPERVISOR SALADINO: No questions.

MR. ALTMAN: That concludes our presentation, Mr. Supervisor. Short of any questions that the board may have, we ask that the Board look favorably on an application that I'm sure is going to bring improvement to a station that is in need of update.

COUNCILWOMAN MAIER: Counselor, I have a couple of questions.

> MR. ALTMAN: Sure.

COUNCILWOMAN MAIER: Is this going

to be 24 hours?

MR. ALTMAN: Yes. And it is now.

COUNCILWOMAN MAIER: It is now.

MR. ALTMAN: Yeah.

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COUNCILWOMAN MAIER: So you had pointed out across the street there was

MR. ALTMAN: Directly across the

street.

another Bolla market or a gas station.

COUNCILWOMAN MAIER: Is that going to is that going to remain?

MR. ALTMAN: It is. They serve two different streams of traffic, Councilwoman Maier, one to being southbound and one being northbound. Particularly, as this is a divided roadway, two very different streams of traffic are being served here.

COUNCILWOMAN MAIER: Right. So there's no way to turn left, heading southbound into this?

MR. ALTMAN: No.

COUNCILWOMAN MAIER: How many employees will be present for a shift? I'm assuming there's going to be three shifts?

> (Whereupon, Mr. Altman refers to Mr. Singh in off the

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1	TOBAY TOWN BOARD HEARING P-1-23 02.28.23
2	record discussion.)
3	MR. ALTMAN: Three to four during
4	the day and two at night.
5	COUNCILWOMAN MAIER: So these are
6	all mostly self-serve. You have one full
7	service?
8	MR. ALTMAN: We will have full
9	service with the call button and
10	certainly during the designated hours
11	that the Town requires.
12	COUNCILWOMAN MAIER: So someone's
13	Going to be inside, right?
14	MR. ALTMAN: Correct.
15	COUNCILWOMAN MAIER: Upon the call
16	for them to come outside. Not like most
17	full servers where they're outside
18	waiting for people to come in.
19	MR. ALTMAN: Exactly. That's
20	correct.
21	COUNCILWOMAN MAIER: Tractor
22	trailers or accommodations for large
23	trucks at this location?

MR. ALTMAN: There are none

proposed. It's not that type of use. And

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it's certainly not consistent with the traffic stream on the road. This is primarily a passenger vehicle road.

COUNCILWOMAN MAIER: Okay. That's all the questions I have. Thank you.

Sure.

MR. ALTMAN:

response.)

SUPERVISOR SALADINO: Anyone else? (Whereupon, no verbal

SUPERVISOR SALADINO: One quick comment. First of all, I'd like to thank everyone involved in this application for the amount of greenery that's been included in this design. It's always nice when we see shrubs and trees and green spaces on here. The residents certainly approve it and it's gas station, it livens it up. So that attention to detail is is very much appreciated.

I know we have normally trucks and cars coming to fuel up and I'm assuming that in the design here they made it convenient for a passenger vehicle or a truck that's pulling a trailer, a

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landscaping trailer, perhaps recreational vehicles, a small boat, that sort of thing. I would guess that the tanks are covered and you can drive over those tanks?

MR. ALTMAN: That's correct.

SUPERVISOR SALADINO: So someone could make on the northeast curb cut, they could come in with that trailer, pull right up to these pumps and continue right out to Bethpage Road and exit on Bethpage Road without ever having to make a sharp turn.

MR. ALTMAN: That's correct.

SUPERVISOR SALADINO: That attention to detail is very, very much appreciated. I've been in service stations where someone is trying to maneuver a boat through and it creates all kinds of havoc. And I even though one of the boat owners that tried to maneuver on occasion. So we thank you for making it easier, safer, and more convenient for all types of customers to utilize the

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space. That goes a long way. Quite frankly, it's an example to everyone else who presents applications to this Town Board.

MR. ALTMAN: I appreciate that, Mr. Supervisor. I'll just also note, in addition to what your point about being able to get through with a small trailer, there is sufficient room in-between the pumps too, which enhances on-site circulation.

SUPERVISOR SALADINO: Very, very important. Thank you. Would you kindly submit to the Town -- Did you have a question?

COUNCILMAN IMBROTO: Just one comment.

SUPERVISOR SALADINO: Please.

COUNCILMAN IMBROTO: I'm sure you're aware, but it's a pet peeve of mine, in the Town of Oyster Bay, gas stations are not allowed to charge for air.

MR. ALTMAN: We understand.

COUNCILMAN IMBROTO: So if you're

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going to have it on site, please do so for free of charge.

SUPERVISOR SALADINO: Thank you very, very much. And that's an important point, Lou. Provides safety as well as convenience to the customers. And any company that's more than ready to provide that service for free, clearly sends a very strong message of their commitment to their customers.

MR. ALTMAN: We appreciate that. Thank you, Counselor.

SUPERVISOR SALADINO: Would you kindly submit the resumes of your experts to the Town?

MR. ALTMAN: They're part of the package.

SUPERVISOR SALADINO: They're part of the package. Great. We just haven't gotten to that yet. I was focused on the maps. We thank you very, very much.

MR. ALTMAN: Appreciate it.

SUPERVISOR SALADINO: Are there any other questions from any of the Board

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1	TOBAY TOWN BOARD HEARING P-1-23 02.28.23
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2	members?
3	(Whereupon, no verbal
4	response.)
5	SUPERVISOR SALADINO: With that are
6	there any residents who would like to be
7	heard on this application?
8	(Whereupon, no verbal
9	response.)
10	SUPERVISOR SALADINO: Please let the
11	record reflect that no resident has
12	identified themselves as wanting to be
13	heard on this application.
14	With that, are there any mailings
15	and postings and correspondence?
16	TOWN CLERK: The attorney for the
17	applicant has filed the Affidavit of
18	Service and Disclosure. The
19	communications are as follows:
20	- We have memos from the Department
21	of Planning and Development, including a
22	review of the required off street
23	parking.
24	- The Nassau County Land and Tax Map

indicates the property is Section 12,

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Block B, Lot 180.

- According to the Town of Oyster Bay zoning maps, the property is located within a general business zone.
- There were no open prior open restriction cases. However, there are variances and Town Board resolutions on file. There is no further correspondence.

SUPERVISOR SALADINO: Just one quick question, if I may. I see this area identified by the yellow hash marks and that says a loading zone. So I'm going to assume that when deliveries have to be made to restock the store, perhaps, an 18 wheeler would pull in to that during off hours; is that correct?

MR. ALTMAN: That is the plan.

SUPERVISOR SALADINO: Okay. And then they would offload all their goods. I'm assuming because of this green space, they can't move forward. They'd have to then back out?

MR. ALTMAN: Slightly, back up. Yep. Or back in, as the case may be and pull

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straight out if it's a box truck in particular. Yep.

SUPERVISOR SALADINO: All right. And I'm assuming they'd be experienced to do that safely so as to not cause any complication on Bethpage Road.

MR. ALTMAN: I think that's a fair assumption, Mr. Supervisor, yes.

SUPERVISOR SALADINO: Thank you. Very, very much. We greatly appreciate your thoroughness in this design.

Where is our Town Attorney? Mr.

TOWN ATTORNEY: No, sir.

Scalera, anything else on this?

SUPERVISOR SALADINO: Great. Well, with that and our report on our correspondence already taken care of, may I have the motion?

COUNCILWOMAN JOHNSON: Supervisor, I move that the Public Hearing be closed and decision pending and the record be left open for 30 days.

COUNCILMAN IMBROTO: Second the motion.

TOBAY TOWN BOARD HEARING P-1-23 02.28.23 1 2 SUPERVISOR SALADINO: All in favor, 3 please signify by saying, "Aye". (Whereupon, all members of 5 the Town Board respond in favor with, "Aye".) 6 SUPERVISOR SALADINO: Those opposed, 8 Nay. (Whereupon, no verbal 9 10 response from the Town Board.) SUPERVISOR SALADINO: The "Ayes" 11 12 have it. 13 Thank you all very much. 14 MR. ALTMAN: Thank you, all. Have a 15 wonderful day. 16 SUPERVISOR SALADINO: Excellent 17 application. Very thorough. 18 19 (Whereupon, the above matter 20 concludes, 11:02 a.m.) 21 22 23 2.4 25

TOP KEY COURT REPORTING, INC. (516) 414-3516 _____30 =

	TOBAY TOWN BOARD HEARING P-1-23 02.28.23
1	
2	CERTIFICATE
3	
4	STATE OF NEW YORK)
5	: SS.: COUNTY OF NASSAU)
6	
7	I, KAREN LORENZO, a Notary Public for and
8	within the State of New York, do hereby
9	certify:
10	That the above is a correct transcription
11	of my stenographic notes.
12	IN WITNESS WHEREOF, I have hereunto set
13	my hand this 28th day of February, 2023.
14	
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16	Karen Lorenzo
17	Karen Lorenzo Karen Lorenzo
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___TOP KEY COURT REPORTING, INC. (516) 414-3516 _____31 ___

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	TOBAY TOWN BOARD HEARIN	G 2 LOCAL LAW 02.28.23		
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3	TOWN BOARD			
4	TOWN OF C	YSTER BAY		
5	REGULAR MEETING			
6	February 28, 2023			
7	11:02 a.m.			
8				
9	HEARING - Local Law - T	o Consider a Local Law		
10	to Amend the Code of th	e Town of Oyster Bay,		
11	New York, Chapter 4 - A	dministration of		
12	Government to add Artic	le XIX - Bureau of		
13	Administrative Adjudication			
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15				
16	JOSEPH SALADINO	RICHARD LaMARCA		
17	SUPERVISOR	TOWN CLERK		
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1	TOBAY TOWN BOARD HEARING 2 LOCAL LAW 02.28.23		
1			
2	APPEARANCES		
3			
4	PRESENT:		
5	SUPERVISOR JOSEPH S. SALADINO		
6	COUNCILWOMAN MICHELE M. JOHNSON		
7	COUNCILMAN LOUIS B. IMBROTO		
8	COUNCILMAN THOMAS P. HAND		
9	COUNCILMAN STEVE L. LABRIOLA (ABSENT)		
10	COUNCILWOMAN LAURA L. MAIER		
11	COUNCILWOMAN VICKI WALSH		
12			
13	ALSO PRESENT:		
14	RICHARD LAMARCA TOWN CLERK		
15	DONNA ANTETOMASO DEPUTY TOWN CLERK		
16	JEFFREY P. PRAVATO RECEIVER OF TAXES		
17			
18	APPEARANCES:		
19	FRANK SCALERA, ESQ. TOWN ATTORNEY		
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SUPERVISOR SALADINO: The second hearing today is to Consider a Local Law to Amend the Code of the Town of Oyster Bay, New York, Chapter 4 - Administration of Government to add Article XIX -Bureau of Administrative Adjudication.

SUPERVISOR SALADINO: Counselor, would you please state your presence?

TOWN ATTORNEY: Good morning, Supervisor, Town Board; Frank Scalera, Attorney.

Just to start off a little background, as you know, this hearing and the next hearing -- hearings two and three -- are all in furtherance of the Bureau of Administrative Adjudication. So just as a little backdrop, back on July 12, 2022, we had a public hearing here in this room regarding the creation of the Bureau of Administrative Adjudication. That hearing was a public hearing. The record was kept open for a period of time, thereafter. And the Board has yet to vote on that Bureau legislation. That

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would be called, I guess you would call it the enabling legislation. We didn't vote on it yet. Why? Well, a couple of things happened since then. Obviously, when we're talking about the Bureau, we needed a little more housekeeping. So this hearing now that we're doing, is to actually physically place the Bureau of Administrative Adjudication in what we call Chapter 4 of the Town Code, which is the chapter which is called Administration of Government, which basically lists all the departments in the towns and their scope and purpose. So this particular hearing merely prepares, in the event that the Board votes in favor of that hearing back in July of 2022, the Bureau of Administrative Adjudication will be physically placed in Chapter 4 as its own bureau, similar to other departments. That is basically what

Now, just to give you a little bit more. Since the July hearing, prior to

Hearing One is about.

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July 22 and afterwards, a team of us had been in communication with the Town of Huntington and Babylon, who both have implemented these kind of Bureau of Administrative Adjudication. We met just recently, about a month ago, maybe month-and-a-half ago, we met with the town of Huntington, their new Town Attorney. I met with her and her staff, and they brought us to the actual Administrative Bureau functioning that day. It was in the town board room in the Town of Huntington building in Town Hall. We were able to witness firsthand what they did. We are able to speak to the Director himself, and he gave us a tour, not just a physical tour, but also went through the process that they're going through, which is similar to what we

And I can tell you from my point of view -- and you can mention you can call the other team people that came with us, a couple of attorneys from our office,

would like to implement.

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the new commissioner of P&D was there, Tom Sabellico, Greg Carman, our deputy supervisor, was there. We gave it a real thumbs up. It worked very well. Why? It was done very professionally. And what we what we saw the most is that it was most convenient for residents. Because it was in Town Hall and it was the next building or across the hall from the Building Department.

So that brings us to the purpose of why we are proposing this. And that reason is really to encourage compliance with the Town of Oyster Bay Town Code. And the Oyster Bay Town Code, Chapter 1, Section 1 talks about what's its purpose? It's for the the safety, health and welfare of the residents of the Town of Oyster Bay. We all say these words, but it's in our code. That's the mission of the Town.

So encouraging compliance; what does that mean? Instead of having to go all the way to Hempstead District Court on

summonses or notice of appearances.

That's what they're called. Let's call it a summons. Instead of having to go all the way to Hempstead, and in the end, we're looking for compliance. What does that mean, compliance? Making sure you're following the code so it helps with the safety, health and welfare of our residents, which in turn is a quality of life issue. I mean, bottom line.

So doing an Administrative Bureau would be that avenue so people can come and we can do it out of this building.

People can come here and the Building

Department or Planning Development is right close by. So it'll be more efficient, less time consuming for the residents of the Town of Oyster Bay.

But for purposes of Hearing One today, this was simply to put it in the administrative of government with all the other departments in the Town. So by Resolution 109-2023, that resolution published notice for this hearing today,

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February 28, 2023. So that basically concludes the reason and the basis of Hearing One. And of course, I'll ask the Town Clerk, was there any, you know, Affidavits of Publication and the like. And I'm pretty much wrapped up and concluded for Hearing One.

COUNCILMAN IMBROTO: Frank, I just want to clarify one of the things you said. You're mentioning compliance.

You're mentioning efficiency. One of the reasons why it's more efficient is that, achieving compliance sometimes requires a visit to the Department of Planning and Development, which is just across the parking lot here. So instead of going to the town hall a couple of weeks later, you could do it the same day. You can get compliance the same day that you appear in court.

And another thing that we've been dealing with, another major issue we've had is that during COVID, the courts in

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Hempstead were, for all intents and purposes, closed, which severely hindered

our ability to enforce our ${\tt Town}$

regulations. So we would no longer be at

the whim of the District Court in

Hempstead. We would be able to control

the flow of these violations. And

sometimes people go to Hempstead District

Court, they have an overwhelming docket

and they'll give a three month

adjournment. Well, that's not going to

get compliance any faster when you have a

three month adjournment. So it's going to

bring things into Town Hall. It's going

to be close to the Department of Planning

and Development, and we won't have to

deal with the whims of Judges in

Hempstead, many of whom are not even

accountable to Oyster Bay residents.

So I think it's really a great

task force initiatives that I'm really

thing. It's one of our quality of life

excited about, and I hope that we can

make it happen. Having served in the role

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as prosecutor in District Court for several years, I think that this is really a good thing for the Town. I don't understand why they were separated into two separate hearings, but that's an administrative matter. We can address that.

TOWN ATTORNEY: Sure. The basis or reason is simple. This one deals with Chapter 4 of putting in physically into the Town. The other hearing, which we're going to now, is regarding all chapters and the penalties for it. Point well taken.

Just what the councilman said, Supervisor, Yes. It's much better if they came down here, have access to all of our staff. We cannot realistically send building commissioners, deputy commissioners, planners all down to District Court on Monday. There's no room. It's just not conducive. Here, if we had the Adjudication Bureau here, like Huntington --

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COUNCILMAN IMBROTO: And they don't have all the documentation.

TOWN ATTORNEY: Correct.

COUNCILMAN IMBROTO: Here, we have our entire filing system.

TOWN ATTORNEY: Correct.

COUNCILMAN IMBROTO: If we want to look up what's going on on any property.

TOWN ATTORNEY: Correct. Exactly. And you don't know which form to give or what the history is because they don't have our computer system, our Building Department.

So it's, overall, just convenience really mainly for the resident and to get them here to ease and make compliance that much better. Again safety, health and welfare.

So for Hearing One, that was the most simpler housekeeping. I'm concluded unless there's any questions on it.

SUPERVISOR SALADINO: Just a comment, Mr. Scalera. I think Councilman Imbroto brought up some very important

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points about efficiency and the way we run things. Having the documents, the file, the surveys all on record here, but tremendous convenience to the residents is what has been the conversation throughout. Instead of taking a whole day off of work, going to the Village of Hempstead, to the District Court, waiting half a day, perhaps finding parking.

COUNCILMAN IMBROTO: Might be getting a parking ticket.

TOWN ATTORNEY: I was going to say, as silly as some of the practicing attorneys know, you get a two hour parking meter and you're in court for 2 hours and 15 minutes. You come out and it cost you another X dollars because of parking ticket, even that kind of stuff. That inconvenience is eliminated.

SUPERVISOR SALADINO: So then perhaps another half day taking off of work, on a separate day coming to Town Hall to get other documents you need for the compliance. And the compliance is the

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keyword. Because isn't that really the motivation behind all of this? town wants to make it convenient and easy for residents to comply with the code.

TOWN ATTORNEY: That is absolutely purpose and always been our purpose and policy.

SUPERVISOR SALADINO: So one other question. You spoke to our team of attorneys and administrators going to the Town of Huntington to meet with the Town Attorney there, who is a wonderful and very highly experienced professional there, and you said we had a good experience. But please share with us their experience since they already have put this in place. What has been the Town of Huntington and the Town of Babylon's experience since putting this in place?

TOWN ATTORNEY: That is a very good point. I apologize for not bringing it up. They had and continue to have a positive experience with it. They had a similar situation where they would have

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to travel to the the courthouse, which is in downtown area of Huntington. And, of course, they have their own obstacles there to get there and the traffic. So, yes, bringing it to Town Hall in Huntington, number one, convenience for the residents. They have told us that they have seen an actual increase in compliance and the ease of compliance. They actually have or they'll call in a building official into the court when the case is being heard, and then that official will bring them over to the Building Department and get the paperwork going. They've seen an actual increase in compliance. Better, easier and faster compliance. They had a lot of great things to say.

And another thing to, you know, this is important too, they didn't require any significant additional staff. They had the court director they had an extra person that checks you in and everybody else was from different departments

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helping out the court once a week. So even in terms of that efficiency, cost efficiency, they told us that they keep it very lean. So I think that's important too. If anybody questions because they hear the word "bureau". No, the way they do it and have done it, it's very impressive. It's a very clean operation. Very smooth. Works professionally. They claim to us that they have been very pleased that they implemented it. They're very pleased, and it's working in the favor overall. Because, again, instead of going to court for a criminal matter, you're coming to a bureau for a civil violation.

SUPERVISOR SALADINO: Right. These are not criminals. None of that going on. And the role of the Town would be to help people come into compliance and not to go after them in any kind of aggressive manner.

TOWN ATTORNEY: Correct. Remember, the reason, basically like most towns,

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where complaint driven. So we're not going down the street looking for stuff to serve summonses to derive revenue. We're hearing about complaints. We react to them and say, hey, fix your property, come into code.

They are definitely pleased. Babylon, I think, is going to start very soon. They already have all their legislation passed. They're going to start very soon. So we'll be touching base with our friends over in the Town of Babylon to see how they roll out. But Huntington, being that they were doing it in town hall and utilizing the nearby departments like building department and planning, I think it's really, overall beneficial to our residents.

SUPERVISOR SALADINO: Great.

TOWN ATTORNEY: All right. So that's Hearing One, just to put Bureau in the code. So if there's nobody that's going to speak, I'll ask for a motion.

SUPERVISOR SALADINO: I'm going to

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1	TOBAY TOWN BOARD HEARING 2 LOCAL LAW 02.28.23
2	call for that in just a moment.
3	Councilman, did you have another comment?
4	COUNCILMAN IMBROTO: No.
5	SUPERVISOR SALADINO: Okay, great.
6	Anybody else with comments?
7	(Whereupon, no verbal
8	response.)
9	SUPERVISOR SALADINO: Wonderful.
10	Great job, Frank. With that, if there is
11	anyone here today who would like to be
12	heard on this hearing, please identify
13	yourself.
14	(Whereupon, no verbal
15	response.)
16	SUPERVISOR SALADINO: And let the
17	record reflect that no one has identified
18	themselves as wanting to be heard as it
19	relates to this hearing.
20	With that, are there is there any
21	correspondence, proof of service and so
22	forth?

TOWN CLERK: We have Affidavits of Posting and Publication. There is no other correspondence.

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2 SUPERVISOR SALADINO: And has your office received any correspondence on 3

this at all?

TOWN ATTORNEY: No correspondence.

SUPERVISOR SALADINO: That's

wonderful. Generally, when we don't hear a single thing, it tells us the residents are highly in favor.

> TOWN ATTORNEY: I haven't received an e-mail, I haven't received correspondence.

SUPERVISOR SALADINO: Not even one? TOWN ATTORNEY: No. Okay. Thank you so much.

With that, may I have a motion? COUNCILWOMAN JOHNSON: Supervisor, I'll make a motion for this public hearing be closed, decision reserved.

COUNCILMAN IMBROTO: Second.

SUPERVISOR SALADINO: All in favor, please signify by saying, "Aye".

> (Whereupon, all members of the Town Board respond in favor with, "Aye".)

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	TOBAY TOWN BOARD HEARING 2 LOCAL LAW 02.28.23
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2	SUPERVISOR SALADINO: Opposed, Nay.
3	(Whereupon, no verbal
4	response from the Town Board.)
5	SUPERVISOR SALADINO: The "Ayes"
6	have it.
7	Thank you, Counselor.
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9	(Whereupon, the above matter
10	concludes, 11:16 a.m.)
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	TOP KEY COURT REPORTING, INC. (516) 414-351619

	TOBAY TOWN BOARD HEARING 2 LOCAL LAW 02.28.23
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2	CERTIFICATE
3	
4	STATE OF NEW YORK)
5	: SS.: COUNTY OF NASSAU)
6	
7	I, KAREN LORENZO, a Notary Public for and
8	within the State of New York, do hereby
9	certify:
10	That the above is a correct transcription
11	of my stenographic notes.
12	IN WITNESS WHEREOF, I have hereunto set
13	my hand this 28th day of February, 2023.
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15	
16	<u>Karen Lorenzo</u>
17	KAREN LORENZO
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needed [1] - 4:7 new [2] - 5:9, 6:2 NEW [1] - 20:4 New [3] - 1:11, 3:5, 20:8 next [2] - 3:15, 6:9 nobody [1] - 16:23 None [1] - 15:19 Notary [1] - 20:7 notes [1] - 20:11	proposing [1] - 6:13 prosecutor [1] - 10:2 public [3] - 3:19, 3:22, 18:18 Public [1] - 20:7 Publication [2] - 8:6, 17:24 published [1] - 7:25 purpose [5] - 4:15, 6:12, 6:17, 13:7 purposes [2] - 7:20, 9:3	$ \begin{aligned} & \textbf{second}_{\{1\}} - 3:2 \\ & \textbf{Section}_{\{1\}} - 6:17 \\ & \textbf{see}_{\{1\}} - 16:14 \\ & \textbf{send}_{\{1\}} - 10:19 \\ & \textbf{separate}_{\{2\}} - 10:6, 12:23 \\ & \textbf{separate}_{\{1\}} - 10:5 \\ & \textbf{serve}_{\{1\}} - 16:4 \\ & \textbf{served}_{\{1\}} - 9:25 \\ & \textbf{service}_{\{1\}} - 17:21 \\ & \textbf{set}_{\{1\}} - 20:12 \end{aligned} $	18:5, 18:10, 18:14 town [5] - 5:9, 5:13, 8:19, 13:4, 16:16 Town [31] - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4	— — _[1] - 1:9
$\begin{array}{l} \textbf{needed}_{\{1\}} - 4:7 \\ \textbf{new}_{\{2\}} - 5:9, 6:2 \\ \textbf{NEW}_{\{1\}} - 20:4 \\ \textbf{New}_{\{3\}} - 1:11, 3:5, 20:8 \\ \textbf{next}_{\{2\}} - 3:15, 6:9 \\ \textbf{nobody}_{\{1\}} - 16:23 \\ \textbf{None}_{\{1\}} - 15:19 \\ \textbf{Notary}_{\{1\}} - 20:7 \\ \textbf{notes}_{\{1\}} - 20:11 \\ \textbf{notice}_{\{2\}} - 7:2, 7:25 \\ \textbf{number}_{\{1\}} - 14:7 \end{array}$	$\begin{array}{l} \textbf{proposing}_{\{1\}} - 6:13 \\ \textbf{prosecutor}_{\{1\}} - 10:2 \\ \textbf{public}_{\{3\}} - 3:19, 3:22, 18:18 \\ \textbf{Public}_{\{1\}} - 20:7 \\ \textbf{Publication}_{\{2\}} - 8:6, 17:24 \\ \textbf{published}_{\{1\}} - 7:25 \\ \textbf{purpose}_{\{5\}} - 4:15, 6:12, 6:17, \\ 13:7 \\ \textbf{purposes}_{\{2\}} - 7:20, 9:3 \\ \textbf{put}_{\{3\}} - 7:21, 13:18, 16:22 \\ \end{array}$	$ \begin{aligned} & second_{\{1\}} - 3:2 \\ & Section_{\{1\}} - 6:17 \\ & see_{\{1\}} - 16:14 \\ & send_{\{1\}} - 10:19 \\ & separate_{\{2\}} - 10:6, 12:23 \\ & separate_{\{1\}} - 10:5 \\ & serve_{\{1\}} - 16:4 \\ & served_{\{1\}} - 9:25 \\ & service_{\{1\}} - 17:21 \\ & set_{\{1\}} - 20:12 \\ & several_{\{1\}} - 10:3 \end{aligned} $	18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[34]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25	— — _[1] - 1:9
$\begin{array}{l} \textbf{needed}_{[1]} - 4:7 \\ \textbf{new}_{[2]} - 5:9, 6:2 \\ \textbf{NEW}_{[1]} - 20:4 \\ \textbf{New}_{[3]} - 1:11, 3:5, 20:8 \\ \textbf{next}_{[2]} - 3:15, 6:9 \\ \textbf{nobody}_{[1]} - 16:23 \\ \textbf{None}_{[1]} - 15:19 \\ \textbf{Notary}_{[1]} - 20:7 \\ \textbf{notes}_{[1]} - 20:11 \\ \textbf{notice}_{[2]} - 7:2, 7:25 \\ \end{array}$	$\label{eq:proposing} \begin{split} & \text{proposing}_{[1]} - 6:13 \\ & \text{prosecutor}_{[1]} - 10:2 \\ & \text{public}_{[3]} - 3:19, 3:22, 18:18 \\ & \text{Public}_{[1]} - 20:7 \\ & \text{Publication}_{[2]} - 8:6, 17:24 \\ & \text{published}_{[1]} - 7:25 \\ & \text{purpose}_{[5]} - 4:15, 6:12, 6:17, \\ & 13:7 \\ & \text{purpose}_{[2]} - 7:20, 9:3 \\ & \text{put}_{[3]} - 7:21, 13:18, 16:22 \\ & \text{putting}_{[2]} - 10:11, 13:20 \end{split}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[34]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5	— — _[1] - 1:9
$\begin{array}{c} \textbf{needed}_{\{1\}} - 4.7 \\ \textbf{new}_{\{2\}} - 5.9, 6.2 \\ \textbf{NEW}_{\{1\}} - 20.4 \\ \textbf{New}_{[3]} - 1.11, 3.5, 20.8 \\ \textbf{next}_{\{2\}} - 3.15, 6.9 \\ \textbf{nobody}_{\{1\}} - 16.23 \\ \textbf{None}_{\{1\}} - 15.19 \\ \textbf{Notary}_{\{1\}} - 20.7 \\ \textbf{notes}_{\{1\}} - 20.11 \\ \textbf{notice}_{\{2\}} - 7.2, 7.25 \\ \textbf{number}_{\{1\}} - 14.7 \\ \hline \\ $	$\begin{array}{l} \textbf{proposing}_{\{1\}} - 6:13 \\ \textbf{prosecutor}_{\{1\}} - 10:2 \\ \textbf{public}_{\{3\}} - 3:19, 3:22, 18:18 \\ \textbf{Public}_{\{1\}} - 20:7 \\ \textbf{Publication}_{\{2\}} - 8:6, 17:24 \\ \textbf{published}_{\{1\}} - 7:25 \\ \textbf{purpose}_{\{5\}} - 4:15, 6:12, 6:17, \\ 13:7 \\ \textbf{purposes}_{\{2\}} - 7:20, 9:3 \\ \textbf{put}_{\{3\}} - 7:21, 13:18, 16:22 \\ \end{array}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[31]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5 transcription $_{[1]}$ - 20:10	— — _[1] - 1:9
$\begin{array}{c} \textbf{needed}_{\{1\}} - 4.7 \\ \textbf{new}_{\{2\}} - 5.9, 6.2 \\ \textbf{NEW}_{\{1\}} - 20.4 \\ \textbf{New}_{\{3\}} - 1.11, 3.5, 20.8 \\ \textbf{next}_{\{2\}} - 3.15, 6.9 \\ \textbf{nobody}_{\{1\}} - 16.23 \\ \textbf{None}_{\{1\}} - 15.19 \\ \textbf{Notary}_{\{1\}} - 20.7 \\ \textbf{nots}_{\{1\}} - 20.71 \\ \textbf{notice}_{\{2\}} - 7.2, 7.25 \\ \textbf{number}_{\{1\}} - 14.7 \\ \hline \\ \textbf{O} \\ \\ \textbf{obstacles}_{\{1\}} - 14.4 \\ \end{array}$	$\begin{array}{c} \textbf{proposing}_{[1]} - 6:13 \\ \textbf{prosecutor}_{[1]} - 10:2 \\ \textbf{public}_{[3]} - 3:19, 3:22, 18:18 \\ \textbf{Public}_{[1]} - 20:7 \\ \textbf{Publication}_{[2]} - 8:6, 17:24 \\ \textbf{published}_{[1]} - 7:25 \\ \textbf{purpose}_{[5]} - 4:15, 6:12, 6:17, \\ 13:7 \\ \textbf{purpose}_{[5]} - 7:20, 9:3 \\ \textbf{put}_{[3]} - 7:21, 13:18, 16:22 \\ \textbf{putting}_{[2]} - 10:11, 13:20 \\ \end{array}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[31]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5 transcription $_{[1]}$ - 20:10 travel $_{[1]}$ - 14:2	— — _[1] - 1:9
$\begin{array}{c} \textbf{needed}_{\{1\}} - 4.7 \\ \textbf{new}_{\{2\}} - 5.9, 6.2 \\ \textbf{NEW}_{\{1\}} - 20.4 \\ \textbf{New}_{\{3\}} - 1.11, 3.5, 20.8 \\ \textbf{next}_{\{2\}} - 3.15, 6.9 \\ \textbf{nobody}_{\{1\}} - 16.23 \\ \textbf{None}_{\{1\}} - 15.19 \\ \textbf{Notary}_{\{1\}} - 20.7 \\ \textbf{notes}_{\{1\}} - 20.71 \\ \textbf{notice}_{\{2\}} - 7.2, 7.25 \\ \textbf{number}_{\{1\}} - 14.7 \\ \hline \\ \textbf{O} \\ \textbf{obstacles}_{\{1\}} - 14.4 \\ \textbf{Obviously}_{\{1\}} - 4.5 \\ \end{array}$	$\begin{array}{c} \text{proposing}_{[1]} - 6:13 \\ \text{prosecutor}_{[1]} - 10:2 \\ \text{public}_{[3]} - 3:19, 3:22, 18:18 \\ \text{Public}_{[1]} - 20:7 \\ \text{Publication}_{[2]} - 8:6, 17:24 \\ \text{published}_{[1]} - 7:25 \\ \text{purpose}_{[5]} - 4:15, 6:12, 6:17, \\ 13:7 \\ \text{purpose}_{[5]} - 7:20, 9:3 \\ \text{put}_{[3]} - 7:21, 13:18, 16:22 \\ \text{putting}_{[2]} - 10:11, 13:20 \\ \hline \\ \textbf{Q} \\ \\ \text{quality}_{[2]} - 7:10, 9:22 \\ \end{array}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[31]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5 transcription $_{[1]}$ - 20:10 travel $_{[1]}$ - 14:2 tremendous $_{[1]}$ - 12:5	— — _[1] - 1:9
$\begin{array}{c} \textbf{needed}_{\{1\}} - 4.7 \\ \textbf{new}_{\{2\}} - 5.9, 6.2 \\ \textbf{NEW}_{\{1\}} - 20.4 \\ \textbf{New}_{\{3\}} - 1.11, 3.5, 20.8 \\ \textbf{next}_{\{2\}} - 3.15, 6.9 \\ \textbf{nobody}_{\{1\}} - 16.23 \\ \textbf{None}_{\{1\}} - 15.19 \\ \textbf{Notary}_{\{1\}} - 20.7 \\ \textbf{notice}_{\{2\}} - 7.2, 7.25 \\ \textbf{number}_{\{1\}} - 14.7 \\ \hline \\ \textbf{O} \\ \textbf{obstacles}_{\{1\}} - 14.4 \\ \textbf{Obviously}_{\{1\}} - 4.5 \\ \textbf{OF}_{\{4\}} - 1.4, 2.16, 20.4, 20.5 \\ \end{array}$	$\begin{array}{c} \textbf{proposing}_{[1]} - 6:13 \\ \textbf{prosecutor}_{[1]} - 10:2 \\ \textbf{public}_{[3]} - 3:19, 3:22, 18:18 \\ \textbf{Public}_{[1]} - 20:7 \\ \textbf{Publication}_{[2]} - 8:6, 17:24 \\ \textbf{published}_{[1]} - 7:25 \\ \textbf{purpose}_{[5]} - 4:15, 6:12, 6:17, \\ 13:7 \\ \textbf{purpose}_{[5]} - 7:20, 9:3 \\ \textbf{put}_{[3]} - 7:21, 13:18, 16:22 \\ \textbf{putting}_{[2]} - 10:11, 13:20 \\ \end{array}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[31]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5 transcription $_{[1]}$ - 20:10 travel $_{[1]}$ - 14:2 tremendous $_{[1]}$ - 12:5 turn $_{[1]}$ - 7:10	— — _[1] - 1:9
$\begin{array}{c} \textbf{needed}_{\{1\}} - 4:7 \\ \textbf{new}_{\{2\}} - 5:9, 6:2 \\ \textbf{NEW}_{\{1\}} - 20:4 \\ \textbf{New}_{\{3\}} - 1:11, 3:5, 20:8 \\ \textbf{next}_{\{2\}} - 3:15, 6:9 \\ \textbf{nobody}_{\{1\}} - 16:23 \\ \textbf{None}_{\{1\}} - 15:19 \\ \textbf{Notary}_{\{1\}} - 20:7 \\ \textbf{notice}_{\{2\}} - 7:2, 7:25 \\ \textbf{number}_{\{1\}} - 14:7 \\ \hline \\ \textbf{O} \\ \textbf{obstacles}_{\{1\}} - 14:4 \\ \textbf{Obviously}_{\{1\}} - 4:5 \\ \textbf{OF}_{\{4\}} - 1:4, 2:16, 20:4, 20:5 \\ \textbf{office}_{\{2\}} - 5:25, 18:3 \\ \end{array}$	$\begin{array}{c} \text{proposing}_{[1]} - 6:13 \\ \text{prosecutor}_{[1]} - 10:2 \\ \text{public}_{[3]} - 3:19, 3:22, 18:18 \\ \text{Public}_{[1]} - 20:7 \\ \text{Publication}_{[2]} - 8:6, 17:24 \\ \text{published}_{[1]} - 7:25 \\ \text{purpose}_{[5]} - 4:15, 6:12, 6:17, \\ 13:7 \\ \text{purpose}_{[5]} - 7:20, 9:3 \\ \text{put}_{[3]} - 7:21, 13:18, 16:22 \\ \text{putting}_{[2]} - 10:11, 13:20 \\ \hline \\ \textbf{Q} \\ \\ \text{quality}_{[2]} - 7:10, 9:22 \\ \end{array}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[31]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5 transcription $_{[1]}$ - 20:10 travel $_{[1]}$ - 14:2 tremendous $_{[1]}$ - 12:5 turn $_{[1]}$ - 7:10	
$\begin{array}{c} \textbf{needed}_{\{1\}} - 4.7 \\ \textbf{new}_{\{2\}} - 5.9, 6.2 \\ \textbf{NEW}_{\{1\}} - 20.4 \\ \textbf{New}_{\{3\}} - 1.11, 3.5, 20.8 \\ \textbf{next}_{\{2\}} - 3.15, 6.9 \\ \textbf{nobody}_{\{1\}} - 16.23 \\ \textbf{None}_{\{1\}} - 15.19 \\ \textbf{Notary}_{\{1\}} - 20.7 \\ \textbf{notice}_{\{2\}} - 7.2, 7.25 \\ \textbf{number}_{\{1\}} - 14.7 \\ \hline \\ \textbf{O} \\ \textbf{obstacles}_{\{1\}} - 14.4 \\ \textbf{Obviously}_{\{1\}} - 4.5 \\ \textbf{OF}_{\{4\}} - 1.4, 2.16, 20.4, 20.5 \\ \end{array}$	$\begin{array}{c} \text{proposing}_{[1]} - 6:13 \\ \text{prosecutor}_{[1]} - 10:2 \\ \text{public}_{[3]} - 3:19, 3:22, 18:18 \\ \text{Public}_{[1]} - 20:7 \\ \text{Publication}_{[2]} - 8:6, 17:24 \\ \text{published}_{[1]} - 7:25 \\ \text{purpose}_{[5]} - 4:15, 6:12, 6:17, \\ 13:7 \\ \text{purpose}_{[5]} - 7:20, 9:3 \\ \text{put}_{[3]} - 7:21, 13:18, 16:22 \\ \text{putting}_{[2]} - 10:11, 13:20 \\ \hline \\ \textbf{Q} \\ \\ \text{quality}_{[2]} - 7:10, 9:22 \\ \end{array}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[31]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5 transcription $_{[1]}$ - 20:10 travel $_{[1]}$ - 14:2 tremendous $_{[1]}$ - 12:5 turn $_{[1]}$ - 7:10	
$\begin{array}{c} \textbf{needed}_{\{1\}} - 4:7 \\ \textbf{new}_{\{2\}} - 5:9, 6:2 \\ \textbf{NEW}_{\{1\}} - 20:4 \\ \textbf{New}_{\{3\}} - 1:11, 3:5, 20:8 \\ \textbf{next}_{\{2\}} - 3:15, 6:9 \\ \textbf{nobody}_{\{1\}} - 16:23 \\ \textbf{None}_{\{1\}} - 15:19 \\ \textbf{Notary}_{\{1\}} - 20:7 \\ \textbf{notice}_{\{2\}} - 7:2, 7:25 \\ \textbf{number}_{\{1\}} - 14:7 \\ \hline \\ \textbf{O} \\ \textbf{obstacles}_{\{1\}} - 14:4 \\ \textbf{Obviously}_{\{1\}} - 4:5 \\ \textbf{OF}_{\{4\}} - 1:4, 2:16, 20:4, 20:5 \\ \textbf{office}_{\{2\}} - 5:25, 18:3 \\ \end{array}$	$\begin{array}{c} \text{proposing}_{[1]} - 6:13 \\ \text{prosecutor}_{[1]} - 10:2 \\ \text{public}_{[3]} - 3:19, 3:22, 18:18 \\ \text{Public}_{[1]} - 20:7 \\ \text{Publication}_{[2]} - 8:6, 17:24 \\ \text{published}_{[1]} - 7:25 \\ \text{purpose}_{[5]} - 4:15, 6:12, 6:17, \\ 13:7 \\ \text{purposes}_{[2]} - 7:20, 9:3 \\ \text{put}_{[3]} - 7:21, 13:18, 16:22 \\ \text{putting}_{[2]} - 10:11, 13:20 \\ \hline \\ \textbf{Q} \\ \text{quality}_{[2]} - 7:10, 9:22 \\ \text{questions}_{[2]} - 11:22, 15:6 \\ \end{array}$		18:5, 18:10, 18:14 town $_{[5]}$ - 5:9, 5:13, 8:19, 13:4, 16:16 Town $_{[31]}$ - 1:10, 3:4, 3:11, 4:11, 5:3, 5:9, 5:14, 6:9, 6:15, 6:16, 6:19, 6:22, 7:19, 7:23, 8:5, 9:4, 9:15, 10:4, 10:12, 12:23, 13:12, 13:18, 13:19, 14:6, 15:20, 16:13, 18:24, 19:4 towns $_{[2]}$ - 4:15, 15:25 traffic $_{[1]}$ - 14:5 transcription $_{[1]}$ - 20:10 travel $_{[1]}$ - 14:2 tremendous $_{[1]}$ - 12:5 turn $_{[1]}$ - 7:10 two $_{[3]}$ - 3:15, 10:6, 12:15	— — _[1] - 1:9

	TOBAY TOWN BOARD HEARING	3 LOCAL LAW 02.28.23
1		
2	TOWN	BOARD
3	TOWN OF O	YSTER BAY
4	REGULAR	MEETING
5	February	28, 2023
6	11:17	a.m.
7	HEARING Local Law - To	
8	to Amend the Code of the New York, to Set Forth I	Penalties Allowed to Be
9	Assessed By the Bureau of Adjudication. Amending (Chapter 30, Ethics;
10	Chapter 82, Alcoholic Be Collection Bins; Chapter	r 103, Animals; Chapter
11	107, Electrical; Chapter Photography; Chapter 120	6, Games of Chance;
12	Chapter 128, Graffiti Ak Handbills Commercial; Ch	napter 135, Housing
13	Standards; Chapter 139, Chapter 143, Landmarks E 145, Landscaping; Chapte	Preservation; Chapter
14	164, Oil Storage and Har Parks and Recreation; Ch	ndling of; Chapter 168,
15	and Solicitation; Chapte Chapter 182, Property Ma	er 180, Plumbing;
16	and Commercial; Chapter Chapter 192, Secondhand	184, Public Nuisances;
17	Solid Waste; Chapter 205 Sidewalks; Chapter 221,	, Streets and
18	Vehicles for Hire; and (M.D. 1/31/23 #29).	
19	(M.D. 1/31/23 #29).	
20		
21	JOSEPH SALADINO	RICHARD LaMARCA
22	SUPERVISOR	TOWN CLERK
23		
24		
25		

___TOP KEY COURT REPORTING, INC. (516) 414-3516 _____1 __

1	TOBAY TOWN BOARD	HEARING 3 LOCAL LAW 02.28.23
1		
2	A P P	PEARANCES
3		
4	PRESENT:	
5	SUPERVISOR	JOSEPH S. SALADINO
6	COUNCILWOMAN	MICHELE M. JOHNSON
7	COUNCILMAN	LOUIS B. IMBROTO
8	COUNCILMAN	THOMAS P. HAND
9	COUNCILMAN	STEVE L. LABRIOLA (ABSENT)
10	COUNCILWOMAN	LAURA L. MAIER
11	COUNCILWOMAN	VICKI WALSH
12		
13	ALSO PRESE	E N T:
14	RICHARD LaMARCA	TOWN CLERK
15	DONNA ANTETOMASO,	DEPUTY TOWN CLERK
16	JEFFREY P. PRAVATO	RECEIVER OF TAXES
17		
18	APPEARANCES:	
19	FRANK SCLAREA, ESÇ). TOWN ATTORNEY
20		
21	PUBLIC:	
22	MICHEL SCHLENOFF	
23		
24		
	1	

____TOP KEY COURT REPORTING, INC. (516) 414-3516 _____2 =

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SUPERVISOR SALADINO: And with that, would you please call the next hearing? Hearing number three for today.

TOWN CLERK: Hearing number three is To Consider a Local Law to Amend the Code of the Town of Oyster Bay, New York, to Set Forth Penalties Allowed to Be Assessed By the Bureau of Administrative Adjudication. Amending Chapter 30, Ethics; Chapter 82, Alcoholic Beverages; Chapter 95, Collection Bins; Chapter 103, Animals; Chapter 107, Electrical; Chapter 118, Building and Photography; Chapter 126, Games of Chance; Chapter 128, Graffiti Abatement; Chapter 130, Handbills Commercial; Chapter 135, Housing Standards; Chapter 139, Junk and Junk Dealers; Chapter 143, Landmarks Preservation; Chapter 145, Landscaping; Chapter 156, Noise; Chapter 164, Oil Storage and Handling of; Chapter 168, Parks and Recreation; Chapter 173, Peddling and Solicitation; Chapter 180, Plumbing; Chapter 182, Property

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Maintenance - Industrial and Commercial; Chapter 184, Public Nuisances; Chapter 192, Secondhand Dealers; Chapter 201, Solid Waste; Chapter 205, Streets and Sidewalks; Chapter 221, Towing; Chapter 236, Vehicles for Hire; and Chapter 246, Zoning.

TOWN ATTORNEY: Good morning, again. Frank Scalera, Town Attorney for this hearing, Hearing Three, with respect to the long list of items that the Town Clerk just read, I won't read them again. But as you can probably figure out, why was it mostly all sections of the code read in in the heading of this of this local law? Well, basically all these provisions are those in which code enforcement officers or sanitation inspectors or any other person authorized to write summonses or violations, write and cite these codes and write and cite the penalty for the code. So basically, when you get a summons in court for whether it be a property maintenance

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summons, it would come from one of these chapters or whatever other Town Chapter one may violate. Why is it such a long, exhaustive list? Very simple. We are considering and propose this Bureau of Administrative Adjudication. So we've said this and we'll say it again, it is not a criminal court, it is civil court, which just means monetary violations, not criminal violations. So our Town Code, up until the present time, is written to write summonses or violations in the District Court, which is where the criminal cases go. Should we or in the event we pass and adopt a Bureau of Administrative Adjudication, you'd have to have a mechanism in the Town Code to right the violations that are going to be presented in that court.

This is the entire housekeeping, of all code provisions that the inspector or a building official can write against. So they may be written for the District Court or the Administrative Tribunal. It

allows the building official or the code inspector or the sanitation inspector to write the notice of violation to the Bureau of Administrative Adjudication in the event that we pass it.

So the language in all these individual chapters that the Town Clerk read, the language that we propose, the Town Attorney proposed for this local law, the language will be all the same in every chapter allowing for writing a summons -- well, they call it a notice of violation -- writing a notice of violation in the Bureau of Administrative Adjudication. So when you when you leaf through all these pages, you'll see the same language put in every chapter where there is a penalty for offense.

COUNCILMAN IMBROTO: Mr. Town

Attorney, I would just request that

Chapter 93, 96 and Chapter 246-16, which

are also very commonly cited, be added to

this list. I know it's it's an

administerial thing. I would move to

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amend the proposed Local Law to add the same language to chapters 93, 96 and 246-16.

TOWN ATTORNEY: Yes. Supervisor,

myself and the in the councilman spoke to

other day and I indicated that it would

be the exact same language but put into

93, 96 and 246-16. It might have been an

oversight or might have been something

procedural differently from last year,

but it's the same exact language.

SUPERVISOR SALADINO: So with that, are we looking for a motion at this -TOWN ATTORNEY: Yes, I would agree to a motion.

COUNCILMAN IMBROTO: So I would move to amend the proposed Local Law to include Chapters 93, Chapter 96, and chapter 246-16 of the Town Code of the Town of Oyster Bay.

COUNCILWOMAN JOHNSON: Second.

SUPERVISOR SALADINO: All in favor, please signify by saying, "Aye".

(Whereupon, all members of

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the Town Board respond in favor with, "Aye.")

SUPERVISOR SALADINO: Those opposed, "Nay".

(Whereupon, no verbal

response.)

SUPERVISOR SALADINO: The ayes have it.

TOWN ATTORNEY: Thank you.

So once again, getting back with all the list of chapters that was read off by the Town Clerk and the additional three that was just motion by and adopted by the Board, this entire Local Law is basically the language to allow to write a ticket in the Bureau of Administrative Adjudication.

SUPERVISOR SALADINO: Great.

TOWN ATTORNEY: Everything else is left, the same, Supervisor.

SUPERVISOR SALADINO: And before we wrap up, I want to make sure that residents perhaps watching this online understand what the implication is and,

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COUNCILMAN IMBROTO: And by the same

quite frankly, what our motivation is. We talked about compliance. You talked about a monetary piece to this by having this civil matter, not a criminal matter. But it doesn't mean just because someone has received a ticket that they're going to pay a fine. By adjudicating this, there could be situations where somebody comes in, explains they didn't have the money to or for whatever reason it might be, health, it could be a long list of reasons, that the officer presiding over the adjudication of their matter may just get them to immediately go across the street, get the paperwork, ensure that they're legalizing or ensure that they're cleaning up or insure that they're rectifying the situation. So it's not money driven. It doesn't mean that every instance would have a fine. It's just getting people to comply and making good neighbors for the safety and well-being of all in our town.

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token, just because we have the ability to write a ticket for the Administrative Adjudication Bureau, we are not losing the ability to send the worst offenders, the ones that really are not complying with the law, to District Court and face potential criminal penalties if appropriate, if necessary.

> TOWN ATTORNEY: That is accurate. SUPERVISOR SALADINO: So it covers

everything in the spectrum.

TOWN ATTORNEY: It covers everything. And to add, and you can speak to your commissioners and deputies in the Planning and Development Department, for the folks who are not repetitive offenders who don't violate the law, we don't flaunt the violations of the Town Code, most often, they do get just a simple notice not going to court and say, hey, why didn't you? We notice that this is a violation. Why don't you fix it? Oftentimes, if they ignore it, then the next step would be now we'll have an

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additional avenue. If indeed this honorable board passes it, you can go to the Bureau of Administrative Adjudication, which is just civil. And then if somebody is obviously, as the councilman said, a repeat offender, well, then you have the additional ability to go to --

COUNCILMAN IMBROTO: So someone who simply has no regard for the Town Code --

SUPERVISOR SALADINO: And on the opposite end, if someone receives that notice of violation and works to correct the situation, they could stop the violation altogether and not even end up having to come into the Adjudication Bureau.

TOWN ATTORNEY: Correct. If they they're coming into compliance, filed the building permit, show, the Building Department or the Planning Development Department that they're doing so, yes. Again, like we said earlier, compliance is really what we're seeking.

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SUPERVISOR SALADINO: That's the goal that we're seeking.

TOWN ATTORNEY: Most times -- and you can speak to your building officials -- but most times we do always tell the property owner, look, this is a problem. Why don't you fix it or come into compliance.

COUNCILMAN IMBROTO: The typical process would be, let's say someone has high grass, they get a notice of violation, says you have five days to cut the grass. If they don't, they come back in five days, if they didn't do it, then they get the ticket.

TOWN ATTORNEY: Typically, yes. Councilman's correct. So there's many different ways.

SUPERVISOR SALADINO: Based on what the person in charge of the adjudication may find. If someone can't because they have a reason -- the bottom line is.

COUNCILMAN IMBROTO: But they never even come into the adjudication --

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SUPERVISOR SALADINO: So with that,

the message to our residents is we're not

doing this to to collect money on fines.

We're doing this to get people in

compliance and to help them with that

process. And by having this right across

the street from the Building Department,

it makes it so much easier and convenient

for the resident.

TOWN ATTORNEY: Well, think of this

another example. Like you mentioned,

somebody with property maintenance, high

grass, weeds, and you serve a an initial

notice, just, hey, get it done so we

don't have to come back. And let's say

five days later they don't do it. Then we

serve the ticket on them for the

Administrative Bureau. They come down to

Town Hall. They say, you know what, hey

guys, whoever the director is, Judge, I

was out of town or I was sick. I'm going

to get it done in three days. Obviously,

you know how you can dispose of that

case, get it done and there'll be no

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fine. There's many different ways. The idea is to get them in compliance.

So that's all I have for this particular hearing. I don't if you have any questions.

SUPERVISOR SALADINO: So I'm going to ask the public again, is any is there anyone who would like to be heard on this?

Yes, sir. If you'd like to be heard, would you kindly come up? And the process is to come up to the podium, speak into the microphone, start off by identifying yourself with your full name and address, please.

MR. SCHLENOFF: Michael Schlenoff, 28 Parkway North, Syosset, New York.

Frank, what is the provision for appeal?

SUPERVISOR SALADINO: Excellent question. Thank you.

TOWN ATTORNEY: Obviously from what's been longstanding in the District Court, they have their process of appeals

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where you go from a District Court Judge and you go to what they call Appellate Term. I think you were referring to what's the procedure of appeal, if indeed we adopt a bureau?

MR. SCHLENOFF: Yes.

TOWN ATTORNEY: There would be they would be a panel of three judges, three additional judges. There would be part time on an as needed basis, only in the event that we have to hear an appeal from whatever decision is made at the Bureau of Administrative Adjudication. So, yes, there is an appeal process. It's in what I call that creating enabling legislation we did back in July. It's in there. So, yes, there would be a judge who will be administrator of the court. And if you're unhappy with that decision, you can appeal it to this panel of -- well, you need at least three judges. So it would be three who would only be there on a part time basis, as needed. Okay.

SUPERVISOR SALADINO: That's a very

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good point. It brings up a question. So under the current situation, if you want to appeal the decision of the judge and District Court in the Village of Hempstead, you've taken off the day from work. You tried to find parking. You've gone through these myriad of hoops and you want to appeal it to the Appellate Division, more likely, the resident would have to spend a significant amount of money. More likely, would have to hire an attorney to process the paperwork in order to get to the Court of Appeals. In this, is it a much more simple, less expensive process? Do they absolutely have to hire an attorney, or would we be protecting our residents further by establishing this bureau, in the case of as it relates to the appeal?

TOWN ATTORNEY: The panel, would be, like I said, this is an administrative adjudication type bureau, so you don't have a lot of the obstacles one would do if you have to go to an appeal. Like the

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Appellate Division, where you have to do a legal brief and you have to print out a record and you have to bind it and then you've got to serve at a certain time. This will be a straightforward, simple. The person without the help of an attorney or with the help of an attorney.

SUPERVISOR SALADINO: So they would have the right to hire an attorney, but they don't have to have them. So they might be saving, I'll quess, thousands of dollars if we make this process part of our our legal process, if we approve this.

TOWN ATTORNEY: Correct. Again, when you say it'll be a simplified procedure where a person can submit and say, I'm appealing. I'm sure we'll create a form that will help the resident and you appeal and state why the decision should be reversed or changed to what amount. So it will be a user-friendly way to appeal something.

SUPERVISOR SALADINO: Thank you,

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Counselor. So I asked if there are any comments or questions from the public. We had one. Anyone else?

(Whereupon, no verbal

response.)

SUPERVISOR SALADINO: Please let the record reflect that no one else has identified themselves as wanting to be heard on this hearing.

So is there any correspondence and proof of service?

SUPERVISOR SALADINO: We have affidavits of posting and publication. There is no other correspondence.

SUPERVISOR SALADINO: Frank, I'll ask you again, as I did the last time, did your office receive any correspondence as it relates to this?

TOWN ATTORNEY: I did not receive any correspondence or e-mails regarding this hearing.

SUPERVISOR SALADINO: Okay. Thank you very much.

May I have a motion?

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concludes, 11:32 a.m.)

	TOBAY TOWN BOARD HEARING 3 LOCAL LAW 02.28.23
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2	CERTIFICATE
3	
4	STATE OF NEW YORK)
5	: SS.: COUNTY OF NASSAU)
6	
7	I, KAREN LORENZO, a Notary Public for and
8	within the State of New York, do hereby
9	certify:
10	That the above is a correct transcription
11	of my stenographic notes.
12	IN WITNESS WHEREOF, I have hereunto set
13	my hand this 28th day of February, 2023.
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16	<u>Karen Lorenzo</u>
17	KAREN LORENZO
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____TOP KEY COURT REPORTING, INC. (516) 414-3516 _____20 ___

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3	TOWN	BOARD
4	TOWN OF O	YSTER BAY
5	REGULAR	MEETING
6	February	28, 2023
7	11:32	a.m.
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10	HEAL	RING
11	Fire Protect:	ion Contracts
12		
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14		
15	JOSEPH SALADINO	RICHARD LaMARCA
16	SUPERVISOR	TOWN CLERK
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2	APPEARANCES
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4	PRESENT:
5	SUPERVISOR JOSEPH S. SALADINO
6	COUNCILWOMAN MICHELE M. JOHNSON
7	COUNCILMAN LOUIS B. IMBROTO
8	COUNCILMAN THOMAS P. HAND
9	COUNCILMAN STEVE L. LABRIOLA (ABSENT)
10	COUNCILWOMAN LAURA L. MAIER
11	COUNCILWOMAN VICKI WALSH
12	
13	ALSO PRESENT:
14	RICHARD LaMARCA TOWN CLERK
15	DONNA ANTETOMASO, DEPUTY TOWN CLERK
16	JEFFREY P. PRAVATO RECEIVER OF TAXES
17	
18	APPEARANCES:
19	ELIZABETH FAUGHNAN, ESQ. DEPUTY TOWN ATTORNEY
20	
21	
22	PUBLIC:
23	ARTHUR ADELMAN
24	
25	
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SUPERVISOR SALADINO: Would the Town Clerk now call the fourth hearing?

TOWN CLERK: Today's final hearing is to Consider the 2023 Fire Protection

Agreements With the Incorporated Village of Farmingdale, Glenwood Hook & Ladder

Engine and Hose Company Number 1, Inc.,

Plainview Volunteer Fire Department Inc., and the Wantagh Fire District; and the 2023-2025 Fire Protection Agreement for East Norwich Fire Protection District.

SUPERVISOR SALADINO: Before you get started, I want to once again thank our veterans for leading us in the Pledge.

We're fighting for the rights of Americans, for protecting us, and for continuing to set an amazing standard by which all of us should be judged. God bless you. Thank you for your service.

It's been an honor to honor you, and we thank you very much for being with us today. God bless you both.

Counsel, would you please continue?

DEPUTY TOWN ATTORNEY: Good morning,

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Supervisor. Members of the town board,
Elizabeth Faughnan, Deputy Town Attorney,
Office of the Town Attorney.

I apologize. I'll try and make this brief because I know you're very familiar. But for purposes of the record, I am here before you today to request various fire protection contracts because New York State Town Law Section 184 dictates that in an area where there is not an independent fire district with elected commissioners, the Town Board sits as the commissioners of a Fire Protection District. I come before you every year requesting a contract for fire protection for various areas. Today I am requesting a contract with the Glenwood Hook and Ladder Engine and Hose Company in the amount of \$857,900; A contract with the Incorporated village of Farmingdale, because the Farmingdale Fire Department is actually a division of the village. So the agreement is actually with the village in an amount \$133,747; A

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Fire Department in an amount of \$5,190,236; A contract with the Wantagh,

contract with the Plainview Volunteer

a Fire District for fire protection at

Tobay Beach in an amount of \$8,000; and a

contract with the East Norwich Volunteer

Fire Company for the Fire Protection $\,$

District in an amount for 2022 of

\$406,788. I'm sorry. That was for

calendar year '23. I just want to

correct myself that for calendar year

'23, for calendar year '24, in an amount

not to exceed \$419,895 and for calendar

year '25, a contract amount not to exceed

\$433,527.

Just to remind you, the reason why
the amounts vary is because in an area
such as Plainview, the only municipality
that Plainview Fire Department serves is
the Town of Oyster Bay. So the residents
in the Plainview Fire Protection District
bear that cost solely in an area such as
that protected by the East Norwich
Volunteer Fire Company. That fire company

protects residents of the Hamlet of East
Norwich, what we like to call the Hamlet,
residents of the village of Muttontown,
residents of the villages in the
Brookvilles. So as a result, the Town
proportion is not 100%. So this is just
the Town's cost of the annual budget.
Same thing for the Northeast Farmingdale
Fire Protection District. The Farmingdale
Fire Department protects the majority of
residents of the Incorporated Village of
Farmingdale. They just protect a small
portion of the unincorporated Town of
Oyster Bay.

As part of this request, I do also want to remind you that the residents of the various fire protection districts have authorized length of service award programs for the firemen, what are commonly known as LOSAP programs. The Village of Farmingdale is the sponsor of that LOSAP program, and the cost of LOSAP is included in the entire contract cost. But for the Glenwood/Glen Head area,

there is a joint sponsoring board for LOSAP. So each municipality sits on the board as a joint sponsor of that LOSAP program.

As a result, as part of this request, I'm requesting authorization for the Town's contribution for LOSAP for the Glenwood LOSAP program for 2023, an amount estimated not to exceed \$275,000.

The Town is the sole sponsor of the Plainview Volunteer Fire Department LOSAP Program, and we are requesting an amount not to exceed \$335,000 for the '23 contribution.

In addition, the Town is also -- I want to make it abundantly clear to the board that the LOSAP programs have all been approved by the residents of the fire protection districts. The residents have approved certain benefit programs and certain ages the that the firemen are entitled to collect the benefit. For instance, as you may recall, Plainview residents last fall agreed to extend the

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program from a maximum of 37 years to allow a fireman to earn a maximum of 50 years of service credit, which means that a fireman would receive a \$20 a month benefit for each year of service up to a maximum of 50 years. So all these costs all pertain to LOSAP programs that have been approved specifically by the residents of the Fire Protection District.

I apologize for that lengthy --COUNCILWOMAN JOHNSON: You're all good.

DEPUTY TOWN ATTORNEY: I do want to note for the board that last year the Town Board approved a four year agreement with Oyster Bay Fire Department and with Atlantic Steamer Fire Company for the Oyster Bay Fire Protection District, and that the Greenvale Fire Protection District and the contract with the Bayville Fire Company still do need to be scheduled. My hope is that those hearings will be held at the end of March or the

1	
2	beginning of April. We're working out the
3	final numbers with those entities.
4	SUPERVISOR SALADINO: Thank you.
5	COUNCILWOMAN JOHNSON: Thank you.
6	SUPERVISOR SALADINO: Are there any
7	questions?
8	(Whereupon, no verbal
9	response.)
10	SUPERVISOR SALADINO: Is there any
11	correspondence?
12	TOWN CLERK: We have affidavits of
13	postings and publication, supervisor.
14	There's no other correspondence.
15	SUPERVISOR SALADINO: No other
16	correspondence. You want to be heard on
17	this?
18	MR. ADELMAN: I've got a question.
19	SUPERVISOR SALADINO: Please come
20	forward.
21	MR. ADELMAN: Arthur Adelman,
22	Seacliff, New York. I don't know if
23	Elizabeth has this information. This
24	LOSAP program, I guess that's the service
25	award program?

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DEPUTY TOWN ATTORNEY: Correct.

MR. ADELMAN: As far as I know, that's a defined benefit plan, even though it's not a pension plan. It was initially enacted to encourage recruitment for volunteers locally. You're telling me now that it's going to go up to 50 years, \$20 a month for every year served. Now, this program, who is watching over the money is does each fire district have their own fund or is it all one big fund like -- the Teachers Union, I think has one big fund. Is or is each district and/or and or fire company have their own accounting done and if there's a shortfall that it's got to be made up by their taxpayers as opposed to everybody. I'm just curious if anybody knows what's going on there?

SUPERVISOR SALADINO: Arthur, if you kindly take your seat. As always, we will get you that answer immediately.

DEPUTY TOWN ATTORNEY: Arthur Adelman is correct. These LOSAP programs that I

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described today are all defined benefit programs. They were approved by the taxpayers of each fire protection district. The New York state law does allow a defined contribution program. However, the taxpayers here all chose defined benefit programs, which means that the benefit, the monthly amount, is defined. As opposed to we're going to throw them out, the contribution is defined and however much it earns, it earns. So these are all defined benefits.

Each LOSAP program has its own funds and they are maintained separately by a company that answers to the sponsor or a joint sponsoring board. For instance, the Plainview funds are sourced. I believe originally they were placed with Mass Mutual and the company that coordinates everything is VFIS. They coordinate and keep track of the funds. They are in a very conservative investment program. The Plainview program is actually 100% funded, which means that whatever the

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actuaries project, 100% of the funds are there to be able to meet the benefit, to be able to meet the payments out.

Some fire districts do place their funds with the state comptroller, and the state comptroller manages the funds. All of the programs the Town is involved in, the sponsor or the sponsoring board manages the funds.

With respect to 50 years, Arthur, each LOSAP program can opt as to the maximum number of years. And two years ago, New York State extended that from a maximum of 40 years to a maximum of 50 years. As of now, Plainview was the only LOSAP program that the Town deals directly with that has increased the maximum number of years to 50. And that was approved by the residents of the Plainview Fire Protection District, and it will be paid by the taxpayers in the Plainview Fire Protection District. Glenwood still, I believe, has a maximum of 40 years.

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Some LOSAP programs begin the benefit amount at the age of 55. Some LOSAP programs do not begin the benefit until the age of 62 or 65, such as was chosen or as was approved by the voters in that fire protection district. Did

that answer your question?

MR. ADELMAN: Yeah. But not every fire district the voters voted on some, was the contracted municipality at a pass approved programs.

DEPUTY TOWN ATTORNEY: The state law requires that the municipal board -- for instance, in Plainview it's just the Town of Oyster Bay Board for Glenwood, it is the five municipalities that are served by the Glenwood Fire Company. It was the Town of Oyster Bay, the Village of Roslyn Harbor, Town of North Hempstead. I somehow I'm forgetting. I apologize. Brookville.

SUPERVISOR SALADINO: The point is that in their case, there are multiple municipalities.

1 DEPUTY TOWN ATTORNEY: Each 2 3 municipality has to approve it before it can then -- or the board of each 5 municipality -- before it can even go to 6 the voters of that area. MR. ADELMAN: Okay. 8 SUPERVISOR SALADINO: Thank you very much for the clarification and for 10 answering our resident's question. 11 DEPUTY TOWN ATTORNEY: Thank you. I 12 would just ask the Board the proposed 13 decision is on the agenda today as 14 Resolution 124, if the Board should 15 choose to approve the request. SUPERVISOR SALADINO: Thank you for 16 17 the information. Appreciate that. 18 DEPUTY TOWN ATTORNEY: Thank you, 19 Supervisor. 20 SUPERVISOR SALADINO: With that, 21 correspondence? 22 TOWN CLERK: There is no 23 correspondence. 2.4 SUPERVISOR SALADINO: No 25 correspondence. And we have proof of

TOP KEY COURT REPORTING, INC. (516) 414-3516 _____14 =

1	
2	service.
3	TOWN CLERK: Yes, sir.
4	SUPERVISOR SALADINO: Wonderful.
5	There are no other speakers on this
6	issue. And that I'm sure, because there
7	are no other people in the room. And with
8	that, may I have a motion, please?
9	COUNCILWOMAN JOHNSON: Supervisor,
10	I'll make a motion that this public
11	hearing is closed and decision to be
12	voted on today.
13	COUNCILMAN IMBROTO: Second.
14	SUPERVISOR SALADINO: All in favor,
15	please signify by saying, "Aye".
16	(Whereupon, all members of
17	the Town Board respond in favor
18	with, "Aye".)
19	SUPERVISOR SALADINO: Opposed, Nay.
20	(Whereupon, no verbal
21	response from the Town Board.)
22	SUPERVISOR SALADINO: The "Ayes"
23	have it.
24	All right.
25	

That concludes the public hearings. (Whereupon, above matter concludes, 11:45 p.m.) ____TOP KEY COURT REPORTING, INC. (516) 414-3516 _____16 ___

1	
2	CERTIFICATE
3	
4	STATE OF NEW YORK)
5	: SS.: COUNTY OF NASSAU)
6	
7	I, KAREN LORENZO, a Notary Public for and
8	within the State of New York, do hereby
9	certify:
10	That the above is a correct transcription
11	of my stenographic notes.
12	IN WITNESS WHEREOF, I have hereunto set
13	my hand this 28th day of February, 2023.
14	
15	
16	Karen Lorenzo
17	KAREN LORENZO
18	
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14:14 respect [1] - 12:11 Today's [1] - 3:4 TOP KEY COURT REPORTING, INC. 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1		
2		
3	TOWN	BOARD
4	TOWN OF O	YSTER BAY
5	REGULAR	MEETING
6	February	28, 2023
7	11:45	a.m.
8		
9		
10		
11	ACTION C	CALENDAR
12		
13		
14		
15		
16		
17	JOSEPH SALADINO	RICHARD LaMARCA
18	SUPERVISOR	TOWN CLERK
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20		
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24		
25		
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1	TORAY TOWN BOARI	D ACTION CALENDAR 02.28.23
1	TODAT TOWN BOARD	7 ACTION CALENDAR 02.20.23
	7 D D	EARANCES
2	A P P	EARANCES
3		
4	PRESENT:	
5	SUPERVISOR	JOSEPH S. SALADINO
6	COUNCILWOMAN	MICHELE M. JOHNSON
7	COUNCILMAN	LOUIS B. IMBROTO
8	COUNCILMAN	THOMAS P. HAND
9	COUNCILMAN	STEVE L. LABRIOLA (ABSENT)
10	COUNCILWOMAN	LAURA L. MAIER
11	COUNCILWOMAN	VICKI WALSH
12		
13	ALSO PRESE	N T:
14	RICHARD LaMARCA	TOWN CLERK
15	DONNA ANTETOMASO	DEPUTY TOWN CLERK
16	JEFFREY P. PRAVATO	RECEIVER OF TAXES
17	FRANK SCALERA, ESQ	. TOWN ATTORNEY
18		
19		
20	PUBLIC:	
21	ARTHUR ADELMAN	
22		
23		
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____TOP KEY COURT REPORTING, INC. (516) 414-3516 _____2 _

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SUPERVISOR SALADINO: Normally, we would now break for Executive Session, but since we have Arthur here and, Arthur, I noticed you didn't put in a slip for speaking at public comment at the end of the meeting. What I think we'll do to grant you a favor and be

through. Because you don't want to speak

convenient for you is to continue right

after the meeting is over, let's go right

to the Regular Action Calendar so we can hear from you and we can discuss and vote

on our Regular Action Calendar.

Therefore, you don't have to sit and wait

through the Executive Session this way.

It's convenient for you and hopefully say

for a few because I sense you will be

driving very safely and we want you

protected. So with that. Take things out

of order and let's go right to our our

Resolution Calendar for today's board

 ${\tt meeting.}$

TOWN CLERK: May have a motion to table Resolution 150-2023. On the

j	TOBAY TOWN BOARD ACTION CALENDAR 02.28.23
1	
2	motion?
3	COUNCILWOMAN JOHNSON: So moved.
4	COUNCILMAN IMBROTO: Second.
5	TOWN CLERK: Motion made by
6	Councilwoman Johnson and seconded by
7	Councilman Imbroto.
8	On the vote, Supervisor Saladino.
9	SUPERVISOR SALADINO: Aye.
10	TOWN CLERK: Councilwoman Johnson.
11	COUNCILWOMAN JOHNSON: Aye.
12	TOWN CLERK: Councilman Imbroto.
13	COUNCILMAN IMBROTO: Aye.
14	TOWN CLERK: Councilman Hand.
15	COUNCILMAN HAND: Aye.
16	TOWN CLERK: Councilwoman Maier.
17	COUNCILWOMAN MAIER: Aye.
18	TOWN CLERK: Councilwoman Walsh.
19	COUNCILWOMAN WALSH: Aye.
20	TOWN CLERK: Motion to table
21	Resolution 150-2023 passes with six ayes
22	and zero nays.
23	May I have a motion to suspend the
24	rules and add Resolution 155-157-2023?
25	On the motion.

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,	TOBAY TOWN BOARD ACTION CALENDAR 02.28.23
1	
2	COUNCILWOMAN JOHNSON: So moved.
3	COUNCILMAN IMBROTO: Second.
4	TOWN CLERK: Motion may be
5	Councilwoman Johnson and seconded by
6	Councilman Imbroto.
7	On the vote, Supervisor Saladino.
8	SUPERVISOR SALADINO: Aye.
9	TOWN CLERK: Councilwoman Johnson.
10	COUNCILWOMAN JOHNSON: Aye.
11	TOWN CLERK: Councilman Imbroto.
12	COUNCILMAN IMBROTO: Aye.
13	TOWN CLERK: Councilman Hand.
14	COUNCILMAN HAND: Aye.
15	TOWN CLERK: Councilwoman Maier.
16	COUNCILWOMAN MAIER: Aye.
17	TOWN CLERK: Councilwoman Walsh.
18	COUNCILWOMAN WALSH: Aye.
19	TOWN CLERK: Motion to suspend the
20	rules and add Resolution 155-157 2023
21	passes with six ayes.
22	May have a motion to adopt
23	Resolution P-5-23 - 149 - 2023, and 151 -
24	157 2023?
25	On the motion.

TOBAY	TOWN	BOARD	ACTION	CALENDAR	02.28.23

	TOBAL TOWN BOARD ACTION CALENDAR 02.20.25
1	
2	COUNCILWOMAN JOHNSON: So moved.
3	COUNCILMAN IMBROTO: Second.
4	TOWN CLERK: Motion may be
5	Councilwoman Johnson and Councilman
6	Imbroto.
7	I believe we have one speaker.
8	SUPERVISOR SALADINO: Arthur
9	Adelman, you are that one speaker. Come
10	on up, my friend.
11	MR. ADELMAN: Hello again. For the
12	record, Arthur Adelman, 110 Dubois
13	Avenue, Seacliff, New York.
14	I appreciate the arrangement you
15	just accommodated me with.
16	SUPERVISOR SALADINO: The
17	convenience. It's only convenience.
18	MR. ADELMAN: Okay, so this should
19	be pretty quick. I'll start with
20	Resolution 143. My only question
21	regarding this is I'd like to know what
22	is entailed in a soil investigation at
23	Bethpage Park.
24	SUPERVISOR SALADINO: Arthur, the
25	answer to your question is. Boring.

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Borings. Not to bore you, but borings into the earth.

MR. ADELMAN: So we have someone that does that and then reports back to --

SUPERVISOR SALADINO: An outside contractor. So this allows us to go through the bid process to find that contractor. And just so I can allow you to get on to the next resolution, to some of this up, I'll quote Ronald Reagan, you trust, but verify. We have entities who are working on this site and cleaning it up and we are going to verify so we can ensure that the truth gets out to our residents and they will know that we are taking every step possible to protect their safety and the safety of their drinking water as well as this facility.

MR. ADELMAN: Resolution 136. The only reason I'm commenting on this is because I found inconsistencies in the correspondence between the party that who owns the property and former Commissioner

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Maccarone. She wrote letters trying to get the the Town reimbursed for expenses. And the letters between August and November are inconsistent. One, she says you owe us approximately \$46,000. The \$25,000 you had previously given us has been used in previous cleanups. Then in the second letter I think it is, the \$25,000 is applied. And instead of owing \$46,000, they only owe \$21,000.

So I think clarification not only for the taxpayers and for Nassau County, if they can add that amount to the tax roll. But I think the people that should be reimbursing the Town should have proper accounting of what we spend where their money previously sent, went to and let's move on.

Okay, Moving on. Resolution 155. I'm curious what this is for. This talks about approving an appraisal for a property being done by Lynch Appraisal.

And they're going to submit a bill and we're going to pay them \$1,500 dollars

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for this appraisal. My only problem is back in October, we authorized Lynch Appraisal to appraise the property noted here, that we were going to give them \$3,500 and the task would be completed within 45 days, which would have been the end of December. And that was Resolution 754-22, if you want to reference it.

I'm just curious, is this \$1,500 an additional compensation to appraise this property, or did they never do the previous appraisal they quoted a price of \$3,500? I think it should be clarified, and I'm curious to know what's going on.

So I thank you and have a wonderful day.

SUPERVISOR SALADINO: Thank you, sir.

MR. ADELMAN: I appreciate your responses.

SUPERVISOR SALADINO: Thank you.

Come on up, Frank.

TOWN ATTORNEY: May I start with

Resolution 155?

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SUPERVISOR SALADINO: Just the one. We gave him the answer on the other two. Just provide information on 155.

TOWN ATTORNEY: Very simple. parcel which was appraised was appraised initially under that previous resolution of 754-2022.

However, since that time, there have been certain legal arguments and positions taken by the current owner of the property, that being United States Postal Service. That position, without going too much into detail because we're still in a possible negotiation stage, the legal positions they're taking caused us to go back to the appraiser and ask for an amended appraisal with a different assumption that wasn't considered in the initial appraisal. Another assumption. When an appraiser does an appraisal, they assume certain things. Assumptions is a term of art and an appraisal. So they will assume that the property is used for business purposes, or used for parks

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purposes, or in this particular case was to be used for government purposes only. But the current owner of the property has made a different argument regarding what the property status is.

COUNCILMAN IMBROTO: So this supplements and amends.

TOWN ATTORNEY: So this supplements and amends. For an additional \$1,500. The current appraisal which was conducted and performed under the initial Resolution of 754-2022, is being supplemented or amended for just an additional \$1,500 to take into account the assumptions in furtherance of our negotiations with the property.

COUNCILMAN IMBROTO: Thank you.

TOWN ATTORNEY: That's basically it.

SUPERVISOR SALADINO: Thank you so much, Frank.

With that, there are no other slips and there are no other residents here who would like to be heard.

So may we please call for a vote?

1	TOBAY TOWN BOARD ACTION CALENDAR 02.28.23
1	
2	Any other correspondence or postings?
3	TOWN CLERK: No, sir. No other
4	correspondence.
5	SUPERVISOR SALADINO: So please,
6	let's call for a vote.
7	TOWN CLERK: Supervisor Saladino.
8	SUPERVISOR SALADINO: Aye.
9	TOWN CLERK: Councilwoman Johnson.
10	COUNCILWOMAN JOHNSON: Aye.
11	TOWN CLERK: Councilman Imbroto.
12	COUNCILMAN IMBROTO: Aye on all.
13	TOWN CLERK: Councilman Hand.
14	(Whereupon, Councilman is
15	absent.)
16	TOWN CLERK: Councilwoman Maier.
17	COUNCILWOMAN MAIER: Aye.
18	TOWN CLERK: Councilwoman Walsh.
19	COUNCILWOMAN WALSH: Aye.
20	(Whereupon, Councilman Hand
21	returns.)
22	TOWN CLERK: Councilman Hand, we're
23	voting on the resolutions.
24	COUNCILMAN HAND: Aye on all.
25	TOWN CLERK: Motion to adopt

_____TOP KEY COURT REPORTING, INC. (516) 414-3516 _____12 ___

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Resolution P-5-23 through 149-2023 Passes with six ayes. Resolution 150-2023 has been tabled. Resolution 151 through 157-2023 passes with six ayes and zero nays.

The Calendar is complete, Supervisor.

SUPERVISOR SALADINO: Thank you very much.

At this point, we're not going to close our hearing, but we are going to take a break for the purposes of an Executive Session and then afterwards come out and close out the hearing. With that --

COUNCILWOMAN JOHNSON: Supervisor, I'll make a motion that this Board enters into Executive Session for the purpose of discussion pending litigation.

COUNCILMAN IMBROTO: Second.

SUPERVISOR SALADINO: All in favor, please signify by saying, "Aye".

> (Whereupon, all members of the Town Board respond in favor

	TOBAY TOWN BOARD ACTION CALENDAR 02.28.23
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2	with, "Aye".)
3	SUPERVISOR SALADINO: Those opposed?
4	(Whereupon, no verbal
5	response.)
6	SUPERVISOR SALADINO: The ayes have
7	it. Thank you.
8	(Whereupon, Executive
9	Session, 11:57 a.m 1:42 p.m.)
10	SUPERVISOR SALADINO: May I have a
11	motion, please?
12	COUNCILWOMAN JOHNSON: Supervisor, I
13	make a motion that the Executive Session
14	be closed, no action was taken.
15	COUNCILMAN IMBROTO: Second.
16	SUPERVISOR SALADINO: All in favor
17	of the motion made by Councilwoman
18	Johnson and seconded by Councilman
19	Imbroto, please signify by saying, "Aye".
20	(Whereupon, all members
21	present respond in favor.)
22	SUPERVISOR SALADINO: Those opposed,
23	"Nay".
24	(Whereupon, no verbal
25	response.)

______TOP KEY COURT REPORTING, INC. (516) 414-3516 _____14 _____

TOBAY TOWN BOARD ACTION CALENDAR 02.28.23 1 SUPERVISOR SALADINO: The ayes have 2 3 it. With that, may I have a motion to 4 5 close the meeting? COUNCILWOMAN JOHNSON: Supervisor, I 6 7 make a motion that this meeting be 8 closed. COUNCILMAN IMBROTO: Second. 10 SUPERVISOR SALADINO: All in favor, 11 please signify by saying, "Aye". 12 (Whereupon, all members 13 respond in favor.) 14 SUPERVISOR SALADINO: Those opposed, 15 "Nay". 16 (Whereupon, no verbal 17 response.) 18 SUPERVISOR SALADINO: They ages have 19 it. 20 (Whereupon, the meeting is 21 closed, 1:44 p.m.) 22 23 2.4 25

TOP KEY COURT REPORTING, INC. (516) 414-3516 _____15 =

	TOBAY TOWN BOARD ACTION CALENDAR 02.28.23
1	
2	CERTIFICATE
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4	STATE OF NEW YORK)
5	: SS.: COUNTY OF NASSAU)
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7	I, KAREN LORENZO, a Notary Public for and
8	within the State of New York, do hereby
9	certify:
10	That the above is a correct transcription
11	of my stenographic notes.
12	IN WITNESS WHEREOF, I have hereunto set
13	my hand this 28th day of February, 2023.
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15	
16	<u>Karen Lorenzo</u>
17	KAREN LORENZO
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