TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
July 12, 2022
10:25 a.m.

**JOSEPH SALADINO**
SUPERVISOR

**RICHARD LaMARCA**
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

SUPERVISOR SALADINO: Good morning, ladies and gentlemen, and welcome to the Oyster Bay Town Board meeting for Tuesday, July 12, 2022.

For those joining us this morning, you have the opportunity to be heard on matters brought before the Town Board as well as during the public comment period at the end of the meeting.

As always, this meeting is being live-streamed on social media and on the Town's website, which is oysterbaytown.com.

By the way, that's a great website that will give you all kinds of information including our concert schedule.

Tonight, we have a very special night. Perhaps -- with no disrespect to Big Shot of the Lords of 52nd Street -- because we're honoring our Veterans. It's our Salute to America. We honor our Veterans, and then we have a Bruce Springsteen tribute band followed by a Grucci fireworks show.

I want to take this opportunity, once again, to thank all of our Veterans, who we're honoring tonight, but we honor you every day of the year.

Tonight begins at 7:30 at Tobay Beach parking lot. Not all of our concerts are at Tobay,

as they were during the pandemic, and all of this information is available on oysterbaytown.com.

So if you have statements, comments, and input to our meetings, that is always welcomed and respected as part of the record, and if you're new to our meeting, we bend over backwards to respect one another, so that we're all paying attention to the speaker and not talking among ourselves, and we greatly appreciate that respect.

To submit comments online, you can email publiccomment@oysterbay-ny.gov; or mail us at the Office of the Town Attorney, 54 Audrey Avenue, Oyster Bay, New York 11771.

To lead us in prayer this morning, we have Rabbi Judy Cohen-Rosenberg of Temple Or Elohim of Jericho.

Rabbi, please begin.

Would you all rise.

RABBI COHEN-ROSENBERG: Eternal, our God, we need strength, humility, courage, patience, wisdom: Strength to control our passions; humility to assess our own worth; courage to rise above defeats; patience to cleanse ourselves of imperfections; and wisdom to learn and live by sacred teachings.

1 Let us not be discouraged by our
2 failings. Let us take heart from all that is good
3 and noble in our characters. Keep us from falling
4 victims to cynicism. Teach us sincerity and
5 enthusiasm. Endow us with perception and courage
6 that we may serve others with compassion and love.
7 Amen.
8 ALL: Amen.
9 SUPERVISOR SALADINO: Rabbi, thank you
10 very much for your friendship, your spirituality,
11 and your inspiration.
12 Those words are important to each and
13 every one of us on the Board, the elected officials
14 leading this Town -- to have patience with one
15 another. But it's also very important that all of
16 our residents also understand this, when times are
17 tough and when they're easy.
18 So thank you for those inspiring words.
19 Your message is so important.
20 God bless you. Your congregation is
21 very lucky to have you.
22 RABBI COHEN-ROSENBERG: Thank you.
23 SUPERVISOR SALADINO: Leading us in the
24 Pledge of Allegiance today are two very
25 distinguished Veterans, but they're incredible

1 human beings. They work hard for us each and every
2 day and serve Veterans and serve America in their
3 role.
4 It's been a few years since they wore
5 the uniform in the service, but they have not let
6 up in any way.
7 This morning, we're joined by United
8 States Army Korean War Veteran Bill Gruener of
9 North Massapequa, who served from 1953 to 1955, but
10 continues to serve.
11 Bill is also a long-tenured member of
12 the North Massapequa Fire Department and is
13 currently serving as President of the Nassau County
14 Fire Police.
15 Just thinking of you breaks me up.
16 (Whereupon, there was laughter among
17 the assemblage.)
18 SUPERVISOR SALADINO: We're also joined
19 by United States Army acting Sergeant Anthony
20 Sparaco of Farmingdale who served in Vietnam from
21 1968 to 1970.
22 Tony is a Senior Vice Commander for the
23 Military Order of the Purple Heart, Chapter 417, in
24 Nassau and Suffolk Counties.
25 You also break me up from my heart.

All kidding aside, we have all had the opportunity to see you, to work with you, to see what you do for the community and for Veterans over and over and over again. We're proud of you, we appreciate you for keeping America free but for your lesson to all of us.

There are good days and bad. There are tough hills to take, and you never slow down. You never let any hurdle get in your way. You know what the mission is, you stay focused on it, and you don't let anyone deter you from our pride in America and serving Veterans, so, gentlemen, the honor is ours, and the floor is yours.

(Whereupon, the Pledge of Allegiance was recited by Veterans Bill Gruener and Tony Sparaco.)

SUPERVISOR SALADINO: Thank you, Bill.

I believe you would like to address us.

VETERAN GRUENER: Yes.

If you would just remain standing. Over to my right is the chair of the POWs, MIAs, and I would like to add to that the WWs -- the Wounded Warriors.

I know in Korea -- the POWs -- 50 percent of them died in captivity. I just hope

we all remember them.

Thank you.

SUPERVISOR SALADINO: Thank you, once again.

VETERAN SPARACO: Thank you.

SUPERVISOR SALADINO: You are an enormous asset to the United States of America.

VETERAN SPARACO: Thank you.

VETERAN GRUENER: Thank you.

SUPERVISOR SALADINO: Let's give them a hand, please.

(Whereupon, a round of applause ensued.)

SUPERVISOR SALADINO: Ladies and gentlemen, as we stand for a moment of silence, please, let's think of our men and women in United States Armed Forces as we pray for their safety and the safety of all serving us here in the Homeland and abroad; all of those in emergency services; our first responders; our police, fire, and all of our medical personnel, who we realize put their safety and their lives on the line to protect us.

There are so many people working behind the scenes -- before us and behind us -- to protect us in every way. Let us pray to God that their

1 safety and protection continues.
2 (Whereupon, a moment of silence was
3 observed by the assemblage.)
4 SUPERVISOR SALADINO: Thank you very
5 much.
6 Please, be seated.
7 Ladies and gentlemen, we always utilize
8 the beginning of our meetings to honor exemplary
9 members of our communities, and, today, we are
10 proud to honor an accomplished young scholar in our
11 Town named Ethan Chiu.
12 Ethan Chiu is joined by his parents.
13 He just graduated from Syosset High
14 School and has been named a Presidential Scholar --
15 the only student from Long Island to receive what
16 is considered one of the Nation's highest honors.
17 Ethan was among 161 scholars chosen nationwide.
18 These Presidential Scholars are
19 selected by the White House Commission, annually,
20 based on their academic performance, artistic and
21 technical excellence, the essays they write, the
22 school evaluations, and they have demonstrated
23 commitment to community service and leadership.
24 Not an easy task.
25 This Fall, Ethan plans to study ethics,

1 politics, and economics -- I'm very happy to hear
2 ethics and politics in the same sentence -- as well
3 as molecular, cellular and developmental biology --
4 I'm not sure I can spell all those words let alone
5 perform at your level -- and he will be doing this
6 at a little community college around the block
7 called Yale University.
8 He's also interested in pursuing law or
9 medicine or both after graduating from Yale. His
10 interest in healthcare began after volunteering in
11 2019 at Nassau University Medical Center in East
12 Meadow.
13 Ethan, you're an incredible young man.
14 MR. CHIU: Thank you.
15 SUPERVISOR SALADINO: We appreciate
16 you, and, quite frankly, all of us in Town
17 government are amazed by your legacy, your
18 accomplishments, your dedication, your work ethic,
19 but how well-rounded a person you are.
20 It is extremely difficult to just be
21 focused on academics and be so successful, but then
22 when we see the scope of your activities, it's
23 rather amazing.
24 I think if you turn to your right --
25 that's your left -- your right --

(Whereupon, there was laughter among the assemblage.)

SUPERVISOR SALADINO: If you turn to your right, you see a large portion of the reason why -- your loving parents -- who sacrificed endlessly to give you these opportunities to assist, to promote, and provide you that support system to excel.

But make no mistake, we realize that so much of this comes from in you, your personal drive and your attention to detail and your hard work. It's a reach for excellence, and that's a great message to send to everyone of every age and, especially, young people and, especially, today.

So, Ethan, if you would please come forward, I'm going to ask my wonderful and worthy colleague, Councilwoman Michele Johnson, to assist, as well as all of the elected officials. If you'd stand at the rail so we may present you the Town of Oyster Bay's recognition in this Citation, our highest honor.

Ladies and gentlemen, Ethan Chiu.

(Whereupon, a round of applause ensued.)

(Whereupon, a Town Citation was

presented to Ethan Chiu followed by a photo opportunity and a round of applause.)

SUPERVISOR SALADINO: I've got to ask for another hand for Ethan.

(Whereupon, a round of applause ensued.)

SUPERVISOR SALADINO: He's amazing and clearly part of the pride of our Town.

It is really special what continues to happen in our Town from one end to the other. We're so proud of everyone here.

(TIME NOTED: 10:42 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
July 12, 2022
10:43 a.m.

**HEARING - Local Law**

To consider a Local Law entitled, "A Local Law to Amend Chapter 233 - Traffic, of the Code of the Town of Oyster Bay." (M.D. 6/12/22 #46).

**JOSEPH SALADINO**
SUPERVISOR

**RICHARD LaMARCA**
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: And at this
2 point, I'm going to ask our Town Clerk, Rich
3 LaMarca, to please poll the Board.
4 MR. LaMARCA: Supervisor Saladino?
5 SUPERVISOR SALADINO: Present.
6 MR. LaMARCA: Councilwoman Johnson?
7 COUNCILWOMAN JOHNSON: Present.
8 MR. LaMARCA: Councilman Imbroto?
9 COUNCILMAN IMBROTO: Present.
10 MR. LaMARCA: Councilman Hand?
11 COUNCILMAN HAND: Present.
12 MR. LaMARCA: Councilman Labriola?
13 COUNCILMAN LABRIOLA: Present.
14 MR. LaMARCA: Councilwoman Maier?
15 COUNCILWOMAN MAIER: Present.
16 MR. LaMARCA: Councilwoman Walsh?
17 COUNCILWOMAN WALSH: Present.
18 MR. LaMARCA: We have a quorum.
19 SUPERVISOR SALADINO: So, folks, we
20 have a number of hearings that we're going to hear.
21 If anyone would like to speak on any individual
22 hearing, please fill out a slip.
23 In addition to that, we are going to
24 break for Executive Session and then come out of
25 Executive Session for the Regular Town Board

1 Calendar.
2 Anyone can speak on the issues for the
3 Town Calendar. If they have something to say to us
4 that is not related to today's Calendar, they can
5 wait until the end, and we'll have a public session
6 -- public comment session -- where you can approach
7 and address the Board on issues that are important
8 to you.
9 So with that, Town Clerk, would you
10 please call the first hearing.
11 MR. LaMARCA: Today's first hearing is
12 to consider a Local Law entitled, "A Local Law to
13 Amend Chapter 233 - Traffic, of the Code of the
14 Town of Oyster Bay."
15 SUPERVISOR SALADINO: Please proceed.
16 MR. SABELLICO: Good morning,
17 Supervisor Saladino, Members of the Town Board,
18 Clerk LaMarca and Receiver Pravato.
19 My name is Thomas M. Sabellico, Special
20 Counsel, Office of the Town Attorney.
21 I'm here this morning to present to the
22 Board, for its consideration, a Local Law to amend
23 certain provisions of Chapter 233 - Traffic, of the
24 Code of the Town of Oyster Bay.
25 The Public Notice for this morning's

hearing, and that publication of that notice, were authorized by the Town Board by Resolution No. 463-2022, adopted at the Town Board meeting on June 28, 2022.

In accordance with that Resolution, the Public Notice was published in Newsday and posted on the Town website, and the proposed Local Law has been available for inspection at the Office of the Town Clerk and the Office of the Town Attorney.

Last year, the Town Board adopted a Local Law, which was the result of over three years of research and culminated in a rewrite of Chapter 233 of the Code of the Town of Oyster Bay, setting forth all of the traffic ordinances and including, with specificity, all of the locations of stop signs and the locations where parking is either prohibited or limited by time and intersections where turns are prohibited or limited by time on Town roads.

From time to time, the Town receives requests from residences, businesses, or the Nassau County Police Department to change, add, or delete stop signs or prohibitions or limitations included in Chapter 233.

These requests are forwarded to the

1 Highway Division of the Department of Public Works,
2 and a traffic study is conducted. If, as a result
3 of the traffic study, it is determined that the
4 requested change, addition, or deletion is
5 reasonable and is consistent with the remainder of
6 Chapter 233, the Highway Division forwards
7 recommendations to the Office of the Town Attorney
8 to include those changes, additions, or deletions
9 in the next proposed amendment of Chapter 233.
10 What is before you today is a proposed
11 Local Law to amend Chapter 233 to include all
12 changes received and reviewed by traffic study
13 since the last amendment of Chapter 233.
14 The proposed Local Law has been
15 forwarded to the Department of Environmental
16 Resources for their review and consideration as to
17 the possible environmental impact, if any, of the
18 proposed changes to the Code, and the Department
19 has determined that the adoption of the proposed
20 Local Law is a Type II Action under SEQRA requiring
21 no further action.
22 Any correspondence that has been
23 received from the public regarding the proposed
24 Local Law has been distributed to the Board and the
25 Office of the Town Attorney and will be considered

1 part of the public record of this hearing.
2 It is requested that the hearing be
3 closed at the end of this hearing and that decision
4 be voted on at today's hearing.
5 SUPERVISOR SALADINO: Are there any
6 questions of our counsel from the Town Board
7 members?
8 (Whereupon, there was no response from
9 the Board.)
10 SUPERVISOR SALADINO: Okay.
11 Thank you, Tom.
12 MR. SABELLICO: You're welcome,
13 Supervisor.
14 SUPERVISOR SALADINO: We have some
15 public speakers who would like to be heard on this
16 hearing.
17 The first is, I believe I have this
18 right, Audra Roth.
19 COUNCILWOMAN JOHNSON: Supervisor, I
20 know that my office and John Bishop received
21 correspondence from the community, and I believe
22 this solves a lot of problems. It is my
23 understanding, but let's see what everyone has to
24 say.
25 SUPERVISOR SALADINO: Thank you.

COUNCILWOMAN WALSH: Oh, can Mr. Fabio go first because he was the one who initially contacted us?

SUPERVISOR SALADINO: If that's okay. Are you okay with that, Ms. Roth.

MS. ROTH: Yes. Yes, I am.

SUPERVISOR SALADINO: Okay. John Fabio, come on up, please.

MR. FABIO: Good morning, Supervisor Saladino and Members of the Town Board.

SUPERVISOR SALADINO: Good morning.

MR. FABIO: My name is John Fabio. I reside at 11 Marion Street in Greenvale, and I am the President of the Greenvale Civic Association.

Before I begin, just a footnote. We were happy to welcome Ethan and his family as new residents of Greenvale, so they just moved in a couple of months ago, and we're happy to have them in our community.

SUPERVISOR SALADINO: Wonderful news.

MR. FABIO: I am here today to encourage the Board to approve the request for traffic signs that would prohibit right turn from Helen and Cedar Streets onto Marion Street between the hours of 7:00 a.m. and 10:00 a.m. and 3:00 p.m.

1 and 6:00 p.m., which, traditionally, are the
2 morning peak and the afternoon peak times -- except
3 for school buses.
4 This is an urgent matter of public
5 safety for the residents of the impacted streets,
6 as I have just indicated, in our community.
7 But before I address the need for this
8 particular action, it would be my pleasure to
9 indicate our appreciation to Councilwoman Vicki
10 Walsh who helped get us the reduced speed limit
11 signs on those streets. So that is another piece
12 of this trying to solve this traffic problem.
13 I also would like to express our
14 appreciation to someone from your office,
15 Supervisor Saladino, Colin Bell, who was very
16 instrumental in helping us bring this matter before
17 the Board.
18 I would also, publicly, like to thank
19 John Bishop, Deputy Commissioner of the Highway
20 Department, and Ken Bishop who came with Colin to
21 the community, met with the residents and looked
22 first hand at this problem that has been plaguing
23 this community for far too long.
24 COUNCILWOMAN WALSH: Yeah, I just want
25 to tell Supervisor -- he's always saying that you

1 don't have to come to a meeting, you can just call,
2 and about a year and a half ago, I guess, I came to
3 your home because you couldn't -- for years you
4 said that you've been trying to explain this
5 situation. So they're part of the Town of Oyster
6 Bay and the Town of North Hempstead, and we called
7 Colin Bell and John Bishop and immediately --
8 because it was such a tough situation to explain --
9 they did go out to the community, and it got done
10 pretty quickly, so we appreciate it -- to your
11 department, Colin.
12 And also one other thing I wanted to
13 mention is you were once a Councilman of the Town
14 of Hempstead --
15 MR. FABIO: Many, many moons ago.
16 COUNCILWOMAN WALSH: -- and thank you
17 for still staying involved, though, after you left
18 that position, for all of these years because
19 you're here on behalf of all of these residents and
20 everyone from your Association, so know that we do
21 not consider you orphans, as you once said, and
22 that we appreciate all that you do.
23 MR. FABIO: Well, having served on both
24 sides of the aisle, both behind the dais and in
25 front of it as a civic leader for over forty years,

I do understand the complexity of trying to resolve some of these issues and appreciate the Board's consideration of this request.

Maybe the Town Clerk -- this is just a piece of information for the Board members.

(Whereupon, documentation was presented to Town Clerk LaMarca who presented it to the Board for perusal.)

SUPERVISOR SALADINO: John, what years did you serve on the Hempstead Town Board?

MR. FABIO: When?

SUPERVISOR SALADINO: Yes.

MR. FABIO: 1993 to '97.

Under May --

SUPERVISOR SALADINO: North Hempstead?

MR. FABIO: Yes, North Hempstead.

SUPERVISOR SALADINO: North Hempstead Town Board.

MR. FABIO: May Newburger was the Supervisor.

SUPERVISOR SALADINO: Sure. Sure.

MR. FABIO: You served with her in the Assembly. I don't know --

SUPERVISOR SALADINO: No, I did not. She was already home.

1 MR. FABIO: Okay.
2 It's an interesting four years.
3 Let me just continue with some of the
4 information that might be helpful.
5 The requested restrictive turn signs
6 are critical to reduce the dangerous cut-through
7 traffic problem impacting Cedar, Helen, and Marion
8 Streets in Greenvale.
9 Briefly, the intersection of Glen Cove
10 Road and Northern Boulevard, which is the second
11 busiest intersection in all of Nassau County,
12 creates a backup northbound of traffic almost about
13 a half a mile back northbound on Glen Cove Road.
14 So many of the impatient drivers, then,
15 peel off of Glen Cove Road, cut down Helen, cut
16 down Cedar Street to Marion Street, they make that
17 right turn, and there's a straight shot right to
18 Northern Boulevard where they -- most of the cars
19 would be turning right at Northern and Marion and
20 going westbound, and a few cars would be turning
21 left and going eastbound.
22 As a matter of fact, you have before
23 you a traffic study that was conducted by the Town
24 of North Hempstead back in 2013, which indicated --
25 this was done by AKRF, the environmental and

1 planning consultants, they confirmed and documented
2 the cut-through traffic problem, which has only
3 gotten worse since the development of about 1,100
4 condos and apartments in Glen Cove, funneling all
5 of that commercial and residential traffic through
6 Greenvale.
7 SUPERVISOR SALADINO: And you remember
8 when I came to your civic association, that was
9 exactly the conversation that was going on, how
10 that development would impact the traffic
11 situation.
12 MR. FABIO: Right.
13 And interestingly enough, Glen Cove
14 omitted the impact of that whole series of
15 developments to the community southward, which is
16 Greenvale and Roslyn Harbor, so --
17 COUNCILWOMAN JOHNSON: And there's
18 possibly more development to come.
19 MR. FABIO: Oh, yes. And also with the
20 ferry. Once that becomes operational, we'll have
21 more traffic.
22 SUPERVISOR SALADINO: And, quite
23 frankly, this is an issue across Long Island.
24 And the moves that government make have
25 impacts on traffic and quality of life, and this

1 issue repeats itself with so many different aspects
2 of our governing.
3 MR. FABIO: So, just briefly, if you
4 just peruse that Table Number 2 that I presented to
5 you, you will see documented 119 cars that cut
6 through Helen and Cedar Street to Marion Street
7 during that three-hour period, which, you know, if
8 you average it out, is about one car every minute
9 and a half coming down Marion Street.
10 If you look at the -- that was the a.m.
11 peak period -- if you looked at the p.m. peak
12 period, you would see 153 cars total coming through
13 Cedar and Helen and onto Marion Street, which is
14 about one car every minute, so we get no peace
15 during those peak times.
16 I might indicate that there are no
17 sidewalks on our streets. More recently, we have
18 had many young families, as witnessed, the Chiu
19 family that was just here, with young children,
20 more than we've ever had in the past. It's a nice
21 turnover. We're getting some of the older
22 residents are moving out, retiring, and our houses
23 -- the turnover we're getting a lot of nice, young
24 families with children.
25 It also happens to be the intersection

of where school buses from two districts, both Roslyn and North Shore, have bus stops right at that intersection, and cars come barrelling through in the morning with little regard for kids getting on and off the school bus, so, you know, another reason for, you know, needing this action.

SUPERVISOR SALADINO: John, we want to thank you for your participation. We're trying to give the same amount of time to everyone speaking. We understand you put a lot of work into this, and that your heart and your leadership skills are very evident.

Thank you very much.

MR. FABIO: It's been a long time coming, Supervisor.

SUPERVISOR SALADINO: We're happy to comply, and we hope that this finally solves the problem we've been trying to find a solution for quite some time.

MR. FABIO: Yeah.

The next step is enforcement. As we all know, signs, in and of themselves, do not change behavior.

SUPERVISOR SALADINO: It's a piece of it.

Thank you so much for being here.

MR. FABIO: And also I might add there are a couple of residents who are from the impacted streets who may want to make a few comments.

SUPERVISOR SALADINO: Sure.

The fact that we have it on the board -- our Calendar for today, I think speaks volumes that we are listening, and that we do want to do it, so folks have the sense that they're coming up to sell us on the idea, but we certainly have been listening. And the fact that we put these changes on for this hearing, I think, speaks volumes that we're in lockstep with you.

MR. FABIO: Great.

I thank you, I thank the Board, and all of the people that contributed to us being here today.

SUPERVISOR SALADINO: Thank you, Councilman.

MR. FABIO: Thank you.

SUPERVISOR SALADINO: Have a great day.

Our next speaker on this hearing will be Audra Roth.

MS. ROTH: Good morning.

SUPERVISOR SALADINO: Good morning.

How are you.

MS. ROTH: I'm doing well. Thanks.

My name is Audra Roth. I live at 10 Helen Street in Greenvale.

So if you go off of Glen Cove Road by Abeetza Pizza, which is very good, and Leonetti's Bakery, right across the street from the Greenvale train station where the traffic light is, that's Helen Street, and I live at the end, so my house is on Helen and Marion, and I've lived there for 22 years, and my kids are just graduated from college now.

SUPERVISOR SALADINO: Congratulations.

MS. ROTH: Thank you very much.

Electrical engineering from Cornell and Food Science from Cornell. I'm very proud.

But I'm going to be here for awhile, I'm not moving out. My neighbors across the street moved out when her kids graduated, so she give me her traffic folder (indicating).

SUPERVISOR SALADINO: Are you planning on reading every page of that right now?

(Whereupon, there was laughter among the assemblage.)

MS. ROTH: No. I looked through it

last night. It goes back to 2012, so she was really into it, so she was writing letters to everybody because -- you know this -- but in her folder, she had these great little maps (indicating).

And if you look at the map, if you drive north, so you're going to go -- the yellow line is Glen Cove Road (indicating), so if you go -- if you turn or go straight, north, up the yellow line, my neighborhood is to the right. Greenvale is to the right over there (indicating), and the Town of North Hempstead is the green highlight (indicating), and she had highlighted the Town of Oyster Bay in red (indicating).

So Helen Street is the very first one in the red (indicating), and then -- we call it the back roads -- Addison, Osborne -- and some of that is in Greenvale, and some of that is in Old Brookville, I think.

An issue is so many jurisdictions are within our one neighborhood. We have the Town of North Hempstead and Oyster Bay and no disrespect, looking at her folder, and I've also been to a number of meetings and stuff, the Town of Oyster Bay and the Town of North Hempstead, they don't

1 really work together on this issue. I don't know
2 -- I know nothing about politics -- on this issue,
3 they really haven't been working together.
4 So one town will do a traffic study and
5 then years later another town will do a traffic
6 study. They won't look at each others traffic
7 study, they won't even hire the same traffic study
8 organizations or anything, so every one comes up
9 that, yes, there is a problem, but nothing's ever
10 really done to resolve the problem.
11 Flouted for years has been, oh, let's
12 dead end Helen or let's dead end Cedar or let's
13 dead end Marion at Northern Boulevard and then that
14 will solve the problem because no one will be
15 cutting down Marion.
16 Yes, I do understand, I do not live in
17 a private neighborhood. I get it. They're public
18 roads. I completely agree. We're not stopping
19 traffic from going through public streets. I'm not
20 asking you to do that, but the turning signs -- or
21 no turning signs -- would be good.
22 This particular topic had reached, I
23 mean, like, a pinnacle of neighborhood discontent,
24 like, I don't know, it was, like, twelve or
25 thirteen -- it was years ago -- because Stacy

Rovner, I don't know who she -- she spoke to someone and got that -- well, whatever, she was getting a no left-hand turn sign coming southbound off of Glen Cove Road that you couldn't make a left into Marion and go up. Everyone just shoots up Marion. It's a cut-through. And, especially, now, with GPS, everyone cuts through, but if you could, please, consider this Resolution and pass it. It would make a big impact.

My kids aren't affected with it so much anymore because they're not around, but, now, I'm the older generation in the neighborhood. I don't have the young kids and all the houses are turning -- they really are turning over in my neighborhood. I don't even want to tell you. The house down the block sold for a lot of money. I couldn't believe it. I was, like, oh, my God, someone paid that much money to live in my neighborhood, and I said to my husband, we should move, and he's, like, where are we going to go, which is true, so I'm going to be here for awhile.

But the people that are moving in, they all have little kids, and it was a problem when my kids were growing up. I never really let my kids -- they weren't allowed to play on the front lawn.

They could only play in the back because of all the cars, and if you're going to cut through a neighborhood, the reason you're cutting through is you want to get out of the traffic on Glen Cove Road, which is understandable, but why do you want to do that? You want to do that because you want to get where you're going right now. So you're going to cut through, and you're just going to, you know, hightail it down Marion Street, which is a residential area, and they don't care, and I get it, but we really need to do something.

SUPERVISOR SALADINO: And that's why we're here today, so if I can ask you one question, you're telling us, to reiterate, you're here to tell us you're in favor of the proposed changes?

MS. ROTH: Correct.

SUPERVISOR SALADINO: Thank you very much.

We appreciate your participation.

MS. ROTH: Thank you.

SUPERVISOR SALADINO: Thanks for joining us.

And congratulations on those graduations.

MS. ROTH: Thank you.

SUPERVISOR SALADINO: Our next speaker is Mary Miller.

Good morning. How are you.

MS. MILLER: Good morning.

SUPERVISOR SALADINO: Would you begin by giving us your full name and address for the record?

MS. MILLER: Sure.

My name is Mary Miller. I live at 3 Helen Street in Greenvale. I've lived there about eight years now.

Thank you for hearing us this morning about this Resolution.

When I moved here, I didn't have kids, but I do now. I have two-and-a-half-year-old twins, and, like Audra said, I would never let them play in my front yard.

If you were to see on the map, 3 Helen Street is the second house in from Glen Cove Road, and that intersection, itself, of Glen Cove Road and Helen Street is dangerous. There's a pedestrian crosswalk there, but people run that red light. People come turning from Glen Cove Road onto Helen extremely quickly, and it's uphill, so you can't, actually, really see what you're turning

in to, so every time I back out of my driveway, I've been, multiple times, almost rear-ended or people swerve to go around me because they don't want to wait for me to then go from reverse into drive to drive.

The cut-through traffic is constant, and I will be the first to acknowledge that this Resolution isn't the most convenient for me. Every day I go from Helen Street down the rest of the block, I make a right turn on Marion, I go shopping at Stop & Shop right there, I shop at Wheatley Plaza, I take my kids to school down Northern Boulevard to their Pre-K, so, for me, I do that, but I'm willing to have the inconvenience of going a different direction if it means that cars will not continue speeding down Helen Street or Cedar Street turning onto Marion.

I understand for people that it's convenient to cut through there to avoid some of the Glen Cove Road traffic. If they did it without speeding, I probably wouldn't mind as much, but people are not observing the 25 mile an hour speed limit. They're going 30, 40, or more.

I drive the speed limit, especially when someone's behind me, to make sure that they're

not speeding, and I've been passed. There's no sidewalks. They don't even slow down when they see me walking with kids in a stroller. When they see that we have a lot of neighbors with dogs -- walking their dogs -- people don't even slow down when there's somebody walking on the street. They just fly right past them and narrowly hit them.

My husband had a student, he's a teacher, he had a student hit by a car right there who was hospitalized, so it's dangerous, and, so, even though it might be inconvenient for some of us as residents, we are -- most of us are willing to say, well, we'd rather have the inconvenience if it means it's safer for us as residents to be able to be outside with our families, so thank you.

SUPERVISOR SALADINO: Thank you very much.

We appreciate you coming here.

Our next speaker is Leah Plevrites.

MS. PLEVRITES: Good morning, everybody.

SUPERVISOR SALADINO: Good morning.

MS. PLEVRITES: Thank you for having us. We really appreciate it.

I am pro the amendment, the change --

in favor for the no right turn.

I live on Helen -- 8 Helen Street. I'm, actually, new. I've only been here two years, and that's a very short time, but in that very short time, I've seen how the traffic negatively affects everyday life.

My kids are eight, five, and two, and I do want to have them play in the front yard. I do want my son to throw a ball with my husband, I want them to run around and do cartwheels, and I get so nervous when they get too close to the traffic. People that cut through our street don't have any regard for that. Even when we wave to them, they just cut through, and they are one mission -- get where I have to go.

I've walked with my kids, and they'll swerve around us, just like Mary had mentioned. I've had a bus come -- with stop signs -- and my kids are -- I'm loading them up to the bus, and people beep at the bus, which I find terrible. It makes my kids nervous, it makes me nervous, and then people have gone around the bus too, so this is a very important issue that we have to solve, not only for the kids, but for the whole community.

Like Mary had mentioned, like John,

like Audra, there's people that are walking their dogs. Every walk of life from kids to elderly to adults. We want to be able to use our community and to be able to feel safe there, and this is something that we have to change right away before somebody else gets hurt.

SUPERVISOR SALADINO: Thank you.

MS. PLEVRITES: Thank you so much.

SUPERVISOR SALADINO: We appreciate you joining us this morning.

That's all the slips I have for speakers. I'm assuming no one else wants to be heard even though there are many other people here who, I believe, are in favor of today's Resolution.

COUNCILMAN HAND: Supervisor, there's a woman who is raising her hand.

SUPERVISOR SALADINO: Please, come on up.

MS. RUGGILO: Hi. I'm Mary Ruggilo, and I live at 5 Hilary Drive in Bayville, and --

SUPERVISOR SALADINO: Mary?

Did you say Mary.

MS. RUGGILO: Mary Ruggilo.

SUPERVISOR SALADINO: Okay. I'm sorry. I have your slip here.

1 MS. RUGGILO: Okay, great.
2 SUPERVISOR SALADINO: Thank you.
3 MS. RUGGILO: I'm President of the West
4 Harbor Estates Association in Bayville, and I'm new
5 to working with local government, so I don't always
6 know where to find the information or who to speak
7 to, so my first question is the Association is here
8 today to support the installation of a sign at West
9 Harbor Drive and Allen Road, and I just want to
10 make sure that that's in the Resolution before I
11 speak.
12 MR. SABELLICO: Yes, it is.
13 MS. RUGGILO: It is. Okay, great.
14 So while we do appreciate and support
15 having that sign installed, we're concerned because
16 that will help with the stop sign that was
17 installed a year ago on Hilary Drive and West
18 Harbor Drive, and the Association had been
19 e-mailing the Town and the Nassau County Police
20 Department about our issues with speeding on West
21 Harbor Drive in Bayville around to Center Island,
22 so we were not -- we, actually, did not ask for the
23 stop signs, and we were not consulted. We didn't
24 even know that this was being studied.
25 So, now, we do need to have the Allen

stop sign because at Hilary right now, there's more problems because people stop and then it's, like, they speed up and drag race down West Harbor Drive around to Center Island, so we do ask that if there's any other proposals in our neighborhood, that we be consulted.

I was working with Ron --

SUPERVISOR SALADINO: Scaglia.

MS. RUGGILO: -- Scaglia in your office, and he's been very helpful --

SUPERVISOR SALADINO: Good.

MS. RUGGILO: -- but when they installed the stop sign on Hilary, I called him, and he said he didn't know anything about it, and, so, that was a little strange. We just want to make sure that we have a say in what's happening in our neighborhood.

So we do support the stop sign; however, we are also asking that you use your influence to work with the Nassau County Police to enforce them because right now people are going right through the stop signs, and there's a lot of truck traffic going to Center Island. They're doing a lot of construction and renovation. It's very noisy when they stop and then take off, so if

you could help us, I'll be contacting them, of course, but if you could help us with that, that would be great enforcement.

SUPERVISOR SALADINO: Okay.

MS. RUGGILO: And then also coming from Center Island around to Bayville, I'm concerned because there's a blind curve, and people drive really fast, so I think you're going to need to have some kind of enforcement in that area so that nobody gets hurt.

SUPERVISOR SALADINO: We understand.

We're here for you and the residents for your safety and to make this right, and we'll work harder at the communication piece.

Additionally, I'm going to request that Colin Bell and Commissioner McCaffrey work with my office to contact the Nassau County Police because we realize that the enforcement piece is a major portion. Just changing the signs alone is not going to do the whole job.

MS. RUGGILO: Yes.

SUPERVISOR SALADINO: We understand how important the enforcement piece is.

COUNCILWOMAN JOHNSON: And you understand it's not the Town that enforces the

speed limits.

MS. RUGGILO: No. I know it's Nassau County, but I know you have influence with them.

COUNCILWOMAN JOHNSON: Yes, of course.

SUPERVISOR SALADINO: And I'm asking our staff to get on this immediately to alert the precinct so that we are asking for not only stepped-up enforcement in the short term, but it's really important to do it consistently.

MS. RUGGILO: Yes.

SUPERVISOR SALADINO: And the Nassau County Police do a wonderful job, but we understand how a phone call will make a difference.

MS. RUGGILO: Yes. Thank you.

SUPERVISOR SALADINO: Thank you, Mary.

MS. RUGGILO: Thank you.

SUPERVISOR SALADINO: And our former Mayor is here, Victoria Siegel.

Good morning. How are you.

MAYOR SIEGEL: Just fine. Thank you.

SUPERVISOR SALADINO: It's great to see you.

MAYOR SIEGEL: It's nice seeing you. It's nice to see my old colleague over there, Jeff.

MR. PRAVATO: I'm getting there.

SUPERVISOR SALADINO: You said your old colleague.

MAYOR SIEGEL: Meaning a long time ago --

SUPERVISOR SALADINO: I get it.

MAYOR SIEGEL: -- because if I make him old, I have to make me old.

(Whereupon, there was laughter among the assemblage.)

MAYOR SIEGEL: I'm here today also representing the West Harbor Civic Association regarding the request for stop signs at Allen Road in order to continue to make West Harbor Drive a safer road.

I support the placement of the stop sign. I'm not happy about it. I have to tell you, quite honestly. The two stop signs that were placed in either direction at Hilary are right underneath my bedroom window, so, I mean, it makes it wonderful, but aside from that --

SUPERVISOR SALADINO: It sounds like you're saying you're not happy for the need for them, but I am taking this to mean you are in support of the fact that they will help with the traffic issue.

1 MAYOR SIEGEL: I'm in support that they
2 help in the traffic issue.
3 SUPERVISOR SALADINO: And you want them
4 installed?
5 MAYOR SIEGEL: Well, yes, I do.
6 SUPERVISOR SALADINO: Okay.
7 MAYOR SIEGEL: I believe I made that
8 clear.
9 SUPERVISOR SALADINO: I just wanted to
10 clarify that.
11 MAYOR SIEGEL: I believe I made that
12 clear.
13 But I do have to bring up the fact that
14 when the stop signs were put in place at Hilary and
15 also at the driveway of West Harbor Beach, the
16 Association knew nothing about it.
17 In the meantime, the Association had
18 been dealing with the Town of Oyster Bay in excess
19 of a year regarding making West Harbor Drive a
20 safer roadway.
21 Having had prior experience with the
22 Town of Oyster Bay, which has always been a great
23 Township and continues to be under your
24 leadership --
25 SUPERVISOR SALADINO: Thank you.

1 MAYOR SIEGEL: -- what has been
2 happening with this situation, to me, seems to be
3 out of sync with the way the Town of Oyster Bay has
4 always operated.
5 It has been my belief that whenever the
6 Town of Oyster Bay became aware that there was a
7 civic association in place, the Town kept that
8 civic association aware of any action that may be
9 taken within that association, and here we had stop
10 signs erected, which we did not request, and the
11 Association not being notified. Then when we said,
12 okay, you put the signs up, you're telling us
13 you're not going to remove them.
14 So now, we're asking you to please
15 place another stop sign at Allen Drive -- at Allen
16 Road, in order to make the situation better, and in
17 making that request, until we contacted and used
18 the good offices of Councilwoman Johnson, we had
19 been waiting, and we had been told -- we were told,
20 well, it will be on for Spring, it'll be on for the
21 Summer, it will be on for the Fall, so that
22 situation seems out of sync with the way the Town
23 of Oyster Bay has normally operated because the
24 Town of Oyster Bay has always been very prompt in
25 responding to the concerns of the residents, so, I

1 think, something fell in between the cracks here,
2 but I'm glad that with the good offices of Michele,
3 and I can call you Michele, I was at your
4 christening --
5 COUNCILWOMAN JOHNSON: Yes.
6 (Whereupon, there was laughter among
7 the assemblage.)
8 MAYOR SIEGEL: -- that this is getting
9 resolved, but, Mr. Supervisor, I have to say that
10 speed bumps are really the ideal solution on that
11 road. I know the Town does not like them.
12 SUPERVISOR SALADINO: It's not the
13 Town. There's New York State guidance against
14 using speed bumps for speed control, which sounds
15 odd, but that's the reality of what New York State
16 has told us, but we can -- I don't want to use up
17 your time because you, obviously, have a --
18 MAYOR SIEGEL: Well, I did some
19 homework. I did some homework --
20 SUPERVISOR SALADINO: Okay.
21 MAYOR SIEGEL: -- and the National
22 Organization of Transportation Professionals do, in
23 fact, approve of and urge the use of these speed
24 bumps, and, in fact, laid out a roadway that meets
25 West Harbor Drive to a "T," okay, and is

1 recommending these speed bumps.
2 Now, I understand why a municipality
3 may be opposed to them. I'm sure it interferes or
4 makes it -- it doesn't make it better for when
5 you're plowing the roads. It might also interfere
6 with first responders, so I understand why
7 municipalities may be slow in adopting these
8 things, but I think there may be situations where
9 that might be the solution, and I urge you to look
10 at it, but in the meantime, give us the stop sign
11 at Allen Road, okay, and, hopefully, that will make
12 the situation better, and, again, I thank the Board
13 for listening to us.
14 I thank you, Michele, for stepping in
15 and speeding the way, and nice seeing you again,
16 Jeff, and to all of you.
17 Thank you very much.
18 SUPERVISOR SALADINO: Thank you.
19 Michele does a wonderful job --
20 Councilwoman Johnson. We're very thrilled to have
21 her as a Member of this Town Board and all she
22 advocates for.
23 I believe -- I'm going to be careful --
24 are there are other speakers on this hearing.
25 Are there any, by a show of hands, are

there any other speakers.

Is there anyone else who would like to be heard on this hearing.

(Whereupon, a member of the assemblage raised their hand to be recognized.)

SUPERVISOR SALADINO: Come on up, sir.

MR. RUGGILO: Good morning.

SUPERVISOR SALADINO: Good morning.

MR. RUGGILO: Supervisor Saladino, distinguished Members of the Council.

I am Louis Ruggilo, the husband of Mary Ruggilo (indicating). I live at 5 Hilary Drive. I am a retired sergeant of the NYPD after 9-11.

And the gentleman from North Hempstead mentioned the enforcement. That goes hand in hand, Supervisor Saladino, with these stop signs.

We know that our good neighbors in Center Island are in a hurry to get home, we understand that, and I am in favor of the stop sign at Allen Road.

The stop sign at Hilary, there is nothing between there connecting down to Bayville Avenue, so it becomes a straight shot all the way through, so cars are -- I don't have a speed gun -- but they are doing well over 35, 40, 50.

In terms of enforcement with the police, it's a beautiful view of Oyster Bay; however, the car needs to be looking at the road, not the Bay while he is there or she's there -- the officer.

Additionally, I think the trucks that are going down West Harbor are overweight. They should be using Bayville Avenue, but I realize that West Harbor is a more convenient cut-through.

Again, I just want to reiterate what Mayor Siegel, and my wife said (indicating), that I am in favor of a stop sign at Allen.

I want to thank all of you for your time, and we look forward to working with you, with this distinguished Board, okay.

Thank you very much.

SUPERVISOR SALADINO: Thank you.

We look forward to working with you too.

MR. RUGGILO: Thank you.

SUPERVISOR SALADINO: Thank you for joining us today.

MR. RUGGILO: You're welcome.

SUPERVISOR SALADINO: Anyone else?

Would anyone like to be heard on this

1 hearing.
2 (Whereupon, there was no response from
3 the assemblage.)
4 SUPERVISOR SALADINO: Okay.
5 With that -- yes, sir.
6 MR. SABELLICO: Supervisor, just so we
7 understand the timing.
8 If the Town Board adopts the Local Law
9 today, it then must be sent to the Secretary of
10 State before it can become effective. That takes
11 about ten days.
12 When the Secretary of State advises us
13 that it is effective, then we can start to
14 manufacture the signs and get them posted.
15 So even if you were to adopt it today,
16 I just want the residents to understand, the signs
17 can't be put up until the Secretary of State
18 acknowledges receipt of the Law.
19 COUNCILWOMAN JOHNSON: Thank you.
20 MR. SABELLICO: So it is requested,
21 with that, that the hearing be closed, and that the
22 decisions be voted on today, if you so move.
23 SUPERVISOR SALADINO: And with that,
24 may I have a motion -- oh, yes, anyone else like to
25 be heard?

(Whereupon, there was no response from the assemblage.)

SUPERVISOR SALADINO: Is there any -- I'm sorry -- is there any correspondence?

MR. LaMARCA: Supervisor, we have Affidavits of Posting and Publication.

There is no other correspondence.

SUPERVISOR SALADINO: Thank you, Town Clerk.

May I have a motion, please.

COUNCILWOMAN JOHNSON: Supervisor, I'll make a motion that this hearing be closed.

COUNCILMAN IMBROTO: Second the motion.

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

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed, "Nay."

(Whereupon, there were no "Nay" responses from the Board.)

COUNCILWOMAN JOHNSON: And thank you to everyone who came out today.

SUPERVISOR SALADINO: The "Ayes" have it, and, yes, thank you to you all.

Thank you very much for joining us and

1 your participation.
2 (TIME NOTED: 11:22 A.M.)
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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
July 12, 2022
11:23 a.m.

**HEARING - Local Law**

To consider a Local Law entitled: "A Local Law to Amend Chapter 246 - Zoning, Section 246-2.4, Definitions, Section 5.5.5, Apartments Over Stores or Offices and Section 246-5.2 Schedule of Use Regulations - Nonresidence Districts, of the Code of the Town of Oyster Bay." (M.D. 6/14/22 #45).

**JOSEPH SALADINO**
SUPERVISOR

**RICHARD LaMARCA**
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: With that, would
2 you please kindly call the next hearing?
3 MR. LaMARCA: The next hearing today is
4 to consider a Local Law entitled, "A Local Law to
5 Amend Chapter 246 - Zoning; Section 246-2.4,
6 Definitions; Section 5.5.5, Apartments Over Stores
7 or Offices; and Section 246-5.2 Schedule of Use
8 Regulations - Non-Residence Districts, of the Code
9 of the Town of Oyster Bay."
10 SUPERVISOR SALADINO: Please, proceed.
11 MR. SABELLICO: Again, good morning,
12 Supervisor Saladino, Members of the Town Board,
13 Clerk LaMarca, and Receiver Pravato.
14 Thomas M. Sabellico, Special Counsel,
15 Office of the Town Attorney.
16 I am here this morning to present to
17 the Board, for its consideration, a Local Law to
18 amend certain provisions of Chapter 246 - Zoning,
19 of the Code of the Town of Oyster Bay.
20 The Public Notice for this morning's
21 hearing and the publication of that Notice were
22 authorized by the Town Board by Resolution No.
23 480-2022, adopted at the Town Board meeting on
24 June 28, 2022.
25 In accordance with that Resolution, the

Public Notice was published in Newsday and posted on the Town website, and the proposed Local Law has been available for inspection at the Office of the Town Clerk and the Office of the Town Attorney.

In accordance with New York State Law, the proposed Local Law affecting Zoning was forwarded to the Nassau County Planning Commission for their review on June 28, 2022, and, as of this morning, the Planning Commission has not yet issued any recommendation, and, therefore, we will request that at the conclusion of this hearing that the vote on the adoption of this proposed Local Law be adjourned until the Planning Commission's recommendation has been received.

Also, the proposed Local Law has been forwarded to the Department of Environmental Resources for their review and consideration as to the possible environmental impact, if any, of the proposed changes to the Code.

The proposed Local Law is the product of the Office of the Town Attorney, prepared at the request of and with input and direction from the Department of Planning and Development, which has jurisdiction over issuing Building Permits and Certificates of Occupancy for the Town and

1 administration of zoning issues.
2 There are two parts to the proposed
3 Local Law: The first proposed change is to the
4 definition of gross floor area by proposing that
5 such area now include any basement space where the
6 ceiling height exceeds 6'11" in Residential Zoning
7 Districts smaller than R1-20; specifically, being
8 R1-10, R1-7, and R1-6.
9 This change was originally part of a
10 larger proposed Local Law but was removed at that
11 time prior to the hearing for further
12 consideration.
13 The Commissioner of the Department of
14 Planning and Development, Leslie Maccarone, is
15 present this morning to discuss the purpose for the
16 proposed change and to answer any questions the
17 Board may have.
18 The second part of the proposed law is
19 to remove the use of apartment space over retail
20 from Chapter 246 and the use matrix contained
21 therein.
22 This exact change to Chapter 246 was
23 before the Town Board last year and was approved
24 unanimously; however, as it affects Zoning, the
25 proposed law requires review by the Nassau County

1 Planning Commission, and last year the law was
2 adopted prior to the Commission's review and
3 recommendation.
4 Commissioner Maccarone can answer any
5 of the Board's questions on the details of this
6 portion of the law also.
7 By way of introduction on this topic,
8 it should be noted that the Town is not seeking a
9 total ban on apartments over retail and has
10 specifically addressed the use in the Zoning
11 Districts it adopted for the Hicksville Downtown
12 area.
13 Any correspondence that has been
14 received from the public regarding the proposed
15 Local Law has been distributed to the Board and the
16 Office of the Town Attorney and will be considered
17 part of the public record of this hearing.
18 COUNCILMAN IMBROTO: Tom, on the second
19 part of this, we're just fixing the procedural
20 defect from the last time that we passed the same
21 law, correct?
22 MR. SABELLICO: The proposed law last
23 year was not timely sent to the Planning
24 Commission, and, therefore, since the Town Board
25 voted on it prior to their recommendation, under

1 the New York State Town Laws, that's a
2 jurisdictional defect, so it would have to be
3 adopted again once we have their recommendation.
4 Should they recommend it, you can adopt
5 it. Should they recommend against it, you can
6 adopt it by a super majority -- by five votes --
7 but we need their recommendation before we actually
8 have the vote.
9 COUNCILMAN IMBROTO: Thank you, Tom.
10 SUPERVISOR SALADINO: Commissioner,
11 would you join us up here for a question or two,
12 please?
13 COMMISSIONER MACCARONE: Good morning.
14 Elizabeth Maccarone, Commissioner of
15 Planning and Development.
16 SUPERVISOR SALADINO: Commissioner, I
17 wanted to make clear so that people understand what
18 we're doing in regard to the apartments over stores
19 issue.
20 In the past, there have been articles
21 or some have mischaracterized what we're doing.
22 It's not designed, in my opinion, I'm asking in the
23 opinion of the Department, this is not designed to
24 stop apartments but to give the residents an
25 opportunity to have some control over what goes

there, and what goes on at the site.

Perfect example is a Dumpster that's not being emptied often enough. By having a public hearing, it would enable the public to come, describe an issue that they're having -- a landscaping issue, a noise issue, hours of operation, whatever it might be -- or maybe that landowner, property owner needs to have that Dumpster emptied more regularly is just a simple example as to why.

Would this be an accurate assessment of the situation at hand.

COMMISSIONER MACCARONE: Yes, Supervisor.

Just for a little frame of history, prior to the mid-2000s when the Town Board at the time did an overhaul of the Zoning Ordinance, prior to that time, apartments over stores required a Special Use Permit from the Town Board.

In an effort to, kind of, open it up a little bit, it was the vision at the time to allow for apartments over retail in the traditional hamlets -- Oyster Bay, perhaps Locust Valley, Glen Head, Bethpage -- to allow those apartments more as a permitted use.

1 COUNCILMAN IMBROTO: In a Downtown
2 area?
3 COMMISSIONER MACCARONE: In a Downtown
4 area; however, when the ordinance was proposed and
5 adopted, it was open in all Commercial Districts,
6 the General Business as well as the Neighborhood
7 Business, and, as you know, the Neighborhood
8 Business Zones, those typically abut residential
9 properties.
10 They didn't have the foresight that
11 places of -- in the General Business Zones, large
12 properties that people would come in and develop
13 apartments over retail in the hundreds of units, so
14 there were parking issues, they also were abutting
15 residential, so what we did last year was put it
16 back to the Special Use Permit to the Town Board so
17 that there is oversight, Covenants and
18 Restrictions, opportunities for the residents to
19 come out and to weigh in on the project.
20 However, as Deputy Town Attorney
21 Sabellico indicated, we do allow it in the new
22 zoning that was adopted -- or the hearing was in
23 December of 2020, adopted in the beginning of '21
24 -- to allow the apartments in a section of
25 Hicksville that is around the train station and the

1 streets emanating out from there.
2 COUNCILMAN IMBROTO: So, Commissioner,
3 essentially, when we first had the -- when we first
4 passed this law, we were fixing a loop hole --
5 COMMISSIONER MACCARONE: Correct.
6 COUNCILMAN IMBROTO: -- to return it to
7 the traditional way that we did things with the
8 Special Use Permit, and there was a procedural
9 defect when we passed it the last time --
10 COMMISSIONER MACCARONE: Correct.
11 COUNCILMAN IMBROTO: -- and, now, we're
12 correcting that by having this hearing today.
13 COMMISSIONER MACCARONE: Absolutely.
14 Correct.
15 And as Tom had indicated, we're waiting
16 for the Planning Commission to either weigh in on
17 the subject, they have 30 days -- I believe it's on
18 their calendar in July -- and then this Board will
19 take the appropriate vote at the time once we see
20 how the Planning Commission acts.
21 SUPERVISOR SALADINO: And this process
22 is not in any way designed to discourage apartments
23 over stores in these select downtowns -- many of
24 them near railroad stations where it makes perfect
25 sense -- it's not designed to discourage this, but,

in fact, to give the public more of a voice and to take into consideration issues in neighborhoods that need to be corrected so that everyone can get along, and that the development of these apartments over stores are done in a way that's more respectful to the other storeowners, to the residents in the area, to traffic issues, cleanliness, health issues, and a long list of issues; is that correct?

COMMISSIONER MACCARONE: Absolutely.

And, as you know, because you sit on the Board, but the public may not, there's been a few applications before this Board over the past year. I know right off the top of my head two here in Oyster Bay. One that was held in April for some apartments over an office/retail establishment as well as one over here by where Al Dente is, so the process works. It is a little bit longer process, but it's an opportunity for everybody to vet out, and to make sure there's no issues going forward.

SUPERVISOR SALADINO: Thank you.

MR. SABELLICO: Supervisor, if I may add, since it would be part of a Special Use Permit application, there are two benefits to the Town Board: One is that you would have the opportunity

1 to listen to residents at the hearing, and the
2 second is you would have the opportunity to
3 negotiate a Declaration of Restrictive Covenants.
4 SUPERVISOR SALADINO: Which -- so our
5 folks here and those who may be listening or
6 watching this hearing so they understand what that
7 means, that's to correct problems in the
8 neighborhood. Problems that residents, other store
9 owners, traffic issues, it's all designed not to
10 discourage apartments over these stores, which was
11 described by certain journalists, but, indeed, it
12 is designed to give the public a voice and to
13 correct any issues that may be going on or,
14 perhaps, something that's seen as a potential issue
15 where a Covenant and Restriction could correct
16 that.
17 MR. SABELLICO: Right.
18 It allows the Town to listen to the
19 residents and incorporate in the Restrictive
20 Covenants those restrictions that would prohibit
21 conduct, which the residents find offensive.
22 COUNCILMAN IMBROTO: All right.
23 Thank you.
24 SUPERVISOR SALADINO: Are there any
25 other questions?

(Whereupon, there was no response from the Board.)

SUPERVISOR SALADINO: Great.

Thank you, Commissioner.

Thank you, Counselor.

We have one speaker that has filled out a form and asked to speak, and that is Mitch Pally.

Good morning, sir.

MR. PALLY: Good morning.

COUNCILMAN IMBROTO: How are you, Mitch?

MR. PALLY: Good.

Good morning, everyone.

Good morning, Supervisor, Members of the Town Board.

Before I start, I didn't have the opportunity, but I want to congratulate all of you on congratulating Ethan for his tremendous work.

As a Presidential Scholar myself, 1970 Herricks High School, I understand how important it is, not only for himself, but his parents. My mother still has the plaque on her wall in North Shore Towers. It will never move in that regard.

But it is a privilege to be in his presence, and I apologize for not being able to

tell him that before he left, but thank you for recognizing it. It is a tremendous honor.

COUNCILMAN IMBROTO: Two Presidential Scholars in one room. It's amazing.

MR. PALLY: Well, you know, it goes with the territory.

COUNCILMAN IMBROTO: You peaked in the '70s, Mitch.

MR. PALLY: Well, it just shows I'm old from 1970 also in that regard.

SUPERVISOR SALADINO: We continue to learn more about all of your many skills.

MR. PALLY: I just wanted to come today -- I'm Mitch Pally, Chief Executive Officer, Long Island Builders Institute, representing the single- and multi-family home builders on Long Island, and I just want to make two comments.

First of all, we have no objection to the apartment issue being rectified. We understand that. We think it is important for the Town Board to have some control. Control does not mean prohibition. Control can mean approvals with restrictions. It goes either way in that regard, and, I think, the Supervisor made that clear, so we have no objection to that part of it.

We are here today to express some of our concerns over one of the definitions that is in the proposed Resolution on gross floor area ratio and the height of basements and the combination of the two issues.

We appreciate very much the time, which the Supervisor's Office and the Planning Commissioner has given us already. We understand that the ordinance is going to remain open for an additional 30 days, so we can have further meetings. In fact, we have a meeting scheduled for Monday to try to rectify the problem.

We understand the problem that is inherent. We believe that there may be other ways in which to have the Town solve the problem without negatively impacting the single-family home builders who exist now in the Town of Oyster Bay, so we are trying to find a reasonable solution that will both correct the issue that you have raised but not negatively impact our members' ability to provide your residents -- because that's what they are -- with the type of houses they want to have in many of the communities in the Town.

So we came today to, first of all, thank you for giving us that opportunity already,

thank you for giving us further opportunity. We hope to reach a conclusion on Monday, and we hope to be back here at some point expressing our support. We can't do that yet, but we hope we get to that point, and, with that, we thank you for your time this morning. We appreciate it.

COUNCILMAN IMBROTO: Thank you.

MR. PALLY: Thank you, Supervisor.

SUPERVISOR SALADINO: You're very welcome.

Thank you, Mitch, for taking the time to be here.

Can you tell us if there is any correspondence and postings.

MR. LaMARCA: We have Affidavits of Posting and Publication.

There is no other correspondence.

SUPERVISOR SALADINO: May I have a motion?

COUNCILWOMAN JOHNSON: Supervisor, I'll make a motion that the public hearing be closed, but the public comment portion be kept open for 30 days.

COUNCILMAN IMBROTO: Second.

SUPERVISOR SALADINO: All in favor,

please signify by saying, "Aye."

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed, "Nay."

(Whereupon, there were no "Nay" responses from the Board.)

SUPERVISOR SALADINO: The "Ayes" have it.

Thank you.

Thank you, Counselor.

MR. SABELLICO: Thank you, Supervisor.

SUPERVISOR SALADINO: Much appreciated.

(TIME NOTED: 11:37 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
July 12, 2022
11:38 a.m.

**HEARING - Local Law**

To consider a Local Law entitled: "A Local Law to Amend the Code of the Town of Oyster Bay by adding Chapter 14, 'Civil Enforcement and Administrative Adjudication' to Provide the Town an Additional Tool for the Enforcement of Violations of the Code of the Town of Oyster Bay." (M.D. 6/21/22 #20).

**JOSEPH SALADINO**
SUPERVISOR

**RICHARD LaMARCA**
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

SUPERVISOR SALADINO: Would you please call the next hearing?

MR. LaMARCA: Today's last hearing is to consider a Local Law entitled, "A Local Law to Amend the Code of the Town of Oyster Bay by adding Chapter 14, "Civil Enforcement and Administrative Adjudication" to provide the Town an additional tool for the Enforcement of Violations of the Code of the Town of Oyster Bay."

SUPERVISOR SALADINO: Our first speaker will be --

COUNCILMAN IMBROTO: The hearing first.

SUPERVISOR SALADINO: Oh, I'm sorry. I apologize. Jumping the gun.

MR. SABELLICO: Frank Scalera is going to present that.

SUPERVISOR SALADINO: He's going to. Okay. I will be right back.

COUNCILMAN IMBROTO: We're going to pause the hearing.

(Whereupon, Supervisor Saladino left the dais and the proceedings were briefly halted until the arrival of Town Attorney Frank Scalera.)

COUNCILMAN IMBROTO: Mr. Town Attorney? Good morning, Frank.

1 Would you state your presence.
2 MR. SCALERA: Good morning.
3 Frank Scalera, Town Attorney, Town of
4 Oyster Bay.
5 I'm here today on behalf of my Office
6 in the Town for this hearing to propose a Local Law
7 for the creation of what we call the Administrative
8 Adjudication Bureau.
9 Just to give you some background, for
10 years, the Town of Oyster Bay had its court located
11 within the Town of Oyster Bay. We did some
12 research, and the District Court, which we now know
13 was placed in the Village of Hempstead, the 4th
14 District Court, encompasses the Town of Oyster Bay.
15 It started back in 1939. So all the
16 way from 1939 to the mid-2000s -- so we're talking
17 over 60 years -- we had a court in our
18 jurisdiction. Before that, it was called the
19 Justice of the Peace.
20 We also did some research going back to
21 the Civil War that the Town of Oyster Bay, which
22 was formed in 1653, had, at least, a Justice of the
23 Peace going all the way back to the late 1800s.
24 So with that being said, we had over a
25 century, or at the very least, the last six

1 decades, of having a court in Oyster Bay.
2 (Whereupon, Supervisor Saladino
3 returned to the dais.)
4 MR. SCALERA: In the mid-2000s, we lost
5 that court, and, I think, the Supervisor will make
6 comment of that. We lost that court, and from the
7 mid-2000s through today, our court, which is the
8 4th District Court, was put into 99 Main Street in
9 the Village of Hempstead with all other courts.
10 However, that changed a little bit of
11 the dynamic since then to today, and there was
12 always talk about when will the Town get a court
13 back that can better serve its residents -- more
14 efficiently serve its residents, and it was
15 something always discussed and more so discussed
16 when the Supervisor, and I know Councilman Imbroto,
17 I know Vicki Walsh as well, with your Quality of
18 Life Task Force efforts, was started to be spoken
19 about more about, perhaps, bringing an
20 Administrative Tribunal to help better, you know,
21 maximize and centralize the ability to address a
22 lot of quality of life issues, a lot of quality of
23 life types of violations, and put it close to the
24 residents.
25 So interesting enough, not too long

1 ago, a year or two ago, our neighbors to the east,
2 the Town of Huntington and the Town of Babylon,
3 separately, they decided to institute and to create
4 an Administrative Tribunal on their own. They had
5 to prepare the appropriate paperwork to get that
6 court or that bureau, they had to get it from the
7 New York State Legislature.
8 So both Huntington, they did it
9 first -- well, in the most recent past, they did it
10 first -- Babylon followed thereafter. Huntington
11 has their court already up and running; Babylon is
12 planning opening their court soon.
13 They submitted the paperwork to the
14 New York State Legislature, and the New York State
15 Legislature approved their courts, which what we
16 did is when we saw that -- conversations with the
17 Supervisor's Office -- I know Councilman Imbroto,
18 you and I had this conversation many times -- we
19 took their paperwork, we spoke to the Town
20 Attorneys and their staff both in Huntington and in
21 Babylon, we visited them, we visited their court,
22 we did our due diligence in that respect, and we
23 found -- and we asked them how well it's working
24 for them. They said it's working very well and
25 were able to address their residents and be closer

1 to the residents.
2 So we took the paperwork, more or less,
3 we took the -- I don't want to say exact, but we
4 took the same paperwork and the same template, and
5 we used that last year, if you remember, to go to
6 the New York State Legislature and say, hey, can we
7 have the same exact thing that you gave to
8 Huntington and Babylon, and, I think, you know what
9 that answer was, folks, is that for some reason,
10 that makes no sense to me, they denied the Town of
11 Oyster Bay to get the same exact thing that they
12 just approved recently in Huntington and Babylon,
13 so that's why we're here today.
14 We can, as a Town, utilize what they
15 call New York State General Municipal Law, Section
16 380, to create an Administrative Tribunal or
17 Administrative Bureau.
18 And, again, the reasons, and we'll
19 state, again, that we have several reasons, and
20 these come from just -- whether talking to staff,
21 talking to you folks, the Council people over the
22 last several years, the last few years, is that the
23 Tribunal will be more centralized for our
24 residents, so it eliminates the travel all the way
25 to Hempstead.

1 Number two, the judges appointed, if we
2 choose to go that way, will be from the Town of
3 Oyster Bay and would be presiding and adjudicating
4 cases involving Oyster Bay.
5 Unfortunately, and not to disparage or
6 to comment on what the District Court does in
7 99 Main Street in Hempstead, you don't always have
8 the very judge that this Town elected to preside
9 over cases that have to do with this Town. It may
10 be scheduling, I don't know, I don't work for the
11 Court. I'm not disparaging it or making any
12 negative comment, but the fact of the matter is you
13 have judges that are elected from other parts of
14 Nassau County adjudicating or sitting over cases
15 having to do with our own residents.
16 And, again, one of the reasons for this
17 Administrative Bureau or Tribunal is the ability to
18 have judges appointed by this Board to preside over
19 cases for our residents, cases involving mostly
20 quality of life and other Code violations having to
21 do with premises and conditions within the very
22 Town that we live and the judge would.
23 So with that respect, those are two of
24 the main reasons. As far as efficiency is
25 concerned, there is a benefit of having the

1 Administrative Bureau for the Town. We would be
2 using our own staff, our Town Attorney staff, and
3 other staff from other departments. Obviously, it
4 is better and a lot more efficient for the Building
5 Department.
6 Why do I say that.
7 When you go to District Court
8 sometimes, again, as I mentioned, the way they
9 appoint judges or the way they schedule for some of
10 the lawyers on the board, they'll tell you, okay,
11 we're going to have a trial on this case, come back
12 at 2 o'clock. So you're sitting there from
13 9 o'clock waiting for 2 o'clock. You have your
14 building inspector sitting there for five, six
15 hours. 2 o'clock comes and, for whatever reason,
16 the judge may turn around, or based on an
17 application, the case is adjourned again, and we
18 just lost the ability to have our inspector do his
19 or her job during the day because they sat in court
20 for six, seven, eight hours only to come back
21 again, and maybe it will happen again.
22 Again, I am not trying to make any
23 comment negatively on how that works; however, when
24 it comes to our own Administrative Bureau, we,
25 obviously, can be more efficient because it'll be

1 good for staffing purposes, so our inspectors who
2 need to testify on these cases, we can call them,
3 literally, within thirty minutes and say come on
4 down to the Bureau, you need to testify, and the
5 person can go back out and do their job, so
6 monetarily and for efficiency purposes as well, and
7 mainly for the residents to come down to a court
8 where, again, it is going to be located near them.
9 And all the types of cases that would
10 be adjudicated in the Administrative Bureau would
11 be all violations, which means they will not be
12 criminal penalties in nature. They would be all
13 civil in nature, meaning they'll be monetary
14 penalties.
15 There is a benefit as well. Another
16 efficiency, both for the public and for our people,
17 our inside workforce is the bail reform and
18 Discovery laws, which I'll leave to the Supervisor
19 to comment on; however, that also helps staff as
20 all the paperwork that's been burdened upon
21 municipalities with respect to the New York State
22 Discovery changes and bail reform.
23 So overall it allows for, again, it
24 maximizes efficiency for residents and our
25 workforce, it allows us to help with compliance

1 because, obviously, we'll be within the Town, so if
2 the goal is more about compliance and making these
3 correcting conditions, it'll work well for us
4 because we'll have our inspectors and the Building
5 Department staff prepared with all the appropriate
6 forms and all the necessary forms to fill out if
7 there is a violation that requires a CO or a
8 Certificate of Completion, so we'll have almost,
9 like, full service on-location, which is really the
10 goal as to get rid of violations that affect the
11 quality of life.
12 Other than that, the law states that it
13 requires a director and three judges. One of those
14 judges that you need to appoint can also be the
15 director.
16 One of the proposals is, perhaps, we're
17 open to the idea of having the director, the person
18 who runs it full-time, also be the chief judge, and
19 then a couple of other judges that you require in
20 case there's an appeal. You need to have an odd
21 number of judges to vote on an appeal.
22 SUPERVISOR SALADINO: They could be
23 part time.
24 MR. SCALERA: And the other judges are
25 part time. It would be one full-time judge, which

1 we could also make the director of the Tribunal or
2 the Bureau, and other than that, any computer
3 software we need to run the case system, we have it
4 here already in place.
5 The Town Attorney's Office and their
6 deputies and assistants will be prosecuting. We
7 have them in place. Staff from the Building
8 Department, who will be going to court, and
9 inspectors writing the summonses and appearing in
10 court, we already have in place, so all those are
11 -- there will be no duplication of costs, and it
12 will be efficient in that respect.
13 So I don't know if you have any
14 questions for me, or I'll leave it to you,
15 Supervisor, if you want to know anything further.
16 COUNCILMAN IMBROTO: I --
17 SUPERVISOR SALADINO: Please, go ahead.
18 COUNCILMAN IMBROTO: I just had a
19 couple of comments, I don't have a question, but
20 before I became a Councilman, I was the prosecutor
21 for the Town of Oyster Bay. I prosecuted these
22 cases in District Court every week, and one of the
23 great frustrations that our residents had were why
24 do we have to go to Hempstead, why do we have a
25 judge that we didn't vote for that is not from our

1 Town, why do we have to deal with the Court's odd
2 scheduling requirements. It was very inconvenient
3 for our residents.
4 So when I became Councilman, we created
5 the Quality of Life Task Force to help address
6 these quality of life issues, and one of the ideas
7 that we came up with was creating an in-house
8 administrative court, and it would address a lot of
9 the inefficiencies dealing with the District Court
10 and it would give us greater tools to ensure
11 compliance with our Town Code and to address
12 quality of life issues throughout the Town like
13 illegal housing and non-maintenance of property.
14 Then COVID hit, and we had another
15 issue where the District Court was, for all intents
16 and purposes, closed for a long period of time, and
17 when it reopened, it did not reopen to its fullest
18 extent. So we had a lot of cases that were sitting
19 in the pipeline, a lot of complaints that residents
20 were following up with, asking what is the status
21 of this complaint, why is nothing happening, and
22 all we could tell them was the Court is currently
23 closed. There is nothing we can do about that, and
24 that was very frustrating for us.
25 So I'm very glad that using the tools

1 that we developed through my experience as a
2 prosecutor in District Court, through the Quality
3 of Life Task Force, and through working with our
4 neighboring municipalities, we are able to,
5 hopefully, bring this to fruition, make this a
6 reality, create convenience for our residents, and
7 give the Town better tools to ensure effective Code
8 enforcement, and to improve the quality of life for
9 all of our residents here in the Town of Oyster
10 Bay.
11 SUPERVISOR SALADINO: Very well said.
12 I'm going to ask you, Frank, to
13 standby. We're going to bring up some speakers,
14 and then I'll ask you to come back. I'm sure there
15 may be some questions to answer, and we can shed
16 some more light on this proposal.
17 So our first speaker is Susan Gottner
18 (phonetic).
19 Do I have that right.
20 MS. GOTTEHRER: Gottehrer.
21 SUPERVISOR SALADINO: Gottehrer.
22 Good to see you.
23 MS. GOTTEHRER: How are you?
24 SUPERVISOR SALADINO: Very good.
25 Thank you.

COUNCILMAN IMBROTO: Good morning.

How are you?

MS. GOTTEHRER: I'm okay.

I'm fresh off vacation, I'm a little rusty and a little shellshocked to be standing in a regular setting.

Hi, everybody.

COUNCILMAN IMBROTO: This is like vacation, right?

MS. GOTTEHRER: No.

So, yeah, thanks so much for having this hearing. It's good to see you.

My name is Susan Gottehrer. I'm the Director of the Nassau County New York Civil Liberties Union.

SUPERVISOR SALADINO: Can you give us your address, please?

MS. GOTTEHRER: Yeah, it's 203 Atlantic Avenue in Lynbrook, but our membership is all over Nassau County as you know.

So I'm going to state where NYCLU is at on this issue --

SUPERVISOR SALADINO: Okay.

MS. GOTTEHRER: -- and then I also have some questions about the way the legislation is

1 written --
2 SUPERVISOR SALADINO: Sure.
3 MS. GOTTEHRER: -- so I'm not sure how
4 you want to handle that in the time.
5 Last year, NYCLU submitted its
6 objection to the establishment of Administrative
7 Adjudication Bureaus in several municipalities,
8 including Oyster Bay, because they establish courts
9 that hear violations of Town Codes but by bypassing
10 important due process protections such as witness
11 identification and pre-trial Discovery
12 requirements.
13 Any Tribunal or Bureau that has the
14 power to create financial hardship and/or serve
15 monetary penalties, which could result in the loss
16 of shelter, vehicle livelihood, or loss of
17 licensing, should adhere to the spirit of due
18 process constitutional protections regardless of
19 the claim that it is not a criminal proceeding,
20 which it technically would not be. That's
21 understood.
22 So a couple of my questions and one of
23 the first things that is alarming to me, and I also
24 think that you would want a fuller room so that
25 your residents -- no, I know. You're doing

1 everything you're supposed to. I know. I know.
2 SUPERVISOR SALADINO: Thank you.
3 MS. GOTTEHRER: I know.
4 COUNCILMAN IMBROTO: It's also being
5 live-streamed on the internet, so there's probably
6 many more people watching than you realize.
7 MS. GOTTEHRER: Okay. That's great.
8 As far as the adjudicatory hearings,
9 first, this legislation, this is the one that
10 alarms me a little bit and, correct me if I'm
11 wrong, does not articulate how Code violations are
12 brought to the attention of the Bureau, and it
13 seems to imply by virtue of submitting a written
14 document, a signator may remain anonymous to the
15 respondent simply by virtue of submitting the
16 document, it is then taken as evidence of fact --
17 that's a quote -- and testimony.
18 It also seems to allow signators to
19 submit documents containing facts that the signator
20 themselves do not know firsthand -- this is written
21 into the legislation -- but can reference their
22 source of knowledge. That sounds alarming to me.
23 That sounds like a grapevine situation. That
24 sounds like neighbors aren't getting along, let me
25 go get my neighbor, or I heard from somebody at the

1 grocery store, so I would -- that one really --
2 COUNCILMAN IMBROTO: So let me --
3 MS. GOTTEHRER: Yeah --
4 SUPERVISOR SALADINO: Let's let her
5 finish, please, because I'm looking forward to the
6 questions.
7 COUNCILMAN IMBROTO: Okay.
8 MS. GOTTEHRER: Yeah, so, further, the
9 powers of the director as set forth in legislation
10 are vague, and the selection process risks
11 arbitrary patronage requirements.
12 It's one person appointing the
13 director, and we always recommend a more democratic
14 bipartisan process for appointments of powerful
15 positions.
16 Moving on to the powers of the
17 director, the legislation states, the director
18 shall have the power to adopt and shall adopt rules
19 for the conduct of adjudicatory proceedings by the
20 Bureau consistent with the chapter uniform rules of
21 practice standards for expedited and uncontested
22 proceedings, standards for the assignment of the
23 administrative law judges, et cetera.
24 So there's a list of what the director
25 is going to set, and it's a very specific list of

1 what the director will set, but the director is
2 going to have a lot of power to set the process.
3 Combined with the fact that this court will not be
4 following Discovery rules.
5 Now, I know people don't like the
6 paperwork of Discovery, I understand, as your
7 counsel has suggested; however, Discovery rules are
8 in place so that the person who has what's at stake
9 of being lost can know what is there against them.
10 That's what Discovery was about. That's what
11 Discovery reform was about, and, so, the fact that
12 this Tribunal will not have those in place along
13 with the fact that the director has so much power
14 in setting procedure, I'm alarmed at the extent to
15 which the vagueness and the lack of defense that
16 the respondent has will create problems.
17 COUNCILMAN IMBROTO: And there's no
18 need for you to be alarmed, Susan.
19 SUPERVISOR SALADINO: We'll get to each
20 and every one of these issues, so, please, proceed.
21 MS. GOTTEHRER: Okay.
22 I would also ask because it is not
23 clear, it's just a question -- a Bureau hearing
24 consists of how many members of the Bureau at each
25 hearing? I think that you had been talking about

1 that.
2 Does the hearing also include the
3 director.
4 Is there only one judge sitting at a
5 hearing.
6 SUPERVISOR SALADINO: We can get to --
7 MS. GOTTEHRER: Great.
8 SUPERVISOR SALADINO: We get the sense
9 of what you're looking for, and we're happy to
10 share what our proposal is at this stage --
11 MS. GOTTEHRER: Okay.
12 SUPERVISOR SALADINO: -- in a fluid
13 process.
14 MS. GOTTEHRER: Great.
15 And, so, I'm almost done. So it says
16 that respondents have -- respondents are able to
17 request a dismissal if a certain -- every Notice of
18 Violation shall identify the provisions of the law
19 charged and shall set forth the factual basis for
20 the violation, where the Notice of Violation does
21 not contain the information, it shall be dismissed.
22 How will the respondent know they have
23 the power for that dismissal, is my question.
24 What is the timeframe between getting
25 served with a Notice of Violation and hearing.

1 Timing on decisions only states an
2 expeditious manner, can you be more specific.
3 And then I will closeout by saying -- I
4 can continue with the questions -- but I want to
5 make clear that NYCLU is against the establishment
6 of --
7 SUPERVISOR SALADINO: We're not trying
8 to hold you to a time limit. I think your
9 questions are very, very important, but we want to
10 bring clarity, and I know you, personally, are
11 going to be very happy when we bring more clarity
12 to your questions.
13 COUNCILMAN IMBROTO: And, perhaps, may
14 even withdraw your opposition.
15 SUPERVISOR SALADINO: It's certainly a
16 possibility.
17 But that's prejudicial what you're
18 doing. You're saying if every answer you get is --
19 COUNCILMAN IMBROTO: Is satisfactory to
20 the Civil Liberties Union, you'd still oppose?
21 SUPERVISOR SALADINO: -- satisfactory,
22 you seem to be admitting you wouldn't withdraw it
23 even if you were very happy and satisfied with all
24 of the answers.
25 MS. GOTTEHRER: First of all, I am part

of a large organization that will be making the decision together how we feel about this, so I'm here as a representative, so I will listen, I will take notes, I will, of course, absolutely.

SUPERVISOR SALADINO: Good.

And we're very happy to have the exchange of information.

COUNCILMAN IMBROTO: Civil liberties are very important to all of us here. Just know that.

MS. GOTTEHRER: Okay. Great.

So I gave you the little pieces of what I saw in the legislation that I have questions about.

Overall, as you won't be surprised to hear, to NYCLU the way the Bureau and the other Bureaus are set up, it represents what feels to be anti-democratic values and processes, sidesteps important constitutionally-based Discovery rules, and creates a level of secrecy when it comes to the person who is bringing it to the Bureau's attention. So those are the concerns.

SUPERVISOR SALADINO: Okay, so let's -- first of all, thank you for being here because we want to bring clarity to this issue, and, in my

1 opinion, there are clearly important questions that
2 need to be answered because if you had had those
3 questions answered from the beginning, I'm not
4 certain that your organization would oppose it.
5 Did you have any conversations with our
6 Town Attorney, any of our representatives.
7 MS. GOTTEHRER: No. I just found out
8 about this while I was on vacation.
9 SUPERVISOR SALADINO: Okay.
10 The organization -- did the
11 organization make any phone calls, e-mails, any
12 conversations with our Town Attorney or any of our
13 team to get information about this.
14 MS. GOTTEHRER: Not that I know of. I
15 was on vacation.
16 SUPERVISOR SALADINO: Okay.
17 But even prior to you going on
18 vacation.
19 MS. GOTTEHRER: Well, we also, I
20 believe, submitted testimony last year.
21 SUPERVISOR SALADINO: So are we correct
22 to assume that your organization opposed the
23 legislation without finding out what the answers
24 are to your questions?
25 MS. GOTTEHRER: Well, I just reviewed

1 the legislation when I got back this weekend.
2 SUPERVISOR SALADINO: Okay.
3 And at that point -- so yesterday would
4 have been your only --
5 MS. GOTTEHRER: So I'm here to ask
6 questions because that's what this hearing is for.
7 SUPERVISOR SALADINO: -- but when did
8 the opposition paper go in to Albany?
9 MS. GOTTEHRER: Last year when this
10 happened.
11 SUPERVISOR SALADINO: Okay.
12 MS. GOTTEHRER: I'm referring to last
13 year's attempt at this.
14 SUPERVISOR SALADINO: Do you feel as
15 though the legislation has changed greatly since
16 last year?
17 MS. GOTTEHRER: I'm not exactly sure.
18 SUPERVISOR SALADINO: Okay.
19 Did you oppose the towns of Babylon or
20 Huntington when they brought their --
21 MS. GOTTEHRER: Yes.
22 SUPERVISOR SALADINO: You did?
23 MS. GOTTEHRER: Yeah.
24 SUPERVISOR SALADINO: Did you oppose --
25 MS. GOTTEHRER: Not me personally, the

1 organization.
2 SUPERVISOR SALADINO: That's what I'm
3 asking -- the organization.
4 Did you oppose the cities of Newburgh
5 or Syracuse when they brought their ask for this
6 similar -- the same legislation.
7 MS. GOTTEHRER: I believe we did, but
8 I'm not going to go on the record and say we did.
9 I would have to find out.
10 So the reason for a public hearing is
11 to come and ask you questions --
12 SUPERVISOR SALADINO: Yeah, clearly
13 and --
14 MS. GOTTEHRER: -- and state concerns,
15 and that's what we're doing.
16 SUPERVISOR SALADINO: -- we thank you
17 for being here.
18 My one concern is when someone opposes
19 something without really knowing what it is, and
20 our team is always here, and this is something for
21 everyone. If someone has a problem, come to talk
22 to us. Our team is always available to answer the
23 questions.
24 I worked in Albany for fourteen years,
25 my colleague, Steve, for seven years prior, and my

1 experience in Albany was that we have dialogue with
2 organizations, we answer their questions so they
3 know whether or not they want to oppose it.
4 MS. GOTTEHRER: Sure.
5 I would say that your characterization
6 of not really knowing what it is is a
7 mischaracterization, so --
8 SUPERVISOR SALADINO: Okay.
9 MS. GOTTEHRER: -- but thank you.
10 That's why I'm here. We read it. This is how we
11 feel about it.
12 SUPERVISOR SALADINO: So let's talk
13 about the --
14 MS. GOTTEHRER: Should I stay here or
15 should I sit down?
16 SUPERVISOR SALADINO: Yeah, you can
17 have a seat right here (indicating), thank you, if
18 you'd like.
19 Thank you very much.
20 Let's talk about the presumptions some
21 have, and you've made it clear that the presumption
22 of your organization is that this bypasses due
23 process because the complainant is -- the
24 information about the complainant is not brought to
25 the subject premises owner, so what I want to

1 describe is the real process that we have here.
2 Prior to Albany changing Discovery laws
3 and making it necessary for everyone who makes a
4 complaint, whether it's a dog barking, a garbage
5 can that doesn't come in soon enough, or on the
6 large scale of felonies and misdemeanors, where I
7 understand this need, I do get that, why that's
8 asked for in the law, but when it comes to these
9 types of complaints, our residents have been --
10 have said for a multitude of reasons including
11 repercussion, they don't want -- they would like to
12 be able to make their complaints anonymous.
13 But the real important piece is that
14 when we have a situation of a complaint that comes
15 in, it's usually on -- in terms of the Town of
16 Oyster Bay -- the kind of complaints we get are
17 continuing complaints, continuing problems. The
18 problem is a continuing problem.
19 I understand when there is -- someone
20 gets into a fight or an assault or a robbery, you
21 need to get -- the witnesses have to be questioned.
22 You have to know where they're from, what took
23 place. I get that piece. But what we do is send
24 an inspector, who is trained and certified, to the
25 premises. The inspector collects the data and

1 documents what it might be.
2 I'll use the example of someone who is
3 dying to build that 1970 Mustang, and they've got
4 five -- parts of five different Mustangs in their
5 backyard rusting and the differential and the
6 wheels are stacked up, and it looks like a
7 junkyard. So, in that case, using that as the
8 example, the inspector goes there and takes
9 photographs and documents what it is, and the
10 inspector, who is trained and certified, goes to
11 court.
12 We have the documentation. Who alerted
13 that inspector doesn't change the fact that we have
14 the documentation to present to the court.
15 Obviously, the defendant can try to
16 refute that those five rusted out cars are not in
17 their backyard, but we provide that documentation
18 to the court, and it's that inspector of the Town
19 who testifies.
20 COUNCILMAN IMBROTO: Do you understand?
21 The inspector is the witness, and it's
22 a continuing violation that's open and obvious to
23 anybody that would see it.
24 It's not a one-time event that there
25 was one witness to, and that's the only person that

1 can give testimony. It's something that's ongoing.
2 And then anyone who could visit the neighborhood or
3 drive past the house would be able to observe.
4 And it's documented in photographs, and
5 the person who testifies is the inspector. That's
6 the witness. There's no due process issue
7 whatsoever.
8 SUPERVISOR SALADINO: We feel -- we've
9 looked at this very carefully, and I'll be bringing
10 Frank up to address these legal issues. He's our
11 Town Attorney, Frank Scalera.
12 But we don't see -- we see an enormous
13 difference between what your organization has
14 fought for and what has been changed in terms of
15 the Discovery laws, whether our public approves of
16 it or not, is for the changes of bail reform and
17 Discovery or not.
18 We understand the point you're making,
19 but we see this as very different because we send
20 out a trained and certified inspector who is a
21 representative of the Town to verify the violation
22 and, therefore, be the witness and testify in
23 court.
24 COUNCILMAN IMBROTO: And there's a very
25 important reason for this.

1 Even prior to this proposal, we've
2 always taken the policy that the complainant
3 identity is strictly confidential, and that's to
4 avoid retaliation between neighbors, people using
5 the Town's Code Enforcement process to litigate
6 what they believe is disputes --
7 SUPERVISOR SALADINO: To weaponize.
8 COUNCILMAN IMBROTO: Exactly. To avoid
9 them weaponizing the Code Enforcement process,
10 which is why we've never allowed anonymous
11 complaints.
12 Anonymous complaints would also
13 circumvent Discovery requirements. We don't allow
14 that because we don't want people calling up in the
15 middle of the night and not giving their name to
16 put in a complaint on their neighbor who said
17 something bad to them at the supermarket two weeks
18 ago, and then the other person finds out who that
19 is, and they do it right back to them. We want to
20 avoid that, which is why we don't allow anonymous
21 complaints.
22 A complainant has to identify
23 themselves so that we have their contact
24 information, so that we can communicate with them,
25 and so that there's some accountability, so that

there can't be false complaints put in against neighbors. But we don't share that information because it's not witness information. Because those are not the witnesses who will testify at trial, and there's no evidence that's based on hearsay or what that person said.

It's all documented and observed by Town employees, by trained inspectors who know whether something is a violation or not, who know what to look for, and who see it themselves and take pictures of it, so it's not based on hearsay; it's based on personal observation.

SUPERVISOR SALADINO: And it's important to understand that this is no different than the process that's in place currently, except people aren't travelling a far distance to go to District Court in Hempstead.

COUNCILMAN IMBROTO: And aren't facing criminal violations. Under this, there would no longer be criminal violations. Right now, they are.

Right now, if you build a fence without a permit, you have a misdemeanor charge on your record. If you don't mow your grass, these can be misdemeanors. If you have a boarding house, these

1 would be non-criminal.
2 These are civil violations, but they
3 have penalties that are effective and that give
4 them real teeth without subjecting a homeowner to a
5 criminal record unless necessary. Because we'd
6 still have the ability to -- in egregious
7 circumstances -- to bring them to District Court to
8 give them a criminal violation, but we don't have
9 to. Now, we can handle this in a civil manner,
10 still subject to due process, everything that we do
11 is subject to due process -- civil due process
12 instead of criminal due process. That's the goal
13 here.
14 SUPERVISOR SALADINO: The proposal --
15 MS. GOTTEHRER: Can you just clarify
16 the piece where they got their knowledge from in
17 that provision?
18 COUNCILMAN IMBROTO: Yes.
19 That's in putting the complaint in to
20 the Town, but that's not what's being litigated.
21 We're not litigating this, you know, Mrs. Jones
22 told me two weeks ago that they had somebody living
23 in their basement.
24 MS. GOTTEHRER: Well, they had to put
25 on their form I didn't see this firsthand but this

1 is where I heard it from.
2 SUPERVISOR SALADINO: But, again --
3 MS. GOTTEHRER: That's what it says in
4 the legislation.
5 SUPERVISOR SALADINO: -- it is the
6 inspector --
7 COUNCILMAN IMBROTO: But there will
8 never be an action until the inspector himself
9 observes it.
10 SUPERVISOR SALADINO: The inspector is
11 the witness, and that's the important piece here.
12 We're -- if you want to use the word "tipped off"
13 by a resident. We know that because they've told
14 us over and over.
15 COUNCILMAN IMBROTO: It's the same as
16 an anonymous call to the police department.
17 SUPERVISOR SALADINO: That's a very
18 good analogy.
19 If the residents are not allowed to
20 remain anonymous, we have been told that there will
21 be far less complaints because people are afraid
22 not only of reprisal but, maybe, an uncomfortable
23 situation with a neighbor.
24 Let's look at examples. You build a
25 pool. You follow the Code -- the State Code and

1 the Town Code -- you build a fence around the pool,
2 you install the self-closing gate, which is also by
3 law that you have to have, and there has to be an
4 alarm on that. But, perhaps, your contractor
5 didn't have an alarm on the truck, and they never
6 got around to putting it on, or something
7 malfunctioned on that alarm.
8 Your children use your next door
9 neighbor's pool. They encourage it. That's no
10 problem. That neighbor might be very hesitant to
11 report the fact that there's no alarm on that gate
12 protecting children from drowning in that pool
13 because there could be a repercussion issue, and
14 that repercussion could be a bad relationship
15 between the two neighbors, not allowing your
16 children to swim in their pool.
17 What do we end up with in that
18 situation.
19 We end up in a dangerous condition
20 because residents are afraid to come forward.
21 COUNCILMAN LABRIOLA: Hatfield and
22 McCoys are what we call it.
23 COUNCILMAN IMBROTO: Exactly.
24 SUPERVISOR SALADINO: The Hatfield and
25 McCoy situation.

1 If they're allowed to contact the Town,
2 they're going to put their name in to the Town, but
3 it's the inspector who goes out, determines what
4 the violation is, documents what the violation is,
5 and then does the follow through with the
6 department, not only the Building Department, but
7 our Legal Department, and then is the witness.
8 The subject premises owner has full due
9 process. They're allowed to question that witness,
10 they're allowed the entire process, but it protects
11 the resident and, therefore, continues to motivate
12 people to address issues that are unsightly, that
13 take away from their quality of life, but in the
14 case -- and many cases including the case -- the
15 scenario I described, really address a safety issue
16 that could save lives.
17 In terms of your question about how we
18 are proposing to set this up, it's still fluid.
19 We're here listening to the public, but we are --
20 our hope, our motivation more than just our hope,
21 our motivation is to create a system that is
22 efficient. We're here to create efficiencies.
23 We are proposing a possibility of
24 making the one head judge of this also the director
25 so that they have an oversight, and it would be

1 someone with tremendous experience.
2 COUNCILMAN IMBROTO: And it would be
3 somebody that would be appointed by the
4 democratically elected --
5 SUPERVISOR SALADINO: Town Board.
6 COUNCILMAN IMBROTO: -- representatives
7 on this Town Board.
8 It's not something that's undemocratic.
9 It's not something --
10 SUPERVISOR SALADINO: It doesn't come
11 out of --
12 MS. GOTTEHRER: That's not what it says
13 in the legislation.
14 SUPERVISOR SALADINO: We'll bring our
15 Town Attorney up to address some of these because
16 we know you have valid questions, and we want them
17 answered, and we want -- we're very proud of the
18 advantages of this to our public.
19 It also gets the issue addressed more
20 quickly. We know District Court in Hempstead has
21 got a very large caseload, and we know the pandemic
22 made it ten times worse.
23 By having this local bureau, we can
24 address these issues more immediately so the
25 defendant gets their day in court more quickly, and

1 the issue is addressed for all of the reasons
2 described.
3 If there's a safety issue that has to
4 be solved because it's an ongoing threat to the
5 safety and maybe even the lives of people in the
6 vicinity, it's something that the faster you
7 address it, the better it is for everyone.
8 MS. GOTTEHRER: Would this Board be
9 able to have somebody's house condemned?
10 SUPERVISOR SALADINO: We currently do
11 that through a different process.
12 MS. GOTTEHRER: Would it have the power
13 to do that?
14 COUNCILMAN IMBROTO: Right. That's
15 through the Supreme Court --
16 SUPERVISOR SALADINO: That's a separate
17 process.
18 COUNCILMAN IMBROTO: -- that wouldn't
19 be through the Administrative Bureau.
20 MS. GOTTEHRER: Okay. Okay.
21 COUNCILMAN IMBROTO: And nor does the
22 District Court currently have that power.
23 MS. GOTTEHRER: Yeah, what I'm getting
24 at, as you can hear, and as you know, not a
25 surprise, is that even if it's not a criminal

1 court, if the stakes are very high --
2 COUNCILWOMAN JOHNSON: I'm sorry.
3 Could you just address us through the
4 microphone --
5 COUNCILMAN IMBROTO: It's a little
6 difficult to hear.
7 COUNCILWOMAN JOHNSON: -- there are
8 people listening at home that cannot hear you.
9 MS. GOTTEHRER: Yes, of course.
10 COUNCILMAN IMBROTO: In the interest of
11 transparency.
12 MS. GOTTEHRER: Right, and, so, there's
13 a heavy burden on the respondent in this
14 legislation to the point where the respondent has
15 to, actually, apply and pay for the record of the
16 proceeding, which I would request that to be
17 changed at least, and, so, even though it's not a
18 criminal court, if the penalties have the effect of
19 changing somebody's life to a huge extent, then
20 there should be erring on the side of as much due
21 process as possible including Discovery rules.
22 That's the overall umbrella feeling
23 about this.
24 SUPERVISOR SALADINO: I'm guessing that
25 while you want as much time and as many steps as

1 possible, I'm guessing you and your organization
2 also want to solve problems that are festering or
3 that create a very dangerous situation.
4 If that gate won't close at all and
5 children can get into that pool and drown, I'm
6 assuming you and your organization would like that
7 to be -- because the ramifications are so dire --
8 I'm assuming that you'd like that situation solved
9 and rectified as quickly as possible.
10 MS. GOTTEHRER: Well, we are always for
11 a speedy, you know, speedy process moving forward,
12 of course.
13 SUPERVISOR SALADINO: And you see how
14 this would speed up that process and give the
15 defendant their day in court much more quickly?
16 COUNCILMAN IMBROTO: Whereas, right
17 now, sometimes defendants are going for multiple
18 years --
19 MS. GOTTEHRER: Yes.
20 COUNCILMAN IMBROTO: -- without having
21 a resolution.
22 SUPERVISOR SALADINO: So you recognize
23 the efficiencies we're trying to --
24 MS. GOTTEHRER: Our -- as you know
25 about my organization, it's just about checking

1 processes and making sure that when there is a lot
2 at stake, the people that have -- are at stake of
3 losing things -- get to, at least, have a fair
4 shot.
5 COUNCILMAN IMBROTO: And we want to
6 give them a fair shot, we want them to have a
7 voice, we want them to have their day in court, and
8 they absolutely will --
9 MS. GOTTEHRER: Okay.
10 COUNCILMAN IMBROTO: -- and they'll
11 have their day in court a lot sooner with this
12 Administrative Bureau than they do in the District
13 Court right now.
14 MS. GOTTEHRER: Thank you.
15 SUPERVISOR SALADINO: Thank you.
16 COUNCILMAN IMBROTO: Thank you.
17 SUPERVISOR SALADINO: Frank, would you
18 come up, please, and shed some more light on these
19 issues?
20 MR. SCALERA: First, let me add that
21 both yourself and Councilman Imbroto did an
22 excellent job on the points that you made, and I
23 don't think I have to add a lot more, but one of
24 the things that we talked about is when an
25 inspector who's certified and licensed by the Town

goes there and observes what we call a violation and condition, understand in the inverse, no matter what somebody says next door, if the inspector goes to the location and does not observe the condition, the inspector doesn't write the ticket.

COUNCILMAN IMBROTO: That's a very good point.

MR. SCALERA: That's what we've been doing here the twenty years that I am here, and that affords due process where, as you said before, somebody, whether it be anonymously or not anonymously, is picking on each other and using the Town as an enforcement tool or a weapon against their neighbors, so that's protected, too.

As far as a director is concerned, the director is appointed -- is recommended --

COUNCILMAN IMBROTO: Can I just ask you about the language?

It says, the director shall be appointed by the Supervisor with the advice and consent of the Town Board.

Can we just change that to appointed by the Town Board.

MR. SCALERA: Yes. Yes.

SUPERVISOR SALADINO: To bring more

1 clarity that we're doing exactly what you're asking
2 for.
3 MR. SCALERA: As the Supervisor -- you
4 mentioned to me yesterday before we talked about
5 this, this is a hearing. It is a fluid process.
6 These are new types of Administration Bureaus.
7 Again, the template was taken from the
8 Town of Huntington and the Town of Babylon --
9 SUPERVISOR SALADINO: Which the New
10 York State Legislature pined over very carefully
11 and improved both.
12 MR. SCALERA: Correct.
13 And I wanted to say that they were --
14 SUPERVISOR SALADINO: Both in the State
15 Assembly and the State Senate --
16 MR. SCALERA: Correct.
17 SUPERVISOR SALADINO: -- signed into law
18 by the Governor --
19 MR. SCALERA: Correct.
20 SUPERVISOR SALADINO: -- and they
21 didn't have any problem with this.
22 MR. SCALERA: Correct.
23 And not to be boring as a lawyer, but
24 some of the lawyers know, when the State and
25 entities either equal to us or above us, when they

1 approve such laws, there is presumptions of
2 validity and presumptions of constitutionality.
3 Here, we had both townships, who are to
4 the east of us -- abutting us -- and State
5 government both approving these laws and vetting
6 them. That's why I felt very comfortable to use
7 their template.
8 Now --
9 COUNCILMAN IMBROTO: And when you say
10 presumption of constitutionality, that includes due
11 process?
12 MR. SCALERA: Due process. Of course.
13 Due process, Fourth Amendment and Fifth
14 Amendment, of course, you know, confront your
15 accuser, all that.
16 However, I want to just add, like I
17 said, the director is appointed by the Board. The
18 way the legislation writes is that the director can
19 pick judges. Perhaps, we tweak that and make all
20 appointments by the Supervisor and Town Board -- I
21 mean, nominated by the Supervisor and approved by --
22 SUPERVISOR SALADINO: As a Board.
23 Let's just make it clear because that's
24 been our intention from the beginning.
25 MR. SCALERA: Correct.

1 That's been the intention, and that's
2 how you work with all our other Boards in the Town
3 -- Zoning Board and the like, so that's all fair
4 game.
5 SUPERVISOR SALADINO: So we're happy to
6 change that verbiage just to make it crystal clear.
7 MR. SCALERA: Yeah, that's very simple.
8 COUNCILMAN IMBROTO: And more
9 democratic.
10 MR. SCALERA: Yeah.
11 SUPERVISOR SALADINO: Well, it's still
12 just as democratic as it's always been because it's
13 the Board voting on it --
14 MR. SCALERA: Duly elected officials
15 representing the residents, of course.
16 SUPERVISOR SALADINO: Okay.
17 MR. SCALERA: So other than that, I
18 mean, I think both of you really -- I don't want to
19 step on what you said, and most of it was
20 addressed, it was pretty clear, and I would have
21 said the same.
22 So the way our process has been working
23 for years, this is just a civil -- obviously, we
24 will take into account reasonableness of penalties.
25 I don't propose to --

1 SUPERVISOR SALADINO: Quite frankly, in
2 my opinion, and we've had this discussion, you've
3 told me it's your opinion as well --
4 MR. SCALERA: Correct.
5 SUPERVISOR SALADINO: -- that it's all
6 about getting the violation corrected.
7 MR. SCALERA: Correct.
8 Compliance.
9 SUPERVISOR SALADINO: It's not about
10 penalizing someone and wiping them out financially.
11 It's about motivating people to rectify the
12 problem.
13 COUNCILMAN IMBROTO: The goal has
14 always been compliance. The goal will continue to
15 be compliance, and only in the case of an egregious
16 offender will we seek to penalize, and we still
17 have the opportunity to bring them to court in
18 Hempstead.
19 MR. SCALERA: Or in a Bureau if so
20 formed.
21 COUNCILMAN IMBROTO: But in the case of
22 a really egregious offender --
23 MR. SCALERA: Correct.
24 COUNCILMAN IMBROTO: -- we can give
25 them a summons, we can bring them to District

1 Court, and they can be prosecuted criminally under
2 the old process, but in the case of where we're
3 just seeking compliance, we don't have to do that.
4 We don't have to take it that far.
5 MR. SCALERA: And just to add and
6 expand on what you're saying about how compliance
7 is a lot more important in the quality of life
8 issues and our suburban quality of life, if you ask
9 my staff, I didn't do this research directly, but
10 if you ask my staff, who has reviewed all the Town
11 Codes on Long Island, we still are the least
12 expensive fines --
13 COUNCILMAN IMBROTO: Actually, I did
14 that research --
15 MR. SCALERA: -- or close to the least
16 expensive fines across all of Long Island for the
17 past twenty years, as long as I've been here.
18 So, again --
19 COUNCILMAN IMBROTO: I did that
20 research when I was in the Town Attorney's Office.
21 MR. SCALERA: Oh, you've done it.
22 COUNCILMAN IMBROTO: I compared all of
23 the municipalities on Long Island, and we were
24 reasonable.
25 SUPERVISOR SALADINO: So what you're

1 saying to us is no one could factually make the
2 claim that our fines are so high comparatively to
3 others that we're putting an undo burden on the
4 subject parcel owner.
5 MR. SCALERA: So the fines that are --
6 that have a criminal classification in nature that
7 go to District Court are one of the lowest on Long
8 Island. Now, we're taking the criminal element
9 out, so nobody can have any liberty or jail time,
10 and we're actually putting it in a civil court.
11 SUPERVISOR SALADINO: And the only
12 purpose of the fines is to get the resident to
13 comply.
14 MR. SCALERA: Correct.
15 That's really the reason why.
16 SUPERVISOR SALADINO: Thank you, Frank.
17 Just one quick question --
18 MR. SCALERA: Sure.
19 SUPERVISOR SALADINO: -- and then I
20 know Steve Labriola has a question.
21 This isn't something new that we're
22 pulling out of the sky, something cutting edge that
23 we're doing.
24 MR. SCALERA: No.
25 SUPERVISOR SALADINO: The Town of

1 Oyster Bay has had a court for many years.
2 Approximately, how many years.
3 MR. SCALERA: You had stepped in a few
4 seconds later when I was giving the introduction.
5 SUPERVISOR SALADINO: I apologize.
6 MR. SCALERA: No, no, no. Not at all.
7 I mean, I think, you wanted to hear this, and the
8 Board heard it is that 1939 there was an act in the
9 County to make the District Courts, so from 1939 to
10 the mid-2000s, we had the 4th District Court in the
11 jurisdictional confines of the Town of Oyster Bay.
12 SUPERVISOR SALADINO: In your research,
13 did you learn of any egregious situation throughout
14 those years?
15 MR. SCALERA: No.
16 COUNCILMAN IMBROTO: And prior to 1939,
17 we had a Justice of the Peace going back to the
18 Civil War.
19 MR. SCALERA: And our research
20 indicates that Justice of the Peace going back to
21 the Civil War time, and, as you know, 74 Audrey
22 Avenue across the street was one of the courthouses
23 that were used for the 4th District Court when that
24 was built around that time.
25 SUPERVISOR SALADINO: So the Town has a

very long --

MR. SCALERA: Very long. So one hundred years --

SUPERVISOR SALADINO: -- long history of having this type of adjudication.

MR. SCALERA: Correct.

Which is why it made no sense at the time in the mid-2000s, and I don't want to disparage, again, anybody who made that decision, but it didn't make sense that Hempstead, North Hempstead, and Oyster Bay for all those years having courts adjudicated and presided over by judges who get elected in that jurisdiction --

SUPERVISOR SALADINO: By the People, for the People.

MR. SCALERA: -- no longer be the judges for the residents who vote for them, which is, you know, again, this is something that I, in my personal opinion, should have never happened in the mid-2000s, but it did, but this is our opportunity to correct it and to make it right.

SUPERVISOR SALADINO: And you're telling us, once again, that the way -- the template that was used to create the proposal that's before us today, we utilized the template

that you found with meetings with the Town of Babylon and the Town of Huntington, they've already created this. New York State went over this very carefully to its constitutionality.

Did New York State, with all of the immense staff that they have in Albany, did they say that the template used by the Towns of Huntington and Babylon were constitutional.

MR. SCALERA: Well, by allowing it to be passed and to give it its imprimatur, it's deemed constitutional and valid, so that's -- what I did in my office for us is because there's always concerns when you form courts, and there's always going to be issues about people talking about due process and the like, we used the template approved by two other governments, the Town and the State, to give assurance, not just to you, as our employer, as our electives, but also to the residents watching to assure them that we're not doing things, you know --

SUPERVISOR SALADINO: We're doing it openly and properly is what I believe you're saying.

MR. SCALERA: Correct.

Exactly.

1 SUPERVISOR SALADINO: We understand
2 when someone comes with questions, we understand
3 having an opinion based on concerns, but once
4 people -- once the public at large understands how
5 much time and effort was taken, that we're
6 following with the template of plans that were
7 voted on by Albany when they checked the
8 constitutionality, it would be very, very difficult
9 for anyone to suggest that ours isn't
10 constitutional, and, in fact, it might even be an
11 attack on the majority in the Assembly and the
12 majority in the Senate to say they didn't do their
13 job because if ours is the same as theirs, if
14 theirs is constitutional, it stands to reason that
15 ours is constitutional.
16 Would you agree with that statement.
17 MR. SCALERA: Correct.
18 And not to bring politics into the
19 matter, but the Towns and the State are on both
20 sides of the aisle who both approved -- previously
21 approved this type of Adjudication Bureau.
22 SUPERVISOR SALADINO: Thank you.
23 MR. SCALERA: All right.
24 SUPERVISOR SALADINO: Thank you.
25 MR. PRAVATO: Supervisor --

1 MR. SCALERA: Oh, I'm sorry, Steve.
2 COUNCILMAN LABRIOLA: Thank you very
3 much.
4 MR. PRAVATO: -- I think if you go into
5 the Receiver's Office, there's a plaque. You'll
6 see there was a Justice of the Peace they actually
7 put on the plaque over there. That's how old this
8 is.
9 SUPERVISOR SALADINO: Yeah, this is
10 nothing new. This is a 100-year-old tradition here
11 in the Town, and Frank is telling us in those
12 decades, he's not aware of any egregious situation
13 that this system created.
14 MR. SCALERA: Correct.
15 COUNCILMAN IMBROTO: Nor of any
16 opposition from civil liberties groups to the
17 Justice of the Peace.
18 MR. SCALERA: No. No.
19 And I know -- I don't know when you
20 worked in the Town Attorney's Office, was the
21 courthouse already moved, was it closed.
22 COUNCILMAN IMBROTO: Yeah, this was
23 after it was moved to Hempstead.
24 MR. SCALERA: Oh, it was.
25 For those on the Council that know,

they closed it. It was on, I think, it was called Bethpage Road, behind Sears, and before that, there was a time that it was more towards -- in the area right near the train tracks -- Hicksville railroad station for decades.

SUPERVISOR SALADINO: Going back, wasn't it in the Rock Museum?

COUNCILMAN IMBROTO: Yes.

SUPERVISOR SALADINO: The Rock Museum was the courthouse.

MR. SCALERA: Correct.

And then after that --

SUPERVISOR SALADINO: In Hicksville.

MR. SCALERA: -- they moved it down that road that's perpendicular to Sears.

COUNCILWOMAN WALSH: The little jail is behind it.

MR. SCALERA: Yeah.

SUPERVISOR SALADINO: Yes.

MR. SCALERA: Because I remember when I started working here, I went to the one behind Sears, and then shortly thereafter the County closed it.

COUNCILMAN LABRIOLA: Mr. Scalera, I have several questions if you would.

1 MR. SCALERA: Sure.
2 COUNCILMAN LABRIOLA: First, to a point
3 of clarification, you mentioned that in 1939,
4 New York State Legislature created the 4th District
5 Court.
6 Is that what you said.
7 MR. SCALERA: I don't know if it was
8 the County or New York State Legislation or both
9 created the District Court system for Nassau
10 County.
11 SUPERVISOR SALADINO: But it was in
12 that year?
13 MR. SCALERA: It was in 1939, right.
14 COUNCILMAN LABRIOLA: The District
15 Court Act.
16 MR. SCALERA: District Court Act in
17 1939, so it would be State with the County.
18 COUNCILMAN LABRIOLA: So what I'm
19 getting at, and this is, just again, for
20 clarification, you said up until the mid-2000s or
21 so we had our own process that we utilized, and
22 then we lost it some time in the mid-2000s you
23 said?
24 MR. SCALERA: Correct.
25 The County is made up in four

1 districts: 1st, 2nd, 3rd, 4th. 1st, don't get
2 confused, is an overall County one; 2nd is
3 Hempstead; 3rd is North Hempstead; 4th is Oyster
4 Bay.
5 COUNCILMAN LABRIOLA: It was in
6 Hicksville; wasn't it?
7 MR. SCALERA: It was in Hicksville for
8 many -- two different courthouses --
9 COUNCILMAN LABRIOLA: It was very
10 convenient for our residents to be able to be heard
11 and to get justice quickly and by residents of the
12 Town of Oyster Bay.
13 Most of the time, as you mentioned,
14 that some of these judges don't reside in the Town
15 of Oyster Bay, and they're administering the
16 justice.
17 MR. SCALERA: Now, the District Court
18 is located in 99 Main Street. The Districts are
19 all combined, but they rotate the judges; meaning,
20 you can get a North Hempstead judge sit in over
21 Oyster Bay cases, so you're right. You don't have
22 an Oyster Bay elected judge elected by the very
23 people that are going into the court.
24 COUNCILMAN LABRIOLA: Right. Right.
25 I'm just focusing on the positive

1 aspect of what we're doing here --
2 MR. SCALERA: Sure.
3 COUNCILMAN LABRIOLA: -- in that in the
4 terms of seeking efficient justice, this helps.
5 MR. SCALERA: Correct.
6 COUNCILMAN LABRIOLA: As they say,
7 justice delayed is justice denied, correct?
8 MR. SCALERA: Correct.
9 COUNCILMAN LABRIOLA: The other thing
10 that I'm questioning, Mr. Scalera, is the section
11 in here, I know this is subject to change --
12 MR. SCALERA: Of course.
13 COUNCILMAN LABRIOLA: -- after this
14 hearing, but there's a section in here that
15 mentions that the terms will be prescribed by the
16 director, and I was just curious as to why we're
17 not following the same format that the District
18 Court has where you have, what is it, six-year
19 terms?
20 MR. SCALERA: Six.
21 COUNCILMAN LABRIOLA: And then there's
22 an age limitation. I believe they have to age out.
23 These judges do eventually age out, so they're not
24 serving, you know, as a lifetime appointment.
25 I would just like to see that really

1 clarified, and I would like the Town Board to play
2 a role in setting the terms and, certainly, I mean,
3 I'm flexible, I think it's 72 in our current -- is
4 72 the current age.
5 MR. SCALERA: It's 70 with an extra two
6 years if you --
7 COUNCILMAN LABRIOLA: But the Governor,
8 the former Governor, ended that process.
9 MR. SCALERA: -- if you were 70 with
10 three two-years, and they took it back, and now it
11 looks like their reinstituting, but 70 is the age
12 where --
13 COUNCILMAN LABRIOLA: And I have to be
14 honest with you, in terms of an Administrative Law
15 judge, I think that some of our senior citizens are
16 still able and fully capable of serving beyond that
17 year --
18 MR. SCALERA: Sure. Sure.
19 SUPERVISOR SALADINO: A judge who is
20 retired with that breadth of experience makes
21 perfect sense.
22 COUNCILMAN LABRIOLA: Yeah, exactly, so
23 I would just like that we have a say in that so
24 that we can have some of our more senior members,
25 retired judges, who can, in fact, serve as an

1 Administrative Law judge without any --
2 COUNCILWOMAN JOHNSON: We have a
3 President that's over that age.
4 COUNCILMAN LABRIOLA: I'm sorry?
5 COUNCILWOMAN JOHNSON: We have a
6 President that's over that age.
7 COUNCILMAN LABRIOLA: I wasn't going to
8 go in that direction, Councilwoman --
9 COUNCILWOMAN JOHNSON: But we do.
10 COUNCILMAN LABRIOLA: -- but you're
11 right.
12 MR. SCALERA: I will make some --
13 COUNCILMAN LABRIOLA: We have highly
14 functioning seniors that are in their late 70s as
15 opposed to the example that you just gave,
16 Councilwoman.
17 MR. SCALERA: That is not --
18 COUNCILMAN LABRIOLA: All kidding
19 aside --
20 COUNCILMAN IMBROTO: There may also be
21 a need for some flexibility with respect to the --
22 MR. SCALERA: That is not an issue as
23 you heard before. We will probably make some
24 changes or tweaks --
25 (Whereupon, Supervisor Saladino left

1 the dais.)
2 COUNCILMAN LABRIOLA: Because I would
3 not want as well --
4 MR. SCALERA: -- that judges should be
5 appointed by the Town Board as well, and then we'll
6 institute, if you want, either an age limit or --
7 COUNCILMAN LABRIOLA: Frank, that's
8 what I'm getting at.
9 MR. SCALERA: Not an issue.
10 COUNCILMAN LABRIOLA: The director, as
11 it was stated earlier, perhaps, the director has a
12 little too much power in this particular form that
13 we're reading right now, and I'd like to see that
14 that power come back to the elected representatives
15 of the Town --
16 MR. SCALERA: Absolutely.
17 COUNCILMAN LABRIOLA: -- so that we can
18 ensure that we're doing what we set out to do,
19 which is efficient justice, and it's convenient and
20 that we can resolve these violations in our own --
21 MR. SCALERA: We'll make it similar.
22 COUNCILMAN IMBROTO: -- Administrative
23 Adjudication Bureau.
24 COUNCILMAN LABRIOLA: -- Administrative
25 Adjudication Bureau rather than District Court,

which is also very intimidating for our residents, and a lot of residents don't want to retain attorneys to represent themselves for minor violations.

COUNCILMAN IMBROTO: And they don't want to stand in the same hallway as murderers, gang members, drug dealers. That's what you have in the District Court.

COUNCILMAN LABRIOLA: Those are a couple of my issues.

Lastly, I just want some clarification on this.

Now, our District Court judges are currently paid for by the State or through the County.

MR. SCALERA: I believe it's State.

MS. FAUGHNAN: State.

COUNCILMAN LABRIOLA: By the State.

MR. SCALERA: State.

MS. FAUGHNAN: They're State employees.

COUNCILMAN LABRIOLA: Is it pass-through money or is the County actually issuing the checks?

MR. SCALERA: I'm not sure.

COUNCILMAN LABRIOLA: I'm just curious.

1 MS. SCALERA: I'll ask one of my friend
2 judges what their paycheck looks like. I'm not
3 sure.
4 COUNCILMAN IMBROTO: By the New York
5 State Court system.
6 COUNCILMAN LABRIOLA: So we're going to
7 create a budget, then, for this particular -- for
8 this Adjudication Bureau.
9 MR. SCALERA: Correct.
10 COUNCILMAN LABRIOLA: It will be our
11 budget.
12 MR. SCALERA: Correct.
13 COUNCILMAN LABRIOLA: Are there State
14 funds available for -- that you're aware of for --
15 MR. SCALERA: That, I don't know.
16 COUNCILMAN LABRIOLA: What are the
17 Huntington and Babylon doing?
18 Are they getting, perhaps, some State
19 funds to --
20 MR. SCALERA: I did not ask that
21 question of them. I spoke to their Town Attorneys
22 respectively.
23 COUNCILMAN LABRIOLA: Because in truth,
24 we're lightening their load in the State under the
25 State system, so --

MR. SCALERA: They could. I'll speak with Colin Bell who does our -- who is our point person on grants, and we should pursue it.

Understand, too, it will also be funded by the revenue that we keep on the tickets now.

COUNCILMAN IMBROTO: It also would not be an enormous cost, but the funds that are taken in would probably be enough to sustain it.

MR. SCALERA: Correct.

COUNCILMAN LABRIOLA: And I know that I've often heard people say that you can't put a price tag on seeking justice, but we have a fiduciary responsibility, and I just want to be sure that we're exercising that, and if we can obtain funding from the State --

MR. SCALERA: Absolutely.

COUNCILMAN LABRIOLA: -- I think that's an avenue we should pursue.

MR. SCALERA: We're pursuing -- again, this is the hearing. We're open to -- again, this is fairly new in New York State. There's only a couple to the east of us that do it -- Huntington and Babylon -- it's new to us and, you know, do we use a building, do we use our own building. We're using our staff as I said. The funds and the

1 revenues from the tickets will more than cover the
2 salary of --
3 COUNCILMAN IMBROTO: To the
4 Councilman's point, though, most of the costs of
5 operating the Administrative Adjudication Bureau
6 are already being paid for by the Town. Most of
7 the infrastructure is already in place.
8 MR. SCALERA: Right.
9 The way that my office is contemplating
10 this for you, folks, and you will make the ultimate
11 decision, is to keep it within the revenue stream
12 of the tickets and use our own internal resources
13 and facilities, not to duplicate any cost. That's
14 our plan.
15 That will be the next part if we get
16 through -- if this is passed, but, of course,
17 you'll be approving all the expenditures no matter
18 what.
19 COUNCILMAN LABRIOLA: Last, just
20 another point I want to make, and I read this in
21 the article in Newsday today.
22 The reason that we are now able to do
23 this without seeking special legislation from the
24 State Legislature is because we have now achieved a
25 certain population level, which allows us to do

1 this on our own; is that correct.
2 MR. SCALERA: Correct.
3 COUNCILMAN LABRIOLA: Okay.
4 So do you know why the State
5 Legislature had not moved our legislation
6 previously.
7 Is there an explanation for that.
8 COUNCILMAN IMBROTO: There's a
9 political explanation for that.
10 MR. SCALERA: Let me say that --
11 COUNCILMAN LABRIOLA: Is that the case?
12 MR. SCALERA: -- like I said earlier,
13 we're in a government forum. It did not make
14 sense.
15 I spoke to the Town Attorneys directly
16 to the east, both of he them, I asked them for
17 their template, I asked them for every step of the
18 way. They got approved and six months later, we
19 didn't. Same exact thing.
20 COUNCILMAN LABRIOLA: My question to
21 you --
22 MR. SCALERA: What would you like me to
23 say, Councilman?
24 COUNCILMAN LABRIOLA: I understand --
25 MR. SCALERA: I think I know, but I

1 can't say.
2 COUNCILMAN LABRIOLA: I wanted to know
3 if there was some kind of technical objections from
4 the local legislators that represent us in Albany,
5 and you haven't heard any of that?
6 MR. SCALERA: No.
7 COUNCILMAN LABRIOLA: If, in fact, our
8 population comes below that 300,000 mark, do we
9 lose this opportunity?
10 MR. SCALERA: No. Once it's
11 established, it's established.
12 COUNCILMAN LABRIOLA: Okay.
13 Well, that was my last point that I --
14 MR. SCALERA: Otherwise it would be
15 chaotic in the law -- form it, don't form it.
16 COUNCILMAN LABRIOLA: Because that's
17 why I began my first line of questioning is I
18 wanted to know how we lost it, that ability, back
19 in, you know, the 4th District Court was created --
20 MR. SCALERA: Correct.
21 COUNCILMAN LABRIOLA: -- for all of our
22 Zoning issues.
23 MR. SCALERA: Well, we could have gone
24 back again to the New York State Legislature. I
25 would have submitted the same exact paperwork that

1 Huntington and Babylon used, and if they denied us
2 last year for no logical reason, why are we going
3 back there?
4 It's disappointing, but that was my
5 thought -- why am I going back to the State
6 Legislature who just approved this to two towns
7 east of us and other towns upstate, but us, we
8 don't get it.
9 COUNCILMAN IMBROTO: And we had every
10 indication that it was going to be approved for us
11 too --
12 MR. SCALERA: Correct.
13 COUNCILMAN IMBROTO: -- until the very
14 last minute when --
15 MR. SCALERA: Whatever.
16 COUNCILMAN IMBROTO: -- one Assemblyman
17 stepped in and --
18 MR. SCALERA: So, again, the law allows
19 us to proceed with this, and, you know, we're not
20 doing this to pick a fight with anybody. We're
21 doing it because we're doing it for the residents
22 and for efficiency and compliance, so a lot of
23 these -- especially, we learned during COVID, it
24 was for the folks that were practicing, Lou, you
25 were practicing too, the Court just closed down,

1 and it set hundreds of cases backed up, Councilman;
2 Hundreds.
3 COUNCILMAN LABRIOLA: Well, thank you,
4 Mr. Scalera.
5 You have addressed my question. I
6 appreciate it.
7 MR. SCALERA: Thank you, Councilman.
8 Anything else.
9 COUNCILWOMAN JOHNSON: If there's no
10 other questions from the Council members, we do
11 have a couple of speakers.
12 The first is Ruka Anzai.
13 MS. ANZAI: Hi. Good afternoon.
14 My name is Ruka Anzai.
15 COUNCILWOMAN JOHNSON: Could you just
16 give us your address, please, for the record?
17 MS. ANZAI: Yes.
18 I reside at 110 Leahy Street in
19 Jericho.
20 So I support the Town of Oyster Bay's
21 plans to create a Bureau of Administrative
22 Adjudication, and I commend you listening to the
23 public.
24 I'm so disappointed that my Assemblyman
25 Charles Levine would take such a strong

antiresident stand. Although, I guess I shouldn't be so surprised since he approved the bail and Discovery laws that are making us less safe while anonymous complaints and new Discovery laws they shouldn't have.

I supported keeping confidential the names and addresses of residents who file complaints about a problem property in their neighborhoods. No one wants to live in fear of retribution from their neighbor for simply for reporting real problems.

I did some research on State laws and found a very troubling pattern that you should be aware of. While taking such a negative stance against Oyster Bay's proposal, it turns out that Assemblyman Levine, actually, voted and created similar courts in the Town of Babylon and Huntington and in the cities of Newburgh and Syracuse.

The only major difference is that these other governments are run by Democrats' leadership, so putting political agenda before a good government and the needs of our residents is wrong and dangerous.

Thank you for listening.

1 COUNCILMAN IMBROTO: Thank you.
2 COUNCILMAN LABRIOLA: Thank you very
3 much for that clarification.
4 COUNCILWOMAN JOHNSON: We appreciate
5 your time.
6 MS. ANZAI: Thank you.
7 COUNCILWOMAN JOHNSON: Our next speaker
8 will be Arthur Adelman.
9 MR. ADELMAN: Arthur Adelman,
10 110 Dubois Avenue, Sea Cliff, New York.
11 COUNCILMAN IMBROTO: How are you,
12 Arthur?
13 MR. ADELMAN: Okay.
14 I remember when we talked about this
15 Adjudication Bureau back last April, and I
16 questioned the Board regarding the qualifications
17 of judges knowing that New York State Law dictates
18 that on a town and local level, judges need not be
19 attorneys, and I was rebuffed by Council peoples
20 Johnson and Imbroto --
21 COUNCILWOMAN JOHNSON: I stand
22 corrected.
23 MR. ADELMAN: -- and I still --
24 COUNCILMAN IMBROTO: Are you here to
25 submit your résumé again, Arthur?

1 MR. ADELMAN: -- just to continue, Lou,
2 I mean, this is, I really feel a very big issue,
3 and I see that you've addressed my concern in this
4 law by adding Section 14-6, which dictates the
5 Administrative Law judges shall be attorneys in
6 good standing.
7 I object to that chapter in this law.
8 I think age brings wisdom, and on these types of
9 civil, local cases brought by concerned citizens,
10 sometimes the non-legal mind can get through the
11 facts and make a more and purer, fairer decision
12 not based on law, but based on circumstances
13 sometimes.
14 I agree with --
15 COUNCILMAN IMBROTO: But, Arthur, given
16 the concern for due process, there are legal
17 requirements that are important to be aware of.
18 MR. ADELMAN: Excuse me. I'm not going
19 to argue about due process. I'm not an attorney --
20 COUNCILMAN IMBROTO: Which is exactly
21 why the judge should be an attorney.
22 MR. ADELMAN: -- but according to what
23 I've read, it is already not following due process,
24 and the State Law dictates that town and local
25 judges do not have to be attorneys.

1 Why do we, this Town, have to go
2 against what --
3 COUNCILMAN IMBROTO: I'm explaining to
4 you why.
5 Because there are important
6 constitutional issues that are involved. There are
7 important legal issues. There are people's rights
8 at stake. And it's important that the judge be
9 cognizant of what those rights are, what the
10 necessary procedures are, and what the legal
11 requirements are so that the Bureau is not doing
12 something contrary to the law and contrary to the
13 Constitution.
14 MR. ADELMAN: But isn't it already
15 doing that when we talk about what the Civil
16 Liberties Union stated that the --
17 COUNCILMAN IMBROTO: No.
18 MR. ADELMAN: Okay. I thought that was
19 part of due process as well.
20 Anyway, I'm objecting to the Section
21 14-6. I also feel that you should -- there should
22 be a term limit as opposed to an age limit on the
23 judges. I think the pool of available judges, be
24 they retired judges, retired lawyers, or retired
25 executives, calls for term limits as opposed to

1 aging out.
2 COUNCILWOMAN JOHNSON: Are you
3 suggesting that if we were to adopt something that
4 didn't have the lawyer requirement, that it would
5 have to be an executive requirement?
6 MR. ADELMAN: No. Just everybody
7 should be -- all residents should be available in
8 the pool of candidates for your Administrative
9 judges. There are plenty of non-attorneys that
10 are --
11 COUNCILMAN IMBROTO: All qualified
12 residents, and I think a legal background would be
13 one of the qualifications we would look to when
14 choosing a judge.
15 MR. ADELMAN: You know, we're talking
16 about a Civil Court of Adjudication, sort of like a
17 mediator, an arbitrator, okay?
18 Many, many mediators and arbitrators
19 are non-attorneys deciding legal issues.
20 COUNCILMAN IMBROTO: It's, actually,
21 not equivalent to a mediator or an arbitrator.
22 MR. ADELMAN: I'm just disagreeing.
23 You're going to do what you want.
24 I've yet to see this Board go against
25 what's presented except last meeting where there

1 was something that was not passed. It wasn't voted
2 down. It was not passed. Big difference.
3 I'm also here, I got a -- I don't know
4 if everybody in the public had heard Assemblyman
5 Levine's objection and statement to this Local Law.
6 I brought it with me. It should be read into the
7 record. I'll summarize it because I only have a
8 few seconds left.
9 Assemblyman Levine objected to the
10 introduction of the Local Law based on the fact
11 that it was turned down last April by the State
12 primarily because of the population issue, and he
13 said going ahead, he will recommend to the
14 Secretary of State to turn down the application.
15 I pray that we do not have to end up in
16 court, the Town of Oyster Bay v. The State of
17 New York, because I know we have it in place to sue
18 a lot of people, but every time we go into things
19 like this, we hire outside counsel, and I think
20 that's a waste of money and time.
21 Again, I think that the fact that you
22 want to bring --
23 COUNCILMAN IMBROTO: And just to the
24 point that you're making, we would point out the
25 hypocrisy of Assemblyman Levine not opposing the --

1 MR. ADELMAN: I don't object to it --
2 COUNCILMAN IMBROTO: -- same exact
3 legislation for every other town that it's been
4 proposed in --
5 MR. ADELMAN: -- I'm just looking --
6 COUNCILMAN IMBROTO: -- only us.
7 MR. ADELMAN: -- not to waste money.
8 COUNCILWOMAN JOHNSON: I think the fact
9 that we did, in fact, meet the residency
10 requirements --
11 MR. ADELMAN: You got my gist.
12 I object to your 14-6, and I really
13 think that all of the public and the residents
14 should be available to serve just as they are in
15 Village courts and Town courts.
16 COUNCILMAN IMBROTO: All right.
17 Thank you, Arthur.
18 COUNCILWOMAN JOHNSON: Thank you,
19 Arthur.
20 Is there anyone else that wishes to be
21 heard on this matter.
22 (Whereupon, there was no response from
23 the assemblage.)
24 COUNCILWOMAN JOHNSON: All right.
25 No one else.

1 Mr. Town Clerk, do we have any
2 postings.
3 MR. LaMARCA: We have Affidavits of
4 Posting and Publication.
5 There is no other correspondence.
6 COUNCILWOMAN JOHNSON: Thank you.
7 Can I have a motion to close this
8 hearing.
9 COUNCILMAN IMBROTO: Second -- are we
10 keeping the record open or --
11 MR. SCALERA: I ask that you keep the
12 record open, please, for 30 days, So motion to
13 close and keep the record open.
14 COUNCILMAN IMBROTO: Is the motion to
15 close the hearing and keep the record open for 30
16 days?
17 I will second that motion.
18 COUNCILWOMAN JOHNSON: No. You're
19 making the motion.
20 COUNCILMAN IMBROTO: Oh, I'm making the
21 motion.
22 COUNCILWOMAN JOHNSON: Can you make a
23 motion to close the hearing and keep the record
24 open for 30 days?
25 COUNCILMAN IMBROTO: All right.

I'll make a motion to close the public portion of the hearing and keep the record open for 30 days.

COUNCILMAN HAND: I'll second the motion.

COUNCILWOMAN JOHNSON: Thank you.

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

ALL: "Aye."

COUNCILWOMAN JOHNSON: The "Ayes" have it.

(TIME NOTED: 12:45 P.M.)

COUNCILWOMAN JOHNSON: At this time, I'm going to ask for a motion that we adjourn to Executive Session.

COUNCILMAN IMBROTO: Yes.

I'll make a motion that we go into Executive Session for the purpose of discussing personnel and potential or proposed litigation.

COUNCILMAN HAND: Second.

COUNCILWOMAN JOHNSON: All in favor, please signify by saying, "Aye."

ALL: "Aye."

COUNCILWOMAN JOHNSON: The "Ayes" have it.

1 Thank you. We'll be back.
2 (TIME NOTED: 12:46 P.M.)
3 (Whereupon, the Executive Session began
4 at 12:46 p.m. and the proceedings resuming at
5 1:58 p.m. as follows:)
6 SUPERVISOR SALADINO: I'm going to ask
7 our Town Clerk --
8 COUNCILMAN IMBROTO: No, no. We have
9 to close the Executive Session.
10 I make a motion to close the Executive
11 Session.
12 No action was taken.
13 COUNCILWOMAN JOHNSON: Thank you.
14 I second that.
15 SUPERVISOR SALADINO: All in favor,
16 please signify by saying, "Aye."
17 ALL: "Aye."
18 SUPERVISOR SALADINO: Those opposed,
19 "Nay."
20 (Whereupon, there were no "Nay"
21 responses from the Board.)
22 SUPERVISOR SALADINO: The "Ayes" have
23 it.
24 (TIME NOTED: 1:59 P.M.)
25

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
July 12, 2022
2:00 p.m.

**JOSEPH SALADINO**
SUPERVISOR

**RICHARD LaMARCA**
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO
COUNCILWOMAN MICHELE M. JOHNSON
COUNCILMAN LOUIS B. IMBROTO
COUNCILMAN THOMAS P. HAND
COUNCILMAN STEVE L. LABRIOLA
COUNCILWOMAN LAURA L. MAIER
COUNCILWOMAN VICKI WALSH

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

RICHARD LaMARCA, TOWN CLERK
JEFFREY P. PRAVATO, RECEIVER OF TAXES

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

SUPERVISOR SALADINO: Would the Town Clerk please call the Regular Action Calendar?

MR. LaMARCA: May I have a motion to suspend the Rules and add Resolution Nos. 518 and 519-2022.

**RESOLUTION NO. 518-2022**; Resolution authorizing the settlement of litigation, Town of Oyster Bay v. Harendra Singh, et al. and for the Town Attorney to execute all necessary documents in connection to the settlement. (M.D. 7/5/22 #16).

**RESOLUTION NO. 519-2022**; Resolution granting request from Bethpage Chamber of Commerce for Town assistance in hosting their Music on Broadway to be held on July 30 and August 20, 2022 and to use various Town equipment for the events. (M.D. 7/5/22 #17).

On the motion:

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN IMBROTO: Second.

MR. LaMARCA: Motion made by Councilwoman Johnson and seconded by Councilman Imbroto.

On the vote:

Supervisor Saladino?

SUPERVISOR SALADINO: "Aye."

MR. LaMARCA: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: "Aye."

MR. LaMARCA: Councilman Imbroto?

COUNCILMAN IMBROTO: "Aye."

MR. LaMARCA: Councilman Hand?

COUNCILMAN HAND: "Aye."

MR. LaMARCA: Councilman Labriola?

COUNCILMAN LABRIOLA: "Aye."

MR. LaMARCA: Councilwoman Maier?

COUNCILWOMAN MAIER: "Aye."

MR. LaMARCA: Councilwoman Walsh?

COUNCILWOMAN WALSH: "Aye."

MR. LaMARCA: Motion to suspend the Rules and add Resolution Nos. 518-2022 and 519-2022 passes with seven "Ayes."

(TIME NOTED: 1:59 P.M.)

MR. LaMARCA: May I have a motion to resuspend the Rules and add the following Walked-On Resolution No. 520-2022, which is a Resolution amending Resolution No. 478-2022 to reflect language in the supporting documents?

On the motion:

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN IMBROTO: Second.

MR. LaMARCA: Motion made by

Councilwoman Johnson and seconded by Councilman Imbroto.

On the vote:

Supervisor Saladino?

SUPERVISOR SALADINO: "Aye."

MR. LaMARCA: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: "Aye."

MR. LaMARCA: Councilman Imbroto?

COUNCILMAN IMBROTO: "Aye."

MR. LaMARCA: Councilman Hand?

COUNCILMAN HAND: "Aye."

MR. LaMARCA: Councilman Labriola?

COUNCILMAN LABRIOLA: "Aye."

MR. LaMARCA: Councilwoman Maier?

COUNCILWOMAN MAIER: "Aye."

MR. LaMARCA: Councilwoman Walsh?

COUNCILWOMAN WALSH: "Aye."

MR. LaMARCA: Motion to resuspend the Rules of Procedure and add Walked-On Resolution 520-2022 passes with seven "Ayes" and Zero "Nays."

(TIME NOTED: 2:00 P.M.)

MR. LaMARCA: May I have a motion to adopt Resolution Nos. P-12-22 through 520-2022?

**PERSONNEL RESOLUTION NO. P-12-22;** Resolution pertaining to personnel of various

departments within the Town of Oyster Bay.

**TRANSFER OF FUNDS RESOLUTION NO. TF-11-22**; Resolution pertaining to transfer of funds within various departments accounts for the Year 2022.

**RESOLUTION NO. 491-2022**; Resolution granting request from the Nassau County Bethpage PAL to utilize Bethpage Community Park pool Mondays through Fridays from 6:00 a.m. to 9:30 a.m. from July 5, 2022 to August 17, 2022. (M.D. 6/21/22 #4).

**RESOLUTION NO. 492-2022**; Resolution pertaining to an increase for Planning Services for 2022, for services required in order to complete Golf Course Planning Study. Account No. PAD B 8020 44800 000 0000. (M.D. 6/21/22 #7).

**RESOLUTION NO. 493-2022**; Resolution pertaining to Contract No. PWC09-22, On-Call Engineering Services Relative to Site Development in connection with seven private Golf Courses throughout the Town of Oyster Bay. Account No. DER A 8090 44500 000 0000. (M.D. 6/21/22 #14).

**RESOLUTION NO. 494-2022**; Resolution pertaining to Contract No. PWC20-22, On-Call Engineering Services Relative to Tank Management in connection with assisting with community park spill

prevention reports, tank registrations, routine CBS & PBS tank system inspections, reporting and registrations and for use of a sub-consultant in connection to compliance testing and repairs. Account No. PKS H 7197 20000 000 2202 001. (M.D. 6/21/22 #15).

**RESOLUTION NO. 495-2022**; Resolution granting request from the Church of St. Rose of Lima in Massapequa for Town assistance in conducting their family festival to be held July 14, 2022 through July 23, 2022 and for use of various Town equipment for the event. (M.D. 6/21/22 #17).

**RESOLUTION NO. 496-2022**; Resolution granting request from the Parish of the Holy Family Church in Hicksville for Town assistance in conducting their annual festival to be held August 10, 2022 through August 13, 2022 and for use of various Town equipment for the event. (M.D. 6/21/22 #18).

**RESOLUTION NO. 497-2022**; Resolution authorizing an agreement for the Last Summer Blast concert to be held September 17, 2022 at Ellsworth W. Allen Town Park and for the Supervisor, or his designee or the Commissioner of

Community & Youth to execute said agreement. Account No. CYS A 7020 47660 000 0000. (M.D. 6/28/22 #5).

**RESOLUTION NO. 498-2022;** Resolution authorizing the issuance of refunds for the 2022 Town of Oyster Bay Summer Recreation Program to the listed residents. Account No. PKS A 0001 02001 510 0000. (M.D. 6/28/22 #6).

**RESOLUTION NO. 499-2022;** Resolution authorizing the issuance of a refund for the 2022 Town of Oyster Bay Summer Ice Hockey Program to Jessica Sventoraitis. Account No. PKS A 0001 02001 510 0000. (M.D. 6/28/22 #7).

**RESOLUTION NO. 500-2022;** Resolution authorizing the issuance of a refund for the 2022 Town of Oyster Bay Summer Ice Hockey Program to Ying Hu. Account No. PKS A 0001 02001 510 0000. (M.D. 6/28/22 #8).

**RESOLUTION NO. 501-2022;** Resolution pertaining to expenditures for outside counsel for the Zoning Board of Appeals in connection with legal services for zoning and land use litigation for the period January 1, 2021 through December 31, 2022. Account No. PAD B 8010 44800 000 0000. (M.D. 6/28/22 #12).

**RESOLUTION NO. 502-2022**; Resolution authorizing the property cleanup assessment of 3 Crescent Street, Hicksville, performed on April 20, 2022, be referred to the County of Nassau for placement on the Nassau County Tax Assessment rolls. (M.D. 6/28/22 #14).

**RESOLUTION NO. 503-2022**; Resolution authorizing the property cleanup assessment of 6 Prade Lane, Massapequa, performed on March 17, 2022, be referred to the County of Nassau for placement on the Nassau County Tax Assessment rolls. (M.D. 6/28/22 #15).

**RESOLUTION NO. 504-2022**; Resolution authorizing the property cleanup assessment of 14 Hazelwood Drive, Jericho, performed on April 20, 2022, be referred to the County of Nassau for placement on the Nassau County Tax Assessment rolls. (M.D. 6/28/22 #16).

**RESOLUTION NO. 505-2022**; Resolution authorizing the property cleanup assessment of 37 9th Street, Hicksville, performed on April 18, 2022, be referred to the County of Nassau for placement on the Nassau County Tax Assessment rolls. (M.D. 6/28/22 #17).

**RESOLUTION NO. 506-2022**; Resolution

1 authorizing the property cleanup assessment of
2 50 Genesee Street, Hicksville, performed on
3 April 20, 2022, be referred to the County of Nassau
4 for placement on the Nassau County Tax Assessment
5 rolls. (M.D. 6/28/22 #18).
6 **RESOLUTION NO. 507-2022**; Resolution
7 authorizing the property cleanup assessment of
8 109 Arlyn Drive West, Massapequa, performed on
9 May 2, 2022, be referred to the County of Nassau
10 for placement on the Nassau County Tax Assessment
11 rolls. (M.D. 6/28/22 #19).
12 **RESOLUTION NO. 508-2022**; Resolution
13 authorizing the property cleanup assessment of
14 249 North Syracuse Avenue, North Massapequa,
15 performed on April 27, 2022, be referred to the
16 County of Nassau for placement on the Nassau County
17 Tax Assessment rolls. (M.D. 6/28/22 #20).
18 **RESOLUTION NO. 509-2022**; Resolution
19 authorizing the property cleanup assessment of
20 4340 Merrick Road, Massapequa, performed on
21 April 22, 2022, be referred to the County of Nassau
22 for placement on the Nassau County Tax Assessment
23 rolls. (M.D. 6/28/22 #21).
24 **RESOLUTION NO. 510-2022**; Resolution
25 authorizing acceptance of the design and entrance

1 into bid & construction phase for Contract No.
2 DP22-236, TOBAY Beach Marina Bulkhead Replacement.
3 (M.D. 6/28/22 #22).
4 **RESOLUTION NO. 511-2022**; Resolution
5 authorizing acceptance of the design and entrance
6 into bid & construction phase for Contract No.
7 DP21-224, John J. Burns Park Bulkhead Replacement.
8 (M.D. 6/28/22 #23).
9 **RESOLUTION NO. 512-2022**; Resolution
10 authorizing sub-license of the licensed premises at
11 the Old Bethpage Solid Waste Complex for the
12 purpose of accepting tree logs, brush and tree
13 branches for processing into wood chips. (M.D.
14 6/28/22 #27).
15 **RESOLUTION NO. 513-2022**; Resolution
16 authorizing staff members of the Town of Oyster Bay
17 Full Day Summer Camp Recreation to take the
18 Aquatics Solution Pool Activity Leader course
19 required by the Nassau County Department of Health.
20 (M.D. 6/28/22 #28).
21 **RESOLUTION NO. 514-2022**; Resolution
22 directing the Town Clerk to advertise a Notice of
23 Hearing on the application of SPA 77 H L.P., fee
24 owner and Hicksville QSR II, Inc., lessee, for a
25 Special Use Permit for premises located at

538A S. Broadway, Hicksville, New York. Hearing date: August 9, 2022. (M.D. 6/28/22 #29).

**RESOLUTION NO. 515-2022**; Resolution directing the Town Clerk to advertise a Notice of Hearing on the application of 4 B's Realty III Michael Drive, LLC, fee owner and Syosset Jumpers, LLC, lessee, for a Special Use Permit for premises located at 310 Michael Drive, Syosset, New York. Hearing date: August 9, 2022. (M.D. 6/28/22 #30).

**RESOLUTION NO. 516-2022**; Resolution authorizing award of construction Contract No. DP22-233, Theodore Roosevelt Memorial Park Synthetic Turf Field Replacement. Account No. PKS H 7197 20000 000 2102. (M.D. 6/28/22 #24 & 7/5/22 #11).

**RESOLUTION NO. 517-2022**; Resolution pertaining to the decision for Local Law entitled, "A Local Law to Amend Chapter 233 - Traffic, of the Code of the Town of Oyster Bay. Hearing held: July 12, 2022. (M.D. 6/12/22 #46).

**RESOLUTION NO. 518-2022**; Resolution authorizing the settlement of litigation, Town of Oyster Bay v. Harendra Singh, et al. and for the Town Attorney to execute all necessary documents in connection to the settlement. (M.D. 7/5/22 #16).

**RESOLUTION NO. 519-2022**; Resolution granting request from Bethpage Chamber of Commerce for Town assistance in hosting their Music on Broadway to be held on July 30 and August 20, 2022 and to use various Town equipment for the events. (M.D. 7/5/22 #17).

**RESOLUTION NO. 520-2022**; Resolution amending Resolution No. 478-2022 to reflect language in the supporting documents.

On the motion:

COUNCILWOMAN JOHNSON: So moved.

COUNCILMAN IMBROTO: Second.

MR. LaMARCA: Motion made by Councilwoman Johnson and seconded by Councilman Imbroto.

I believe we have a slip or two.

SUPERVISOR SALADINO: Not in front of me, which is unusual.

Are there any speakers on the Regular Action Calendar for today?

(Whereupon, a member of the assemblage raised their hand to be recognized.)

SUPERVISOR SALADINO: Who would that speaker be?

Oh, you, sir. Please step up.

Could you give us your full name and address for the record?

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

I have a question regarding Resolution 511.

Has the Commissioner of DPW shared a rendering of the design going out to bid.

Has anyone seen it? Is there one.

SUPERVISOR SALADINO: Well, I can assure you that he has shared that rendering with the firm that has been charged with the design of making it not only the most efficient --

MR. ADELMAN: No.

SUPERVISOR SALADINO: -- but for it to last the longest -- you're talking about 511?

MR. ADELMAN: 511.

SUPERVISOR SALADINO: You're talking about a bulkhead.

MR. ADELMAN: Lockwood Kessler & Bartlett was hired to do the engineering work and get stuff ready so we can put it out for bid.

SUPERVISOR SALADINO: Right.

MR. ADELMAN: Now, we've got a package getting ready to go out for bid.

1 Is there a rendering of what we're --
2 SUPERVISOR SALADINO: Just so I can
3 understand the question, is your concern are we
4 using a Navy bulkhead design versus sheathing and
5 whaler design?
6 MR. ADELMAN: No.
7 Is there something --
8 SUPERVISOR SALADINO: The location of
9 the bulkhead has not changed --
10 MR. ADELMAN: No.
11 Is there something --
12 SUPERVISOR SALADINO: -- the length of
13 it has not changed --
14 MR. ADELMAN: Is there something we can
15 look at? That's all.
16 Is there a picture of it.
17 COUNCILMAN LABRIOLA: Yes.
18 SUPERVISOR SALADINO: There is a
19 bulkhead right here in town at the park. It will
20 be the very similar design --
21 MR. ADELMAN: Okay.
22 SUPERVISOR SALADINO: -- and if you go
23 to Burns Park --
24 MR. ADELMAN: I don't know. I just
25 thought for --

SUPERVISOR SALADINO: Arthur. Arthur.

If you go to T.R. Park, you'll see a bulkhead. If you go to John Burns Park, you'll see exactly where that bulkhead is being built because the line will not change. The exact placement location -- I've spent a lot of time, they'll tell you that I've put a lot of effort and focus on this very project. The location is the same and the style of bulkhead is the same.

MR. ADELMAN: Okay.

SUPERVISOR SALADINO: The materials are different because by using vinyl materials, they can last 100 years, and a timber bulkhead gets eaten up by the worms.

So are you specifically asking what style of bulkhead or the location of it.

MR. ADELMAN: No. Just what it was going to look like. I figured --

SUPERVISOR SALADINO: So we don't do artist renderings --

MR. ADELMAN: Okay.

SUPERVISOR SALADINO: -- but you can go over to the department and go look at the location and you're going to find that the line of where the bulkhead will be built is the exact same line of

where it is now.

If you're questioning the style, whether it is Navy bulkhead or sheathing and whaler, is it that you want to know whether the pilings are exterior or interior.

MR. ADELMAN: No. I was just asking when we put out a bid package, is there a picture of what we want the construction company to make?

SUPERVISOR SALADINO: Only construction design plans, architectural plans.

MR. ADELMAN: All right.

Let's move on.

SUPERVISOR SALADINO: But I'm not sure why.

MR. ADELMAN: I just thought it was something new, and when you put it out or presented it to the Board to vote on it that you look at a picture of what this is -- here's what we have now --

SUPERVISOR SALADINO: Do you mean an artist rendering or do you mean construction design plans?

MR. ADELMAN: Anything that you can look at. Here's what we have now, and here's what it's going to be in one year after the

1 construction. That's all.
2 SUPERVISOR SALADINO: It's going to
3 look exactly the same, except be made with
4 materials that will last 70 or 100 years.
5 MR. ADELMAN: All right. You've
6 explained it to me.
7 SUPERVISOR SALADINO: Thank you.
8 MR. ADELMAN: You're welcome.
9 SUPERVISOR SALADINO: What next?
10 MR. ADELMAN: Up next, 492 and 493 are,
11 basically, the same line items that we're spending
12 money on.
13 We're looking to approve an additional
14 $20,000 for Nelson Pope to continue their study of
15 the -- now, it's only seven golf courses they're
16 studying. I take it those are the seven golf
17 courses in the unincorporated areas of the Town.
18 Golf courses, private courses in
19 villages would not be part of this study, correct.
20 SUPERVISOR SALADINO: Is that correct?
21 MR. BELL: That's correct.
22 It's specific to the unincorporated
23 portions, yes.
24 SUPERVISOR SALADINO: He tells me that
25 that is correct.

MR. ADELMAN: And I'm just curious how much have we spent.

Now, we're asking for an additional 20.

What's the previous amount we authorized last year.

So we spent -- we're looking for another 20, but, obviously, we spent "X" amount of dollars already. The public should know that.

According to my research, they've gotten -- the previous authorization was for $48,000 so we're moving up to $68,000 potentially expensed for this study, which there's nothing produced yet.

SUPERVISOR SALADINO: I didn't say that.

The Commissioner is not in the room at present. I'm expecting he return at some point today, and we'll get the two of you to sit down, and this way he can answer those questions specifically and show you whatever backup you're looking for.

MR. ADELMAN: And I'm curious, they mentioned the Engineers Club?

SUPERVISOR SALADINO: Golf club.

MR. ADELMAN: Yeah.

As far as I know, there's only about two acres in the Town of Oyster Bay. The rest is in the Village of Roslyn Harbor, and there are already plans out there with the Village of Roslyn Harbor, probably Nassau County and North Hempstead, and probably you, the Town, has probably gotten an idea of what they want to do.

People have been knocking on my door asking what can I do to stop it. I said, nothing.

SUPERVISOR SALADINO: What can you do to stop what?

MR. ADELMAN: Well, they don't want townhouses going in adjacent to Bryant Avenue and Glen Cove Avenue, basically, because of the impact on traffic and the environment, and I explained to these people that if it's not these townhouses, the owners of the property have, by right, the ability to build "X" amount of homes, so it's a matter of the lesser of two evils.

The back road egress of this development is going to be a horror for everybody in that area because when I was a Trustee in Roslyn Harbor, the back road Glen Cove Road intersection, back in the late '80s, was the most dangerous intersection in the County, so I don't know what

it's going to be, but I'm curious on the Town study why are we including Engineers Country Club there. We're only talking about two acres, so --

SUPERVISOR SALADINO: So the most direct answer --

MR. ADELMAN: -- I know, I know. I don't understand why the study --

SUPERVISOR SALADINO: The most direct answer for you, sir --

MR. ADELMAN: -- is taking so long.

They've been working a year, all right. We're a year into it, and we have nothing to show but a $48,000 bill and a request for $20,000 more. I don't understand things sometimes.

SUPERVISOR SALADINO: Well, that's not an accurate depiction of the reality, but the real answer to your question is, it's not only about how much of it is in the Town of Oyster Bay, but what are the impacts to not looking.

You've asked for us to look at things from that podium in this room. You've asked us to look at things more holistically and to use our collaborative skills -- and this Town Board is filled with very skilled people -- to see what the impacts are.

1 If I hear that you have at a driveway
2 apron and one of your -- the concrete is cracked at
3 that spot, and, therefore, we know what's going on
4 on your entire property; would that be accurate.
5 MR. ADELMAN: No.
6 SUPERVISOR SALADINO: Okay.
7 So a holistic approach is the best way
8 to decipher what all impacts are, and that's the
9 reason why we take a holistic approach.
10 MR. ADELMAN: Okay.
11 I'm just looking for a date where the
12 vendor will be producing something for us to
13 review.
14 SUPERVISOR SALADINO: Why don't you
15 speak to -- oh, here's Jim.
16 So after the meeting, please speak to
17 Jim McCaffrey --
18 MR. ADELMAN: Okay.
19 SUPERVISOR SALADINO: -- and he'll
20 answer your questions in further detail, and we
21 appreciate your being here today.
22 MR. ADELMAN: Thank you very much,
23 Supervisor.
24 SUPERVISOR SALADINO: Thank you.
25 Is there anyone else who would like to

be heard on today's Action Calendar.

(Whereupon, there was no response from the assemblage.)

SUPERVISOR SALADINO: So with that, would you kindly call for a vote?

MR. LaMARCA: Supervisor Saladino?

SUPERVISOR SALADINO: "Aye."

MR. LaMARCA: Councilwoman Johnson?

COUNCILWOMAN JOHNSON: "Aye."

MR. LaMARCA: Councilman Imbroto?

COUNCILMAN IMBROTO: "Yes."

MR. LaMARCA: Councilman Hand?

COUNCILMAN HAND: "Aye."

MR. LaMARCA: Councilman Labriola?

COUNCILMAN LABRIOLA: "Aye."

MR. LaMARCA: Councilwoman Maier?

COUNCILWOMAN MAIER: "Aye."

MR. LaMARCA: Councilwoman Walsh?

COUNCILWOMAN WALSH: "Aye."

MR. LaMARCA: Motion to adopt Resolution No. P-12-22 through 520-2022 pass with seven "Ayes."

The Calendar is complete.

SUPERVISOR SALADINO: Thank you.

May I have a motion.

COUNCILWOMAN JOHNSON: Supervisor, I will make a motion to close this meeting.

SUPERVISOR SALADINO: May I have a second?

COUNCILMAN IMBROTO: Second.

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

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed, "Nay."

(Whereupon, there were no "Nay" responses from the Board.)

SUPERVISOR SALADINO: The "Ayes" have it.

(TIME NOTED: 2:11 P.M.)

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