

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
MAY 22, 2018
7:09 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND

A B S E N T:

COUNCILMAN ANTHONY D. MACAGNONE

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, welcome to the Town of Oyster Bay Town
3 Board meeting of Tuesday, May 22, 2018.

4 We have some other Board members who
5 will be attending soon, but we've been asked to get
6 the meeting started on time so -- and I think
7 that's a great idea.

8 Good evening and welcome to the Oyster
9 Bay Town Hall.

10 To lead us in prayer this evening will
11 be Rabbi Dovid Weinbaum, who is the associate Rabbi
12 and Youth Director of The Chai Center, traditional
13 Jewish values are brought to life in a joyous
14 nonjudgmental atmosphere at The Chai Center, and
15 everyone is welcome, regardless of their level of
16 observance.

17 Prayer, to begin our meetings, was
18 something that I instituted when I first got here
19 fifteen months ago. I'm proud that we begin every
20 Board meeting with prayer and we ensure that our
21 prayer is led by a diverse group of many, if not
22 all, of the religions represented by our Town of
23 Oyster Bay residents.

24 So, Rabbi Weinbaum, would you please
25 step forward and lead us in prayer and would

1 everyone please rise?

2 (Whereupon, a prayer was recited by
3 Rabbi Weinbaum.)

4 SUPERVISOR SALADINO: Thank you, Rabbi
5 Dovid Weinbaum.

6 Such an important message. We have
7 students here, young people, people of all ages and
8 walks of life, including our beloved veterans.
9 Such an important message that tolerance must
10 prevail over everything else.

11 We come from different walks of life.
12 We come from different opinions and different
13 views, different philosophies, but respect for one
14 another and working together to create the best
15 Town possible is really our mission and by ensuring
16 that we respect one another and we have tolerance
17 for one another, even with every difference that
18 may be out there is the best way to embrace
19 America.

20 On the subject of embracing America,
21 our Pledge of Allegiance will be led by take
22 Hicksville VFW Post 3211, Commander Bill Walden.

23 (Whereupon, the Pledge of Allegiance
24 was recited by Commander Bill Walden.)

25 SUPERVISOR SALADINO: Thank you, Bill

1 Walden.

2 Ladies and gentlemen, you may all have
3 a seat. Thank you, Commander.

4 You know, we have recognized that our
5 men and woman in the United States Armed Forces do
6 so much for us, and quite frankly, here in the Town
7 of Oyster Bay and in public meetings like this, in
8 capitals, Town Halls, village halls, across
9 America, take place because of the sacrifice of our
10 veterans.

11 So we also want to use this opportunity
12 to remember those we have lost, cherish those who
13 have given so many sacrifices, and their lives are
14 changed forever as we thank our veterans.

15 With Memorial Day less than a week
16 away, we're proud to take this opportunity to
17 recognize all of our veterans, and especially VFW
18 Post 3211 as one of the Town's most distinguished
19 veteran organizations. This Post, not only was it
20 founded in 1935, but the members of the Post
21 support so many programs to increase awareness of
22 the sacrifices of America's veterans, promote
23 citizenship, education, volunteerism, positive
24 youth programs, and they also work to facilitate
25 aid for our veterans and their families in need of

1 medical, rehabilitative, educational and employment
2 services.

3 As a matter of fact, which is a
4 tremendous testament not only to the veterans here
5 today, but for so many caring people who love our
6 veterans, this particular veteran organization from
7 Hicksville, the VFW Post, brought with them today,
8 many boxes of food and supplies to contribute to
9 our Soldiers Supply Collection Drive.

10 This program, chaired by Councilman
11 Tony Macagnone has been a tremendous success and we
12 remind the public, especially those watching on the
13 Internet, to please make sure that you donate to
14 our veterans. And we have collection boxes at
15 multiple locations in our Town Halls and Town
16 programs.

17 Over the last 83 years, under the
18 direction of members like Commander Bill Walden,
19 members of this Post have participated in many
20 commemorative events and involved themselves in
21 countless charitable programs, programs that
22 benefit our veterans. Programs that benefit our
23 communities, and remind us of pride each and every
24 time we see them with their head gear on, with
25 their uniforms on, marching in parades, and the

1 list goes on and on.

2 You, gentleman and ladies, are a model
3 for other veteran organizations because of your
4 leadership and community activity. For many, many,
5 many years, 83 years plus, you've been working hard
6 to remind the public of why it is so important to
7 respect and honor our veterans.

8 My colleagues and the Town government
9 and I truly commend your outstanding service and
10 sacrifice, and we take this opportunity to publicly
11 acknowledge and recognize the Post, 83 years of
12 service to the community, as well as those who have
13 defended this great nation's freedom.

14 Please, Town Board Members, join us
15 with all of our veterans down here where we can
16 make a presentation to you led by Councilman Tom
17 Hand, and we would all would like to say thank you
18 to our veterans.

19 (Applause.)

20 (Whereupon, a Town Citation was
21 presented to all officers and members of the
22 Hicksville Veterans of Foreign Wars, William M.
23 Gouse, Jr., Post 3211 present tonight.)

24 SUPERVISOR SALADINO: Commander, I
25 understand you'd like to say a few words.

1 If everyone can take their places,
2 please, including Lou. Take our seats,, the
3 Commander has a few words.

4 COMMANDER WALDEN: Town of Oyster Bay,
5 Supervisor Joe Saladino, members of the Town Board,
6 guests, friends, on behalf of the officers and
7 members of the Hicksville Veterans of Foreign Wars,
8 William M. Gouse, Jr., Post 3211, I would like to
9 thank the Town for this recognition.

10 It is an honor to accept this
11 recognition on behalf of them. The officers and
12 members of Post 3211 continue to dedicate
13 themselves to the preservation of values and
14 principles of our great country and community.

15 They have maintained their traditions
16 of Veterans of Foreign Wars of the United States in
17 the service of our veterans and their families.

18 This year, 2017 to 2018, for the second
19 year in the row, the Hicksville Veterans of Foreign
20 Wars was named in all state Posts by the Veterans
21 of Foreign Wars Department of New York. It is an
22 honor that less than 1 percent of all of the VFWs
23 in the country receive.

24 Knowing that the Town is doing their
25 collection for the troops, we brought a few items

1 with us and we put them in the back, and we thank
2 the Town for their continued support of our
3 veterans and servicemen and servicewomen that are
4 serving today.

5 Thank you all again. God bless our
6 great country. God bless the Town of Oyster Bay.
7 Semper Fidelis.

8 (Applause.)

9 SUPERVISOR SALADINO: Again, let's here
10 it for our veterans.

11 (Applause.)

12 SUPERVISOR SALADINO: Thank you,
13 Commander.

14 I just want to point out, the Commander
15 made quite an understatement when he said we
16 brought a few things. They brought boxes of
17 supplies for our veterans. Very generous.

18 Once again, you dig in with a mission
19 and you get it done right. We owe you so much,
20 including our great nation.

21 God bless you and God bless every
22 veteran.

23 (Applause.)

24 COMMANDER WALDEN: Do you need us for a
25 vote or anything? You need about 20 extra votes?

1 We are available.

2 SUPERVISOR SALADINO: Off the record.

3 (Whereupon, a discussion was held off
4 the record.)

5 SUPERVISOR SALADINO: All right.

6 We are back on the record.

7 We have a second presentation and I
8 know that Councilwoman Rebecca Alesia will be here
9 shortly, so I want to give a couple of minutes
10 because I know she so much wants to be involved in
11 this next presentation so I'll give a little bit of
12 information and let's see.

13 Perfect timing, Councilwoman.

14 How are you?

15 COUNCILWOMAN ALESIA: Splendid,
16 Supervisor.

17 How are you?

18 SUPERVISOR SALADINO: Good. Good.

19 So for our second presentation this
20 evening, the Oyster Bay Town Board is proud to
21 honor the extraordinary accomplishments of two very
22 special Plainview residents, Justin Winwar and
23 Justin Mintz.

24 These fine young men earned special
25 recognition by CTeen West Suffolk for their

1 community service. CTeen is the fastest growing
2 Jewish teen network in the world and inspires and
3 facilitates teens to give back to their community
4 and environment with emphasis on positive character
5 development.

6 Justin Mintz is this year's CTeen West
7 Suffolk's Rookie of the Year Award recipient and
8 Justin Winwar is this year's CTeen West Suffolk's
9 Kindness Award recipient.

10 My colleagues and on the Town Board and
11 in Town government, meaning all of our colleagues,
12 the Receiver of Taxes, the Town Clerk, all of our
13 employees, and all of our residents join in
14 saluting the achievements of both of you.

15 Please join us up front with your
16 families and we have special presentations to be
17 made to you by Councilwoman Rebecca Alesia.

18 (Applause.)

19 (Whereupon, a Town Citation was
20 presented to Justin Winwar and Justin Mintz.)

21 (Applause.)

22 JUSTIN MINTZ: Thank you all the
23 Councilmen and women for having me, and Supervisor
24 Saladino.

25 I'd like to also thank Rabbi Dovid for

1 welcoming me into CTeen. It is very great and it
2 changed my life.

3 (Applause.)

4 SUPERVISOR SALADINO: Wonderful.

5 Would you like to say something? No.

6 Okay.

7 Councilwoman, would you like to say
8 something?

9 COUNCILWOMAN ALESIA: I think he said
10 it perfectly.

11 Thank you.

12 SUPERVISOR SALADINO: He said it
13 perfectly.

14 So on behalf of all of you, I have an
15 expression that's been in my Italian family for
16 many, many years that's so fitting right now, mazel
17 tov.

18 God bless you. You set a fine example
19 for everyone, students, young people and people of
20 all ages. Continue to do good work.

21 Let's have another hand for the two of
22 them. Justin Mintz and Justin Winwar, and your
23 families, God bless.

24 (Applause.)

25 SUPERVISOR SALADINO: We have greatly

1 shortened our list of news and goings on, just to
2 keep things going here at the meeting, but there
3 are just three small items that I think are very,
4 very important for us to cover here to remind our
5 public about.

6 The Town and Bayville Anti Tunnel
7 Committee will host a public meeting on the impact
8 of such project on June 4th. We will have
9 additional details to be released this week. We're
10 working out all the details. The community
11 continues to ask for our support and stay tuned to
12 our Town of Oyster Bay website to get more
13 information about this.

14 Today, the Town Board will consider
15 hosting a special meeting on June 5th to finalize
16 plans for the Hicksville garage repair and
17 alternative transportation plan for commuters.
18 This special meeting is necessary as a bond
19 resolution must be amended, and this meeting must
20 be held to maintain our construction schedule.

21 And furthermore, we'll be delivering a
22 State of the Town Address and that will be coming
23 up. At this point, we have it scheduled for
24 June 12th, but please stay tuned to our Town
25 website so we hold that at the most appropriate

1 time so that we can continue to get information to
2 our residents about the status of the Town of
3 Oyster Bay.

4 Now, if no one else has anything, I
5 will ask our Town Clerk James Altadonna, Jr. to
6 please poll the Board.

7 MR. ALTADONNA: Supervisor, as I did
8 last year, before we poll the Board, I had the
9 privilege of spending Memorial Day in Arlington
10 Cemetery and I was given a soldier's name.

11 His name is a SPC, Dusenbery, William
12 D. He hails from Fairview Heights, Illinois. He
13 was involved in Operation Iraqi Freedom and he made
14 the ultimate sacrifice 11/15/2003, and it's just
15 something that I'd like read into the record so he
16 is remembered here in Oyster Bay for serving his
17 country.

18 Thank you.

19 SUPERVISOR SALADINO: Thank you.

20 We join with James Altadonna Jr., our
21 Town Clerk, all the Board Members, our Receiver, in
22 expressing our appreciation for all this soldier
23 has given and our feelings toward his family and
24 loved ones, as well as the families, the loved ones
25 as we express our appreciation and support to all

1 the Town of Oyster Bay residents who have either
2 paid the ultimate sacrifice or who's lives have
3 been drastically changed in their effort to protect
4 our freedoms.

5 God bless you all.

6 (TIME NOTED: 7:34 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
MAY 22, 2018
7:35 P.M.

HEARING - P-2-18

To consider an application from ISLAND PROPERTIES, LLC, fee owner, for a Special Use Permit for permission to place a portable bar for on-site Consumption of alcoholic beverages on a parcel of land located in the Light Industry (LI) Zone of the Town of Oyster Bay and located at 5 Bay Avenue, Oyster Bay, New York. (M.D. 5/1/18 #24).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

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COUNCILMAN JOSEPH D. MUSCARELLA
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COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND

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taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would you please
2 call the first hearing?

3 MR. ALTADONNA: Supervisor Saladino?

4 SUPERVISOR SALADINO: I'm sorry, roll
5 call.

6 MR. ALTADONNA: Supervisor Saladino?

7 SUPERVISOR SALADINO: Present.

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: Here.

10 MR. ALTADONNA: Councilman Macagnone is
11 on his way?

12 COUNCILWOMAN ALESIA: He's going to be
13 absent tonight.

14 MR. ALTADONNA: Absent, okay.
15 Councilwoman Alesia?

16 COUNCILWOMAN ALESIA: I am here.

17 MR. ALTADONNA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: Here.

19 MR. ALTADONNA: Councilman Imbroto?

20 COUNCILMAN IMBROTO: Present.

21 MR. ALTADONNA: Councilman Hand?

22 COUNCILMAN HAND: Here.

23 MR. ALTADONNA: I'll call the first
24 hearing.

25 SUPERVISOR SALADINO: Please.

1 MR. ALTADONNA: Hearing P-2-18 to
2 consider an application from Island Properties,
3 LLC, fee owner, for a special use permit for
4 permission to place a portable bar for on-site
5 consumption of alcoholic beverages on a parcel of
6 land located in the Light Industrial, LI zone, of
7 the Town of Oyster Bay and located at 5 Bay Avenue,
8 Oyster Bay, New York.

9 MR. MANCUSI: Good afternoon,
10 Supervisor.

11 My name is Michael Mancusi. I'm the
12 attorney for the applicant, the Oyster Bay Marine
13 Center located at 255 South Street in Oyster Bay.

14 We're here tonight seeking approval for
15 a special use permit for a seasonable and portable
16 bar located at Oyster Bay Marine Center at 5 Bay
17 Avenue in Oyster Bay. The center is located in the
18 Light Industrial Zone and except for the Yacht
19 Club, which is adjacent to it, all of the other
20 uses are industrial in nature.

21 This bar is intended to be an amenity
22 for the Oyster Bay Marine Center's existing
23 customers in addition to being an amenity for
24 anybody out on the harbor that wants to stop in,
25 any boat passengers for a cold one.

1 This bar is likely to be on wheels or a
2 cart. It's going to be open seasonally from
3 Memorial Day through maybe October 15th, through
4 the end of October. The anticipated hours of
5 operation will be 4:00 p.m. to 11:00 p.m., weather
6 permitting. There's ample parking at OBMC, Oyster
7 Bay Marine Center. This plan requires 57 spaces,
8 which includes parking spots for employees and the
9 existing boat slips.

10 Currently, OBMC has 150 spaces
11 available. In addition, there are bathroom
12 facilities that are already there that are more
13 than adequate for the bar.

14 I would like to note that the bar will
15 not be open for business until there is a New York
16 State Liquor License in effect at the premises.

17 In addition, the applicant is aware
18 that it would be necessary to execute the
19 declaration of covenants or restrictions upon
20 receiving the Town Board's approval of the special
21 use permit. The applicant sent out written
22 notifications to the neighbors on May 8th and
23 posted notification outside the premises pursuant
24 to Town Code.

25 At this point, I'm here with William

1 Schaefer, who oversees the operations at the Oyster
2 Bay Marine Center, and we can address any questions
3 that the council members have or any questions that
4 the public has.

5 Thank you.

6 SUPERVISOR SALADINO: Let's start off
7 with the Board.

8 COUNCILMAN IMBROTO: Is this going to
9 be similar to what was there last year?

10 MR. MANCUSI: Yes.

11 COUNCILMAN IMBROTO: Is it going to be
12 different in any significant way?

13 MR. MANCUSI: No. It's not anticipated
14 to be.

15 COUNCILWOMAN JOHNSON: Did you have a
16 valid liquor license last year to operate?

17 MR. MANCUSI: Last year, we were
18 operating under the Oyster Bay Brewery's license.

19 COUNCILWOMAN JOHNSON: With permission
20 from the Board for use or did you need permission
21 at that time?

22 MR. MANCUSI: We do not think we needed
23 permission. We were operating -- we granted the
24 Oyster Bay Brewery folks a permit to be there and
25 they were there on Friday and Saturday nights.

1 COUNCILWOMAN JOHNSON: So why would you
2 think you need permission this year?

3 MR. MANCUSI: We are going to do it
4 ourselves.

5 COUNCILWOMAN JOHNSON: Can the Town
6 Attorney weigh in on that? Is that proper for them
7 to have been operating under the permission of a
8 different brewery?

9 MR. ROZEA: Councilwoman, I have to
10 check with the State Liquor Authority and the
11 regulations, consult with, perhaps, a liquor
12 authority attorney to find out what the status of
13 the permit, if one was necessary, and what impact
14 that would have had on last year's operations as
15 well as this year.

16 COUNCILWOMAN JOHNSON: Thank you.

17 MR. SCHAEFER: The brewery did get a
18 pouring permit through their -- they're regulated
19 through New York State as a brewery, local brewery,
20 and they're regulated differently than a liquor
21 license. So the brewery got all that before they
22 started.

23 COUNCILWOMAN JOHNSON: How many
24 customers did you have typically on a weekend or
25 during the weekday?

1 MR. SCHAEFER: Typical night, 20 to 25.

2 COUNCILWOMAN JOHNSON: By boat or by
3 car?

4 MR. SCHAEFER: By boat and car.

5 COUNCILWOMAN JOHNSON: How many
6 transient slips do have available?

7 MR. SCHAEFER: We -- transient slips
8 vary, but we can accommodate up to five boats in an
9 evening typically, and then we have 25 moorings in
10 the harbor.

11 COUNCILWOMAN JOHNSON: Are you serving
12 food at the same time?

13 MR. SCHAEFER: Last year we served just
14 a lobster roll from -- which was provided by the
15 Coach Grill.

16 COUNCILMAN MUSCARELLA: Do you have a
17 bar inside the building?

18 MR. SCHAEFER: No.

19 COUNCILMAN MUSCARELLA: Okay. You
20 don't serve alcohol inside at all?

21 MR. SCHAEFER: No.

22 SUPERVISOR SALADINO: Any other
23 questions? Okay.

24 Just one quick question. Yes.

25 COUNCILWOMAN JOHNSON: I just want to

1 know how many servers there are, how many
2 bartenders.

3 MR. SCHAEFER: I would anticipate one
4 bartender. This is an amenity for our customers.
5 We're not looking to do anything big. It's just --
6 it's a reaction to our customers.

7 COUNCILWOMAN JOHNSON: No, I
8 understand.

9 I actually had someone ask me today why
10 there weren't more places on the water, but I'm a
11 little leery of the fact that you guys were open
12 last year and now coming to us for permission for
13 this year.

14 MR. SCHAEFER: Right.

15 COUNCILWOMAN JOHNSON: Just raise a
16 little bit of a question in my mind. Okay.

17 SUPERVISOR SALADINO: And will your
18 bartender or bartenders have some training -- I
19 think I need a drink -- excuse me. Question
20 answered. Excuse me.

21 COUNCILMAN HAND: I think where the
22 Supervisor is going with this is similar to what
23 they have in City Field. Liquor enforcement
24 officer, as your bartender is trained and were to
25 cut off and to make sure they only provide those

1 that are able to drink, worry about DWI, and things
2 of those issues that are out on the waterways.

3 MR. SCHAEFER: We would hire the proper
4 person, whatever the State requires as a bartender,
5 we will follow whatever the law is.

6 SUPERVISOR SALADINO: Okay. Thank you.

7 Just an issue about being mindful of
8 safety for those leaving the facility either by
9 water or by land to ensure that we have safety on
10 our roads and on the water.

11 Thank you.

12 Any others? Any other questions from
13 Board members?

14 Okay. We have one speaker that has
15 indicated that they'd like to come up, and that's
16 Arthur Adelman.

17 MR. ADELMAN: Supervisor, council
18 people, going over tonight's agenda, I saw this
19 hearing on the agenda and there was no surprise
20 there was no backup data about what it entailed.
21 From what I've heard, frankly, I think this might
22 start a very, very poor precedent in the Town,
23 that any Industrial Zoned property might come to us
24 and say, I'd like to set up a portable bar if I can
25 get a liquor -- if I can get a liquor license. I

1 don't -- I don't understand. I looked -- I Googled
2 the property because I didn't have enough time to
3 drive over there and there was a big Dumpster in
4 front of the Google property at 5 -- what's it, Bay
5 Street?

6 MR. SCHAEFER: 5 Bay Avenue.

7 MR. ADELMAN: 5 Bay Avenue, and it's a
8 big -- looks like a vacant piece of property, so to
9 me, it looked like someone's going to put a hotdog
10 cart up there and, you know, serve alcoholic
11 beverages to anybody that drove up, wanted to
12 drink, and could leave, and with no public
13 enforcement, no watchdog.

14 I just -- to me, I don't understand why
15 anybody can come here and ask for a -- it's not --
16 it's not a liquor license; just permission to have
17 a bar.

18 SUPERVISOR SALADINO: Well, the
19 reason -- just to answer your question, the very
20 specific question, the Town of Oyster Bay does not
21 provide liquor licenses; the State Liquor Authority
22 does, so this is subject to all of the requirements
23 of the State Liquor Authority and we will not be
24 giving them permission unless the State Liquor
25 Authority does.

1 MR. ADELMAN: Who's going to be the
2 holder of the liquor license, Island Properties,
3 LLC?

4 SUPERVISOR SALADINO: That's one of the
5 questions we'll ask them.

6 MR. MANCUSI: That would be --

7 MR. ADELMAN: Or the OB Marine Center?

8 MR. MANCUSI: The principal company is
9 O Bay Properties, LLC that owns the Oyster Bay
10 Marine Center.

11 MR. ADELMAN: But the way I read the
12 application is from Island Properties.

13 MR. MANCUSI: Island Properties is
14 landowner.

15 SUPERVISOR SALADINO: This is just the
16 same as many cases all over the United States where
17 an entity owns a building and someone comes and
18 rents that building because they want to put in a
19 bar or a restaurant. That lessee then gets, just
20 like everywhere else, the lessee gets the Liquor
21 Authority permission and they go to owner of the
22 property where they have a lease.

23 So unless you can provide us with
24 different information, is that an accurate
25 depiction?

1 MR. MANCUSI: That is, Supervisor,
2 O Bay Properties, LLC is the tenant at the Island
3 Property.

4 SUPERVISOR SALADINO: One is lessee?

5 MR. MOLINARI: Correct.

6 SUPERVISOR SALADINO: Similar to bars
7 and restaurants on land across America?

8 MR. MANCUSI: Correct.

9 MR. ADELMAN: Entrance, admission to
10 the portable bar will be from bay or from the water
11 side?

12 MR. MANCUSI: From both. It will be
13 for the existing customers at the Marine Center.

14 COUNCILWOMAN JOHNSON: It will be from
15 land or by sea.

16 MR. ADELMAN: So it's like a membership
17 type of situation?

18 MR. MANCUSI: Similar, but not exactly.

19 MR. ADELMAN: I mean, you're not going
20 to have folks walking, getting off and walking
21 around the corner and going for a quick -- I mean,
22 they could, theoretically, right?

23 MR. MANCUSI: We don't anticipate that.

24 MR. ADELMAN: That's all I have.

25 SUPERVISOR SALADINO: Thank you.

1 Is there anyone else who would like to
2 be heard or has a question on this application?

3 COUNCILWOMAN ALESIA: I actually do
4 now, I didn't before, but I'm not a boater, so
5 forgive me if this is a dumb question, but is it
6 common for people to be able to pull their boats up
7 and get drinks, isn't that kind of like driving up
8 to a place and getting a drink and driving your
9 car?

10 SUPERVISOR SALADINO: Well, we can ask
11 our attorneys about the specifics, but we have this
12 situation at restaurants and bars on the water all
13 over the state.

14 COUNCILWOMAN JOHNSON: You have to have
15 a driver for your boat.

16 SUPERVISOR SALADINO: You have -- the
17 driver of the boat has a limit to how much they can
18 consume and still be legally allowed to operate.

19 COUNCILMAN IMBROTO: And to answer your
20 question I believe you're asking, the license is
21 going to be for on-premises consumption?

22 MR. MANCUSI: Correct.

23 COUNCILMAN IMBROTO: Okay. They are
24 not going to be able to get beers to go, is that
25 what you're asking?

1 COUNCILWOMAN ALESIA: I guess I'm just
2 sort of --

3 COUNCILWOMAN JOHNSON: Are they going
4 to be able to get beers to go?

5 MR. MANCUSI: No. It is for on-site
6 consumption.

7 COUNCILWOMAN ALESIA: I guess I was
8 just sort of confused about it. It's not a case
9 for us not to question it for precedence though;
10 this exists other places?

11 SUPERVISOR SALADINO: All over.

12 COUNCILMAN IMBROTO: No. They're many
13 places.

14 COUNCILWOMAN JOHNSON: Directly next
15 door is the Sagamore Yacht Club and they have food
16 and beverage.

17 COUNCILWOMAN ALESIA: I'm from the
18 middle island, landlocked person.

19 Thank you.

20 SUPERVISOR SALADINO: Anyone? No one
21 else? Is there any correspondence?

22 MR. ALTADONNA: The attorney for the
23 applicant has filed his Affidavit of Services and
24 Disclosures. We have memos from the Department of
25 Planning and Development. As per present review

1 procedures, the required off-street parking for the
2 proposed application is 57 spaces.

3 I have to be quiet now.

4 Total spaces provided is 150 spaces.
5 The Nassau County Land and Tax Map indicates the
6 property is Section 27, Block A, Lot 40.

7 According to the Town of Oyster Bay
8 Zoning Maps, the property is located within an LI,
9 Light Industrial, zone. There are no open Code
10 Enforcement Bureau cases; however, there are prior
11 Town Board Resolutions and Zoning Boards of Appeal
12 decisions on file for the subject premise.

13 There is no further correspondence.

14 SUPERVISOR SALADINO: Just for total
15 clarity, if I may, I'd just like to ask our legal
16 counsel, under those conditions, would there be
17 anything in them that would prohibit them from
18 serving alcohol on premises, these previous
19 covenants and restrictions?

20 MR. ROZEA: Well, as I understand the
21 application is for site plan approval to allow
22 on-site service.

23 One point of order, though, I
24 understand that the Resolution does need to be
25 amended to now add the licensee name, did you say

1 was O Bay --

2 MR. MANCUSI: O Bay Properties, LLC.

3 MR. ROZEA: So we will need to amend
4 the Resolution to reflect that the licensee is also
5 involved in this.

6 SUPERVISOR SALADINO: There are no
7 other speakers, so I'll ask for two motions.

8 First, we need a motion to amend.

9 COUNCILMAN MUSCARELLA: Supervisor, I
10 make a motion to amend the Resolution.

11 COUNCILWOMAN ALESIA: Second.

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

14 SUPERVISOR SALADINO: "Aye."

15 COUNCILMAN MUSCARELLA: "Aye."

16 COUNCILWOMAN ALESIA: "Aye."

17 COUNCILWOMAN JOHNSON: "Aye."

18 COUNCILMAN IMBROTO: "Aye."

19 COUNCILMAN HAND: "Aye."

20 SUPERVISOR SALADINO: Against, "Nay."

21 (No verbal response given.)

22 SUPERVISOR SALADINO: The "Ayes" have
23 it.

24 May I have a second motion?

25 COUNCILWOMAN JOHNSON: Was the

1 application in the lessee's name or the property
2 owner's name, and does the application then need to
3 be amended?

4 COUNCILMAN IMBROTO: No.

5 An application to the Town -- to us
6 would normally be under the owner's name.

7 COUNCILWOMAN JOHNSON: Okay. Just
8 making sure.

9 Is that correct? That's fine. Okay.

10 COUNCILMAN MUSCARELLA: Supervisor, I
11 make a motion that this public hearing be closed
12 and the decision be voted on tonight.

13 COUNCILWOMAN ALESIA: Second.

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

16 SUPERVISOR SALADINO: "Aye."

17 COUNCILMAN MUSCARELLA: "Aye."

18 COUNCILWOMAN ALESIA: "Aye."

19 COUNCILMAN IMBROTO: "Aye."

20 COUNCILMAN HAND: "Aye."

21 COUNCILWOMAN JOHNSON: I vote no on
22 that, because I'd like to know if they were proper
23 in their use last year.

24 SUPERVISOR SALADINO: Okay. And this
25 is the motion to bring it up to a vote tonight and

1 close the hearing.

2 All in favor, signify by saying "Aye."

3 SUPERVISOR SALADINO: "Aye."

4 COUNCILMAN MUSCARELLA: "Aye."

5 COUNCILWOMAN ALESIA: "Aye."

6 COUNCILMAN IMBROTO: "Aye."

7 COUNCILMAN HAND: "Aye."

8 SUPERVISOR SALADINO: Against, "Nay."

9 COUNCILWOMAN JOHNSON: "Nay."

10 SUPERVISOR SALADINO: And the "Ayes"

11 have it.

12 One, two, three, four -- five to one.

13 MR. MANCUSI: Thank you.

14 SUPERVISOR SALADINO: Thank you very

15 much.

16 (TIME NOTED: 7:49 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
MAY 22, 2018
7:50 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILMAN JOSEPH D. MUSCARELLA
COUNCILWOMAN REBECCA M. ALESIA
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS HAND

A B S E N T:

COUNCILMAN ANTHONY D. MACAGNONE

A L S O P R E S E N T:

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will Town Clerk
2 James Altadonna please call our regular Action
3 Calendar?

4 MR. ALTADONNA: Okay.

5 First, we're going to start with the
6 remove from the table.

7 May I have a motion to remove from the
8 table and add Resolutions 293 and 295, which were
9 tabled on April 24, 2018?

10 Resolution No. 293-2018 tabled on
11 April 24, 2018; Resolution authorizing the award of
12 Engineering Services for Contract No. H18-171-P1,
13 Flood Diversion and Control Projects for Massapequa
14 and Massapequa Park as part of the New York Rising
15 Community Reconstruction Program; Harbor Place and
16 Cabot Road West in Massapequa, for the use of
17 subconsultants and for the Supervisor or his
18 designee to execute the Consultant Agreement upon
19 final approval by the Governor's Office of Storm
20 Recovery. Account No. IGA H 1997 20000 000 1303
21 001. (M.D. 4/10/18 #33 & 4/17/18 #28).

22 Resolution No. 295-2018 tabled on
23 April 24, 2018; Resolution authorizing the award of
24 Engineering Services for Contract No. H18-171-P3,
25 Flood Diversion and Control Projects for Massapequa

1 and Massapequa Park as part of the New York Rising
2 Community Reconstruction Program; Brockmeyer Drive,
3 Clearwater Avenue and Iroquois Place in Massapequa,
4 for the use of sub-consultants and for the
5 Supervisor or his designee to execute the
6 Consultant Agreement upon final approval by the
7 Governor's Office of Storm Recovery. Account No.
8 IGA H 1997 20000 000 1303 001. (M.D. 4/10/18 #33 &
9 4/17/18 #30).

10 On the motion?

11 COUNCILMAN MUSCARELLA: So moved.

12 COUNCILWOMAN ALESIA: I'm declining to
13 second that.

14 SUPERVISOR SALADINO: May we have
15 another second?

16 COUNCILMAN IMBROTO: I'll second the
17 motion.

18 COUNCILWOMAN JOHNSON: Hold on one
19 second.

20 I have question for the Town Attorney.

21 Can I grab you for a second?

22 MR. ROZEA: Yes.

23 (Whereupon, a discussion was held off
24 the record.)

25 COUNCILWOMAN JOHNSON: Okay.

1 Sorry. Continue.

2 SUPERVISOR SALADINO: So we have a
3 motion.

4 COUNCILMAN IMBROTO: We have a second.

5 SUPERVISOR SALADINO: And we have a
6 second.

7 MR. ALTADONNA: The motion was made by
8 Councilman Muscarella, and the second, I believe,
9 is Councilman Imbroto.

10 On the vote:

11 Supervisor Saladino?

12 SUPERVISOR SALADINO: "Aye."

13 MR. ALTADONNA: Councilman Muscarella?

14 COUNCILMAN MUSCARELLA: "Aye."

15 COUNCILWOMAN JOHNSON: Is this the vote
16 to add?

17 MR. ALTADONNA: This is the vote to add
18 it to the regular Action Calendar, not for the
19 actual item.

20 Councilman Macagnone is absent.

21 Councilwoman Alesia?

22 COUNCILWOMAN ALESIA: That's a no, and
23 just for Mr. Adelman's benefit because he asked
24 last time that I define why I'm voting no. I'm not
25 interested in voting on any other contract being

1 awarded until the Inspector General has been
2 seated.

3 MR. ALTADONNA: Councilwoman Johnson?

4 COUNCILWOMAN JOHNSON: I vote "Aye"
5 only to bring it off the table.

6 MR. ALTADONNA: Councilman Imbroto?

7 COUNCILMAN IMBROTO: I vote "Aye."

8 MR. ALTADONNA: Councilman Hand?

9 COUNCILMAN HAND: "Aye."

10 MR. ALTADONNA: Motion passes with five
11 "Ayes" and one "Nay."

12 May I have a motion to suspend the
13 rules and add Resolutions No. 365, 366, and 367?

14 Resolution No. 365-2018; Resolution
15 granting request from the Locust Valley Chamber of
16 Commerce for Town assistance in conducting their
17 4th Annual Outdoor Art Walk Festival on May 26,
18 2018, to utilize Municipal Parking Lot LV-1 and to
19 use various Town equipment for the event. (M.D.
20 5/15/18 #27).

21 Resolution No. 366-2018; Resolution
22 calling a public hearing to consider an amendment
23 to a previous resolution for Public Parking
24 District improvements in the 2018 Capital
25 Program. Hearing Date: June 5, 2018 at 10:00 A.M.

1 (M.D. 5/15/18 #33).

2 Resolution No. 367-2018; Resolution
3 authorizing the use of Parks Department and Public
4 Safety equipment in connection with the Massapequa
5 Chamber of Commerce Street Fair, scheduled to be
6 held June 3, 2018. (M.D. 5/15/18 #34).

7 On the motion?

8 COUNCILMAN MUSCARELLA: So moved.

9 MR. ALTADONNA: Second?

10 SUPERVISOR SALADINO: Do we have a
11 second on this motion?

12 COUNCILWOMAN ALESIA: This is on the
13 general Action Calendar, Jim?

14 MR. ALTADONNA: These are on the
15 suspends that's on the back of the Action Calendar.
16 Yes, it is the last page.

17 COUNCILWOMAN ALESIA: I have the same
18 issue. I'm declining to second.

19 COUNCILWOMAN JOHNSON: I'll second it.

20 MR. ALTADONNA: Okay.

21 Motion was made by Councilman
22 Muscarella, seconded by Councilwoman Johnson.

23 On the vote:

24 Supervisor Saladino?

25 SUPERVISOR SALADINO: "Aye."

1 MR. ALTADONNA: Councilman Muscarella?

2 COUNCILMAN MUSCARELLA: "Aye."

3 MR. ALTADONNA: Councilman Macagnone is
4 absent.

5 Councilwoman Alesia?

6 COUNCILWOMAN ALESIA: Jim, I apologize,
7 I have to ask for clarification because I was
8 conferring with Councilman Imbroto on something,
9 but I couldn't hear you.

10 What are we voting on exactly?

11 MR. ALTADONNA: This is on the last
12 page, Resolution 36 --

13 COUNCILWOMAN ALESIA: 365, 366, 367,
14 that's fine. "Aye." Yes.

15 MR. ALTADONNA: Okay.

16 Councilwoman Johnson?

17 COUNCILWOMAN JOHNSON: "Aye."

18 MR. ALTADONNA: Councilman Imbroto?

19 COUNCILMAN IMBROTO: "Aye."

20 MR. ALTADONNA: Councilman Hand?

21 COUNCILMAN HAND: "Aye."

22 MR. ALTADONNA: Motion to suspend the
23 rules and add following Resolutions passes with six
24 "Ayes."

25 You do have a speaker on 367, so we're

1 going to take these, according to Robert's Rules,
2 separately and do them now.

3 SUPERVISOR SALADINO: Sure.

4 I don't see someone has identified 367,
5 but still, everybody can speak, but I don't know
6 who that is because none of these speak to
7 Resolution 367.

8 We have one for 366, Paul Molinari.

9 MR. ALTADONNA: Okay. Paul?

10 MR. MOLINARI: Good evening,
11 Mr. Supervisor, Board members.

12 Actually, there's three resolutions
13 that I wanted to address tonight.

14 MR. ALTADONNA: Just stay on this one,
15 please, because we're doing them in order. Just on
16 this one, because this is the only one on the table
17 right now.

18 MR. MOLINARI: Oh, you didn't call the
19 rest of the Action Calendar?

20 MR. ALTADONNA: No.

21 MR. MOLINARI: Okay. Sorry, my
22 apologies.

23 Paul Molinari, 332 West Nicholai
24 Street, Hicksville.

25 My concern on this Resolution is that

1 there's -- you know, I read the backup material for
2 the public notice that you're going to hold a
3 public hearing, but it says if anyone from the
4 public wants to review the capital program of these
5 projects and what you're bonding, you have to go to
6 the Town Clerk's office to review it.

7 I believe such a document should be
8 right on the home page on the Town of Oyster Bay
9 where the public can review it prior to the hearing
10 and come back with -- come to the hearing with
11 valid concerns, questions or support.

12 That's my issue on this Resolution.

13 Thank you.

14 SUPERVISOR SALADINO: Thank you, sir.

15 I just want to get a clarification from
16 someone with Public Works, I believe.

17 Is there someone here from Public
18 Works?

19 Yes. Please step forward, Matt.

20 Could you please give us your presence?
21 State your name and title.

22 MR. RUSSO: Matthew Russo, Town of
23 Oyster Bay Department of Public Works, Division of
24 Engineering.

25 SUPERVISOR SALADINO: Is this document

1 so voluminous that it would be arduous to put this
2 on the website?

3 MR. RUSSO: Regarding the bonding
4 Resolution itself?

5 SUPERVISOR SALADINO: Yes.

6 MR. RUSSO: I'm sorry. The Director of
7 Finance would probably be the best person to answer
8 that question. I'm sorry.

9 SUPERVISOR SALADINO: That's fine.

10 Is Mr. Darienzo here? All right.

11 Let's see if we can get him.

12 Yes, Paul.

13 MR. MOLINARI: Can I just clarify what
14 I'm asking?

15 I'm asking for the capital program that
16 shows the projects that are going to be bonded, not
17 the bond resolution.

18 I would like to see if you're going do
19 streets A to Z, how much it's going to cost and
20 when it's going to be done. The parking garage,
21 how much it's going to cost, when it's going to be
22 done, things like that. That's what I'm asking to
23 be put on the website, not the bond resolution.

24 I'm no financial expert. We'll leave
25 that to the financial experts and the bonding

1 people. I'm interested in the actual capital
2 program funded through this bond.

3 SUPERVISOR SALADINO: Okay. Thank you.

4 Well, the Commissioner is not in the
5 room at the moment and we'll ensure that he reaches
6 out to you and then works on a program with Public
7 Safety -- with Public Information to get the
8 information out to the public.

9 Any other speakers on these three
10 Resolutions 365, 366 or 367?

11 (No response.)

12 SUPERVISOR SALADINO: Let the record
13 reflect that no one has indicated that they would
14 like to speak on any of these three.

15 MR. ALTADONNA: Can I have a motion to
16 adopt Resolutions No. 365, 366 and 367?

17 On the motion?

18 COUNCILMAN MUSCARELLA: So moved.

19 MR. ALTADONNA: Second?

20 COUNCILWOMAN JOHNSON: Second?

21 COUNCILWOMAN ALESIA: Yeah, second.

22 So we're voting on these out of order,
23 Jim.

24 MR. ALTADONNA: We're --

25 SUPERVISOR SALADINO: Just the three.

1 MR. ALTADONNA: According to upper
2 management, they'd like to do the suspends, the
3 walk-ons separately, and then go to the regular
4 Action Calendar, so instead of combining it all
5 because you're really suspending, resuspending and
6 then going to the regular Action Calendar.

7 COUNCILWOMAN ALESIA: Thank you.

8 Second.

9 MR. ALTADONNA: Motion was made by
10 Councilman Muscarella, seconded by Councilwoman
11 Alesia.

12 On the vote:

13 Supervisor Saladino?

14 SUPERVISOR SALADINO: "Aye."

15 MR. ALTADONNA: Councilman Muscarella?

16 COUNCILMAN MUSCARELLA: "Aye."

17 MR. ALTADONNA: Councilman Macagnone is
18 absent.

19 Councilwoman Alesia?

20 COUNCILWOMAN ALESIA: "Aye."

21 MR. ALTADONNA: Councilwoman Johnson?

22 COUNCILWOMAN JOHNSON: "Aye."

23 MR. ALTADONNA: Councilman Imbroto?

24 COUNCILMAN IMBROTO: "Aye."

25 MR. ALTADONNA: Councilman Hand?

1 COUNCILMAN HAND: "Aye."

2 MR. ALTADONNA: Motion to adopt
3 Resolutions No. 365, 366 and 367 passes with six
4 "Ayes."

5 Now, may I have to motion to resuspend
6 the rules and add the following Walk-On Resolutions
7 Nos. 368, 369, 370, 371 and 372, which is
8 Resolutions relating -- you know, technically, I'm
9 supposed to read all of these, so I'm just going to
10 read the Resolutions themselves and not the backup.

11 Resolution No. 368 is a Resolution
12 authorizing the award of contract No. DP-18-175,
13 engineering services, Harry Tappen Beach sanitary
14 system improvements, study and use of
15 subconsultants for soil borings, geotechnical
16 services, laboratory testing and innovative
17 alternative technologies.

18 Resolution No. 369 is a resolution
19 ratifying a Memorandum of Agreement between the
20 Town of Oyster Bay Lifeguard Association
21 NYSUTAFT-NEAAFL-CIO, and authorize the Supervisor
22 or his designees to execute a new Collective
23 Bargaining Agreement.

24 Resolution No. 370 is a resolution
25 pertaining to an Inter-Municipal Agreement with the

1 Town of Huntington regarding the repaving of West
2 Mall Drive in the Towns of Oyster Bay and
3 Huntington, and to authorize the Supervisor or his
4 designee to execute said agreement.

5 Resolution No. 371, Resolution amending
6 Resolution No. 244-2018 in connection with the 2018
7 Summer beach ramp at the Joseph H. Saladino
8 Memorial Marina at Tobay operations and fee
9 schedules relative to parking fees at Charles E.
10 Ransom Beach, Bayville.

11 Resolution No. 372 is a Resolution
12 pertaining to the decision on the application of
13 Island Properties, LLC, fee owner, for a special
14 use permit for permission to place a portable bar
15 for on-site consumption of alcoholic beverages on a
16 parcel of land located in the LI, Light Industrial
17 zone of the Town of Oyster Bay and located at 5 Bay
18 Avenue, Oyster Bay, New York. Hearing held May 22,
19 2018.

20 I believe you have some speakers on
21 these.

22 COUNCILMAN MUSCARELLA: Let's move it
23 first.

24 So moved.

25 COUNCILWOMAN ALESIA: Second.

1 SUPERVISOR SALADINO: Okay.

2 We have some speakers.

3 Let's see, most people wrote a number
4 to -- this is 368 through 372.

5 MR. ALTADONNA: Yeah, 368 through 372.

6 SUPERVISOR SALADINO: Again, I'll point
7 out that people put in these slips to point out
8 that they would like to speak. None of these slips
9 have any of these numbers.

10 Is there someone who would like to put
11 in a slip?

12 Mr. Adelman, please step forward.

13 MR. ADELMAN: This is for 372.

14 SUPERVISOR SALADINO: 372, okay.

15 COUNCILMAN IMBROTO: Is this on the
16 table? Did we vote to put it on the table?

17 COUNCILMAN MUSCARELLA: Yes.

18 SUPERVISOR SALADINO: Yeah, we just
19 did.

20 MR. ADELMAN: My name is Arthur
21 Adelman, 110 Dubois Avenue, Sea Cliff, New York.

22 I'm here to address the Board about
23 this Walk-On Resolution 372 regarding the operation
24 of a bar on the Light Industrial which we just
25 heard the hearing.

1 I would prevail upon the Board to hold
2 off passing this Resolution until we get a proper
3 liquor license for the applicant from the New York
4 State Liquor Authority.

5 SUPERVISOR SALADINO: Just to bring
6 clarity, it is subject to, but they're getting the
7 license. So if they get a license --

8 MR. ADELMAN: I'm just requesting that
9 we see the license. We have meetings every
10 two weeks, so why can't -- if they are behind the
11 8 ball and don't have a license yet because they
12 were negligent --

13 COUNCILMAN IMBROTO: Mr. Adelman, can
14 I -- just so you're clear.

15 We can't regulate consumption of
16 alcohol in any way. The State does that and if
17 they do it without a license, they'll have a
18 problem getting their license.

19 MR. ADELMAN: Right.

20 I'm just looking to protect the public
21 in fact that I want to make sure the applicant who
22 is putting in for the liquor license is the same
23 applicant who is putting in for this application
24 for the bar.

25 Everything should be in order. All the

1 ducks should be in order and I don't think we
2 should be granting permission before they have a
3 horse hooked up to the cart. That's all.

4 SUPERVISOR SALADINO: So that I'm
5 clear, because your opinion is very important to me
6 and to the Board --

7 MR. ADELMAN: It's my opinion.

8 SUPERVISOR SALADINO: -- but just to
9 bring clarity, you have no -- is it correct that
10 you have no problem with an entity selling alcohol
11 at this location; you're just making this point
12 because you would like to feel confident that all
13 of the paperwork that has to be done is in order?

14 MR. ADELMAN: Precedence. Precedence.
15 I want --

16 SUPERVISOR SALADINO: But do you have
17 an issue --

18 MR. ADELMAN: I don't have an issue of
19 them selling alcohol.

20 SUPERVISOR SALADINO: -- with them
21 serving alcohol at this location?

22 MR. ADELMAN: No. I don't know the
23 property well enough. I don't know the area. I
24 don't live there, so it's not in my backyard, so I
25 wouldn't object to it in that respect.

1 However, I think that as a precedent-
2 setting factor that the Town should be very careful
3 on who it grants permission to set up a bar prior
4 to them having any sort of license to sell liquor.

5 If they were giving it away, then I
6 don't know what the circumstances are then. So I
7 would just wait to see how the status of the
8 New York State Liquor Authority is and make sure
9 that the license is in the name of the applicant.

10 That's all. Everything is in order.

11 Thank you.

12 COUNCILWOMAN JOHNSON: What is the
13 status?

14 COUNCILMAN MUSCARELLA: Wait a minute.
15 Before we go out of order, we do have
16 to make a vote to bring these.

17 MR. ALTADONNA: There was motion made
18 by Councilman Muscarella, seconded by Councilwoman
19 Alesia.

20 This is just to bring it forward, not
21 to vote.

22 Supervisor Saladino?

23 SUPERVISOR SALADINO: "Aye."

24 MR. ALTADONNA: Councilman Muscarella?

25 COUNCILMAN MUSCARELLA: "Aye."

1 MR. ALTADONNA: Councilman Macagnone is
2 absent.

3 Councilwoman Alesia?

4 COUNCILWOMAN ALESIA: "Aye."

5 MR. ALTADONNA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: "Aye."

7 MR. ALTADONNA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: "Aye."

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. ALTADONNA: Motion to move forward
12 passes with six "Ayes."

13 MR. ADELMAN: Now, it is a Resolution.

14 COUNCILMAN MUSCARELLA: Now, we're
15 going to vote on it after we hear speakers.

16 MR. ADELMAN: Okay. I said my peace.
17 Okay.

18 SUPERVISOR SALADINO: Okay. So your
19 opinion is that you have no problem with them
20 serving alcohol at this location, you would like to
21 have an assurance that all of the paperwork and
22 ducks are in a row before alcohol is served there?

23 MR. ADELMAN: I would like to see the
24 Resolution tabled until the applicant brings a
25 valid liquor license from the State Liquor

1 Authority in the name of the applicant. That
2 should come first.

3 Why are we granting permission for them
4 before they even have a liquor license? It's --
5 they don't have a liquor license.

6 SUPERVISOR SALADINO: Only if they get
7 a liquor license. Only if.

8 There are some other speakers on these
9 multiple Resolutions, 368 through 372.

10 The next one will be Merrill Gugerty.

11 MR. GUGERTY: Good evening, Supervisor
12 Saladino, Members of the Board.

13 I just want to speak briefly. We spoke
14 here a couple months ago on this issue at greater
15 length at the end of the evening. It's nice to be
16 up early. It's not so crowded either.

17 So I'm a long-time resident of Bayville
18 and this concerns the parking down at the west end
19 of Bayville. And at Ransom Beach, it was free for
20 some period of time, then it was \$60 for a vehicle,
21 which is pretty exorbitant and kind of prohibitive
22 and prevented people from coming there, so it was
23 turning into somewhat of a ghost town. Then they
24 instituted 90-minute parking on Bayville Avenue,
25 which is a little --

1 SUPERVISOR SALADINO: Excuse me,
2 Mr. Gugerty.

3 I'm sorry to interrupt you, but did you
4 just make the statement that you feel that parking
5 fees are the reason people have not been coming to
6 Bayville in the numbers that they have in the past?

7 MR. GUGERTY: One of them.

8 SUPERVISOR SALADINO: Wouldn't the main
9 one be the issue of the fact that there -- the main
10 road -- in most cases, the only road that anyone
11 knows of to come into and leave Bayville was closed
12 due to construction?

13 MR. GUGERTY: Oh, of course. Of
14 course. That's a huge issue, yes.

15 That's a huge contributing issue, but
16 it's \$60 for a car, I mean, at Jones Beach, I think
17 it's \$15 every time you go.

18 SUPERVISOR SALADINO: This is \$60 for
19 the entire year.

20 MR. GUGERTY: Well, no. No.

21 The fee, if you're a resident and you
22 want to get at pass, it is \$60 or something less,
23 even, but the way Ransom Beach was, it was \$60 a
24 day per car on the weekend. That's what it was.

25 SUPERVISOR SALADINO: \$60 a day?

1 Why don't you finish and then we'll
2 bring the Commissioner up to speak to the facts?

3 COUNCILMAN IMBROTO: That's the
4 Resolution that we are voting on.

5 MR. GUGERTY: I understand, and we
6 understand that there's been discussion and there's
7 been compromise and some people wish it was free
8 and then the others had worked out -- trying to
9 work out something that it would be \$10 a day,
10 which is a lot better than 60. It's not 60 every
11 day, but it was 60 on the weekends when it was
12 manned.

13 SUPERVISOR SALADINO: I hate to
14 disagree, but it's never been \$60 per day.

15 MR. GUGERTY: The signs say it and so I
16 don't know who can speak to that.

17 COUNCILMAN IMBROTO: For nonresident.

18 MR. GUGERTY: Yeah, nonresidents.

19 COMMISSIONER PINTO: As in all of our
20 facilities where nonresidents, it's \$50 per day.

21 The resident per day fee was \$20 per
22 day, but you were right, Supervisor, if you wanted
23 to buy a pass for the entire season, it would be
24 \$60 for the entire season.

25 COUNCILMAN IMBROTO: And, Commissioner,

1 the Resolution that we're voting on tonight is
2 reflective.

3 COMMISSIONER PINTO: What we're doing
4 is we're amending the fees to have a \$10 daily fee
5 for all nonresidents or residents, but you still
6 can buy a \$60 resident pass for the entire season.

7 SUPERVISOR SALADINO: And this is at
8 the request after meetings with the Village Board
9 and a representative of the business community?

10 COMMISSIONER PINTO: When we --

11 SUPERVISOR SALADINO: As well as our
12 Town Board members?

13 COUNCILWOMAN JOHNSON: Happy with the
14 Resolution or not happy with it.

15 COUNCILMAN MUSCARELLA: Exactly.

16 SUPERVISOR SALADINO: That's not
17 Mr. Gugerty.

18 MR. GUGERTY: Connie is from Ralph's
19 Pizza. I'm speaking as a resident, okay, and I'm
20 sorry for, kind of, blending things together there.

21 Yes, resident and nonresident, there's
22 different fees, obviously. I buy a sticker for the
23 whole Summer myself and then I don't have to worry
24 about it.

25 SUPERVISOR SALADINO: That was not

1 designed with Bayville in mind. That was designed
2 at what the best policies were Town wide.

3 MR. GUGERTY: Town wide.

4 SUPERVISOR SALADINO: So there's
5 uniformity.

6 MR. GUGERTY: Sure.

7 SUPERVISOR SALADINO: And the fact that
8 our parking lots were being filled up so we changed
9 it to give preference to Town residents so they
10 would have a parking spot when they came to the
11 beach.

12 MR. GUGERTY: Right. But for whatever
13 reason as well, it just seems the beaches aren't
14 being utilized as much as they used to, but that's
15 another issue. Who knows why people don't swim in
16 The Sound as much as they used to. I don't think
17 the \$10 is that unreasonable a fee personally,
18 based upon what we were looking at already.

19 We discussed it, it might fluctuate
20 somewhat, dependent on holidays and things, I was
21 just told. To me, that consistency factor might be
22 a bit of a problem, but hey, nothing's perfect. In
23 other words, you're going to the beach one day,
24 it's free, another day it's \$10, \$10, free, but.

25 COUNCILWOMAN JOHNSON: Right there.

1 You go to the beach sometimes it's
2 free, and I think that's where part of the problem
3 comes in, is that the people that go to the beach
4 are parking in the 90-minute spots right in front
5 of Ralph's Pizza and the enforcement of parking by
6 the Village is not being maintained.

7 They're not enforcing it so people are
8 skirting the fees at the beach, parking up by the
9 pizza place for the entire day. I've seen it many
10 times, I'm sure you have as a resident as well,
11 taking out their umbrellas and their chairs and
12 walking across the beach, our beach.

13 So whereas our resident or nonresidents
14 have to come in and pay, they're not taking your
15 business spot so it actually could be partially the
16 problem with the Village not enforcing their
17 90-minute parking.

18 SUPERVISOR SALADINO: So this
19 legislation is designed at the request of and to be
20 helpful, too, and bring more fairness to the
21 business owners. This change, after conversations
22 with the Village and a representative of all of the
23 business owners, this is in lockstep with what
24 we've been asked to do.

25 And after the Summer has passed, we

1 will circle back, speak to all of you, find out if
2 this has been successful, find out if you want it
3 amended, find out if it worked, it didn't work.

4 Maybe we need more specialized
5 attention to this to tweak it some more, but this
6 is at the request of the business community and the
7 Village and it's designed to be more fair to you
8 and the other business owners.

9 MS. CONCETTA: From what I understand,
10 when we spoke at the last meeting, it was free
11 every day and just \$10 on weekends.

12 Now, I heard that --

13 SUPERVISOR SALADINO: Let's get an
14 answer to that, Commissioner.

15 MS. CONCETTA: -- it is \$10 every day.

16 SUPERVISOR SALADINO: Let's get this
17 resolved.

18 Commissioner, why don't you clarify.

19 COMMISSIONER PINTO: When we sat down,
20 we took --

21 SUPERVISOR SALADINO: Sat down with?

22 COMMISSIONER PINTO: The merchants and
23 the Village representatives recommendations and we
24 established that we're going to charge \$10 per day
25 when we think it's necessary to man that facility.

1 SUPERVISOR SALADINO: So on days when
2 nobody's there to pay someone to be there, it
3 doesn't make sense economically?

4 COMMISSIONER PINTO: That's correct.
5 And we just spoke about this outside and I asked
6 them to contact me throughout the course of the
7 Summer, if we could try and fine tune it as we go
8 along. But just understand that this \$10 fee is
9 only when the facility is manned. Usually that's
10 at 9 o'clock to 4 o'clock during the day and then
11 on weekends. So after 4 o'clock, the facility will
12 be open for anybody to go into and park with no
13 charge.

14 SUPERVISOR SALADINO: And this all came
15 at the recommendation of the Village's
16 representatives and the representatives of the
17 business community in Bayville?

18 COMMISSIONER PINTO: The recommendation
19 of the merchants were \$10 per day. Discussion with
20 the Village and the merchant at a meeting right
21 upstairs.

22 SUPERVISOR SALADINO: And we've all
23 agreed upon circling back with the experts, people
24 who know the area, to see what -- the changes we're
25 making at the request of the business community,

1 whether or not they work or what tweaks they need
2 or what other changes to get it right and we'll
3 continue to work with you.

4 MS. CONCETTA: I will bring some up to
5 you, like -- community of Bayville, they would like
6 that for free.

7 SUPERVISOR SALADINO: Okay.

8 MS. CONCETTA: 600 signed that I have
9 as a petition, they would like to have that for
10 free.

11 SUPERVISOR SALADINO: They would like
12 the entire parking lot for free?

13 MS. CONCETTA: For free, and I'm here
14 today to --

15 SUPERVISOR SALADINO: Is that fair to
16 other residents of the Town?

17 MS. CONCETTA: This is what the Town --

18 COUNCILWOMAN JOHNSON: A few more
19 things.

20 Number one, again, I think it is a
21 Village issue of enforcement of the 90-minute
22 parking. You were at the meeting. They said they
23 don't even have a person really checking the
24 parking. He's part time and he's not there during
25 the day.

1 Number two, and this is something that
2 wasn't brought up in Ted's article, that there's a
3 double standard going on in the East End of
4 Bayville, the Village is charging one of the
5 businesses \$5,000 a year for the Summer months to
6 park in their lot. We're asking for \$10 a day.

7 MS. CONCETTA: No, I'm not saying that
8 it's a lot or not or whatever. It seems to be --

9 COUNCILWOMAN JOHNSON: -- a double
10 standard.

11 MS. CONCETTA: Yeah, I understand.

12 No, I understand what's your point of
13 view, but my point of view is that we don't have a
14 lot of business over there and we've got our
15 support. I mean, to have people come in town and
16 \$10 a day to park in there, there's nothing there,
17 just to view. Just sits over there and watching
18 the view, \$10, I don't know, for 10 minutes, nobody
19 goes in there.

20 MR. GUGERTY: The beach is long.
21 That's why she's saying that.

22 MS. CONCETTA: And there's nothing
23 there to -- I mean, that it's worth the \$10, worth
24 the \$20, worth \$5. I mean, in the future, it gets
25 improved, maybe, but not right now.

1 SUPERVISOR SALADINO: So my
2 suggestion --

3 MS. CONCETTA: And this is what all the
4 community of Bayville feel like. I have a
5 petition, if you can read that.

6 SUPERVISOR SALADINO: Please. We'd
7 love to have that.

8 MS. CONCETTA: You have a copy that I
9 gave you last time and I have the original with me
10 if you want. I'm going to read it to you, part of
11 that.

12 SUPERVISOR SALADINO: Sure.

13 MS. CONCETTA: "We, the undersigned,
14 strongly feel that in order to more fully enjoy the
15 beautiful and unique area of the West End,
16 Bayville, that the following action be strongly
17 considered: Parking, Ransom Beach and on Bayville
18 Avenue up in the mark and parking space, closer to
19 Bayville Park Boulevard, be free, and unlimited
20 time. Install benches for people to sit outside
21 enjoy the Bayville beautiful sunset.

22 "We hope that at some point, this area
23 can be fully developed including a modest and
24 natural beach walk, a view area, possibly using
25 Port Washington, for example, a model." That's

1 what they're asking. Okay.

2 SUPERVISOR SALADINO: Okay.

3 So, Commissioner, have you heard this
4 list of items, the residents and business owners
5 are looking for some benches, especially situated
6 in a way where they could enjoy the gorgeous
7 sunsets after --

8 MS. CONCETTA: Pay the \$10.

9 SUPERVISOR SALADINO: -- having a
10 wonderful slice of pizza?

11 COMMISSIONER PINTO: Councilwoman
12 Johnson has asked us to put in a playground, which,
13 by the end of Summer, you'll have a new playground
14 over there in an effort to beautify that area even
15 more.

16 This is the first I'm hearing about
17 benches, but we can look into that.

18 SUPERVISOR SALADINO: Please, let's
19 make sure we look into that.

20 So we've been given this
21 recommendation, meetings have gone on with the
22 business community, which you know about and the
23 Village. We've come up with a compromise that's
24 fair to all of the residents and we're going to be
25 watching it very closely.

1 And we'd like your input through the
2 Summer to find out if it's going well or if you --
3 if there are other changes you'd like to put in
4 place.

5 MS. CONCETTA: Okay.

6 SUPERVISOR SALADINO: So we'd like to
7 try this at the request of the business owners and
8 the Village and then continue to be very open
9 minded about tweaking it, what changed -- making
10 changes and amendments as we go along, and we'd
11 love to have your continued input to make sure we
12 get it done right.

13 MS. CONCETTA: Thank you.

14 SUPERVISOR SALADINO: Okay.

15 And the next, and I see is the last
16 speaker on this section, will be Kevin McKenna.

17 MR. MCKENNA: Is this the regular
18 Resolutions?

19 MR. ALTADONNA: These are Walk-On.

20 MR. MCKENNA: Oh, not 344, 345?

21 MR. ALTADONNA: Not yet, no.

22 SUPERVISOR SALADINO: We're not up to
23 that. Okay. So that's going to go on the rest of
24 the Resolutions.

25 COUNCILWOMAN JOHNSON: Can you shut the

1 flash off, please?

2 SUPERVISOR SALADINO: For this issue,
3 please step forward.

4 COUNCILWOMAN JOHNSON: The former Mayor
5 of Bayville.

6 SUPERVISOR SALADINO: Thank you, sir.

7 MR. WATSON: Pleasure to meet you.

8 I had a very professional working
9 relationship with your predecessor. We worked hand
10 and hand after Hurricane Sandy. He helped me a
11 lot, and then I helped him by making sure West
12 Harbor Drive was always cleared of snow so that
13 when the reporters came to see the flooding, they'd
14 never see snow on that road, and we enjoyed a very
15 good relationship.

16 And I wish you the best and it's nice
17 to meet you.

18 SUPERVISOR SALADINO: Thank you.

19 Nice meeting you, too.

20 MR. WATSON: Somewhere in the distant
21 past before 2014, there was an issue of having a
22 car show of some type. Now, I didn't prepare too
23 well for this time, I may be totally off base, but
24 what was said repeatedly by Town officials -- first
25 of all, they said they didn't want to have whatever

1 the event was, but what was repeated over and over
2 again was the fact that Ransom Beach was always
3 left open for the businesses.

4 Stehli Beach, you had to pay and it's
5 manned in the Summer and you do have to have the
6 sticker. Now, I have attained the age where I get
7 a free sticker every year, for several years, and
8 now I go to all the different Town beaches because
9 I drive in when -- you know, in the height of the
10 season, I'll drive into Centre Island Beach because
11 I have the sticker. I'll drive into Stehli's,
12 which I never would have done before.

13 And I know Ransom Beach. I don't drive
14 in there because there's really nothing to see,
15 except it's a great parking lot and it serves these
16 businesses. That business community down there is
17 really, really under stress, almost at all times.
18 Ralph's Pizza, everybody gets pizza so maybe they
19 do good. There souvlaki. There's a couple of
20 restaurants. There's the Breaker's bar.

21 SUPERVISOR SALADINO: Italian ice
22 place.

23 MR. WATSON: I don't leave anybody out.

24 SUPERVISOR SALADINO: Mexican
25 restaurant.

1 MR. WATSON: The Mexican place, very
2 popular Mexican place.

3 I would say you're not going to gain
4 anything by just -- it's a parking lot with a wall,
5 it's not a beach, it's an overlook, if that, and
6 it's a great place for people to come, they can get
7 ice cream and they can walk across the street.

8 So that being said, I would just go
9 back to what I said originally is, it was always
10 repeated that it was the Town's, kind of, idea that
11 they would keep that open as a parking lot, and I
12 think that in spite of -- I don't know what the
13 Resolution even says because I didn't realize it
14 was on here for tonight, but that it should be just
15 left alone like that. That's what I would suggest.

16 SUPERVISOR SALADINO: I have a quick
17 question, and you have a lot of experience in the
18 Village.

19 MR. WATSON: By the way, may I add one
20 thing.

21 SUPERVISOR SALADINO: Yes, please.

22 MR. WATSON: The Village's income,
23 unless it has changed since I was in office, was
24 that the Village of Soundside Beach does get paid
25 and the numbers may have changed since I'm gone,

1 but that was for the Crescent Club and Walls when
2 they would have events, so that wasn't -- you can't
3 pay to go into that beach, any amount, and then
4 walk out and go to Walls.

5 If you go to an event at Walls, if you
6 go to an event at the Crescent, it's overflow
7 parking to them and it's income for the Village.
8 So you can't really equate the two as far as asking
9 some guy to come and buy a couple of slices of
10 pizza and then pay \$10 on top of it. So it's
11 apples and oranges. It's really not the same
12 thing.

13 SUPERVISOR SALADINO: Just a couple of
14 questions because you have vast experience in the
15 Village.

16 We've heard, on numerous occasions
17 here, that there has been a downturn economically
18 in some of the businesses in Bayville.

19 Would you determine -- is it your
20 opinion -- that the number one reason for that
21 going on is that during the Summer, the main
22 roadway in and out has been closed due to the
23 construction?

24 MR. WATSON: I would think a proper
25 answer to that would -- be to have done a study on

1 it, okay, and have numbers of before the road was
2 closed, which would mean before Sandy, because
3 that's when it fell down and initiated Phase One,
4 and then the other two phases as they were done.

5 Traffic flows and car counting and
6 stuff, which was never done. I think the biggest
7 hardship for Village businesses in Bayville is that
8 the place was developed as a household community.

9 There is no -- in Farmingdale, you can
10 drive behind their Village Hall, there's a big
11 parking lot. In places like Freeport, there's
12 parking behind the stores. If you go down Bayville
13 Avenue, there's a boat store and we have that
14 little Commons Park there, if you reach over the
15 fence, you can pat the guy on the head. That's his
16 yard. There is no parking.

17 So we're never going to be Cold Spring
18 Harbor. We're never going to be Port Jeff. You
19 know, you're not going to be -- so we're not going
20 to attract the quaint little stores, and if you did
21 attract the quaint little stores, you'd quickly
22 fill them up and you wouldn't have a lot of room,
23 even for the quaint little stores.

24 So, basically, it's going to be exactly
25 what it is now and the businesses that can survive

1 are food businesses, you know, the deli, the beer
2 store, you know, the different stores, but even
3 they are -- I'm sure, I had a business and I know
4 what overhead is and I'm sure they struggle, so I
5 think anything that can be done to help them would
6 be a good thing.

7 SUPERVISOR SALADINO: So we met with
8 the Village officials and we met representatives of
9 the merchants.

10 MR. WATSON: Okay.

11 SUPERVISOR SALADINO: And this
12 compromise was struck as a good next step to
13 address the issues.

14 COUNCILWOMAN JOHNSON: We met more than
15 once.

16 SUPERVISOR SALADINO: Met multiple
17 times, I'm sorry.

18 MR. WATSON: I'm sorry. What is the
19 compromise? I should have prepared a little
20 better, I think, right?

21 COUNCILWOMAN JOHNSON: Before when it
22 was an active beach, there was --

23 MR. WATSON: There was.

24 COUNCILWOMAN JOHNSON: Historically,
25 maybe for a couple of years, 2012 to '15, something

1 like that, there was no gate guard, but there was a
2 gate guard there. So there had been calls coming
3 in, why am I buying my sticker for Centre Island
4 and the rest of the beaches when anyone can just
5 park there?

6 And there was a lot of different issues
7 of that nature. Last year, tried to reinstate the
8 big parking fee and that didn't work and the new
9 compromise is the \$10 for parking for nonresident
10 or residents without a sticker, and that's going to
11 be when the booth is manned. The booth is not
12 always going to be manned. It's certainly not
13 going to be manned prime time dinnertime.

14 If enforcement is done by the Village
15 for the 90 minute in front of the stores, then it
16 really shouldn't be an issue.

17 MR. WATSON: Having the senior citizen
18 parking free sticker now, and I said that I do go
19 into Stehli Beach, people do use that as a beach.
20 They park and they go over and they enjoy the
21 beach.

22 COUNCILWOMAN JOHNSON: And park in
23 front of Ralph's or any place -- walk across --

24 MR. WATSON: Okay. Well, if it was
25 enforced, then I think this would just be a nice

1 thing for the businesses or whatever. So that's
2 just my recommendation, and I appreciate you
3 listening to me.

4 SUPERVISOR SALADINO: Of course.

5 MR. WATSON: And nice to meet you.

6 SUPERVISOR SALADINO: Nice to meet you,
7 too. Thank you.

8 And, by the way, we're going to keep
9 lines of communication open with everyone and all
10 of the stakeholders, and this is not a one and
11 done. We'll continue to watch how this progresses,
12 listen to you, listen to the Village officials, and
13 especially listen to the business owners.

14 COUNCILWOMAN JOHNSON: Just one more
15 thing.

16 The Village, you know the strip that is
17 on the Ransom Stehli side where the parking is
18 there? The Village restricts parking there from
19 Memorial Day to Labor Day.

20 They take -- they put no parking signs
21 up and they said it's a safety issue for people to
22 park there. So, you know, the Village has been
23 very restrictive with that and not enforcing the
24 other.

25 MR. WATSON: I'll tell you this, when I

1 was young trustee back around the early '90s when
2 my kids were little, they still had the batting
3 cages there, and I parked -- and at that time, they
4 still had a police phone, so when -- there was
5 police parking, but it wasn't really clearly
6 marked, so I parked there, and when I came out, I
7 was getting a summons.

8 And I said, well, all right, you know,
9 I'll take the summons, and I had my code book at
10 home. I went home and I said, I'm going to fight
11 it, and sure enough, there it was, from this
12 50 feet to this 50 feet was no parking.

13 So sometimes it's not clear and there
14 are places on Bayville Avenue, even the other end
15 of Town, that in the Summer, there's no parking,
16 and then after it, there is parking from the corner
17 to --

18 COUNCILWOMAN JOHNSON: That's more
19 residential.

20 MR. WATSON: Well, that's why, but
21 there are some old stores there. There's a Chinese
22 restaurant, that's down where I am. Well, it's the
23 other end, so my end. Well, anyway, all right.

24 Thank you. Have a nice night.

25 SUPERVISOR SALADINO: Thank you very,

1 very much.

2 Any other speakers on this group of
3 resolutions.

4 (No verbal response given.)

5 SUPERVISOR SALADINO: Okay.

6 Being that no one has indicated that
7 they would like to speak, I would like to point out
8 some information that I know Mr. Adelman and others
9 may be interested in hearing. We did the research
10 in terms of the serving of alcohol at this
11 location, and according to State Liquor Authority
12 law, the issuing of the license, in order for them
13 to get a license, they first need to indicate that
14 the premises has a valid ability to operate on this
15 location. The Department of Planning and
16 Development may not move forward on that until the
17 Town Board, rightly so, you want the
18 representatives of the people to have -- to be able
19 to weigh in on this before government does anything
20 that would affect their abilities. So the -- we're
21 doing this as part of the proper procedure.

22 Town Board listens to the public first.
23 We make a decision. That decision allows the
24 Department of Planning and Development or the
25 Building Department to issue an approval, which

1 they need before they can go ahead.

2 So according to State law, we are doing
3 this in the right order and the right procedure
4 that this step mandates their ability to apply for
5 the liquor license.

6 COUNCILMAN IMBROTO: In other words,
7 the State Liquor Authority will not issue a permit
8 if it's not already a permitted use.

9 SUPERVISOR SALADINO: Having said that,
10 with this, perhaps it's a good idea for the
11 covenants and restrictions to specifically state
12 that the owner and tenant will not serve liquor
13 without a valid license from the New York State
14 Liquor Authority.

15 What's the opinion from our legal team
16 on that?

17 MR. ROZEA: Yes. I think that
18 generally -- in terms of the timing of the
19 application, I believe that is accurate.
20 Everything that you mentioned is accurate.

21 The use approval comes and then the
22 State liquor Authority will consider the liquor
23 license application, which would, I imagine,
24 include all relevant circumstances.

25 SUPERVISOR SALADINO: And in terms of

1 what is appropriate, if all parties are in
2 agreement, can we, at this point, make it part of
3 the C & Rs so as to take a vote on that?

4 MR. ROZEA: When you say make it a part
5 of the C & Rs, I'm a little --

6 COUNCILMAN IMBROTO: He wants to have a
7 restriction that says, will not serve liquor unless
8 they have a license.

9 MR. ROZEA: Well, it's subject to
10 approval. It is State law.

11 SUPERVISOR SALADINO: It says that it's
12 subject to all approvals in the actual wording
13 which includes State law. All right. Good.

14 COUNCILWOMAN JOHNSON: Amend to
15 include --

16 SUPERVISOR SALADINO: So our legal team
17 is telling me it does not have to be amended in
18 order to ensure that we're making the applicant
19 adhere to State Liquor Authority law.

20 Okay. Very good then. It sounds like
21 that one is simple.

22 MR. ROZEA: For clarification purposes,
23 the name has been amended.

24 SUPERVISOR SALADINO: The name was
25 already amended to include both so we have that

1 correct. Okay. Very good.

2 COUNCILWOMAN JOHNSON: Did we get an
3 updated amendment?

4 SUPERVISOR SALADINO: And we have heard
5 from all residents who would like to speak on this
6 section.

7 Anybody else?

8 (No verbal response given.)

9 SUPERVISOR SALADINO: Great.
10 Is there correspondence?

11 MR. ALTADONNA: No, there's no
12 correspondence.

13 May I have a motion to adopt Walk-On
14 Resolutions No. 368, 369, 370, 371 and 372?

15 On the motion?

16 COUNCILMAN MUSCARELLA: So moved.

17 MR. ALTADONNA: Second?

18 COUNCILWOMAN ALESIA: What was the
19 first number, Jim?

20 MR. ALTADONNA: We're going 368 through
21 372.

22 COUNCILWOMAN ALESIA: Second.

23 MR. ALTADONNA: Motion made Councilman
24 Muscarella, seconded by Councilwoman Alesia.

25 On the vote:

1 Supervisor Saladino?

2 SUPERVISOR SALADINO: "Aye."

3 MR. ALTADONNA: Councilman Muscarella?

4 COUNCILMAN MUSCARELLA: "Aye."

5 MR. ALTADONNA: Councilman Macagnone is
6 absent.

7 Councilwoman Alesia?

8 COUNCILWOMAN ALESIA: "Aye."

9 MR. ALTADONNA: Councilwoman Johnson?

10 COUNCILWOMAN JOHNSON: So I don't want
11 a (inaudible) business in the area and I do know
12 that Sagamore Yacht Club is next door and they do
13 have the permitted use and they have served alcohol
14 for many times.

15 So while I'm not certain that they had
16 the authority last year, and I'm kind of leery
17 about that, having that come before us, if the
18 covenants and restrictions are there, I vote "Aye."

19 MR. ALTADONNA: Councilman Imbroto?

20 COUNCILMAN IMBROTO: I vote "Aye."

21 MR. ALTADONNA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. ALTADONNA: Motion to adopt Walk-oO
24 Resolutions No. 368, 369, 370, 371 and 372 passes
25 with six "Ayes."

1 We are going to the regular Action
2 Calendar.

3 SUPERVISOR SALADINO: Yes, please.

4 MR. ALTADONNA: May I have a motion to
5 adopt Resolutions P-9-18 through 364-2018, noting
6 that you added remove from the Table 293 and 295.

7 PERSONNEL RESOLUTION NO. P-9-18 and
8 PA-6-18; Resolution pertaining to personnel of
9 various departments within the Town of
10 Oyster Bay.

11 Transfer of Funds Resolution No.
12 TF-9-18; Resolution pertaining to Transfer of Funds
13 within various departments accounts for the Year
14 2018.

15 Resolution No. 341-2018; Resolution
16 authorizing the Supervisor or his designee to
17 execute agreements for various performers and/or
18 their agents for the 2018 Music Under the Stars.
19 Concert series including Salute to America and
20 Movies by Moonlight. Account No. CYS A 7020 47660
21 000 0000. (M.D. 5/1/18 #4).

22 Resolution No. 342-2018; Resolution
23 granting request from Operation Splash (Stop
24 Polluting, Littering and Save Harbors) to dock
25 their vessel at John J. Burns Park ramp from

1 April 16, 2018 through November 16, 2018. (M.D.
2 5/1/18 #5).

3 Resolution No. 343-2018; Resolution
4 authorizing a first one-year extension of a
5 contract providing lead based testing services for
6 the Community Development's Residential
7 Rehabilitation program from June 1, 2018 through
8 May 31, 2019. Account No. IGA CD 8668 48250 731 CD
9 18. (M.D. 5/1/18 #10).

10 Resolution No. 344-2018; Resolution
11 amending Resolution 254-2017 in connection with
12 litigation relative to the design, construction,
13 inspection and remedial work of the Town of Oyster
14 Bay Garage located in Hicksville, New York. Account
15 No. OTA A 1420 44110 000 0000. (M.D. 5/8/18 #28).

16 Resolution No. 345-2018; Resolution
17 amending Resolution No. 517-2015 in connection with
18 outside legal services to the Town of Oyster Bay in
19 connection with various matters;. Account No. OTA A
20 1420 44110 000 0000. (M.D. 5/1/18 #12).

21 Resolution No. 346-2018; Resolution
22 granting request from the Incorporated Village of
23 Massapequa Park, for the use of one roll-off
24 container from June 22 through June 25, 2018 for
25 Their Breakfast in the Park event. (M.D. 5/1/18

1 #15).

2 Resolution No. 347-2018; Resolution
3 granting request from the Incorporated Village of
4 Massapequa Park, for the use of one roll-off
5 container from July 2 through July 6, 2018 for
6 Their Fireworks event. (M.D. 5/1/18 #16).

7 Resolution No. 348-2018; Resolution
8 authorizing the acceptance of a monetary donation
9 from A. J. Kimel for the Animal Shelter. (M.D.
10 5/1/18 #18).

11 Resolution No. 349-2018; Resolution
12 authorizing the acceptance of a donation of a
13 memorial plaque for an existing bench at Harry
14 Tappen Beach and Marina, from Tonia Torrellas in
15 Memory of Mike Torrellas. (M.D. 5/8/18 #5).

16 Resolution No. 350-2018; Resolution
17 authorizing the acceptance of a donation from the
18 Oyster Bay Lions Club of a renovation project,
19 scheduled to begin June 2018 for the existing
20 Beekman Beach overlook area. (M.D. 5/8/18 #6).

21 Resolution No. 351-2018; Resolution
22 authorizing the Supervisor or his designee to
23 execute Workforce Innovation and Opportunity Act
24 Professional Services Contracts, effective July 1,
25 2018 through June 30, 2021. Account No. IGA CD 6293

1 48080 000 CW18. (M.D. 5/8/18 #15).

2 Resolution No. 352-2018; Resolution
3 pertaining to the decision of the application of
4 Dawn Schlich to erect, maintain, improve, and/or
5 repair a dock, float, bulkhead or other mooring at
6 344 Riviera Drive South, Massapequa, NY. (M.D.
7 5/8/18 #16).

8 Resolution No. 353-2018; Resolution
9 authorizing the issuance of refunds of the fee for
10 a parking permit to various residents. Account No.
11 HWY ST 0001 01721 000 0000. (M.D. 5/8/18 #18).

12 Resolution No. 354-2018; Resolution
13 authorizing an inter-municipal agreement with the
14 Incorporated Village of Laurel Hollow for Highway
15 Cleaning Services through June 30, 2019. (M.D.
16 5/8/18 #19).

17 Resolution No. 355-2018; Resolution
18 pertaining to a net decrease and final payment for
19 Contract No. H16-145, Construction of Highway
20 Improvements for Canal Road and Seabreeze
21 Road, Massapequa, New York. (M.D. 5/8/18 #20).

22 Resolution No. 356-2018; Resolution
23 authorizing the acceptance and final payment for
24 Contract No. DP16-137, Construction of Pickleball
25 Courts at B-21 in Bethpage, New York. (M.D. 5/8/18

1 #21).

2 Resolution No. 357-2018; Resolution
3 pertaining to On-call Engineering for Contract No.
4 PWC 29-18 relative to oversight of Environmental
5 Monitoring Programs for Old Bethpage Landfill and
6 use of a sub-consultant for independent data
7 evaluation services. Account No. DER SR05 8160
8 44800 000 0000. (M.D. 5/8/18 #22 & 5/15/18 #23).

9 Resolution No. 358-2018; Resolution
10 granting request of the Oyster Bay-East Norwich
11 Chamber of Commerce, for Town assistance in hosting
12 Classic Cruise Nights during the months of May
13 through September 2018, and for the use of various
14 Town equipment for the event. (M.D. 5/8/18 #23).

15 Resolution No. 359-2018; Resolution
16 granting request of the Oyster Bay Main Street
17 Association, for Town assistance in conducting the
18 8th season of the "Dancing in the Street" events on
19 Audrey Avenue in Oyster Bay on various dates in
20 July and August 2018, and for the use of various
21 Town equipment for the event. (M.D. 5/8/18 #24).

22 Resolution No. 360-2018; Resolution
23 authorizing the acceptance of donations of goods
24 from various local businesses for the *Women of*
25 *Distinction Ceremony* to be held May 31, 2018 at the

1 William P. Bennett Hicksville Community Center.
2 (M.D. 5/8/18 #25 & 5/15/18 #30).

3 Resolution No. 361-2018; Resolution
4 authorizing The "Fall Car Classic" car show to be
5 held at Tobay Beach on September 23 2018 and to
6 accept the addition of sponsors, vendors and
7 exhibitors at a fee. Account No. PKS A 7110 47670
8 000 0000. (M.D. 5/8/18 #7 & 5/15/18 #6).

9 Resolution No. 362-2018; Resolution
10 authorizing a one-year extension of an agreement to
11 provide a youth science enrichment program. (Zoda)
12 (M.D. 5/8/18 #8 & 5/15/18 #31).

13 Resolution No. 363-2018; Resolution
14 directing the Town Clerk to advertise a Notice of
15 Hearing on a proposed Local Law entitled: "A Local
16 Law to Amend the Code of the Town of Oyster Bay,
17 Nassau County, New York, to Comprehensively revise
18 Provisions of Chapter 4, Chapter 93, Chapter 135,
19 Chapter 156, Chapter 180, Chapter 181, Chapter 182,
20 Chapter 183, Chapter 205, Chapter 241, Chapter 246,
21 and Repeal of Chapter 246, Section 246.4-13 for its
22 Inclusion in the Code as Chapter 204 - Stormwater
23 Management and Sediment and Erosion Control."
24 Hearing Date: June 12, 2018. (M.D. 5/8/18 #27 &
25 5/15/18 #32).

1 Resolution No. 364-2018; Resolution
2 authorizing a one-year extension of an agreement to
3 provide a youth science enrichment program. (RL)
4 (M.D. 5/8/18 #10 & 5/15/18 #7).

5 On the motion?

6 COUNCILMAN MUSCARELLA: So moved.

7 COUNCILWOMAN ALESIA: Second.

8 MR. ALTADONNA: Motion made by
9 Councilman Muscarella, seconded by Councilwoman
10 Alesia.

11 I believe you have speakers.

12 SUPERVISOR SALADINO: Yes, we do.

13 Let's see. Mr. Gugerty, that was just
14 on that one issue.

15 That one was also just on that one
16 issue. Okay.

17 So we have a number of people who would
18 like to speak on a number of the resolutions.

19 Let's start off with Paul Molinari.

20 Good evening, again, Mr. Molinari.

21 MR. MOLINARI: Good evening,
22 Mr. Supervisor and Board members.

23 Paul Molinari, 332 West Nicholai
24 Street, Hicksville, New York.

25 I'll start with the easy one, 363.

1 Resolution 363, again, it's a notice
2 for a public hearing changing the Local Law on the
3 stormwater management program.

4 Again, I would request that the entire
5 Code changes be made available on the website
6 instead of individuals having to go up to Oyster
7 Bay North or Oyster Bay South.

8 To me, it's no problem, I can do it
9 because I'm retired, but I think if you really want
10 public input on this issue, you should have it on
11 the website on the home page like you have other
12 issues.

13 I'm especially interested in this
14 because, in my career, I actually worked in the
15 development of a stormwater management program, was
16 at EPA, so I want to review what changes there are.

17 SUPERVISOR SALADINO: Just to bring a
18 little clarity on that before you move to the next
19 issue.

20 You don't have issues with what we're
21 voting on; it's the process that you would like to
22 see amended?

23 MR. MOLINARI: Yes.

24 I would like to see whenever you're
25 having a hearing, you have the information on the

1 website prior to hearing so the public --

2 COUNCILWOMAN ALESIA: In this case,
3 Mr. Molinari, I think we can do something about it
4 because we're just directing a notice of the
5 hearing, right, so there's ample time before the
6 hearing that we can put the laws on.

7 MR. MOLINARI: That's what I said.

8 This Resolution is for the hearing on
9 June 12th. I would like to see the Code on the
10 website before that instead of having to come up to
11 Oyster Bay North, Oyster Bay South to review the
12 documents.

13 COUNCILWOMAN ALESIA: I would
14 completely agree with that.

15 Mr. Deputy Town Attorney, is that
16 something we can accomplish prior to the hearing?

17 MR. ROZEA: Of course, it is.

18 MR. MOLINARI: Thank you.

19 COUNCILWOMAN ALESIA: You're welcome.

20 SUPERVISOR SALADINO: And the next?

21 MR. MOLINARI: The next issue is 345.

22 This is the legal services where,
23 again, we're approving \$219,000 in payment to
24 Quinn, et cetera, et cetera, et cetera.

25 SUPERVISOR SALADINO: Emanuel.

1 MR. MOLINARI: I have a tough time
2 getting my hand around how we're spending so much
3 money with this firm.

4 You know, it's \$219,000. It's a lot of
5 money. We have debates over engineering contracts
6 for \$25,000. Here we have -- seems like an
7 open-ended contract for legal services that just
8 keeps on going on and on.

9 And, again, in the backup, I remember
10 Mr. Adelman, at the last meeting, requesting that
11 whenever you have such a Resolution, then the
12 backup materials, you tell us how much you've
13 totally spent on this contract. I think it's in
14 the millions we've paid this company.

15 SUPERVISOR SALADINO: It's not in the
16 millions, but after you're done, I'll address it.

17 MR. MOLINARI: So that's my concern.
18 We're continuing to (inaudible) you
19 know.

20 SUPERVISOR SALADINO: Not since I've
21 been here.

22 MR. MOLINARI: Not during your term.

23 SUPERVISOR SALADINO: I'm sorry. I'm
24 only here 15 months, so since I've been here --

25 MR. MOLINARI: But it's been going on

1 for like 2015, 2016.

2 SUPERVISOR SALADINO: Fair enough.
3 Fair enough.

4 COUNCILWOMAN JOHNSON: The legal
5 process can take that long because sometimes you
6 have to defend your position.

7 MR. MOLINARI: I understand that, but
8 don't we have any ability to cap this contract?

9 SUPERVISOR SALADINO: Why don't you
10 finish with your statement and let me answer some
11 of your questions, if that's okay with you.

12 MR. MOLINARI: That's fine.

13 I was just -- what are these legal
14 services that are being provided, can the contract
15 be capped; and if not, why not?

16 Those are my main issues on it. Thank
17 you.

18 SUPERVISOR SALADINO: Thank you.

19 As everyone knows in the legal system
20 in America, anyone can sue anyone. So that's --
21 and it is our responsibility to defend the Town and
22 defend our taxpayers. Let me give you just a
23 little bit of the history because it's amazing when
24 you turn on your computer, you find information out
25 there and it's not always factual.

1 The Town of Oyster Bay, as many have
2 read, is -- has been identified in lawsuits and
3 most of -- in this case with this firm, it has to
4 do with fraudulent loans. I believe everyone has
5 read about this in the media or have seen it on TV.

6 In question is five specific loans that
7 were taken out by Mr. H. Singh, the previous
8 concessionaire in the Town of Oyster Bay, who is
9 not here now, whose company is playing no role in
10 the Town of Oyster Bay and neither have been here
11 since I've been Supervisor.

12 So there are five loans. The first one
13 was for \$1.5 million and the second one was for
14 \$3.4 million that Mr. Singh received. The
15 information I have, both of those loans were paid
16 back by the Singh organization. The Town had
17 nothing to do with that, and those are paid back so
18 that issue is resolved.

19 Loan three, Mr. Singh took out a loan
20 for \$7.8 million. We were sued. The Town of
21 Oyster Bay was sued because the lender claimed that
22 the Town had guaranteed that loan. This went to
23 Federal Court. We hired -- the Town of Oyster Bay
24 hired -- I shouldn't say we, I wasn't here at the
25 time -- but the Town of Oyster Bay hired the law

1 firm of Quinn Emanuel, who are nationally renowned
2 experts in this kind of work.

3 Due to their efforts and the fact
4 pattern in Federal Court, Federal Judge Sandra
5 Feuerstein has ruled that the Town of Oyster Bay is
6 not responsible. And in that findings, it was
7 brought forth and it's right in the Decision, that
8 these -- that this loan is not enforceable against
9 the Town. It listed all the reasons. We cannot
10 be -- we can no longer be sued for this amount of
11 money.

12 It's important to point out, and I'll
13 repeat this many times, the fact of the matter is,
14 the Town of Oyster Bay has not spent so much as a
15 dollar to repay any of these loans. Our position
16 is that they're fraudulent, and in one of the
17 loans, it's already been proven in court because,
18 in part, of the professional work of Quinn Emanuel.
19 So we have not spent a dollar on repaying any of
20 these loans and we will not. It is our position,
21 the loans are fraudulent.

22 The fourth loan is a \$12 million loan
23 and we will be defending our Town and our taxpayers
24 in court. The Town retained Quinn Emanuel to
25 defend this case. Once again, Quinn Emanuel has

1 already proven their abilities because we're no
2 longer responsible for that \$7.8 million loan. We
3 really never were, but we proved in Federal Court
4 and in Judge Feuerstein's Decision. She made that
5 decision, Town's not responsible, the loan was
6 fraudulent.

7 We will continue to fight them and it
8 makes perfect sense to continue to use the firm who
9 has brought success for the public, for the
10 taxpayers, has protected our taxpayers and our
11 Town. I believe that voting against providing the
12 Town with quality, high quality legal
13 representation is irresponsible and puts the
14 taxpayers at great risk.

15 Let's talk about the fifth loan now.
16 That was loan four. The fifth loan is a
17 \$1.8 million loan. We are also defending that
18 lawsuit and the Town will not pay back so much as a
19 dollar of this loan because we are not responsible.

20 In this case, Mr. H. Singh has admitted
21 in court and under oath that he and his
22 organization, individuals associated with his
23 organization, committed fraud in obtaining this
24 loan by forging the signatures of Town of Oyster
25 Bay officials.

1 This was stated in court, under oath,
2 and reported by the media. The Town of Oyster Bay
3 is not responsible. These are fraudulent loans, in
4 my opinion, in the opinion of our legal department,
5 and in responsible protection of our taxpayers.

6 So this is an important Resolution.
7 These communities -- these entities can continue to
8 sue the Town.

9 Would we like people to stop suing the
10 Town? Absolutely.

11 But it would be irresponsible as an
12 administrator and as the people, in my opinion, as
13 the people who are here, to respond to and to
14 represent our taxpayers, to stop with the legal
15 defense of these cases.

16 We have not paid back a dollar of these
17 loans. We are not responsible for paying back
18 these loans. They were fraudulent and the person
19 at the center of this case has already testified
20 under oath that he committed fraud by signing and
21 forging the signatures of Town of Oyster Bay
22 officials.

23 We will continue -- it is my intention,
24 and I hope the intention of every Board member on
25 this Board -- to continue to be responsible and

1 protect our taxpayers and residents.

2 And, again, in my opinion, voting
3 against this says that you're not going to protect
4 our taxpayers from these fraudulent loans.

5 Is there another speaker on our
6 Resolutions?

7 Yes, Mr. Adelman, you're up next.

8 MR. ADELMAN: Arthur Adelman,
9 110 Dubois Avenue, Sea Cliff, New York.

10 Regarding 345 and the \$219,000 for
11 Quinn Emanuel, the way I read the backup
12 documentation, this is for services rendered
13 already. This is for February, March billing, and
14 as Mr. Molinari stated, previously I requested that
15 when we approve billing, we get a running total of
16 where we are with a particular contract.

17 I don't know where we are with it. I
18 look -- I tried to look at the case. I could only
19 find one case in New York State Supreme -- well, I
20 guess it's Nassau Supreme, I don't know where
21 they're suing, in Westchester, maybe, but the one
22 case I found of Phoenix v. Town of Oyster Bay,
23 Phoenix is trying to collect a total of \$8 million.

24 It's five lines of itemized billing and
25 defaulting, so I don't know how much we've spent

1 already for that one case. That's the only case I
2 could find in my search and in New York State
3 eCourts.

4 And in the same flow of things, I did
5 the same thing, I searched Kushnick Pallaci
6 regarding Resolution 344 where we're offering to
7 remit an additional \$15,000 as a continuation for
8 Resolution 254 of 2017, which, I think, was for
9 \$35,000.

10 I'm not aware of if they're -- if
11 litigation has started in that case. I'm curious
12 to know if we've instituted litigation in the
13 Supreme Court yet.

14 SUPERVISOR SALADINO: Why don't you --
15 I'm sorry.

16 Why don't you finish asking your
17 questions and then take a seat and then we'll
18 address it? All right.

19 MR. ADELMAN: Okay.

20 First question was for a running total
21 of Phoenix v. Town of Oyster Bay, and the second
22 question is on the parking garage thing, design
23 construction, if litigation has started.

24 SUPERVISOR SALADINO: Some of this,
25 you're going to have to meet with Mr. Scalera --

1 please raise your hand -- and he'll give you the
2 information.

3 Thank you, and we'll start getting this
4 information across.

5 COUNCILWOMAN ALESIA: I did have some
6 of the same questions regarding the garage and my
7 understanding is -- I'm expecting Mr. Scalera to
8 jump up and stop me if I'm going to violate any
9 attorney/client privilege -- that we have not --
10 there has not been litigation brought at this time.

11 MR. ADELMAN: No litigation?

12 COUNCILWOMAN ALESIA: I found that out
13 today.

14 (Inaudible speaker.)

15 COUNCILWOMAN ALESIA: That was not the
16 information I was given, Counsel.

17 MR. SCALERA: Good evening, Supervisor.
18 Frank Scalera, Chief Deputy Town
19 Attorney.

20 The garage litigation has been
21 commenced. The Town of Oyster Bay sued for a
22 lawsuit in Supreme Court, Nassau County against two
23 entities. It has been filed several months ago.

24 COUNCILWOMAN ALESIA: The RJI purchase?

25 MR. SCALERA: There's no RJI because an

1 RJI would be obtained if you filed for a
2 Preliminary Conference or a motion, so that's --
3 but there is an index number and there was a
4 Summons And complaint, there has been Answers, and
5 documentary Discovery has started.

6 However, there was a period of time
7 that we tried to resolve the case with the entities
8 to, perhaps, cut short the litigation. However,
9 after spending two or three months, including our
10 office with Mr. Pallaci from Kushick Pallaci, he's
11 an expert in construction litigation. He's a
12 Suffolk County firm. We tried very hard with --
13 with the entities, and without saying more because,
14 you know, this should be better left in the
15 courtroom than here; however, we tried to settle
16 the case to cut short and, perhaps, get some relief
17 or some damages in connection with the repair of
18 the garage, which is, I know, another Resolution.

19 So be that as it may, now that those
20 settlement discussions, kind of, were not fruitful
21 or -- well, they were fruitful, but didn't -- they
22 didn't resolve the action, now we're going to --
23 I -- we have a meeting scheduled, my office, Public
24 Works, with our counsel, to get the rest of the
25 documents, and by this Fall, you're going to have

1 depositions and that's pretty much -- and then
2 expert exchanges, then you have your case. But
3 I've heard this before, I don't know why people
4 can't find it. It is on eCourts.

5 COUNCILMAN IMBROTO: Frank, the reason
6 is that it doesn't show up on eCourts until the RJI
7 is filed and when we're still in Discovery, it's --

8 MR. SCALERA: eCourts, but the other.

9 COUNCILMAN IMBROTO: eLaw.

10 MR. SCALERA: eLaw, you'll find it.
11 You can't -- you won't find it on eCourts if they
12 don't do a motion; however, you'll find it eTrack.
13 So it's there. So I'll be more than happy to give
14 a copy of the lawsuit to anybody.

15 COUNCILWOMAN ALESIA: I appreciate the
16 civil procedure clarification. I'm a little rusty.

17 MR. SCALERA: Sometimes eCourts is
18 weird. You punch a name, it doesn't come up.

19 COUNCILMAN IMBROTO: It only comes up
20 after the RJI is filed.

21 MR. SCALERA: There's a lawsuit. I can
22 assure you there's a lawsuit.

23 SUPERVISOR SALADINO: After we get done
24 with some of the points that I need to ask you, at
25 some point this evening, I'd like you to sit with

1 Mr. Adelman and walk him through this so he can
2 more easily find this information. And I'm sure he
3 may have other questions that I'd like you to
4 answer for him.

5 MR. SCALERA: Sure.

6 SUPERVISOR SALADINO: But something
7 came to mind that I want to point out because it's
8 so critical.

9 We were talking earlier about the Quinn
10 Emanuel situation. We were talking about the case
11 in court and we spoke about bringing clarity about
12 the five loans, the fact that we have never spent a
13 dollar to repay any of these loans, nor will we,
14 and the purpose of hiring Quinn Emanuel.

15 Two things are important to point out,
16 and additional information for the public.

17 One is the fact that when we got here
18 fifteen months ago, there were some bills, previous
19 bills to Quinn Emanuel that hadn't been paid, and I
20 instructed our Town Attorney to work with them to
21 come up with a compromise and reduce those fees.
22 And they were able to already successfully reduce
23 the fees we were paying to them to settle out open
24 issues of the past.

25 So, again, I'll ask you and the Town

1 Attorney to reach out to them to discuss this in an
2 effort to continue to do everything possible for
3 our taxpayers.

4 And finally, something that is very,
5 very important, and we've announced this and we
6 will continue to make sure the public knows the
7 facts as it relates to this.

8 The Town of Oyster Bay, since I came on
9 board as Supervisor and with the cooperation of the
10 other Board members, we have sued certain parties
11 to recover our legal costs. We have sued a man by
12 the name of Fred May who used to work for the Town
13 of Oyster Bay, and I don't know how deeply we can
14 get into this issue, but it is our strong opinion
15 that this person was part of the fraud on the Town
16 of Oyster Bay in some ways that are documented.

17 Correct?

18 MR. SCALERA: Correct.

19 SUPERVISOR SALADINO: In addition to
20 Fred May, we sued both Mr. Singh and his company?

21 MR. SCALERA: Correct.

22 Mr. Singh, I believe, his wife, and his
23 companies.

24 SUPERVISOR SALADINO: And we have sued
25 a law firm that we believe is also responsible.

1 The name of that law firm that we sued is public.
2 It's all public. It's called Harris Beach. You
3 may have written -- read, rather, the article in
4 Newsday that speaks about the principals of Harris
5 Beach are involved in government at the county
6 level. We read that. We learned that reading
7 Newsday where they presented that factual
8 information. The Town of Oyster Bay is suing that
9 law firm as well.

10 And we are suing these entities because
11 we believe, it is our opinion, that they are
12 responsible for these fraudulent loans and that we
13 are trying to recover these monies that have been
14 spent on legal fees and monies that might be spent
15 going forward, but we have to be responsible and
16 hire companies with a proven track record to defend
17 our taxpayers.

18 MR. ADELMAN: Can I ask one last
19 question?

20 SUPERVISOR SALADINO: Certainly.

21 MR. ADELMAN: Are we contemplating
22 suing in Civil Court, the former Town Attorney who
23 admitted he didn't read -- he signed documents he
24 didn't read? I mean, isn't that like negligence on
25 his part and shouldn't he be responsible to some

1 degree as well?

2 SUPERVISOR SALADINO: The answer to
3 your question, all of these issues are being
4 considered by our legal team.

5 MR. ADELMAN: Okay. Thank you.

6 SUPERVISOR SALADINO: Thank you so
7 much.

8 And our last speaker, at least that I
9 have a slip for on the Resolution part of this
10 evening is Mr. Kevin McKenna.

11 MR. McKENNA: Frank, don't go anywhere.
12 I'm going to need you.

13 Same topic.

14 SUPERVISOR SALADINO: Mr. McKenna, why
15 don't you address the Board?

16 Thank you.

17 MR. McKENNA: Kevin McKenna, 3 Edna
18 Drive, Syosset, New York.

19 On -- good evening, Town Board.

20 SUPERVISOR SALADINO: Good evening.

21 MR. McKENNA: On 345 -- I'm sorry, 344,
22 on the Hicksville garage, I was able to, last
23 month, find the lawsuit on eTrack. The problem,
24 it's difficult is that, it's the way that you enter
25 in. It's the way that you have to enter in the

1 date. It's very tricky, and I had to go to Mineola
2 and they had to show me what I was doing wrong on
3 entering in the eTrack.

4 So it is there and I wanted to find out
5 if you could shed any light to the third company
6 that was added to the lawsuit. The Town, we're
7 suing Sidney Bowne, we're suing Scalamandre and
8 could you elaborate on why we added in a third
9 company to the lawsuit?

10 And more importantly, we all know that
11 Sidney Bowne has sold its assets to the Lyra Group
12 and I'm wondering what the chances are of us
13 getting money from a company that might not be in
14 existence anymore and can we sue the individual of
15 that company in light of the fact that the company
16 has no more assets?

17 SUPERVISOR SALADINO: Please address
18 your questions this way, please.

19 MR. McKENNA: I'm sorry.

20 SUPERVISOR SALADINO: Okay.

21 So there are certain things that we can
22 make public that are informative and there are
23 certain things that hurt the Town's position, the
24 taxpayers, in terms of a lawsuit.

25 So we appreciate your bringing this

1 issue to our attention, but right now we're looking
2 for statements that are germane to the specific
3 resolution that we're dealing with.

4 MR. McKENNA: Yeah, well, what's
5 germane is that the Town added a third company to
6 the lawsuit and the public deserves to know the
7 name of the company and we need to know why we
8 added a third company to the lawsuit.

9 SUPERVISOR SALADINO: Is that public
10 information?

11 MR. SCALERA: Yes.

12 SUPERVISOR SALADINO: Okay. So why
13 don't we give that name.

14 Why don't you take a seat and we'll
15 answer your question?

16 MR. McKENNA: I'd also like to have an
17 answer to the other question which is, are we
18 throwing money away by suing a company that
19 possibly does not exist anymore and can we sue the
20 company that bought the assets of that company,
21 which the reason he did it was to make himself
22 judgment proof, so why are spending money suing a
23 company that doesn't exist anymore and can we sue
24 the company that bought the assets of that company?

25 Thank you.

1 SUPERVISOR SALADINO: Thank you.

2 Frank, why don't you step up for a
3 moment and would you share with the public, the
4 name of the third entity?

5 MR. SCALERA: The Town didn't bring in
6 a third entity.

7 If you read the lawsuit, the Town sued
8 the two entities that he mentioned and, apparently,
9 one of those entities brought in another one. It's
10 clear from the caption, I don't know what you're
11 reading, but I would know that -- I would know from
12 our office which entities we brought it against.

13 So what I understand from talking to
14 outside counsel, that either one of the defendants
15 of the two, one of them brought in a third --
16 another party. I don't know for sure certain
17 because I'm meeting with the attorney next week
18 with the Public Works people. It might have been
19 Blendex, but I have to check myself.

20 SUPERVISOR SALADINO: Let's get it
21 right.

22 MR. SCALERA: That's one. It was not
23 us bringing in.

24 SUPERVISOR SALADINO: Let's not assume.
25 Let's only deal with factual information.

1 MR. SCALERA: Sure.

2 SUPERVISOR SALADINO: I'm going to ask
3 you after the meeting, to please sit with
4 Mr. McKenna.

5 I understand the question that he's
6 asked gets into a lot of legal strategies and will
7 take you through the different years of law school.

8 MR. McKENNA: Mr. McKenna is not the
9 only one who wants the answer. I think that the
10 public deserves to know the answer. I think we
11 deserve to know. I'm asking why you can't just
12 touch on --

13 SUPERVISOR SALADINO: Mr. McKenna,
14 let's start off with Mr. Scalera sitting with you.

15 MR. McKENNA: I don't want to sit with
16 Mr. Scalera.

17 SUPERVISOR SALADINO: Okay. Then,
18 Mr. McKenna, we'll do --

19 MR. McKENNA: The public watching right
20 now deserves to know the answer to the question.

21 MR. SCALERA: I hope to have the
22 answer. I'll give you the answer.

23 SUPERVISOR SALADINO: Do you have a
24 short synopsis of events without getting into --

25 MR. McKENNA: Why can't he answer it

1 there so everyone can hear?

2 SUPERVISOR SALADINO: Okay. Okay.

3 Okay.

4 MR. SCALERA: The lawsuit, once again,
5 it's very clear. These documents are available for
6 anybody who wants to see them. The Town of Oyster
7 Bay sued Scalamandre and Company, or Scalamandre
8 and Sons and Sidney Bowne. That's what our lawsuit
9 says.

10 My understanding is that one of those
11 defendants brought in what they call a third-party
12 action against another party.

13 And I believe that company to be
14 Blendex. That's it for that. It is very clear in
15 the documents. I don't know -- I don't want you to
16 read anymore into it. It's that simple. That's
17 it. That's what the papers say.

18 COUNCILMAN MUSCARELLA: The second
19 question.

20 MR. SCALERA: The second question was
21 about the recovery.

22 MR. McKENNA: Right.

23 SUPERVISOR SALADINO: Without hurting
24 our position. Without saying anything that would
25 hurt our taxpayers in court.

1 MR. SCALERA: I will not do that.

2 What I can tell is this. There's
3 something -- I don't know -- for folks who are in
4 the court systems, a lot of folks who are not in
5 the court system, it's something called insurance
6 coverage. I mean, it's pretty much out there.
7 These defendants have had -- had insurance coverage
8 during the period of time.

9 COUNCILMAN MUSCARELLA: Professional
10 liability.

11 MR. SCALERA: Correct.

12 So what happens is insurance coverage
13 is usually claims based, so if the coverage was in
14 place when the so-called bad act was done or
15 negligent, the coverage is instituted for this
16 particular lawsuit. So there's coverage in this
17 case to obtain relief against the defendants.

18 SUPERVISOR SALADINO: Thank you.

19 MR. SCALERA: Now, what they did
20 afterwards with their own company, asset sales,
21 that's beyond our control because these are acts
22 that we don't do.

23 SUPERVISOR SALADINO: Mr. Scalera,
24 we're getting into speculation now.

25 MR. SCALERA: Of course.

1 SUPERVISOR SALADINO: Bottom is the
2 answer to the question is that their insurance
3 coverage plays into this issue.

4 MR. SCALERA: That's it.

5 SUPERVISOR SALADINO: Thank you very
6 much.

7 MR. McKENNA: Thank you. Thank you
8 very much.

9 SUPERVISOR SALADINO: I don't know have
10 any other speakers on these Resolutions.

11 Would anyone like to be heard on the
12 Resolution -- normal Resolution part of the
13 calendar?

14 COUNCILWOMAN ALESIA: I have a couple
15 of questions.

16 SUPERVISOR SALADINO: Certainly.
17 Certainly.

18 COUNCILWOMAN ALESIA: One is, I think,
19 a fairly easy one I actually asked it via e-mail
20 during the week, but maybe it got overlooked and I
21 know Commissioner Fitzgerald is here.

22 I was just wondering, on the Music
23 Under the Stars spreadsheet, which is one of the --
24 oh, it's not on here anymore. Never mind. I
25 withdraw that question.

1 My second question was on the Local Law
2 Code Revisions. I noticed that the leaf blower --
3 leaf blower -- Frank, leaf blowers. I had sent a
4 couple of memos about changing the code with
5 respect to leaf blowers, and there's nothing in
6 here about it at all.

7 SUPERVISOR SALADINO: Well, that's -- I
8 can answer that one.

9 Thus far, we're waiting on the Town of
10 North Hempstead. They have been considering
11 legislation and they're still trying to work
12 through that. We still have questions as to what
13 is the most appropriate way to deal with this.

14 Our other complication is, quite
15 frankly, getting on more inspectors who can go out
16 on the weekends and respond to the issue, and we're
17 continuing to keep lines of communication open with
18 all of the municipalities on Long Island and
19 New York State to get -- to arrive at the best
20 point in dealing with this.

21 We have identified, through the
22 industry and the residents, that one of the biggest
23 issues is compliance with the current codes,
24 getting people to comply with the current codes,
25 the hours of operation and getting the unlicensed

1 people off our streets.

2 COUNCILWOMAN ALESIA: Well,
3 respectfully, I have to disagree on this because I
4 think this is an opportunity where we could be
5 trailblazers.

6 I think that it's not just about the
7 hours that people are using the leaf blowers; it's
8 about the pollution that it adds to the
9 environment, generally speaking, and we amend the
10 Code very rarely and I'm just disappointed that it
11 wasn't -- I didn't receive a memo back. I didn't
12 receive any information on what's going on other
13 than we are looking into what other municipalities
14 are doing.

15 And I know that you like to be a
16 trailblazer and I know that you're environmentally
17 conscious, so I'm just reiterating my request that
18 I think we have an opportunity to take the lead
19 here and I would have loved to have seen it on the
20 Resolution, on the hearing.

21 COUNCILMAN IMBROTO: Councilwoman, we
22 have been amending the Code fairly regularly to
23 address issues like that. It is not something that
24 you can only do once.

25 COUNCILWOMAN ALESIA: Oh, no, I realize

1 that, but, you know, it's a fairly substantial
2 revision and it would have been nice to see it on
3 here. I'm just taking the opportunity to bring it
4 up.

5 SUPERVISOR SALADINO: Yeah, thank you.

6 COUNCILWOMAN JOHNSON: Also provided
7 legislation, I think, from Rye, was it Rye that
8 also --

9 SUPERVISOR SALADINO: Well, he's here
10 so we'll ask him if he comes up.

11 COUNCILWOMAN ALESIA: He's here.

12 SUPERVISOR SALADINO: Commissioner, you
13 heard the -- Commissioner Maccarone, you heard the
14 request of Councilwoman Alesia, so I would like you
15 to, very seriously, consider putting this on,
16 either for the next grouping, which -- let's get
17 that moving, let's look at what the best options
18 are, and I ask you also to confer with Councilwoman
19 Alesia to see what her feelings are, if our options
20 are something that is both workable, but something
21 that will be effective in addressing the problem.

22 COMMISSIONER MACCARONE: Yes, sir.

23 COUNCILWOMAN ALESIA: Thank you,
24 Supervisor.

25 COUNCILMAN IMBROTO: I just want to

1 take the opportunity to commend the Commissioner
2 for the efforts that she and Commissioner McCaffrey
3 have taken to crack down on some of the unlicensed
4 landscapers and the ones who are not following the
5 rules to try to address this issue. They've really
6 stepped up to the plate.

7 SUPERVISOR SALADINO: Other -- Yes?
8 Would you like to come forward?
9 Please.

10 Is this on a Resolution?

11 MR. BRUSCA: Yes. I put in a public
12 comment for 350. Just very briefly --

13 SUPERVISOR SALADINO: Sure.

14 MR. BRUSCA: It's a 50 -- roughly a
15 \$50,000 donation by the Oyster Bay Lions Club to
16 the Beekman Beach Overlook, just west of where
17 we're meeting tonight and in Teddy Roosevelt Park.

18 On behalf of the Lions, I just wanted
19 to thank the Board and particularly Commissioner
20 Pinto for all of his help in moving that forward
21 and former Deputy Commissioner Baptiste -- well,
22 he's not former -- formerly of the Parks
23 Department.

24 This program had started with the Lions
25 last year and it was handed off to Commissioner

1 Pinto and it's ready to be started and completed
2 within about a week's time in June, so I just
3 wanted to thank the Commissioner and the former
4 Deputy Commissioner on behalf of the Lions Club.

5 Thank you very much.

6 COUNCILMAN IMBROTO: On behalf of the
7 Board, we'd like to thank the Lions Club.

8 MR. BRUSCA: Yeah, it's purely private
9 investment of \$50,000 to an area, Teddy Roosevelt
10 Park that really has been untouched for as long as
11 I can remember, so it's a great project.

12 SUPERVISOR SALADINO: We appreciate
13 your generosity to our residents.

14 MR. BRUSCA: Thank you.

15 (Applause.)

16 COUNCILMAN IMBROTO: Would you just
17 identify yourself for the record?

18 State your name and address for the
19 record.

20 MR. BRUSCA: I'm sorry.

21 Rob Brusca, 105 Devonshire Drive, East
22 Norwich, New York.

23 Thank you.

24 SUPERVISOR SALADINO: Thank you.

25 If there are no other speakers, I have

1 no other slips for our Resolution portion, is there
2 any correspondence.

3 MR. ALTADONNA: No correspondence.

4 Okay.

5 Just to refresh, motion was made by
6 Councilman Muscarella, it was seconded by
7 Councilwoman Alesia.

8 On the vote, and we're voting on P-9-18
9 through 364, noting that 293 and 295 were removed
10 from the table and added to these Resolutions.

11 On the vote:

12 Supervisor Saladino?

13 SUPERVISOR SALADINO: "Aye."

14 MR. ALTADONNA: Councilman Muscarella?

15 COUNCILMAN MUSCARELLA: "Aye."

16 MR. ALTADONNA: Councilman Macagnone is
17 absent.

18 Councilwoman Alesia?

19 COUNCILWOMAN ALESIA: "No" on 293 and
20 295 for the aforementioned reason.

21 "Aye" as to the rest.

22 MR. ALTADONNA: Councilwoman Johnson?

23 COUNCILWOMAN JOHNSON: I vote "Aye" on
24 all, but I'm recusing on 293 and 295.

25 MR. ALTADONNA: Recuse on 293 and 295.

1 Okay.

2 Councilman Imbroto?

3 COUNCILMAN IMBROTO: I vote "Aye" on
4 all.

5 MR. ALTADONNA: Councilman Hand?

6 COUNCILMAN HAND: "Aye."

7 MR. ALTADONNA: Motion P-9-18 passes
8 with six "Ayes."

9 TF -- I cannot read my own writing.

10 TF-9-18 passes with six "Ayes."

11 293 and 295 passes with four "Ayes,"
12 one "no" on 293, one "no" on 295, one "recuse" on
13 293, one "recuse" on 295.

14 Resolutions Nos. 341 through 364 passes
15 with six "Ayes."

16 The calendar is complete.

17 SUPERVISOR SALADINO: Thank you.

18 Well, we are all done with our
19 stenographer, but we will begin the public comment
20 portion of our meeting.

21 I thank those of you who are done with
22 business.

23 COUNCILMAN MUSCARELLA: Supervisor, I
24 make a motion to close the meeting.

25 COUNCILWOMAN ALESIA: Second.

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

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed,
"Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

(TIME NOTED: 9:07 P.M.)