

TOWN BOARD  
TOWN OF OYSTER BAY  
SPECIAL PRESENTATION  
JUNE 6, 2017  
10:10 A.M.

**JOSEPH SALADINO**  
**SUPERVISOR**

**JAMES ALTADONNA JR.**  
**TOWN CLERK**

P R E S E N T:

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

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

1 SUPERVISOR SALADINO: Ladies and  
2 gentlemen, welcome to the Town Board meeting of  
3 June 6, 2017.

4 I'm going to bring up for the purposes  
5 of our prayer, someone very important to our  
6 community. Pandit Shri, a respected priest  
7 [inaudible] of Asamai Hindu Temple in Hicksville.

8 Asamai is a temple that strives to  
9 educate and preserve traditional Hindu values.  
10 It's located on East Barclay Street and this temple  
11 provides religious and spiritual guidance to Afghan  
12 Hindus on Long Island and especially throughout the  
13 Town of Oyster Bay.

14 So, Panit Shri, if you would please  
15 lead us in prayer.

16 All rise.

17 (Whereupon, a prayer was recited by  
18 Panit Shri.)

19 SUPERVISOR SALADINO: Thank you very  
20 much, respected priest of the Asamai Hindu Temple  
21 in Hicksville.

22 Ladies and gentlemen, now for the  
23 Pledge of Allegiance, we are very privileged to be  
24 led by a firefighter, emergency responder, a true  
25 hero, someone that has led and served our

1 community, is a member of the North Massapequa Fire  
2 Department for seven decades, Ex-Chief Fred Penna.

3 Would you please step up to the podium.

4 MR. PENNA: Thank you, Supervisor  
5 Saladino.

6 It's a pleasure to be here.

7 Hand salute.

8 (Whereupon, the Pledge of Allegiance  
9 was recited and led by Fred Penna.)

10 SUPERVISOR SALADINO: Thank you, sir.

11 It's important that we continue to  
12 honor those who serve our community, especially in  
13 this case as a volunteer.

14 Seven decades Ex-Chief Fred Penna has  
15 been a member of the North Massapequa Fire  
16 Department. He is celebrating his 70th year with  
17 distinguished service with North Massapequa's Fire  
18 Department. The only break in his volunteer fire  
19 service was due to his service to our country with  
20 the United States Army.

21 Ex-Chief Penna served as Captain of the  
22 Hose and Engine Company No. 2 and ultimately  
23 ascended to the prestigious rank of Chief of the  
24 department. He's also served as Commissioner of  
25 the North Massapequa Fire District where he ably

1 balanced the needs of the fire service with the  
2 needs of the taxpayers.

3 The Penna family has a long and  
4 distinguished record of service to the North  
5 Massapequa Fire department including his father,  
6 Henry Penna, Sr., who was Chief of Department in  
7 1940. Also members of the fire department are his  
8 brothers, John, Henry, Eugene, and his son, Fred  
9 Penna, Jr., all members of this wonderful  
10 department.

11 It is the Town of Oyster Bay's distinct  
12 honor to recognize Ex-Chief Penna's seven decades  
13 of fire service and to join in commending and  
14 thanking him for a lifetime of responding when  
15 fellow citizens are in need, saving the lives,  
16 saving the property and protecting our community.

17 We are very proud of your service and  
18 we would like to join you for a photo to recognize  
19 all you have done as we get that message out to the  
20 entire -- all of the residents of the Town of  
21 Oyster Bay.

22 COUNCILMAN MACAGNONE: Excuse me,  
23 Chief, did you serve in the second World War?

24 MR. PENNA: No, sir. I did not.

25 COUNCILMAN MACAGNONE: Because I know

1 today is the 73rd anniversary of D-Day. I want to  
2 thank you for our service to our nation and I hope  
3 our residents remember that 73 years ago, our  
4 troops stormed the beach over in Normandy and a lot  
5 of great, great people were lost.

6 MR. PENNA: Thank you, sir.

7 I wasn't in the second World War. I  
8 was in during the Korean War and --

9 COUNCILMAN MACAGNONE: Thank you for  
10 your service, Chief.

11 (Applause.)

12 SUPERVISOR SALADINO: We will be  
13 presenting a Town citation at the installation and  
14 we'll be proud to have him back here.

15 (Applause.)

16 SUPERVISOR SALADINO: The Chief and his  
17 lovely bride have been married for 64 years.

18 (Applause.)

19 SUPERVISOR SALADINO: There's a lot of  
20 things going on in the Town of Oyster Bay to report  
21 to you.

22 We'd be here all day if we reported  
23 everything that we're doingm but we've been  
24 reporting that on Facebook and multitude of  
25 different ways including the May Eagle Scout

1 ceremonies that the Board has joined me with over  
2 the weekend.

3 It's been a wonderful weekend of  
4 respecting and recognizing the heroes in our  
5 community and we're here to recognize another group  
6 of heroes in our community and the Oyster Bay Town  
7 Board takes great pride in it as we kick off the  
8 popular One Town, One Book, Oyster Bay Reads Summer  
9 Reading Project.

10 The One Town, One Book program now in  
11 its sixth year in the Town of Oyster Bay is the  
12 initiative of Oyster Bay Town Councilwoman Rebecca  
13 Alesia. Thank you for this wonderful program that  
14 you brought to the Town.

15 The program is a national movement that  
16 seeks to challenge communities to read the same  
17 book or books within a theme and discuss reaction  
18 with friends and family. The goal is to promote  
19 literacy while creating a great sense of community  
20 within our Town.

21 The Town is very excited to join with  
22 our local library directors who are here this  
23 morning and presenting details of the 2017 program.  
24 And I turn the floor over to the wonderful person  
25 who has initiated this program and is making it

1 better and better each and every year, looking out  
2 for our children and do increase literacy in the  
3 Town of Oyster Bay, Councilwoman Alesia.

4 COUNCILWOMAN ALESIA: Thank you so  
5 much, Supervisor.

6 This is probably my favorite day of the  
7 year in Town Hall. We've been doing this program,  
8 as you said, for six years, and every year in June,  
9 we do announce the theme, and this year I'm excited  
10 to say that the 2017 program's theme will be  
11 "Building a Better World."

12 The Oyster Bay Town Board is joined  
13 today by directors of the various libraries to  
14 commemorate the kickoff. I'll add that this year,  
15 we will be featuring an essay and a poster contest  
16 through the local libraries. Anyone interested --  
17 and it's really geared toward our younger residents  
18 but, of course, anyone who is interested is invited  
19 to create either a poster based upon the theme of  
20 Building a Better World which could involve  
21 something like protecting the environment,  
22 peacekeeping, healthcare, first responders, or send  
23 an essay on the subject.

24 The deadline for the poster contest and  
25 for reading logs to be submitted is Wednesday,

1 July 26th, and they can, of course, be submitted to  
2 any Town Council person via our office or to the  
3 Supervisor's office or mail to our attention at  
4 54 Audrey Avenue.

5 This year's grand finale will be in  
6 conjunction with the Town's Movies by Moonlight  
7 program, which is scheduled now for August 3rd at  
8 the Plainview-Old Bethpage Community Park.

9 And Supervisor, while this was  
10 initially my concept to the Town, it's really  
11 something that's been adopted and taken on by all  
12 the departments. Everyone has been absolutely  
13 amazing in their cooperation. I'm so appreciative  
14 of the Board's support and your support, everything  
15 that community services has done. I would be  
16 remiss if I didn't mention Emma Rosasco of my  
17 office, who really quarterbackes the whole  
18 initiative.

19 With your permission, I'd like to  
20 introduce the Library Directors.

21 SUPERVISOR SALADINO: Please.

22 COUNCILWOMAN ALESIA: Wonderful.

23 So we have from -- I don't know if  
24 everyone's aware that in the Town, we have 13  
25 libraries which is pretty incredible and we have



1 more than half represented today.

2 From the Goldcoast Library, Michael  
3 Morea. Please stand up. From Jericho, Tina  
4 Brenner; from Hicksville, Director Elizabeth  
5 Goldfrank; From Locust Valley, Kathleen Smith; from  
6 Farmingdale, Christa Lucarelli; From Bethpage, Lois  
7 Lovosolo; from Syosset, Karen Leibman; and I saved  
8 my personal favorite for last, my own library  
9 director, she knows how to Build a Better World  
10 than we are building, a really cool library in  
11 Plainview that's getting better all the time,  
12 Director Gretchen Browne.

13 Please give a hand for our Library  
14 Directors.

15 (Applause.)

16 I just wanted to thank you all for your  
17 participation and cooperation with us. We have an  
18 amazing -- if you come to the August 3rd event, all  
19 the libraries get a table. They have interactive  
20 activities for the children. It's really, really  
21 special. It's something that promotes looking down  
22 at a book rather than looking down at your phone  
23 and it's something that I think we all could use a  
24 little bit more of, so I thank you all.

25 SUPERVISOR SALADINO: Thank you,

1 Councilwoman.

2 The entire Town Board is very proud of  
3 all of your efforts, your motivation, your  
4 administrative skills and the fact that you are  
5 making sure that our youth in our communities are  
6 very motivated to read and to take advantage of the  
7 many services of our libraries.

8 I was fortunate enough to be one of the  
9 two leaders of the Library Committee in Albany for  
10 a number of years, driving more resources more  
11 state money, more money for your capital programs  
12 to our libraries than was originally proposed in  
13 the governor's budget and it feels good, very  
14 satisfied to see that those resources are put to  
15 great use and that you're doing an amazing job.  
16 We're so proud of you.

17 Thank you.

18 COUNCILWOMAN JOHNSON: One more quick  
19 note.

20 We have our own favorite librarian in  
21 Locust Valley, Director Kathy Smith. This past  
22 Saturday, the event attended by myself, Supervisor,  
23 Councilman Imbroto, Councilman Hand, the Grenville  
24 Baker Boys and Girls Club honored all of our many  
25 community partners, but one of them was Locust

1 Valley and Director Smith was there representing  
2 the library and we thank you again. It's a  
3 beautiful place and you guys are doing great things  
4 there as well.

5 Thank you.

6 COUNCILWOMAN ALESIA: So, should we take  
7 out publicity photo?

8 Please follow us on Facebook, Oyster  
9 Bay Reads.

10 (Whereupon, a photo session ensued.)

11 COUNCILWOMAN ALESIA: Thank you.

12 SUPERVISOR SALADINO: Thank you,  
13 Councilwoman.

14 An important announcement -- important  
15 announcement to make regarding access to Town Hall  
16 during Oyster Bay's Cruise Nights which is a very  
17 popular program we do here in Town.

18 While residents enjoy the weekly cruise  
19 nights hosted on Audrey Avenue by the East Norwich  
20 Chamber of Commerce, the Town will ensure residents  
21 visiting Town Hall during evening hours for the  
22 Town Board Meetings or late nights when the Town  
23 Clerk's Office has these later evening hours will  
24 have access to Town Hall.

25 As the Town Clerk's Office is open

1       until 7:30 p.m. on June 13th, July 11th and  
2       August 8th, the Town's Public Safety Department  
3       will ensure parking spaces are left available to  
4       any resident who may be visiting Town Hall.

5               Access to Town Hall is open through the  
6       back entrance of the parking lot with entry on  
7       South Street, Route 106, for the June 20th Town  
8       Board meeting.

9               The Cruise Night will be temporarily  
10       located to Firemen's Field, the parking lot by the  
11       Oyster Bay railroad station near Teddy Roosevelt  
12       Park. So we're looking forward to your  
13       participation. That's important information to our  
14       residents.

15               (TIME NOTED: 10:29 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
JUNE 6, 2017  
10:30 A.M.

**HEARING - Local Law**

To consider a Local Law to add Chapter 242 of the Code of the Town of Oyster Bay entitled, "Wireless Telecommunications Facilities" and to Revise Sections of Chapter 246-5 of the Code. (M.D. 5/16/17 #22).

**JOSEPH SALADINO**  
**SUPERVISOR**

**JAMES ALTADONNA JR.**  
**TOWN CLERK**

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COUNCILMAN THOMAS HAND

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Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary

1                   SUPERVISOR SALADINO: Very important  
2                   information to every resident, to every taxpayer,  
3                   and information that we are very proud of and quite  
4                   important to announce is the outcome of a recent  
5                   case in court.

6                   In July of 2016, Phoenix Variable Life  
7                   Insurance Company sued the Town of Oyster Bay in an  
8                   effort to recover money that a prior concessionaire  
9                   borrowed from that company.

10                  Phoenix argued that the Town guaranteed  
11                  repayment of the approximately \$7.8 million loan.  
12                  The Town vigorously and most appropriately opposed  
13                  Phoenix claims for multiple reasons.

14                  First, the Town Board never approved  
15                  the supposed guarantee; second, that supposed  
16                  guarantee was not even properly signed; and third,  
17                  that guarantee, even if it was properly signed,  
18                  violates the New York State Constitution that  
19                  municipalities may not lend their credit on behalf  
20                  of private entities.

21                  In other words, the supposed guarantee  
22                  was bogus and simply not legitimate. Last week,  
23                  Federal Judge Sandra Feuerstein of the United  
24                  States District Court dismissed the suit with  
25                  prejudice, ruling that the Oyster Bay Town Board

1 did not authorize or ratify the loan guarantees and  
2 in her 43-page decision stated that the Town of  
3 Oyster Bay was a victim in this situation.

4 Understand that this decision is  
5 monumental. It's a win for the taxpayers, it is a  
6 win for the Town's reputation and it lays the  
7 initial groundwork for the Town to be victorious in  
8 court in recovering the costs the Town forced to  
9 incur as it relates to this conspiracy against the  
10 Town and its residents.

11 This, ladies and gentlemen, is a  
12 watershed moment and very, very important in terms  
13 of the Town's reputation, the Town's ability to  
14 recover, and as I said, the judge stated, in her  
15 decision, that the Town was the victim.

16 Thank you.

17 Will the Clerk please poll the board?

18 MR. ALTADONNA: Supervisor Saladino?

19 SUPERVISOR SALADINO: Here.

20 MR. ALTADONNA: Councilman Muscarella?

21 MR. MUSCARELLA: Here.

22 MR. ALTADONNA: Councilman Macagnone?

23 COUNCILMAN MACAGNONE: Present.

24 MR. ALTADONNA: Councilwoman Alesia?

25 COUNCILWOMAN ALESIA: Here.

1 Good morning.

2 MR. ALTADONNA: Councilwoman Johnson?

3 COUNCILWOMAN JOHNSON: Here.

4 MR. ALTADONNA: Councilman Imbroto?

5 COUNCILMAN IMBROTO: Present.

6 MR. ALTADONNA: Councilman Hand?

7 COUNCILMAN HAND: Here.

8 SUPERVISOR SALADINO: Would you call  
9 the first hearing, please?

10 MR. ALTADONNA: Sure.

11 Hearing local law, to consider a local  
12 law to add Chapter 242 to the Code of the Town of  
13 Oyster Bay entitled wireless telecommunications  
14 facilities and to revise section -- Chapters 246-5  
15 of the Code (M.D. 5/16/17 #22.)

16 SUPERVISOR SALADINO: Mr. Matt Rozea?

17 MR. ROZEA: Good morning, Supervisor,  
18 Members of the Town Board.

19 For the record, Matthew Rozea, Office  
20 of the Town Attorney.

21 Supervisor, at the last Town Board  
22 meeting, this Board authorized the retention of a  
23 specialist in the field of telecommunications law.  
24 We have since met with that attorney. He's been  
25 reviewing the proposed ordinance and suggested to



1 us, in fact, making some modifications and  
2 revisions to the initial draft of the ordinance  
3 that we've noticed this public hearing for.

4 And so as to allow the attorney to make  
5 all the changes and edits that he feels are  
6 appropriate under the governing law, and most  
7 importantly to allow the residents a full and fair  
8 opportunity to review the draft law, we request  
9 that the Town Board adjourn this hearing to the  
10 next Town Board meeting, June 20, 2017 at  
11 10:00 a.m.

12 SUPERVISOR SALADINO: For the purposes  
13 of public information, can you briefly state what  
14 our motivation is in adopting these new amendments?

15 MR. ROZEA: Simply stated, Supervisor,  
16 it's to restore under the under -- under the  
17 Federal Telecommunications Act, the fullest extent  
18 of the Town's zoning powers to regulate the  
19 placement and installation of any type of  
20 telecommunications facility including the small  
21 cell repeaters that we've seen popping up  
22 throughout the Town.

23 COUNCILMAN MUSCARELLA: Counsel, I'm  
24 going to repeat the meeting on June 20th is at  
25 7:00 p.m. so I'm going to make a motion to --

1 MR. ROZEA: You're correct. Thank you.

2 COUNCILMAN MUSCARELLA: Supervisor,  
3 I'll make a motion to close the meeting and to  
4 reopen it on June 20, 2017 at 7:00 p.m.

5 COUNCILWOMAN ALESIA: The hearing?

6 COUNCILMAN MUSCARELLA: The hearing,  
7 I'm sorry.

8 COUNCILMAN MACAGNONE: I'll second  
9 that.

10 MR. ALTADONNA: Would you like me to  
11 poll the vote?

12 SUPERVISOR SALADINO: Yes.

13 MR. ALTADONNA: Supervisor Saladino?

14 SUPERVISOR SALADINO: "Aye."

15 MR. ALTADONNA: Councilman Muscarella?

16 COUNCILMAN MUSCARELLA: "Aye."

17 MR. ALTADONNA: Councilman Macagnone?

18 COUNCILMAN MACAGNONE: "Aye."

19 MR. ALTADONNA: Councilwoman Alesia?

20 COUNCILWOMAN ALESIA: I would just

21 add -- it's a "Aye" for me -- but I received  
22 several communications to my office requesting that  
23 this issue be heard at night so I'm very  
24 appreciative that we're doing this.

25 "Aye."

1 MR. ALTADONNA: Councilwoman Johnson?

2 COUNCILWOMAN JOHNSON: "Aye."

3 MR. ALTADONNA: Councilman Imbroto?

4 COUNCILMAN IMBROTO: I vote "Aye" and  
5 the public will have an opportunity to review the  
6 draft before the hearing?

7 MR. ROZEA: We'll post it on the Town's  
8 website so that the public can review the draft.

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. ALTADONNA: Would you like me to  
12 call the second hearing?

13 SUPERVISOR SALADINO: Yes. Just in  
14 closing on that. We're looking forward to moving  
15 forward on this initiative. It's very important  
16 for us to push back. Very important to be the  
17 voice of our residents when it comes to these cell  
18 repeaters and all of wireless communications and we  
19 will continue to work with the community and  
20 represent the residents of this Town.

21 MR. ROSEA: That's what effort is all  
22 about, Supervisor.

23 SUPERVISOR SALADINO: Thank you very  
24 much.

25 MR. ALTADONNA: Supervisor, you've had

1 a number of people fill our forms to speak about  
2 this --

3 SUPERVISOR SALADINO: Would like to  
4 speak on this.

5 MR. ALTADONNA -- if you'd like to move  
6 that to public comment so they have the opportunity  
7 to speak or if you'd to --

8 SUPERVISOR SALADINO: Why don't we do  
9 those now and allow them to go on with their day?

10 Could I get a decision from the Town  
11 Attorney? We have closed this hearing for the time  
12 being, until the 20th.

13 Can we still hear public comments on  
14 this?

15 MR. ROZEA: There's no reason the Board  
16 couldn't hear public comment, but I would caution  
17 that the hearing on the actual local law would be  
18 at the June 20th meeting and so I would recommend  
19 that any comments that any resident wishes to be  
20 part of the record be heard at the June 20th  
21 meeting, but, of course, the Board can entertain  
22 any comment.

23 COUNCILMAN MACAGNONE: Excuse me, Matt?

24 MR. ROZEA: Yes.

25 COUNCILMAN MACAGNONE: Mr. Rozea,

1 should we open the hearing up again to have the  
2 comments so it will go on file for this hearing?

3 MR. ROZEA: To the extent anyone wishes  
4 to speak, it is within the Board's purview to hear  
5 it, but without the benefit of having seen the  
6 draft of the ordinance, I'm not certain what the  
7 effect --

8 COUNCILMAN IMBROTO: Mr. Rozea, could  
9 we incorporate any comments that were made today  
10 into the record of the hearing when we have the  
11 formal hearing?

12 MR. ROZEA: Being that the Board is  
13 adjourning the hearing, I think it would more  
14 proper that the comments be heard for the purposes  
15 of the ordinance at the June 20th meeting.

16 COUNCILMAN MACAGNONE: But if they are  
17 going to speak about it, we should reopen this  
18 hearing so it will be on record, correct?

19 MR. ROZEA: They can certainly go on  
20 record, yes, but it will be without the benefit of  
21 the ordinance.

22 COUNCILMAN MACAGNONE: True. We will  
23 get their thoughts in and their words and it will  
24 be part of the record, but the hearing then will be  
25 continued on the 20th then.

1 MR. ROZEA: That's absolutely true.

2 COUNCILMAN IMBROTO: So the hearing has  
3 to be reopened?

4 MR. ROZEA: Oh, yes, certainly.

5 If it's a part of the record, it needs  
6 to be reopened, yes.

7 SUPERVISOR SALADINO: So we will be  
8 holding the hearing, as you heard, on the 20th.  
9 Those of you who would like to speak at that time,  
10 may. Those of you would like to speak today,  
11 you've made an effort to come here and it's only  
12 reasonable to hear you. You can make that decision  
13 when I call your name.

14 COUNCILMAN MACAGNONE: Oh, excuse me,  
15 Supervisor.

16 We should reopen the hearing before you  
17 do that, sir.

18 COUNCILMAN MUSCARELLA: Supervisor,  
19 I'll make a motion to reopen the hearing, public  
20 hearing.

21 SUPERVISOR SALADINO: Do we have a  
22 second?

23 COUNCILMAN MACAGNONE: I second.

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

1 ALL: "Aye."

2 SUPERVISOR SALADINO: Opposed, "Nay."

3 The "Ayes" have it.

4 Our hearing is reopened and our first  
5 speakers are Marlene and Elliot Wald.

6 Hi. How are you today?

7 MS. WALD: Good morning.

8 SUPERVISOR SALADINO: Would you please  
9 state your name and address for the record?

10 MS. WALD: Okay.

11 Marlene and Elliot Wald, 15 Pine Drive,  
12 Woodbury.

13 Supervisor Saladino, Councilwoman and  
14 Councilmen, we've lived in Woodbury for  
15 thirty years. During this time, we have assumed  
16 the Town officials have looked at, for our family's  
17 well being and best interests. However, we now  
18 have a mini cell tower repeater, I'm still not  
19 exactly sure what it is, on our front lawn. There  
20 was no warning this was coming and no one explained  
21 what it was, why it's there, is it working, who  
22 owns it. We don't know anything.

23 This is potentially harmful and I have  
24 some readings to give you and it doesn't belong in  
25 a residential neighborhood. We have families, all

1 different ages, people getting pregnant. This  
2 technology is too new to have long-term conclusive  
3 studies done about it. And there may be safe  
4 limits set by the government, and I'm sure we're  
5 going to hear about that from the companies who are  
6 putting these things in our neighborhood, but if we  
7 just look back to 9/11 and remember the government  
8 said it was perfectly safe to go there.

9 Are we going to wait for people to get  
10 sick? It's too late for that. These have to go  
11 and that's why we're here. And I think I speak for  
12 everyone in our community that, you know, we really  
13 appreciate that you support us and I know it's  
14 going to be hard because they're there now, but  
15 they really have to go.

16 I'm asking, please, get these off our  
17 properties, out of our neighborhood.

18 COUNCILMAN IMBROTO: One way or  
19 another, your homes are not the right place for  
20 these things. They don't belong in your  
21 neighborhood.

22 SUPERVISOR SALADINO: We share your  
23 sentiment. We share your outrage and we are  
24 working diligently. We, at a previous Town Board  
25 meeting, we hired a firm who is one of the experts



1 at this to help in this process. We alerted the  
2 public through the media. I believe a member of  
3 the media is here and multiple members are here  
4 now, at press conferences, here in public meetings,  
5 over and over on Facebook, on the Internet, we've  
6 continued to be very adamant about our position to  
7 respect your feelings on this and to support your  
8 initiatives.

9 So we're working on this as we've  
10 stated in the past, this is -- we are mandated by  
11 federal law, we have contacted our federal  
12 representatives, our federal senators asking them  
13 to change the law to give the Towns and Villages  
14 the right to decide where they go and to initiate  
15 and pay for a new study that studies the modern  
16 technologies, not to go with a study that was  
17 concluded prior to '96.

18 So all the issues you have brought  
19 forth are greatly appreciated. We concur and we  
20 have been voicing that with a very loud voice.

21 MS. WALD: Does anyone know if these  
22 are currently working?

23 SUPERVISOR SALADINO: Some of them are  
24 on.

25 MS. WALD: How do we know?

1 SUPERVISOR SALADINO: We've been --  
2 let's get that answer for you.

3 Matt, could you give us an update on  
4 this to answer the questions of the residents?

5 MR. ROZEA: You're correct, Supervisor,  
6 some of the sites are active. Others have not been  
7 energized.

8 We've constructed -- requested of  
9 certainly of Crown Castle, the vendor whose been  
10 installing these sites to hold off on doing any  
11 other work until we've had a chance to fully review  
12 what's taking place, what we contemplate doing with  
13 respect to our ordinance that we'll be hearing on  
14 the June 20th meeting and then to sit down and  
15 listen to us and ask -- respect our wishes and the  
16 wishes of the residents with respect to these sites  
17 and where they're being located.

18 So the short answer is some are  
19 energized, some are not, but for the moment,  
20 they're not doing any other work as far as we're  
21 aware.

22 MS. WALD: How do we find out if one is  
23 working, energized? How do we know?

24 MR. ROZEA: We will attempt to get the  
25 list of energized sites.

1 I would also recommend, or suggest,  
2 that you can reach out to Crown Castle yourself.  
3 They are a company located on Long Island and they  
4 will be responsive if you reach out to them.

5 SUPERVISOR SALADINO: So the answer is  
6 we will provide you with information and would you  
7 provide this family with the contact, phone numbers  
8 and e-mail address so they too can reach out to  
9 them.

10 And we're continuing to work towards  
11 strengthening our position to get these moved and  
12 away from homes.

13 COUNCILMAN MACAGNONE: Excuse me,  
14 Supervisor, can we put Crown Castle's information  
15 on the website so residents can easily obtain it  
16 and contact them?

17 SUPERVISOR SALADINO: Certainly.

18 COUNCILMAN MACAGNONE: Thank you, sir.

19 SUPERVISOR SALADINO: Thanks.

20 Thank you for being here with us and  
21 you will see continued progress on this issue.

22 The next speaker on this issue is  
23 Robert Shallow.

24 MR. SHALLOW: My name is Robert  
25 Shallow, 14 Elm Street, Woodbury.

1 I want to thank the Supervisor and the  
2 Council persons for your support. It's very  
3 important that these be removed from the residences  
4 where they were placed. As the previous speaker  
5 said, we were given no notice. All of a sudden  
6 these ugly towers are in front of our homes. They  
7 are eyesores and they certainly hurt the value of  
8 our properties. Your support is greatly  
9 appreciated.

10 Thank you.

11 SUPERVISOR SALADINO: We concur with  
12 you, sir. Thank you for being with us today.

13 The next speaker is Kevin Chan.

14 MR. CHAN: Thank you, Town.

15 Kevin Chan 12 Elm Street, Woodbury.  
16 These -- these cell phone towers are considerably  
17 lighter in color than any other utility poles and  
18 they're not concealed in the trees like any  
19 other -- any of the other utility poles.

20 Aesthetically, they're obtrusive and  
21 they will definitely negatively affect property  
22 values because no one wants to see a really light  
23 cell phone tower in the middle of the yard.

24 Thank you.

25 SUPERVISOR SALADINO: Thank you.

1                   We concur. I am looking for anyone  
2                   else who put in something on these towers.

3                   Looks like Mr. McKenna.

4                   MR. RIPP: I put a slip in also, sir.

5                   SUPERVISOR SALADINO: Okay.

6                   Mr. McKenna?

7                   MR. McKENNA: Good morning, Town Board.

8                   Kevin McKenna, 3 Edna Drive, Syosset,  
9                   New York.

10                  I just want to add, in prior meetings,  
11                  you had made statements that -- that you had  
12                  rescinded permits for various towers.

13                  I would ask that copies of the  
14                  documentation that you sent rescinding this be also  
15                  posted on the Town's website. You do have a link  
16                  for the wireless; although, nothing has been  
17                  updated for many, many weeks on there.

18                  I think it would be helpful to see the  
19                  documents where you rescinded and I was curious to  
20                  know whether or not you can comment on what the  
21                  response was from whoever you sent the letters to  
22                  on the -- on the rescinded request.

23                  Did that change anything since you've  
24                  done that, and also, I'd be curious to know any  
25                  responses that you've got regarding letters that

1     you say you've sent to the federal government, to  
2     the governor, whoever, whoever it is you've sent,  
3     and whatever you can comment on that would be  
4     appreciated.

5                 SUPERVISOR SALADINO:   Mr. Rozea -- I'm  
6     sorry, Town Attorney, join us.

7                 MR. ROZEA:   Supervisor, the -- per your  
8     instructions, I spoke general counsel at Crown  
9     Castle and told them that the permits were revoked.

10                The following day, we retained outside  
11    counsel who's handling the matter on a going  
12    forward basis.  There is nothing in writing there  
13    and there was no response from Crown Castle.

14                SUPERVISOR SALADINO:   Thank you.

15                Are there any other speakers on this  
16    issue?  Yes?

17                MR. SKLAR:   Good morning, Supervisor  
18    and Town Board.

19                I'm very disillusioned with this  
20    business with these antennae.  I remember going  
21    back about eleven years ago, a couple of companies  
22    wanted to put up a 11 antennae and they needed the  
23    Town's approval and a former attorney for the Town,  
24    Jacquemimi had said that if the Town voted against  
25    them putting up these in antennae, the federal

1 government says they can put them up any place they  
2 wanted to without the Town's approval.

3 So until a federal law changes, I don't  
4 know why we're going through all these motions.

5 SUPERVISOR SALADINO: The answer to  
6 that is because we have engaged with a law firm  
7 who's an expert at this. They are ensuring that we  
8 write the legislation in a way that gives the Town  
9 the best leverage to control --

10 MR. SKLAR: Excuse me, you said they're  
11 experts.

12 If we don't get the approval, do we  
13 have to still pay them?

14 SUPERVISOR SALADINO: If we don't get  
15 what approval? It is not about an approval.

16 We will pass the best legislation in  
17 place and then begin the process with the carriers.

18 MR. SKLAR: That's a federal  
19 legislation?

20 SUPERVISOR SALADINO: No.

21 We are in control of the Town  
22 legislation and we will ask our federal senators to  
23 change the federal legislation. Hopefully, they  
24 will respond. Hopefully, they will responsive to  
25 the public. Senator Schumer and Senator

1 Gillibrand, even if they are not or if they are  
2 unable to change the federal law, we are increasing  
3 our leverage, our ability to control this situation  
4 in every means possible. The Town Board made a  
5 commitment to the residents and we will keep that.

6 MR. SKLAR: How do we control it when  
7 the federal law says --

8 COUNCILMAN MACAGNONE: I'll make it  
9 easy. Maybe we can make it quick.

10 We're going to fight something that's  
11 wrong that our residents feel is against their  
12 health to the best of our ability. If it's wrong,  
13 if the Senate -- if the United States government is  
14 wrong in this, we are going to fight and,  
15 hopefully, we get this changed. But we're going to  
16 fight until we're told we can't fight any longer.  
17 That's why we are fighting, that's why we're  
18 spending the money, for the safety and health of  
19 our residents.

20 MR. SKLAR: Well, according to our  
21 federal government, they still say.

22 COUNCILMAN MACAGNONE: They're wrong.

23 MR. SKLAR: They're wrong, okay.

24 COUNCILMAN MACAGNONE: And we are going  
25 to fight them until they see that we're right.



1 MR. SKLAR: Okay.

2 COUNCILMAN MACAGNONE: And I applaud  
3 the Supervisor in his efforts.

4 SUPERVISOR SALADINO: Thank you. Thank  
5 you.

6 (Applause.)

7 SUPERVISOR SALADINO: Are there any  
8 other speakers on this issue? Yes?

9 Please step forward and state your name  
10 and address.

11 MR. RIPP: My name is Robert Ripp. I  
12 live at 77 Sunset Road in Massapequa, New York.

13 I've been trying to follow along with  
14 the past litigation history with regards to the  
15 cell phone tower issues and I found a number of  
16 actions where the Town was named as a defendant,  
17 but I wanted to ask Mr. Saladino -- I notice he is  
18 leaving -- he had mentioned a couple of times that  
19 the Town was the plaintiff in a number of actions  
20 and I just want to make sure that I'm reviewing  
21 everything that's available. So if he gets a  
22 chance, I'd like him to identify what legal actions  
23 the Town's instigated in any of these cell phone  
24 matters.

25 I'd also like to bring to your

1 attention, in 1999, there was a ruling against the  
2 Town. It looks like the same exact predicament.

3 It's Cellular Telephone Company vervus  
4 Town of Oyster Bay, which Cellular Telephone is  
5 AT&T. If you haven't read it, I really suggest you  
6 do because the Town did everything that they could  
7 do, like you're doing everything that you can do,  
8 and they had a hearing, and when you read the  
9 decision, it seems, in my opinion, and I might be  
10 wrong but when you read it and you can confirm, but  
11 it seems like the Town, like, the attention was  
12 more placed on the possible scientific data of  
13 health and not enough on aesthetics.

14 When you read the decision, it seems  
15 that if more people would have come up -- the  
16 judge's decision reads that they didn't feel that  
17 the aesthetic argument was strong enough because  
18 not enough residents mentioned it. Most residents  
19 spoke about the possibly medical side effects,  
20 whatever. I really suggest that you read it. It's  
21 Cellular Telephone Company versus the Town of  
22 Oyster Bay, 1999, and I think it might help us to  
23 build a strong case this time.

24 Thank you.

25 COUNCILMAN MACAGNONE: Thank you.

1 (Applause.)

2 SUPERVISOR SALADINO: Yes, sir.

3 Would you step forward please?

4 MR. CHAREN: Good morning.

5 SUPERVISOR SALADINO: Good morning.

6 Could you please state your name and  
7 address?

8 MR. CHAREN: Dr. Jacob Charen, 107.  
9 Cypress Drive, Woodbury, New York 11797.

10 The international agency for research  
11 on cancer has classified RF fields as possibly  
12 carcinogenic to all humans. Very few human studies  
13 have focused specifically on cellular phone towers  
14 and cancer risk.

15 RF radiation emissions, according to  
16 the World Health Organization, are now categorized  
17 as recognized possible carcinogens. Antennae  
18 should not be placed in residential neighborhoods.  
19 The FCC should study the health effects of  
20 antennae. The company, Crown Castle, who  
21 installed the poles and equipment in Woodbury  
22 should remove all cell equipment. Current cell  
23 phone antennae and equipment should be moved to  
24 more appropriate commercial locations away from our  
25 homes and children.

1                   Please move them immediately for  
2                   possible future health issues for our children and  
3                   ourselves.

4                   Signed, Dr. Jacob Charen.

5                   SUPERVISOR SALADINO: Thank you.

6                   MR. CHAREN: Also, as I was reading, I  
7                   noticed that the cell towers do not go ground  
8                   level. They go horizontal and upwards.

9                   The thing is, I know -- I'm in a  
10                  colonial. My windows are right in front of me and  
11                  I'm on the second floor doing my work, so it's  
12                  going straight at me. The only thing protecting me  
13                  is a glass window and my skin.

14                  So I question, you know, if you're a  
15                  ranch, maybe not, but if you're a colonial or  
16                  higher, those horizontal beams are coming straight  
17                  at you.

18                  SUPERVISOR SALADINO: So it sounds like  
19                  you're 100 percent in support of the actions we are  
20                  taking?

21                  MR. CHAREN: Oh, 100 percent, for my  
22                  children, grandchildren and -- you know, I remember  
23                  the Buster Brown shoes with the fluoroscope coming  
24                  up. I was around then and the kids would get on  
25                  there and, you know, you'd do the size of the shoe

1 and that fluoroscope was going right into the  
2 gonads and that was done in storefronts. Okay.  
3 Fluoroscopes, this, I've seen so many things over  
4 the years of oh, this is safe, this is safe, and  
5 over the long run, it's not. It is just safer to  
6 be protected, and as far as I'm concerned, those  
7 towers should be shut off now, not later, and then,  
8 put back on if, you know, the judges believe so.

9 SUPERVISOR SALADINO: Sir, your  
10 statements are in lockstep with what we on the Town  
11 Board have been saying all along. The Town has  
12 already sued in the past on this issue. We will  
13 continue to go to court. We will take every step  
14 that we can legally take in terms of shutting these  
15 down, moving them out of residential areas. We  
16 have already worked with -- we are already working  
17 with one of the best law firms to be give us the  
18 best advantage in court and every other process and  
19 you can be rest assured that we are in lockstep  
20 with you and it sounds like you're in full support  
21 of us and the steps we're taking to take to protect  
22 you, your family and your community.

23 MR. CHAREN: Thank you very much for  
24 representing the people.

25 SUPERVISOR SALADINO: Thank you.

1 God bless you.

2 (Applause.)

3 SUPERVISOR SALADINO: If there are no  
4 other speakers on this issue -- yes, sir.

5 Did you speak on this already.

6 MR. CHAN: Yeah, but can I go one more  
7 time? There's one more thing I'd like to add.

8 SUPERVISOR SALADINO: Why don't we have  
9 someone who hasn't spoken on this first, go first,  
10 okay?

11 MR. FRIER: Bob Frier, 33 Chestnut Lane  
12 in Woodbury.

13 Just a question. Has the Board sat  
14 down with Crown Castle since this occurred just to  
15 try and talk things out with them?

16 SUPERVISOR SALADINO: Yes, and our Town  
17 Attorney will address that if you'd please take a  
18 seat.

19 MR. NOCELLA: Yes, once again,  
20 Supervisor, we hired the best in this field to  
21 represent us and they are arranging a meeting with  
22 Crown Castle.

23 Technically, I think that is scheduled  
24 for the latter part of this week. I don't have the  
25 exact date and time, but we will be meeting with

1 Crown Castle. In fact, that was their first order  
2 of business.

3 SUPERVISOR SALADINO: And the -- since  
4 the question was, have we already met them, I know  
5 for a fact there already have been communications  
6 with them.

7 MR. NOCELLA: That is correct. I had  
8 numerous communications before we retained outside  
9 counsel and outside counsel, in the interest of  
10 speaking with one voice on behalf of the Town of  
11 Oyster Bay, has taken over that role.

12 SUPERVISOR SALADINO: Thank you very  
13 much.

14 Sir, yes, you said --

15 MR. FRIER: Never mind.

16 SUPERVISOR SALADINO: All right then.  
17 We are going to move on to our next hearing.

18 COUNCILMAN MUSCARELLA: There's someone  
19 else who'd like to speak.

20 SUPERVISOR SALADINO: Oh, there's  
21 another resident, okay. I didn't see your HAND.

22 MS. TUFANO: I'll be quick because I've  
23 been down this road before.

24 You say you've spoken to Crown Castle,  
25 okay.

1 Have you just simply --

2 SUPERVISOR SALADINO: Excuse me, would  
3 you state name and address for the record, please?

4 MS. TUFANO: No problem.

5 Denise Tufano, 26 Elm Street, Woodbury.

6 SUPERVISOR SALADINO: Than you very  
7 much.

8 MS. TUFANO: We understand you've had  
9 some communication with Crown Castle.

10 Just out of good faith, have they just  
11 said, sure, let's take a look and we'll move them?  
12 I mean, I don't know how long this whole thing is  
13 going to drag out. They can't just move them  
14 temporarily?

15 SUPERVISOR SALADINO: We have asked for  
16 that. Our Town Attorney will address the question.

17 MR. NOCELLA: Yes, I'd to like to state  
18 first that they were willing to discuss that as a  
19 general outside proposition. Once again, our  
20 outside counsel took over. They urged that we not  
21 take action separate from what they're doing in  
22 terms of negotiations and they said their first  
23 order of business was to meet with Crown Castle.  
24 They have successfully negotiated with Crown Castle  
25 in other contexts on behalf of other



1 municipalities.

2 MS. TUFANO: I understand that.

3 MR. NOCELLA: And achieved results.

4 MS. TUFANO: Okay.

5 SUPERVISOR SALADINO: So we are, in  
6 essence, looking for the best outcome to get this  
7 done properly the first time and to protect our  
8 rights in court so that we can best represent you  
9 and the other residents.

10 MS. TUFANO: Okay.

11 I just want to correct a couple of  
12 things. These are not receptors. These are mini  
13 cell towers. Okay. Receptors are not so terrible.

14 SUPERVISOR SALADINO: I believe we word  
15 we used were "repeaters."

16 MS. TUFANO: Oh, I'm sorry.

17 Repeaters. They are not repeaters;  
18 they are small cell towers.

19 And the other issue is you keep saying  
20 to contact Crown Castle; however, when I spoke with  
21 Crown Castle, they said they just put the equipment  
22 up; it's Verizon who turns them on.

23 I tried calling Verizon and they just  
24 want to sell me service. I can't get any answers  
25 and I'm just frustrated because I know your hands

1 are tied to some degree, but you did sign permits,  
2 and if I can't get answers, I would expect you to  
3 be able to get answers.

4 Are they on and can we keep them from  
5 going on until this is litigated properly? You  
6 know, you put that cease and desist, but is it  
7 doing anything?

8 SUPERVISOR SALADINO: Okay.

9 Matt, we are going to ask that we put  
10 the answers to this together so we can get  
11 Mrs. Tufano the answers to all her questions and  
12 then explain our answers so she understands what  
13 the repercussions are, what the legal strategies  
14 are in place and what we are doing at every stage  
15 of the game as well as what their responses are.

16 MS. TUFANO: Are you aware that it's  
17 Verizon who turns them on and not Crown Castle?  
18 Crown Castle is just the contractor. They put the  
19 pole in, they put the equipment up, but it's  
20 Verizon who presses the button and sends the  
21 signals out.

22 SUPERVISOR SALADINO: Yes, we are  
23 aware.

24 MS. TUFANO: So to call Crown Castle  
25 and say is it on at 26 Elm Street, they're not

1 going to know. Do you know what I'm saying?

2 And I can't get an answer from Verizon  
3 so I guess I'm, again, putting it in your lap to  
4 get us these answers and to keep them off until,  
5 like I said, it's litigated appropriately.

6 MR. NOCELLA: By the way, Mrs. Tufano,  
7 I don't necessarily believe their answer to you was  
8 entirely forthcoming.

9 It is true about Verizon turning it on  
10 but Crown Castle knows full well whether Verizon  
11 turned it on and we will address -- thank you for  
12 bringing it to our attention -- we will make sure  
13 outside counsel is aware of it. We'll address it.

14 MS. TUFANO: We just like -- people  
15 have said, we weren't notified. We didn't even  
16 know what they were so we had go to take all the  
17 steps first and find out what it was.

18 Now, that we know, we don't know who to  
19 contact to find out what's happening, you know?

20 SUPERVISOR SALADINO: So that's why I  
21 asked Matt Rozea --

22 MS. TUFANO: We need to know.

23 SUPERVISOR SALADINO: -- to contact you  
24 directly to ensure that your questions are getting  
25 answered and that we are keeping the public

1 apprised at every step of the way.

2 MS. TUFANO: Thank you.

3 SUPERVISOR SALADINO: You're very  
4 welcome.

5 Yes, sir, Dr. Berg.

6 How are you today, sir? I enjoyed our  
7 conversation the other day. We had a lengthy phone  
8 conversation on this and I appreciate you being  
9 here.

10 DR. BERG: Thank you, Supervisor, and  
11 Town Board members.

12 Dr. Berg, Syosset. I just have a  
13 question.

14 Why can't the residents have a forum,  
15 an open forum, or a Q & A with the outside counsel  
16 before they draft the ordinance?

17 SUPERVISOR SALADINO: Part of this is  
18 to provide the public a hearing, a template.  
19 You'll be able to see the ordinance first online.  
20 After you read it, please contact us.

21 DR. BERG: So my question is: Will  
22 your outside counsel be willing to edit their  
23 ordinances once we've included our input?

24 MR. NOCELLA: That's the purpose of the  
25 public hearing, Dr. Berg.

1 DR. BERG: Okay. So it will be  
2 available to analyze the ordinance on your website  
3 and then come with our recommendations,  
4 suggestions, or affirmations of those ordinances?

5 MR. NOCELLA: Yes.

6 In fact, that was the reason why the  
7 hearing was adjourned as of today because we didn't  
8 have sufficient time. We want to do it quickly,  
9 but we want to do it correctly.

10 The ordinance, when it's in draft form  
11 for comment, will be up on the website and we would  
12 welcome your comments at that time.

13 SUPERVISOR SALADINO: And we're happy  
14 to have you and every one of our legal minds  
15 playing a role to make sure that this is done  
16 properly, not only on the short term, but on the  
17 long term.

18 DR. BURG: Do you have any idea  
19 approximately when that will go up on your website?

20 MR. NOCELLA: Well, not specifically,  
21 but they are aware that time is of the essence.  
22 They are aware that this hearing is taking -- was  
23 adjourned today -- and they're aware that the next  
24 hearing is June 20th, so we expect it to be up  
25 significantly in advance, but I can't give you a

1 precise date, sir.

2 DR. BERG: Okay. Thank you.

3 SUPERVISOR SALADINO: Thank you.

4 If there are no other speakers, then we  
5 will have a motion.

6 COUNCILMAN MUSCARELLA: Supervisor, I  
7 make a motion that this public hearing be closed  
8 and reopened on June 20, 2017 at 7:00 p.m.?

9 SUPERVISOR SALADINO: Can I have a  
10 second?

11 COUNCILMAN MACAGNONE: I second this  
12 motion be adjourned and reopened on June 20th at  
13 7:00 p.m.

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

16 ALL: "Aye."

17 SUPERVISOR SALADINO: All opposed,  
18 "Nay."

19 The "Ayes" have it.

20 MR. ALTADONNA: Just for a point of  
21 reference, you want to make sure that was  
22 continued, not closed.

23 Continued to --

24 COUNCILMAN MUSCARELLA: I was advised  
25 to close it.

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MR. ALTADONNA: Close it. Okay.  
(TIME NOTED: 11:05 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
JUNE 6, 2017  
11:06 A.M.

**HEARING - Local Law**

To consider a Local Law to amend Chapter 64 of the Code of the Town of Oyster Bay to add a new Section 64-11 to Chapter 64 entitled "Purchasing in relation to prohibiting the Town from entering into contracts with certain individuals or companies". (M.D. 5/9/17 #27).

**JOSEPH SALADINO**  
**SUPERVISOR**

**JAMES ALTADONNA JR.**  
**TOWN CLERK**

P R E S E N T:

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

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



1 MR. ALTADONNA: Second hearing local  
2 law to consider a local law to amend Chapter 64 of  
3 the Code of the Town of Oyster Bay to add a new  
4 section 64-11 to Chapter 64 entitled "purchasing,"  
5 in relation to prohibiting the Town from entering  
6 into contracts with certain individuals or  
7 companies.

8 SUPERVISOR SALADINO: We are  
9 exceptionally proud to be holding this hearing and  
10 working on this Resolution today and to describe  
11 this to the public, we have Matt Rozea of the Town  
12 Attorney's Office.

13 MR. ROZEA: Supervisor, It's very  
14 simple.

15 If you're boycotting American allies,  
16 we're not interested in doing business with you.  
17 Before the Town will enter into any type of  
18 contract for the provision of construction  
19 services, other services, or information technology  
20 services, the prospective vendor will have to  
21 provide a certification that they are not engaged  
22 in a boycott, as that term is defined in the  
23 ordinance, of any of our American allied nations,  
24 including, but without exception, the State of  
25 Israel, Ireland, and our NATO allies.

1 SUPERVISOR SALADINO: Thank you.

2 This is something very important to me  
3 personally and to so many of our Board Members and  
4 to so many of the members of the community. I was  
5 involved in legislation of this type in Albany  
6 statewide and it feels as though this is something  
7 that's very right to be doing in the Town of Oyster  
8 Bay.

9 Have you had input from the community?

10 MR. ROZEA: Well, that's what the  
11 public hearing is for. I've not received any  
12 personal input.

13 COUNCILMAN IMBROTO: Mr. Rozea, any  
14 company that is engaged in a boycott of the State  
15 of Israel should not be doing business with the  
16 Town of Oyster Bay, that's my input.

17 MR. ROZEA: That -- and that's what the  
18 law provides.

19 SUPERVISOR SALADINO: And for the  
20 record, I have met with a variety of community  
21 groups including those at the shuls including the  
22 one that Councilwoman Rebecca Alesia belongs to.  
23 And the good people at these communities let us  
24 know that this is something that they're very in  
25 favor of, very much in favor of. As it relates to

1 all of these countries, including the State of  
2 Israel.

3 MR. ROZEA: Very good. And that's all  
4 I have for the Board.

5 SUPERVISOR SALADINO: Does anyone else  
6 have any other questions for Mr. Rozea?

7 Do we have public comment on this  
8 issue?

9 MR. ALTADONNA: No public comment.

10 SUPERVISOR SALADINO: Okay.

11 Have we received any correspondence.

12 MR. ALTADONNA: We have affidavits of  
13 postings and publications.

14 There is no other correspondence.

15 SUPERVISOR SALADINO: We have a  
16 resident that would like to speak on this.

17 Please feel free to come up.

18 Hi. Would you state your name and  
19 address for the record, please, sir?

20 MR. MOLINARI: Good morning.

21 Paul Molinari, 332 West Nicholai  
22 Street, Hicksville, New York.

23 The only comment I have is I looked on  
24 the website to see this. I wanted to read the  
25 proposed changes, couldn't find it, and I think

1 it's a standard recommendation that it should be  
2 when you're holding any hearings, to be on your  
3 website. Since you're holding a hearing, it should  
4 either have the local law or if somebody is  
5 proposing a redevelopment of a site, some  
6 information on it besides saying that we're having  
7 a hearing on it.

8 Now, I don't -- I would definitely not  
9 oppose this, but when I read this, I thought maybe  
10 the Town's moving forward, would push amending the  
11 law so you would be -- have procedures in place to  
12 band contractors and vendors for other issues. You  
13 know, like the federal department system so, you  
14 know, I support what you're doing, but I would -- I  
15 think, you know, I couldn't find it on the website  
16 and that's why I slipped a comment on it.

17 SUPERVISOR SALADINO: Thank you for  
18 that information.

19 This is important to point out to our  
20 personnel that we must absolutely make sure that  
21 not only is all of this information included on the  
22 website, but it is in a way that is easily found so  
23 we will have to tighten that up. Okay?

24 Thank you. We have other speakers on  
25 this issue.

1 Mr. Frier?

2 MR. FRIER: I would -- I would just --  
3 again, Bob Frier, 33, Chestnut Lane in Woodbury.

4 I'd just like to ask that the specific  
5 wording of this include the -- the BDS movement,  
6 you know --

7 COUNCILMAN IMBROTO: I believe that's  
8 the intention, yeah.

9 SUPERVISOR SALADINO: That's our  
10 intention, yes.

11 MR. FRIER: Specifically mentioning  
12 that movement I think in the ordinance would be  
13 important.

14 SUPERVISOR SALADINO: We'll confer with  
15 our Town Attorneys, but we're way ahead of you on  
16 this.

17 COUNCILMAN IMBROTO: Thank you,  
18 Mr. Frier.

19 SUPERVISOR SALADINO: Any other  
20 speakers?

21 Mr. Ripp.

22 MR. RIPP: Hello. My name is Robert  
23 Ripp, 77 Sunset Road, Massapequa, New York.

24 I just have a question. I hope this  
25 doesn't sound ignorant.

1                   Is there like a national list of  
2                   entities that are boycotting our allies or how --  
3                   who decides what companies we're doing business are  
4                   actually boycotting our allies?

5                   SUPERVISOR SALADINO:   The State has a  
6                   list.

7                   MR. RIPP:   The State has a list?

8                   SUPERVISOR SALADINO:   That's my  
9                   understanding.

10                  MR. RIPP:   Thank you very much.

11                  Would there be instances where the Town  
12                  might to decide upon themselves that the local  
13                  company is violating this agreement?

14                  SUPERVISOR SALADINO:   The Town will be  
15                  following its ordinance, but first we have to move  
16                  forward on it.

17                  MR. RIPP:   Okay.   Thanks.

18                  SUPERVISOR SALADINO:   If there are no  
19                  other speakers, may I ask for a motion?

20                  COUNCILMAN MUSCARELLA:   Supervisor,  
21                  I'll make a motion that this public hearing be  
22                  closed and the decision be reserved.

23                  COUNCILMAN MACAGNONE:   Second.

24                  MR. NOCELLA:   Supervisor, before the  
25                  vote, there were some correspondences that you

1 might consider reading into the record.

2 SUPERVISOR SALADINO: Can you tell us  
3 about the correspondence on this?

4 MR. ALTADONNA: Supervisor, the public  
5 notice was noticed and there is no other  
6 correspondence, so, therefore, if you'd like to,  
7 you can have the vote.

8 SUPERVISOR SALADINO: Okay.  
9 Can I have a motion on this?

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

13 SUPERVISOR SALADINO: Thank you.  
14 Can I have a second?

15 COUNCILMAN MACAGNONE: Second.

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

18 ALL: "Aye."

19 SUPERVISOR SALADINO: All opposed,  
20 "Nay."

21 The "Ayes" have it unanimously. We are  
22 very proud to pass this legislation.

23 COUNCILMAN MACAGNONE: Excuse me,  
24 excuse me, Supervisor, we should voting as a roll  
25 call vote, not as a --

1 SUPERVISOR SALADINO: We should do  
2 that, I agree.

3 Thank you, Councilman.

4 Poll the Board.

5 MR. ALTADONNA: Supervisor Saladino.

6 SUPERVISOR SALADINO: "Aye."

7 MR. ALTADONNA: Councilman Muscarella?

8 COUNCILMAN MUSCARELLA: "Aye."

9 MR. ALTADONNA: Councilman Macagnone?

10 COUNCILMAN MACAGNONE: "Aye."

11 MR. ALTADONNA: Councilwoman Alesia?

12 COUNCILWOMAN ALESIA: I vote "Aye."

13 MR. ALTADONNA: Councilwoman Johnson?

14 COUNCILWOMAN JOHNSON: "Aye."

15 MR. ALTADONNA: Councilman Imbroto?

16 COUNCILMAN IMBROTO: I proudly vote

17 "Aye."

18 MR. ALTADONNA: Councilman Hand?

19 COUNCILMAN HAND: "Aye."

20 MR. ALTADONNA: Motion carries. Seven

21 "Ayes."

22 SUPERVISOR SALADINO: Thank you.

23 As I was saying, we are extremely proud  
24 to be passing this into law. It's very important  
25 to protect our dear friends, including Israel,



1 Ireland, the members of NATO, and the other members  
2 that are clearly friends to our nation and to the  
3 Town of Oyster Bay and this is a great day in our  
4 Town to be passing this legislation.

5 Thank you.

6 The next hearing.

7 (Time noted: 11:13 a.m.)  
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TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
JUNE 6, 2017  
11:14 A.M.

**HEARING - Finance**

To consider the application of the Jericho Water District for Bond Financing for Improvements to said Water District. (M.D. 5/9/17 #26).

**JOSEPH SALADINO**  
**SUPERVISOR**

**JAMES ALTADONNA JR.**  
**TOWN CLERK**

P R E S E N T:

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

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

1 MR. ALTADONNA: It's Finance to  
2 consider the application of the Jericho Water  
3 District upon financing for improvements to said  
4 Water District.

5 We do have a speaker on that one, too.

6 SUPERVISOR SALADINO: Thank you.

7 MR. INGHAM: Good morning, Supervisor  
8 Saladino, members of the Town Board.

9 My name is Mike Ingham. I'm a partner  
10 in the law firm of Carman, Callahan & Ingham,  
11 266 Main Street, Farmingdale, New York.

12 And I'm here today to present the  
13 Jericho Water District's bond application. I'm  
14 proud to represent the Jericho Water District since  
15 1986. It's been a long and great career with them  
16 and I'm here to help them get this bond passed  
17 today.

18 For the record, I have submitted as the  
19 requisite affidavit, conflict affidavit, disclosure  
20 affidavit as part of this bond application to the  
21 District -- to the Town, disclosing my relationship  
22 with my partnered requirements as required by the  
23 Town's ethics code.

24 With me here today on the bond petition  
25 are several individuals who will support and the

1 developer for questioning on the bond hearing.

2 We have with us, Chairman Abbate. He  
3 was the Chairman of the District for quite a while.  
4 We also have with us Superintendent Peter Logan,  
5 who's been a long-term Superintendent at the  
6 District and I believe his career at the District  
7 spans 30 years. We also have with us our business  
8 manager, Kathleen Cannon, and she is here to answer  
9 any questions on the financial aspect of the bond.  
10 We also have with us from H2M, our engineer, Joe  
11 Todaro if there are any questions concerning  
12 specifics on the bond.

13 Commissioner Beckley is our new  
14 commissioner. She unfortunately had a prior  
15 commitment and she is now in Africa. Commissioner  
16 Rasmus also had a prior commitment and he cannot be  
17 here today.

18 So before we move on directly to the  
19 issue of the bond, which is to increase the funding  
20 levels or an authorization on the funding level for  
21 our weekly tank, I'd like, for the record, just to  
22 give you background about the District and about  
23 the tank itself.

24 The District was formed in 1922. The  
25 Jericho Water District provides water to

1 approximately 20,000 services in an area of about  
2 37 square miles. It is clearly the largest  
3 commissioner elected District in the State of New  
4 York. It serves a population of approximately  
5 60,000 people.

6 We serve the Incorporated Villages of  
7 Brookville, all Brookville, Laurel Hollow and  
8 Muttontown, portions of the Villages of Matinecock  
9 and Upper Brookville, unincorporated areas of  
10 Syosset, Jericho, East Norwich, Woodbury, and  
11 unincorporated areas of Glen Head and Greenville.

12 The District has approximately 25 water  
13 supply wells with a total pumping capacity  
14 authorized by the New York State DC of nearly 15  
15 million gallons per day.

16 The District's distribution system  
17 consists of 353 miles of water main and the  
18 District owns and maintains approximately 3,366  
19 fire hydrants. Directly speaking to the weekly  
20 road tank, the weekly road tank is located in  
21 Brookville on a site of approximately five acres.  
22 The weekly road tank was constructed in 1924 and is  
23 a one million gallon riveted steel storage tank.

24 The District experiences rapidly  
25 dropping tank levels and pressure during peak hours

1 of long hot, dry summer months. What this results  
2 in is that the tank, even at a million gallons,  
3 reduces pressure and can, on an unfortunately very  
4 dry day, reduce to almost no tank water in the tank  
5 so we have no pressure.

6 So the reason we're here is to make  
7 sure that that tank is enlarged from 1 million  
8 gallons to 1.5 million gallons, a 50 percent  
9 increase in the size of the tank. This should  
10 provide us with adequate pressure, not only for the  
11 Brookville area, but throughout the entire  
12 distribution system in our northwest quadrant.

13 We retained H2M as engineers through an  
14 RFP process and they were selected as qualified  
15 engineers to work on the design of this new tank.  
16 The tank is -- is, as I said, approximately 100  
17 years old and we have had estimates from the  
18 engineers that to rehabilitate the tank at this  
19 stage of the game would cost about \$3.4 million.  
20 The last time it was rehabilitated was 1982.

21 At that time, we were not required by  
22 regulations to include lead paint on that tank. To  
23 do so today, per the engineer's estimate, cost  
24 about \$3.4 million. That would give us service  
25 life for another 15 years, which on a tank that

1 old, makes absolutely no sense. We're going to be  
2 throwing money away. So we're here today because  
3 the first bond issued we had in 2010, plus the  
4 approximately \$4.2 million for the tank in 19 --  
5 2013, I'm sorry. We came back and requested  
6 another \$625,000 for the tank, but our engineer  
7 estimates say the tank is going to cost 10.5 and  
8 there's two main reasons that is occurred.

9 Over the past ten years, there have not  
10 been a lot of new tanks erected. The housing  
11 industry has been fairly stable and no new tanks  
12 have been created and that has resulted in  
13 consolidation in the industry to approximately two  
14 to three main contractors who are involved with  
15 this work. So costs have gone up, but more  
16 importantly, the scope of the project has changed  
17 as well.

18 We've moved, and lucky to have five  
19 acres to work with, we moved the tank to the middle  
20 of the five acres to be less intrusive on our  
21 neighbors. To do that, we had to relocate the  
22 water main, electrical cables and we've also  
23 changed the scope to add new electrical panels,  
24 electrical controls, and to include bulk storage  
25 for this tank, so that has increased the size of

1 the scope of the project and the costs.

2 So we're conservative in our estimate,  
3 it's not to exceed amount, it does not have to get  
4 there but we want to be safe and conservative  
5 because we need the money on hand if we need to  
6 expend those funds. We have to have funds on hand  
7 before we can bid the project.

8 So if there are any questions, I'd be  
9 happy to take them from the Board or any members of  
10 the public.

11 SUPERVISOR SALADINO: Anyone?

12 My first question is for the clarity of  
13 the public, total amount you're borrowing, you're  
14 asking for today?

15 MR. INGHAM: \$10,500,000.

16 SUPERVISOR SALADINO: \$10 million,  
17 10.5?

18 MR. INGHAM: Right.

19 And our analysis by our business  
20 manager, Ms. Cannon, has indicated that over the  
21 life of the bond, that will cost the average  
22 homeowner in Jericho Water District \$20 year or  
23 slightly over a nickel a day.

24 SUPERVISOR SALADINO: \$20 a year.

25 And for the clarity for the public,



1 people are wondering why you're coming before the  
2 Town of Oyster Bay to do this bonding as opposed to  
3 doing it through Jericho itself?

4 MR. INGHAM: Jericho -- that's a  
5 relatively straightforward question.

6 Jericho does not have the power to  
7 issue bonds. The power to issue bonds for all  
8 Water Districts throughout the State was abolished  
9 in 1932.

10 In 1933, the residents of Jericho Water  
11 District voted to continue them on as an  
12 independent commission elected District, but the  
13 power to issue the bonds comes through the Town.

14 The Town pledges full faith and credit,  
15 but it is the taxpayers of the District who really  
16 pay the bonds and it is their full faith and credit  
17 to be able to pay those bonds, which is really the  
18 issue, and I can assure you that District will be  
19 able to do so.

20 We're kind of lucky at Jericho because  
21 in 2010, that was the first time we've ever taken  
22 out a bond issue since perhaps the establishment of  
23 the District.

24 We've been fortunate enough to have  
25 good guidance, especially by past Chairman Nicholas

1 Bartiluccim and we've also been lucky to have pure  
2 water. So we have to do some treatment now, but we  
3 really haven't had the bond like other Water  
4 Districts had to do so.

5 SUPERVISOR SALADINO: And this is their  
6 first bond in how long?

7 MR. INGHAM: Well, the bond in 2010, we  
8 debated that. As long as -- Mr. Bartilucci was on  
9 the Board from 1967, there was no bond indebtedness  
10 then. So we believe the bond indebtedness really  
11 was only the beginning of the District, perhaps  
12 back in 1920s, maybe the '30s, those bonds are  
13 already paid off and there's no bond indebtedness  
14 in the District.

15 SUPERVISOR SALADINO: Okay.

16 And the purpose of this, these  
17 expenditures are to protect the public drinking  
18 water supply and to make sure that there is a  
19 volume suitable for the need of the community?

20 MR. INGHAM: Absolutely.

21 Because when we do run into significant  
22 water demand in the hot summer months, we believe  
23 this additional 500,000 in storage will keep  
24 pressure adequate enough to service not only  
25 Brookville, but the entire surrounding communities.

1 SUPERVISOR SALADINO: And you'll be  
2 changing the capacity from 1 million gallons to  
3 1.5 million gallons upping it by 50 percent?

4 MR. INGHAM: Yes, Supervisor.

5 SUPERVISOR SALADINO: And has the  
6 District looked at to ensure that this will be  
7 sufficient for many years to come?

8 MR. INGHAM: We have.

9 SUPERVISOR SALADINO: Okay. One last  
10 question just for the clarity of the public.

11 This -- the taxpayers of the Town of  
12 Oyster Bay on their tax bill will not be paying for  
13 this, only those who utilize the Jericho Water  
14 District?

15 MR. INGHAM: Absolutely correct.

16 SUPERVISOR SALADINO: On their portion  
17 of their taxes?

18 MR. INGHAM: Absolutely correct, and  
19 they pay that tax, they pay that bond through their  
20 taxes.

21 SUPERVISOR SALADINO: Separate from the  
22 Town of Oyster Bay residents?

23 MR. INGHAM: And that money, our bond  
24 indebtedness payments is withdrawn from the taxes  
25 that you remit to us on our tax bill.

1 SUPERVISOR SALADINO: Thank you very  
2 much.

3 Are there any other questions?

4 COUNCILMAN IMBROTO: If I may.

5 Mr. Ingham, just to clarify, it is a  
6 State law that requires you to borrow this money  
7 through us rather than on your own?

8 MR. INGHAM: Yes. We can't borrow on  
9 our own, right.

10 COUNCILMAN HAND: Just a quick comment  
11 in regards to the extra half a million gallons.

12 That's very important to fire services  
13 to maintain that?

14 MR. INGHAM: Absolutely.

15 Fire service requires a minimum of 25  
16 pounds per square inch of pressure and if the tank  
17 had gone -- gone to empty, we would not -- we'd be  
18 hard pressed against that.

19 Now, that doesn't mean the distribution  
20 system wouldn't support -- the support from the --  
21 from other tanks, but it's much safer to have that  
22 extra capacity to keep the tank safe and to keep  
23 the pressure adequate.

24 SUPERVISOR SALADINO: Thank you.

25 Are there any other questions?

1 We have questions from the public.

2 Would you come forward, please? Would  
3 you state your name and address?

4 MS. SCHULTZ: Good morning,  
5 Mr. Supervisor and Council Members.

6 Laura Shutlz, 22 Barbara Drive,  
7 Syosset.

8 I am President of Residents for a More  
9 Beautiful Syosset.

10 I was not going to speak on this issue,  
11 but in listening to the great presentation, a  
12 question right -- came right up to my mind. I  
13 assume you are projecting out for future needs by  
14 building this tank. Okay. Does this -- does this  
15 projection --

16 SUPERVISOR SALADINO: You could just  
17 address your questions this way.

18 MS. SCHULTZ: Sure. Thank you.

19 Projecting out, if we're looking out,  
20 does this projection include development on the  
21 Cerro wire site?

22 MR. INGHAM: The Cerro wire site is a  
23 work in progress as the Town knows. This well will  
24 not directly impact the Cerro wire site. It's a  
25 different section of the District. The District,

1 in reviewing the Cerro Wire site, commissioned a  
2 water feasibility study through our engineers at a  
3 cost of \$89,000 which was paid for by Cerro Wire.

4 That water study was just completed.  
5 It is part of the DEIS, and it looks like, from our  
6 preliminary analysis, that we will need to put in a  
7 new tank, an elevated water storage tank and a well  
8 to supply the Cerro Wire development.

9 I mean, it is the intention of the  
10 District to negotiate directly with Cerro Wire or  
11 the Simon Properties to have them pay their share  
12 of that tank and that well before any water is  
13 delivered to the Cerro Wire site.

14 COUNCILMAN IMBROTO: But this specific  
15 tank would not impact that site? It doesn't  
16 service --

17 MR. INGHAM: Tangentially, it services  
18 a different area of the -- of the District. We've  
19 got 25 wells, so we have -- we have wells all  
20 throughout the District is where -- it has 37  
21 square miles, we have to, but the Cerro Wire area  
22 is removed from Brookville and the specific tank  
23 area.

24 Thank you.

25 SUPERVISOR SALADINO: Thank you.

1 Mr. Frier?

2 MR. FRIER: Good morning.

3 Bob Frier, 33 Chestnut Lane, Woodbury.

4 Just a question. The gentleman  
5 mentioned approximately \$10 a year per home in  
6 that -- in the Water District that gets served by  
7 the Jericho Water District. I'm assuming he's did  
8 some calculation based on a particular interest  
9 rate that they were going to be borrowing on. I'm  
10 just curious what that interest rate would be.

11 SUPERVISOR SALADINO: Fine.

12 Thank you.

13 MR. INGHAM: It's blended.

14 SUPERVISOR SALADINO: Thank you.

15 MR. INGHAM: The first five years will  
16 be under bond anticipation notes or bands. Those  
17 currently at 2.5 percent. This is still an  
18 outstanding time to borrow long range. That's  
19 blended with a projection of 4.5 percent which may  
20 be in existence, I think, in a few years from now.  
21 It could well be 4.5 percent municipal bonds. That  
22 blended rate is 4 percent. That gives us \$20 per  
23 year. The average homeowner was assessed at  
24 \$500,000.

25 SUPERVISOR SALADINO: Thank you.

1 MR. RIPP: I signed up for a form.

2 SUPERVISOR SALADINO: Yes.

3 The gentleman in the back, please.

4 Good morning.

5 MR. PADILLA: Joseph Padilla,

6 4 Hawthorne Street, Farmingdale, New York.

7 I don't live in the area that is being  
8 serviced, but I do represent painters that do live  
9 in that -- in those areas. So being that their  
10 bond is for prevailing wage -- probably be a  
11 prevailing wage project, all I'd like to do is just  
12 make an introduction and hope that they use local  
13 labor for the project, for if they do get bonded  
14 for it.

15 That's it.

16 SUPERVISOR SALADINO: Thank you.

17 COUNCILMAN MACAGNONE: Excuse me, Joe.

18 A previous council person who is now  
19 Commissioner of Parks wanted to bring up  
20 something -- maybe we should readdress it that  
21 anybody bonding through us should follow the  
22 prevailing wage -- has to follow the prevailing  
23 wage, but also our apprentice requirement that the  
24 Town of Oyster Bay has been very progressive with  
25 it. Maybe we should address that with this project



1 and other projects.

2 MR. PADILLA: I agree.

3 COUNCILMAN MACAGNONE: Thank you, Joe.

4 SUPERVISOR SALADINO: Thank you.

5 Yes, Mr. Ripp.

6 MR. RIPP: Hello, my name is Robert  
7 Ripp. I reside at 77 Sunset Road in Massapequa,  
8 New York.

9 Some information I'd like to share.  
10 Just to be clear, please don't misinterpret, I'm  
11 not accusing anybody of anything.

12 I have documentation with me to  
13 substantiate everything I'm going to tell you. I  
14 think it is very important. I believe that before  
15 you vote on anything today, I think the Town should  
16 seek an advisory opinion from the Ethics Board  
17 regarding all business between Water Districts and  
18 the Town of Oyster Bay. And the reason I'm  
19 bringing it up is, Mr. Ingham had mentioned that he  
20 submitted an affidavit because of his relationship  
21 with Mr. Carman, and that's great, but that's what  
22 the Ethics Board is there for, to take a look at  
23 that.

24 And if what I've what I've determined,  
25 what I've just discovered is that the firm of

1 Carman, Callahan & Ingham represent a number of  
2 Water Districts. I don't know if they represent  
3 all of them, but I know they represent Massapequa,  
4 Bethpage, I think, Plainview, Jericho. I know that  
5 in Massapequa, the firm receives a \$36,000 retainer  
6 through a no bid system every year.

7 And Massapequa, I don't know how they  
8 do it, but they do no bid contracts for everyone.

9 COUNCILMAN IMBROTO: This is Jericho,  
10 right? I think we're talking about Jericho.

11 MR. RIPP: Yes, I know, and I'm going  
12 to get to Jericho. Yes, I'm sorry.

13 Actually, in Massapequa, Mr. Hand was a  
14 member of the commission there who's been voting  
15 for Mr. Callahan --

16 COUNCILMAN IMBROTO: We're talking  
17 about Jericho.

18 MR. RIPP: Yes, I know, and I'm going  
19 to address Jericho.

20 SUPERVISOR SALADINO: What we're asking  
21 is that you please stay germane to the subject at  
22 hand.

23 MR. RIPP: Yes, okay.

24 So my point is that I think before the  
25 Town gets involved, does anymore business with

1 bonds with Water Districts -- and I know you don't  
2 want to hear this -- but Mr. Hand was responsible  
3 for approving Mr. Pinto's consulting contract for  
4 over a decade, no bid every year. I don't know  
5 if --

6 SUPERVISOR SALADINO: Mr. Ripp, we're  
7 asking you not to editorialize and stay strictly to  
8 the rules of decorum at this meeting.

9 MR. RIPP: I'm trying to. Just give me  
10 a second because you kind of threw my train of  
11 thought by interrupting me.

12 SUPERVISOR SALADINO: Okay.

13 Well, let's stay germane to the hearing  
14 and to the subject, I'm sure that won't happen.

15 MR. RIPP: So what I've done is I  
16 provided a request for an advisory opinion from the  
17 Ethics Board. I would actually hope that I  
18 wouldn't have to turn it in and someone from the  
19 Board might request it.

20 COUNCILMAN HAND: Asked and answered.

21 Mr. Leventhal, that wasn't requested of  
22 Mr. Leventhal already before today's meeting and it  
23 was answered.

24 Thank you.

25 MR. RIPP: Was there like a secret

1 meeting of the Ethics Board that Mr. Leventhal made  
2 a determination without meeting with the Board?

3 COUNCILMAN HAND: No. I actually  
4 reached out.

5 In reading the notes, I reached out to  
6 Mr. Sabellico and I asked him if there's a legal  
7 opinion on this and he said it should go to the  
8 Ethics Board and he would reach out to  
9 Mr. Leventhal and he affirmed that Mr. Leventhal  
10 said there was no conflict, from my understanding.

11 MR. RIPP: So Mr. Leventhal made that  
12 decision without confirming with the Ethics Board,  
13 is that what you're saying?

14 I mean, why do we have an Ethics Board  
15 then if Mr. Leventhal's running everything? I  
16 don't -- I'm at a shock.

17 SUPERVISOR SALADINO: Mr. Ripp, we'll  
18 ask you again to please stay germane to the subject  
19 at hand, okay.

20 MR. RIPP: I don't believe that you  
21 should be going forward because there could be a  
22 conflict of interest.

23 I actually have a lawsuit where the  
24 Jericho Water District was sued because Sidney  
25 Bowne, who they get all the nonbid contracts from

1 all the Water Districts also as engineering  
2 consultants, they had a subconsultant that got hurt  
3 at the Jericho Water District.

4 Now, if something were to happen like  
5 that now with a Town of Oyster Bay employee or a  
6 resident, there would be a conflict of interest  
7 because Mr. -- the firm that Mr. Carman is a  
8 partner in is the firm that's representing the  
9 Water District. These are the issues that I see.  
10 I'm not saying there's anything wrong, I'm saying  
11 that you should have the Ethics Board make a  
12 determination.

13 So in light of what Mr. Hand just said,  
14 I'm going to submit my request for an advisory  
15 opinion because that's why we have the Ethics  
16 Board, right, to advise us how to proceed so that  
17 we don't have problems in the future?

18 If you don't mind, I'd like to turn  
19 that in and thank you very much.

20 SUPERVISOR SALADINO: Thank you.

21 We'll take that under advisement.

22 (Applause.)

23 SUPERVISOR SALADINO: Are there any  
24 other speakers on this issue?

25 Yes, please step forward.

1 MR. McKENNA: Good morning.

2 Again, Kevin McKenna, 3 Edna Drive,  
3 Syosset.

4 Real quick. Since there is a -- should  
5 be a request into the Ethics Board and the Ethics  
6 Board consists of the five members, Mr. Leventhal  
7 is merely -- and I've heard him say this in an  
8 Ethics Board meeting -- Mr. Leventhal is merely  
9 someone to help them and guide them through their  
10 processes, so it was just today, I noticed a new  
11 Ethics Board meeting was just published today. I  
12 forget the date, at the end of June, and I would be  
13 very, very surprised if the Board would be able to  
14 even look at this soon because I have Ethics Board  
15 requests in that are from months ago that still  
16 haven't been heard, so you'd have to get it moved  
17 ahead of all the others.

18 But the point I wanted to make is that  
19 Patricia Beckley, who -- it's my understanding,  
20 works for the Town of Oyster Bay.

21 COUNCILMAN MACAGNONE: She's Deputy  
22 Commissioner.

23 MR. McKENNA: She was recently approved  
24 with the Jericho Water District. I would also ask  
25 the Board to check to see if she has filed a

1 Disclosure Statement, so on and so forth, and that  
2 also not needs to be reviewed by the Town  
3 Attorney's Office, Mr. Sabellico; it needs to be  
4 reviewed by the Ethics Board. And again, I  
5 reiterate what the prior resident said. I would  
6 ask that you postpone this vote until after the  
7 Ethics Board hears this matter -- these matters.

8 COUNCILMAN MACAGNONE: Mr. Supervisor,  
9 I think there's some validity to this. I'd like to  
10 get a ruling from the Ethics Board, so I'd like to  
11 request we postpone the decision on this vote until  
12 we do get a ruling on it.

13 SUPERVISOR SALADINO: Let's start off  
14 by asking our Town Attorney to come forward before  
15 people jump to conclusions.

16 Thank you very much.

17 Certainly take that under advisement.  
18 Let's get some of these questions answered for the  
19 public.

20 Thank you.

21 MR. McKENNA: Thank you.

22 SUPERVISOR SALADINO: Ask for our Town  
23 Attorney to step up, please.

24 MR. NOCELLA: It's a -- Supervisor and  
25 members of the Town Board, it's a relatively

1 straightforward question because there is no  
2 interest for there to be a conflict.

3 In other words, if the law firm were  
4 being retained by the Town of Oyster Bay, then  
5 there could be a conflict of interest between  
6 Mr. Ingham's law firm and the Town of Oyster Bay  
7 because of persons who are already working for the  
8 Town of Oyster Bay.

9 In this case, they are representing the  
10 Water District. The only thing we're doing is  
11 approving the financing that helps the Water  
12 District. It's not directly helping the law firm.  
13 There is no interest of anybody on the Town Board  
14 or in Town government for there to be a conflict of  
15 interest. It's that simple.

16 COUNCILWOMAN ALESIA: Mr. Nocella --  
17 oh, I'm sorry Supervisor.

18 Is there any reason that we couldn't  
19 delay a vote and ask for an opinion from the Board  
20 of Ethics?

21 MR. NOCELLA: It's within your  
22 discretion, but there doesn't seem to be at least  
23 the predicate that even arises to the level where  
24 they would find that there could be a conflict  
25 because there is no interest.



1 COUNCILWOMAN ALESIA: I understand what  
2 you're saying. I just think that we're living in a  
3 time where even the appearance sometimes is more  
4 significant than the underlying.

5 I would agree with Councilman  
6 Macagnone's statement that maybe we should get an  
7 opinion.

8 (Applause.)

9 MR. NOCELLA: Again, it is within your  
10 discretion.

11 SUPERVISOR SALADINO: And is this an  
12 issue for the Jericho Water Board to be dealing  
13 with as opposed to the Town that's just dealing  
14 with the assistance following state law so that  
15 they can get their financing?

16 MR. NOCELLA: That's correct.

17 It is for the Jericho Water District to  
18 do so and they do need the financing in order to  
19 make this project go forward.

20 SUPERVISOR SALADINO: Okay.

21 Thank you.

22 COUNCILMAN MACAGNONE: Mr. Nocella, I'm  
23 not questioning your opinion. I know you're a  
24 gifted attorney. Just as a laymen, I just think it  
25 passes the sniff test better if we go to the Ethics

1 Board because a question has been raised by  
2 residents and presented to us and I'd feel better  
3 before if we went to the Ethics Board before I  
4 voted on this.

5 COUNCILWOMAN ALESIA: I agree.

6 MR. NOCELLA: I understand your  
7 position, Councilman, I do.

8 SUPERVISOR SALADINO: Thank you.

9 Could you start off please by giving us  
10 your name for the purposes of the record?

11 MR. SKLAR: Larry Sklar, Post Office  
12 Box 20, Jericho, New York.

13 And I hurt my back getting out of it  
14 everyday.

15 Anyway, I'm the seventh person to get  
16 up here to speak about the Jericho Water District  
17 and I'd like to suggest you do anything you can do  
18 to help them because I live 28 years -- I'm the  
19 only one that got up here that lives in Jericho.

20 COUNCILMAN MACAGNONE: I live in that  
21 direct.

22 MR. SKLAR: You don't live in Jericho.

23 COUNCILMAN MACAGNONE: I live in  
24 Syosset. I certainly am covered under that.

25 MR. SKLAR: You're getting some of our

1 water?

2 SUPERVISOR SALADINO: Mr. Sklar?

3 MR. SKLAR: Which water are you  
4 getting?

5 SUPERVISOR SALADINO: Mr. Sklar?

6 COUNCILMAN MACAGNONE: The good stuff.

7 MR. SKLAR: I find it to be the best  
8 water I ever drank. Have no problem drinking it.

9 The only thing I suggest that the Board  
10 does though, if they add a codicil to that, that  
11 they give us a bottle of Scotch once a year because  
12 it goes great with the Jericho water.

13 SUPERVISOR SALADINO: Thank you for  
14 your comedic relief.

15 Okay. Thank you.

16 MR. SKLAR: Thank you.

17 SUPERVISOR SALADINO: Would you please,  
18 Mr. Ingham?

19 MR. INGHAM: For the record,  
20 Commissioner Asmus has appeared to support the  
21 petition. I believe the Board can certainly  
22 consider getting a formal ethics opinion, but I  
23 would like to state for the record that I've  
24 represented Jericho Water District since 1986.

25 I now represent Massapequa Water

1 District, Bethpage Water District and Plainview  
2 Water District. I also represent the Great Neck  
3 Sewer District in the Town of North Hempstead, The  
4 Washington Sewer District in the Town of North  
5 Hempstead.

6 I've been of counsel or done litigation  
7 work for Roslyn Water District for Albertson Water  
8 District and for Carle Place Water District. I'm  
9 currently the pro bono legal counsel, general  
10 counsel for Long Island Water Conference.

11 In the past -- in the past, I've  
12 represented the Town of Babylon Highway Department,  
13 the Town of Islip Highway Department, the Town of  
14 Hempstead Highway Department on major construction  
15 damage litigation arising out of the sewer  
16 installations.

17 COUNCILMAN MACAGNONE: No one's  
18 questioning your resume.

19 MR. INGHAM: For the record -- for the  
20 record --

21 COUNCILMAN MACAGNONE: For the record,  
22 no one is questioning your resume.

23 We just know that one of your partners  
24 is now Deputy Supervisor for the Town of Oyster Bay  
25 and you mentioned four Districts in the Town of

1 Oyster Bay that you represent and if they come  
2 before us, we get a positive ruling from the Board  
3 of Ethics, then this discussion will be moot in the  
4 future.

5 MR. INGHAM: And I'd appreciate that.  
6 I think that would appropriate in this situation  
7 and in this climate.

8 COUNCILMAN MACAGNONE: Thank you, sir.

9 MR. INGHAM: Thank you very much.  
10 Any other questions?

11 COUNCILMAN IMBROTO: Mr. Ingham, will  
12 the Jericho Water District be negatively impacted  
13 in any way by waiting for this opinion?

14 MR. INGHAM: We'd like to bid the tank.  
15 We're ready to go.

16 COUNCILMAN IMBROTO: But will it affect  
17 your ability to bid it? Will it affect your  
18 ability to bond? Will it affect the rate that you  
19 would borrow money at?

20 MR. INGHAM: We can't let the contract  
21 without the bond being approved.

22 COUNCILMAN IMBROTO: But will the  
23 momentary delay --

24 SUPERVISOR SALADINO: Will it affect  
25 your bond? Will it affect anything in your

1 process?

2 MR. INGHAM: Not in my estimation.

3 SUPERVISOR SALADINO: Okay. Thank you.

4 MR. INGHAM: Thank you. Thank you,  
5 Supervisor.

6 Town Council, thank you very much for  
7 your time.

8 COUNCILMAN MACAGNONE: Supervisor, I  
9 move that we have the Ethics Board meet as soon as  
10 possible on this so we can vote on it on the 20th.

11 COUNCILWOMAN ALESIA: Second.

12 COUNCILMAN MUSCARELLA: First of all,  
13 there's no current Resolution to vote on it, so  
14 what I would like to do is close the meeting and  
15 reserve decision. That's the proper manner.

16 If the Ethics Board says that it's not  
17 permissible and unethical or whatever, then we  
18 vote.

19 COUNCILMAN MACAGNONE: I didn't mention  
20 anything about closing the meeting, Councilman. I  
21 just want to make sure that the Board meets on it  
22 so we can vote as soon as possible so we don't  
23 affect the residents.

24 SUPERVISOR SALADINO: That doesn't have  
25 to as a motion. That should be done by asking our

1 Town Attorney to call for a meeting of the Ethics  
2 Board as quickly as possible so they may render a  
3 decision on the question. On this question.

4 Whether it is moot or not, we're still  
5 going to go forward with belts and suspenders so  
6 that we can put to rest any of the questions,  
7 claims, or otherwise statements of the public so  
8 that we can ensure the public that we are operating  
9 with 100 percent ethical behavior.

10 (Applause.)

11 MR. NOCELLA: [Inaudible] the Ethics  
12 Board and request their expeditious resolution of  
13 the [inaudible].

14 SUPERVISOR SALADINO: And then to  
15 publicly report to us their findings so that we may  
16 get this issue resolved in a very quick manner,  
17 expedited so that we can get this done.

18 Again, the Town is only allowing the  
19 Jericho Water District to bond as per State law.  
20 We're following the State law and the State  
21 mandated procedures that must be followed. That's  
22 the Town's only role in this. We're not deciding  
23 who gets contracts. We're not deciding who  
24 represents them. We're making no decisions. Those  
25 are all taken care of legally by the Jericho Water

1 District.

2 We're just upholding our duties as per  
3 State mandated law and that's what we'll do.

4 So if I may have a motion, please.

5 MR. MUSCARELLA: Let's have some  
6 correspondence, maybe.

7 MR. ALTADONNA: We have affidavits of  
8 postings and publications.

9 There is no other correspondence.

10 MR. MUSCARELLA: Supervisor, I make a  
11 motion that this public hearing be closed and the  
12 decision be reserved.

13 COUNCILMAN MACAGNONE: Second.

14 SUPERVISOR SALADINO: Please take the  
15 vote.

16 MR. ALTADONNA: Supervisor Saladino?

17 SUPERVISOR SALADINO: "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 COUNCILMAN MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilwoman Alesia?

23 COUNCILWOMAN ALESIA: "Aye."

24 MR. ALTADONNA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."



1 MR. ALTADONNA: Councilman Imbroto?

2 COUNCILMAN IMBROTO: "Aye."

3 MR. ALTADONNA: Councilman Hand?

4 COUNCILMAN HAND: "Aye."

5 MR. ALTADONNA: Motion carries.

6 SUPERVISOR SALADINO: Thank you.

7 (TIME NOTED: 11:45 A.M.)

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TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
JUNE 6, 2017  
11:46 A.M.

**HEARING P-3-17**

To consider the application of Taco Bell of America, LLC, for a Special Use Permit and Site Plan Approval to construct and operate a restaurant to be utilized for a new Taco bell restaurant on premises located at 424 Jericho Turnpike, Syosset, NY. (M.D. 4/25/17 #16).

**JOSEPH SALADINO**  
**SUPERVISOR**

**JAMES ALTADONNA JR.**  
**TOWN CLERK**

P R E S E N T:

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

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

1 SUPERVISOR SALADINO: Please call the  
2 next hearing.

3 MR. ALTADONNA: Yes, sir.

4 Hearing P-3-17, to consider the  
5 application of Taco Bell of America, LLC, for a  
6 Special Use Permit and Site Plan Approval to  
7 construct and operate a restaurant to be utilized  
8 for the new Taco Bell restaurant on the premise  
9 located at 424 Jericho Turnpike, Syosset, New York.

10 (Whereupon, a break was taken from  
11 11:45 a.m. to 12:00 p.m.)

12 SUPERVISOR SALADINO: Ladies and  
13 gentlemen, we're going to proceed with our hearing.

14 Ladies and gentlemen, if everyone would  
15 take a seat, we're going to proceed with this  
16 hearing.

17 I want to point out to the public that  
18 we're having some technical difficulties with the  
19 live stream. We're trying to get those resolved  
20 and fixed. If people are watching at home and the  
21 live stream is either breaking up or coming in and  
22 out, please bear with us --

23 MR. RIPP: Or interrupted on purpose.

24 SUPERVISOR SALADINO: Please bear with  
25 us and this is entirely and solely a technical

1 problem we're in the process of getting resolved.

2 Any comments to any other motivation  
3 are a 100 percent without merit.

4 COUNCILMAN MACAGNONE: Supervisor,  
5 under modern technology, would it be possible we  
6 get a microphone over there so when our Town  
7 personnel came to speak -- I've got a question from  
8 a few people that maybe you've heard on the video.  
9 Sometimes when they're speaking, they don't hear  
10 the comments on the video.

11 Can we get a microphone over here for  
12 all our Town personnel when they speak? Can we  
13 look into that, please?

14 SUPERVISOR SALADINO: Absolutely.

15 COUNCILMAN IMBROTO: In the interim,  
16 let's just have them speak at the microphone until  
17 we get a mic.

18 SUPERVISOR SALADINO: Yeah.

19 So far, we haven't heard of a problem  
20 with the audio. It must be the visual, but we're  
21 working diligently to get that fixed.

22 Thank you.

23 Would you please proceed?

24 MR. AMATO: Good morning,  
25 Mr. Supervisor.

1 COUNCILMAN MUSCARELLA: Did we call  
2 this hearing yet?

3 SUPERVISOR SALADINO: Let's call our  
4 hearing.

5 Thank you, Councilman.

6 MR. ALTADONNA: I read it.

7 SUPERVISOR SALADINO: That's okay. You  
8 can do it again.

9 MR. ALTADONNA: Hearing P-3-17, to  
10 consider the application of Taco Bell of America,  
11 LLC, for a Special Use Permit and Site Plan  
12 Approval to construct and operate a restaurant to  
13 be utilized for a new Taco Bell restaurant on the  
14 premise located at 424 Jericho Turnpike, Syosset,  
15 New York.

16 COUNCILMAN MACAGNONE: Supervisor,  
17 before we start, I happen to reside in that  
18 immediate neighborhood and quite a few of my  
19 neighbors have requested that this should be a  
20 night hearing.

21 I was away all week and I saw some of  
22 them yesterday. I just want on the record of  
23 stating that.

24 SUPERVISOR SALADINO: Thank you.

25 MR. AMATO: I stand corrected.

1                   Good afternoon. I said good morning  
2 before.

3                   Mr. Supervisor, Members of the Board.  
4 I'd like to note my appearance for the record.

5                   Alfred L. Amato, A-M-A-T-O, Amato Law  
6 Group, PLLC, 666 Old Country Road, Garden City,  
7 New York representing the applicant, Taco Bell of  
8 America, LLC in connection with its application to  
9 construct a 2,126 square foot restaurant with  
10 drive-thru service at 424 Jericho Turnpike,  
11 Syosset, New York, Section 15, Block 64, Lot 108.

12                  For the Boards's convenience, we  
13 circulated three reports in front of you.

14                  One is a Planning Evaluation Report. I  
15 think you will find this quite helpful during the  
16 course of the presentation.

17                  You'll notice that there are a list of  
18 the Appendices A through M in this report which  
19 deals with photographs of the site, site location,  
20 elevation, site plans, landscape plans, zoning map,  
21 aerial photographs and a lighting plan.

22                  You also have before you the traffic  
23 letter from Atlantic Traffic dated May 31, 2007 --  
24 '17 rather, and you also have before you, an  
25 affidavit from Mike Lynch, a real estate appraiser.

1           We've also submitted into the record, a  
2           New York State Department of Transportation  
3           approval for the site.

4           If you don't have that before you, We  
5           have one copy that's been marked into the record.

6           The site, Taco Bell is seeking site  
7           plan approval pursuant to 246-6.2.1.1 of the Code,  
8           Special Use Permit pursuant to 246-5.2 to construct  
9           a drive-thru service restaurant with a drive-thru  
10          window of a freestanding building.

11          We also are respectfully requesting  
12          this Board to make it a declaration. This  
13          application was first filed before this Board on  
14          May 12, 2016, and the interim, I guess, just  
15          standing about a year, we have been working with  
16          the Town Planning and Development Department.

17          On February 16, 2017, we conducted a  
18          community outreach meeting at the American Legion  
19          Hall, notified the public and we discussed the  
20          project, we presented site plans of what we're  
21          proposing. We also presented elevations and we  
22          received comment from the public.

23          The only change that had been requested  
24          is the neighbor to the south requested that the  
25          existing 6-foot fence be replaced with an 8-foot

1 fence. We are willing to do that if the Board so  
2 directs. That would also require a variance from  
3 the Zoning Board of Appeals.

4 As the Board is well aware, the  
5 property occupies 100 feet of frontage along  
6 Jericho Turnpike. It's located 425 feet east of  
7 the intersection Jericho Turnpike and South Oyster  
8 Bay Road.

9 The site is 4.6 acres which is 20,065  
10 square feet and it's zoned neighborhood business.  
11 The site is currently occupied with the 7,420  
12 square foot commercial strip center. There are  
13 four uses on the center. The Inn Between, which is  
14 a restaurant/lounge, a dry cleaners, a Nationwide  
15 Insurance office site.

16 Taco Bell's proposal is to remove the  
17 entire building, all 7,425 square feet and  
18 construct a single 2,126 square foot building on  
19 the property.

20 As a result, the site coverage, which  
21 is currently 37 percent, will be reduced to 10.6  
22 percent on the lot. The building will seat 40  
23 people and have a drive-thru window for a queue of  
24 eight cars. The building is a modern design. The  
25 architectural elevations has been submitted to the



1 Board and is in Exhibit G of the planning package  
2 which each Board Member has before you, and also  
3 the project engineer will describe the elevations  
4 to you when he speaks after me.

5 To give a little more detail on the  
6 site, the Code requires 21 parking stalls. Taco  
7 Bell is code compliant and is providing 22. The  
8 curb cut will largely be the same, and as I  
9 mentioned at the onset of the hearing, New York  
10 State Department of Transportation has approved the  
11 curb cut with full ingress and egress.

12 The drive aisle will be at 24 feet and  
13 we believe that between the curb cut and the drive  
14 aisle, we are representing significant on-site  
15 safety improvements since the current aisles at the  
16 sites do not line up with the driveway. There's  
17 also significant landscaping and buffering  
18 improvements to the site.

19 Currently, the site has 3.5 percent  
20 landscaped area, all in the rear of the property.  
21 We are increase -- proposing to increase the  
22 landscaped area from 3.5 percent to 21 percent,  
23 which is a 17.5 percent net increase of landscaped  
24 area.

25 Further, we are proposing to double the

1 size of the existing buffer along the residential  
2 area which is on the south border of the property  
3 and the east border. Currently, it's, 5 feet,  
4 we're proposing to increase that to 10 feet and  
5 also filling in evergreen vege -- filling it in  
6 with evergreen vegetation and the starting height  
7 of that vegetation would be 5 to 6 feet.

8 And as I said before, the -- both of  
9 these property lines have a 6-foot fence. One of  
10 the community members asked that to be increased to  
11 8 feet and Taco Bell is more than happy to do so if  
12 the Board directs us to do same. The existing  
13 trash is in a dumpster. Taco Bell is proposing a  
14 masonry trash enclosure on a concrete pad at the  
15 southwest corner of the property.

16 There are a couple of variances that  
17 Taco Bell would need from the Zoning Board of  
18 Appeals if this Board should so approve this  
19 application. They deal with signage, loading --  
20 loading zone and also the 8-foot fence that we  
21 mentioned.

22 I have three experts with me. Eric  
23 Mine, he's from Bohler Engineering. Bohler  
24 Engineering prepared this -- the planning  
25 evaluation and special use -- special use permit

1 evaluation -- evaluation that's before you with all  
2 the exhibits. He will walk through some of the  
3 items.

4 I covered the design of the site, the  
5 building, the elevation, and the on-site traffic  
6 flow.

7 Paul Going is a traffic expert from  
8 Atlanta Traffic. He'll speak as to, obviously,  
9 traffic and its lack of impact at the site will  
10 have ongoing traffic patterns.

11 And Mr. Lynch is an appraiser and he  
12 conducted an analysis and he'll tell you that the  
13 proposed build of this Taco Bell will have no  
14 detrimental effects on real estate value.

15 So if I may proceed to Eric Mine.

16 COUNCILMAN MACAGNONE: All these  
17 experts are hired by Taco Bell, right?

18 MR. AMATO: Of course, sir.

19 COUNCILMAN MACAGNONE: Okay.

20 Just want to make sure we got that on  
21 the record.

22 MR. AMATO: Understood.

23 SUPERVISOR SALADINO: Before we begin  
24 with your -- the testimony of your exerts, a  
25 resident has been asked if she could speak prior to

1       their testimony because of a time constraint and  
2       I've decided to allow that.

3               MR. AMATO: Absolutely, Mr. Supervisor.

4               SUPERVISOR SALADINO: Thank you.

5               Mrs. Stein, would you please step  
6       forward? And Mr. Stein, okay.

7               Just state your names and address for  
8       the record, please.

9               MS. STEIN: Diana and Craig Stein,  
10       9 Ann Drive, Syosset, New York 11791.

11               We live right behind where they're  
12       planning on building the Taco Bell. There are  
13       currently smaller businesses that bring less  
14       traffic into that specific lot. It is currently a  
15       neighborhood restaurant, not a large fast food  
16       chain. If you think about the current environment,  
17       we're trying to create a healthier environment for  
18       our children, not bringing fast food. We don't  
19       want -- we should not be increasing the density of  
20       fast food establishments in the area, in the  
21       suburban areas. We should be decreasing them in  
22       today's society.

23               We currently have -- across the street,  
24       it's enough, we already have a McDonald's there.  
25       There's a Chipotle. We don't need another Mexican

1 restaurant, another fast food Mexican establishment  
2 right there. We don't need -- in addition, it's a  
3 residential neighborhood. We don't need another  
4 facility open until 4:00 in the morning on Jericho  
5 Turnpike. It brings potential crime and safety  
6 issues and potential drugs into the area at night.

7 I don't need that hanging out right in  
8 the area where my children will be, you know,  
9 walking to school, to and from school.

10 COUNCILMAN MACAGNONE: I live just  
11 south there on Whitman. I'm very familiar with the  
12 neighborhood, know the problems. I know even  
13 Panera people make their -- no, excuse me. Leaving  
14 PizzaRev or Chipotle, people making an illegal left  
15 turn across Jericho Turnpike.

16 But continue.

17 MS. STEIN: It will also bring  
18 extensive traffic issues to the area. That is  
19 already a very high trafficked area. The  
20 Seaford-Oyster Bay 135 is just east of that  
21 facility. There -- it's very high traffic at night  
22 between -- especially between 3:30 p.m. and  
23 6:30 p.m. It is extremely hard heading east on  
24 that area. Cars coming out of there making a left  
25 turn or illegal lefts will cause additional traffic

1 patterns and additional, hopefully not, but traffic  
2 accidents that already exist right now on Woodland  
3 Gate and Cedar Street.

4 When you go to even just make a normal  
5 legal right turn out of Cedar Street and people are  
6 making the left from Cedar across the way --

7 COUNCILMAN MACAGNONE: Or they're  
8 making a U-turn because they want to go to the  
9 restaurant down that block.

10 MS. STEIN: Exactly.

11 So it adds undue added congestion.  
12 There -- what is the upside to the local residents?  
13 There are no benefits to this facility. A  
14 drive-thru -- we don't have any drive-thrus, other  
15 than the McDonald's right now, which we don't need  
16 and we don't need this in addition.

17 It will add increased garbage removal  
18 needs because, again, that facility is a local  
19 small establishment that is there right now.

20 We don't need a high fast food  
21 restaurant that will bring potential animals to the  
22 area. We are a residential community and we don't  
23 want to change that.

24 MR. STEIN: And we have safety  
25 concerns. As you know, Jericho Turnpike is highly

1 trafficked. We're hesitant to walk our kids along  
2 Jericho Turnpike as it is. Most of us don't.

3 Adding a Taco Bell will exacerbate  
4 that. It's, you know, it's -- you take your life  
5 in your hands when you walk along Jericho Turnpike.  
6 And as my wife pointed out, you know, traffic  
7 heading east to the Seaford, that will back up.

8 It already backs up for miles. It will  
9 back up even worse if the site is successful and  
10 highly trafficked, traffic gets much worse. If  
11 it's unsuccessful, now we have a vacant QSR  
12 location ready for another fast food restaurant or  
13 basically an eyesore left for us to deal with.

14 MS. STEIN: So please take that into  
15 account.

16 MR. STEIN: Please consider our views  
17 here.

18 MS. STEIN: Thank you.

19 COUNCILWOMAN ALESIA: I just want to  
20 tell you, I completely agree with your statements.

21 Obviously, we have to have the whole  
22 hearing, but I like that the strip that we have  
23 there now -- and I leave right near there as well,  
24 has -- you've got Chipotle and PizzaRev and Gabby's  
25 and places that are committed to fresh fast --

1 fresh food for our kids and I have very similar  
2 concerns to you about this.

3 MS. STEIN: Thank you.

4 SUPERVISOR SALADINO: I also would like  
5 to point out that everything will remain open for  
6 your comments, even after this hearing. No  
7 decision is being made today.

8 You can send us a letter, you can send  
9 us an e-mail as you think of more issues  
10 concerning -- or your concerns come to mind, please  
11 know you can make sure that we hear and read and  
12 see those concerns. Even after today, we will  
13 continue to leave this open for your comments.

14 COUNCILMAN MACAGNONE: And feel free to  
15 walk down Whitman. It's very safe, very quiet  
16 neighborhood.

17 MS. STEIN: Thank you very much.

18 MR. STEIN: Thank you. Thank you  
19 Mr. Supervisor and Council.

20 SUPERVISOR SALADINO: You're welcome.

21 Will the applicant please continue  
22 their presentation?

23 MR. AMATO: Mr. Supervisor, perhaps  
24 since the community started speaking, we could hear  
25 all of their concerns and address them all at once



1 through our experts rather -- I think if we start  
2 and stop, perhaps that will just extend the  
3 hearing.

4 SUPERVISOR SALADINO: We had residents  
5 who had another engagement that they had to take  
6 care of and we took them out of order to allow them  
7 to meet their scheduling needs. But if you'll  
8 proceed, I don't believe that will be a problem.

9 MR. AMATO: Okay. Yeah, I just wanted  
10 to offer it to the Board if they would prefer to  
11 change the protocol so, okay.

12 Eric Mine, please.

13 MR. MINE: Good afternoon, Supervisor,  
14 members of the Board.

15 Eric Mine, Bohler Engineering,  
16 2929 Expressway Drive North, Hauppauge, New York.

17 Here on behalf of Taco Bell. I'm here  
18 to discuss the site plan that my firm prepared. We  
19 are proposing a 2,126 square foot building in lieu  
20 of the over 7,000 square foot building that exists  
21 on the site.

22 The Taco bell restaurant will have 40  
23 seats. You'll enter the site from Jericho  
24 Turnpike. On the west side of the site, there will  
25 be 17 parking stalls including two ADA accessible

1 stalls and there will be five additional parking  
2 stalls to the rear of the restaurant. The trash  
3 enclosure will be to the southwest corner of the  
4 site. The drive-thru queue starts at the rear of  
5 the site and queues around the eastern side of the  
6 building.

7 We're providing for eight cars in the  
8 queue, which is more than the five required by  
9 Code, and then you'll exit the drive-thru and the  
10 parking area both from the same curb cut out onto  
11 Jericho Turnpike.

12 In laying out the site the way we did  
13 with the geometry of the building, we were able to  
14 get a 10-foot buffer on the east side of the site  
15 whereas currently there's no landscape buffer and a  
16 10-foot buffer at the rear of the side as well  
17 where there's currently only a 5-foot buffer.

18 We are proposing to maintain the  
19 existing mature trees at the rear of the site so  
20 there's a verticality to the screening we're  
21 providing and we're supplementing underneath with  
22 some leather leaf viburnums and other junipers so  
23 that it's a year round screen. And as Mr. Amato  
24 indicated, we are willing to modify the fencing to  
25 an 8-foot fence in lieu of the 6-foot fence

1 proposed.

2 That's essentially the site. If  
3 there's any questions, otherwise, we'll move on to  
4 the next expert.

5 SUPERVISOR SALADINO: Thank you.

6 MR. AMATO: Paul Going, please.

7 MR. GOING: Thank you.

8 My name is Paul Going. I'm with  
9 Atlantic Traffic and Design Engineers,  
10 2929 Expressway Drive North in Hauppauge.

11 We prepared a letter report, which is  
12 in front of you. A copy of the DOT approval that  
13 we received is also in -- well, I don't think you  
14 each have that, but we did turn that in. An  
15 existing condition, as previously stated, you've  
16 got a small strip shopping center with four uses  
17 there.

18 There's a full movement driveway on  
19 Jericho Turnpike. Jericho Turnpike at this  
20 location is a 40 mile per hour road. Across our  
21 site frontage, Jericho Turnpike has two lanes in  
22 each direction and has a two-way center turn lane  
23 down the middle.

24 This section of Jericho Turnpike has  
25 higher westbound traffic in the morning, higher

1 eastbound traffic; although, not as high as the  
2 morning peak, but higher eastbound traffic in the  
3 evening.

4 What's proposed is a Taco Bell  
5 restaurant. Taco Bell restaurant would be  
6 2,126 square feet which is -- that's a relatively  
7 modest size fast food restaurant. It would have 40  
8 seats and the site would continue to basically  
9 be -- to be served by the existing driveway. Just  
10 full movement and that driveway would be in  
11 basically the same location where it is now, but it  
12 would be reconstructed.

13 The Taco Bell, as you're probably  
14 familiar with, it's much busier in the evening  
15 hours, in the dinner hours. It's convenience use.  
16 People stop by on their way home, people will stop  
17 by Taco Bell on a Saturday on their, on their way  
18 to or from somewhere else. We call that a passby  
19 trip. And, basically, the location here on the  
20 eastbound side of the State highway is the  
21 preferred location for a Taco Bell being that in  
22 the evening, you have more traffic going away that  
23 way.

24 Typically, for use like this on a well  
25 trafficked road like this, you'd get 70 to 75

1 percent of your traffic making right turns into the  
2 site and out of the site. Primarily, people would  
3 be doing -- doing that movement as opposed to left  
4 turn, but we're proposing to print the left turn  
5 and the DOT has approved that, which again, is the  
6 same as the existing condition.

7 We did look at the number of trips  
8 generated by the Taco Bell in comparison to the  
9 existing uses. We calculated the number of trips  
10 using data presented by the Institute of  
11 Transportation Engineers in a book called Trip  
12 Generation, the 9th edition published in 2012. We  
13 calculated the existing site as a shopping center  
14 and calculated the proposed Taco Bell as fast food  
15 with drive-thru.

16 What we saw was that the maximum  
17 increase in site trips was calculated to be 90  
18 occurring in the weekday morning peak hour and  
19 that's closely followed by 89 in the Saturday  
20 midday peak hour. That's the total trips in and  
21 out, so when we're talking about 90 trips, we're  
22 talking about 45 customers.

23 COUNCILWOMAN ALESIA: Can I just ask,  
24 that's 90 trips over what's currently happening at  
25 the Inn Between?

1 MR. GOING: That's correct.

2 COUNCILWOMAN ALESIA: Per hour?

3 MR. GOING: Say that again.

4 COUNCILWOMAN ALESIA: 90 trips per  
5 hour?

6 MR. GOING: 90 trips in the peak hour.  
7 That's 90 trips in the weekday morning peak hour,  
8 which would be higher than the other hours through  
9 the day.

10 COUNCILMAN MACAGNONE: As opposed to  
11 eight -- or 7 as you have listed here.

12 MR. GOING: That's correct. So the  
13 difference there is 90 versus --

14 COUNCILMAN MACAGNONE: Only a slight  
15 difference.

16 COUNCILMAN IMBROTO: If you wanted to  
17 put that increase in a percentage, what would the  
18 percentage be?

19 MR. GOING: I'm not sure what you're  
20 asking.

21 I mean, shopping centers like this with  
22 a restaurant, they're not very busy in the morning  
23 peak hour. Taco Bell is -- as you may note, serves  
24 breakfast. It's not a huge part of their business,  
25 but they do serve breakfast.

1                   What I calculated was using IT Trip  
2                   Generation Rates for Fast Food which is not  
3                   specific to Taco Bell.

4                   Taco Bell is probably a little less  
5                   busy in the morning, but again --

6                   COUNCILMAN IMBROTO: Why was the  
7                   morning peak chosen?

8                   MR. GOING: We listed the morning peak  
9                   as well as the lunch peak, the dinner hour, and the  
10                  Saturday lunch.

11                  I pointed out the morning peak just  
12                  because you do have that low trip generation of the  
13                  shopping center in the morning and that's -- so  
14                  that's where we had the greatest difference.

15                  COUNCILMAN MACAGNONE: But every one  
16                  has a significant increase in traffic.

17                  MR. GOING: I disagree with that.

18                  COUNCILMAN MACAGNONE: The difference  
19                  plus 90 for the weekday morning. Plus 73 weekday  
20                  midday, plus 41 weekday evening, plus 89 Saturday  
21                  midday.

22                  To me, that's a significant increase.

23                  COUNCILWOMAN ALESIA: Especially  
24                  heading toward the 135 entrance in that direction.  
25                  It's a lot of increase.

1 COUNCILMAN MACAGNONE: If it was plus  
2 3, I'd say, okay, it's not significant. Plus 89,  
3 plus 73, plus 90.

4 MR. GOING: Well, both the IT and the  
5 New York State DOT recognize --

6 COUNCILMAN MACAGNONE: I'm talking  
7 about a resident of Syosset. That's an enormous  
8 increase.

9 MR. GOING: I understand what you're  
10 saying, but based on traffic -- typical traffic  
11 engineering protocols and standards, the DOT and  
12 the ITE both recognize 100 trips as a threshold  
13 over which traffic is significant.

14 In this particular case, the DOT has  
15 reviewed our traffic, they've approved our traffic,  
16 and they've approved the layout.

17 MR. AMATO: And also, I'd like to  
18 mention to the Board that Mr. Going's findings are  
19 exactly the same as Cashin Spinelli's findings  
20 dated October 27, 2016. The number counts, the IT  
21 counts and its conclusions are the same as the  
22 banks -- I'm sorry, as the Town's consultant  
23 analysis of the traffic situation.

24 MR. GOING: And let me -- I want to get  
25 into one other item which is the passby trips.



1           As I previously said, fast food is a  
2           convenience use. When you have a convenience use,  
3           they are serving people who are already on the road  
4           as opposed to adding new trips to the road.

5           For fast food, ITE has -- indicates an  
6           average passby rate of about 50 percent which  
7           means, you know, half the customers.

8           So when I mentioned before, those 45  
9           customers, about half of them, 23, would be people  
10          already on the road. 23 would be cars added to the  
11          road at 50 percent.

12          At this location, given the amount of  
13          traffic on the road, I would expect an even higher  
14          passby rate. I would guess maybe 70 percent, but  
15          definitely at least the average that's published by  
16          ITE, the 50 percent passby would be at this  
17          location.

18          MR. AMATO: What is your conclusion?

19          MR. GOING: My conclusion, the proposed  
20          project will not have a significant negative impact  
21          on traffic. The proposed project has been designed  
22          per Town standards, as well as typical engineering  
23          standards, and it's been reviewed by the DOT and I  
24          don't see any significant negative impact.

25          MR. AMATO: And my understanding is you

1 have reviewed Cashin Spinelli's findings and that  
2 your findings and your calculations are almost --  
3 are they identical?

4 MR. GOING: Correct. Yes.

5 COUNCILMAN MACAGNONE: Doesn't mean we  
6 have to agree with their finding either, though.

7 MR. AMATO: Thank you.

8 Mr. Lynch, please.

9 SUPERVISOR SALADINO: Good afternoon.

10 MR. LYNCH: Good afternoon,  
11 Mr. Supervisor.

12 My name is Michael Lynch, real estate  
13 appraiser; address, 15 Dewey Street Huntington,  
14 New York.

15 I have appeared many times in the past  
16 before this Board and Mr. Amato has submitted my  
17 report along with my qualifications appended to.

18 Good afternoon, again, Members of the  
19 Board.

20 I'm here on the Taco Bell application  
21 for the redevelopment of this -- of the site which  
22 is situated along the south side of Jericho  
23 Turnpike approximately 425 east of the intersection  
24 with Oyster Bay Road in the Hamlet of Syosset.  
25 It's a NB business zone parcel.

1           It's presently improved as the Board's  
2       aware with the strip center which contains  
3       approximately 7,425 square feet and improved with  
4       four store units including the Inn Between  
5       restaurant, a dry cleaner establishment, an  
6       insurance agency and a psychic.

7           What is proposed is a 2,126 square foot  
8       restaurant, Taco Bell, fast food establishment with  
9       a drive-thru. As noted, the square footage of the  
10      property is roughly one-third of what is presently  
11      there as far as site coverage. We'd be moving from  
12      a 37 percent site coverage down to 10.6. The  
13      overall landscaping in the site would be roughly  
14      seven times what presently stands there. It would  
15      be a 21 percent landscape coverage where presently  
16      is approximately 3 percent landscaping.

17          As far as the surrounding area, as you  
18      know, immediately adjacent to this to the west was  
19      a recent redevelopment of a site which is presently  
20      the new Chipotle restaurant. That is now part of  
21      the adjacent Plaza which contains two additional  
22      fast food type of establishments which includes a  
23      PizzaRev and a Jamba Juice. Opposite the property  
24      to the north along Jericho Turnpike is a DSW Shoe  
25      outlet store. Opposite to the northwest along

1 Jericho is a Panera Bread establishment.

2 To the rear of the property, the  
3 property abuts the rear yards of the homes along  
4 Jarvis and Winthrop Avenue. And then further uses  
5 to the west of the property include an AT&T store,  
6 Starbucks, Carvel, along with some professional and  
7 office uses. The application today for the site  
8 plan approval as well as the special permit to  
9 allow for the Taco Bell restaurant in my  
10 estimation, will not have a negative effect to the  
11 community.

12 Again, we're taking a site with a site  
13 coverage of roughly 37 percent and going down to  
14 roughly 10.6 percent. The site is essentially  
15 devoid of any essential landscaping. The applicant  
16 proposes a 21 percent landscape which includes  
17 substantial buffering along its easterly and  
18 southerly boundaries with the residents to the  
19 south and to the east on Jarvis and Winthrop  
20 Avenue.

21 Also offered is an 8-foot stockade  
22 fence which would further attenuate any potential  
23 impact that the drive-thru may have. Also noted,  
24 as the engineer discussed, the setback of the  
25 current strip center is approximately 84 feet.

1                   We're proposing to move this forward,  
2                   closer to Jericho Turnpike 53 feet, so there would  
3                   be a substantial increase in the rear yard to the  
4                   homes immediately to the rear.

5                   So, overall, I think it's a net  
6                   positive redevelopment of the site with respect to  
7                   what is proposed with landscaping, buffering,  
8                   et cetera, and with respect to the smaller  
9                   footprint that is proposed.

10                  So at this -- my conclusion is that the  
11                  proposed redevelopment of the site will not have  
12                  any adverse impact to the surrounding community or  
13                  property values.

14                  SUPERVISOR SALADINO: I have a  
15                  question.

16                  MR. LYNCH: Yes.

17                  SUPERVISOR SALADINO: It appears as  
18                  though at the rear of the site will be the point at  
19                  which patrons utilizing the drive-thru will order  
20                  their meals.

21                  How far would those cars be from the  
22                  property line?

23                  MR. LYNCH: I believe the engineer may  
24                  have a better question -- better answer to that.

25                  MR. MINE: Yeah, there's a 10-foot

1 buffer plus the drive-thru lane itself is about  
2 12 feet wide with a vehicle being about 6 feet, so  
3 you're looking at a good 16 feet from the property  
4 line.

5 SUPERVISOR SALADINO: I'm sorry, the  
6 buffer you said?

7 COUNCILMAN MACAGNONE: A good 16 feet  
8 or 16 feet?

9 MR. MINE: Well, depending on how you  
10 define it. It's 16 feet to the passenger side of  
11 the vehicle or it would be 22 feet to where the  
12 speaker is.

13 SUPERVISOR SALADINO: Okay. So the  
14 buffer is -- what's the total of the buffer alone?

15 MR. MINE: The buffer is 10 feet and  
16 the lane itself is 12 feet.

17 SUPERVISOR SALADINO: When cars enter  
18 into that curb, will their headlights be pointed  
19 toward the properties that are immediately are  
20 adjacent on the south side?

21 MR. MINE: Yes, and just like that  
22 exist today. In fact, the existing establishment  
23 has parking to the rear where the headlights when  
24 people park would be shining through the fence.  
25 The drive-thru patrons are going to be moving

1 through the drive-thru so it's a 10-foot buffer at  
2 the rear with an 8-foot high fence as well as, you  
3 know, 6 foot high plantings --

4 COUNCILMAN MACAGNONE: What are the  
5 hours of operation?

6 SUPERVISOR SALADINO: That was my next  
7 question.

8 COUNCILMAN IMBROTO: Did you say that  
9 parked cars --

10 SUPERVISOR SALADINO: Just a moment  
11 Councilman, if you don't mind. The Councilman had  
12 a question in.

13 MR. AMATO: The hours of operation,  
14 they open at 7:00 a.m.; they close at 4:00 a.m.  
15 However, that is something we can discuss with the  
16 Board because the Inn Between right now is open  
17 until 2:00 a.m.

18 COUNCILMAN MACAGNONE: I live right  
19 there. I very seldom see Inn Between open after  
20 midnight.

21 MR. AMATO: All we can tell you is  
22 what's publicly posted on their website. They're  
23 open until 2:00 a.m.

24 COUNCILMAN MACAGNONE: Well, it's  
25 practically -- they're very seldom open past

1 midnight.

2 SUPERVISOR SALADINO: In this case, the  
3 drive-thru would be open 'til 4:00 a.m. as per your  
4 application?

5 MR. AMATO: Well, as per the  
6 application of the drive-thru is. For the building  
7 is the sit-down restaurant is 2:00 a.m., but that's  
8 obviously something we could discuss with the  
9 Board.

10 SUPERVISOR SALADINO: Are there are any  
11 other questions?

12 MR. LYNCH: Thank you very much.

13 MR. AMATO: Mr. Supervisor, that ends  
14 our media presentation.

15 We'd like to hear what the community  
16 has to say and be afforded the opportunity to  
17 address any concerns that they may have that have  
18 not otherwise been addressed.

19 SUPERVISOR SALADINO: Thank you.

20 We have a number of people who would  
21 like to speak on this. We've already heard from  
22 Diana and Craig Stein on this application  
23 previously.

24 Peter Morley. Is Peter Morley here at  
25 this time? We'll call him again.



1 Michael Allesì? We'll call on him  
2 again.

3 Neil Barons, it looks like, from  
4 50 Dawes Avenue. We'll call on him again.

5 Laura Schultz?

6 MS. SCHULTZ: Hello, again.

7 Laura Schultz, 22 Barbara Drive,  
8 Syosset, New York, President of Residents for a  
9 More Beautiful Syosset.

10 Many of the speakers that you just  
11 called had to leave because of the lateness of the  
12 hour, so I'm speaking for a lot of people.

13 SUPERVISOR SALADINO: Sure.

14 MS. SCHULTZ: It's quite a -- quite a  
15 few people had to leave. All right.

16 You have listened to the residents of  
17 Woodbury today regarding their health and safety.  
18 We ask you to also listen to the residents  
19 of Syosset today for their health and safety.

20 We believe this project will have a  
21 negative effect on the Syosset community. The  
22 intersection of Jericho Turnpike, South Oyster Bay  
23 Road and Jackson Avenue is the busiest intersection  
24 in all of Syosset. Thousands of drivers use  
25 Jericho Turnpike and Jackson Avenue and South

1 Oyster Bay Road to get back and forth to the  
2 Seaford-Oyster Bay Expressway.

3 Lunch hour and rush hour traffic along  
4 Jericho Turnpike is already a nightmare in this  
5 area. Drivers ignore the "no left turn" at  
6 Chipotle and PizzaRev So even though it says no  
7 left turn, they still go back. They get their food  
8 and they go back. Right, Councilman? We note that  
9 all the time.

10 COUNCILMAN MACAGNONE: Probably a third  
11 of them do that.

12 MS. SCHULTZ: Yes. Yes. I go to lunch  
13 at Panera and I see it all the time.

14 The hours of our operation of Chipotle  
15 and Panera Bread end at 10:00 p.m. The hours of  
16 operation proposed for this Taco Bell go from  
17 7:00 a.m. to 4:00 a.m. It is too late.

18 Residents for a More Beautiful Syosset  
19 ask you to please deny this special use permit.

20 Thank you very much.

21 SUPERVISOR SALADINO: Thank you.

22 Next speaker, Michael Lynch.

23 Nope, he's part of the presenting team.

24 Pei Chao?

25 MS. CHAO: Hi. My name is Pei Chao,

1 11 Jarvis Avenue, Syosset.

2 I'm the south neighbor that's asking  
3 for the 8-feet fence, and I have two young children  
4 and there's a three-year old that just moved in  
5 next door last week so we're concerned about the  
6 kids safety and the noise.

7 I don't want people -- to hear people  
8 talking in my backyard until -- almost 24 hours a  
9 day if they have the drive-thru so if they could  
10 have the shorter drive-thru hour or maybe no  
11 drive-thru at all.

12 SUPERVISOR SALADINO: Are you opposed  
13 to the application or is it that you're just  
14 opposed to having a drive-thru or the hours of the  
15 drive-thru?

16 MS. CHAO: The hours of the drive-thru.

17 SUPERVISOR SALADINO: The hours of the  
18 drive-thru, okay.

19 What would you see as a reasonable time  
20 to limit them to?

21 MS. CHAO: 10:00 for the walk-in and  
22 12:00 for drive-thru.

23 COUNCILMAN MACAGNONE: Seven days a  
24 week?

25 MS. CHAO: I guess, yes.

1 COUNCILMAN MACAGNONE: That's what I'm  
2 asking.

3 MS. CHAO: Or just like 12:00 on the  
4 weekends and 10:00 during the week?

5 MS. CHAO: Oh, sure. That would be  
6 better. If I could say -- have a say, yes.

7 Monday through Thursday, 10:00 p.m. and  
8 weekends.

9 COUNCILMAN MACAGNONE: So Sunday  
10 through Thursday night, 10:00 p.m. and then  
11 weekends, midnight.

12 MS. CHAO: Yeah. I would accept that.

13 Thank you.

14 COUNCILMAN MACAGNONE: Thank you.

15 SUPERVISOR SALADINO: Anyone else on  
16 this application?

17 Mr. Frier?

18 MR. FRIER: Bob Frier, 33 Chestnut Lane  
19 in Woodbury.

20 I guess my -- I'm concerned that --  
21 that the Syosset portion of Jericho Turnpike more  
22 and more is reminding me of Old Country Road in  
23 Westbury. It's just fast food restaurant after  
24 fast food restaurant. The traffic, all times of  
25 day, is heavy, not just at peak hours.

1                   And I've been in that turnout many  
2                   times and I've seen with my own eyes, even though  
3                   they're not allowed, cars cross over to make the  
4                   left turn and count, you know, almost every time,  
5                   it's really close and you hear someone coming  
6                   the -- heading west, you know, honking because, you  
7                   know, they -- they nearly had an accident.

8                   So I have serious safety concerns about  
9                   that and just -- just the character of what's being  
10                  built in that area, it's becoming just fast food  
11                  restaurants so I would like -- you know, even to  
12                  ask the Board to, you know, maybe have a separate  
13                  meeting and, you know, invite residents and let's  
14                  talk about a vision for that area and how we -- you  
15                  know, how we would like to see it developed as time  
16                  goes on.

17                  One of the things that I didn't hear  
18                  addressed in the meeting is that where is the trash  
19                  going to go from there? And that's also going to  
20                  be --

21                  SUPERVISOR SALADINO: That's in the  
22                  application.

23                  MR. FRIER: But, you know, is -- how is  
24                  that going to affect the residents right behind  
25                  there.

1 COUNCILMAN MACAGNONE: What times the  
2 pick ups will be and deliveries.

3 MR. FRIER: Yeah, and just the smell  
4 that emanates from it.

5 COUNCILWOMAN ALESIA: I was thinking  
6 about litter also.

7 COUNCILMAN MUSCARELLA: Yeah, but the  
8 smell is contained with their thermalization of  
9 their odors, they say, but it is on the  
10 application. You wouldn't see it.

11 MR. FRIER: So my -- you know, my  
12 concern is for the neighbors beyond there but it's  
13 also just a major safety question. Those numbers  
14 that you mention in terms of the traffic that goes  
15 to the Inn Between and what they're estimating is a  
16 huge jump in traffic, so I really think it's a bad  
17 idea for the -- for Jericho Turnpike and it's a bad  
18 idea for the neighborhood.

19 Thank you.

20 SUPERVISOR SALADINO: As you've heard  
21 from the questions from the Board, they're  
22 already -- have those concerns.

23 The next speaker -- I'll announce these  
24 names again, Neil Burns, Syosset Neil Burns?  
25 Michael Alessi? Michael Alessi?

1                   Would Frank check and see if there's  
2 anyone outside?

3                   Michael Alessi? Not present,  
4 currently.

5                   Peter Morley? Okay.

6                   Mr. McKenna, I think you raised your  
7 hand first.

8                   MR. McKENNA: Good afternoon.

9                   Kevin McKenna, 3 Edna Drive, Syosset,  
10 New York.

11                   I just want to quickly say that you  
12 might want to consider in the future having less  
13 hearings on one day so that you'd be able to  
14 hear -- you know, there's quite a few people that I  
15 know from Syosset that couldn't be here because of  
16 not knowing when it would come about.

17                   And the other matter along those lines  
18 is that I don't believe that -- I know that  
19 residents in the -- I live right nearby. Not  
20 behind, but on the other side, and some of the  
21 residents were notified in the area of a prior  
22 meeting I'm told, but normally something of this  
23 magnitude, I would think that you would have some  
24 sort of a sign outside --

25                   COUNCILMAN MACAGNONE: I have to agree

1 with you on that Mr. McKenna, I did not see a sign  
2 posted about a zoning change in front of the  
3 establishment.

4 MR. McKENNA: If there was a sign  
5 outside that establishment, even yesterday, you'd  
6 have this room packed.

7 COUNCILMAN MACAGNONE: I did not -- I  
8 was out of town last week, most of the week, but  
9 prior to that, I did not see a sign.

10 COUNCILWOMAN ALESIA: I don't think --  
11 sorry. I was in the shopping center adjacent to it  
12 twice in the last three days and I did not see a  
13 sign.

14 MR. McKENNA: I give them credit that  
15 they did notify some of the local residents but,  
16 you know, again, not to be repetitive, but with a  
17 sign, you really would have a massive outcry on  
18 this.

19 COUNCILMAN MACAGNONE: I'm going to  
20 tell you, people that live around me didn't know  
21 anything was proposed there until I told them and  
22 they would have like to come to a meeting if it was  
23 a night meeting, but they work during the day, so I  
24 agree with you.

25 MR. McKENNA: Just a -- just a few



1 things that haven't been talked about.

2 I was thinking -- I was thinking back,  
3 you know, when I was younger and I used to go to  
4 the drive-thru at Jack in the Box in Plainview and  
5 I, you know, real world -- and I don't know whether  
6 they -- they've done a study on this or whatever,  
7 but there's a lot of kids in Syosset and I could  
8 just envision. I know when I go to Chipotle and  
9 PizzaRev and it draws -- it draws the young folks  
10 and especially at lunch time from Syosset High  
11 School and the kids from Syosset High School are  
12 going to drive west on Jericho Turnpike and they're  
13 in a rush, you know, they're on their lunch hour  
14 and I can't even imagine the activity.

15 Those numbers they have, I think, are  
16 very, very low compared to what in the real world  
17 that would be. I'd be curious to know what the  
18 Plainview location does. But that left turn there,  
19 they're going to make the left and they're going to  
20 make the left with a sign, without a sign, you  
21 know, they're going to be in a rush to get their  
22 food. After they get their food, they're going --  
23 this is during the daytime, they're going to take  
24 the packaging and you're going to find the -- I'm  
25 going to find garbage halfway back to Syosset High

1 School on the roads.

2 Real world, I'm talking reality.

3 COUNCILMAN MACAGNONE: No one's arguing  
4 with you.

5 SUPERVISOR SALADINO: Thank you.

6 MR. McKENNA: At nighttime, they didn't  
7 talk at all about signage and lighting which is  
8 probably in there, but who knows if the light is  
9 going to be disturbing to the neighbors behind.

10 But the big thing, I would imagine is,  
11 that that speaker on a drive-thru is going to echo  
12 at night, and if I lived behind there and I had to  
13 listen to people ordering tacos until 4:00 in the  
14 morning or even until midnight, I'd be very  
15 disturbed.

16 The gas fumes from the cars that are  
17 going to be idling there, I don't know if any kind  
18 of testing is done on, you know, gas fumes, whether  
19 that could even go into the backyards of the  
20 neighbors. Curious to know whether it is a  
21 franchise or not.

22 COUNCILMAN MACAGNONE: Taco Bell of  
23 America, so I don't think so.

24 COUNCILMAN MUSCARELLA: Yeah, it's a  
25 corporate store.

1 MR. McKENNA: Is it franchised?

2 COUNCILMAN MACAGNONE: I think it is  
3 corporate.

4 MR. McKENNA: Okay.

5 And the other thing is I know that  
6 Chipotle, in some locations, serve alcohol, and I  
7 was wondering if alcohol could -- this possibly  
8 part of the application?

9 If that's the case, then in closing, I  
10 would just respectfully ask the people from Taco  
11 Bell to take Ted Tacos to another town because  
12 Syosset's not the place for it. Thank you.

13 SUPERVISOR SALADINO: Larry Weirs --  
14 Weiss.

15 Larry Weiss?

16 COUNCILMAN MACAGNONE: Thank you,  
17 Mr. McKenna.

18 SUPERVISOR SALADINO: Hi, Larry. How  
19 are you this afternoon?

20 Thank you for joining us.

21 MR. WEISS: Good to see you all. I  
22 don't often get to be at these meetings, but it's  
23 good to participate.

24 COUNCILMAN MACAGNONE: Always a  
25 pleasure.

1 MR. WEISS: Thank you.

2 SUPERVISOR SALADINO: Always a  
3 pleasure.

4 For the record, could you please --  
5 just for the record, could you please give us your  
6 name and address.

7 MR. WEISS: Yes, Larry Weiss, 105 Grace  
8 Street, Plainview.

9 I was not planning to speak, but I was  
10 listening to the hearing and I noticed that the  
11 address was rather familiar.

12 Many of you know that in my early  
13 career, I was advertising director for Crazy Eddie,  
14 and yes, I wrote all those commercials.

15 SUPERVISOR SALADINO: I heard his  
16 prices are insane.

17 MR. WEISS: They are insane. This  
18 location was a Crazy Eddie location.

19 The Syosset store was located right  
20 there, and what I wanted to advise you of is  
21 forty years ago on the weekends, that parking lot  
22 was a zoo and it created traffic on Jericho  
23 Turnpike every weekend and that's forty years ago.

24 So I'm not sure about the advisability  
25 now of opening something that might be also a

1 popular place to go in that particular spot and  
2 that's all I wanted to offer.

3 SUPERVISOR SALADINO: Thank you, Larry.

4 MR. WEISS: Thank you.

5 SUPERVISOR SALADINO: Thank you.

6 Any other speakers on this application?

7 Yes, Mr. Sklar.

8 MR. SKLAR: I'm not an expert at this,  
9 but a feasibility studies was my expertise in a  
10 real estate business and you keep talking here  
11 about traffic and traffic, okay?

12 Taco Bell is not going to bring anymore  
13 traffic to that location because it's there are  
14 already. If you look at the location, if you know  
15 the location, the only customers they are getting  
16 are those traveling east because there is no way  
17 you're crossing over at that location from the  
18 other side. You can't get into Starbucks, you  
19 can't get into the Mexican restaurant, you can't  
20 get into anybody. It just doesn't happen with the  
21 way that traffic flows down Jackson Avenue.

22 COUNCILMAN MACAGNONE: People do try  
23 everyday.

24 COUNCILWOMAN JOHNSON: They shouldn't,  
25 but they do.

1 COUNCILMAN MACAGNONE: They do try  
2 every day cutting across Jericho Turnpike into  
3 Chipotle, the PizzaRev, into Jamba Juice, into the  
4 paint store, into the Starbucks, into the dentist's  
5 office. They are making lefts into there.

6 MR. SKLAR: But not from the west side,  
7 from the east side.

8 COUNCILWOMAN ALESIA: They make a  
9 U-turn.

10 COUNCILMAN MUSCARELLA: Larry, there's  
11 an arrow that points them to make a left turn.

12 MR. SKLAR: The arrow is not before  
13 Starbucks. It's at the corner of Jackson Avenue,  
14 so you got to --

15 COUNCILMAN MACAGNONE: They do they  
16 make that left, Larry. I see it.

17 MR. SKLAR: What?

18 COUNCILMAN MACAGNONE: They make the  
19 left into that shopping center every day and into  
20 the Inn Between.

21 MR. SKLAR: Okay. You make the  
22 left-hand turn and you want to go into the back of  
23 Starbucks, you can't get over that because all  
24 those cars are parked and they're making the  
25 right-hand turn.

1 I've been to this intersection every  
2 single day. Okay. And I can never get from the  
3 left side to the right side going west. And if you  
4 look at Jericho Turnpike, I don't think anybody's  
5 going come there just because there's a Taco Bell.

6 There are 75 restaurants between the  
7 expressway and Woodbury Road. They've all been  
8 counted. There's 75 different restaurants.  
9 There's six pizza places in that two mile span.  
10 When the next one opened, they said, oh, nobody's  
11 gonna go there, but every one of them is in  
12 business. So the concern is the traffic going east  
13 and I don't think that affects anybody there.

14 Thank you.

15 SUPERVISOR SALADINO: Are there any  
16 other speakers on this application?

17 Yes. Yes, gentleman in the back.

18 MR. O'CONNOR: Good afternoon.

19 I just want to take a second. I've  
20 been standing in the back listening to the whole  
21 meeting.

22 Supervisor, Town Council, my name is  
23 Dan O'Connor. I'm actually a resident of Glen  
24 Head, 9 Sylvia Street in Glen Head.

25 SUPERVISOR SALADINO: Thank you.

1 MR. O'CONNOR: I advise businesses, a  
2 lot of times, especially start up businesses. Just  
3 a few things I wanted to say is one, the gentlemen  
4 earlier brought up a good point. I'm not sure if  
5 you know why he brought it up, but he asked if this  
6 was a franchised location versus a corporate  
7 location.

8 Sometimes when you look at McDonald's,  
9 McDonald's makes their franchisees work at least 40  
10 hours a week in the location to keep it cleaner and  
11 keep it upkept, and the owner actually has to be in  
12 there or a member of the owner staff.

13 Taco Bell, I believe, and you are  
14 correct in saying this, is a corporate which is  
15 just basically employees so it's a little bit  
16 different than having an owner on the location.

17 I would also ask for advisement that  
18 maybe the Town looks into, since it is a corporate  
19 account, some of the other accounts that they may  
20 own or locations that they may own in Town of  
21 Oyster Bay and see if they're friendly with the  
22 neighbors, see if there's any garbage issues, see  
23 if there's any police activity issues.

24 And the last thing I want to mention is  
25 one thing that I very rarely hear is how the



1 deliveries to the location are being made. I  
2 believe it's mostly 18-wheeler with a lift gate at  
3 possibly odd hours. So, again, it's just a  
4 reminder to maybe look into some of those issues,  
5 so I appreciate the opportunity to speak out.

6 COUNCILMAN MACAGNONE: The hours of the  
7 garage pickup, when that will be.

8 MR. O'CONNOR: Exactly. So just some  
9 of the side things that maybe you may not have  
10 thought to look into.

11 SUPERVISOR SALADINO: Just so you and  
12 the residents are assured, we have multiple  
13 concerns at this location.

14 MR. O'CONNOR: Okay. Thank you for  
15 letting me speak. Enjoy your day.

16 COUNCILMAN MACAGNONE: Mr. O'Connor,  
17 always good to see.

18 SUPERVISOR SALADINO: Any other  
19 speakers?

20 Anyone else, member of the public who  
21 would like to be heard on this issue?

22 Okay. If the applicants would step  
23 forward.

24 MR. AMATO: Thank you, Mr. Supervisor,  
25 for giving me the opportunity to address the public

1 commentary.

2 Taco Bell will be willing to stipulate  
3 that the drive-thru would close by 2:00 a.m. and  
4 that the restaurant itself would close at  
5 12:00 a.m.

6 And as I mentioned before, the Inn  
7 Between is open to 2:00 a.m. I understand  
8 Councilman's statement that practically they may  
9 not be doing that, but based upon our investigation  
10 and everything that's available, they are open at  
11 2:00 a.m., so basically, more or less the same in  
12 terms of the hours of operation.

13 I have to stress this Board, the  
14 traffic concerns. New York State Department of  
15 Transportation has already approved the curb cut  
16 and doing so has said this use and this entrance  
17 way in getting in and out of the site is safe.

18 COUNCILMAN MACAGNONE: They don't vote  
19 on this though; we do.

20 MR. AMATO: I understand, but what I'm  
21 saying is that over that intersection and that curb  
22 cut, that's their jurisdiction. That's not the  
23 Board's jurisdiction.

24 COUNCILMAN MACAGNONE: Okay.

25 MR. AMATO: Okay. In terms of a couple

1 of the items that were mentioned and I'll call our  
2 experts back. We're going to turn to traffic. We  
3 heard the number of differential, the morning peak,  
4 80 to 90 trips, that's -- you have to divide the  
5 number by 2, right? So 40 is -- 80 is 40 because  
6 it's coming in, going out.

7 COUNCILMAN IMBROTO: It is still 1,000  
8 percent increase though, right?

9 MR. AMATO: Right. But based upon --

10 COUNCILMAN IMBROTO: That was the  
11 number I was trying to get.

12 MR. AMATO: But based upon  
13 transportation standards, based upon our hired  
14 expert, based upon the Town's hired expert, it does  
15 not have a measurable impact on that roadway,  
16 particularly since -- but based upon the Town's  
17 expert and our expert, and based upon the IT, 50  
18 percent of all that traffic is already on the road  
19 and Mr. Going will testify, he's analyzed other  
20 Taco Bells in Long Island and actually the number  
21 is higher than the IT, 70 percent of the traffic is  
22 already on the road. 70 to 75 percent, Mr. Going  
23 will offer some more testimony along those lines.

24 In terms of pickup and deliveries and  
25 the commercial vehicles coming to the site, there

1 will be one box truck delivery per month for  
2 nonperishable goods; three tractor-trailer  
3 deliveries per week that could be coordinated with  
4 the Town. Pursuant to reasonable conditions, that  
5 could be off typically. We'd like to do it  
6 off-peak but if the Board would like to suggest  
7 something else, we're more than -- more than happy  
8 to consent to any reasonable conditions.

9 In terms of garbage pickup, that would  
10 be typical front loader, 30-foot truck, three times  
11 per week. Exactly, the same as the Chipolte, which  
12 is right next door. And I'd like to add that right  
13 now, you have a freestanding dumpster that gets  
14 knocked around. We're putting this in a masonry  
15 enclosure and also that enclosure and all the  
16 garbage will be inspected by -- I think the company  
17 is called EcoLab which is pest control and inspects  
18 stores for cleanliness and that's in their contract  
19 by Taco Bell to make sure the site is clean and  
20 free of all pests and varmint and such.

21 It is a corporate store and what I  
22 would say with that, there's a lot more capital  
23 that's behind -- that will be going to the site.  
24 There's tremendous improvements that's being made  
25 here. There's a lot of money going into the site

1 and it's going to be kept clean. It's a  
2 substantial investment and, you know, I understand  
3 that this is a nice, I guess, neighborhood strip  
4 center, but it has zero architectural features.

5 The site is a tremendous improvement  
6 architecturally. We have a 37 percent -- we're  
7 going from 37 percent lot air coverage to 10  
8 percent, so I would ask the Board to take a step  
9 back if you look at objectively, what's going on  
10 here in terms of just the numbers and the designs  
11 and such, the applicant is really trying to put his  
12 foot forward and present the best that it can to  
13 this Town to have the nicest design and the least  
14 impact upon the surrounding community.

15 The other thing I'd like to say is that  
16 in terms of posting, we -- our firm hired a company  
17 that put the sign company to post and we submitted  
18 an affidavit. We'll check it again after the  
19 hearing.

20 COUNCILMAN MACAGNONE: You mind sending  
21 me a picture of that sign, please, being posted?

22 MR. AMATO: We have an affidavit that  
23 they did it -- it is in the record already.

24 COUNCILMAN MACAGNONE: A picture of the  
25 sign being posted in front of the place?

1 MR. AMATO: Yes.

2 If someone from -- ripped it down, we  
3 can't exactly put up a camera and watch what's  
4 happening there. We don't know if it's been ripped  
5 down because, obviously, we would have put it -- we  
6 would have hired them to put it back up. But you  
7 our undertaking that we hired a sign company,  
8 photos were taken, and it was signed, the site was  
9 posted.

10 In terms of lighting, if you look at  
11 the planning report which we presented to the  
12 Board, and if you look at Exhibit M, that's a  
13 lighting plan. These are standard 14-foot lighting  
14 fixtures.

15 Yes, sir?

16 COUNCILMAN MACAGNONE: Going back to  
17 sign for a second, I do believe it's the  
18 applicant's responsibility to make sure the sign's  
19 up for more than day, more than one week. At least  
20 every day, at least a week before the application  
21 is going to be heard by this Board.

22 So, yes, I do believe it's your  
23 responsibility to have that sign posted and make  
24 sure that it is up and visible.

25 That's my opinion as a Councilman, I do

1 believe the responsibility of the applicant.

2 MR. AMATO: As I told you, we hired a  
3 company to have it posted. We signed an affidavit.  
4 We will double check to see if the sign is there.

5 We're not personally aware of whether  
6 or not somebody tore down the sign but, obviously,  
7 all the notices did get out because we do have a  
8 number of people here that have appeared.

9 In terms of -- not to dismiss you, but  
10 can I move on?

11 COUNCILMAN MACAGNONE: Please.

12 MR. AMATO: Okay. Exhibit M is the  
13 lighting plan. That these are light fixtures that  
14 cut off at the property line so there will be no  
15 lighting spillover so Exhibit M, you'll see the  
16 light fixtures and you'll see that there's no  
17 spillover to the property lines.

18 In terms of sound, if you'll look at  
19 Exhibit B, that's a decibel exhibit. The speaker  
20 is designed such that it has volume feedback and it  
21 will not be audible past 8 feet. So, you've heard  
22 earlier testimony that that speaker box is 22 feet  
23 from the property line. It's designed to be  
24 audible at 8 feet and there's a decibel exhibit to  
25 show that at the property line, it's a no longer

1       audible once a car crosses the property line so  
2       that's Exhibit B.

3               There will be no alcohol served at the  
4       store. I don't know if some Taco Bell's do that,  
5       but that's not what's being planned here.

6               In terms of on-site safety, we believe  
7       that the site is being made safer than the current  
8       conditions as currently, the drive aisles do not  
9       line up with the driveway. So you come in, you are  
10      cutting across parking spaces as opposed to this --  
11      this site will be realigned.

12              I'd like to have Mr. Going comment some  
13      more on the traffic and, specifically, comparing  
14      his study to what he has found analyzing on-site  
15      existing stores for Taco Bell on Long Island.

16              MR. GOING: Thank you.

17              Basically, we have done studies at  
18      approximately 13 Taco Bells on Long Island. This  
19      is mostly associated with rebuilds of existing  
20      stores and, basically, what I can tell you is that  
21      the ITE numbers that I spoke of for -- for the lunch  
22      period, for the dinner period on a weekday, and for  
23      the Saturday lunch period are the ITE numbers are  
24      indicative of what a Taco Bell does.

25              The morning period, we actually haven't



1 done a lot of morning studies, actually, but based  
2 on my experience, the mornings are less busy at a  
3 Taco Bell than the ITE would show.

4 And any other questions?

5 COUNCILMAN IMBROTO: Did you look at  
6 the other locations in this area on South Oyster  
7 Bay Road, on Hempstead Turnpike? Were those  
8 included in your study?

9 MR. GOING: Not specifically those  
10 locations, no.

11 COUNCILMAN IMBROTO: Because those  
12 would seem to be the most relevant since they're  
13 similarly situated in the same area.

14 MR. GOING: I don't disagree with you,  
15 but as I said, this is data that we've collected at  
16 store rebuilds and locations that we've just  
17 collected over the years, so we didn't specifically  
18 look at any locations for this.

19 MR. AMATO: And what I would offer to  
20 the Board, if there are specific stores that you  
21 would like the applicant to study, that you think  
22 are analogous to this site, we'd be more than happy  
23 to study them and present the findings to the  
24 Board.

25 Mr. Mine?

1 MR. MINE: So, sure, yeah, I just want  
2 to jump in on Mr. Amato's statements relative to  
3 the onsite circulation.

4 So as he mentioned, when you pull into  
5 the site currently, there's a row of parking, kind  
6 of, right down the middle so you have to choose to  
7 go to one side or the other and then there's a  
8 small alleyway to get to the rear of the building  
9 where there is additional parking.

10 The new layouts proposed such that you  
11 come into the site and it's a channelized driveway,  
12 two-way driveway with perpendicular parking to the  
13 drive, clearly striped, and you'll have clear sight  
14 lines to the drive-thru entrance at the rear of the  
15 site with the clearance bar indicating that it's  
16 for the drive-thru.

17 It's going to channelize traffic.  
18 Drive-thru traffic will exit at the same point that  
19 the on-site traffic does and that is controlled by  
20 a stop bar and stop signs.

21 And additionally, there's pedestrian  
22 access from the right-of-way that includes ADA  
23 accessible ramps and it's also controlled via some  
24 fencing we proposed at the front of the site to  
25 make sure it's pedestrian friendly as much as it is

1 vehicle friendly.

2 MR. AMATO: So, Mr. Supervisor, we  
3 await the Board's direction on a couple of  
4 questions.

5 One, if there are some other existing  
6 Taco Bells you would like us to analyze to further  
7 support our traffic study.

8 Second, whether the Board's preference  
9 that we replace the existing 6-foot fence with an  
10 8-foot fence.

11 And I think that would get -- this  
12 concludes our initial presentation for -- our  
13 presentation today unless there's some further  
14 questions by the Board.

15 COUNCILMAN IMBROTO: Could you provide  
16 us with the list of Taco Bell locations that were  
17 studied?

18 MR. AMATO: Absolutely. We'll provide  
19 the list and the data.

20 COUNCILMAN IMBROTO: Just to be clear,  
21 you said that the earliest they would consider  
22 closing would be 2:00 a.m. for the drive-thru and  
23 12:00 for the restaurant?

24 MR. AMATO: Yes, sir.

25 COUNCILMAN IMBROTO: And that's seven

1 days a week?

2 MR. AMATO: That's seven days a week,  
3 yes, sir.

4 COUNCILMAN MACAGNONE: That's a deal  
5 breaker, that we couldn't go to midnight during the  
6 week?

7 MR. AMATO: Could you hold one second,  
8 please?

9 I just want to confirm my  
10 understanding, it's -- we would have to check the  
11 economic models. Our client would have to check  
12 the economic models in terms of limiting the hours.

13 The hours are not chosen, obviously,  
14 arbitrarily, they want to, A, be consistent, but,  
15 B, make sure the site actually, you know, can pay  
16 the rent, so to speak, and pay for the employees.

17 So, if there's something -- if there  
18 are different hours that the Board would recommend,  
19 would be in conjunction of approval, we, obviously,  
20 the applicant would strongly consider it. We would  
21 take it back to the applicant to see whether or not  
22 it would work.

23 Like I said, we are really trying to  
24 address all the concerns of the Board, the  
25 community. Obviously, we're getting the feeling,

1     least from the community, that the source of this  
2     is the fact that it's a fast food restaurant and  
3     whatever that perception is or is not, we're  
4     willing to make as many reasonable accommodations  
5     as we can in order to -- so that the proposed build  
6     is accepted by the community and accepted by the  
7     Board. So, you know, we would like to keep the  
8     dialogue open with the Board and answer any --  
9     provide any other relevant information or anyone  
10    information the Board would --

11               COUNCILMAN IMBROTO: Would that include  
12    reconfiguring the drive-thru so that the lights  
13    wouldn't be shining into residential properties?

14               MR. AMATO: Well, I think right now,  
15    the lights are cut off. If you take a look at the  
16    exhibit, the lights -- it's a 14-foot high light  
17    fixture that has a zero --

18               COUNCILMAN IMBROTO: No. No. The  
19    lights from the cars.

20               MR. AMATO: Well, we don't think it  
21    would and we can do -- we can give some more  
22    analysis on that, but it will be an 8-foot stockade  
23    fence and the rear southern -- the southern  
24    property line has very tall oak trees. It's very  
25    mature.

1 Out of the 20, 30 feet plus, we are  
2 putting in five to six-foot evergreens. If the  
3 Board would suggest something else for it -- for a  
4 dense -- something even denser, obviously, that's  
5 going to grow very quickly.

6 We think we have designed it that  
7 lights would not be -- headlights would not be  
8 penetrating it, but like you said, if you need some  
9 more documentation along those lines, we're more  
10 than happy to provide it to the Board.

11 Like I said, we want to keep a dialogue  
12 open and anything that you think that we can to  
13 help have the application approved, we're very  
14 amenable.

15 SUPERVISOR SALADINO: Are there any  
16 other questions?

17 MR. AMATO: Thank you.

18 SUPERVISOR SALADINO: Anyone else in  
19 the public who has a comment on this application?

20 Thank you.

21 May we have a motion, please?

22 COUNCILMAN MUSCARELLA: Correspondence.

23 SUPERVISOR SALADINO: Correspondence,  
24 yes.

25 MR. ALTADONNA: Taco Bell of America

1 LLC, the attorney for the applicant has filed his  
2 affidavit of service and disclosure.

3 The communications are as follows: We  
4 have memos from the Department of Planning and  
5 Development. As per present review procedures, the  
6 required off-street parking for the application is  
7 24 parking spaces. The site plan submitted depicts  
8 a total of 22 parking spaces. Nassau County Land  
9 and Tax Map indicates the property is Section 15,  
10 Block 64, Lot 108.

11 According to the Town of Oyster Bay  
12 zoning maps, the property is zoned within a NB,  
13 neighborhood business zone. There is no open code  
14 compliance cases or Town Board Resolutions on file;  
15 however, there are variance applications on file  
16 for the subject premise. There is no further  
17 correspondence.

18 MR. AMATO: Just for the record,  
19 Mr. Altadonna, I believe that may have been some  
20 older comments.

21 The planning recalculated the required  
22 parking. I think you said 24. It's actually 21  
23 and we're providing 22 and that's in the latest  
24 memos.

25 MR. ALTADONNA: Do we have anyone here

1 from P & D?

2 COMMISSIONER MACCARONE: Yes. We did  
3 send over a revised memo.

4 SUPERVISOR SALADINO: Commissioner,  
5 would you please come forward before you begin to  
6 speak so that you're speaking into the microphone?

7 Thank you.

8 Just state -- by giving us your name  
9 for the record.

10 COMMISSIONER MACCARONE: Leslie  
11 Maccarone, Commissioner of Planning and  
12 Development.

13 My office, we did send over a revised  
14 memo. I don't know the exact date that indicates  
15 the correct parking calculation. 21 are required,  
16 22 are proposed and we will get a copy -- another  
17 copy to your office.

18 MR. ALTADONNA: Okay. Thank you.

19 That's complete, Supervisor.

20 SUPERVISOR SALADINO: May I have a  
21 motion?

22 COUNCILMAN MUSCARELLA: Supervisor, I  
23 make that this public hearing be closed and the  
24 decision be reserved.

25 COUNCILMAN MACAGNONE: Second.



1 SUPERVISOR SALADINO: All in favor --  
2 are we going to take a roll?

3 MR. ALTADONNA: Let's call roll.

4 SUPERVISOR SALADINO: Call roll,  
5 please.

6 MR. ALTADONNA: Supervisor Saladino?

7 SUPERVISOR SALADINO: "Aye."

8 MR. ALTADONNA: Councilman Muscarella?

9 COUNCILMAN MUSCARELLA: "Aye."

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: "Aye."

12 MR. ALTADONNA: Councilwoman Alesia?

13 COUNCILWOMAN ALESIA: This is only as  
14 to the decision being reserved, correct?

15 SUPERVISOR SALADINO: Correct.

16 COUNCILWOMAN ALESIA: "Aye."

17 MR. ALTADONNA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: "Aye."

19 MR. ALTADONNA: Councilman Imbroto?

20 COUNCILMAN IMBROTO: "Aye."

21 MR. ALTADONNA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. ALTADONNA: Motion carries 7 to 0.

24 MR. AMATO: I thank you for all your  
25 time and attention.

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COUNCILMAN MACAGNONE: Thank you.  
(TIME NOTED: 1:09 P.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
JUNE 6, 2017  
1:10 P.M.

**HEARING P-4-17**

To consider the application of 4000 Hempstead Turnpike, LLC, for a Special Use Permit to operate a 246 square foot convenience store together with existing gasoline service station on premises located at 4000 Hempstead Turnpike, Bethpage, NY. (M.D. 4/25/17 #17).

**JOSEPH SALADINO**  
**SUPERVISOR**

**JAMES ALTADONNA JR.**  
**TOWN CLERK**

P R E S E N T:

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

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

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

3 MR. ALTADONNA: Sure.

4 Hearing P-4-17 to consider the  
5 application of 4000 Hempstead Turnpike, LLC for a  
6 special use permit to operate a 246 square foot  
7 convenience store together with existing gasoline  
8 service station on premise located at 4000  
9 Hempstead Turnpike, Bethpage, New York.

10 MR. ALTMAN: Good afternoon,  
11 Supervisor, fellow Board Members.

12 For the applicant, David Altman from  
13 the law firm of Harris Beach, PLLC, 538 Broadhollow  
14 Road, Suite 301W, Melville, New York.

15 Just a little housekeeping, I'm going  
16 to submit a couple of additional green cards into  
17 the record which were returned subsequent to the  
18 submission of the affidavit of mailing and posting  
19 for this site.

20 Also with me this afternoon is the  
21 clients -- or the project engineer, Chris Tartaglia  
22 from Highpoint Engineering. Chris is sitting to my  
23 right. I also have with me, Frank Filiciotto, from  
24 Stonefield Engineering. Frank is a licensed  
25 engineer in the state of New York. He's appeared

1 before this Board before as well on many occasions  
2 relative to traffic and parking testimony.

3 And you're familiar with Mr. Lynch who  
4 appeared on the last application. Mike Lynch is  
5 here with us today as well. Mike is a licensed  
6 New York State real estate appraiser. He's  
7 prepared a written report relative to the effect of  
8 this application on real estate values. In fact,  
9 I'll submit that report into the record right now.  
10 Here's an original nine copies essentially  
11 concluding no adverse impact from the applicant's  
12 proposal.

13 That being said, I'll just try to be as  
14 brief as possible on this application. It's fairly  
15 straightforward. The property is 4000 Hempstead  
16 Turnpike located in Bethpage, New York. It is  
17 known by Nassau County Tax Map Number Section 49,  
18 Block E, Lot 226.

19 It is situated at the southeast corner  
20 of Hempstead Turnpike and Hicksville Road. The lot  
21 area is approximately 20,697 square feet, just  
22 under half an acre in area. The property has  
23 frontage on Hempstead Turnpike of 149.65 feet and  
24 frontage on Hicksville Road of 51.84 feet.

25 The property south lot line is 164 feet

1 and the west line is 119, almost 120 feet. This  
2 property is a little unique in that at the corner,  
3 which is at the northeast portion of the site, that  
4 corner and part of the development which has  
5 existed there for years, is within the New York  
6 State right of way. The app -- that State  
7 right-of-way measures approximately 2,000 square  
8 feet in area.

9 The applicant has written permission  
10 from the State pursuant to a written agreement  
11 dated to 2/1 of '99, agreement number 2004 to use  
12 the state right-of-way for purposes of parking,  
13 beautification, i.e., landscaping, and, of course,  
14 signage.

15 That being said, this, as I mentioned,  
16 is an existing gasoline service station and repair  
17 facility. It has been used as such since circa  
18 1949. A record obtained from the Town indicate  
19 that permits and variance relief were granted to  
20 operate an automotive repair and gas station at the  
21 site back to April of 1949. The applicant acquired  
22 the property many years later, as recently as July  
23 of 2013. The deed for that acquisition is recorded  
24 in the Liber at 12961, Page 469.

25 The applicant has taken steps since its

1 acquisition to upgrade the site including in 2015,  
2 the replacement of certain fuel tanks at the  
3 property. Today, the applicant seeks to legalize a  
4 small convenience store which exists within the  
5 building. The convenience store, unlike many of  
6 the applications this Board entertains today where  
7 you have these 3 and 4 and 5,000 square foot  
8 convenience store applications, this one is a --  
9 would be almost considered kiosk in size in that  
10 the convenience store component here is  
11 approximately 246 square feet.

12 The overall building itself is a little  
13 over 2,600 square feet with the repair portion  
14 which is occupied by a Jiffy Lube and has been for  
15 many years, the three bay repair facility of  
16 approximately 2,222 square feet.

17 The applicant, as part of this  
18 application and to bring the site into compliance  
19 with contemporary gasoline station standards we all  
20 come to expect today, we pull in a gasoline station  
21 for the most part, that we have an overhead canopy  
22 to protect us from the elements.

23 This particular station does not. The  
24 station itself has six product dispensers. There  
25 are two proximate to the Hicksville -- I'm sorry,

1 four proximate to the Hicksville Road frontage into  
2 proximate to the Hempstead frontage.

3 That being said, the applicant proposes  
4 to install a canopy along the Hempstead frontage  
5 which will measure 24 x 64 or 1,536 square feet and  
6 a canopy over the pumps approximate to Hicksville  
7 Road of -- measuring 24 x 48 or 1,152 square feet.

8 As a result, there will be a slight  
9 increase in the overall lot coverage of the site to  
10 approximately 24.9 percent or 51,000 -- 51,056,  
11 including the building. The character of the area,  
12 I'm sure the Board is well aware in this area, is  
13 predominantly commercial in nature. East along  
14 Hempstead Turnpike is completely commercial  
15 including an auto -- two-story auto glass facility  
16 next door.

17 Due south of the subject site is also  
18 commercial. It is a recreational batting cage  
19 facility and mini golf facility. Little bit  
20 further south on Hicksville Road is a site known as  
21 an Exxon mart, approximately 450 feet south.

22 To the north on Hempstead, we have  
23 Hempstead Turnpike as well as a Mavis Tire, a  
24 diner, and then a retail shopping center. Due  
25 west, we have Plainedge Plaza with the Rite Aid



1 Pharmacy and freestanding bank facility.

2 And then on the northwest corner, and  
3 this Board may be aware, was the recently developed  
4 and constructed Quick Check facility. So to put it  
5 in comparison, the Quick Check facility, which is  
6 roughly almost 7,000 square feet with a multitude  
7 of pumps to put it in perspective, we're looking  
8 for roughly 240 some odd square feet for our little  
9 convenience Store kiosk here.

10 Nearest residents to the site is on  
11 Hicksville Road. It's on the opposite side and  
12 it's more than 350 feet away. So, in summary,  
13 there's no residents proximate to or directly  
14 impacted as a result of this particular  
15 application.

16 There will be a few variances  
17 necessitated by the application today. The  
18 variances largely relate to setback of the canopies  
19 from the front side in rear lot lines. That is,  
20 sort of, part and parcel with development of older  
21 gas station sites, as the Board is aware, and I  
22 think the site is somewhat indicative of older gas  
23 station sites.

24 They're built at busy street corners  
25 and typically on lots of 20,000 square feet or less

1 so when the sites are redeveloped under today's  
2 design standards, variances are often required to  
3 meet setback requirements. So we'll be proceeding  
4 to the Board of Appeals assuming this Board looks  
5 favorably on today's application for that variance  
6 relief.

7 I will also note, and I did mention  
8 somewhat tangentially in my previous comments, that  
9 this particular site is not, in terms of precedent  
10 setting, in fact, as I mentioned, it's been in  
11 existence for almost 70 years, but there are other  
12 gasoline service stations with convenience stores  
13 in the area.

14 We have one owned by LTR Gasoline Corp.  
15 at 4125 Hempstead Turnpike -- that's Section 46,  
16 Block W, Lot 64 -- that was granted permission for  
17 site plan approval and a special use permit by  
18 Resolution 598-03.

19 We have Hess Corp. which is now a  
20 speedway at the northeast corner of Hempstead  
21 Turnpike and Stewart Avenue, that's Section 49,  
22 Block C, Lot 303. That was Resolution 163 of 13.

23 We have the Quick Check, which I  
24 recently -- which I just mentioned. That was  
25 adopted last year. That was by Resolution 64 of

1 2016.

2 And then finally, we have the Bolla  
3 Mart right down the street, which I mentioned  
4 previously, and that was by Resolution 791 of 2010.

5 In addition, the site also has certain  
6 ground signage and other related signage for the  
7 gasoline service station. A couple of the signs,  
8 particularly the Hess signs for the gas station,  
9 are located within the state right-of-way.

10 All that being said, that concludes my  
11 comments. I wanted to keep it as brief as  
12 possible.

13 We ask that the Board look favorably  
14 towards that end. I will also submit into the  
15 record, copies of Stonefield Engineering's traffic  
16 report and study so we have that. That is dated  
17 June 1 of 2017.

18 If there's any questions of myself or  
19 any of my colleagues here today, we are certainly  
20 happy to address any concerns the Board may have.

21 SUPERVISOR SALADINO: Are there  
22 questions?

23 COUNCILMAN MUSCARELLA: Yeah, I have a  
24 question.

25 I went through -- I went by the

1 property to post the public hearing for today, very  
2 nicely done. My pet peeve with gas stations is  
3 post-Sandy hurricane, when people went out and  
4 drove to get gas and they could not obtain the gas  
5 because it wasn't that the gas didn't exist, it was  
6 that the facility did not -- be able to pump the  
7 gas because of electricity.

8 MR. ALTMAN: Lack of power, right.

9 MR. MUSCARELLA: Do you have a  
10 generator on the property? Is there a generator  
11 that the electric goes out that you can --

12 MR. TARTAGLIA: I'll introduce myself  
13 for the record.

14 My name is Chris Tartaglia, owner of  
15 the firm Highpoint Engineering, appearing on behalf  
16 of the applicant.

17 So the site does not have a permanent  
18 on-site generator. I think the site area's  
19 somewhat limited to be able to provide that.

20 However, what it does have or shortly  
21 will have, is a transfer switch which would allow a  
22 portable generator to be connected and operate the  
23 facility. And in fact, that's a state law at this  
24 point. This site meets those thresholds and would  
25 have to have that transfer switch in order to

1 comply with the law.

2 MR. MUSCARELLA: And you would be up  
3 and running the gasoline 24, 48 hours?

4 MR. TARTAGLIA: As soon as that  
5 generator would be there, that would be in  
6 operation, and as soon as they could get product,  
7 if they were running down.

8 COUNCILMAN MUSCARELLA: It is going to  
9 stay BP?

10 MR. TARTAGLIA: Yes, there were really  
11 no changes.

12 The only change is, as Mr. Altman  
13 indicated, were putting canopies up over the  
14 existing islands. No changes to any  
15 ingress/egress, pump islands or anything.

16 COUNCILMAN MACAGNONE: Okay on the  
17 convenience?

18 MR. TARTAGLIA: The 246 square foot  
19 convenience, yes, sir.

20 COUNCILMAN IMBROTO: It is not  
21 currently being used as convenience store?

22 MR. TARTAGLIA: There's a small  
23 built-out little snack shop area in there, yes, in  
24 the full disclosure.

25 COUNCILMAN IMBROTO: It's being used

1       legally or illegally?

2               MR. ALTMAN:   There is no approval for  
3       it.   It was there when the property was acquired a  
4       few years ago.   We looking to legalize it as part  
5       of the operate of the site.

6               SUPERVISOR SALADINO:   Have you received  
7       any feedback from the residents?

8               MR. ALTMAN:   No, we have not been  
9       contacted by anybody.   There's no residents  
10      proximate to the site, Mr. Supervisor.

11              SUPERVISOR SALADINO:   Has the owner or  
12      the manager on site received any feedback, even  
13      verbal feedback from the residents?

14              MR. ALTMAN:   Not to my knowledge,  
15      Mr. Supervisor.

16              COUNCILMAN IMBROTO:   Is alcohol served  
17      on the premises right now -- sold?

18              MR. ALTMAN:   There are alcohol sales,  
19      beer sales.

20              COUNCILMAN IMBROTO:   Which was never  
21      approved by anybody?

22              MR. ALTMAN:   There is a State liquor  
23      license.

24              COUNCILMAN IMBROTO:   But was not  
25      contemplated when the structure was originally

1 built?

2 MR. TARTAGLIA: In 1949, no, not that  
3 I'm aware of, no.

4 SUPERVISOR SALADINO: Is the sale of  
5 alcohol mandatory to your application?

6 MR. ALTMAN: It is part and parcel to  
7 the application, yes, sir.

8 COUNCILMAN IMBROTO: If you're  
9 application is not approved, would you be able to  
10 still sell alcohol there?

11 MR. ALTMAN: We have the license from  
12 the State. The answer would be yes.

13 COUNCILMAN IMBROTO: But you don't have  
14 an approval from the Town to use the property in  
15 that fashion?

16 MR. ALTMAN: At the moment, no.

17 That's correct, sir.

18 COUNCILMAN MACAGNONE: You wouldn't be  
19 able to sell anything if the application was  
20 denied?

21 MR. ALTMAN: Ultimately, that's true.

22 Bearing in mind, of course, that we do  
23 have our neighbors who already sell in the area  
24 too, right?

25 COUNCILMAN MACAGNONE: Understood.

1 SUPERVISOR SALADINO: Any other  
2 questions?

3 Thank you.

4 MR. ALTMAN: Thank you.

5 SUPERVISOR SALADINO: Yes.

6 Now, time for the public.

7 Is there any -- did we get any slips on  
8 this? Okay. Then, Mr. Ripp.

9 MR. RIPP: Robert Ripp. I live at  
10 77 Sunset Road, Massapequa, New York.

11 I just want to clarify something  
12 that -- I believe that the gentleman said he  
13 represents Harris Beach, okay.

14 I don't know if you realize now, but  
15 you mentioned earlier today that the Town of Oyster  
16 Bay, the recent court decision that we don't have  
17 to pay the \$9 million.

18 COUNCILMAN IMBROTO: We're discussing  
19 this application.

20 MR. RIPP: It has something to do with  
21 Harris Beach, yes.

22 COUNCILMAN IMBROTO: But does it have  
23 to do with this application?

24 MR. RIPP: So my point is that -- my  
25 point is that the court decision --



1 COUNCILMAN IMBROTO: Everything that  
2 has to do with Harris Beach, it has to be relevant  
3 to this application.

4 MR. RIPP: My point is that the court  
5 decision --

6 SUPERVISOR SALADINO: Mr. Ripp.

7 MR. RIPP: -- has ruled that we don't  
8 have to pay the money because the amendments were  
9 fraudulent and the decision, which I have with me  
10 today, reads that Leonard Genova, Frederick May,  
11 and a representative from Howard Beach produced  
12 these documents that were ruled fraudulent and I  
13 just believe that --

14 SUPERVISOR SALADINO: Excuse me, sir.  
15 Mr. Ripp.

16 MR. RIPP: -- if we didn't proceed  
17 with --

18 SUPERVISOR SALADINO: Can I have your  
19 attention, sir?

20 MR. RIPP: -- anything with Harris  
21 Beach that may be perceived as a quid pro quo type  
22 thing.

23 That's all I'm saying. Thank you.

24 SUPERVISOR SALADINO: Would you please  
25 take a seat?

1 Are there any other concerns that are  
2 germane to this application? Anyone would like to  
3 speak who would like to speak on this application?

4 Is there any correspondence on this?

5 MR. ALTADONNA: Yes.

6 SUPERVISOR SALADINO: Would you please  
7 read that into the record?

8 MR. ALTADONNA: 4000 Hempstead LLC, the  
9 attorney for the applicant, has filed his affidavit  
10 of service and disclosure.

11 The communications are as follows: We  
12 have memos from the Department of Planning and  
13 Development. As per present review procedures, the  
14 required off-street parking for this application  
15 has 14 parking spaces; is that correct? Okay.

16 The site plan submitted depicts a total  
17 of 14 parking spaces. The Nassau County Land and  
18 Tax Map indicates the property is Section 49, Block  
19 E, Lot 226.

20 According to the Town of Oyster Bay  
21 zoning maps, the property is located within a GB,  
22 general business zone. There are no open code  
23 compliance cases on file for the subject premise;  
24 however, there are several variance applications  
25 under odd lot numbers and there is a Town Board

1 Resolution on file.

2 There is no other correspondence.

3 SUPERVISOR SALADINO: We have a comment  
4 from the Department or was that just confirming?

5 MR. ALTADONNA: I was just confirming  
6 the parking.

7 SUPERVISOR SALADINO: I thought so.

8 Go ahead, please proceed.

9 MR. ALTMAN: I have nothing further,  
10 Mr. Supervisor.

11 I trust in the Board to take the  
12 comments of Mr. Ripp for what they are and what  
13 they are not.

14 We'd ask that the Board look favorably  
15 on the application as, again, this is an existing  
16 use and we're looking to get continue that existing  
17 use and to make it better than what exists today  
18 and we asked the Board look favorably and allow us  
19 to move forward, particularly to proceed to the BZA  
20 for the variance relief required.

21 Thank you.

22 SUPERVISOR SALADINO: May I have a  
23 motion, please?

24 MR. MUSCARELLA: Supervisor, I'll make  
25 a motion that this public hearing be closed and the

1 decision be reserved.

2 COUNCILMAN MACAGNONE: Second.

3 MR. ALTADONNA: I'll call for the vote?

4 SUPERVISOR SALADINO: Please.

5 MR. ALTADONNA: Supervisor Saladino?

6 SUPERVISOR SALADINO: "Aye."

7 MR. ALTADONNA: Councilman Muscarella?

8 COUNCILMAN MUSCARELLA: "Aye."

9 MR. ALTADONNA: Councilman Macagnone?

10 COUNCILMAN MACAGNONE: "Aye."

11 MR. ALTADONNA: Councilwoman Alesia?

12 COUNCILWOMAN ALESIA: "Aye."

13 MR. ALTADONNA: Councilwoman Johnson?

14 COUNCILWOMAN JOHNSON: "Aye."

15 MR. ALTADONNA: Councilman Imbroto?

16 COUNCILMAN IMBROTO: "Aye."

17 MR. ALTADONNA: Councilman Hand?

18 COUNCILMAN HAND: "Aye."

19 MR. ALTADONNA: Motion carries, seven.

20 MR. ALTMAN: Thank you, everyone. Have  
21 a great afternoon.

22 SUPERVISOR SALADINO: Are there any  
23 other hearings?

24 Town Clerk, are there any other  
25 hearings?

1 MR. ALTADONNA: No, I'm sorry.

2 SUPERVISOR SALADINO: Thank you.

3 So may we proceed with our normal  
4 calendar.

5 MR. ALTADONNA: I believe you're going  
6 to have a work session prior to the normal  
7 calendar.

8 SUPERVISOR SALADINO: Yes.

9 We are going to have a work session on  
10 some important items that are very essential to our  
11 residents and we are going to give our stenographer  
12 a break before we begin that. It will be about a  
13 fifteen-minute break. Thank you.

14 We'll reconvene.

15 (TIME NOTED: 1:27 P.M.)  
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TOWN BOARD  
TOWN OF OYSTER BAY  
WORK SESSION  
JUNE 6, 2017  
2:28 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  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN REBECCA M. ALESIA  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND

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

1 SUPERVISOR SALADINO: Ladies and  
2 gentlemen, we are ready to begin our Work Session.

3 COUNCILMAN MUSCARELLA: Supervisor, I  
4 make a motion to move into our work session.

5 COUNCILMAN MACAGNONE: Second.

6 COUNCILMAN MUSCARELLA: All in favor?

7 SUPERVISOR SALADINO: Will you take a  
8 vote, please?

9 MR. ALTADONNA: I'll call the roll.  
10 Supervisor Saladino?

11 SUPERVISOR SALADINO: "Aye."

12 MR. ALTADONNA: Councilman Muscarella?

13 COUNCILMAN MUSCARELLA: "Aye."

14 MR. ALTADONNA: Councilman Macagnone?

15 COUNCILMAN MACAGNONE: "Aye."

16 MR. ALTADONNA: Councilwoman Alesia?

17 COUNCILWOMAN ALESIA: "Aye."

18 MR. ALTADONNA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: "Aye."

20 MR. ALTADONNA: Councilman Imbroto?

21 COUNCILMAN IMBROTO: "Aye."

22 MR. ALTADONNA: Councilman Hand?

23 COUNCILMAN HAND: "Aye."

24 MR. ALTADONNA: Motion passes with  
25 seven "Ayes."

1 SUPERVISOR SALADINO: Thank you.

2 We are going to have a presentation by  
3 the Department.

4 Commissioner, would you please approach  
5 the podium and state your name for the record?

6 COMMISSIONER LENZ: Richard Lenz,  
7 Commissioner of Public Works and also Highways.

8 At the last Town Board meeting, it was  
9 requested that Engineering and Highways put  
10 together a proposal or -- a presentation, excuse,  
11 of how we're taking care of our roads and  
12 complaints and that's what we have a set up for you  
13 today.

14 Matt Russo, he's a professional  
15 engineer, he's the Division Head of Engineering.  
16 He's going to lay out to the Board how DPW and  
17 highways aren't going to be handling Town  
18 complaints for the road repairs and reconstruction.

19 And also here today is also John  
20 Bishop. He's the Deputy Commissioner of Highways.

21 So, if you have any questions, we can  
22 also entertain and get into those also.

23 Matt Russo?

24 COUNCILWOMAN ALESIA: Commissioner,  
25 before you step away, I just want to thank you very



1 much for putting this together.

2 I know that I kind of put you on the  
3 spot at the last Board Meeting. We just have  
4 had -- I'm sure everybody up here is having a lot  
5 communication with residents that are confused as  
6 to what happens when they submit a complaint so  
7 it's wonderful that you're doing this.

8 I really appreciate your effort, John  
9 Bishop's effort, Matt Russo's effort.

10 Thank you.

11 SUPERVISOR SALADINO: I too echo the  
12 sentiments of Councilwoman Alesia.

13 When I took office here, we said we are  
14 going to show the residents what we are doing, we  
15 are going to show them how and we're going to show  
16 them why. This underscores the fact that we are  
17 utilizing -- we are showing them through actions  
18 that we are following through with those promises.

19 COMMISSIONER LENZ: And because of the  
20 weather, you know, the bad weather conditions, the  
21 bad storms and stuff, it damages our roads even  
22 more between the salt and the sand and also  
23 expanding and traction of the roads. That's why  
24 we're having so much problems with our roads  
25 lately.

1 SUPERVISOR SALADINO: Due to the  
2 subzero temperatures we've experienced over the  
3 winter?

4 COMMISSIONER LENZ: Absolutely.

5 COUNCILMAN MACAGNONE: Commission,  
6 could it be that our roads are, for the most part,  
7 are over 30 years old?

8 COMMISSIONER LENZ: A lot of the roads  
9 are past their life so we will be getting into a  
10 regular program.

11 COUNCILMAN MACAGNONE: That's not just  
12 for us, it's for everywhere and every municipality.

13 COMMISSIONER LENZ: Absolutely. No, no  
14 no. It's not that -- thank you very much,  
15 Councilman. It's not -- it's not just for the Town  
16 of Oyster Bay, it's within the Long Island, I could  
17 really say.

18 And also, well, you can see what the  
19 President is doing. He has initiatives for doing  
20 the bridges over and things like that, you know, so  
21 it's -- it's a structure -- infrastructure all  
22 over. So we want to get the presentation so this  
23 way you can see from -- how we start with -- with  
24 the complaints and things like that.

25 All right. Thank you, Matt.

1 MR. RUSSO: Good afternoon, everyone.

2 Matthew Russo, Town of Oyster Bay  
3 Department of Public Works, Division of  
4 Engineering.

5 So what we'll be doing today is just  
6 going over the current road evaluation that's being  
7 undertaken by the Division of Engineering. And  
8 also, since there are some new members of the Board  
9 and for the public's benefit, just a brief walkthru  
10 of how projects get implemented throughout the  
11 Town.

12 So the Division of Engineering is  
13 within Public Works. We have a staff of six  
14 technical people. Our primary objective is project  
15 management of the construction projects throughout  
16 the Town of Oyster Bay. Engineering basically acts  
17 as an engineering consultant to the other  
18 departments. So any major construction project  
19 that happens throughout the Town, for any of the  
20 departments, will come through our office. So  
21 we'll work with Highways to do, you know, road  
22 reconstruction projects.

23 Environmental, we will do -- there are  
24 stormwater management projects, tank management, as  
25 well as oversight of our landfills at old Bethpage

1 and Syosset.

2 For parks, obviously fields, pools, and  
3 General Services will be doing building  
4 improvements in generators. That's the sort of  
5 projects. So, basically, we're a liaison between  
6 the requesting department and the implementation  
7 side of the consultants and the contractors.

8 Engineering does not invent the projects that are  
9 undertaken by the Town. The requests come directly  
10 from the Department, from their capital budgets so  
11 they'll come to us with a project and then will  
12 implement it.

13 Project management, these are some of  
14 the tasks that are involved in having a project go  
15 from its inception through the completion of  
16 construction.

17 Like I said, we'll liaison with the  
18 requesting Department, but we'll work together to  
19 put budgets, coronation with the consultants, and  
20 the contractors. We'll go over codes and standards  
21 to make sure we have all the necessary permits.  
22 We'll work with National Grid, PSE&G.

23 Many utilities that needs to be part of  
24 the project, develop contract specifications, and  
25 provide construction management in which a large

1 part is complain and dispute resolution with --  
2 either between a contractor or resident.

3 So how our project gets completed,  
4 first, it starts with the request from the  
5 Department. We'll get into the procurement of  
6 outside engineering services, which I know there's  
7 a big push to do more work in-house if possible and  
8 we're doing that.

9 But I'll get to the reasons why for we  
10 use consultants services for our major projects.  
11 So once we have an engineer on board, we begin the  
12 study or design phase for the project. Once the  
13 design is complete, we go to bid and ultimately, we  
14 get into construction. Besides project management,  
15 these are some of the other services we'll provide  
16 to other Departments and the Town Board.

17 Field investigations for evaluations  
18 like we're doing now, drainage issues, structural  
19 issues. We'll prepare reports as necessary. We  
20 will do some design work in-house, prepare contract  
21 documents for some smaller projects, as well as  
22 doing some sampling and testing as needed.

23 So why do we go to outside services for  
24 our jobs? Well, basically, it is the workload, the  
25 availability of personnel. For a typical road job,

1 these are the many different types of specialties  
2 that are involved in getting a job completed.  
3 Starting with a survey crew, which we do not have a  
4 survey crew at all in the Town.

5 That's a five-person operation on its  
6 own. Once the survey is completed, we get into the  
7 design phase where we'll have multiple engineers  
8 working on the different specialties.

9 As far as the regulatory oversight, the  
10 DEC for a road project has several layers of  
11 oversight starting with the natural resources and  
12 historic preservation review of any project we  
13 undertake. And then as a project gets further  
14 advanced, we have to go back to DEC for approval of  
15 our stormwater design.

16 And then, once we get into  
17 construction, we have a full-time inspector who is  
18 out in the field throughout the job as well as  
19 support staff. So there's a lot of people  
20 involved, more people than we have and this is just  
21 for one project.

22 For a typical road job, the design  
23 phase takes over 1,000 hours, 1,000 man hours to  
24 complete, so if we were to try and do it in-house,  
25 it would basically take my entire division working

1 on nothing else for five weeks.

2 COUNCILMAN MACAGNONE: How many mile  
3 project would that be, Matt?

4 MR. RUSSO: A mile, mile and a half is  
5 our typical size.

6 Bid phases, you know, that's a shorter  
7 period, but once we get to construction, it would  
8 be having one personnel out in the field  
9 continuously for six months with a part-time  
10 support from the office. So it's a large burden  
11 and that's why, for the most part, we go to outside  
12 services for our contracts.

13 So I'll get into the evaluation that's  
14 being undertaken for our roads. I started with an  
15 initial list of priority roads that our Highway  
16 Department has provided based upon complaints  
17 received from the public and the staff is currently  
18 going out into the field and evaluating the roads  
19 that have been detailed. This is our inspection  
20 form that our engineers are using so they're  
21 recording the information about the road itself,  
22 its dimensions which will be used for developing  
23 cost assessments later on.

24 We'll be noting the type and condition  
25 of the curbs, the pavement and the drainage

1 structures, so it's pretty detailed and that's from  
2 segment to segment. It's not entire roads; it's  
3 intersection and intersection. It's time consuming  
4 but we're getting through, we're making progress.

5 So once all the evaluation reports have  
6 been completed, we compile all that data into a  
7 spreadsheet. We are going to be getting to categorize  
8 the roads by their condition, and at that point,  
9 we'll be determining what repairs are necessary for  
10 each road.

11 Three -- I'll write down the three  
12 categories basically for the types of repairs that  
13 would be done. Spot repairs, which is, you know,  
14 random pothole, maybe a piece of curb or filtering  
15 structure.

16 These types of small, localized, these  
17 will be done by our in-house by the Highway  
18 Department. Then we also have road resurfacing  
19 where we basically have a fresh layer of asphalt is  
20 put down on the existing road; and then  
21 reconstruction is when we rebuild the road from the  
22 ground up.

23 SUPERVISOR SALADINO: Approximately,  
24 how deep is the bed of our roadway?

25 MR. RUSSO: Typical design is five to



1 six inches of stone and then we have three inches  
2 of asphalt on top, inch and a half of the base  
3 asphalt, inch and a half of the top asphalt.

4 There different methods for  
5 reconstruction. We have full depth where  
6 everything gets ripped up, carted off, and new is  
7 placed or we can do mix replace which basically  
8 recycles the existing roadway, which -- it is a  
9 preferable method but it is site specific whether  
10 or not you can use it.

11 COUNCILWOMAN ALESIA: Excuse me, Matt,  
12 when you talk about road resurfacing, is that like  
13 those -- the long patches that you're talking  
14 about?

15 MR. RUSSO: Yeah, that's when -- I'll  
16 have a picture but that's basically when the top  
17 layer of the asphalt that may be damaged or you  
18 have your cracking. It's ground up and removed and  
19 if the base layer of asphalt that is stone base  
20 remains in place, and you put a fresh even coat of  
21 asphalt on that.

22 COUNCILWOMAN ALESIA: And that we do  
23 in-house?

24 MR. RUSSO: No, those projects -- yeah,  
25 we do have some small equipment that can do some

1 small pieces, but to do an entire sections of road,  
2 we would go out to a contractor for that.

3 SUPERVISOR SALADINO: For the purposes  
4 of the information to the public, the process you  
5 just described, is that the same process that's  
6 referred to as mill and fill?

7 MR. RUSSO: Yes, yes, it is.

8 So, it's spot repair. This would be  
9 basically a pothole in this instance, that's  
10 localized, the rest of the road is in decent shape  
11 so we mark that a repair and it would be patched  
12 and it would look like that.

13 Mill and resurfacing, we would use it,  
14 in a case like this where you can see that the  
15 existing curbs and drainage system are intact and  
16 function properly, there's no major settlement on  
17 the road, it's basically, you just have your areas  
18 of cracking throughout the job.

19 Might be already some spot repairs in  
20 this area where we might have had some curb repair  
21 in the past or possibly a gas service connection  
22 where the road has been opened up.

23 So in an instance like this, where if  
24 we were to move forward with the project, this  
25 would be a candidate for the mill and fill where we

1 would just put a fresh layer of asphalt on the top.

2 SUPERVISOR SALADINO: Is it more  
3 prevalent a need to do spot repairs in very close  
4 proximity to a drain?

5 MR. RUSSO: The drainage structures are  
6 typically a point of failure in the road with the  
7 maintenance of the drainage structures when they're  
8 vacuumed out, we get all the debris out. There's  
9 the possibility that that structure can be  
10 undermined if you remove some of the supporting  
11 material. Soil that's holding that structure in  
12 place and then it will begin to settle and that's  
13 when we would do either drainage structure  
14 replacement or we could elevate the casting, the  
15 metal section that's flush at grade and then do an  
16 asphalt repair around it. So this is the mill and  
17 fill operation where you can see on the left-hand  
18 side.

19 The road -- the top layer of the road  
20 has been removed. In this case, you can see that  
21 the existing curves are left in place because they  
22 were in good condition, and on the right side here  
23 is the fresh asphalt that's going back down.

24 Full road reconstruction, this would be  
25 a candidate, it's kind of hard to see, but you can

1 see the areas of the curb have settled, either due  
2 to soil conditions, possibly a tree, they may have  
3 been there in the past, pushed the roots had pushed  
4 the curb line out, significant cracking throughout  
5 the road, major settlement. This would be a  
6 condition where we would recommend the full depth  
7 reconstruction.

8 So that's -- this is a picture of a job  
9 we did in Massapequa recently and you can see  
10 brand-new curbs, brand-new stone base and new  
11 asphalt going in. So once we determine the type of  
12 repair that is necessary for a road using its  
13 dimensions, we'll develop some cost estimates for  
14 Highway to use.

15 The spot repair, it's hard to estimate.  
16 It's a case-by-case basis, what's involved.  
17 Whether it is a drain structure or just a simple  
18 pothole.

19 For resurfacing, based upon past  
20 experience, it's about \$500,000 per mile to do the  
21 mill and resurfacing. And for reconstruction,  
22 about a million and a half per mile, and that  
23 number does vary depending on the site.

24 If the road has drainage and if that is  
25 sufficient, that number will go down, but the more

1 work that goes into it, more drainage work, if it's  
2 a road elevation, that number can go up to \$2  
3 million, but million and a half are our typical  
4 budgeting number.

5 SUPERVISOR SALADINO: And the 500,00  
6 per mile reflects that mill and fill without the  
7 cost of the curb, sidewalks, drainage, just --

8 MR. RUSSO: Correct. Just the asphalt.  
9 It might involve some minor base repair, but it's  
10 basically just the top layer of asphalt.

11 All right. So working with a potential  
12 budget, trying to stretch the dollar as much as we  
13 can, we wouldn't want to put all the money in one  
14 type of repair, so it's best to spread it out so  
15 this is theoretical.

16 This is not our, you know, the typical  
17 way we do it, but we would take whatever budget was  
18 made available to us and divide up between our spot  
19 or localized drainage repair which we could do  
20 multiple sites and the balance split between  
21 resurfacing and reconstruction.

22 And you can see, based upon the cost  
23 estimates we provided, we could do three times as  
24 many miles with a mill and fill than with a  
25 reconstruction. But again, not every -- it depends

1 on the road. Not every road is a candidate for  
2 that. All right. So after we've developed the  
3 cost estimates and the roads have been prioritized,  
4 we'll begin implementing the projects. We'll go to  
5 design and construction based upon available  
6 funding.

7 Currently, for this year, the sources  
8 of money we have are the available funds from the  
9 Highway Capital Budget.

10 We also have approximately \$1.6 million  
11 available to us for reimbursement through the CHIPS  
12 program, that's a New York State DOT funding  
13 program. The Community, local roads, and Highway  
14 Improvement Program is what CHIP stands for. So we  
15 have a million six that will go to any  
16 reconstruction project we do during the calendar  
17 year.

18 And we also have a site specific grant  
19 that we have obtained from the New York State  
20 multimodal program to offset the costs to  
21 reconstruct the Seabreeze and Canal roads. That's  
22 the balance of the area off of Alhambra Road.  
23 We've done Alhambra and Beach over the last couple  
24 of years, that's the remaining piece, and we have  
25 obtained a grant that will be used towards the

1 construction.

2 So to conclude, it is an ongoing  
3 process based upon the initial list of roads that  
4 we were given. We're working our way through that.

5 Moving forward, it will be a cooperate  
6 effort between Engineering and the Highway  
7 Department so we'll be coordinating with their  
8 administration and operational personnel to get  
9 reports back from the field on roads that we should  
10 go out and inspect.

11 And as our list of priority roads are  
12 developed, we'll use that list to plan for the  
13 future, for a long-term planning of our capital  
14 budget. So that's the presentation so I'll take  
15 any questions that you guys might have.

16 COUNCILWOMAN ALESIA: I have a  
17 question.

18 So if I'm an average resident who has a  
19 street that's in bad shape, which I am, how do I  
20 know when mine is -- when is mine going to get  
21 done? I mean, that's what people want to know.  
22 How can I find out where mine is in the batting  
23 order?

24 MR. RUSSO: Like I said, Engineering  
25 works for the other departments so the first point

1 of contact should be the Highway Department. And  
2 the Highway Department will be able to tell them  
3 whether or not if it's even on the radar or if it  
4 is being worked on.

5 If it is an Engineering project, if we  
6 have implemented a program for that road, they  
7 would be forwarded to Engineering and then we could  
8 give them an update on where they are in the  
9 process.

10 Once a road project is given to us from  
11 Highway with the funding, we'll go out to procure a  
12 consultant. Depending on the size of the road and  
13 the complexity, a road done in Hicksville or  
14 Bethpage is a lot simpler than a road done in  
15 Massapequa or the North Shore where you have to  
16 deal outfalls instead of recharge basins.

17 The process is a lot longer because the  
18 permits that are necessary. But a design could be  
19 completed in anywhere from six to nine months and  
20 then we'll go to bid and then, a typical  
21 construction period is six months. So once we have  
22 been given the green light, we're looking at just  
23 under two years from start to finish to have it  
24 done.

25 COUNCILWOMAN ALESIA: Wow, that long,



1       huh?

2                   MR. RUSSO:   Yes.

3                   COUNCILWOMAN ALESIA:   What about for  
4       the resurfacing?   I suppose to the reconstruction?

5                   MR. RUSSO:   What we'll do with the  
6       resurfacing, we could either utilize -- if it's a  
7       localized road that needs to be done and we have  
8       the ability to use our requirements contract,  
9       Highway Department can issue a work order for that  
10      repair.

11                   But based -- since we're doing such a  
12      large amount of roads that are being evaluated  
13      right now, what we could do is take all of those  
14      roads and put it into a standalone bid contract.

15                   And those projects go very fast because  
16      the equipment it is in and out, so we could have --  
17      again, you have to prepare -- you still have to  
18      prepare construction documents.   They're nowhere  
19      near as complicated if you're doing a full  
20      reconstruction project.

21                   Let's say it's a standalone road, we  
22      could just issue a work order; it can done in a  
23      couple of weeks.

24                   COUNCILWOMAN ALESIA:   I think you're  
25      aware, I know the Commissioner is, that we had a

1 petition, the Board had a petition submitted by a  
2 resident who was actually here earlier. I don't  
3 think he was able to stay the entire time, but it  
4 had a pretty significant signatures from residents  
5 of Plainview that fell within one specific  
6 geographic boundary.

7 Would that an area that would be  
8 resurfacing, would it be reconstruction and what  
9 can we do?

10 MR. RUSSO: From the inspection reports  
11 that I have received for that area, I believe road  
12 resurfacing could be accomplished for that where  
13 there isn't a ton of issues with settlement, curb  
14 issues. It's basically asphalt that's in poor  
15 condition. So that would be a candidate for  
16 resurfacing so just having the ability to either  
17 issue a big contract or cooperatively with possibly  
18 another agency to get that work done.

19 COUNCILWOMAN ALESIA: Thank you.

20 I really appreciate your effort and the  
21 time that went into it, Matt.

22 Thank you.

23 MR. RUSSO: Thank you.

24 COUNCILMAN IMBROTO: You had mentioned  
25 that they were rating the roads and creating a list

1 of priorities.

2 Is that list available? Is that  
3 something that could be made available to the  
4 public so that they know which roads are being  
5 looked at, which ones are on the radar, and which  
6 ones are coming up in the queue?

7 MR. RUSSO: Yeah.

8 Like I said, we had our lists provided  
9 from Highway with just a list of areas, I believe,  
10 addresses as well specific areas. I don't see why  
11 that wouldn't be -- couldn't be made available. We  
12 just have not gotten to the point where all the  
13 data has been compiled from the inspection reports,  
14 that will take a little time. But once that is  
15 completed and the evaluation is complete, I don't  
16 see why that wouldn't be available as well.

17 COUNCILWOMAN ALESIA: There's also an  
18 app that a lot of other municipalities are using  
19 that enables residents who come across a pothole or  
20 an issue, to take a picture with their phone and  
21 immediately I think it geo caches, is that right --  
22 and it like -- it uploads to the municipality the  
23 location. Maybe that's something that we could  
24 look into just to sort of streamline the process  
25 for your crews and for us in Town Hall so, you

1 know, kind of cut out the middleman.

2 MR. RUSSO: Sure.

3 COUNCILMAN MACAGNONE: Matt?

4 MR. RUSSO: Yes?

5 COUNCILMAN MACAGNONE: 1.6 million,  
6 that's basically three miles of mill and fill?

7 MR. RUSSO: Correct.

8 COUNCILMAN MACAGNONE: I don't see  
9 Collin Bell here.

10 Did we have to -- I know the Governor  
11 is working on public private partnerships for such  
12 stuff.

13 Are we looking into that?

14 MR. RUSSO: I speak to Collin Bell  
15 pretty much every day about grant opportunities and  
16 what we could pursue. He does actively look for  
17 transportation grants. So it is something he is  
18 working on and whenever something becomes  
19 available, he'll call my office, we'll give him  
20 some ideas of projects we should pursue and he'll  
21 apply for them.

22 COUNCILMAN IMBROTO: Realistically, are  
23 we going to see any increase in that -- from  
24 outside funding or we're pretty much -- if we want  
25 more than this 1.6 million roughly, we're going to

1 have to pay for it in our next budget?

2 MR. RUSSO: I would think for talking  
3 this year and probably even next, the CHIPS program  
4 is an annual allotment typically.

5 COUNCILMAN IMBROTO: It's 1.6, 1.7  
6 annually?

7 MR. RUSSO: Yeah, I believe the number  
8 doesn't vary that much from year to year and the  
9 multimodal funding for Seabreeze and Canal is a  
10 one-shot deal.

11 But -- so the CHIPS funding, we know  
12 we're going to get so that could be used towards  
13 any project we do.

14 Any other grant program that we apply  
15 for, the problem is it takes a while for that money  
16 to come through and it is typically a reimbursement  
17 base, it's not cash in hand once you get the  
18 agreement so if we're talking for immediate  
19 projects, the 1.6 and the 381 is what we had this  
20 year on top of the Highway budget.

21 COMMISSIONER LENZ: I just wanted to  
22 add -- Councilman Macagnone, we had submitted  
23 approximately \$3 million worth of road work to the  
24 Governor's Office for grant purposes.

25 Of course, we haven't heard anything

1 yet, but that's already in the works. All right.

2 COUNCILMAN MACAGNONE: Thank you, Rich.

3 I know you guys are doing the best you  
4 can with what we have. I appreciate the effort.  
5 I'd like to see more money put into the roads.

6 Eventually, hopefully, we'll have it.

7 COMMISSIONER LENZ: Good.

8 COUNCILWOMAN ALESIA: Supervisor, one  
9 of the things we talked about -- I know you had  
10 stepped off -- was that there are apps now  
11 available for the phone that enable residents to  
12 sort of create a direct ticket if they see an  
13 issue, a pothole or whatever, can go to -- other  
14 municipalities are using them. I was wondering if  
15 that might be something you --

16 SUPERVISOR SALADINO: We should  
17 certainly look into it and decide if that -- and  
18 see what it costs and the more we have, the better  
19 ability we have for residents to let us know what's  
20 going on, calling our offices and transmitting to  
21 us these needs, the better.

22 COMMISSIONER LENZ: And as Matt was  
23 saying, Highway has been fielding a lot, a lot of  
24 pothole requests for repairs and John Bishop with  
25 his crew has been doing an outstanding job in

1       trying to get to everybody.

2                   Unfortunately, due to a limited crew  
3       when a little bit -- you know, I mean, we're doing  
4       the best we can so we'll get to -- eventually,  
5       we'll get to everybody.

6                   SUPERVISOR SALADINO: As you stated  
7       before and as we've seen at other municipalities,  
8       because I talk to the heads of all the different  
9       municipalities, including the State, that the fact  
10      that we had a very difficult winter, a lot of cold  
11      temperatures, even if you don't have a lot of  
12      snowstorms, just a cold temperatures of the  
13      expansion and the cracking of the roads.

14                   Do we see more problems in the spots  
15      that are the low spots near drains? Obviously,  
16      that's got to be the lowest spot in the road to  
17      draw the water toward the drain. Are we then  
18      seeing more problems, cracking and so forth near  
19      the drains, near the lowest spots in the road  
20      because there's more water being absorbed?

21                   COMMISSIONER LENZ: Yes, we are.

22                   So that's something that we have to  
23      take care of around the castings and also sometimes  
24      the piping that is going out from there, there's  
25      also -- sometimes it might be a crack in the pipe

1 or something and that's also causing problems that  
2 we have to take care of.

3 SUPERVISOR SALADINO: Commissioner, I  
4 know you are in numerous associations with other  
5 professionals of your type, municipal  
6 professionals, municipal engineers, are these the  
7 problems that they're all talking about and they're  
8 all seeing these problems throughout all the  
9 municipalities in the State?

10 COMMISSIONER LENZ: Absolutely.

11 And as I say, it just seems to be  
12 because we've been having such bad winters, such  
13 bad, long winters. It's not necessary just snow,  
14 as you had stated, it's also the coldness. And if  
15 you remember this year, the coldness lasted a long,  
16 long time and that's when we start getting more  
17 cracking and then more heaving of the road and  
18 that's when we get the more damage.

19 COUNCILMAN HAND: Commissioner, could  
20 you talk about the coordination of efforts with gas  
21 companies, water departments as they schedule water  
22 mains and gas mains and how we can have some cost  
23 sharing there?

24 COMMISSIONER LENZ: What we normally do  
25 is when we're doing a road job, we ask the



1 utilities to -- well, first of all, we contact all  
2 the utilities, tell them that we're going to be  
3 working in the area. We also -- water from the  
4 water companies, the gas companies, the electric  
5 companies, we ask them to do all their repairs  
6 before we get in and then they'll make all the  
7 repairs, then we'll come in and finish the road to  
8 the proper elevation and take care of it that way.

9 There is times where there is damage to  
10 the pipe especially our water mains, again, because  
11 of the bad winters, that they have to come in in  
12 the middle of winter and make those repairs. So  
13 then they'll come back later on and patch and then  
14 later on, they'll come back and do the proper  
15 repair. So we do -- have been working together  
16 with all of them in trying to make the proper  
17 repairs at the times.

18 SUPERVISOR SALADINO: Any other  
19 questions?

20 I have a question for Matt. Statement  
21 and a question. The statement is, this is a  
22 wonderful presentation. We appreciate this, and I  
23 know the public appreciates this. It's helpful to  
24 the media.

25 Did you prepare this?

1 MR. RUSSO: Yes, we did this ourselves.

2 SUPERVISOR SALADINO: When you say  
3 yourselves, does that mean for, especially for  
4 public consumption, that this was entirely done  
5 in-house?

6 MR. RUSSO: Yes, it was.

7 SUPERVISOR SALADINO: On regular time?

8 MR. RUSSO: Yep.

9 SUPERVISOR SALADINO: With the  
10 resources we have?

11 MR. RUSSO: Yes.

12 SUPERVISOR SALADINO: So there was no  
13 additional cost?

14 MR. RUSSO: There was no outside cost  
15 to prepare this.

16 COMMISSIONER LENZ: I just want to add,  
17 this was all done by Matt Russo.

18 SUPERVISOR SALADINO: Thank you.

19 Excellent job, Matt, in the  
20 preparation, in the presentation and the graphics.

21 MR. RUSSO: Thank you.

22 SUPERVISOR SALADINO: Excellent job,  
23 and we will be counting on you to do more of these  
24 presentations to us and to the public and to the  
25 media going forward.

1                   We're going to make that -- we would  
2                   like this to be a very regular part of the  
3                   presentations that we make in the Town of Oyster  
4                   Bay.

5                   MR. RUSSO: That's not a problem.

6                   SUPERVISOR SALADINO: I'm sure everyone  
7                   is in agreement.

8                   (All agree.)

9                   SUPERVISOR SALADINO: Thank you for  
10                  your work.

11                  Thank you.

12                  MR. RIPP: Are you allowing comments?

13                  SUPERVISOR SALADINO: This is a public  
14                  comment -- work session. This is a work session.

15                  But we are going to have a public  
16                  comment portion after our Board meeting and,  
17                  obviously, once we -- we have a public comment  
18                  today that anyone can make public comments at.

19                  Can I have a motion?

20                  COUNCILMAN MUSCARELLA: Supervisor, I  
21                  make a motion to close the work session.

22                  COUNCILMAN MACAGNONE: Second.

23                  SUPERVISOR SALADINO: Would you take a  
24                  vote, please.

25                  MR. ALTADONNA: Supervisor Saladino?

1 SUPERVISOR SALADINO: "Aye."

2 MR. ALTADONNA: Councilman Muscarella?

3 COUNCILMAN MUSCARELLA: "Aye."

4 MR. ALTADONNA: Councilman Macagnone?

5 COUNCILMAN MACAGNONE: "Aye."

6 MR. ALTADONNA: Councilwoman Alesia?

7 COUNCILWOMAN ALESIA: Before voting, I  
8 just want to, again, thank the Supervisor and  
9 Deputy Supervisor Greg Carman and the staff at DPW  
10 for taking my request seriously.

11 An "Aye."

12 SUPERVISOR SALADINO: Thank you very  
13 much for making that request, Councilwoman.

14 MR. ALTADONNA: Councilwoman Johnson?

15 COUNCILWOMAN JOHNSON: "Aye."

16 MR. ALTADONNA: Councilman Imbroto?

17 COUNCILMAN IMBROTO: "Aye."

18 MR. ALTADONNA: Councilman Hand?

19 COUNCILMAN HAND: "Aye."

20 MR. ALTADONNA: Motion carries with  
21 seven "Ayes."

22 Ready for the regular action calendar?

23 SUPERVISOR SALADINO: Yes, we are.

24 (TIME NOTED: 2:56 P.M.)

25

TOWN BOARD  
TOWN OF OYSTER BAY  
ACTION CALENDAR  
JUNE 6, 2017  
2:57 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  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN REBECCA M. ALESIA  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS HAND

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

1 SUPERVISOR SALADINO: Please call the  
2 Resolution calendar.

3 MR. ALTADONNA: Just for the record,  
4 we're going to table 307 and 318, Resolutions.

5 So may I have a motion to table  
6 Resolution No. 307 and Resolution No. 318?

7 RESOLUTION NO. 307-2017; Resolution  
8 authorizing the first one-year extension of  
9 Contract No. SE002-16, Recycling of Commingled  
10 Glass, Ferrous and Non-Ferrous Metal and Rigid  
11 Plastic Containers commencing June 1, 2017 through  
12 May 31, 2018, at the same prices, terms and  
13 conditions as provided in the present contract.  
14 (M.D. 5/23/17 #9).

15 Resolution No. 318-2017; Resolution  
16 authorizing the use of a sub-consultant for  
17 Contract No. PWC22-16, On-Call Engineering Services  
18 relative to Architecture in connection with  
19 Plainview-Old Bethpage Central School District JFK  
20 HS Comfort Station. (M.D. 5/23/17 #27).

21 On the motion?

22 COUNCILMAN MUSCARELLA: So moved.

23 COUNCILMAN MACAGNONE: Seconded.

24 MR. ALTADONNA: Motion made by  
25 Councilman Muscarella, seconded by Councilman

1 Macagnone.

2 On the vote, Supervisor Saladino?

3 SUPERVISOR SALADINO: "Aye."

4 MR. ALTADONNA: Councilman Muscarella?

5 MR. MUSCARELLA: "Aye."

6 MR. ALTADONNA: Councilman Macagnone?

7 COUNCILMAN MACAGNONE: "Aye."

8 MR. ALTADONNA: Councilwoman Alesia?

9 COUNCILWOMAN ALESIA: "Aye."

10 MR. ALTADONNA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye."

12 MR. ALTADONNA: Councilman Imbroto?

13 COUNCILMAN IMBROTO: "Aye."

14 MR. ALTADONNA: Councilman Hand?

15 COUNCILMAN HAND: "Aye."

16 MR. ALTADONNA: Motion to table

17 Resolution Nos. 307 and 318 passes with seven

18 "Aye."

19 May I have a motion to adopt

20 Resolutions Nos. P-13-17 through Reso 324, noting

21 that 307 and 318 were tabled?

22 Personnel Resolution No. P-13-17 and

23 P-14-17; Resolution pertaining to personnel of

24 various departments within the Town of Oyster Bay.

25 Transfer of Funds Resolution No.

1 TF-8-17; Resolution pertaining to Transfer of Funds  
2 within various departments accounts for the Year  
3 2017.

4 Resolution No. 298-2017; Resolution  
5 directing the Town Clerk to advertise a notice of  
6 application relating to the dock application of  
7 James B. Busch, to erect, maintain, improve, and/or  
8 repair a dock, float, bulkhead or other mooring at  
9 156 Division Avenue, Massapequa, NY. (M.D. 5/16/17  
10 #10).

11 Resolution No. 299-2017; Resolution  
12 authorizing the property cleanup assessment of  
13 6 Hyman Drive, Farmingdale, NY, be referred to the  
14 County of Nassau for placement on the Nassau County  
15 Tax Assessment Rolls. (M.D. 5/16/17 #12).

16 Resolution No. 300-2017; Resolution  
17 authorizing the property cleanup assessment of  
18 11 Amber Drive, Massapequa, NY, be referred to the  
19 County of Nassau for placement on the Nassau County  
20 Tax Assessment Rolls. (M.D. 5/16/17 #13).

21 Resolution No. 301-2017; Resolution  
22 authorizing the property cleanup assessment of  
23 75 Thorman Avenue, Hicksville, NY, be referred to  
24 the County of Nassau for placement on the Nassau  
25 County Tax Assessment Rolls. (M.D. 5/16/17 #14).



1 Resolution No. 302-2017; Resolution  
2 authorizing the property cleanup assessment of  
3 294 Old Country Road, Hicksville, NY, be referred  
4 to the County of Nassau for placement on the Nassau  
5 County Tax Assessment Rolls. (M.D. 5/16/17 #15).

6 Resolution No. 303-2017; Resolution  
7 granting request from NY Autofest for Town  
8 assistance in conducting a charity car show to  
9 benefit Oyster Bay beautification, scheduled for  
10 July 9, 2017 and to use various Town equipment from  
11 July 7-10, 2017. (M.D. 5/16/17 #19).

12 Resolution No. 304-2017; Resolution  
13 granting request from the Italian American Citizens  
14 Club of Oyster Bay, Inc., for Town assistance in  
15 conducting their St. Rocco's Festival in Municipal  
16 Parking Field O-6 in Oyster Bay from July 3-10,  
17 2017, to have Town Ordinance Chapter 82-3 waived  
18 and to use various Town equipment for the event.  
19 (M.D. 5/16/17 #20).

20 Resolution No. 305-2017; Resolution  
21 authorizing the employment of the services of a  
22 performer for GAP Program participants on July 25,  
23 2017 at Syosset-Woodbury Community Park. Account  
24 No. CYS A 7020 47660 000 0000. (M.D. 5/23/17 #6).

25 Resolution No. 306-2017; Resolution

1 authorizing the acceptance of monetary donations  
2 from various individuals for the Town's Animal  
3 Shelter. (M.D. 5/23/17 #32).

4 Resolution No. 308-2017; Resolution  
5 directing the Town Clerk to advertise a Notice of  
6 Hearing for the application of Beechwood CBW LLC,  
7 fee owner for a Modification of Restrictive  
8 Covenants, Southwest Corner of Round Swamp Road and  
9 Old Country Road, Plainview, NY. Hearing date:  
10 June 20, 2017. (M.D. 5/23/17 #39).

11 Resolution No. 309-2017; Resolution  
12 authorizing the Supervisor to issue Revenue  
13 Anticipation Notes in 2017. (M.D. 5/23/17 #15).

14 Resolution No. 310-2017; Resolution  
15 pertaining to an interior alteration to an existing  
16 building at 15 Grumman Road, West, Bethpage, NY for  
17 governmental use for the Metropolitan Transit  
18 Authority Police. (M.D. 5/23/17 #16).

19 Resolution No. 311-2017; Resolution  
20 pertaining to Settlement of Negligence Claim of P.  
21 Smirova v. Town of Oyster Bay, et al., Account No.  
22 TWN AMS 1910 43010 602 0000 000. (M.D. 5/23/17  
23 #17).

24 Resolution No. 312-2017; Resolution  
25 pertaining to Special Counsel for Condemnation

1 Matters: In the Matter of the Application of the  
2 Town of Oyster Bay to acquire title to certain real  
3 property located at the Liberty Industrial  
4 Finishing Site, 55 Motor Avenue, Farmingdale, NY.  
5 Account No. OTA A 1420 44110 000 0000. (M.D.  
6 5/23/17 #21).

7 Resolution No. 313-2017; Resolution  
8 authorizing the property cleanup assessment of 119  
9 Boston Avenue, Massapequa, NY, be referred to the  
10 County of Nassau for placement on the Nassau County  
11 Tax Assessment Rolls. (M.D. 5/23/17 #22).

12 Resolution No. 314-2017; Resolution  
13 authorizing the property cleanup assessment of  
14 2 Robin Court, Farmingdale, NY, be referred to the  
15 County of Nassau for placement on the Nassau County  
16 Tax Assessment Rolls. (M.D. 5/23/17 #23).

17 Resolution No. 315-2017; Resolution  
18 authorizing the property cleanup assessment of One  
19 Woodland Avenue, Glenwood Landing, NY, be referred  
20 to the County of Nassau for placement on the Nassau  
21 County Tax Assessment Rolls. (M.D. 5/23/17 #24).

22 Resolution No. 316-2017; Resolution  
23 pertaining to the 2017 Environmental Impairment  
24 Liability Insurance for the period June 1, 2017  
25 through June 1, 2018. Account No. TWN AMS 1910

1 43010 602 0000 000. (M.D. 5/23/17 #25).

2 Resolution No. 317-2017; Resolution  
3 authorizing Excess General and Automobile Liability  
4 Insurance be obtained from May 1, 2017 through  
5 May 1, 2018. Account No. TWN AMS 1910 43010 602  
6 0000 000. (M.D. 5/23/17 #26).

7 Resolution No. 319-2017; Resolution  
8 pertaining to quantity decrease, extension of time  
9 and acceptance and final payment for Contract No.  
10 DP15-129, Installation of Syosset Fire Department  
11 Traffic Signals. (M.D. 5/23/17 #28).

12 Resolution No. 320-2017; Resolution  
13 authorizing the award of construction contract for  
14 reconstruction and repair of tennis courts at  
15 various Town Parks, Contract No. DP16-147. Account  
16 No. PKS H 7197 20000 000 1502 001. (M.D. 5/23/17  
17 #29).

18 Resolution No. 321-2017; Resolution  
19 pertaining to Contract No. PWC18-16, On-Call  
20 Technical Assistance relative to Electrical  
21 Engineering relative to park lighting at  
22 Plainview-Old Bethpage and Syosset-Woodbury  
23 Community Parks. Account No. PKS H 7197 20000 000  
24 1502 001. (M.D. 5/23/17 #30).

25 Resolution No. 322-2017; Resolution

1       pertaining to Contract No. DPW06-930, relative to  
2       the Town's Stormwater Management Plan. Account No.  
3       HWY H 5197 20000 000 1503 008. (M.D. 5/23/17 #31).

4               Resolution No. 323-2017; Resolution  
5       authorizing the Town to enter into an agreement for  
6       a Summer Surf School at TOBAY Beach (M.D. 5/23/17  
7       #7 & 5/30/17 #5).

8               Resolution No. 324-2017; Resolution  
9       amending Resolution No. 595-2002 in connection with  
10      authorization for Environmental Remediation and  
11      Litigation at Bethpage Community Park; Town of  
12      Oyster Bay v. Northrop Grumman. Account No. TWN  
13      AMS 1910 43010 602 0000 000. (M.D. 5/23/17 #38).

14              On the motion?

15              COUNCILMAN MUSCARELLA: So moved.

16              COUNCILMAN MACAGNONE: Second.

17              MR. ALTADONNA: Motion made by  
18      Councilman Muscarella, seconded by Councilman  
19      Macagnone.

20              Supervisor, you have a number of people  
21      wanting to speak on various Resolutions.

22              SUPERVISOR SALADINO: Yes, we do.

23              Comment, Larry Sklar.

24              MR. SKLAR: Supervisor, good afternoon.

25              SUPERVISOR SALADINO: Good afternoon.

1 MR. SKLAR: Second longest meeting I've  
2 ever been to. The last one, you fell asleep at  
3 4:00 in the morning at Syosset High School.

4 In reference to 301, that's 75 Thorman  
5 Avenue. I spoke about this five or six weeks ago.  
6 We had cleaned up this property. It's an abandoned  
7 house on Thorman Avenue in Hicksville, Right next  
8 to a beautiful \$650,000 house that I just built a  
9 veteran next door.

10 I had asked, can we go to the County  
11 and have this house condemned? It's an unsafe  
12 house. It's half falling apart. We have vagrants  
13 that come periodically and break open a back door  
14 and sleep in the back. The homeowner next door  
15 can't believe what's going on and I'd really love  
16 to see something happen with this property already.

17 SUPERVISOR SALADINO: Thank you, Larry.  
18 We'll get you an answer.

19 MR. SKLAR: Now, I have the second one  
20 I'd like to mention.

21 In North Massapequa, on Lake.

22 COUNCILMAN MACAGNONE: Is this part of  
23 the calendar?

24 MR. SKLAR: It is important. You really  
25 want to hear it because this is a comic, okay.

1           On Lake Street, there is a housing  
2       development owned by the Town of Oyster Bay. Call  
3       Jim Pickens and he won't give you an answer. They  
4       put in brand-new doors in this entire development  
5       last week, over a week ago, but they made one  
6       mistake.

7           They put in fire doors in the rear  
8       instead of putting a door with a lock and key so  
9       the tenants can get in and out. Got handicapped  
10      people, senior citizens living there and they can't  
11      get in through the handicapped entrances and it's  
12      five days already and nobody did anything.

13           SUPERVISOR SALADINO: We will make sure  
14      that that gets addressed immediately. That's very  
15      important.

16           MR. SKLAR: Thank you.

17           SUPERVISOR SALADINO: You that we look  
18      into that.

19           MR. SKLAR: It's Lake and -- 40 Lake  
20      Street and Clark.

21           SUPERVISOR SALADINO: 40 Lake Street.  
22      Okay. Thank you.

23           Robert Frier? Robert Frier?

24           MR. McKENNA: He had to leave.

25           SUPERVISOR SALADINO: Paul Molinari?

1 MR. MOLINARI: That was on the hearing.

2 SUPERVISOR SALADINO: Okay. Which you  
3 spoke already.

4 Robert Ripp?

5 MR. RIPP: Hi. My name is Robert Ripp.  
6 I live at 77 Sunset --

7 MR. ALTADONNA: Mr. Ripp, could you  
8 just wait? We having a little bit of a malfunction  
9 here.

10 MR. RIPP: Oh, yeah, sure. Let me know  
11 when you want me to go.

12 COUNCILMAN MACAGNONE: Our streaming is  
13 not working again.

14 MR. RIPP: What a coincidence.

15 COUNCILMAN MACAGNONE: Just putting it  
16 out there, Mr. Ripp.

17 MR. RIPP: Let me know when you get  
18 everything coordinated.

19 MR. ALTADONNA: Okay. Thank you.

20 Go ahead.

21 MR. RIPP: I wanted to start out with  
22 Resolution 309. I want to bring your attention to  
23 the backup material here -- first of all, this is a  
24 Resolution where we're looking to sell \$15 million  
25 in revenue anticipation notes and the backup



1 information, there's very little information here.

2 It's says that -- there's no mention of  
3 any of the interest rates or the terms and it  
4 claims that -- normally, from what I understand in  
5 a revenue anticipation note, you -- you bought --  
6 you sell the notes, get the money, and you do some  
7 sort of project with it.

8 And what you have here is in  
9 anticipation of the receipt of aid from the State  
10 of New York, the sales tax revenue and mortgage  
11 stock recording as what you intend on counting on  
12 to repay this \$50 million.

13 And I like to bring your intention that  
14 the lack of backup material, I don't believe you  
15 should proceed with this Resolution today.

16 I don't know if you received the  
17 June 2nd decision in my last Article 78. I  
18 specifically had made an Article 78 based on the  
19 Town's repeated violations of the open meeting law  
20 and I'd like to inform you that Judge Brown ruled  
21 that the Town of Oyster Bay Town Board shall report  
22 to the New York State Committee on open government  
23 for a training session.

24 COUNCILMAN IMBROTO: Which Resolution  
25 is this on?

1 MR. RIPP: This is on 30 -- I'm  
2 speaking about 309.

3 And if you read what -- the point I'm  
4 trying to make is, if you get a chance to read  
5 this, this is Index Number 183417, Ripp against  
6 Town of Oyster Bay, you'll find out that the judge  
7 rules that you need to answer people's questions up  
8 here. Not answering questions is considered  
9 violating open meetings law.

10 SUPERVISOR SALADINO: Let me start off  
11 right now by answering a question and providing  
12 some information.

13 Just for public consumption, this was a  
14 lawsuit that you brought against the Town and you  
15 lost, so it's very important --

16 MR. RIPP: No, I won. This is a --  
17 this is a lawsuit that I brought against the Town  
18 and I prevailed on everything.

19 This lawsuit has to do with -- there  
20 are two instances of violations of open meeting law  
21 which you're now going to be attending remedial  
22 training on. There were a number of FOIA requests  
23 which were legally withheld which.

24 COUNCILMAN IMBROTO: I think we're  
25 getting a little off.

1 MR. RIPP: I'd like to answer the  
2 question, please.

3 SUPERVISOR SALADINO: Certainly.

4 MR. RIPP: So -- so I just want to  
5 question so we're on the same page. All right.

6 The judge in this -- in this action has  
7 ordered that you have 30 days to answer my  
8 outstanding FOIA request by June 30th, you have to  
9 provide to the court all the information in regards  
10 to Mr. McCaffrey and the 26 individuals that were  
11 interviewed for his position.

12 SUPERVISOR SALADINO: Let's get. All  
13 of these things have nothing.

14 MR. RIPP: What's going to happen is on  
15 July 18th, we're all going to go back to court.

16 SUPERVISOR SALADINO: Mr. Ripp, let's  
17 get you an answer. If you make --

18 MR. RIPP: I'm sorry. I'm still  
19 answering question. Let me finish answering your  
20 question.

21 SUPERVISOR SALADINO: Make the  
22 accusation, we're not answering questions because  
23 right now, you're way off of the Resolution.

24 MR. RIPP: I'm answering your question,  
25 sir.

1 SUPERVISOR SALADINO: No, sir.

2 Mr. Ripp --

3 MR. RIPP: So on July 18th we're all  
4 going to go back to court and what's going to  
5 determine that you've complied with the order on  
6 here?

7 So, Mr. Imbroto, that's -- that's the  
8 action I'm speaking about.

9 SUPERVISOR SALADINO: Thank you,  
10 Mr. Ripp.

11 Thank you.

12 MR. RIPP: In relation to 309.

13 COUNCILMAN MACAGNONE: Could you stop  
14 the time for a second?

15 I only read that this morning. You  
16 sent me a copy of that. I'd like to get a copy of  
17 these things that come up because if it's going to  
18 come up to Town Board, can you please, Town  
19 Attorney, forward me a copy?

20 SUPERVISOR SALADINO: Mr. Nocella,  
21 please come forward.

22 MR. RIPP: Would you like me to step  
23 aside?

24 SUPERVISOR SALADINO: Please.

25 MR. NOCELLA: The decision was -- we

1 received it yesterday and e-mailed to the entire  
2 Town Board.

3 COUNCILMAN MACAGNONE: I did not  
4 receive a copy. I apologize, but I didn't receive  
5 it.

6 SUPERVISOR SALADINO: Let's make sure  
7 we get another copy to the Council Members.

8 COUNCILMAN MACAGNONE: I got it from  
9 Mr. Ripp this morning actually. He e-mailed me a  
10 copy this morning.

11 MR. NOCELLA: Sure.

12 I can show you how it was e-mailed to  
13 all -- even from my phone, but it was e-mailed from  
14 my office.

15 SUPERVISOR SALADINO: Either way, let's  
16 make sure that each and every one of the Board  
17 members have a copy in their possession so that --

18 COUNCILMAN MACAGNONE: Mr. Nocella, so  
19 if I don't get back to you personally, please reach  
20 out to me because I will say I got it.

21 Thank you.

22 MR. NOCELLA: Yes, absolutely.

23 Councilman Imbroto did get back to me,  
24 acknowledged receipt of it. I'll note that if --  
25 I'll actually ask everybody to acknowledge receipt.

1 Just receipt and if I don't get an acknowledgement  
2 from you, Councilman, I'll forward it in some other  
3 form.

4 SUPERVISOR SALADINO: Well, it was not  
5 germane to the issues at hand for the public's  
6 consumption. I believe it's very important to set  
7 the record straight.

8 Mr. Ripp is under the impression that  
9 he won this lawsuit.

10 Can you speak to that?

11 MR. NOCELLA: That's largely incorrect.

12 Almost every form of relief that he  
13 sought was denied by The Court. He wanted to  
14 nullify two Town Resolutions. The Court denied  
15 that request. It upheld the Resolutions and said  
16 we could go forward with that.

17 And there were other applications that  
18 were made by Mr. Ripp, they were denied in their  
19 entirety. During oral argument, Mr. Ripp was asked  
20 about his FOIA requests and he said he was no  
21 longer interested in them and he abandoned them.

22 That's part of the judge's written  
23 order; however, did grant the FOIA requests. We  
24 believe that's an error as we also believe certain  
25 other elements of Judge Brown's decision are in

1 error and we intend to take an appeal which  
2 incidentally stays any relief that was granted.

3 Mr. Ripp didn't correctly note that  
4 Judge Brown recommended that the Town Board have  
5 open public meeting training, but I want to note  
6 that Supervisor Saladino's entire proposals that  
7 lead to open and transparent government caused us  
8 to have this as part of the agenda anyway.

9 We were planning on training,  
10 especially for the new members of Town government  
11 and for the new members of the Town Board and all  
12 those would benefit from a refresher course on  
13 that.

14 So even though that segment of  
15 Judge Brown's order is stayed, it's still something  
16 that's consistent with your initiatives toward open  
17 and transparent government, we intend to go forward  
18 with voluntarily.

19 SUPERVISOR SALADINO: Mr. Nocella, is  
20 it true that we have now added ethics training to  
21 the different types of training for our Town Board  
22 Members and our employees?

23 MR. NOCELLA: That is absolutely  
24 correct.

25 SUPERVISOR SALADINO: And is it true

1       that the Town Board members have attended that --  
2       I'm sorry, the newest one, I'm not positive if he  
3       has --

4               COUNCILMAN MACAGNONE:   I did not.   I  
5       was out of town.

6               COUNCILWOMAN ALESIA:   I haven't  
7       attended it yet.

8               SUPERVISOR SALADINO:   Can we make sure  
9       that not only that we provide new dates for ethics  
10      training for out Town Board Members that we're also  
11      including this information that the judge had  
12      recommended?

13              MR. NOCELLA:   Yes, most definitely.

14              Again, Supervisor, I believe it had  
15      been planned by you all along as part of your  
16      transparency and open government initiatives, so  
17      that's why regardless of whether the judge's order  
18      is stayed while we're pursuing an appeal, we intend  
19      to go through with it voluntarily.

20              SUPERVISOR SALADINO:   Thank you very  
21      much.

22              So, Mr. Ripp, let's get to the  
23      question.

24              MR. RIPP:   So, 309, the resolution  
25      itself, sir, I don't think you should vote on this



1       today because it is my opinion based on the judge's  
2       prior decisions that you haven't produced enough of  
3       the backup information that nobody can really  
4       understand.

5               SUPERVISOR SALADINO:   You're opinions  
6       were proven to be faulty.

7               MR. RIPP:   I'm sorry?

8               SUPERVISOR SALADINO:   Your opinions  
9       were proven to be faulty by The Court.   You just  
10      heard the decision.

11              MR. RIPP:   I just heard Mr. Nocella's  
12      rendition, but the transcripts that I have are  
13      going to prove everything that he just wrong.

14              So in relation to 309, I don't think  
15      that the Town has followed the open meetings law  
16      and provided adequate information before you vote;  
17      especially, \$15 million in revenue anticipation  
18      bonds.

19              I mean, I'll ask you, what do you  
20      intend on doing with the money?

21              SUPERVISOR SALADINO:   Okay.   If you're  
22      done, you can take a seat and we'll describe that.

23              MR. RIPP:   No, I'm not done and my  
24      time's not up so I have some more Resolutions, but  
25      I'd like to ask you, what are we going to do with

1 the \$15 million?

2 SUPERVISOR SALADINO: Happy to get  
3 these questions answered once you're fully done.

4 MR. RIPP: Okay. So just answer that  
5 one.

6 Do we intend on using it?

7 SUPERVISOR SALADINO: Sir, maybe we're  
8 having a communication --

9 MR. RIPP: I'd like to know what we're  
10 going to do with the \$15 million?

11 SUPERVISOR SALADINO: Maybe we're  
12 having a communication breakdown.

13 Please use your time to give us the  
14 information you like us to know and then please  
15 take a seat and we'll get the information answered.

16 MR. RIPP: I'd like to know in regards  
17 to Resolution 318, I'd like to know why we're  
18 involved in doing business on school property.

19 COUNCILMAN IMBROTO: Wasn't that  
20 tabled?

21 MR. RIPP: 318 was tabled, sorry.

22 And Resolution 323. I don't understand  
23 why the Town -- this looks -- this is almost like a  
24 mini Singh thing, in my opinion.

25 Why would the Town get involved in a

1 surfing school where the revenue we expect to get  
2 is between 4 and \$5,000? You don't, again, this  
3 isn't something that you're missing some serious  
4 backup information. There's no -- there's no  
5 insurance information here.

6 These are surf lessons, stand up board  
7 lessons. Does it make sense for a company that's  
8 going to make 4 grand a year for the Town? What if  
9 somebody drowns down there? At that -- to me, that  
10 makes no sense at all.

11 SUPERVISOR SALADINO: Thank you for  
12 your opinions.

13 MR. RIPP: You're welcome.

14 In Resolution 312 -- well, actually,  
15 312 and 324, these -- I want to try and straighten  
16 this out because we spoke about this in the past.

17 Now, 312 is the Liberty Industrial site  
18 and from what I understand, what we're in  
19 litigation now is how much we're going to pay for  
20 the property, so I'd like to know how much -- how  
21 much we've paid year to date in litigation over  
22 that and then -- and then 324 -- is it -- yeah,  
23 324, now this is the Bethpage Community Park.

24 Now, we're in litigation over that  
25 because somebody is going to be responsible for the

1 proximate \$81 million cleanup, so I'd like to know  
2 where we stand on that one also.

3 And then I just have 301. It's really  
4 the zombie houses. I was under the impression that  
5 that 45 Thorman, I thought we had passed --

6 COUNCILMAN MACAGNONE: 75.

7 MR. RIPP: 75. Thank you,  
8 Mr. Macagnone.

9 I thought you had passed a Resolution  
10 to demolish that time, a meeting ago. Maybe I  
11 misunderstood, but what I'm interested in is, if  
12 you remember the grant money that we received back  
13 with Resolution 617 of 2016, I think we've got  
14 almost \$400,000, and the Town had made plans to  
15 hire people and to train people for the zombie --  
16 for the New York State Zombie Register Plan, so I'd  
17 like to know how we're making out with that, who's  
18 handling that, but what I'd really like to know is  
19 what we're going to do with the \$15 million for the  
20 revenue anticipation bonds, how you plan on  
21 spending that money. If it's just going to be used  
22 for you to make, you know, ends meet, to meet  
23 payroll, or if you have some sort of projects  
24 planned, so if you could answer me that about the  
25 15 million, I'd really appreciate it.

1 Thank you.

2 COUNCILMAN MACAGNONE: Miles of road  
3 would be nice.

4 MR. RIPP: You know what, while I have  
5 a couple of minutes. I had -- I was wondering, you  
6 know, what maybe it's for public comment. I just  
7 thought maybe the Town we might be able to get more  
8 hands on involved with some of the road  
9 construction and maybe create some employment for  
10 people, but we'll talk about that at public  
11 comments.

12 Thank you.

13 SUPERVISOR SALADINO: Thank you.

14 Is Mr. Darienzo here?

15 MR. RIPP: You going to answer my  
16 question, sir?

17 SUPERVISOR SALADINO: Please be  
18 respectful.

19 Mr. Darienzo, would you please step up  
20 to the microphone?

21 Mr. Darienzo, we've had conversations,  
22 we've had conversations, many conversations about  
23 financial issues, correct?

24 MR. DARIENZO: That is correct.

25 SUPERVISOR SALADINO: Okay. So we have

1 bonds that are coming to maturity?

2 MR. DARIENZO: The Resolution that's on  
3 the calendar today is for revenue anticipation  
4 notes. We're asking the Town Board to authorize  
5 the possibility to issue them at some time during  
6 2017. There isn't -- there have been no issuance  
7 made for this purpose so far this year and there  
8 cannot be unless the Town Board says so.

9 SUPERVISOR SALADINO: Isn't it correct  
10 that we're still waiting for monies from the  
11 County, our portion of the sales tax and other  
12 revenues?

13 MR. DARIENZO: That is the exact reason  
14 for this resolution.

15 While the Town of Oyster Bay prides  
16 itself on paying its bills in a timely fashion as  
17 soon as they come in, not every receivable that's  
18 due to us comes in in the same timely fashion so  
19 it's no secret that our cash position has  
20 deteriorated over the couple of years and we're in  
21 a precarious situation which we are making inroads  
22 towards improving, but we're not all the way back  
23 just yet, so this allows us to borrow money on a  
24 short term basis until such time as the money due  
25 to us comes in.

1 SUPERVISOR SALADINO: And then we'll be  
2 paying it back?

3 MR. DARIENZO: Correct.

4 SUPERVISOR SALADINO: Thank you very  
5 much.

6 MR. RIPP: I'm sorry, what was the  
7 interest rate, sir?

8 MR. DARIENZO: As I mentioned --

9 SUPERVISOR SALADINO: Wait a second.  
10 I'll be asking the questions.

11 So would you please tell us about this  
12 interest rate?

13 MR. DARIENZO: The Resolution  
14 authorized the possibility to issue debt at a time  
15 later this year. There's no interest rate because  
16 we haven't borrowed any money yet.

17 If the Town Board agrees to allow us to  
18 potentially borrow money, at that time, we will  
19 sell these notes, and at that time, we'll have an  
20 interest rate, but there's no interest to report at  
21 this time.

22 COUNCILMAN MACAGNONE: So basically you  
23 want us to vote on something we don't know what  
24 it's going to cost us?

25 MR. DARIENZO: Well, I can't exactly go

1 to the market to borrow money without your  
2 authorization.

3 MR. MUSCARELLA: That's how it's always  
4 been in the past, correct?

5 COUNCILMAN MACAGNONE: Councilman, I  
6 realize it's been that way in the past, but it  
7 really hasn't worked in the past.

8 MR. MUSCARELLA: But you can't just  
9 determine that until you know whether the Fed  
10 raises the rate, what our bond rating is, and  
11 everybody else in the marketplace, correct?

12 MR. DARIENZO: Typically, a revenue  
13 anticipation note is different than a bond  
14 anticipation note or a bond itself.

15 You guys, the Town Board authorizes a  
16 capital program almost every year. We haven't done  
17 one for the past couple of years, but when we  
18 authorize a capital program each year, those  
19 authorizations are in effect for a period of five  
20 to forty years. The Town Board authorizes the  
21 possibility at any time during that timeframe, to  
22 issue debt. And so you never know at the time of  
23 the authorization exactly how much interest is  
24 going to be.

25 In this case, because it's a revenue



1 anticipation note, the request is to be issued at  
2 some time during 2017 so shorter period than any  
3 other authorization that comes before this Board.

4 With that being said, I still can't  
5 guarantee what the interest rate will be at the  
6 time of borrowing.

7 COUNCILMAN IMBROTO: Mr. Darienzo, do  
8 you go out into the market? Is that how this is  
9 done?

10 MR. DARIENZO: Yes. Absolutely.

11 Once, you know, we issue debt two to  
12 three times a year. Our next bond renewal is due  
13 up on June 28th, so if the Town Board sees  
14 favorably, we will have a revenue anticipation note  
15 that happens at the same time as the bond renewal.  
16 To have the issuance happen all at one time to save  
17 costs for our bond council, our financial advisors  
18 rather than have another issuance, you know, three  
19 or four months down the road. We will be  
20 duplicating the same efforts and paying them twice.

21 SUPERVISOR SALADINO: Are there any  
22 other questions?

23 Thank you very much.

24 MR. DARIENZO: No problem.

25 MR. RIPP: Are you going to answer --

1 SUPERVISOR SALADINO: Mr. Ripp, you're  
2 going to have to show a higher level of patience  
3 and decorum in this room.

4 You just were upset when I called  
5 Mr. Darienzo up here because, I guess, you were  
6 assuming I was calling on another resident when  
7 actually I was calling on a Town employee to get  
8 your question answered.

9 I am now calling on another Town  
10 employee to get to one of your other questions  
11 answered, but we're dealing with a situation that  
12 does frustrate the residents when they come here in  
13 good faith to conduct themselves with decorum and  
14 patience and deal with government.

15 As it is, they've had to listen to you  
16 make accusations that are far from the truth and I  
17 will remind you, again, to conduct yourself with  
18 decorum, with patience and professionalism.

19 I'd like to call -- I'd like to call.  
20 I'd like to call Commission --

21 MR. RIPP: You are making blanket --

22 SUPERVISOR SALADINO: This is exactly  
23 what I'm talking about.

24 I'd like to call Commissioner Pinto to  
25 come forward.

1 Thank you, Commissioner Pinto.

2 We're going to try to get the residents  
3 questions answered even in despite the fact he's  
4 arguing against getting questions answered that --  
5 right now. The question came up about the surf  
6 school.

7 Please, Mr. Ripp, try to contain  
8 yourself.

9 The question came up about surf school  
10 and can you tell us if the public had asked for a  
11 surf school? Can you tell us a little bit of the  
12 history of this?

13 COMMISSIONER PINTO: I'll tell you what  
14 I know about surf school. It was done last year as  
15 a pilot program which the Town and the residents  
16 really enjoyed the relationship that we had with  
17 the people doing it.

18 The Town residents were loving it, so  
19 this year we decided to go out and put out an RFP.  
20 I think it's a three-year contract. Quite  
21 honestly, the first -- the first group of proposals  
22 came in a little bit lower than what the committee  
23 had hoped, so we sent it back out and the fees have  
24 been elevated.

25 SUPERVISOR SALADINO: Okay.

1                   And this is been done according to all  
2                   the laws and the rules of the Town of Oyster Bay?

3                   COUNCILMAN PINTO:   Absolutely.

4                   SUPERVISOR SALADINO:   And the way we  
5                   conduct ourselves in every other park.

6                   COUNCILMAN PINTO:   Yes.   Yes.

7                   SUPERVISOR SALADINO:   Has a decision  
8                   been made on a school?

9                   COUNCILMAN PINTO:   Yes.   I believe it's  
10                  on for voting today.

11                  SUPERVISOR SALADINO:   Thank you very  
12                  much, Commissioner.

13                  COUNCILMAN MACAGNONE:   Excuse me,  
14                  Commissioner.

15                  And that school has all the proper  
16                  insurances if, God forbid, somebody gets hurt?

17                  COUNCILMAN PINTO:   Oh, yeah.   That's  
18                  part of the RFP.   We wouldn't have accepted a bid  
19                  without the insurance and the Town of Oyster Bay is  
20                  being named as additional insured.

21                  COUNCILMAN MACAGNONE:   Just want to be  
22                  sure.

23                  Thank you.

24                  SUPERVISOR SALADINO:   So there's no  
25                  truth to the accusations that were made by the

1 resident?

2 COUNCILMAN PINTO: I wasn't here for  
3 them, but I can just tell you --

4 SUPERVISOR SALADINO: They have  
5 insurance?

6 COUNCILMAN PINTO: They have insurance.

7 SUPERVISOR SALADINO: We're doing it  
8 properly.

9 We're doing this as per law and we're  
10 doing this in response to requests from the  
11 residents?

12 COUNCILMAN PINTO: And following all  
13 our procedures and guidelines regarding RFPs for  
14 the Town of Oyster Bay.

15 SUPERVISOR SALADINO: Thank you very  
16 much.

17 COUNCILMAN PINTO: Thank you.

18 SUPERVISOR SALADINO: Thank you.

19 Are there any other residents who would  
20 like to speak?

21 MR. RIPP: You didn't answer all my  
22 questions.

23 SUPERVISOR SALADINO: Mr. McKenna, come  
24 on up.

25 MR. RIPP: No answer on the industrial

1 stuff? Okay. It's up to you.

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

4 One of the resolutions I had was  
5 tabled.

6 Just on this resolution with the surf  
7 school, when I was reading the backup that was  
8 online last night, I didn't see any documentation  
9 on the actual response to the bid, but more  
10 importantly, there's been a lot of discussion about  
11 bids being put online.

12 That's something that is a major focus  
13 and I've been looking and I don't remember, and you  
14 can correct me if I'm wrong, but I don't remember  
15 this and only two bids were received that I saw  
16 last night and I would think that if it was put  
17 online, that maybe you would have gotten more  
18 input.

19 I know this is a very small  
20 insignificant matter, but --

21 SUPERVISOR SALADINO: We'll get that  
22 answered specifically how many -- how this  
23 information went out to the public. I believe it  
24 was advertised, but we'll get the specifics for  
25 you.

1 MR. McKENNA: How was it put out to the  
2 public? And that goes into a more significant bid  
3 that --

4 SUPERVISOR SALADINO: Do you want to --  
5 the Commissioner's heading up this way right now.

6 Why don't we get that question answered  
7 for you immediately?

8 MR. McKENNA: As long as you don't eat  
9 into my time -- if you're going to eat into my  
10 time, I'll finish my questions.

11 SUPERVISOR SALADINO: Why don't you do  
12 it that way then?

13 MR. McKENNA: The next one is the No.  
14 -- No. 317, which is a more significant bid that  
15 was not put online, that I am aware of. And this  
16 is the bid for auto insurance for all the vehicles  
17 in the Town of Oyster Bay.

18 This is a, you know, significant amount  
19 of money and only two companies responded to this  
20 and one of them, of course, is Salerno Brokerage.

21 And it appears to me when it -- when I  
22 read what really was surprising to me is that in  
23 the backup, Ms. Swanson writes a memo, "note to  
24 file," that is what it says. She writes, "Had a  
25 meeting with CBC coverage." I guess that's the

1 other bidder. The meeting -- the meeting was with  
2 Bill Breasts and Michael from his Westchester  
3 office who specializes in municipal insurance.  
4 Matt Rozea and myself.

5 Then she writes, "After reviewing all  
6 the documentation sent, Michael," this is the guy  
7 who's bidding from the other company, "Michael  
8 advises that his quote was higher than Allied  
9 Risk," who is Salerno's insurance company.

10 And basically Michael tells them that  
11 they should go with Salerno Brokerage. I find that  
12 amusing.

13 "He further advised us to go with  
14 Allied."

15 Why would a significant bid like  
16 this -- if this bid was truly put out to the  
17 public, you would have over a dozen responses. It  
18 looks to me like it was positioned, again, for  
19 Salerno Brokerage, and I intend to find out the  
20 connection between someone in the Town of Oyster  
21 Bay and Salerno Brokerage. That's my goal.

22 Now, the next one.

23 SUPERVISOR SALADINO: Are you in the  
24 business? Do you have --

25 MR. McKENNA: You already asked me



1       that. I'm not -- I wasn't in the insurance  
2       business.

3               Mr. Muscarella was. I hope you're not  
4       connected to Salerno Brokerage. I'm only kidding.

5               MR. MUSCARELLA: No.

6               MR. McKENNA: No, I was not in this  
7       business, but this is a big -- this is a big bid.  
8       I mean, we should have gotten six, ten bids, you  
9       know, it wasn't put out to the public and it wasn't  
10      on the website.

11              SUPERVISOR SALADINO: As soon as you're  
12      done.

13              MR. McKENNA: I'm done.

14              SUPERVISOR SALADINO: Okay.

15              Well, why don't you take a seat and  
16      we'll get you some answers on that.

17              Mr. Rozea, would you please come  
18      forward? Town Attorney. Please, Mr. Scalera.

19              Can you walk us through the process to  
20      reach this point including the facts related to how  
21      we advertised for the RFPs and what we did to  
22      follow the law on this.

23              MR. SCALERA: All right.

24              Good afternoon members of the Town  
25      Board. It's been a while since I was up at the

1 podium.

2 Donna Swanson briefed me. She had to  
3 run off to court. Donna Swanson handled this, but  
4 I know how she did it. We, you know, we've done  
5 this in the past. One of the things I've been  
6 hearing repeatedly, a constant theme of a lot of  
7 the meetings but I've never got up here to quite  
8 explain it, there is a difference between an RFP,  
9 request for proposal and a bid and a lot of folks  
10 in the audience sometimes use it interchangeably.

11 A bid, pursuant to General Municipal  
12 Law, 100-103, is what you call the bid that goes  
13 out and it comes back sealed. And then they're  
14 opened in this Town Boardroom and numbers are  
15 written down, that's a bid.

16 There's an RFP, which is more likely  
17 what we use for things like lawyers, and services,  
18 like, insurance services and the like.

19 Big difference between the two. Two  
20 different statutes, two different sets of rules.

21 In this particular instance, insurance  
22 goes out in an RFP. An RFP, you can send out --  
23 there's many ways that you can do an RFP. You can  
24 publish it in the newspaper. You do not have to.  
25 You can send it out by e-mail, you can send it out

1 by letter, you can send it out by fax. You can do  
2 it many different ways. In this particular  
3 instance, Donna Swanson, of our office, the Town  
4 Attorney's Office, went out to five different  
5 brokers, went to five different brokers with an  
6 RFP. The RFP had the specs of what we needed for  
7 insurance, what kind of coverage and the like.  
8 What kind of deductible, of the five brokers, two  
9 of them -- one of them is Salerno Brokers, his  
10 company, and the other one being CBS Coverage, Inc.  
11 responded to the RFP.

12 Salerno Brokerage provided two quotes  
13 from insurance companies. CBS provided, I believe,  
14 only one. Of the three quotes of the actual  
15 insurance companies, the lowest responsible one,  
16 the best one for the interest of the Town was  
17 Allied. I don't know the rest of the name. Allied  
18 is the actual company that's insuring the Town and  
19 that is what is presented for this Board to choose.

20 It is insurance that we purchase every  
21 year. Not all brokerage firms respond. It is not  
22 uncommon in the fourteen years I've been working  
23 here where you could send it to ten brokerage  
24 firms. For some reason, they don't respond. But  
25 we sent it to five and we got back those three

1 quotes from those two brokers. And the comment  
2 that Donna -- I saw the comment of -- the note she  
3 put in the file that she met with Matt Rozea and  
4 the person from CBS Coverage and that person you  
5 mention the name, Kevin, that person basically saw  
6 the quote and said, "I'm not going to be able to beat  
7 Allied Insurance Company at the \$178,000."

8 That number, if you look back on prior  
9 Resolutions going back ten years, it's pretty much  
10 been consistent between the 165 to the 185 range,  
11 so this pretty much falls in line with that. And  
12 that's it. It's that simple.

13 SUPERVISOR SALADINO: Can you please  
14 tell us what process we went through in order to  
15 alert these insurance companies these, brokers,  
16 that we were interested and how many did we contact  
17 and why aren't we contacting more?

18 MR. SCALERA: All for -- the answer  
19 first -- to answer your first question, Donna sent  
20 it to five brokerage companies, five.

21 Can we send to more? Yes. We'll send  
22 to more, but five is in keeping with proper  
23 procedure under General Municipal Law 104-B. We  
24 sent it to five, and we got those responses.

25 Like I said, we've had this issue

1 before where people question it.

2 Can we send it to more? Sure, you can  
3 send it to what -- you could send it to 100  
4 brokers, you can send it to 1,000 brokers, you can  
5 publish it if you like, but again, we have to  
6 balance as well because in the service industries  
7 where RFPs are used, publication of RFPs does  
8 become quite expensive.

9 We can go into the hundreds of  
10 thousands of dollars a year going into RFPs. So  
11 what we're doing now and Mr. Nocella, from my  
12 office, what we're beginning to do is get more  
13 people on e-mail lists, particularly with attorneys  
14 and we'll e-mail them. We're using that method.  
15 And we'll proceed with this in the future to get  
16 more brokers.

17 But, again, the price, Mr. Supervisor  
18 is pretty similar that I've noticed over the years.

19 MR. MUSCARELLA: First of all, when you  
20 go to the market, different insurance agents would  
21 bid on certain insurance. The expertise within the  
22 field that they have will go. Municipality  
23 insurance is pretty difficult.

24 Number two, Salerno, who is a broker,  
25 goes out to the marketplace. He markets it to

1 every company so a new insurance agent who wants to  
2 bid on it is normally shut out of the market  
3 because he can't obtain the market that he already  
4 went to.

5 The only way you can obtain the quotes  
6 of the current Salerno would be to get a change of  
7 broker. Okay? But what happened probably was an  
8 agent came in there, looked at it and said, can't  
9 compete. Because he goes to every company that  
10 specializes within municipality insurance. That's  
11 what he probably did. He gets all the quotes and  
12 he provides the best quote for the Town of Oyster  
13 Bay. And that's what the procedure has been in the  
14 past. You can go to ten different brokers or most  
15 of them will decline writing it. Okay. Or even  
16 bidding on it so -- because a number one, there of  
17 the expertise and, two, you know, they go to the  
18 marketplace. The marketplace is already obtained,  
19 the quote is out there and it comes back to the  
20 Town of Oyster Bay.

21 So, the Town does get other quotes from  
22 this particular agent, Salerno, so he'll come up  
23 and say for property, we have five different  
24 insurance companies that actually bid on it --

25 MR. SCALERA: Correct.

1 MR. MUSCARELLA: -- and the best one is  
2 this company, that's an admitted company, we'll  
3 suggest that.

4 Also what's contained within the quote  
5 is the loss history of the Town of Oyster Bay or  
6 the client. So they would look at that and say  
7 this is the past and, I guess, Donna Swanson is  
8 determining, okay, go with it. She has a trust  
9 with the agent. So I know in the past, I know no  
10 other agent has competed because they can't,  
11 because they don't have the expertise.

12 MR. SCALERA: It was good you mentioned  
13 that because in talking to Donna Swanson, there  
14 were, like you said, there were some -- there  
15 were some brokers whose response was, we're not  
16 going to give you quotes. There were actually  
17 responses. I just gave you the two that actually  
18 gave us affirmative responses, an actual policy  
19 quotes.

20 MR. MUSCARELLA: An agent will come,  
21 gather the information, go to the marketplace, get  
22 a quote. They know what the quote is currently  
23 that the Town of Oyster Bay is paying.

24 From that point on, they'll determine  
25 whether it's worth it or not to come back to Town

1 of Oyster Bay, but within the agency, I would  
2 assume, Salerno, which he's doing, he, in the past,  
3 I've looked at it, he's come up with multiple  
4 companies that specialize within municipality  
5 insurance, and that's why.

6 MR. SCALERA: I do know, just from  
7 experience, that Salerno Brokerage Company does  
8 obtain insurance from insurance carriers for other  
9 municipalities.

10 MR. MUSCARELLA: He's also a very large  
11 agent, he's very professional and he gives service  
12 that, I guess, Donna, and so that's where it's at.

13 MR. SCALERA: But he did come back with  
14 the most -- the most efficient or the lowest price  
15 out of the other ones so we're not going to reject  
16 it if it's the lowest price given the coverage that  
17 we wanted pursuant to the specs in the RFP. Okay.

18 COUNCILMAN MACAGNONE: Also on 323, can  
19 we get a copy of the bid documents?

20 I mean, it just says who won the bid.  
21 I can see who else bid on it and see what the  
22 comparison is.

23 I'd like to be able to see -- you're  
24 from the Town Attorney's Office. I'd like to see  
25 apples to apples. If you don't mind, from now on



1 in the future documents, future things we're voting  
2 on.

3 MR. SCALERA: You mean to list the  
4 other prices?

5 COUNCILMAN MACAGNONE: Yeah.

6 MR. SCALERA: Okay. That's not a  
7 problem. It's just a matter of just putting it --  
8 taking the information we have and just putting  
9 more into the backup for your review.

10 COUNCILMAN MACAGNONE: Thank you,  
11 Mr. Scalera.

12 MR. SCALERA: Not a problem. Okay.

13 SUPERVISOR SALADINO: One more  
14 question.

15 Was this advertised on our website?

16 MR. SCALERA: I'm not certain. I don't  
17 think, so but I'll check that. I'm not certain.

18 SUPERVISOR SALADINO: If it was not,  
19 this should be and they all should be. This is  
20 something that I've stressed. This is something  
21 that I've asked.

22 Unless there is some good reason you  
23 can tell me why we wouldn't advertise this and put  
24 the word out, I'd love for every business,  
25 especially businesses within the Town of Oyster

1 Bay, to have an opportunity to bid so we must make  
2 sure that we're putting this information out.

3 But you're saying it's still possible  
4 that this was?

5 MR. SCALERA: Yes. I've got -- I have  
6 to check for you, the nuances, of how.

7 SUPERVISOR SALADINO: Check on that and  
8 report back to me.

9 MR. SCALERA: Of course, you know, and  
10 I know Councilman Muscarella has, obviously, the  
11 background and, you know, look, the more we can put  
12 on, but I what -- I want to emphasize, over the  
13 years, that the price and I think Councilman  
14 Muscarella -- the price of this policy has been  
15 pretty much steady in the years that I've seen this  
16 Resolution so it's not like it went from 178 all  
17 the way up to 250. You know, it's pretty much in  
18 that range of the 165 to 185, depending on what  
19 year and what law -- you know, what loss risk  
20 they're looking at.

21 SUPERVISOR SALADINO: Thank you.

22 MR. SCALERA: Thank you,  
23 Mr. Supervisor.

24 SUPERVISOR SALADINO: Is there anyone  
25 else who would like to be heard on these

1 Resolutions?

2 Being that there is no one, I ask for a  
3 motion, please.

4 MR. ALTADONNA: Call for a vote,  
5 Supervisor?

6 SUPERVISOR SALADINO: You know what?

7 One quick question on this.

8 Commissioner Pinto, would you also come  
9 back forward again?

10 In regard to 323, is there time,  
11 because obviously now we're into the summer months,  
12 is there time to provide this backup to the -- the  
13 Board at a future Board meeting?

14 COUNCILMAN PINTO: Listen, I believe  
15 that it's here already. I think it goes up with  
16 the proposed approval, so it's here in the building  
17 somewhere. Somebody must have it.

18 SUPERVISOR SALADINO: If we tabled this  
19 one, is there time for them to put together a surf  
20 school if we're not voting on this at the next  
21 meeting?

22 COUNCILMAN PINTO: If you're not voting  
23 at the next meeting?

24 SUPERVISOR SALADINO: If we're not  
25 voting on it today, waiting until the next meeting.

1 COUNCILMAN PINTO: That's fine. I  
2 think you're fine. June 20th will be fine.

3 SUPERVISOR SALADINO: You're sure it  
4 won't affect their ability to provide these  
5 services?

6 COUNCILMAN PINTO: Listen, if the Town  
7 Board wants something, I would be very happy to  
8 provide it.

9 SUPERVISOR SALADINO: So why don't we  
10 take this one off of our list so that we can get  
11 that information to each and every one of the Board  
12 Members before they vote on this. We need for our  
13 Board Members to have every piece of information.

14 COUNCILMAN MACAGNONE: Excuse me. I  
15 have all the faith in the world in Commissioner  
16 Pinto.

17 I just want, for the future, to make  
18 sure we have it. I trust Commissioner Pinto's  
19 judgment. I've known for well over a decade and I  
20 know he's honorable. I wasn't questioning this  
21 decision.

22 I just wanted from here on out, so I  
23 hate to hurt the swim school or surf school or  
24 whatever it is in any way possible or delay them  
25 from opening.

1 I have no idea who it is, but just in  
2 the future, for all the departments, I want to see  
3 bids and I want to see comparisons.

4 (Applause.)

5 SUPERVISOR SALADINO: I feel the same  
6 way.

7 COUNCILMAN PINTO: That's actually  
8 fine. I appreciate that.

9 SUPERVISOR SALADINO: Does everyone  
10 feel the same way? Is there anyone else on the  
11 Board who would like this tabled to the next Board  
12 meeting?

13 MR. MUSCARELLA: No. I would vote on  
14 it. Vote on it.

15 SUPERVISOR SALADINO: Everyone is  
16 comfortable with voting on it today? Okay. Yes.

17 MR. McKENNA: Supervisor, can he answer  
18 the question about how was it advertised?

19 SUPERVISOR SALADINO: Sure.

20 COUNCILMAN PINTO: I can.

21 SUPERVISOR SALADINO: No problem.

22 COUNCILMAN PINTO: Because Brian told  
23 me how. It just --

24 MR. DEVINE: It was posted on our Town  
25 website.

1 SUPERVISOR SALADINO: It was posted on  
2 our Town website.

3 In addition to this, how else did we  
4 advertise this?

5 COUNCILMAN PINTO: Just to let you  
6 know. This was in place before I took over as the  
7 Commissioner of Parks.

8 SUPERVISOR SALADINO: Okay. We  
9 understand that.

10 COUNCILMAN PINTO: Brian did say it was  
11 advertised on our website and --

12 SUPERVISOR SALADINO: Did we also  
13 advertise this in a periodical, a newspaper?

14 COUNCILMAN PINTO: I don't know the  
15 answer to that question.

16 MR. DEVINE: I'm not sure about that  
17 answer, but I know that the RFP actually is still  
18 on our website. It will be taken down after you  
19 guys vote on it.

20 SUPERVISOR SALADINO: Okay.

21 Can we provide that information to the  
22 Board Members so they can see documentation of --  
23 print out a copy of where it is on the website, so  
24 they can read it and see and feel comfortable about  
25 that.

1 MR. ALTADONNA: Legislative affairs.

2 Maybe Legislative Affairs could look up and see.

3 MR. DEVINE: There's a portion of our  
4 website on the left-hand side that says, doing  
5 business with the Town. We have whatever relevant  
6 bids and RFPS are listed there.

7 At that point, that had been provided  
8 to our office so if you -- actually, if you wanted  
9 to go to the website, click on doing business with  
10 the Town, I'm pretty sure it's listed as surf  
11 school RFP.

12 SUPERVISOR SALADINO: Okay.

13 Well, I'd like us to continue to put as  
14 much information as we can possibly put up on the  
15 website so that it's -- so that everyone in the  
16 public can see it. Anyone interested in bidding  
17 will be able to easily find it and understand it to  
18 give them the opportunity to bid.

19 Thank you, Commissioner.

20 COUNCILMAN PINTO: Thank you.

21 SUPERVISOR SALADINO: If there's no  
22 other comments on the Resolutions, then we will  
23 call for a vote.

24 MR. ALTADONNA: Supervisor Saladino?

25 SUPERVISOR SALADINO: "Aye."

1 MR. ALTADONNA: Councilman Muscarella?

2 MR. MUSCARELLA: "Aye."

3 MR. ALTADONNA: Councilman Macagnone,  
4 go slow.

5 COUNCILMAN MACAGNONE: I abstain on  
6 P-13-17.

7 I abstain on 309.

8 I abstain on 322.

9 MR. ALTADONNA: Councilwoman Alesia?

10 COUNCILWOMAN ALESIA: "Aye," and "Aye"  
11 as to all of them, but I just wanted to comment  
12 because I have commissioners from Parks and DPW  
13 both in here.

14 On 321, we've received some information  
15 at my office about the lights in the outfield at  
16 POB park so if you have people going out there  
17 anyway to do general maintenance and repair, if you  
18 could just ask them to maybe consult with the local  
19 baseball league and find out what the story is.  
20 Something to do with the lights not being in the  
21 right place.

22 Other than that, "Aye."

23 MR. ALTADONNA: Councilwoman Johnson?

24 COUNCILWOMAN JOHNSON: I vote "Aye."

25 MR. ALTADONNA: Councilman Imbroto?



1 COUNCILMAN IMBROTO: "Aye."

2 MR. ALTADONNA: Councilman Hand?

3 COUNCILMAN HAND: "Aye."

4 MR. ALTADONNA: Okay. Here we go.

5 P-13-17 passes with six "Ayes" and one  
6 "abstention."

7 P-14-17 through 308, noting that 307  
8 was tabled, passes with Seven "Ayes."

9 309 passes with six "Ayes" and one  
10 "abstention."

11 310 through 321, noting that 318 was  
12 tabled, passes with seven "Ayes."

13 322 passes with six "Ayes" and one  
14 "abstention."

15 323 through 324 passes with seven  
16 "Aye."

17 Now, before we close, we have a Walk-on  
18 resolution.

19 May I have motion to suspend the rules  
20 and add the following walk on Resolution No. 326  
21 which is a Resolution relating to:

22 "WHEREAS, the Town of Oyster Bay  
23 ("Town") holds title to 43.21 acre parcels of land,  
24 located in East Norwich, Town of Oyster Bay,  
25 New York, known and designated as Section 24, Block

1 B, Lot 377, on the Land and Tax Map of the County  
2 of Nassau, which is land adjacent to New York State  
3 Route 106; and

4 "WHEREAS, the Town holds title to a  
5 9-acre parcel of land located on Washington Avenue  
6 in Plainview, Town of Oyster Bay, New York, known  
7 and designated as Section 13, Block B, Lot 354 on  
8 the Land and Tax Map of the County of Nassau; and

9 "WHEREAS, the Town has dedicated a  
10 portion of said parcel as parkland; and

11 "WHEREAS, the State of New York would  
12 like to purchase both parcels from the Town; and

13 "WHEREAS, New York State Senator Carl  
14 Marcellino has introduced a Bill in the New York  
15 State Senate, Bill No. S6587, authorizing the sale  
16 of said parcels and purchase of same by New York  
17 State;

18 "WHEREAS, Bill No. S6587 submitted by  
19 Senator Carl Marcellino requires a Home Rule  
20 Request from the Town of Oyster Bay,

21 "NOW, THEREFORE, BE IT RESOLVED, That  
22 the Town Board of the Town of Oyster Bay hereby  
23 supports Senate Bill No. S6587 as set forth  
24 hereinabove and the purchase of said parcel by  
25 New York State from the Town of Oyster Bay; and be

1       it further

2               "RESOLVED, that the Supervisor and the  
3       Town Clerk are hereby authorized to sign the  
4       appropriate number of Home Rule Request forms in  
5       support of Senate Bill No. S6587 as discussed  
6       above; and be it further

7               "RESOLVED, That the Town Clerk shall  
8       forward a copy of this Resolution, together with  
9       executed Home Rule Request Forms, to Anthony  
10       Piscitelli, Esq., New York State Senate, and to  
11       David J. Mushett, Esq., New York Assembly.

12              MR. MUSCARELLA: I'll make a motion.

13              So moved.

14              MR. ALTADONNA: May I have a second?

15              COUNCILMAN MACAGNONE: I'll be happy to  
16       second that.

17              MR. ALTADONNA: Okay.

18              SUPERVISOR SALADINO: Before we take  
19       the vote, I'd just like to explain this. I  
20       traveled to Albany with the intention of --

21              MR. ALTADONNA: This is just to suspend  
22       the rules.

23              SUPERVISOR SALADINO: Thank you.

24              MR. ALTADONNA: This is just to suspend  
25       the rules.

1 Motion made by Councilman Muscarella,  
2 seconded by Councilman Macagnone.

3 On the vote, Supervisor Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: "Aye."

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: "Aye."

9 MR. ALTADONNA: Councilwoman Alesia?

10 COUNCILWOMAN ALESIA: "Aye."

11 MR. ALTADONNA: Councilwoman Johnson?

12 COUNCILWOMAN JOHNSON: "Aye."

13 MR. ALTADONNA: Councilman Imbroto?

14 COUNCILMAN IMBROTO: "Aye."

15 MR. ALTADONNA: Councilman Hand?

16 COUNCILMAN HAND: "Aye."

17 Motion to suspend the rules and add the  
18 following Walk-On Resolution passes with seven  
19 "Aye."

20 May I have a motion to adopt the  
21 Walk-On Resolution 326?

22 COUNCILMAN MUSCARELLA: So moved.

23 COUNCILMAN MACAGNONE: Second.

24 SUPERVISOR SALADINO: I traveled to  
25 Albany with the intention of working with the State

1       Legislature in the Governor's Office to transfer  
2       property to the State of New York within the Town  
3       of Oyster Bay so that this property would be  
4       permanently preserved as open space.

5               These are properties that are sensitive  
6       to the recharge of our groundwater, sensitive to  
7       many species of plants and animals, and it's  
8       important to me and to our Board to preserve open  
9       space in our communities to protect our  
10      environment, to protect flora and the fauna that  
11      reside there and to make sure that we are doing  
12      everything in our power to permanently preserve the  
13      small amounts of open space that are left and to  
14      ensure that it is preserved publicly, not in the  
15      hands of the private sector, but in the hands of  
16      government.

17             The State is interested and the time is  
18      right to utilize, not only my relationships, but  
19      the resources of the recent State budget which  
20      calls for preserving open space.

21             Realizing that this was the right thing  
22      to do and because of our attention to our  
23      environmental resources, we are utilizing this  
24      opportunity to present these properties for  
25      permanent preservation.

1 I believe that the -- all the residents  
2 that I've spoken with support this initiative, they  
3 support open space preservation, they support  
4 recharge of our ground water, protecting the  
5 species and as well as the importance of  
6 recognizing that we preserve property wherever  
7 possible. So I thank you for the support of our  
8 Board.

9 Is there any public comment on this  
10 issue?

11 Mr. Ripp? We just ask that your  
12 comments be germane to this Resolution.

13 MR. RIPP: Robert Ripp, 77 Sunset Road.

14 Sounds like what you're doing is the  
15 right thing, but the problem is I don't see any  
16 reason why you didn't release any of this  
17 information, why this even has to be a Walk-On  
18 Resolution.

19 I mean, obviously you put a lot of  
20 thought into this. I'd like to -- maybe you can  
21 identify some of the residents that you spoke with  
22 about it. I didn't know anything about it until  
23 you just walked it on. I don't even know where the  
24 property is located or anything.

25 SUPERVISOR SALADINO: Okay.

1 MR. RIPP: I just think that it would  
2 be beneficial.

3 I mean, it sounds like a great plan,  
4 I -- based on what you're saying, I agree with what  
5 you're saying, but not being able to read any  
6 backup information to really understand anything, I  
7 really can't agree with you, so I think that  
8 there's no reason to walk this on.

9 I don't know if there's a time thing  
10 that all of a sudden you're in a rush, but the  
11 point is, it's pretty clear that you -- you knew  
12 about this well in advance of today's meeting.

13 Thank you.

14 SUPERVISOR SALADINO: This property --  
15 these properties have been identified in recent  
16 months since I took office. The Governor passed  
17 legislation to further provide open space and  
18 protect our environment as of the April 1st budget.  
19 What we did not -- what we were not sure was  
20 whether or not this legislation -- this is about  
21 Albany legislation. Whether or not we would need a  
22 Home Rule Message so we are doing this in case The  
23 Home Rule Message is required and why we're not  
24 waiting is because there's a limited amount of days  
25 left of session in Albany where the State

1       Legislature can vote.

2               We can continue to look at this meeting  
3       after meeting here because there's an unlimited  
4       amount of public meetings here in the Town of  
5       Oyster Bay, but there are limited amount of session  
6       days and we want to provide them with a backup.

7               This is all very common to the process  
8       in Albany where they are -- where they require Home  
9       Rule Requests in order for legislation to reach the  
10      Assembly or Senate floor, depending on the  
11      legislation, so that it meets the muster and one of  
12      the requirements is something known as a Home Rule  
13      Message or Request.

14              We are providing that to not put any  
15      hurdles from our end for this legislation reaching  
16      the Assembly floor and we appreciate the work of  
17      our legislators and our Governor to recognize that  
18      we must do everything possible to protect the open  
19      spaces left here in the Town of Oyster Bay here in  
20      Nassau County.

21              MR. MUSCARELLA: The Supervisor is  
22      being a little modest because it only transpired in  
23      the last 24 hours. He took the initiative to go to  
24      Albany yesterday morning, drive up there, spend the  
25      whole day advocating the -- protecting the



1 properties in the aquifer and he met with the State  
2 Senator and Assembly Woman and came up with this  
3 and they agreed on it and this is why we're doing  
4 the Home Rule, because we want to -- if it's  
5 viable, if it's good for the taxpayer -- but I just  
6 want to say that he took out of his time to do this  
7 and I think it's a -- it's a grand slam, really.  
8 Very nice of you to do --

9 MR. RIPP: I am not questioning the  
10 Resolution or the Supervisor's -- I think the Board  
11 really knew about it.

12 MR. MUSCARELLA: No. No. We didn't  
13 really -- I don't think the Board really knew about  
14 it.

15 COUNCILMAN IMBROTO: He just was in  
16 Albany yesterday.

17 MR. MUSCARELLA: Yesterday. We only  
18 found out this morning.

19 COUNCILMAN IMBROTO: And it has to be  
20 done today because session is almost over.

21 MR. MUSCARELLA: And the time element  
22 is now. If we don't do now, we'll lose the  
23 opportunity because they won't go back into session  
24 until next year.

25 SUPERVISOR SALADINO: Mr. Molinari,

1 would you like to come forward?

2 MR. MOLINARI: Good afternoon.

3 Paul Molinari, 332 West Nicholai  
4 Street, Hicksville.

5 As a former employee of the  
6 Environmental Protection Agency and having worked  
7 in my career on the designation of the Long Island,  
8 aquifers as a sole source aquifer, I would  
9 definitely support any, you know, designation of  
10 open space being permanently preserved.

11 I just had two questions. Maybe, I  
12 missed it. Is the property being transferred to  
13 the State and where is the property exactly? It  
14 said 106. I wasn't unsure. I didn't really catch  
15 where it was.

16 SUPERVISOR SALADINO: There are two  
17 properties. One is known as Goat Hill, which is in  
18 town, large approximately 24-acre piece of  
19 property; and the other, I believe, is a 9-acre  
20 piece of property on Washington Avenue in  
21 Plainview.

22 MR. MOLINARI: Okay. Thank you.

23 SUPERVISOR SALADINO: You're very  
24 welcome.

25 MR. MOLINARI: It's a purchase?

1 MR. ALTADONNA: It's a purchase.

2 SUPERVISOR SALADINO: Is there anyone  
3 else who would like to be heard on this Resolution?

4 Will the Clerk please call for a vote?

5 MR. ALTADONNA: Okay.

6 Motion was made by Councilman  
7 Muscarella, seconded by Councilman Macagnone.

8 On the vote, Supervisor Saladino?

9 SUPERVISOR SALADINO: As someone who  
10 has had one of the best proactive and  
11 proenvironmental voting records in Albany and now  
12 charged with the motivation to protect our  
13 environment in the Town of Oyster Bay, to protect  
14 our resources, to protect our species and protect  
15 our groundwater, understanding the need for more  
16 open space in our Town, I overwhelmingly and very  
17 proudly vote "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 MR. MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilwoman Alesia?

23 COUNCILWOMAN ALESIA: "Aye."

24 MR. ALTADONNA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."

1 MR. ALTADONNA: Councilman Imbroto?

2 COUNCILMAN IMBROTO: "Aye."

3 MR. ALTADONNA: Councilman Hand?

4 COUNCILMAN HAND: "Aye."

5 MR. ALTADONNA: Motion to adopt Walk-On  
6 Resolution No. 326 passes with seven "Ayes."

7 COUNCILMAN MACAGNONE: Excuse me,  
8 clerk. I have to amend one of my votes.

9 MR. ALTADONNA: Oh, okay.

10 COUNCILMAN MACAGNONE: I had -- I  
11 abstained on P-13.

12 I have to abstain -- excuse me, on  
13 P-14, I have to abstain on P-13.

14 MR. ALTADONNA: You abstained on P-13.

15 COUNCILMAN MACAGNONE: Sorry, I got  
16 that backwards.

17 Vote yes on P-13, abstain on P-14.

18 MR. ALTADONNA: Okay.

19 So let the record reflect that --

20 COUNCILMAN MACAGNONE:

21 MR. ALTADONNA: For you, Councilman,  
22 anything. Don't worry about it.

23 Let the record reflect P-13-17 passes  
24 with seven "Ayes."

25 P-14-17 passes with six "Ayes" and one

1 abstention.

2 The calendar is complete.

3 Now, we have public session.

4 COUNCILMAN MUSCARELLA: Supervisor, I  
5 make a motion to close the meeting.

6 COUNCILMAN MACAGNONE: Second.

7 SUPERVISOR SALADINO: The Clerk will  
8 take a vote.

9 MR. ALTADONNA: Yes, sir.

10 Supervisor Saladino?

11 SUPERVISOR SALADINO: "Aye."

12 MR. ALTADONNA: Councilman Muscarella?

13 COUNCILMAN MUSCARELLA: "Aye."

14 MR. ALTADONNA: Councilman Macagnone?

15 COUNCILMAN MACAGNONE: No.

16 I mean, "Aye."

17 MR. ALTADONNA: Councilwoman Alesia?

18 COUNCILWOMAN ALESIA: "Aye."

19 MR. ALTADONNA: Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: "Aye."

21 MR. ALTADONNA: Councilman Imbroto?

22 COUNCILMAN IMBROTO: "Aye."

23 MR. ALTADONNA: Councilman Hand?

24 COUNCILMAN HAND: "Aye."

25 MR. ALTADONNA: Go on to public.

1 SUPERVISOR SALADINO: Thank you very  
2 much and now onto the public comment portion.

3 (TIME NOTED: 3:53 P.M.)  
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