

TOWN BOARD  
TOWN OF OYSTER BAY  
SPECIAL PRESENTATION  
AUGUST 15, 2017  
10:21 a.m.

**JOSEPH SALADINO**  
**SUPERVISOR**

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

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN THOMAS HAND  
TOWN CLERK JAMES ALTADONNA JR.  
RECEIVER OF TAXES JAMES STEFANICH

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1                   SUPERVISOR SALADINO: Good morning,  
2 ladies and gentlemen.

3                   We appreciate your patience.  
4 Apparently, there was an overturned vehicle on the  
5 LIE and that blocked -- slowed down some people in  
6 getting here and the public, and one of our council  
7 members, who will be getting here shortly, so we're  
8 going to get started and, obviously, we have some  
9 announcements to make, but we know that folks will  
10 be getting here.

11                  So to lead this morning's prayer will  
12 be Pastor Jeehoon Song better known as Pastor Jee  
13 of Arumdaun Presbyterian Church in Bethpage.

14                  Arumdaun's vision is to faithfully  
15 promote the ministry of reconciliation and to  
16 function as God's agents. The ministry of  
17 reconciliation requires healing, maturity and  
18 building relationships through the eradication of  
19 spiritual and physical poverty in and around us.

20                  In order to do this, the church is  
21 committed to discipleship training, embarking on  
22 short term mission trips and community service.  
23 Pastor Jee is the head pastor of the English  
24 ministry at Arumdaun Presbyterian Church. He began  
25 in March of 2013. Previously, Pastor Jee was the

1 youth pastor at the church. Pastor Jee obtained  
2 his Master's of divinity and his of Master of Arts  
3 from Princeton Theological Seminary.

4 A Philadelphia native, he's an avid fan  
5 of the Eagles and the Phillies, but we won't hold  
6 that against him. He is married to his lovely  
7 wife, Jenny, and has three beautiful children,  
8 Lilly, Michaela and Oliver.

9 Pastor Jee, would you please join us?

10 (Whereupon, a prayer was recited by  
11 Pastor Jee.)

12 SUPERVISOR SALADINO: I'd like to ask  
13 for a moment of silence for all those who have lost  
14 their lives recently as related to hate crimes, the  
15 acts of those suffering from mental illness and for  
16 other loss of life.

17 (Whereupon, a moment of silence was  
18 observed.)

19 SUPERVISOR SALADINO: Thank you.

20 The Pledge of Allegiance will be led by  
21 Girl Scout Sophia Greco.

22 Sophia, would you join us, please?

23 If you all would kindly face the flag.

24 (Whereupon, the Pledge of Allegiance  
25 was recited and led by Sophia Greco.)

1 SUPERVISOR SALADINO: Thank you,  
2 Sophia.

3 Good morning, ladies and gentlemen.

4 We are pleased to welcome friends of  
5 the Christina Renna Foundation with us this  
6 morning, which was founded to honor Christina  
7 Renna, a Long Island teenager who died in January  
8 2007 of Rhabdomyosarcoma, a soft tissue cancer.

9 Among those joining us this morning are  
10 Christina's parents, Phil and Renee Renna, who  
11 serve as the organization's Director and Trustee  
12 respectfully.

13 Another trustee that is also here with  
14 us this morning and he sits here with me on the  
15 Oyster Bay Town Board when he's not serving the  
16 residents of our great Town, and that's Councilman  
17 Tom Hand, who devotes his time to this organization  
18 and its many worthwhile endeavors. The Foundation  
19 is dedicated to supporting children's cancer  
20 research and furthering awareness and education  
21 through the support of cancer groups and outreach  
22 programs for the direct support of those in need.

23 After being diagnosed with cancer,  
24 Christina never prayed for herself, but instead  
25 that others would be spared the ravages of this

1       terrible disease and the obstacles it presented.  
2       She dreamt of a world free of cancer. Her legacy  
3       in the Christina Renna Foundation celebrates  
4       Christina's life and her vision.

5               In honor of the Christina Renna  
6       Foundation, Oyster Bay Town will proudly recognize  
7       September 2017 as National Children's Cancer  
8       Awareness Month in an effort to continue  
9       Christina's dreams of creating a cancer-free world.

10              At this point, we'd like to present the  
11       Proclamation declaring September 2017 as National  
12       Children's Cancer Awareness Month to Christina's  
13       parents, Phil and Renee Renna.

14              Councilman Hand, would you assist us in  
15       this endeavor? If our Board Members would please  
16       join us up front?

17              (Whereupon, the Town Proclamation was  
18       presented to Mr. Renna by Councilwoman Hand.)

19              MR. RENNA: A few things that are  
20       happening right here on Long Island. This past  
21       November, we were able to bring hundreds of  
22       scientists and researchers right here in Nassau  
23       County to be the first ever pediatric conference.  
24       We are very, very proud of that.

25              If anybody's familiar with (inaudible)

1 the cutting edge technology, have now started  
2 research grant over at Cold Springs Harbor  
3 Laboratory to try to identify drug targets using  
4 this new technology. (Inaudible.)

5 We're very proud (inaudible) and we  
6 love your support. Thank you so much.

7 SUPERVISOR SALADINO: You have our  
8 support. We're also very proud of Councilman Tom  
9 Hand for giving of his time to (inaudible)  
10 Christina's dream come true.

11 MR. RENNA: Thank you.

12 I appreciate it.

13 SUPERVISOR SALADINO: How about a big  
14 hand for Mr. Renna?

15 (Applause.)

16 (Inaudible conversation between  
17 Mr. Renna and the Town of Oyster Bay Board  
18 members.)

19 SUPERVISOR SALADINO: I do want to  
20 point out that in addition to declaring September  
21 of 2017 as National Children's Cancer Awareness  
22 Month, the Town of Oyster Bay will also honor  
23 Christina's legacy by participating in a gold  
24 ribbon campaign by placing ribbons outside of Town  
25 Hall during the month of September.

1                   For more information about the  
2           Christina Renna Foundation, residents can visit  
3           their website at [www.crf4acure.org](http://www.crf4acure.org).

4                   Our second presentation -- yes? I'm  
5           sorry.

6                   Councilman Tom Hand.

7                   COUNCILMAN HAND: I just want to make  
8           reference to some of the deeds of the Christina  
9           Renna Foundation that are worth noting. They work  
10          very closely with the Memorial Sloan Kettering  
11          Hospital. In particular, they support the prom  
12          drive every year, the dress, prom dresses for all  
13          the returning patients that go to the -- to the  
14          prom every year.

15                  In addition to that, there was an  
16          initiative to secure iPads for the pediatric cancer  
17          unit. We give a grant to the Memorial Sloan  
18          Kettering Hospital and raised hundreds of thousands  
19          of dollars, as Mr. Renna pointed out, for Cold  
20          Springs Harbor Labs in an attempt to have research  
21          for a cure.

22                  So we appreciate what the Renna family  
23          has turned the tragedy into something very, very  
24          significant to try to support the memory and legacy  
25          of their daughter, Christina.

1                   SUPERVISOR SALADINO: Thank you,  
2                   Councilman Tom Hand, for your recognition of the  
3                   Foundation, for recognition of their work, but also  
4                   a thank you to you personally on behalf of all of  
5                   us, the Town of Oyster Bay family, for your  
6                   diligence and dedication to this very important  
7                   issue.

8                   I'm sure all of us know of someone, a  
9                   loved one, who has been touched by this disease and  
10                  perhaps have lost their lives to cancer. You're in  
11                  our thoughts and prayers and our loved ones who are  
12                  gone will always be remembered.

13                  Thank you.

14                  And thank you to you, Mr. Renna.

15                  For our second presentation this  
16                  morning, we welcome 13-year-old Sophia Greco who  
17                  led us in the Pledge of Allegiance. She will be  
18                  entering 9th grade at Plainedge High School and is  
19                  a member of the Plainedge Association of Girl  
20                  Scouts. Sophia participates in cross-country,  
21                  softball, plays the harp for her school district  
22                  and for the Gemini Orchestra, volunteers at the  
23                  Plainedge Library and she has been a Girl Scout --  
24                  since Kindergarten, she's been involved in  
25                  scouting.



1 Over the last year, she's been working  
2 toward earning her Girl Scouts Silver Award with a  
3 project called "A Day at the Beach." The project  
4 idea originated from Sophia spending time at Tobay  
5 Beach with her father. She noticed children  
6 getting lost with no way of explaining where they  
7 were and she decided to help find a solution to  
8 that problem.

9 She proposed a very simple, but  
10 effective idea of numbering the lifeguard stands,  
11 both front and back. She felt that this would help  
12 families have a meeting place for their children,  
13 provide a landmark place for their -- to meet and  
14 gives emergency staff a better location indicator  
15 during an emergency.

16 Sophia financed the project through  
17 Girl Scout cookie sales and babysitting. Sophia  
18 has received great feedback and appreciation from  
19 the Tobay staff, from all of us town officials and  
20 residents and we are happy to report that all  
21 lifeguard stands are now marked with a separate  
22 number thanks to Sophia.

23 If that wasn't enough, Sophia also  
24 organized a workshop for younger Girl Scouts that  
25 covered first aid, water safety, and lifeguarding.

1 She enlisted the support two female Tobay  
2 lifeguards, who are strong role models, no doubt,  
3 and a professional EMT to take a part in  
4 interactive and educational workshops where the  
5 girls earned their first aid badge.

6 Sophia volunteers on the weekends to  
7 help clean, paint, and organize the stock and the  
8 first aid drill at Tobay Beach. Along the way,  
9 Sophia has met with various Town officials and all  
10 agree that her caring and professional demeanor  
11 make her an exceptional young lady highly deserving  
12 of this recognition.

13 It is, therefore, our pleasure with my  
14 colleagues here in Town Government to honor Sophia  
15 Greco and present her with a Town Citation  
16 recognizing her abilities, recognizing her efforts,  
17 and thanking her for her work. These efforts  
18 greatly advance the community and richly deserving  
19 of the Town's highest commendation.

20 I'd like to also point out before we  
21 give this presentation to Sophia, that her parents  
22 are here as well, who are great motivators for this  
23 wonderful young lady. We are also joined by other  
24 people who have made a difference not only in her  
25 life, but in the lives of so many people in our

1 community, including the Superintendant of  
2 Plainedge Schools, Dr. Ed Salina. He's joined by  
3 Board Members and administrators at this school.

4 If you all will kindly join us up front  
5 for the presentation of this Town Citation.

6 Come on up, Sophia.

7 (Applause.)

8 SUPERVISOR SALADINO: We greatly  
9 appreciate how much you are caring for others and  
10 we know there are young people, children who just  
11 get lost from time to time, it happens, but because  
12 of your thinking, your very forward thinking, and  
13 the fact that you care so much and you made the  
14 effort to make it happen, a lot of the families are  
15 deeply indebted to you and our Town is very much  
16 appreciative.

17 Congratulations, Sophia.

18 (Applause.)

19 SUPERVISOR SALADINO: Thank you, again.

20 Congratulations for leading and setting  
21 the right example for so many young people.

22 Probably the most appropriate time to  
23 mention that many of our Town Board members and  
24 elected officials, and quite frankly, our appointed  
25 officials here in the Town Board have been very

1 active in Scouting for many years, not the least of  
2 which is Jim Stefanich, our Receiver of Taxes, who  
3 has been a Scout leader for so long that he was  
4 little Imbroto's scout leader when Councilman Lou  
5 Imbroto was in scouting.

6 But we're very appreciative to everyone  
7 who is involved in scouting and leads us. Great  
8 work. Thank you very much.

9 Another big hand for Sophia.

10 Thank you.

11 You know, leadership comes in many  
12 forms and you just saw two wonderful examples of  
13 leadership and we, in the Town of Oyster Bay, take  
14 leadership very seriously and we've been making a  
15 lot of progress in this Town and we will continue  
16 to work to make tremendous progress to turn this  
17 Town around for the better.

18 Since our last Town Board meeting, our  
19 progress has moved forward with many cost savings  
20 initiatives aimed at protecting taxpayers' wallets  
21 which all allow us to freeze property taxes in our  
22 upcoming budget. They've also been part of our  
23 initiatives to bring great reform to the Town and  
24 to make our Town operate much more efficiently.

25 Another big piece of news is that we

1 have been awarded this New York State's number one  
2 Downtown Revitalization Grant and earned  
3 recognition from Governor Cuomo, as well as the  
4 entire New York State for our work.

5 Additionally, smart and good government  
6 policies are allowing us to deliver better services  
7 to our residents, and quite frankly, save quite a  
8 bit of money for our taxpayers.

9 On that fiscal front, we have announced  
10 plans to save more than 3 million dollars through  
11 the actions which will be taken by today's Town  
12 Board meeting.

13 They include the transition to single-  
14 stream recycling in October and that's big news for  
15 our Town. No longer will the Town lose nearly  
16 \$100,000 a year on paying for the cost to haul our  
17 recyclables away.

18 Instead, we will earn 2 million dollars  
19 in revenue for our taxpayers while making it much  
20 easier for residents to recycle their disposables  
21 and including more items, more materials that the  
22 public can recycle which, obviously, helps our  
23 environment.

24 With this conversion to single-stream  
25 recycling, garbage trucks will perform the work

1 once completed by recycling trucks.

2 Accordingly, Councilman Tom Hand and I  
3 announced the sale of our fleet of recycling trucks  
4 and this will generate up to 1 million dollars for  
5 our taxpayers and every cent of that million  
6 dollars will go back to the taxpayers where it  
7 belongs.

8 Later today, the Board will take action  
9 on the sale of the first six surplus recycling  
10 trucks for which the Town is being offered above  
11 market value.

12 I previously stated I would seek  
13 savings in every corner of the government and we  
14 will continue to do so and this is what -- but  
15 another example that we're delivering on our  
16 promises.

17 The Board will take action on the sale  
18 of nonoperation vehicles, and quite frankly, a very  
19 long list of surplus equipment including a broken  
20 boat hull and even a lawnmower. In total, this  
21 will generate \$54,000, the sale of this equipment  
22 for our taxpayers and will be removing the eyesores  
23 from our property.

24 Additionally, Commissioners, Deputy  
25 Commissioners and high level employees are no

1 longer allowed to take home their Town vehicles.  
2 This is saving money on fuel and maintenance, and  
3 quite frankly, I applaud our Town employees for  
4 understanding that, understanding that we will  
5 continue to put our taxpayers first, and I thank  
6 you for your cooperation.

7 When it comes to economic development,  
8 our Town won the Governor's top prize of  
9 \$10 million because of our actions. This will be  
10 the used for downtown redevelopment in Hicksville  
11 as that were the terms -- those were the terms of  
12 the grant.

13 These funds will bolster our overall  
14 goal of creating new jobs, new housing  
15 opportunities, and transforming Downtown Hicksville  
16 into an attractive, walkable, bicycle friendly  
17 environment.

18 I thank Governor Cuomo for his  
19 commitment to our Downtown and I have to especially  
20 thank two people who have been of great assistance  
21 and were working on this issue long before I came  
22 to the Town of Oyster Bay, Councilwoman Rebecca  
23 Alesia and my good friend, Councilman Anthony  
24 Macagnone for their dedication to advancing these  
25 plans for Downtown Hicksville.

1                   Let's give them a hand, please.

2                   (Applause.)

3                   COUNCILMAN MACAGNONE: Supervisor, I'd  
4                   like to thank the committee from Hicksville that  
5                   was part of this. They did a great job. They  
6                   were -- everywhere I turned, they were there, so I  
7                   want to thank them too for their constant guidance  
8                   and pushing us along.

9                   Thank you very much.

10                  (Applause.)

11                  SUPERVISOR SALADINO: Beat me to it,  
12                  Tony.

13                  COUNCILMAN MACAGNONE: Sorry,  
14                  Supervisor.

15                  SUPERVISOR SALADINO: That's okay.

16                  You're absolutely right and we do have  
17                  to thank the Hicksville Community Council, the  
18                  Hicksville Chamber of Commerce, the Hicksville  
19                  Downtown Revitalization Committee. Members of all  
20                  of those organizations are here with us today.

21                  Let's all give them a big hand for  
22                  their foresight, their efforts and their hard work.

23                  (Applause.)

24                  SUPERVISOR SALADINO: We appreciate you  
25                  all.



1 Stand up. Go ahead. Stand up,  
2 gentlemen.

3 We're all very appreciative. This is a  
4 very competitive grant system. I know this because  
5 I worked on developing it as a State Assemblyman  
6 over the years and you have to work very hard, be  
7 very detail oriented, and really pass muster on  
8 this. So to win the Governor's top award is really  
9 a big deal. It puts Oyster Bay on top across the  
10 entire State and doesn't hurt that the award is  
11 \$10 million. It doesn't hurt at all.

12 It's going to make a big difference in  
13 redeveloping Hicksville, making it one of the most  
14 beautiful communities, making it the right  
15 community, taking advantage of the transit-oriented  
16 opportunities there and the State is investing way  
17 above 100 million dollars in -- I believe it's  
18 about \$134 million in a new railroad station and  
19 parking facilities. So it is a very exciting time  
20 in the Town of Oyster Bay with Hicksville being one  
21 of the Ground Zeros.

22 Thank you to the team, thank you  
23 Councilman Macagnone, thank you Rebecca Alesia, who  
24 is unable to be with us, but also thank you to the  
25 whole Town Board because each and every one of you

1       were very, very helpful.

2               These accomplishments are happening.  
3       We've also been behind the scenes working to  
4       deliver higher quality services to our residents.

5               With the help of new Councilman, Lou  
6       Imbroto, we hosted the grand opening of the new  
7       Planning and Development Satellite Office in Town  
8       Hall South to assist residents with their building  
9       permit applications and that's where we announced  
10      something else we are extremely proud of, was much  
11      in need, and something we delivered for our  
12      residents. Three words that have not been spoken  
13      in the Town of Oyster Bay, same-day permits.

14              COUNCILMAN IMBROTO:   Wow.

15              SUPERVISOR SALADINO:   Thank you.  
16      Thanks for your help.

17              Homeowners and those with businesses  
18      seeking building permits for a very, very long list  
19      of projects can now visit either Town Hall North or  
20      Town Hall South, and those seeking certain  
21      approvals can walk out of Town Hall the very same  
22      day with their approved permit.

23              You can also download the forms online.  
24      So if you're going to contract with a contractor  
25      that day, download the forms, fill them out, have

1 your paperwork ready, come to Town Hall, and walk  
2 out with your permit, get your supplies, and get to  
3 work on that project on the very same day.

4 It's a big deal. This is a win/win for  
5 our residents seeking to improve their homes and to  
6 get contractors to work right away. We see this as  
7 an economic boom and something that will make a big  
8 difference in lifting hurdles from our residents,  
9 and quite frankly, from small business owners as  
10 well.

11 I'd like to thank Commissioner Leslie  
12 Maccarone for her work and specifically for  
13 revamping the Planning and Development Department  
14 to better assist the residents of this Town.

15 As I stated, it was vastly needed, it  
16 was promised, and we delivered on our promise  
17 assisting Commissioner Maccarone is Deputy  
18 Commissioner Zike. If you're both here, why don't  
19 the two of you stand.

20 (Applause.)

21 SUPERVISOR SALADINO: Commissioner is  
22 probably over at the office working right now.  
23 Deputy Commissioner Zike is representing the  
24 Department. Thank you very, very much.

25 I remind residents also that we

1 extended out the Amnesty Program until  
2 December 31st, and while I can't speak for all the  
3 Board members, if that's not enough time, we'll  
4 extend it again. We are here to work for the  
5 residents. We are here to deliver for the  
6 residents and we will put the residents first.

7 Of course, no amnesty can be granted to  
8 Grumman and the United States Navy for the  
9 pollution they left behind in Bethpage.

10 Last week, Councilman Hand and  
11 Councilman Imbroto joined with me and the DEC in  
12 starting a well monitor project at the leading edge  
13 of the plume as the DEC is exploring more options  
14 for, quite frankly, a project that I started as a  
15 member of the New York State Assembly some years  
16 back.

17 In accordance with the Clean Water  
18 Infrastructure Act, construction of infrastructure  
19 must begin now to remediate the plume and we  
20 continue to be the leading voice, not only on Long  
21 Island but statewide, calling for this plume to be  
22 cleaned up 100 percent in an effort to protect  
23 every resident in Bethpage and residents throughout  
24 the Town of Oyster Bay.

25 In this Town, we are doing our part by

1 requiring Grumman and the Navy to test for  
2 1-4-Dioxane as well as radium and the breakdown  
3 products to every extent where they are found in  
4 the plume.

5 The Town, in cooperation with the DEC,  
6 has also extended soil testing requirements in the  
7 area for the Bethpage Community Park, known as the  
8 ball field, to include testing for harmful  
9 chemicals, as we mention, including 1-4-Dioxane and  
10 radium as well as heavy metals necessary to provide  
11 for an all-encompassing remediation at that site.

12 We are very serious about continuing to  
13 call for a full remediation at a level never  
14 experienced before in the Town of Oyster Bay or by  
15 the elected officials of the Town of Oyster Bay.

16 We stand in lockstep as one and we will  
17 continue to ensure that this gets cleaned up  
18 entirely and that the taxpayers are not forced to  
19 pay for it. The remediation is our top priority  
20 and we will make it a top priority for the federal,  
21 state, and local governments.

22 On a lighter note, under the leadership  
23 of Councilwoman Michelle Johnson, the Town extended  
24 Summer pool hours for families unveiled recent  
25 upgrades including sunshades, umbrellas, new picnic

1        tables and new lounge chairs. We have also  
2        announced plans to remodel our restrooms and shower  
3        facilities at Town pools before next Summer. We've  
4        already started some of that work, and this project  
5        will be undertaken by Town employees, so that it's  
6        done efficiently, so that we're saving money and  
7        getting the job done right.

8                    And I see our Commissioner Joe Pinto in  
9        the back. I want to thank you for your cooperation  
10       as well as the cooperation of the Department of  
11       Public Works. The upgraded equipment and the  
12       remodeled bathrooms are being completed without any  
13       new borrowing, without any new borrowing. We are  
14       very serious about getting the job done and making  
15       sure that it's done efficiently without spending  
16       recklessly, but is spending efficiently.

17                   In closing, Councilwoman Johnson,  
18       Councilman Muscarella, and I remind residents that  
19       this is Free Adoption Week in the Town Animal  
20       Shelter.

21                   As a matter of fact, in today's  
22       Newsday, there was a beautiful picture of  
23       Councilman Imbroto and Councilwoman Johnson holding  
24       these adorable kittens and myself with a dog, all  
25       needing a -- Foxy is the dog's name, and they all

1 need forever homes.

2 So part of our effort in utilizing Free  
3 Adoption Week at the Animal Shelter is to motivate  
4 people to come out. This is a great time of year  
5 with the warm weather, perfect time of year to  
6 adopt these beautiful furry friends, and as animal  
7 lovers, we suggest you come to the shelter today  
8 and adopt one of these animals and create a forever  
9 home for them.

10 So that's just some of the new news and  
11 changes we're making in the Town.

12 Councilwoman, go ahead.

13 COUNCILWOMAN JOHNSON: I just wanted to  
14 say thank you to everyone that donated blood. We  
15 had a very successful blood drive this year -- or  
16 this half of the year. I think probably one of the  
17 most successful in years, so thank you so much to  
18 everyone for coming out.

19 I'd also like to say thank you to  
20 Commissioner Bergen and his staff because without  
21 you, we wouldn't have gotten to the single-stream  
22 process. It was years in the making and thank you  
23 for all you did.

24 SUPERVISOR SALADINO: Very welcome.  
25 Thanks for being part of it.

1           As a fellow animal lover, I appreciate  
2           all of your motivation and all of our Town Board  
3           members love animals and have animals and we  
4           appreciate all of your efforts.

5           Before we poll the Board, we just want  
6           to recognize that we have members of our  
7           firefighting force here and we appreciate all of  
8           those efforts and I would like to also recognize a  
9           good friend in government, Paul Rupp, who is our  
10          Bayville Mayor, has also joined with us and we  
11          thank you all for your efforts.

12                    (TIME NOTED: 10:51 A.M.)



TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
AUGUST 15, 2017  
10:52 A.M.

**HEARING - Local Law**

To consider a proposed Local Law entitled: "A Local Law to Amend the Code of the town of Oyster Bay, New York, Chapter 93- Building Construction, Section 93-16.1 Safe and Code Compliant Construction." (M.D. 7/11/17 #29).

**JOSEPH SALADINO**  
**SUPERVISOR**

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

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN THOMAS HAND  
TOWN CLERK JAMES ALTADONNA JR.  
RECEIVER OF TAXES JAMES STEFANICH

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will the Town  
2 Clerk now poll the Board?

3 MR. ALTADONNA: Supervisor Saladino?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 MR. MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: Here.

9 MR. ALTADONNA: Councilwoman Alesia is  
10 absent.

11 Councilwoman Johnson?

12 COUNCILWOMAN JOHNSON: Here.

13 MR. ALTADONNA: Councilman Imbroto?

14 COUNCILMAN IMBROTO: Present.

15 MR. ALTADONNA: Councilman Hand?

16 COUNCILMAN HAND: Here.

17 SUPERVISOR SALADINO: Will the Town  
18 Clerk call the first hearing?

19 MR. ALTADONNA: Yes.

20 Hearing, Local Law to consider a  
21 proposed Local Law entitled: A Local Law to Amend  
22 the Code of the Town of Oyster Bay, New York,  
23 Chapter 93 - Building Construction, Section  
24 93-16.1, Safe and Code Compliant Construction.

25 MR. ROZEA: Good morning, Supervisor

1 and Members of the Town Board.

2 Matthew Rozea from the Office of the  
3 Town Attorney.

4 Members of the Board, recognizing the  
5 good quality work that organized labor performs in  
6 the Town of Oyster Bay and throughout New York  
7 State, before the Board today is a local law to  
8 revamp, strengthen and ensure that work performed  
9 in the Town of Oyster Bay is done in a safe code-  
10 compliant manner.

11 On the books at the moment is a  
12 provision which requires certain projects to have  
13 the benefit of an apprenticeship program. However,  
14 in an effort -- our continuing effort to increase  
15 the effectiveness of our Ordinances, we've  
16 identified two ways in which we can strengthen the  
17 apprenticeship program so that we can ensure that  
18 the full breadth of projects that come before the  
19 Town Board for approval benefit from the  
20 apprenticeship program.

21 And so, those two components are as  
22 follows: First, for all projects over 100,000  
23 square feet, the Town will now require that the  
24 apprenticeship program be put in place regardless  
25 of whether the application is made for a smaller

1 square footage amount while the total square  
2 footage of this subject property is actually, in  
3 fact, excess of 100,000 square feet.

4 So, for example, an applicant comes in  
5 with a proposal to develop or construct 80,000  
6 square feet of floor space, some time late -- which  
7 would parenthetically fall below the threshold  
8 under the existing law of 100,000 square feet -- if  
9 that same applicant then came before the Board for  
10 the remaining 40,000 square feet of hypothetical  
11 floor space, now bringing the total floor space to  
12 above 100,000 square feet, the current law would  
13 not require the apprenticeship program to be  
14 employed.

15 We've tightened that provision, closed  
16 that loophole so that if within 18 months of making  
17 the initial application, the same applicant comes  
18 before the Board or the Building Department for a  
19 project which would, in the aggregate, exceed  
20 100,000 square feet, the Apprenticeship Program  
21 provisions would now be in place and would be  
22 enforced by the Town so that no project manager can  
23 get around the requirements that safe and code  
24 compliant labor be employed.

25 Go ahead, Councilman.

1 COUNCILMAN MACAGNONE: Just before we  
2 get really into it. You mentioned organized labor.  
3 There also is some fine nonorganized labor  
4 apprentice programs out there that we are not  
5 looking to make an exclusive union.

6 MR. ROZEA: Understood.

7 COUNCILMAN MACAGNONE: This is coming  
8 from somebody who has spent 36 years as a union  
9 carpenter, but we are looking to, you know, make  
10 sure they have the proper training, union or  
11 nonunion, as long as they have the proper training.

12 MR. ROZEA: We are on the same page.

13 COUNCILMAN MACAGNONE: Okay. I just  
14 want to make sure that the public knows that.

15 SUPERVISOR SALADINO: Thank you,  
16 Councilman.

17 MR. ROZEA: The second component then  
18 of this proposed local law requires that the  
19 contractor prove to the Town that not only has it  
20 used Apprenticeship Program labor, but that the  
21 individuals who were a part of that Apprenticeship  
22 Program have, in fact, graduated from the  
23 Apprenticeship Program. That closes a loophole  
24 which allowed a contractor or subcontractor to make  
25 application to the Town, show that it had an

1       Apprenticeship Program in place, and that it had an  
2       individual, but then never used that apprenticeship  
3       individual in the project.

4               COUNCILMAN MACAGNONE:   Or perhaps they  
5       never really graduated anyone.

6               MR. ROZEA:   And that's the point.

7               So now what will happen is they're  
8       going to have to come forward and show proof that  
9       someone did, in fact, graduate from the  
10       Apprenticeship Program so that we can be sure that  
11       the Town benefitted from the safe and code-  
12       compliant work that the -- that the Ordinance  
13       requires.

14               And so, that's of the two main features  
15       of the Ordinance.   If the Board has any questions  
16       with respect to the Ordinance, I'll be more than  
17       happy to address it.

18               COUNCILMAN IMBROTO:   Matt, I just want  
19       to clear things up for the public because your  
20       presentation was thorough but very technical.

21               MR. ROZEA:   I try.

22               COUNCILMAN IMBROTO:   The purpose is to  
23       close loopholes so that unscrupulous contractors  
24       can't get around the apprenticeship requirements by  
25       breaking up the projects into small pieces or by

1 having fake or phoney Apprenticeship Programs that  
2 never actually graduate any apprentices.

3 This is to make sure that every  
4 Apprenticeship Program is legitimate and every  
5 project that should qualify should be required to  
6 have an Apprenticeship Program does.

7 MR. ROZEA: That's right.

8 Because there's no reason why someone  
9 should be allowed to skirt the requirements of the  
10 law simply by creatively breaking up the project  
11 into component pieces that would be well within the  
12 threshold, and so that's absolutely correct,  
13 Councilman.

14 COUNCILMAN IMBROTO: Thank you.

15 COUNCILMAN MUSCARELLA: Before they  
16 start the job, do they present their certificate  
17 or -- of the apprenticeship?

18 MR. ROZEA: There's extensive  
19 provisions in the Ordinance that address what needs  
20 to be presented to the Building Department.

21 COUNCILMAN MUSCARELLA: Prior to  
22 starting the job?

23 MR. ROZEA: It is prior.

24 It's prior to the issuance of the  
25 building permit for construction, there needs to be

1 proof that one apprentice from the State-approved  
2 program did, in fact, graduate.

3 COUNCILMAN MACAGNONE: I would say,  
4 Councilman, working with Commissioner Zike and  
5 Commissioner Maccarone, and Commissioner Lenz, I do  
6 know they do research to make sure there is a  
7 program in place and I want to commend them for  
8 that. Not many municipalities reach out to the  
9 various unions. Ours always does.

10 MR. ROZEA: I just heard a comment from  
11 the gallery about the one apprentice. It requires  
12 at least one so we are not going to put a cap and  
13 just say merely one apprentice. I mean, the more,  
14 the better.

15 SUPERVISOR SALADINO: Right. There is  
16 no cap on that.

17 And just to dovetail from Councilman  
18 Macagnone's statements, I worked for the Town of  
19 Oyster Bay years ago and I worked for the Town  
20 Board.

21 Quite frankly, I worked for Tony  
22 Macagnone as well as the other Board members and I  
23 watched and learned how the Town of Oyster Bay took  
24 on the role of protecting its work force and  
25 protecting its residents by ensuring that the most



1 skilled workers were on the job to provide the  
2 benefit and to ensure that work was done  
3 efficiently and, quite frankly, safely.

4 And I want to applaud Tony Macagnone  
5 for all of us. Because this has been going on for  
6 years. We didn't just become labor friendly. We  
7 didn't just become -- provide these assurances to  
8 our residents overnight. This has been going on a  
9 long time in building.

10 Because of the efforts of people like  
11 Tony Macagnone and others in our Town and I am  
12 proud that we are the most conscientious  
13 municipality in the State when it comes to  
14 protecting the work forces here in the Town of  
15 Oyster Bay, protecting our residents and ensuring  
16 they get the highest quality of services in any  
17 kind of construction job.

18 So, when we found a loophole that the  
19 Town, quite frankly, that people were trying to  
20 work around the rules, we immediately put in force  
21 and wrote this piece of legislation to ensure that  
22 no one could take advantage and that we can ensure  
23 everyone was following the rules and we are very  
24 proud to have you here before us today, but a  
25 special thanks to Tony Macagnone for starting this

1 process some two decades ago.

2 COUNCILMAN MACAGNONE: I want to thank  
3 Councilman Imbroto for carrying the ball on this.

4 COUNCILMAN IMBROTO: And I would like  
5 to thank you for all of your assistance over the  
6 years.

7 While I'm at it, I'll just thank the  
8 rest of the Board for just being so great.

9 MR. ROZEA: On that note, we'll also  
10 thank the Board for giving the Office of the Town  
11 Attorney the assignment to close this loophole and  
12 make the Ordinance a stronger ordinance for  
13 everyone.

14 SUPERVISOR SALADINO: Truth be told,  
15 Lou brought this to our attention this round and,  
16 Lou Imbroto, thank you for your foresight on  
17 closing up this loophole.

18 Any other questions?

19 Okay. We have some speakers.

20 Michael Price?

21 Would you please start off by  
22 identifying yourself and giving us your address for  
23 the record?

24 MR. PRICE: Sure.

25 Good morning, Board Members,

1 Councilman, Supervisor.

2 Michael Price, 44 Northcrest Avenue,  
3 Bethpage, New York.

4 And I just want to touch upon some of  
5 the issues that were spoken just prior to me  
6 getting up here regarding the apprenticeship  
7 language.

8 You know, there are companies that are  
9 recognized by the State that do have this  
10 certification, but my concern is more with  
11 acceptable graduation rates.

12 Just because they're enrolled in a  
13 program and don't produce, that's -- that's a big  
14 disadvantage to those of us -- the companies out  
15 there that are -- are taking the efforts to produce  
16 and cultivate young men and women into the  
17 Apprenticeship Program.

18 So as part of the -- you know, I've  
19 been a union member for about 18 years now and we  
20 have an outstanding carpenters' program. You know,  
21 it takes -- it's a five-year program and, you know,  
22 we turn out highly skilled and qualified journeymen  
23 after that five-year period and what I would like  
24 to see become part of the apprenticeship language  
25 are the acceptable graduation rates.

1                   You know, come up with a percentage  
2                   that either qualifies or disqualifies a company  
3                   from bidding on a project, as well as enforcement  
4                   and disqualification should a company receive a bid  
5                   and then not adhere to the stipulations of the  
6                   language of the Apprenticeship Program.

7                   And that's about all I have regarding  
8                   this issue.

9                   SUPERVISOR SALADINO: Thank you very  
10                  much.

11                  Our second speaker is Paul Leo.

12                  Would you kindly begin by identifying  
13                  yourself and giving us your address?

14                  MR. LEO: No.

15                  (Laughter.)

16                  MR. LEO: Good morning, Mr. Supervisor,  
17                  Counsel Members.

18                  Paul Leo, 20 Sinclair Street,  
19                  Farmingdale, New York.

20                  I am a representative of the Northeast  
21                  Regional Counsel of Carpenters, President of the  
22                  Local 290 for the Carpenters.

23                  I have been a carpenter for 26 years,  
24                  16 years as a representative. I am very thankful  
25                  for this Board and for you having the courage to

1 bring this forward, this loophole that we've had  
2 because we've seen so many unscrupulous programs.  
3 There are many very good programs. There are also  
4 many State-approved programs that don't graduate  
5 anybody, and in our eyes, those are bogus programs,  
6 so closing those loopholes is tremendous for the  
7 workers, as well as the public as you earlier  
8 stated.

9 I also wanted to comment in regards to  
10 what we do with our recruitment for apprentices.

11 Right now, we have over 200 apprentices  
12 in our program just here on Long Island. We just  
13 recently had a pre-Apprenticeship Program for women  
14 and they went through a six-week Apprenticeship  
15 Program, then had a test and interviews. Out of  
16 10, 8 completed the program. All scored extremely  
17 high and are all employed right now, and we're  
18 talking about women that ranged in age from 22 to  
19 55, some with families, children, not getting paid  
20 to come to these programs, and very proud of that.

21 It was the first time that we undertook  
22 something like this. That's the type of  
23 recruitment that we do. Diversity and making sure  
24 that our apprentices are well suited for our  
25 contractors and for the public and for the safety.

1 COUNCILMAN MACAGNONE: Mr. Leo?

2 MR. LEO: Yes, sir.

3 COUNCILMAN MACAGNONE: If I'm not  
4 mistaken, these women were recruited through the  
5 One Stop Programs. Those people looking for  
6 employment, single mothers, a lot of them, you  
7 know.

8 MR. LEO: Disadvantaged.

9 COUNCILMAN MACAGNONE: Yeah.

10 MR. LEO: Absolutely. You're  
11 absolutely correct, and that's why we seek out and  
12 look to diversify ourselves so that -- like I said,  
13 with 200 apprentices, we've got more than 15  
14 percent that are women in our local itself. Our  
15 diversity is tremendous from all cultures and I'm  
16 very proud that these loopholes have been closed  
17 and appreciate your time and your efforts to  
18 continue supporting our communities and our causes.

19 SUPERVISOR SALADINO: You're very  
20 welcome and thank you for your work. It is greatly  
21 appreciated and we are in lockstep with you and  
22 encouraging more opportunities for woman, equal  
23 rights for all, more diversity, and we encourage  
24 this in the new Town of Oyster Bay and will  
25 continue to encourage those actions.

1 MR. LEO: Thank you, my friend.

2 SUPERVISOR SALADINO: Are there any  
3 other speakers on this hearing?

4 (No verbal response given.)

5 MR. ALTADONNA: Supervisor, last night  
6 we received a correspondence from a James W.  
7 Versocki, Esq. and he wanted this read into the  
8 hearing.

9 SUPERVISOR SALADINO: We'll all make  
10 sure that we have an opportunity -- we'll take an  
11 opportunity to read that so please consider that  
12 accepted.

13 MR. ALTADONNA: Would you like to read  
14 it?

15 SUPERVISOR SALADINO: Yes, you can  
16 distribute that to our Board Members.

17 Is there any other information; any  
18 other correspondence?

19 MR. ALTADONNA: We have affidavits of  
20 posting and publications.

21 There is no other correspondence.

22 SUPERVISOR SALADINO: Okay.

23 At this time, I would like to call for  
24 a vote.

25 COUNCILMAN MUSCARELLA: Supervisor,

1 I'll make a motion that this public hearing be  
2 closed and the decision be reserved.

3 COUNCILMAN MACAGNONE: Second.

4 SUPERVISOR SALADINO: All in favor,  
5 signify by saying aye.

6 ALL: "Aye."

7 SUPERVISOR SALADINO: All against,  
8 "Nay."

9 (No verbal response given.)

10 SUPERVISOR SALADINO: The "Ayes" have  
11 it.

12 Thank you.

13 (TIME NOTED: 11:08 A.M.)

14

15

16

17

18

19

20

21

22

23

24

25



TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
AUGUST 15, 2017  
11:09 A.M.

**HEARING - Local Law**

To consider a proposed Local Law entitled: "A Local Law to Add Chapter 84 of the Code of the Town of Oyster Bay entitled 'All-Terrain Vehicles.'" (M.D. 7/11/17 #27).

**JOSEPH SALADINO**  
**SUPERVISOR**

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

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN THOMAS HAND  
TOWN CLERK JAMES ALTADONNA JR.  
RECEIVER OF TAXES JAMES STEFANICH

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would you kindly  
2 call the next hearing?

3 MR. ALTADONNA: Sure.

4 Hearing - Local Law, to consider a  
5 proposed Local Law entitled: "A Local Law to Add  
6 Chapter 84 of the Code of the Town of Oyster Bay  
7 entitled 'All-Terrain Vehicles.'"

8 MR. ROZEA: And, again, Supervisor,  
9 members of Board, from the Office of the Town  
10 Attorney, Matthew Rozea.

11 This local law is very straightforward  
12 in that it recognizes the precious nature of the  
13 properties that the Town holds in trust for its  
14 residents; and, in particular, the beaches which so  
15 many of us enjoy.

16 And given the critical function that  
17 our dunes and sands play, not only in the  
18 aesthetics of the experience at the beach, but also  
19 in guarding against storm surge and storms,  
20 generally, this local law would prohibit the use of  
21 all terrain vehicles at Town properties which  
22 include, of course, beaches.

23 It is not intended nor does it regulate  
24 the use of all terrain vehicles in any other aspect  
25 of the Town; meaning, the streets where the police

1 department would have jurisdiction, and it's merely  
2 limited or it is limited to Town property since  
3 that term is defined in the Ordinance.

4 This is done purely out of recognition  
5 of the need to protect our environment, preserve  
6 our natural resources, and ensure that those  
7 resources are available for all to enjoy for years  
8 to come.

9 SUPERVISOR SALADINO: Can you speak to  
10 us briefly about the fact that this legislation  
11 would protect the sanctity of our environment?

12 MR. ROZEA: Well, of course, because if  
13 you can't use an all terrain vehicle, which is  
14 designed specifically for land features which are  
15 not ordinary, meaning not paved, we are ensuring  
16 that those vehicles can't be used in places like  
17 our beaches, our dunes, our ballparks, our fields,  
18 or any of the other number of areas within the Town  
19 that are ecologically and environmentally  
20 sensitive.

21 SUPERVISOR SALADINO: So this  
22 legislation addresses the protection of our  
23 pristine environment.

24 It also saves money because damage to  
25 fields, obviously, are expensive to repair, so it

1 protects the taxpayers.

2 And can you speak to us about  
3 protecting the safety of Town residents?

4 MR. ROZEA: Absolutely, Supervisor,  
5 what the law does not prohibit is anyone from the  
6 police or public safety or other law enforcement or  
7 State agency from using an all terrain vehicle in  
8 the scope of their public duties.

9 So, of course, if the situation were to  
10 arise, say at a beach where the need for emergency  
11 medical technicians or other first responders arose  
12 to use an all terrain vehicle to rescue someone or  
13 tend to someone in need of aid, they could they  
14 could still do that under this Ordinance.

15 SUPERVISOR SALADINO: So you're  
16 answering my next question and I'm glad that we  
17 have exempted out law enforcement, emergency  
18 responders, perhaps people from government who are  
19 using a vehicle of this type to do a survey, but in  
20 terms of the safety our residents, has your  
21 research indicated that accidents on these vehicles  
22 cause many injuries?

23 MR. ROZEA: Let's explain it this way.

24 By eliminating the presence of an all  
25 terrain vehicle at a place like a beach where

1 people are focused on the waters rather than what's  
2 surrounding them, we are limiting the risk that an  
3 all terrain vehicle could come along and strike  
4 them or cause other damage, so, yes.

5 SUPERVISOR SALADINO: As well as  
6 injuries to the rider?

7 MR. ROZEA: Correct.

8 SUPERVISOR SALADINO: And in those  
9 cases where injuries take place on Town property,  
10 is it usually the case that the Town is dealing  
11 with a lawsuit that costs our taxpayers money?

12 MR. ROZEA: Undoubtedly, because the  
13 minute that any type of incident were to take place  
14 on a Town-owned property, the creative plaintiff's  
15 attorneys will invariably name the Town of Oyster  
16 Bay as a Defendant in that lawsuit.

17 SUPERVISOR SALADINO: So it is correct  
18 to assume that this legislation would protect our  
19 environment, would protect our residents from  
20 injuries, be they the riders of these vehicles or  
21 people that they could strike and it saves the  
22 taxpayers money from the lawsuits that ensue?

23 MR. ROZEA: Correct on all  
24 three points.

25 SUPERVISOR SALADINO: Thank you.

1 Any questions from any of the Board  
2 members?

3 COUNCILMAN MACAGNONE: No. I think it  
4 is a great idea.

5 SUPERVISOR SALADINO: Thank you.

6 Are there any speakers on this hearing?

7 (No verbal response given.)

8 SUPERVISOR SALADINO: No one from the  
9 public would like to speak? Okay.

10 Is there any correspondence?

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

13 There is no other correspondence.

14 SUPERVISOR SALADINO: May I please have  
15 a motion on this hearing?

16 COUNCILMAN MUSCARELLA: Supervisor, I  
17 make a motion that this public hearing be closed  
18 and the decision be reserved.

19 COUNCILMAN MACAGNONE: Second.

20 SUPERVISOR SALADINO: All in favor,  
21 signify by saying aye.

22 ALL: "Aye."

23 SUPERVISOR SALADINO: All opposed,  
24 "Nay."

25 (No verbal response given.)

7

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

SUPERVISOR SALADINO: The "Ayes" have  
it.

(TIME NOTED: 11:13 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
AUGUST 15, 2017  
11:14 A.M.

**HEARING - Hydrant Rental**

To consider the 2017 Hydrant Rental Agreement with New York American Water Company, Inc. Glenwood-Glen Head Fire Protection District. (M.D. 6/20/17 #12).

**JOSEPH SALADINO**  
**SUPERVISOR**

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

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN THOMAS HAND  
TOWN CLERK JAMES ALTADONNA JR.  
RECEIVER OF TAXES JAMES STEFANICH

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public



1 SUPERVISOR SALADINO: Will the Town  
2 Clerk please call the third hearing?

3 MR. ALTADONNA: Hydrant rental, to  
4 consider the 2017 Hydrant Rental Agreement with  
5 New York American Water Company, Inc., Glenwood,  
6 Glen Head Fire Protection District.

7 MS. SWANSON: Good morning, Supervisor,  
8 Town Board.

9 The Town of Oyster Bay contracts with  
10 New York Water on be half of the Fire Protection  
11 District and we need to do this to provide water  
12 for the fire hydrants and that's what this is  
13 about.

14 SUPERVISOR SALADINO: This a mandate  
15 from New York State that the hearing takes place  
16 here even though we're not directly involved in  
17 this issue?

18 MS. SWANSON: Right, because in Fire  
19 Protection Districts, the Town Board in some  
20 instances stands in the place of the Commissioners.

21 I don't like to use Commissioners, but  
22 in various --

23 SUPERVISOR SALADINO: The responsible  
24 parties?

25 MS. SWANSON: Yeah.

1                   And this is one of the cases where we  
2                   must act on behalf of the Fire Protection District,  
3                   yes.

4                   SUPERVISOR SALADINO: Thank you.

5                   Are there any questions from any of the  
6                   Board members.

7                   (No response.)

8                   SUPERVISOR SALADINO: Thank you.

9                   We have a -- would you like to ask a  
10                  question.

11                  COUNCILMAN HAND: Yeah, one quick point  
12                  or question.

13                  The charge is approximately \$750 per  
14                  hydrant and the comparison to the special  
15                  districts, it comes back to approximately \$100 per  
16                  unit, so is that a second charge back to the  
17                  community in regards to tax because it's going to  
18                  go back to the fire districts that charge?

19                  MS. SWANSON: Basically, the other Fire  
20                  Protection Districts contract with water districts  
21                  and not private companies.

22                  In this particular case, we have to  
23                  contract with New York Water, so, yes, the  
24                  taxpayers in those fire protection districts that  
25                  are -- that must utilize New York Water are paying

1 a premium for that.

2 I did contact New York Water with  
3 regard to the expense of that fire district, and at  
4 this point, they consider themselves a public  
5 utility and they consider themselves well within  
6 the tariff allowed by New York State.

7 COUNCILMAN HAND: The concern I have,  
8 as I attended a meeting up in Glen Head regarding  
9 the 60 percent increase from American Water and  
10 that was to cover their tax consideration for the  
11 assessments on their property, so to see, not only  
12 the 60 percent increase in taxes being passed back  
13 to consumer, I'm concerned about the \$750 charge as  
14 well, so it's not either/or. It's both in this  
15 case.

16 MS. SWANSON: I agree with you,  
17 Councilman, 100 percent.

18 SUPERVISOR SALADINO: Are there any  
19 other questions?

20 We have one speaker on this hearing,  
21 Arthur Adelman.

22 MR. ADELMAN: Thank you, Supervisor,  
23 Councilman Imbroto and Councilman Hand.

24 I'd like to thank you again for  
25 attending the meeting in Glen Head last week, it

1 was eye opening for everybody, I think.

2 SUPERVISOR SALADINO: Kindly begin by  
3 just giving us your name and address for the  
4 record.

5 MR. ADELMAN: Arthur Adelman,  
6 110 Dubois Avenue, Sea Cliff, New York.

7 SUPERVISOR SALADINO: Thank you.

8 MR. ADELMAN: 11579.

9 SUPERVISOR SALADINO: Thank you very  
10 much.

11 MR. ADELMAN: Again, I want to thank  
12 the Councilmen for showing up. There were some  
13 people that didn't show up, but we won't get into  
14 that.

15 This requested charge, I thought it  
16 just went right to the Fire Protection District and  
17 they just passed it on to the Town. I didn't know  
18 the Town actually is in a negotiating position with  
19 New York American Water because the President of  
20 New York American Water, who also had the courage  
21 to attend this meeting, explained to us that the  
22 charge is tax based, that they spend -- that .72  
23 cents of every dollar that comes in, they're paying  
24 out that in property taxes.

25 Well, for a fire hydrant, it's 750.

1 That comes to about \$540, leaving \$210 for  
2 whatever. That's still more than twice as much as  
3 any other water district is charging their  
4 receptacle fire district or fire companies.

5 What -- I'm not saying that we  
6 shouldn't sign the contract because we need fire  
7 protection, our home insurance prices would  
8 skyrocket if we didn't have hydrants, but I am  
9 requesting you to contact Controller DiNapoli to  
10 possibly allow him to audit their rate requests,  
11 not only for fire hydrants, but across the board.

12 He needs to look at the PSC. I don't  
13 think they're acting in the public's interest at  
14 this point. I'll speak later on that. This is  
15 only about the fire hydrant. I don't know what we  
16 can do.

17 Can we give the counteroffer of \$360?  
18 Can we do as the Town Clerk suggested, can we buy  
19 pumpers for that kind of money and forget about  
20 hydrants? I don't know. I just don't know why  
21 there is nothing that can be done. Where -- how do  
22 you not be able to negotiate? Who set the rates?

23 MS. SWANSON: I believe New York State  
24 allows the rates that the Water Authority is  
25 charging and I think your initial suggestion to

1 contact the Controller would be correct.

2 MR. ADELMAN: I mean, I've contacted  
3 New York American Water.

4 Unfortunately, they don't respond to  
5 me.

6 MS. SWANSON: They don't respond to me  
7 either.

8 SUPERVISOR SALADINO: Well, they will  
9 respond to us. I think that's an excellent idea.  
10 I want to let you know that I have been meeting  
11 with residents on this issue, as well as our staff  
12 members, and we are very concerned about this  
13 issue, and quite frankly, we embrace the community  
14 and get it.

15 I, too, am a customer of this company  
16 where I live and I understand entirely, so I'll ask  
17 our Town Attorney to please prepare a letter to  
18 State Controller Tom DiNapoli from myself and the  
19 Town Board to ask for this. It's an excellent  
20 suggestion. We will get their attention and we  
21 will continue to fight for our residents and Sea  
22 Cliff and throughout the Town.

23 COUNCILMAN IMBROTO: Mr. Adelman, I  
24 also agree with your suggestion.

25 Having sat through that presentation

1 and saw them give all these numbers and figures,  
2 something doesn't add up. Plain and simple,  
3 something's not adding up, so we're going to  
4 continue to look into this for you.

5 MR. ADELMAN: Again, thanks again for  
6 coming.

7 SUPERVISOR SALADINO: Just so you know,  
8 that evening, we had many items on our schedule and  
9 we were representing each other at these different  
10 places, but I have met and our Town Board members  
11 have met with the residents on this. We will  
12 continue to be at your service and I think you  
13 are -- not only do I think your suggestion is an  
14 excellent one, but this Town will follow through.

15 MR. ADELMAN: Thank you very much.

16 SUPERVISOR SALADINO: Thank you.

17 Let's make sure we get that done this  
18 week to the State Controller.

19 May I have a motion to close this  
20 hearing?

21 MR. ALTADONNA: Supervisor?

22 SUPERVISOR SALADINO: Yes, I'm sorry.  
23 Correspondence?

24 MR. ALTADONNA: We have affidavits of  
25 posting and publications.

1                   There is no other correspondence.

2                   SUPERVISOR SALADINO: Thank you, Town  
3 Clerk.

4                   May I have a motion?

5                   COUNCILMAN MUSCARELLA: Supervisor, I  
6 make a motion that this public hearing be closed  
7 and the decision be voted on today.

8                   COUNCILMAN MACAGNONE: Second.

9                   MR. ALTADONNA: Want me to have a roll  
10 call?

11                  SUPERVISOR SALADINO: Yes.

12                  MR. ALTADONNA: Supervisor Saladino?

13                  SUPERVISOR SALADINO: "Aye."

14                  MR. ALTADONNA: Councilman Muscarella?

15                  COUNCILMAN MUSCARELLA: "Aye."

16                  MR. ALTADONNA: Councilman Macagnone?

17                  COUNCILMAN MACAGNONE: "Aye."

18                  MR. ALTADONNA: Councilwoman Alesia is  
19 absent.

20                  Councilwoman Johnson?

21                  COUNCILWOMAN JOHNSON: "Aye."

22                  MR. ALTADONNA: Councilman Imbroto?

23                  COUNCILMAN IMBROTO: "Aye."

24                  MR. ALTADONNA: Councilman Hand?

25                  COUNCILMAN HAND: "Aye."



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Motion carries 6 (inaudible).

SUPERVISOR SALADINO: Thank you, and  
thank you for the residents who came out to speak  
on this.

(TIME NOTED: 11:22 A.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETIN  
AUGUST 15, 2017  
11:23 A.M.

**HEARING P-7-17**

To consider the application of 5220 Merrick LLC,  
fee owner, for a Special Use Permit and Site Plan  
approval for premises located at 5220 Merrick Road,  
Massapequa, NY. (M.D. 7/11/17 #26).

**JOSEPH SALADINO**  
**SUPERVISOR**

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

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN THOMAS HAND  
TOWN CLERK JAMES ALTADONNA JR.  
RECEIVER OF TAXES JAMES STEFANICH

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would the Town  
2 Clerk call the fourth hearing?

3 MR. ALTADONNA: Hearing P7-17, to  
4 consider the application of 5220 Merrick LLC, fee  
5 owner, for a Special Use Permit and Site Plan  
6 approval for premises located at 5220 Merrick Road,  
7 Massapequa, New York.

8 MR. ALTMAN: Good morning,  
9 Mr. Supervisor, fellow Board members. Nice to see  
10 everybody this morning.

11 I'm for the applicant.

12 David Altman from the Law Office of  
13 Harris Beach, PLLC, 538 Broadhollow Road, Suite  
14 301W, Melville, New York, for the applicant.

15 Just a little housekeeping matter,  
16 Mr. Supervisor. I'm going to submit some  
17 additional certified mail and received green cards  
18 into the record which came in following our  
19 submission of the affidavit of posting and mailing  
20 on the 8th.

21 With me this morning, and before I get  
22 into my brief discussion regarding the application  
23 that's before the Board today, I have sitting to my  
24 immediate right with -- studying the plans on his  
25 lap, Chris Tartaglia, from High Point Engineering.

1 Chris is the project engineer. They have prepared  
2 the plans which are on the easel to my immediate  
3 right.

4 Also with me today is Michael Lynch  
5 from Lynch Appraisals. Mike is a licensed real  
6 estate appraiser. He has appeared and testified  
7 before this Board as well as the other boards of  
8 this Town on a number of occasions. I'm going to  
9 ask Mike to come up and give some testimony as  
10 well. He's also prepared a written report in  
11 connection with his assessment of the application.

12 Finally, with me today is Frank  
13 Filiciotto, also to my right. Frank is a licensed  
14 New York State engineer. He is a traffic expert  
15 and he's testified before this Board as well as the  
16 other boards of this Town. Frank has also prepared  
17 a report and I'll have Frank submit that report  
18 into the record when he provides his testimony.

19 In that regard, I'll note for the  
20 record and before I start my presentation, I would  
21 like to thank Leslie Macagnone as well as Tim Zike  
22 and Jim McCaffrey for helping to sort of facilitate  
23 this application and move it through the  
24 application process.

25 I know this has presented some concern,

1 particularly to the local Civic Association in the  
2 area and the residents proximate to the site that  
3 live along the south of the lot line of the  
4 property over there, north Flatline and along West  
5 Shore Road and we are not indifferent to their  
6 concerns, and we've done our best to address a  
7 number of the comments that were raised through the  
8 vetting process.

9 We had two meetings with the local  
10 Civic Association which resulted in some layout  
11 changes as well as some significant architectural  
12 changes on (inaudible). Typically, because this is  
13 going to be a BP site, they have their particular  
14 national branding and we've changed their national  
15 branding in terms of the architecture to  
16 accommodate and make it far more, I'd say,  
17 compatible with the character of the area such that  
18 the proposed architecture is going to be one of --  
19 more of a colonial style with reverse gabling on  
20 the roofs, et cetera, so it will fit in far more  
21 nicely with the community.

22 That being said, the subject premises  
23 is known as 5220 Merrick Road, Massapequa,  
24 New York. It bears Nassau County Tax Map Number  
25 Section 66, Block 2, Lot 1 or 2. It's currently

1 zone neighborhood business and has been such for  
2 many, many years.

3 The applicant acquired the property by  
4 bargaining sale deed dated December 2, 2013 which  
5 deed was recorded in the Office of the Nassau  
6 County Clerk on December 6th of '13 in Liber 39370,  
7 Page 457.

8 The lot was previously developed with a  
9 gasoline service station which was approved by the  
10 Town Board going back to 1958. That was actually  
11 Resolution No. 1958-07 dated April 16th of '58.

12 At that time, it allowed for the  
13 operation of a gasoline service station with  
14 automotive repairs. The size of the repair  
15 building, which is still present on the site today,  
16 and if you look on the easel to my right or to your  
17 respective left, you'll see the yellow box on the  
18 south side of the property.

19 Chris, if you have your laser pointer.  
20 With a laser pointer, it's that -- that's the  
21 location of the repair station building that was  
22 built pursuant to that '58 approval. That building  
23 is approximately 1,512 square feet, CO was issued  
24 for that on May 7th of '59. That was C of O Number  
25 7296 for a 54 by 28 gasoline service station

1 building. There are a couple of other C of O's on  
2 file relative to alterations from '68.

3 I understand and records seem to  
4 indicate, at least having gone through the Town's  
5 records, that the station ceased doing business  
6 roughly 2007. A copy of a site plan or survey,  
7 I'll call it, obtained from Town's files with an  
8 approval stamp issued to us, Permit Number L30022,  
9 dated 8/17/92, shows the layout that existed at  
10 that time, and I'll note, it appears that there  
11 were two canopy pump islands at that time; one  
12 proximate to Merrick Road, or parallel to Merrick  
13 Road, and one proximate to West Shore Drive.

14 The applicant is proposing to redevelop  
15 the site which has a been vacant there for the past  
16 ten years, Mr. Supervisor, and I've been to the  
17 site, and I know you're familiar with the site as  
18 well. It's not the prettiest looking facility at  
19 the moment having not been operated or attended to  
20 for some time.

21 The applicant is looking to revitalize  
22 and redevelop the existing structure and we're  
23 actually going to make it a little smaller. We're  
24 going to make it a 1,345 square foot convenience  
25 store, which is approximately 167 square feet

1 smaller than what exists today. The applicant is  
2 proposing three fueling pumps, and if you see the,  
3 sort of, tan-shaded area, that's where the proposed  
4 pump Island canopy will be, which will be parallel  
5 to Merrick Road, not proximate to West Shore Road.

6 There are going to be three fueling  
7 pumps. The one where Chris has his pointer on the  
8 left or on the west side is going to be what's  
9 called a three in one fuel dispenser. That one  
10 will allow for diesel as well. It will allow for  
11 six fueling positions. The canopy itself will be  
12 79 by 22 or 1,738 square feet.

13 There is also a proposed loading stall  
14 in the southeast corner of the property. That  
15 loading stall will be approximately 40 by 16 in  
16 dimension, and just directly south of that, there  
17 will be a masonry trash enclosure which measures  
18 approximately 15 by 10. The masonry trash  
19 enclosure will be designed architecturally to match  
20 the aesthetics of the building.

21 In addition, the applicant will be  
22 reconfiguring the curb cuts on both Merrick Road  
23 and West Shore Road. Currently, I believe there  
24 are two curb cuts on West Shore Road. The  
25 applicant will be consolidating that into one full



1 movement right in, right out curb cut. You'll see  
2 that the applicant is also providing, and this has  
3 been discussed in some detail with Town Planning, a  
4 "do not block the box" area which will allow  
5 unobstructed and ingress and egress through that  
6 curb cut.

7 The western curb cut up on Merrick  
8 Road, which is proximate to the intersection with  
9 West Shore, will be right in only and the eastern  
10 curb cut will be right out only. No left turns.  
11 The applicant is also proposing nine parking stalls  
12 which is code compliant and there will be one  
13 ground sign at the corner. The applicant is  
14 proposing a 24/7 business operation.

15 There will be five to six employees.  
16 It's contemplated to have three shifts, eight hours  
17 a piece, Mr. Supervisor, generating five to six  
18 jobs.

19 In addition, there will be, as a result  
20 of the development, increased traffic, I'm  
21 assuming, increased tax revenue in terms of sales  
22 and use tax, petroleum taxes, as well as increased  
23 real estate tax.

24 The deliveries at the site will be done  
25 on a daytime basis, daytime off peak, and I'll have

1 Mr. Filiciotto address that in a little more  
2 detail, such that there will be nominal  
3 interference with peak traffic times.

4 This site being on the eastbound  
5 direction of Merrick Road or on the south side of  
6 the road, it will tend to, as Mr. Filiciotto will  
7 discuss, be a little more heavily patronized during  
8 the p.m. peak hours.

9 I will note that the character of the  
10 area, particularly on east and west along Merrick  
11 Road, is commercial in nature. Zoning on both  
12 sides is predominantly NB or neighborhood business.  
13 We do have single-family residences to the south.

14 In fact, across the street from us on  
15 the southwest corner of West Shore Road and Merrick  
16 Road, we have another automotive repair facility,  
17 albeit that they do not, I believe, have a gas  
18 station use.

19 We have Marjorie Post Park across the  
20 street on the north side and I believe there is  
21 another gas station that's a Bolla Station which  
22 operates roughly a quarter of a mile or less on the  
23 north side of Merrick Road at 5839 Merrick Road in  
24 Massapequa. That one was granted a special use  
25 permit for revisions to that site as well as the

1 construction of a convenience store on 10/2/01  
2 that, I believe, store also allows for 24-hour use  
3 at that particular site.

4 That site also abuts single-family  
5 residential development. I believe the site is  
6 consistent with the character of the area in terms  
7 of its proposed use and design. The site was  
8 operated as a gasoline station for the better part  
9 of 50 years and it's properly suited in that regard  
10 given its location on a corner. The application  
11 will involve modern state of the art redevelopment  
12 of the site as is contained on the plans in front  
13 of you, as more fully set forth in the testimony  
14 and report from Mr. Filiciotto who will be speaking  
15 shortly.

16 There will be no traffic hazard. There  
17 will be no adverse impact to real estate values and  
18 it's especially consistent with the character of  
19 the area.

20 That's being said, I'm going to ask  
21 Mr. Tartaglia to step up and just take you through  
22 any aspects of the site plan that I may have  
23 omitted. Chris.

24 MR. TARTAGLIA: Thank you, David.

25 For the record, my name is Chris

1 Tartaglia with the firm of High Point Engineering,  
2 address 521 Conklin Street in Farmingdale.

3 Mr. Altman has done his usual, steal my  
4 thunder act, and has taken really all of the words  
5 out of my mouth. Just two points I want to make to  
6 reinforce for the Board a couple of key components  
7 of the layout.

8 And, again, I'm going to refer to the  
9 exhibit to my right. Just noticing the green space  
10 between the proposed development and the neighbors  
11 to the south, we were very sensitive all along  
12 with, even before we met with the civics, to the  
13 fact that there are residential homes to the south  
14 so we are providing a full minimum 10-foot width in  
15 some cases, it's up to 15 foot in width densely  
16 planted evergreen buffer along both lot lines, both  
17 the southerly and the easterly. We're also  
18 proposing a solid white PVC fence.

19 Also, if you'll notice up at the corner  
20 near the intersection where there's clearly a curb  
21 cut, that curb cut is being closed and we are  
22 providing, again, another 10-foot wide densely  
23 landscaped area up at that corner. Because there  
24 are sight lines, visibility issues to address, we  
25 are doing landscaping, but still very dense and

1 quite varied.

2 The only other point I want to make is  
3 that with regard to the access, we do have approval  
4 from the Nassau County Department of Public Works  
5 Traffic and Highway Department for the access as  
6 shown. We are awaiting their final approval based  
7 on some minor paperwork and applications, but we do  
8 have agreement in concept for the access that's  
9 shown.

10 That's the extent of my presentation.  
11 If there are any question, certainly, I would be  
12 availably to answer them.

13 SUPERVISOR SALADINO: Yes.

14 Could you give us more specifics about  
15 what is planned as a buffer between the residents  
16 on the south side of the property?

17 MR. TARTAGLIA: Yes, I can.

18 SUPERVISOR SALADINO: You spoke to a  
19 white fence.

20 What's the height of that fence?

21 MR. TARTAGLIA: The height of that  
22 fence will be 6 feet tall, which is the tallest  
23 height that the Town Code will allow.

24 SUPERVISOR SALADINO: Have you or a  
25 representative of your company reached out to those

1 neighbors to allow them input in choosing exactly  
2 which style and perhaps what color fence?

3 MR. TARTAGLIA: Yes.

4 As Mr. Altman indicated, we had met  
5 with the Civic Association actually on two  
6 different occasions, once early on in the project  
7 and then once more recently, and we've gotten some  
8 significant feedback from them and, I believe, we  
9 addressed all of their concerns, but if we're  
10 talking about fence height or landscape height or  
11 anything like that, I can speak on behalf of the  
12 applicant to say, that's an open book, whatever is  
13 desired within reason, we would certainly  
14 undertake.

15 SUPERVISOR SALADINO: Will you be  
16 speaking directly with the residents who live  
17 specifically in the homes abutting this property to  
18 get input from them? You spoke about the Civic  
19 Association, who I have a lot of respect for.

20 MR. TARTAGLIA: Mr. Supervisor, I'm  
21 pretty sure they attended the meetings that we  
22 attended, but will we speak with them, yes, if we  
23 have not spoken to them, absolutely.

24 SUPERVISOR SALADINO: After your  
25 conclusion of your conversation, will you strongly

1 take into consideration their desires for the type  
2 of fence, the type of plantings, the height of  
3 those plantings?

4 MR. TARTAGLIA: Yes, like I said, those  
5 are the easy things to do, certainly,  
6 Mr. Supervisor, so if a higher fence is desired, as  
7 long as the Town would approve it, we would be more  
8 than happy to do it.

9 COUNCILMAN MACAGNONE: I think we'd be  
10 happy to approve it if the residents asked for it.

11 MR. TARTAGLIA: We'd be happy to do it.

12 SUPERVISOR SALADINO: As well as the  
13 type of plantings and the height, the initial  
14 height of those plantings?

15 MR. TARTAGLIA: Indeed. We'd be happy  
16 to do it.

17 MR. ALTMAN: I would just concur with  
18 the statements from Mr. Tartaglia. We spoke with  
19 the applicant in detail in this regard and one of  
20 the things we actually did, we actually did talk  
21 about potentially, particularly along the south lot  
22 line, Mr. Supervisor, perhaps a second row of dense  
23 Arborvitaes so the applicant is certainly open to  
24 accommodating whatever's within reason in that  
25 regard.

1 SUPERVISOR SALADINO: What about in  
2 terms of the lighting plan?

3 MR. TARTAGLIA: Yes.

4 We have had some very specific  
5 commentary and requests with regard to modifying  
6 the lighting and I can say as someone who has  
7 handled gasoline station and commercial development  
8 applications for the better part of twenty years,  
9 that we have really gotten out of the box with  
10 lighting on this.

11 In a nutshell, we have prepared an  
12 amended lighting plan which addresses all of the  
13 concerns. There was one particular resident who  
14 spoke out who had some pretty in-depth knowledge of  
15 lighting design, and as does my office, and they  
16 had requested what is known as a 4K type limitation  
17 on lighting.

18 Just to give the Board some rationale  
19 of what 4K means, there's different lighting levels  
20 that are proposed. By the way, all of the lighting  
21 is proposed is LED which is the state of the art in  
22 terms of lighting control and not allowing trespass  
23 or glare on adjoining properties, but the 4k  
24 lighting element allows for -- it's commonly  
25 known -- it has a nickname called moonlight,



1 meaning there are sunlight, there are daylight, and  
2 then there are moonlight, and then beyond  
3 moonlight, there is pitch dark, so we're just on  
4 the verge of having just enough illumination on  
5 this property to make it work.

6 I can say beyond a shadow of a doubt,  
7 this is the -- and I hate to use the word, dimmest,  
8 but this is the least lit gasoline station that I  
9 have ever been -- had the pleasure of designing, so  
10 I am going to presume that the lighting levels on  
11 this site are going to be noticeably different to  
12 the residents in the passers by than the other  
13 stations perhaps maybe two-tenths of a mile away.

14 SUPERVISOR SALADINO: Will all the  
15 lighting be 100 percent uniform?

16 MR. TARTAGLIA: I'm not sure that 100  
17 percent uniform is possible. The locations of the  
18 lights, of course, dictate the levels of the  
19 lighting on the property, but they all are going to  
20 be the 4K specification, so in that aspect, they  
21 will be uniformly specified as that.

22 SUPERVISOR SALADINO: Even the lighting  
23 on the exterior of the building?

24 MR. TARTAGLIA: That's correct.

25 SUPERVISOR SALADINO: Have you had any

1       conversations with the residents in terms of  
2       ensuring and alleviating their concerns as it  
3       relates to shielding their homes and their  
4       properties separately from direct light?

5               MR. TARTAGLIA:   Yes, we have.

6               The lighting plan that we developed,  
7       which was actually the characteristic of the  
8       lighting that we came into the application with  
9       years ago has zero lighting levels at the southerly  
10      property line.

11              It always has.   All the lighting is  
12      located up in front of the facility.   Where the  
13      back is landscaped, there's no reason to light  
14      that.   So the lighting levels at the property line  
15      are all zeros.

16              COUNCILMAN MACAGNONE:   Will they be  
17      selling alcohol there?

18              MR. ALTMAN:   There will be beer sales,  
19      Mr. Macagnone.

20              COUNCILMAN MACAGNONE:   Thank you.

21              SUPERVISOR SALADINO:   In terms of the  
22      cars coming in to park along the south border of  
23      the property, will the buffer be significant to  
24      entirely block the headlights of those cars pulling  
25      into the southerly spots?

1 MR. TARTAGLIA: Yes. I believe it  
2 will.

3 Nowadays, the headlights on cars are a  
4 lot brighter than they were, say, twenty or thirty  
5 years ago but I believe the installation of a fence  
6 at least 6 foot, if not higher, along with a  
7 multiple row of Evergreen plantings, coupled with  
8 the fact that headlights even on the tallest  
9 vehicles are typically only about 3 feet tall, I  
10 believe that that buffer will more than block that  
11 light.

12 COUNCILMAN MACAGNONE: If there's a  
13 problem, I'm sure a corporation like BP would want  
14 to solve it right away.

15 MR. TARTAGLIA: I believe we've taken  
16 steps to avoid any problems, Mr. Macagnone, but  
17 absolutely, I mean, this is the -- the meetings  
18 that we had with the Civics, the modifications that  
19 we've done to the plans, all with respect to what  
20 the residents had requested, I believe is very  
21 emblematic of our willingness to become a part of  
22 the community and be a good neighbor.

23 COUNCILMAN MACAGNONE: Thank you.

24 SUPERVISOR SALADINO: Just so we're  
25 clear, the definition of problem also includes a

1 resident's complaint?

2 MR. TARTAGLIA: Understood.

3 SUPERVISOR SALADINO: Okay.

4 Any other questions?

5 COUNCILMAN MUSCARELLA: I have a  
6 question.

7 Post Sandy, okay, after the hurricane,  
8 people could not get gas. I thought it was --  
9 obviously, I was up in the middle of the night  
10 trying to get gas. We thought it was a  
11 distribution problem. It was not. The gas station  
12 had the gas, they didn't have electricity to pump  
13 the gas.

14 Do you have a generator on here?

15 MR. TARTAGLIA: Yes.

16 Fantastic question.

17 The State took very definitive action,  
18 as I'm sure you're aware Councilman, and came up  
19 with the requirement that stations which met a  
20 specific location and volume threshold on certain  
21 roadways had to have a generator hookup.

22 Initially, they offered subsidies and  
23 things of that nature to actually install  
24 generators, but the reality is on a site like this,  
25 the only issue with generators is they have to

1 start up once or twice a week to run. And with  
2 fueling locations like this where site is limited  
3 in size, it's not a tremendously large site, but  
4 also because there's residents nearly to the south,  
5 I think that hearing that generator start up,  
6 whatever time of day it has to lubricate itself is  
7 a little bit of a nuisance.

8 So this site, however, will comply with  
9 the State regulation to have what's called a  
10 transfer switch, and with a transfer switch, the  
11 State will actually be providing a portable  
12 generator to this facility upon demand when the  
13 lights go out, so it does fully comply with that  
14 law.

15 SUPERVISOR SALADINO: Anyone else?

16 COUNCILWOMAN JOHNSON: Will there be a  
17 left turn onto Merrick Road or just the right?

18 MR. TARTAGLIA: Right turn in, right  
19 turn out only and that's as mandated by the County.

20 Introducing Frank Filiciotto from  
21 Stonefield Engineering.

22 MR. FILICIOTTO: Good morning,  
23 Mr. Supervisor, members of the Town Board.

24 For the record, Frank A. Filiciotto  
25 F-I-L-I-C-I-O-T-T-O, with the firm Stonefield

1 Engineering Design, offices at 2702 41st Avenue in  
2 Long Island City.

3 Thank you and good morning.

4 Mr. Altman and Mr. Tartaglia did a  
5 great job hitting on some of the traffic  
6 engineering things that I usually speak about at  
7 these hearings, but I think one of the most  
8 important things about this site is the  
9 consolidation of access that's being proposed and  
10 Chris eluded to it in discussions with Nassau  
11 County.

12 They've made it a very high priority to  
13 limit conflict points at driveways along County  
14 road. The State is doing the same thing along  
15 state roads and the Town does the same thing along  
16 town roads. This site has historically had two  
17 driveways on Merrick Road and two driveways on West  
18 Shore Road.

19 The driveways on West Shore Drive will  
20 be will be completely consolidated down to one  
21 single driveway. On Merrick Road, the two  
22 driveways, there'll still be two driveways there,  
23 but we're significantly reducing the number of  
24 conflict points at those two driveways to the tune  
25 of -- you previously had eight turning movements

1       happening for each driveway, you're now going down  
2       to a total of two turning movements. One at each.

3               So at the westerly driveway on Merrick  
4       Road, you are only able to make a right turn in.  
5       At the easterly driveway on Merrick Road, you can  
6       only make a right turn out. So the ability for  
7       accidents and conflicts is significantly reduced as  
8       a result of this new circulation plan.

9               My office prepared a report dated  
10       July 26, 2017. I'd like to submit that for the  
11       record. The report generally talks about access  
12       and circulation parking. I want to note that we  
13       are code compliant with the nine parking spaces  
14       that we're providing. And we also talk about trip  
15       generation, trying to quantify, you know, the  
16       changes in traffic levels as a result of a project  
17       like this.

18               Just to kind of orient the Board, I  
19       think the Board is very familiar with Merrick Road,  
20       we all are. It's a very important east/west  
21       roadway on the South Shore. It carries about 25 to  
22       30,000 vehicles per day depending on where you are  
23       on Merrick Road, so it's a significant artery for  
24       east/west travel.

25               And as Mr. Altman eluded to earlier,

1 we're on the south side of Merrick Road so this  
2 site, the way we feel, is really going to draw from  
3 the eastbound traffic and that's heaviest in the  
4 evening as people are commuting home from points  
5 west. So the dominant flow of traffic and it, and  
6 it's sort of replicated or mirrored in the way the  
7 site has been designed, is that right turn movement  
8 in off of Merrick Road, the person does whatever he  
9 or she wants to do, fill up, or stop at the  
10 convenience store, and then continue on in an  
11 eastbound fashion.

12 You can see that the orientation of the  
13 fueling pumps themselves underneath the canopy are  
14 oriented in that same direction. It really caters  
15 to that flow. Of course, people could come off of  
16 West Shore Drive, people could make a left turn off  
17 of Merrick Road onto West Shore Drive and then  
18 enter via the curb cut there, but the dominant flow  
19 of traffic, the way we see it, is what we refer to  
20 in traffic engineering, parlance as "pass-by  
21 traffic." It's traffic that's on the road today  
22 passing the site, not going in because the site  
23 shuttered but will do so or may do so in the future  
24 because the site's reactivated and revitalized.

25 Based on that really effect of the



1 site, this site will not generate a significant  
2 amount of new traffic to the area. There's already  
3 30,000 vehicles on Merrick Road daily. That's why  
4 a use like this is -- it looks for a site like this  
5 because the roadway already has a captive audience  
6 of about 30,000 vehicles to draw from. It's not --  
7 this type of use is not one that creates an  
8 abundance of new traffic. Really becomes all about  
9 how the site's designed and the safety mechanisms  
10 that are put in place to make sure the circulation  
11 is favorable from an efficiency and safety  
12 standpoints.

13 Mr. Tartaglia eluded to the "do not  
14 block the box" markings that we're proposing. That  
15 was done in concert with some discussions with the  
16 Planning Department. The essence of the "do not  
17 block the box" is to really prevent vehicles from  
18 encroaching in the area right in front of the  
19 driveway and I want to note that the intersection  
20 of Merrick Road and West Shore Drive is signalized  
21 so there is a queue that develops on West Shore  
22 Drive when the light is green on Merrick Road.

23 The cycle lines, which means the time  
24 it takes for the light to cycle completely, is  
25 about two minutes during peak hours. You have

1 about 30 cycles in an hour. So during that time  
2 when Merrick Road is getting its green time which  
3 is most of the time, given how busy it is, traffic  
4 develops on West Shore Drive.

5 So the purpose of that "do not block  
6 the box" is really to leave that area open and  
7 available for a person who might be coming off of  
8 West Shore Drive wanting to turn into the site or  
9 someone who wants to come out, gives them the  
10 ability to do so and not congest that area.

11 We are able to leave about 20 to 25  
12 feet between the north side of the painted box and  
13 the stop line so there'll be enough room for one  
14 car to queue in there, then you have the vacant  
15 area that the box is creating and then the rest of  
16 the queue develops beyond that. So the intent is  
17 not to elongate a queue farther into the  
18 neighborhood, it's really to allow for space so  
19 that traffic does not get snarled in that area.

20 I want to point out that the  
21 consolidation of access on West Shore Drive reduces  
22 the curb cuts two to one there. There are two  
23 there, currently.

24 COUNCILMAN IMBROTO: Can I ask you  
25 about this because --

1 MR. FILICIOTTO: Sure.

2 COUNCILMAN IMBROTO: To me, this seems  
3 like the most problematic part because of the  
4 traffic on West Shore Drive.

5 Why does there need to be -- if the  
6 dominant flow is coming through Merrick Road, why  
7 does there need to be an exit on West Shore Drive?

8 MR. FILICIOTTO: Well, it's to really  
9 take advantage of the traffic signal. In order to  
10 process left turns, again, we're restricting left  
11 turns on Merrick Road. There is the possibility  
12 that someone who's coming west -- there is a  
13 significant westbound traffic, may want to stop in  
14 and see the site so while the dominant flow is  
15 eastbound, there is the possibility of catering to  
16 westbound traffic as well and we don't want to  
17 encourage the left turn directly from Merrick Road,  
18 we'd rather have that happen at the traffic signal,  
19 both for the ingress movement and the egress  
20 movement.

21 So, if you didn't have a --

22 COUNCILMAN IMBROTO: See, there's only  
23 room for one car --

24 MR. FILICIOTTO: Correct.

25 COUNCILMAN IMBROTO: -- between that

1 box and Merrick Road so couldn't you envision the  
2 egress traffic potentially blocking all the  
3 residents who live in that neighborhood who are  
4 trying to get out in the morning from getting to  
5 that signal?

6 MR. FILICIOTTO: I don't, because what  
7 will happen is, you'll have the "do not block the  
8 box" and you'll have a sign there that says "do not  
9 block the box." It's very common and it's really  
10 only about a 40-foot box so we're talking about one  
11 to two car lengths of clear zone and that's really  
12 a good practice when you're -- when you have a  
13 shallow site like this and you're near Merrick Road  
14 with a lot of action going on, it really helps to  
15 provide that area where turning movements can  
16 occur.

17 It's a safety mechanism that the County  
18 employs on a lot of County roads. We're seeing it  
19 more and more. It really helps to organize the  
20 traffic in that area.

21 COUNCILMAN IMBROTO: Would it be  
22 possible to have that as an ingress point, but not  
23 as an egress point?

24 MR. FILICIOTTO: Well, again, if you  
25 eliminate the egress there, now you're forcing

1 traffic to the east purposely and what one of the  
2 concerns that oftentimes comes up with these types  
3 of sites is you get recirculation traffic. So now  
4 you have a person making a right turn on Unqua and  
5 circulating through the neighborhood which is not  
6 something that we want to do. We'd rather keep the  
7 traffic at the signalized intersection where it can  
8 recirculate without having to go into the  
9 neighborhood.

10 COUNCILMAN IMBROTO: So by preventing  
11 them from exiting onto the West Shore Drive, you're  
12 saying that would just move them into a different  
13 neighborhood, somewhere to the east?

14 MR. FILICIOTTO: It could. If they  
15 have to get back to the west, they have no other  
16 choice except to recirculate.

17 COUNCILMAN HAND: Quick question in  
18 regards to the document you circulated.

19 MR. FILICIOTTO: Yes.

20 COUNCILMAN HAND: The public hasn't  
21 seen it yet, but on Page 2, Table 3, you reference  
22 the accident history from 2013 to August 22, 2016.

23 MR. FILICIOTTO: Yes.

24 COUNCILMAN HAND: This is a clearly  
25 when that facility is not open, so is there any

1 information going back a decade when the facility  
2 was clearly operating?

3 MR. FILICIOTTO: Typically, the records  
4 are kept for about seven years, I think. We strive  
5 to get the most current because that's most  
6 indicative of what's going on there now.

7 I want to point out that, you're right,  
8 the facility hasn't operated in about ten years so  
9 this considers the traffic that's passing through  
10 the intersection now.

11 There isn't a prevalence of accidents  
12 at this intersection, fortunately. We're seeing  
13 five over the course of three years and nine  
14 months, which is about one every nine months and  
15 there's no -- there were no fatalities. Most of  
16 them are rear end accidents which are considered --  
17 nobody wants an accident, of the accident  
18 hierarchy, those are -- tend to be of a lower  
19 concern than a right angle or something like that.

20 So the implementation of the safety  
21 measures that we're proposing, I don't believe that  
22 it's going to create a significant increase in  
23 accidents by virtue of the "do not block the box,"  
24 the restriction of left turns on Merrick Road and  
25 things of that nature. I think will be, you know,

1 hopefully, in keeping with this accident trend or  
2 less.

3 SUPERVISOR SALADINO: In the process of  
4 your traffic pattern design, did you seek the input  
5 of the residents?

6 MR. FILICIOTTO: The team has met with  
7 the residents on multiple occasions as we spoke  
8 about. We've also engaged the Planning Department  
9 and the County to get their feedback as well so  
10 that we believe this plan addresses some of the  
11 concerns that were raised. I haven't spoken  
12 directly with residents myself, but I know the  
13 project team has and we've accommodated those  
14 requests to the extent that we can.

15 SUPERVISOR SALADINO: To the extent  
16 that you can.

17 What does that mean.

18 MR. FILICIOTTO: It means that the  
19 design of the site has to accommodate not only the  
20 opinions of the residents, of course, but we need  
21 the site circulation to work as well with respect  
22 to ingress and egress from the County road and the  
23 Town road, so we have to take it into account a  
24 variety of concerns and a variety of code  
25 requirements from the Counties and the Towns and

1 kind of piece them all together and figure out the  
2 best plan possible and we think we've done that  
3 with what we're proposing.

4 SUPERVISOR SALADINO: In the plan  
5 you've designed, do you believe that you have  
6 alleviated the concerns of these residents?

7 MR. FILICIOTTO: From what we have  
8 heard, yes, I do.

9 COUNCILMAN IMBROTO: There are some  
10 residents that are here that I'm sure you'll be  
11 hearing from later that don't seem to agree with  
12 you so I hope you take their feedback into  
13 consideration.

14 MR. FILICIOTTO: Sure. I'd be happy to  
15 listen.

16 Thank you.

17 SUPERVISOR SALADINO: Any other  
18 questions?

19 MR. ALTMAN: I'd like to ask Mike Lynch  
20 to come at this time, Mr. Supervisor.

21 MR. LYNCH: Good morning,  
22 Mr. Supervisor, Members of the Board.

23 My name is Michael Lynch, business  
24 address, 15 Dewey Street, Huntington, New York.

25 I have a report that I prepared that



1 Mr. Altman has handed up. So as the Board is  
2 aware, the site is a -- it's a former gasoline  
3 station that was originally constructed back in  
4 1950 -- 1960, excuse me.

5 It was in operation for some fifty  
6 years and for the last ten years or so, it has been  
7 vacant and certainly an eyesore to the community.  
8 The building itself, the site itself, is at the  
9 southeast corner of West Shore Drive and Merrick  
10 Road in the Nassau Shores section of the Hamlet of  
11 Massapequa.

12 The site is approximately .35 acres in  
13 area. It's in a NB business zone. The building as  
14 it presently stands, it's an old three-bay station  
15 comprising approximately 1,512 square feet. As  
16 Mr. Tartaglia explained, the proposal is to  
17 downsize the site approximately 11 percent down to  
18 1,345 square feet, but the setbacks to the rear  
19 residences will remain the same.

20 As the Board is probably aware, the  
21 site, as I noted, is in a derelict state and it's  
22 centrally devoid of any landscaping. The plan is  
23 to provide for a 19.2 percent landscape coverage  
24 with significant buffering to the rear of the  
25 property as you can see on the site plan that was

1 prepared by Mr. Tartaglia.

2 Again, if you look through my photos, I  
3 have a few -- two shots -- if you refer to the  
4 photographs -- bear with me one second -- on Page  
5 13, photos 5 and 6, you can see currently the state  
6 of the southerly border that borders the residences  
7 to the south on West Shore Drive and South Merrick  
8 Road.

9 Presently, there's an old wooden fence  
10 there as well as an old corrugated steel fence,  
11 but, again, essentially no buffering other than  
12 those old fences that presently exist and,  
13 obviously, the proposal here for the significant  
14 landscaping and buffering to the rear of the site,  
15 the southerly border that bounds those two --  
16 there's actually three residences that border this  
17 property to the south, the one at the corner of  
18 South Merrick Road and West Shore Drive as well as  
19 two further to the east on South Merrick Road.

20 So what is presently, again,  
21 essentially no landscaping or buffering, those will  
22 have significant, not only a landscape, a buffer  
23 there, but as Mr. Tartaglia indicated, a fence at  
24 the board and residents' discretion.

25 So the property, the surrounding uses

1 is noted to the south, all those residences  
2 opposite to the west at the southwest corner, is  
3 a -- of Merrick Road and West Shore Drive is an  
4 auto repair shop. To the north is the Marjorie  
5 Post Community Park and to the immediate boundary  
6 to the east is a two-story office building.

7 The proposal, again, is for the  
8 renovation of the site, slight downsizing with a  
9 new convenient 24-hour convenience store, as well  
10 as a three-pump island canopied gasoline filling  
11 station portion of the site.

12 My conclusions on this proposal to  
13 renovate the site, as well as convert the existing  
14 service station to a 24-hour convenience store will  
15 be that there will be no adverse effect to the  
16 surrounding community in terms of either property  
17 values or the essential character of the area.

18 As far as the character to the area,  
19 again, this is a site that's existed since 1960.  
20 It's been in a derelict state for the last ten  
21 years or so, so as far as existing conditions are  
22 concerned, this will only be improvement with  
23 respect to the existing conditions.

24 With respect to property values, I've  
25 been working on these type facilities, hearings

1 before the various towns in Nassau County and  
2 Suffolk County, this is -- would be the trend for  
3 these older stations which is the redevelopment of  
4 the older buildings, if not the raising of the old  
5 buildings, in this case, it will be renovation and  
6 a conversion.

7 The auto repair component will not  
8 exist as it did for some fifty years so we're  
9 replacing the auto repair component with the retail  
10 component. I have -- I did study another site to  
11 the west of this on Hempstead Turnpike in the  
12 Hamlet of West Hempstead. It was an older site,  
13 not unlike this property, was developed in the  
14 1950s with a full service gasoline station.

15 It was purchased by Hess Corporation  
16 which is now Speedway, and it was redeveloped and  
17 completed at the end of 2012 as a new Speedway/Hess  
18 station, 24-hour station. It's immediately abutted  
19 on its south by residences in the Hamlet of West  
20 Hempstead.

21 I studied property value trends  
22 immediately before the redevelopment of the site  
23 with the new 24-hour station. I then compared the  
24 median value of those sales which was within a  
25 one-eighth mile radius of that station.

1 I compared that with the sales  
2 subsequent to the development of the state of the  
3 redevelopment of the station and what I found was  
4 that the overall appreciation met or exceeded the  
5 overall appreciation of values.

6 During that same time period in the  
7 Hamlet of West Hempstead as reported by the  
8 Multiple Listing Service so the redevelopment of  
9 that site which is not unlike this site with  
10 respect to its proximity to residences immediately  
11 to the south.

12 Again, the redevelopment of that older  
13 station with a new 24-hour type filling station  
14 with a convenience store did not result in a  
15 devaluation of surrounding property values.

16 So, again, as far as area character, I  
17 think this site stands on its own in terms of it's  
18 been there for some sixty years. It was -- it's  
19 been in a derelict state for the last ten years, so  
20 certainly the redevelopment will certainly solidify  
21 the character of the area along Merrick Road, and  
22 in terms of property values, again, we're  
23 redeveloping a site with a new facility and other  
24 type stations that I've worked on in Nassau County  
25 as well as Suffolk County. My experience is not --

1 has not been one of where the property values have  
2 been deleteriously affected, so, at this point, I  
3 can answer any questions if the Board may have any.

4 COUNCILMAN MACAGNONE: Let me ask you  
5 question.

6 MR. LYNCH: Yes.

7 COUNCILMAN MACAGNONE: How much light,  
8 noise is currently on the site now?

9 MR. LYNCH: Zero.

10 COUNCILMAN MACAGNONE: Okay.

11 Thank you.

12 MR. LYNCH: It's a vacant site, so  
13 there's no activity.

14 COUNCILMAN MACAGNONE: Thank you.

15 MR. LYNCH: You're welcome.

16 Anyone else?

17 Thank you.

18 MR. ALTMAN: Thank you, Mr. Supervisor.

19 We'll reserve any comments after the  
20 residents have their comments on the record.

21 SUPERVISOR SALADINO: I have a few  
22 questions for you, Mr. Altman.

23 MR. ALTMAN: Sure.

24 SUPERVISOR SALADINO: Will there be  
25 a -- I see in the plans that the Dumpster is

1 designed to be on the east side of the structure.

2 MR. ALTMAN: Southeast corner, correct.

3 SUPERVISOR SALADINO: Southeast corner.

4 On the west side of the structure  
5 outside of parking spots, will there be any other  
6 mechanical equipment?

7 MR. ALTMAN: I don't see any on the  
8 plans.

9 Chris, is there any? No.

10 SUPERVISOR SALADINO: Okay.

11 So that means they'll be no air pump or  
12 vacuum located anywhere on the property because I  
13 didn't see that in the plans?

14 MR. ALTMAN: The air pump and the  
15 vacuum right now are up on the northwest corner.  
16 We did speak to Planning about that just before the  
17 start of the hearing and apparently there was some  
18 comment as to its location. We do have the  
19 ability, if the Board should so desire, to relocate  
20 the air pump and the vacuum over to the east side  
21 of the property approximate to the loading stall.

22 SUPERVISOR SALADINO: The public, that  
23 has communicated with me, does not want those on  
24 the east side.

25 MR. ALTMAN: They don't want?

1 SUPERVISOR SALADINO: They do not want  
2 them on the east side of the property. I'm sorry,  
3 don't want it on the west side.

4 MR. ALTMAN: Right.

5 So we can, as I said, relocate them  
6 over to the east side proximate to the loading  
7 stall.

8 SUPERVISOR SALADINO: Okay.

9 Next question, through your  
10 communications with the public, do you feel as the  
11 applicant has been responsive to all of their  
12 concerns?

13 MR. ALTMAN: That's a great question.

14 I will say that the applicant has been  
15 incredibly responsive to the concerns voiced.

16 Can you be responsive to each and every  
17 concern in designing a site? Arguably, no, you  
18 can't, but I think in this particular instance, the  
19 applicant has very much so been responsive to the  
20 majority of the concerns expressed.

21 SUPERVISOR SALADINO: Let me ask you  
22 two specific questions.

23 MR. ALTMAN: Sure.

24 SUPERVISOR SALADINO: One, just in  
25 terms of design, the application, from what I see,



1 speak to one reverse gable on the building.

2 Is your plan to have one reverse gable  
3 or if there is a second gable or dog house stormer  
4 requested on the structure, is that something the  
5 applicant would be amenable to?

6 MR. ALTMAN: I believe so, yes.

7 SUPERVISOR SALADINO: Then let's get to  
8 the second issue.

9 You had mentioned it earlier, would you  
10 please repeat the applicant's hours of operation as  
11 currently being requested?

12 MR. ALTMAN: They are requesting 24/7.

13 SUPERVISOR SALADINO: Is the applicant  
14 amenable to changing those hours of operation?

15 MR. ALTMAN: We have discussed it,  
16 Mr. Supervisor, and I'll put it this way, the  
17 answer right now would be no.

18 We are making a substantial investment  
19 in terms of redeveloping the site. Between  
20 acquisition and redevelopment costs, we're well in  
21 excess of \$2 million.

22 We have competitor -- competitors in  
23 the area that already operate on a 24/7 basis. As  
24 I have mentioned, we have the Bolla a couple of  
25 blocks away. I believe there's a Walgreens to the

1 west, albeit slightly different use, that also  
2 operates on a 24/7 basis. I believe the applicant  
3 has done everything in its power to be a good  
4 neighbor in the community.

5 We want the opportunity to be that good  
6 neighbor and, candidly, if there should come a time  
7 where we're not, then I expect as the Board or the  
8 residents to let us know, but give us the  
9 opportunity to operate and be competitive with our  
10 neighbors.

11 SUPERVISOR SALADINO: Are you or the  
12 applicant aware that the hours of operation has  
13 been one of the chief complaints?

14 MR. ALTMAN: I have heard that it's  
15 been an issue and a concern for residents and we've  
16 done everything we can, I believe, reasonably can  
17 to ameliorate any potential impact from the use on  
18 a 24/7 basis.

19 COUNCILMAN IMBROTO: So you don't think  
20 that restricting the hours at all is reasonable?

21 MR. ALTMAN: I think it's putting the  
22 cart ahead of the horse, to be honest, and the Code  
23 does allow it, recognizes Merrick Road as being one  
24 of those roadways in the Town where 24/7 is  
25 permitted and I think the applicant should be given

1       that opportunity.

2                   COUNCILMAN IMBROTO:   So if the hours  
3       were restricted, the applicant wouldn't be  
4       interested in anymore?

5                   MR. ALTMAN:   In discussion with my  
6       client, he would like to have 24/7 basis.

7                   SUPERVISOR SALADINO:   I believe the  
8       Councilman's question was, is the applicant  
9       amenable to consider changing hours of operation,  
10      obviously, reducing them from 24 hours?

11                  MR. ALTMAN:   Right now, at least the  
12      discussions this morning, the answer is no, sir.

13                  COUNCILMAN IMBROTO:   To me, that  
14      doesn't a seem like you're considering every  
15      reasonable avenue to make the residents in the  
16      surrounding community happy.

17                  I mean, you wouldn't even consider  
18      restricting it by one hour?   I mean, this is the  
19      chief complaint from the Nassau Shores community is  
20      the 24 hours of operation and you're saying that  
21      you want to be -- you want to work with the  
22      residents, you want to take their concerns  
23      seriously, but their most serious concern is being  
24      completely dismissed.

25                  MR. ALTMAN:   I wouldn't say it's being

1 dismissed, far from it, it's been weighted and  
2 considered very heavily in the totality of the  
3 project.

4 COUNCILMAN IMBROTO: Okay.

5 MR. ALTMAN: I will speak to my client  
6 one more time. He's sitting right her in the  
7 audience, so give me one second.

8 SUPERVISOR SALADINO: Thank you.

9 MR. ALTMAN: His position respectfully  
10 is that it's no. That we have, again, we have  
11 other, you know, similarly situated use which  
12 doesn't have that restriction placed upon it and  
13 while we certainly hear and respect the concerns of  
14 the residents, in this particular instance, we want  
15 to be considered and treated the same as, you know,  
16 the other similar-situated uses in the community,  
17 sir.

18 COUNCILMAN IMBROTO: Yeah, I heard him.

19 SUPERVISOR SALADINO: Do you have  
20 anything else you'd like to present to us before we  
21 call up the public?

22 MR. ALTMAN: I'm going to reserve any  
23 further comment to any public comments,  
24 Mr. Supervisor.

25 SUPERVISOR SALADINO: Thank you.

1 I'd like to make a statement very clear  
2 to all those here, all those watching this  
3 presentation, to the media, and especially to the  
4 residents of Nassau Shores. We hold public  
5 hearings in the Town of Oyster Bay to listen to the  
6 public's input and listening to the public is my  
7 number one priority.

8 Any concerns that are raised by any  
9 resident regarding health, safety, welfare, quality  
10 of life, the character of the neighborhood,  
11 security, noise, traffic, or any other similar  
12 issue must and will weigh heavily in my decision in  
13 this application and I believe I'm speaking for my  
14 colleagues on the Board.

15 Following the conclusion of this  
16 hearing, we're going to keep the record open so  
17 that anyone may be heard regarding this  
18 application, whether it is through mail, e-mail or  
19 a phone call. Our residents must and will be heard  
20 and their concerns will be respected.

21 The first speaker on this hearing is  
22 Martin Perry.

23 MR. PERRY: Good morning, Supervisor,  
24 Councilmen.

25 SUPERVISOR SALADINO: Would you kindly

1 start off by giving us your name and address?

2 MR. PERRY: Martin Perry, 15 Bayview  
3 Street, West Massapequa.

4 I became involved in this somewhat late  
5 because I'm concerned about the nature of the  
6 neighborhood and the area in Massapequa. I was at  
7 the meeting, the Civic Association meeting that we  
8 had a few weeks ago in which Supervisor Saladino  
9 attended, as did Councilman Imbroto attended, and a  
10 number of issues were brought up.

11 Obviously, first and foremost, is that  
12 24-hour 7-day-a-week issue. Now, it was brought up  
13 that the Bolla is not -- is open 24 hours. I'm not  
14 sure of that. I haven't been down that way at 3:00  
15 in the morning but if it is, it is.

16 However, to the west, starting at 135  
17 all the way to West Shore Drive, there is no gas  
18 station that is open and I use, as somebody wanting  
19 to point out an example, there is a Union 76  
20 station at the intersection of 135 and Merrick  
21 Road. It is closed.

22 How do I know? I travel for business.  
23 Sometimes I have to take that red eye home and get  
24 home 4 o'clock in the morning. It's closed, and  
25 that is in a neighborhood that is more commercial

1       than where this station is being proposed. The  
2       station is going to be across the street from  
3       Majorie Post Park. It is also to the west -- yes,  
4       there is a gas station and a small, I guess, real  
5       estate office, I've never quite figured out what it  
6       is, but there is a wetland and John Burns Park, so  
7       it is not in keeping with the examples that are  
8       being presented here.

9               I am pleased at what I have seen  
10       regarding the lighting and this idea of the  
11       moonlighting is very, very interesting to me. A  
12       question that I have, though, is the generator that  
13       was brought up and if that could be clarified. Was  
14       it said that this generator will not be located on  
15       the property but in case of emergency, supplied by  
16       New York State; am I correct?

17              If anybody lives in the -- for those of  
18       you that live in the Nassau County -- I'm sorry.  
19       Nassau Shores, Sandy hit us quite hard. We were  
20       hit very, very hard. How New York State is going  
21       to get that generator to us other than helicopter  
22       is a mystery to me, so I think it's a specious  
23       argument in that regard.

24              So, how much control or -- I'm sorry.  
25       How long is the contract with BP? Is this a

1 five-year contract, ten-year contract, twenty-year  
2 contract? What if BP breaks the contract, then one  
3 of the issues that was brought up is we can go to  
4 BP and, say, we're not happy with the operation of  
5 your station. Well, if they become an independent  
6 operator, who do we go to? We go to nobody.

7 The "block the box" issue, anybody that  
8 has been on Nassau in Nassau Shores at 7:00 or 8:00  
9 in the morning, "block the box," you think  
10 anybody's going to bother to read it?

11 There -- there's a constant stream of  
12 cars that break the line and cross through the West  
13 Shore Drive service station on the east side, so  
14 that they can get around waiting at the red light.  
15 They're going to look at that "don't block the  
16 box," don't think it will be effective.

17 If there is going to be a traffic  
18 study, let that happen at 7:00 or 8:00 in the  
19 morning and we'll see how effective that is.

20 Comparing this property values here to  
21 a station that allegedly is similar in West  
22 Hempstead, I don't think so. West Hempstead is  
23 quite different than Massapequa and I think that is  
24 comparing apples and oranges. The delapidated  
25 nature of the state, I get the impression that the



1 owner and his representatives are saying they're  
2 doing us a great favor by bringing in a commercial  
3 enterprise that will clean up the area, that  
4 particular piece of land.

5 That station was a problem even when it  
6 was in operation. It was constantly going  
7 downhill. The owner was, to be kind, somewhat  
8 unique in his outlook as to how he operated the  
9 station. This 24-hour operation really is a  
10 problem, and I don't really believe that it  
11 warrants 24 hours and I would like to see a solid  
12 study of what the traffic is going past that area  
13 between the hours of, say, 1:00 a.m. and 6:00 a.m.

14 I don't know that it even warrants, you  
15 know, the costs of keeping an employee on during  
16 that time. For those of you who have been on  
17 Merrick Road at that hour, it's deserted.

18 What else? I think that is about all I  
19 have to say. I can live with that station, but I  
20 cannot live with the 24/7. I believe it would be a  
21 useful addition to the area, but we really do need  
22 to get over this 24-hour operation.

23 Thank you.

24 SUPERVISOR SALADINO: Thank you,  
25 Mr. Perry.

1 COUNCILMAN IMBROTO: Mr. Perry, what  
2 hours would you be comfortable with? I'm sorry to  
3 make you come back up.

4 MR. PERRY: That's all right. No  
5 problem.

6 I have no problems to a 1:00 a.m. to  
7 6:00 a.m. closure, somewhere in that area. I can  
8 live with that. Somewhat say 12:00 or earlier,  
9 that's a negotiating point, okay? But I just will  
10 not -- especially, the fact that they will be  
11 selling beer, I think there's also an issue of cars  
12 coming in at 2:00 in the morning, picking up a  
13 six-pack, and by the way, who's going to get those  
14 people that are sitting in the car drinking the  
15 beer and maybe getting rowdy and playing their  
16 radio loud? Who's gonna take care of that? How  
17 many times will we be calling a patrol car?

18 COUNCILMAN IMBROTO: I just want to be  
19 clear, we cannot take the alcohol into  
20 consideration.

21 MR. PERRY: I understand. I  
22 understand, but I just -- it needs to be put on the  
23 table because they are getting a liquor license.

24 COUNCILMAN IMBROTO: But to you, the  
25 hours of operation is the biggest issue?

1 MR. PERRY: That is the biggest issue,  
2 yes.

3 Thank you.

4 SUPERVISOR SALADINO: Thank you,  
5 Mr. Perry.

6 The next speaker will be Elaine  
7 O'Neill.

8 Hi. Ms. O'Neill, how are you today?

9 MS. O'NEILL: Fine.

10 How are you?

11 SUPERVISOR SALADINO: Good.

12 Would you please start off by giving us  
13 your full name and address for the record?

14 MS. O'NEILL: Okay.

15 It's Elaine O'Neill. I live at 15 West  
16 Shore Drive, Massapequa.

17 I'm not overly crazy about -- I mean, I  
18 know it's always been a gas station, but this  
19 24-hour thing, I do not approve of it. I mean,  
20 when that gas station was there, I lived in that  
21 neighbor when it was first built in 1960.

22 My husband worked in that station also  
23 when he was much younger and they weren't open on  
24 the weekends -- on Sunday. They were only open  
25 from 6:00 to 10:00. Okay. I don't feel that we

1       need for them to be open 24 hours a day. I'm not  
2       overly keen on the idea that they are going to be  
3       selling liquor because people go down, and the  
4       kids, and we do have it, that, you know, they can  
5       get the beer, get rowdy, go down West Shore Drive,  
6       speed, whatever. Okay?

7                Another thing is that "don't block the  
8       box." That's another consideration that you're  
9       saying you have one car to go there and then you  
10      have the box and then you have the car.

11               Did you ever see the traffic at 5:00 in  
12      the morning because I go out and I walk every  
13      morning at 5:00. There is -- and I walk in Burns,  
14      there is no traffic going there. Down the street  
15      at that time of the morning, maybe you'll get one  
16      or two cars, but you don't have a big thing of  
17      traffic, so how many people are you going to get to  
18      go into that gas station? Okay?

19               Then with the box, so say around 6:00,  
20      7:00 in the morning, people are going to work, and  
21      you're going to have -- there's more than five cars  
22      there. There is a line that goes even past my  
23      house and I'm five houses from the corner -- going.  
24      There are cars that, as the man had said, cut  
25      through the service station which I have almost

1       gotten hit twice in that time of the morning  
2       because people can't wait for that light to change,  
3       that they just go right on the thing, so not a  
4       thing with that box there, because traffic is just  
5       going to keep on piling up West Shore Drive and  
6       then onto Huron. So nobody that has to go work in  
7       the morning is going to get through that light.  
8       They don't have the service station on the corner.  
9       He doesn't have a block, you know, don't box the  
10      block, he doesn't have one.

11               There's no, you know, thing and I'm not  
12      for it even to have an opening to go into the gas  
13      station. And just a few weeks ago, the Bolla, a  
14      man, a 60-year old man, got killed because somebody  
15      went in the wrong way. People do not read signs.

16               So, I mean, you're go to have an in and  
17      you're go to have an out. What cars can go into  
18      the gas station from West Shore Drive? Are they  
19      going to turn from Merrick Road into West Shore  
20      Drive and go into that station? It's -- I don't  
21      know. There has to be some type of solution on  
22      that and I do not believe that that "block the box"  
23      should be there.

24               And the hours, it is another thing, the  
25      hours. Kids from the high school that run down our

1 street when they're training, it is a busy street.  
2 And also from that generator, which I didn't know,  
3 that's going to be another thing. Sandy was a  
4 disaster down in Nassau Shores. I was fortunate  
5 enough that I lived in the beginning, that I did  
6 not get the water, but most of my friends, they  
7 did. They were affected by that.

8 As the man said, how are you going to  
9 get a generator in there? You're never going to  
10 get something like that and I certainly wouldn't  
11 want a generator going off a few hours in the day.  
12 They are noisy, so...but anyway, I said my peace.

13 COUNCILMAN IMBROTO: Ms. O'Neill, just  
14 so we're clear because I might not be sure, you  
15 don't like this application?

16 MS. O'NEILL: No, I am not overly crazy  
17 about the -- it can be a gas station. It's always  
18 been a gas station. When it first opened, it was a  
19 nice -- the man that owned it was very, very nice  
20 and then his son took it and he was a disaster.

21 Then it just went completely down, but  
22 the thing is, it can be a gas station, but do you  
23 have to have the -- and I'm not against having that  
24 convenient, I just don't like the idea of them  
25 selling liquor.

1 COUNCILMAN IMBROTO: And for you, the  
2 24 hours of operation and the traffic are the  
3 biggest concerns?

4 MS. O'NEILL: Yes. And I don't think  
5 it should be open 24 hours either. It's not in --  
6 the Bolla gas station, if you really look, there is  
7 one house that's, like, around it.

8 COUNCILMAN IMBROTO: Would you say the  
9 two sites are a little bit different?

10 MS. O'NEILL: The two sites are  
11 completely different.

12 You can't --

13 COUNCILMAN IMBROTO: What makes them  
14 different to you?

15 MS. O'NEILL: Well, the thing is that  
16 gas station, it really -- how can I put it?

17 It is in a residential -- I don't know  
18 the street, the name of the street, but you have  
19 the Corner Galley on the one side, you have Bolla  
20 there, and to the left of the Bolla, there's one  
21 house, but you don't even see that house.

22 Well, you're going to see the houses  
23 where the gas station is. It is more of a  
24 community, as I say, you know, and as I say, it has  
25 been done as a regular station. It got -- probably

1 has to be a gas station.

2 COUNCILMAN IMBROTO: Would you say the  
3 traffic on West Shore is a little bit worse than in  
4 some of the other roads in the area?

5 MS. O'NEILL: Yes.

6 COUNCILMAN IMBROTO: Including the one  
7 that the Bolla is on?

8 MS. O'NEILL: Oh, I think so, I mean,  
9 because the street down -- none of the cars --  
10 well, I shouldn't say that.

11 Any of the cars that are coming into  
12 the Bolla, say, from that area, they might use it,  
13 but I don't find that when I -- you know, I don't  
14 drive, I walk or I ride my bike, and the thing is,  
15 I don't see as many cars turning into Bolla from  
16 that street.

17 They are -- well, I guess, they are  
18 coming from Merrick Road and they are going into  
19 the entrance there, but I don't see many cars from  
20 that development going in -- you know, in that --  
21 there might be. I mean, but again, I don't think  
22 there's that many cars that are coming out there  
23 either. I think they go around and then they come  
24 out by Marjorie Post Park.

25 SUPERVISOR SALADINO: Mrs. O'Neill, in



1 contrast, would you consider West Shore Drive to be  
2 one of the main thoroughfares for cars --

3 MS. O'NEILL: Oh, yes.

4 SUPERVISOR SALADINO: -- exiting out of  
5 Nassau Shores?

6 MS. O'NEILL: Yes. East Shore Drive  
7 does not have it because I think of, kind of, the  
8 fire department. I don't think Unqua Road -- West  
9 Shore Drive is a busy, busy street.

10 SUPERVISOR SALADINO: And you know this  
11 because you and your husband have lived on West  
12 Shore Drive for how many years?

13 MS. O'NEILL: I guess it's almost  
14 sixty years.

15 SUPERVISOR SALADINO: And you've raised  
16 your children there?

17 MS. O'NEILL: Yes.

18 SUPERVISOR SALADINO: So you know this  
19 street very, very well?

20 MS. O'NEILL: I know this street very,  
21 very well.

22 SUPERVISOR SALADINO: So let me ask  
23 you, what is your opinion to the -- what the hours  
24 of operation should be to be most compliant with  
25 the residents and the character of the

1 neighborhood?

2 MS. O'NEILL: I don't think it should  
3 be open any later than 11:00, and I'm stretching  
4 it.

5 SUPERVISOR SALADINO: What time do you  
6 think it should open in the morning?

7 MS. O'NEILL: It can open at 6:00. I  
8 have nothing against it being open at --

9 SUPERVISOR SALADINO: 6:00 a.m. to  
10 11:00 p.m.?

11 MS. O'NEILL: Yeah.

12 I would like to see it 10, but, hey.

13 COUNCILMAN IMBROTO: In the morning,  
14 which direction do most of the cars that come out  
15 of that neighborhood go? Do they go west in the  
16 morning when they're commuting or do they go east?

17 MS. O'NEILL: They go east.

18 COUNCILMAN IMBROTO: Most of them go  
19 east?

20 MS. O'NEILL: Oh, no, no, no. They go  
21 west.

22 COUNCILMAN IMBROTO: Most of the cars  
23 that are coming out of the gas station would  
24 probably be going west too, right?

25 MS. O'NEILL: Yeah. Most of the

1 traffic is going west in the morning. You get a  
2 few going east but very, very few. And sometimes,  
3 the people that are in the right-hand lane are  
4 really turning west so you got two cars going  
5 around that way.

6 COUNCILMAN IMBROTO: Do you think that  
7 there might be a little bit of a bottle neck at  
8 that -- where that "don't block the box" is? If --  
9 where all the cars are trying to get out and go the  
10 other way and the two main entrances on Merrick  
11 Road, they can only go east? When they come out on  
12 Merrick Road, they can only go east, and if they  
13 want to go west, they have to come out onto West  
14 Shore Drive.

15 MS. O'NEILL: They have to go out --  
16 yeah, on West Shore Drive. That is going to be  
17 some -- especially -- well, any time of the day, go  
18 down West Shore Drive. There are cars by that  
19 light all the time. Now, wait until the school  
20 opens. There's two children on -- across the  
21 street that I think they go to parochial school,  
22 okay, go to high school. Now, they go each  
23 different times. You're going to get that bus and  
24 it is during rush hour in the morning. You can't  
25 go past the bus, so that's only going to make the

1 traffic go down further. So, as I say, if you have  
2 that "don't block the box" there, it is going to be  
3 a disaster. It literally is going to be a  
4 disaster.

5 COUNCILMAN IMBROTO: Thank you.

6 SUPERVISOR SALADINO: Thank you very  
7 much, Ms. O'Neill.

8 MS. O'NEILL: You're welcome.

9 SUPERVISOR SALADINO: Thank you to you  
10 and Mr. O'Neill for coming out today.

11 The next speaker is Warren O'Neill.

12 Good afternoon, Mr. O'Neill.

13 How are you today?

14 MR. O'NEILL: Pretty good.

15 Thank you.

16 SUPERVISOR SALADINO: Would you please  
17 give us your name and address for the record?

18 MR. O'NEILL: Warren O'Neill, 17 West  
19 Shore Drive, Massapequa.

20 SUPERVISOR SALADINO: Thank you, sir.

21 MR. O'NEILL: As my wife has said and  
22 everybody said, that has been a gas station for  
23 years. At one time, I was looking to make a couple  
24 extra dollars so I worked there in the evenings and  
25 they closed at 10:00 p.m. and those were there

1 hours. I don't know what time they opened, but  
2 they closed at 10:00 p.m.

3 My main concern is the 24/7. Primarily  
4 that and the box. The reason I say that is -- my  
5 wife tried to explain Bolla. Bolla has nothing to  
6 the west of them. To the east of them is a  
7 business. Behind is one house.

8 In order to enter Bolla from Merrick  
9 Road, you have to make a left-hand turn at the  
10 light and enter that way. The egress is on the  
11 west side and this is a whole different ball game.

12 Last Thursday, I was taking my wife  
13 shopping, I stopped at the traffic light on West  
14 Shore Drive and I slowed down to kind of visualize  
15 this box, all of the sudden, somebody is blowing  
16 their horn. I looked in my mirror. I had this  
17 huge pickup truck behind me.

18 I said, "Oh, boy, I better get out of  
19 here." I made a left. Thank God I made a left and  
20 ended up in the left-hand lane going west because  
21 as soon as I looked, the pickup truck was right  
22 inside me in the right-hand lane and gone. That's  
23 an every day occurrence.

24 I've also had it where they pull in the  
25 right lane making a left-hand turn. You know, you

1 have to take traffic on West Shore Drive very  
2 seriously, very seriously. And that box concerns  
3 me. If it is an egress out of that gas station,  
4 best of luck, because even if the box is open, you  
5 have traffic coming off -- you have eastbound  
6 traffic coming off of Merrick Road going south.

7 So now you have southbound traffic, you  
8 have a horror here. I'm afraid there's going to be  
9 a serious accident there.

10 And like I said, the 24/7, I could deal  
11 6:00 a.m. to 11:00 p.m., you know, probably beyond  
12 that, who knows what traffic is like.

13 Like I said, I'm two houses south of  
14 Mrs. Vestrich. Thank God that the lighting is  
15 going to be well, that I can agree with, no  
16 problem, but I have problems with traffic and the  
17 box and the hours.

18 Thank you very much for your  
19 consideration.

20 SUPERVISOR SALADINO: Mr. O'Neill?

21 Mr. O'NEILL: Yes, sir.

22 SUPERVISOR SALADINO: You, obviously,  
23 have a lot of experience of the traffic on West  
24 Shore Drive and it sounds as though you have  
25 specific experience of traffic flow patterns on the

1 site because you worked there.

2 MR. O'NEILL: Yes.

3 SUPERVISOR SALADINO: Based on your  
4 many, many years of experience with the traffic on  
5 West Shore Drive and these other issues, as a very  
6 long time, almost lifelong resident of Nassau  
7 Shores, what hours of operation do you feel would  
8 work best for the community?

9 MR. O'NEILL: I would say 6:00 a.m.,  
10 5:00 a.m. to 11:00. Usually, you know, once you  
11 get past 11:00 at night, there is very little  
12 traffic, especially going westbound.

13 SUPERVISOR SALADINO: Thank you.

14 Your testimony has been very, very  
15 helpful, sir.

16 MR. O'NEILL: Thank you.

17 SUPERVISOR SALADINO: Thank you for  
18 coming here today.

19 The next speaker will be Linda  
20 Vestrich.

21 MS. VESTRICH: Hi, Town Supervisor,  
22 fellow Board members.

23 My name is Linda Vestrich. I live at  
24 14 West Shore Drive. I've lived there for  
25 33 years.

1 I have heard about this proposed gas  
2 station. It has been a gas station when we moved  
3 in. I don't think at this point anybody has an  
4 objection to it being a gas station, we all agree  
5 that the property itself is, right now, a disaster.

6 You know, we'd love it be beautiful, to  
7 be operational, something. I have a petition that  
8 I started within the neighborhood and with the  
9 Massapequa residents and the residents of Nassau  
10 Shores against the hours of operation for various  
11 reasons that I will get into.

12 The hours that we are seeking are a  
13 6:00 a.m. open and 11:00 p.m. close. I started and  
14 I looked and researched the hours of operation of  
15 the businesses that are around the area. 6:00 a.m.  
16 seems to be an open time. There is grocery stores,  
17 there are other businesses that are open and  
18 11:00 p.m. seems to be closed for restaurants,  
19 other grocery stores, businesses.

20 John Burns Park, at that point is  
21 shutting down with all its activities, whether it  
22 be ball games, concerts in the park, and everything  
23 else, and I felt that that was a fair and  
24 reasonable hour of operation. And, again, Merrick  
25 Road does quiet down.



1 I also -- I will pass around the  
2 petition -- it also has in it, unfortunately, there  
3 have been other issues that I have found with gas  
4 prevention leak laws that have been violated, tax  
5 evasion, and other issues that I will pass around.

6 The signatures that I have received  
7 from the residents of Nassau Shores and the  
8 Massapequa area are over 500.

9 I'd just like to go over what life is  
10 like, not only in Nassau Shores but, particularly,  
11 I'm the third house in on the west side of the  
12 street.

13 Like I said, I've been a Massapequa  
14 resident since I'm six years old. I've been a West  
15 Shore Drive resident for 33 years, over 33 years.  
16 When I moved into Nassau Shores, it's always been a  
17 quaint, beautiful tree lined neighborhood. We have  
18 a golf course in our neighborhood. We have a bay  
19 (inaudible) park for the community to use. We have  
20 Marjorie Post Park across the street. We have John  
21 Burns Park next to us.

22 The real estate agents describe Nassau  
23 Shores -- they say prestigious Nassau Shores when  
24 they're advertising homes for our area. We have  
25 pillars in front of Nassau Shores stating "Nassau

1 Shores." The areas that also have pillars or  
2 designated signs include Harbor Green and also  
3 Biltmore Shores for all the residents that live  
4 there.

5 That quaintness, that beauty, is  
6 something I think every resident in the area  
7 treasures. When you drive down Merrick Road, it's  
8 one of the, I think, very few Towns that still have  
9 residential people living on Merrick Road. You  
10 can't compare people living in the homes in the  
11 Town of West Hempstead to those of Nassau Shores  
12 and/or Massapequa, so real estate values, I think,  
13 vary quite the same.

14 And also, Hempstead Turnpike is also  
15 known as a much more industrial commercial area  
16 than is Merrick Road. We want to keep the  
17 quaintness and the beauty and the quietness in our  
18 area.

19 From Merrick Road onto West Shore  
20 Drive, you can clearly see the homes that are  
21 there. I know Bolla is open 24 hours a day, seven  
22 days a week, but if you look at the Bolla Station  
23 from Merrick Road, you can maybe see one home. You  
24 basically see the two businesses that are around  
25 it. Not so from West Shore Drive. If you're

1 looking down West Shore Drive, you can clearly see  
2 the homes. It's open. It's a big -- it's a wide  
3 street. The only gas station that is open 24/7  
4 right now is Bolla. There are gas stations along  
5 Merrick Road in Seaford. In Wantagh, there's  
6 American Gas. On the north side of the street,  
7 there's Seaford gas stations off the parkway.  
8 There is the other gas station that is at the edge  
9 on Forest Avenue and Merrick Road as well, all  
10 closed. That is an important fact.

11 Basically, with the petition, I think  
12 most of the residents and people that have signed  
13 the petition are basically against the 24 hour,  
14 seven day a week operation. Some of the things  
15 that I think everybody should know, that West Shore  
16 Drive is used by the high school. They use West  
17 Shore Drive because it is a mile down West Shore  
18 Drive, it is a mile back up West Shore Drive. It's  
19 a great training for the track teams, for the  
20 football teams, and everything else. They use West  
21 Shore Drive during the course of the school day.

22 Also, Massapequa High School is an open  
23 campus, which means that there is a very small  
24 cafeteria in there for the kids to eat lunch. The  
25 majority of the kids are walking. Whether they

1 walk home for lunch because it's close enough in  
2 proximity or they're going across Merrick Road to  
3 go to the various lunch places or whatever they  
4 need, West Shore Drive is used heavily by the kids,  
5 whether it be bicycle, walking, residents such as  
6 Mrs. O'Neill, myself, we're all going up there  
7 because we want to cross the street to use the  
8 park. We want to go to the left and use John  
9 Burns.

10 West Shore Drive is used by -- annually  
11 by those doing the Turkey Trot. It's a big  
12 fundraiser. They start off in John Burns Park,  
13 they go down West Shore, they're back up West Shore  
14 again. That's another use of West Shore Drive by  
15 the community on foot.

16 During the course of the Summer months  
17 when the park at John Burns is used for concerts,  
18 there are people that overflow and park on West  
19 Shore Drive, and let's not forget South Merrick  
20 Road, which is directly and will be directly behind  
21 the house that's behind the gas station that's  
22 being built, there is one house and after that is  
23 South Merrick Road and the overflow of traffic  
24 parks on those streets as well.

25 The other thing is that now there is

1 not ample enough parking for the businesses  
2 adjacent to the gas station so what they've been  
3 doing since the gas station has been abandoned for  
4 the last ten years is they're parking on Merrick --  
5 on West Shore Drive and South Merrick Road, so as  
6 people are coming off of South Merrick Road and  
7 they're trying to ease onto West Shore Drive to  
8 make that right, you almost have to ease into the  
9 middle of the street to get a clear view because of  
10 all the cars that are parked there from the  
11 businesses.

12 So, you know, when you're putting a  
13 "block the box" there -- I mean, it looks great on  
14 paper, but let's get into realistically, what's  
15 going to happen with everybody in the neighborhood  
16 and when people come up West Shore Drive and  
17 everybody's looking at the traffic light and  
18 everybody is racing up West Shore Drive to get that  
19 traffic light to go westbound. So for them to stop  
20 and realize, oh, wait a minute, let's not block  
21 this box, I think it's a disaster. You know, we're  
22 even questioning whether it is necessary to have an  
23 opening on West Shore Drive to get in and out of  
24 the gas station.

25 You know, and when you're making

1 references -- what happened during Hurricane Sandy  
2 afterwards, most of Long Island had no electricity.  
3 That goes without saying. Most of us were out.

4 Nassau Shores was hit hard, very hard,  
5 and in particular, we were out, my house, we were  
6 out eleven days. There were many people in the  
7 neighborhood out much more. In those eleven days,  
8 there was, you know, as traffic started to move as  
9 gas became more available and people were trying to  
10 leave the neighborhood, what the police tried to do  
11 is block off and prevent any resident from making a  
12 left-hand turn, just to make a right-hand turn  
13 until they got that traffic light up and working.  
14 It didn't work. In one day, within a two-hour  
15 period, there were four accidents. I was calling  
16 the police myself.

17 I mean, that just -- that just started  
18 the motion. The amount of trucks that come down  
19 because now Nassau Shores is being rebuilt. There  
20 are still homes being raised in Nassau Shores. We  
21 have big heavy trucks coming down delivering  
22 products and everything else. That's an issue.

23 The other issue is the concern is, you  
24 know, how is a gas tanker going to safely get into  
25 the gas station to service and deliver the gas? I

1 don't want to see a gas tanker coming down West  
2 Shore Drive to try to turn around and go back up  
3 again and deliver gas, which it may be because  
4 we're looking at the angle of them turning either  
5 off Merrick Road to try to get through that "don't  
6 block the box" and get in there to deliver gas,  
7 that's a concern.

8 And as much as they're going to have an  
9 air pump and a vacuum available, okay, when the  
10 hours of operation cease, if they are closed at  
11 11:00, I'd like that shut off as well because why  
12 should somebody pull up at 2:00 in the morning and  
13 maybe, I don't know, inebriated or not, and just  
14 like to vacuum their car out and then you have to  
15 hear that white noise now waking us up.

16 I was the one that requested the 4000K.  
17 I am glad to see that it's being complied with  
18 because we can see all of those lights from our  
19 bedroom windows. You know, there is a lot of  
20 concern. We want to have a good neighbor, you  
21 know, here, we'd like to see a business thrive, but  
22 at the same time, not compromising the integrity of  
23 the neighborhood, the residents, the community.

24 We also want to address that there is a  
25 giant drug issue in Massapequa that has been

1 publicized. Everybody knows it. The question is,  
2 you know, the sale of alcohol, we don't want  
3 anything to happen with the kids and they're  
4 getting their IDs at a younger age than they should  
5 be and they're able to, you know, purchase alcohol.  
6 That's another issue. Drug sales have been known  
7 to happen in gas stations.

8           Unfortunately, there has been a last --  
9 there was a Nassau mini mart that was robbed at  
10 gunpoint on June 28, 2017. It was posted in the  
11 Massapequa Patch. It was a gas station on Broadway  
12 in Massapequa and, unfortunately, it seems that  
13 these robbers like to be brazen enough to go and  
14 rob the gas stations while they're open now instead  
15 of waiting until they're closed.

16           And with that, the question is, how do  
17 you not only provide safety to the residents, but  
18 I'm concerned about the school district. The high  
19 school is an open campus. When there is a problem,  
20 they shut down the schools. They lock down the  
21 schools. The kids are out to lunch and something  
22 happens, then those kids cannot get back into the  
23 school. That is an issue that somebody has got to  
24 think about, too. Not to say, listen, any business  
25 can be robbed. We all know that, but gas stations



1 seem to be something that these people feel that  
2 they can hit more so than some of the other  
3 businesses and maybe get away with it, but we have  
4 to be concerned about our kids.

5 Let's see if I covered everything.

6 Oh, yes, the other -- the other thing  
7 is that with the new gas station, I understand that  
8 there are new leak prevention laws that require  
9 steel vaults to be installed into the ground. This  
10 particular property had a leak issue. It had  
11 contaminants and to contain the contaminants, a few  
12 things were done. There were wells drilled in  
13 front of the home directly behind the gas station.  
14 There were two wells drilled on the houses, the  
15 first two houses on the west side of West Shore  
16 Drive.

17 At the same time, they also pounded  
18 steel into the ground to try to contain the  
19 contaminants for cleanup. That took approximately  
20 two weeks, and during that pounding, it was about  
21 six hours every day for the two weeks and my house  
22 was shaking almost uncontrollably. I noticed that  
23 there were some cracks in the ceilings and some  
24 issues going on. I did call the Town to complain.

25 Unfortunately, I did not get a

1 response, a phone call back, a resolution,  
2 anything. I ended up having to repaint my house.

3 Now, I understand -- of course, we want  
4 the safety issues installed but, again, has anybody  
5 thought about the impact of this pounding on the  
6 residential homes directly affected and around the  
7 gas station and what is going to happen if there is  
8 an -- or the potential of structural damage of any  
9 kind? I've invested a lot of money in my home. I  
10 have added a second story to my home. Everything  
11 has been permitted. I had to make sure  
12 structurally, I was able to do this safely and I  
13 did that. I do not want the integrity of my home  
14 jeopardized in any manner in that respect at all.

15 And also, with regard to the  
16 contaminants -- and I know that is not this  
17 particular owner's responsibility, according to the  
18 DEC, there is only one particular area still left  
19 that needs to be cleaned up.

20 Again, not the responsibility of the  
21 current owner, but the previous owner. But in  
22 regard to that, I'd like the ground also retested  
23 to make sure that any stirring of dirt while  
24 anything is going on, that doesn't stir up any  
25 additional contaminants and I want to make sure

1       that this other contaminant is cleaned up prior to  
2       this gas station, and I'd like the area and the  
3       site monitored for additional contaminants not  
4       being allowed to leak into the ground even though  
5       they're at what is considered an acceptable level  
6       now, we all know what contaminants will do, they're  
7       going to get right into our water system.

8               There is a canal right behind our  
9       house. We have the aquifers in the ground and that  
10      is our water. So I think these issues need to be  
11      addressed as well and I highly considered.

12             And, again, I think the issue of  
13      pedestrian traffic is another issue. As far as the  
14      Bolla gas station being open 24 hours, from what  
15      the residents that have signed my petition have  
16      said, they said that's more than enough. There's  
17      7Eleven open if anybody needs it and in Amityville,  
18      there's a CVS.

19             At this point, nobody wants a 24-hour,  
20      seven-day-a-week operation. We want to keep the  
21      quaintness of Merrick Road, Massapequa, and Nassau  
22      Shores and we would like the Town to address the  
23      issues that we have stated.

24             COUNCILMAN IMBROTO: Ms. Vestrich,  
25      Thank you for being here.

1 I just had a couple of questions for  
2 you. Thank you for the thorough presentation.

3 For you, again, the main issue is the  
4 hours of operation; is that accurate?

5 MS. VESTRICH: Correct.

6 COUNCILMAN IMBROTO: Because they did  
7 address the lighting and all of those things?

8 MS. VESTRICH: Yes, they did address  
9 the lighting. I thanked them for that.

10 I think that was, you know, a great  
11 compromise and as far as, you know, my husband was  
12 the one that went into the in depth study. He  
13 works for a company called Voltronics. He has been  
14 in the lighting industry for over thirty years and  
15 he is well versed on lighting issues, lumen output,  
16 LED.

17 COUNCILMAN IMBROTO: At this point, the  
18 major issues are the 24 hours operation and the  
19 traffic that would be generated on West Shore,  
20 right?

21 MS. VESTRICH: The traffic and also the  
22 concern about the gas leakage and the contaminants  
23 that were previously on the property, yes.

24 COUNCILMAN IMBROTO: Would you say that  
25 a lot of these concerns are specific to this

1 particular site? It's not that you're opposed to a  
2 gas station, it's not that you're opposed to a  
3 convenience store, but this is the wrong place for  
4 one?

5 MS. VESTRICH: I would -- is it the  
6 wrong place for one? You know what?

7 COUNCILMAN IMBROTO: Is there something  
8 special about the corner of West Shore Drive and  
9 Merrick Road?

10 MS. VESTRICH: I think that it is the  
11 traffic concerns, yes. And I think it is that the  
12 hours of operation, yes.

13 I think that also we have to look at  
14 the type of person that has and is trying to run a  
15 business here, the past history of that person, and  
16 some of the business practices that they have done.  
17 We don't want to see that again. I want something  
18 honest here. I want somebody that's going to be  
19 responsible and reliable.

20 This is somebody that is going to  
21 leak -- lease the property out to BP. He's not  
22 going to be a direct owner. He's not going to be  
23 there every day. He's not going to be running the  
24 business. He's leasing the property out to BP.  
25 And again, how long is he leasing the property out?

1       How long and what happens if BP decides to pull  
2       out, who then is he going to lease? What type of  
3       reputation does that person have? Who are the  
4       employees that are going to be employed by this gas  
5       station? You know, who is going to be responsible  
6       if something happens and who --

7                   COUNCILMAN IMBROTO: I understand. I'm  
8       just trying to stay with the things that the Town  
9       has control over at this point.

10                  MS. VESTRICH: Yes. I understand that.

11                  COUNCILMAN IMBROTO: And I just wanted  
12       to clarify whether you think that this site is  
13       different from, say, the Bolla mart or some of the  
14       others.

15                  MS. VESTRICH: I do. I actually think  
16       it's smaller and I think having a gas station at  
17       Bolla is more than enough for the neighborhood. So  
18       if given a choice, if somebody came to me and said  
19       would you rather a gas station or something else, I  
20       would probably honestly say something else because  
21       Bolla is right there.

22                  I don't find that it is necessary to  
23       have another gas station there; however, I respect  
24       the fact that it's already been zoned for one so  
25       I'm trying to be logical, fair, and, you know, be a

1 good neighbor as well.

2 COUNCILMAN IMBROTO: I didn't know if  
3 there was something special about West Shore Drive  
4 than a different location, if it's more traffic in  
5 that area.

6 MS. VESTRICH: Well, I think there is  
7 more traffic in the area. If you want to look at  
8 the West Shore Drive street versus the street that  
9 Bolla is facing, yes, we have considerably more  
10 traffic on West Shore Drive, hands down. There is  
11 no comparison.

12 With the traffic flowing in and out of  
13 our neighborhood, West Shore Drive is considered an  
14 emergency exit route, so anybody vacating Nassau  
15 Shores during a hurricane, like Sandy or Irene, a  
16 tropical storm, anything that may cause flooding or  
17 potential home damage, they're going via West Shore  
18 Drive. They -- yes, they have Unqua Road, they  
19 have East Shore Drive as well.

20 But I am telling you, for the majority  
21 of people, they're coming up West Shore Drive.

22 COUNCILMAN IMBROTO: And as far as the  
23 hours of operation go, is there a reason why this  
24 site should be treated differently than the Bolla  
25 Mart?

1 MS. VESTRICH: I think because this  
2 site faces more residential homes. We are  
3 surrounded by two parks. We are closer to the high  
4 school. We already have a 24-hour operation right  
5 now. There is no reason to have more. We are  
6 still trying to keep Massapequa that quaint, nice,  
7 quiet town that all the residents move here for.

8 COUNCILMAN IMBROTO: Thank you very  
9 much.

10 SUPERVISOR SALADINO: One question,  
11 please.

12 You spoke to being amenable to the  
13 hours of operation from 6:00 a.m. to 11:00 p.m.?

14 MS. VESTRICH: Correct.

15 SUPERVISOR SALADINO: You also told us  
16 that you collected signatures from approximately  
17 500 people or families?

18 MS. VESTRICH: Yes.

19 SUPERVISOR SALADINO: In your  
20 estimation, do those families, those residents,  
21 also believe that the hours of operation should be  
22 between 6:00 a.m. and 11:00 p.m.?

23 MS. VESTRICH: Yes, I do.

24 They -- basically that was one of the  
25 foremost reasons that they signed the petition,



1       because of the hours of operation, and they were  
2       also concerned about safety and they were concerned  
3       about the children.

4               Most residents basically said besides  
5       the hours of operation and the traffic concerns, we  
6       all know how many kids come up and down our street  
7       and how our street is used by pedestrian traffic,  
8       not only children, parents walking their kids to  
9       the parks, on bicycles, in strollers, West Shore  
10      Drive is heavily used by the population in Nassau  
11      Shores to get to the two parks that are in very  
12      close proximity to West Shore Drive.

13              And that was one of their concerns, and  
14      the kids, you know what, listen, it's not --  
15      they're kids. They don't always look at the  
16      traffic. They don't always focus on it. Nobody --  
17      I don't think there's one person in this room that  
18      would like to see anybody get hurt. And, you know,  
19      there are a lot of times, yeah, there have been  
20      accidents both on Merrick Road in front of West  
21      Shore Drive and, again, with Sandy, it was an  
22      issue.

23              SUPERVISOR SALADINO: And do the vast  
24      majority of the people who filled out or signed  
25      your petition also believe -- have no problem with

1 a station, a gas station at that location?

2 MS. VESTRICH: Yeah.

3 I think right now because we all know  
4 it's been zoned for a gas station, that everybody  
5 was -- I mean, there were people that have  
6 suggested other types of businesses, but since that  
7 is not what this particular owner does as his  
8 livelihood, I doubt that he's going to switch at  
9 this point and start a new business there, so I  
10 think that everybody understands that because it  
11 was a gas station, to be another potential gas  
12 station is something that, you know, they may not  
13 be happy with, but are accepting.

14 SUPERVISOR SALADINO: Any other  
15 questions for Ms. Vestrich?

16 Thank you so much --

17 MS. VESTRICH: Thank you.

18 SUPERVISOR SALADINO: -- for all your  
19 and your diligence, your help today, but obviously,  
20 your work in the months leading up to today. It's  
21 very much appreciated.

22 MS. VESTRICH: Thank you for listening.

23 SUPERVISOR SALADINO: Our next speaker  
24 will be Doug Aloise.

25 Good afternoon, Mr. Aloise.

1 MR. ALOISE: Good afternoon,  
2 Mr. Supervisor.

3 I'll be brief. I don't want to be too  
4 redundant, but I'd like to thank you and the Town  
5 Board, particularly, Councilman Imbroto, for your  
6 interest in this as well as Planning Department,  
7 which was very generous with their time and the  
8 owner, which I perceived, made a lot of concessions  
9 to the community.

10 It's very important that this site be  
11 environmentally sound. We're particularly  
12 concerned because of the past history that had  
13 nothing to do with the current developer and owner.

14 I come from Bethpage originally so when  
15 I hear the word plume, I just shiver a bit that we  
16 had too many plumes in our neighborhood so we want  
17 this to be the prettiest gas station in Nassau  
18 County and as well as environmentally sound.

19 My -- another very important issue is  
20 the hours of operation, again, with the mini mart  
21 which would be a new enterprise in the area and I  
22 agree with the other speakers that 11:00 p.m.  
23 closing would be very acceptable to us and opening  
24 at 6:00 a.m.

25 I just worry about our young people.

1 As we know, when you're young, you sometimes have  
2 bad judgment and somebody can get an older brother  
3 to buy beer and, you know, be in the car together  
4 and sometimes your judgment is clouded when you do  
5 have a few beers, particularly when you're a young  
6 person, again, so that is a very paramount issue.

7 I also want to mention that as we get  
8 into the details, the Civic Association can  
9 coordinate with the owner and the community;  
10 particularly, the residents of West Shore Drive on  
11 various detailed issues.

12 As an example, with the PVC fence, what  
13 color should it be. The landscaping is very  
14 generous, but what type of shrubs we would put in  
15 or trees and we can help with that.

16 I want to mention that this has been a  
17 particularly tough issue for myself personally  
18 because public opinion in Nassau Shores varies.  
19 The further away you get from the site, more people  
20 are for it because they want something to go there.  
21 I've had many letters through the years that, you  
22 know, you should be ashamed of yourself as Civic  
23 President letting this stay this way. It wouldn't  
24 be allowed in Jericho, et cetera, et cetera.

25 And I tried to explain, we didn't have

1       that much control with it, and as an MBA, I have to  
2       say something positive about the owner. He had the  
3       hootspa to come forward, invest money in this  
4       facility and he has been kept waiting a long time.

5               So, I think a fair compromise is we  
6       want it to be a very nice facility, but we would  
7       like the hours restricted.

8               Thank you.

9               SUPERVISOR SALADINO: Mr. Aloise, you  
10      spoke to the fact that you've been very active with  
11      the Civic Association.

12              MR. ALOISE: Yes.

13              SUPERVISOR SALADINO: Beside speaking  
14      on behalf of yourself and perhaps your family, are  
15      you speaking on behalf of many of the residents  
16      that live in Nassau Shores?

17              MR. ALOISE: I think so.

18              Like I say, I've taken a broad  
19      perspective on it because I do get many calls and  
20      letters saying something should go there, and to be  
21      realistic, the current developer owns the site, has  
22      site control, and I have a lot of experience as a  
23      community development director and I know how hard  
24      it is to develop sites like that and the Civic  
25      Association did not take an official position on

1       this because of the varying opinions that we've  
2       encountered.

3               We have our own politics, too, as a  
4       Civic Association, but everybody felt comfortable  
5       with restricting the hours.

6               So my perception is, if the special use  
7       permit was approved, but with the hours restricted,  
8       almost everybody in the neighborhood would be very  
9       happy.

10              Again, with the landscaping, the  
11       lighting, things of that nature, and I also have  
12       experience with Brownfield's development and I  
13       worry about the environmental issues and the  
14       leaking that could happen. I know it may not be  
15       directly be the Town Board that has jurisdiction,  
16       but to work in partnership with DEC, that's an  
17       issue.

18              SUPERVISOR SALADINO: So, in short,  
19       you're telling us that the majority or perhaps the  
20       vast majority of the residents that you've been in  
21       contact with --

22              MR. ALOISE: Yes.

23              SUPERVISOR SALADINO: -- are in favor  
24       of a gas station there, but they would like the  
25       hours limited?

1 MR. ALOISE: Yes, exactly.

2 SUPERVISOR SALADINO: Thank you.

3 MR. ALOISE: It's a complicated issue  
4 because some people have said, well, I want a  
5 daycare center, I want this, but that's not who  
6 owns the site right now.

7 And I also point out, some people get a  
8 little upset, it could be worse than a gas station.  
9 It could be a tattoo parlor. It could be one of  
10 these vapor places. I haven't figured out exactly  
11 what goes on in those enterprises, but we certainly  
12 wouldn't want one, so...it's not a perfect world  
13 but in an imperfect world, I think we want the  
14 prettiest gas station that we can get and also one  
15 that's environmentally safe and the mini mart  
16 restricted and 11:00 p.m. seems to come up quite a  
17 bit.

18 SUPERVISOR SALADINO: Thank you.

19 MR. ALOISE: Thank you.

20 SUPERVISOR SALADINO: Are there any  
21 other speakers, any other members of the public  
22 that would like to be heard on this issue?

23 Yes, sir.

24 Would you please step forward?

25 Would you please give us your name and

1 address for the record?

2 MR. MOLINARI: Good afternoon.

3 Paul Molinari, 332 West Nicholai  
4 Street, Hicksville.

5 Not a resident of Massapequa, I'm a  
6 resident of Hicksville, but I've been coming to  
7 these Board meetings for many years and I've been  
8 sitting through a lot of hearings on special use  
9 permits and I thought I brought it up at the last  
10 Board meeting that this -- one of the major issues  
11 that always seems to arise is the limitation on the  
12 hours.

13 I support our fellow residents in the  
14 Town to seek that this facility be only open from  
15 6:00 a.m. to 11:00 p.m. and I've also spoken, you  
16 know, last time to the Board, that maybe you should  
17 consider the limits of operations on, you know,  
18 hours of operations for certain facilities,  
19 especially when they are adjacent to residential  
20 neighborhoods.

21 Thank you.

22 SUPERVISOR SALADINO: Thank you very  
23 much.

24 Yes, sir?

25 MR. PERRY: I spoke earlier.



1 Martin Perry, 15 Bayview Street, West  
2 Massapequa.

3 And I neglected to ask a question and  
4 someone brought up the subject of the pillars and  
5 there is one pillar that is smack in the middle of  
6 that street.

7 If they're going to redesign that cut,  
8 what happens to those pillars? I don't believe the  
9 residents of Nassau Shores would like to see those  
10 pillars disappear on West Shore Drive.

11 SUPERVISOR SALADINO: And that would be  
12 one of my questions when the applicant returns to  
13 the podium.

14 MR. PERRY: Okay. Thank you.

15 SUPERVISOR SALADINO: Thank you, sir.

16 Are there any other -- yes.

17 MS. VESTRICH: Again, in regard to  
18 pillars.

19 SUPERVISOR SALADINO: Can you just give  
20 us your name and address again for the record?

21 MS. VESTRICH: Sure.

22 Linda Vestrich, 14 West Shore Drive.

23 In regards to the pillars, we would  
24 request that the owner of the property make a  
25 donation to the Nassau Shores Civic Association for

1 the rebuilding of both pillars so we can redesign  
2 and rebuild them which we will start with West  
3 Shore Drive and then conform the other pillars that  
4 are entering into Nassau Shores to be exactly the  
5 same as those.

6 That was something that we were  
7 discussing with Doug Aloise, the Civic Association  
8 President, and we thought that might be something  
9 that the owner might be willing to do for us.

10 MR. ALOISE: Doug Aloise, 36 South Bay  
11 Drive, Massapequa.

12 As a matter of fact, I have asked Linda  
13 to head the fundraising drive to rehab all of the  
14 pillars.

15 When I saw her energy and thoroughness  
16 and she has agreed, so she'll chair that, but we'll  
17 ask for private sector donations. We also want to  
18 have the LED lighting so the Civic won't be saddled  
19 with an operational cost.

20 Also, the owner, just before, agreed to  
21 make a contribution. We'll negotiate on that  
22 because the other pillar across the street would  
23 have to be probably moved, so both of them.

24 But we went one step further. We're a  
25 glutton for punishment with work and the Civic

1 Association that would rehab all of the pillars.

2 SUPERVISOR SALADINO: Thank you for  
3 bringing that to our attention.

4 Are there any other speakers that would  
5 like to be heard in connection with this hearing?

6 All right. Then to close.

7 MR. ALTADONNA: Okay.

8 SUPERVISOR SALADINO: Excuse me,  
9 Mr. Altman?

10 MR. ALTMAN: We going to have an  
11 opportunity to respond to you?

12 SUPERVISOR SALADINO: That's what we're  
13 giving you right now.

14 MR. ALTMAN: I didn't know if you asked  
15 the Town Clerk to speak.

16 SUPERVISOR SALADINO: No. No. I was  
17 asking for you to respond, please.

18 MR. ALTMAN: Thank you very much.

19 My appearance again, David Altman, from  
20 the law firm of Harris Beach, 538 Broadhollow Road,  
21 Suite 301 W, Melville, New York.

22 So just a couple of comments that I'll  
23 address and I think the 600-pound gorilla in the  
24 room relative to 24 hours. I did speak to my  
25 client further. Taking into consideration

1 operational details, we would be willing to  
2 consider shutting down from 12:00 midnight to  
3 5:00 a.m. That's our position.

4 With regard to the pillars, and I think  
5 Mr. Aloise stated it correctly, we discussed it  
6 with the Civics. We're going to be making a  
7 contribution to the Civics in that regard and will  
8 be relocating it for so the pillars are going to  
9 stay.

10 In connection with the traffic issues  
11 in the "block the box," which I think -- I don't  
12 want to minimize people's concerns but people are  
13 getting hung up on -- Frank, I'm going to ask you  
14 to just come up and address that again if you  
15 would, Frank Filiciotto from Stonefield. Frank.

16 MR. FILICIOTTO: Thank you, again.

17 Frank Filiciotto with Stonefield  
18 Engineering.

19 I think it would just help the Board,  
20 help the public, if I just run through how the  
21 operation of the "do not block the box" would work.

22 It's nothing more than paint on the  
23 ground. If everyone is unclear on that, I just  
24 wanted to make that clear. It's paint on the  
25 ground that makes an X and it's encapsulated in a

1 rectangular square area. It's about 30 feet long  
2 and it will -- it'll take up the width of the road.

3 The purpose of it is not to stop every  
4 vehicle. When the light is green, you don't have  
5 to stop there. It's to create a small gap in front  
6 of the driveway. When the light is red, it allows  
7 a vehicle to come in or out. This is commonly done  
8 throughout Nassau County. It is nothing new to  
9 Nassau County or the Town of Oyster Bay.

10 That is the purpose of it. We've  
11 worked with the Town Planning Department. If it's  
12 something that requires more dialogue, we would  
13 certainly like to have it but we don't believe that  
14 this is anything except a traffic safety  
15 enhancement. So I just wanted to make that clear.  
16 That it's not something that's create undue  
17 congestion. It's merely going to move traffic  
18 20 feet to the south. That's it.

19 COUNCILMAN IMBROTO: I don't think  
20 anyone thinks the box is going to create the  
21 congestion, they think that the exit onto West  
22 Shore Drive is going to create the congestion and  
23 the box is not going to be effective in mitigating  
24 it.

25 MR. FILICIOTTO: I would counter that

1 by stating that we have two curb cuts on West Shore  
2 Drive now. There's been two curb cuts there for 40  
3 something years. We are essentially consolidating  
4 that down to one curb cut.

5 Is the suggestion that there be no  
6 access? I've explained why one access wouldn't  
7 work.

8 COUNCILMAN IMBROTO: One resident made  
9 that suggestion.

10 COUNCILMAN MACAGNONE: I think more  
11 than one resident is in favor of that.

12 MR. FILICIOTTO: Okay.

13 So why it doesn't work is that now  
14 you're taking a site, you are completely  
15 disallowing westbound traffic to come to this site.  
16 You're basically saying that eastbound traffic is  
17 the only traffic that can use it and if you do need  
18 to return to the west, you need to use the  
19 residential side streets to recirculate.

20 So if you need to return to the west,  
21 you're forced to make a right on to Merrick Road,  
22 your next opportunity would be Unqua Road, and you  
23 use South Merrick Road to get back to West Shore  
24 Drive. I don't think anyone wants that condition  
25 either. So we're trying to balance the circulation

1 safety with practicality in the design.

2 COUNCILMAN IMBROTO: But it would  
3 appear to me that the condition that would be  
4 created is that one car at a time would be able to  
5 leave there during a peak hour, like in the morning  
6 rush hour when everybody is going west, and the  
7 cars would be lining up in the gas station and  
8 blocking the cars that are coming out through West  
9 Shore Drive.

10 MR. FILICIOTTO: That level of traffic  
11 is not anticipated. We are talking about probably  
12 one to two vehicles during the peak minute of  
13 activity using that driveway. We're not talking  
14 about an abundance of traffic where you'd see a  
15 line at a Wal-Mart trying to exit on a Saturday  
16 afternoon. This is -- we've all been to gas  
17 stations. This is a well designed gas station with  
18 a lot of circulation.

19 We're talking about six vehicle fueling  
20 positions. This isn't an 18 or 24 pack of vehicle  
21 fueling positions that you see on the service roads  
22 of the expressway or out in Suffolk County. This  
23 is more of a neighborhood gas station. This is not  
24 expected to deliver the type of traffic.

25 COUNCILMAN IMBROTO: I believe the

1 residents are used to having a gas station there.  
2 It's the convenience store aspect of it coupled  
3 with the heavy vehicle traffic on West Shore Drive  
4 to begin with. I think that's what's creating  
5 the -- the discomfort among some of the residents  
6 here.

7 MR. FILICIOTTO: Sure.

8 And the traffic that is mostly going to  
9 be using this site is already on Merrick Road  
10 today.

11 Certainly, the residents of West Shore  
12 Drive would have the opportunity to patronize this  
13 store. That there's -- there's no -- they choose  
14 to turn right in and right out, they certainly can.  
15 But I believe in order for this site to function  
16 efficiently, it needs the curb cut on West Shore  
17 Drive as would any use that goes here.

18 If it was -- if it was a shopping  
19 center, if it was a bakery, you would want the  
20 ability to recirculate back to the traffic signal.  
21 That is good design.

22 SUPERVISOR SALADINO: In the design of  
23 the curb cuts, in the site design, in the design of  
24 turning radiuses, did you take into consideration  
25 all sizes of cars, motorcycles, and all sizes of



1 trucks?

2 MR. FILICIOTTO: Yes.

3 SUPERVISOR SALADINO: Did you take into  
4 consideration any other type of vehicle?

5 MR. FILICIOTTO: Well, mostly, we make  
6 sure the site is designed for passenger vehicles,  
7 mostly -- or small box trucks that would utilize  
8 the fueling component on the site.

9 This is a low flow diesel site so this  
10 is not a truck stop that you would see, you know,  
11 on the New Jersey Turnpike. This would be a box  
12 truck at most that would come to the site.

13 And then, of course, we have to take  
14 into consideration the service vehicles that would  
15 come to the site such as the delivery vehicles for  
16 the convenience component of the site, so that's  
17 why we have the dedicated loading zone on the east  
18 side, making sure that the vehicles can  
19 appropriately get into a place where they can  
20 discharge product into the store.

21 SUPERVISOR SALADINO: Did you take into  
22 consideration any other vehicles besides cars,  
23 motorcycles and trucks?

24 MR. FILICIOTTO: Of course,  
25 pedestrians. We have sidewalks along both

1 frontages. Those will be rebuilt. We're also  
2 proposing to upgrade the corner of the  
3 intersections so that it's ADA compliant. That's a  
4 requirement now, really much across the board with  
5 respect to DOT and Nassau County DPW. So, in  
6 addition to vehicle traffic, pedestrian traffic is  
7 something that we --

8 SUPERVISOR SALADINO: But no other type  
9 of vehicle traffic besides the three that I  
10 mentioned?

11 MR. FILICIOTTO: Motorcycles, too, a  
12 certain extent, typically, they can occupy the same  
13 parking space, you know, as a regular passenger  
14 vehicle.

15 SUPERVISOR SALADINO: What I'm  
16 referring to specifically is boat trailers.

17 Massapequa is a boating community.  
18 Many people who are utilizing a pleasure boat  
19 operate with a trailer, take it back and forth to a  
20 ramp.

21 There's ramps right next door at Burns  
22 Park and one of my concerns would be, will those  
23 residents who would be utilizing this station to  
24 fill their boat tank on a trailer, would that  
25 create a complicated situation as they try to

1 navigate a trailer in and out of this site and your  
2 canopies?

3 MR. FILICIOTTO: So you're referring to  
4 fueling of the boat?

5 SUPERVISOR SALADINO: Fueling of a boat  
6 on a trailer being pulled by a car or truck.

7 MR. FILICIOTTO: I think we could take  
8 a look at that. We've designed the site to  
9 accommodate for a box truck at the fueling  
10 positions, which is about 30 feet long, so I do  
11 believe that a modest -- a modest boat on a trailer  
12 and a pickup truck would be able to work on a site  
13 like this.

14 If we're talking about much larger a  
15 boat craft, you know, we have to take a look at  
16 that, but I think, you know, a modest, a reasonable  
17 sized boat could work on the site.

18 SUPERVISOR SALADINO: It wouldn't be  
19 unusual for a resident of Massapequa or any of the  
20 local communities, anyone traveling near Burns Park  
21 to have a boat the size of an 18, 19, 23, maybe  
22 even 25-foot on a trailer where they would want to  
23 utilize local stations close to the boat ramps for  
24 fueling that boat.

25 MR. FILICIOTTO: Yeah.

1 I mean, to be honest, I think if that's  
2 the case, if someone has a large or a larger boat,  
3 that wouldn't fit on the site, they would go to a  
4 place that they're currently using where it works.

5 I mean, there's a little bit of common  
6 sense that every driver who owns a piece of  
7 equipment like that has to apply when deciding  
8 where to buy something.

9 SUPERVISOR SALADINO: But they  
10 wouldn't -- if they were using this station for the  
11 first time, they wouldn't know that, from what I'm  
12 hearing, that it might not accommodate a trailer  
13 for a boat of 20 or 23 feet?

14 MR. FILICIOTTO: I think that would  
15 have to be worked out. I think it's incumbent on  
16 the person driving the trailer and the piece of  
17 boat craft that's attached to that trailer to know  
18 and to be responsible not to pull in to a site  
19 where it might not be not large enough.

20 SUPERVISOR SALADINO: It should be  
21 noted though that this site is the -- would be the  
22 closest gas station to the launching ramps at Burns  
23 Park.

24 MR. FILICIOTTO: Sure. Understood.

25 COUNCILMAN IMBROTO: Also, I just want

1 to thank the applicant for taking the residents'  
2 feedback into account.

3 MR. ALTMAN: Thank you.

4 MR. FILICIOTTO: Thank you.

5 MR. ALTMAN: I'm going to ask Mike  
6 Lynch to step up just to address a couple of  
7 comments relevant to him.

8 MR. LYNCH: Good afternoon again,  
9 Supervisor, members of the Board. I just want to  
10 clarify, two of the residents made note that the  
11 West Hempstead comparison that I had made was --  
12 was not really a salient comparison. I just wanted  
13 to note that the -- that I did a study of sales  
14 going back five years from both sides; one being  
15 the subject's site, the other being the West  
16 Hempstead site.

17 I did a quarter mile radius sale going  
18 back five years and the average of median sale of  
19 homes within that quarter mile radius of both sites  
20 was very similar, close to 400,000 for both. So,  
21 during those five years, that quarter mile radius,  
22 there was not a dissimilar significant difference  
23 in the median or average sales price.

24 The other thing I wanted to note, just  
25 to the site itself, again, we're not talking about

1 a pristine reserved piece of land here. It's a  
2 site that was developed back in 1960 as a gas  
3 station, and I just wanted to show that the Nassau  
4 County Assessor has noted as such for the -- the  
5 abutting homes immediately to the south of this --  
6 and I will hand both -- the two homes that abut  
7 this, there's actually three, but these are two of  
8 the homes that abut the property to the south; one  
9 being on West Shore Drive, the other on South  
10 Merrick.

11 The Assessor notes for both of these  
12 houses that there is commercial influence for both  
13 houses, so the assessment was accordingly reduced  
14 for the fact that it abutted a commercial  
15 establishment and presumably, the gas station that  
16 had stood there since 1960.

17 I'd like to submit these two assessor  
18 cards for 2 West Shore Drive and the other for  
19 15 South Merrick Road.

20 SUPERVISOR SALADINO: Just in relation  
21 to your comments, we, on the Board, are of the  
22 opinion that every piece of property in the Town of  
23 Oyster Bay is precious.

24 MR. LYNCH: Just a clarification.

25 Thank you.

1 SUPERVISOR SALADINO: Thank you.

2 MR. ALTMAN: Nothing further,  
3 Mr. Supervisor.

4 That concludes our presentation.

5 I want to thank the Board and the Town  
6 and, of course, the residents for their input. We  
7 appreciate the courtesy extended here today.

8 Thank you.

9 SUPERVISOR SALADINO: Thank you.

10 Are there any last questions of any of  
11 Board members?

12 (No verbal response given.)

13 SUPERVISOR SALADINO: Okay. I would  
14 like to also state or reiterate that we are keeping  
15 the record open so that anyone can be heard  
16 regarding this application by e-mail, by letter, by  
17 phone call. Our residents must and will be heard  
18 and your opinions respected.

19 May I please have a motion to close  
20 this hearing?

21 MR. ALTMAN: How long are we keeping  
22 the record open?

23 SUPERVISOR SALADINO: Thirty days.

24 MR. ALTADONNA: We have correspondence.

25 SUPERVISOR SALADINO: Yes.

1 Can you please state the correspondence  
2 we have on this?

3 MR. ALTADONNA: The attorney for the  
4 applicant has filed affidavits of service and  
5 disclosure.

6 The communications are as follows: We  
7 have memos from the Department of Planning and  
8 Development.

9 As per present review procedures, the  
10 required off-street parking for this application is  
11 nine parking spaces. The site plan submitted  
12 depicts a total of nine parking spaces.

13 The Nassau County Land Tax Map  
14 indicates the property is Section 66, Lot 2, Lot  
15 102. According to the Town of Oyster Bay Zoning  
16 Map, the property is located within the NB,  
17 Neighborhood Business Zone. There is no variance  
18 applications on file; however, there are Town Board  
19 Resolutions and one open Code Compliance case on  
20 file for the subject premise.

21 There is no further correspondence.

22 SUPERVISOR SALADINO: Okay.

23 COUNCILMAN IMBROTO: Mr. Clerk, has  
24 this petition that was handed up, has that become a  
25 part of the record?



1 MR. ALTADONNA: Yes. As all the other  
2 information that was presented today.

3 SUPERVISOR SALADINO: Very good.

4 I would highly recommend that the  
5 applicant converse with the residents, not only the  
6 ones that are here, but other residents in the  
7 community to ensure that all of their questions are  
8 answered including what plans may be in place in  
9 the event of issues with the contracted corporation  
10 so they have an expectation of what would happen  
11 under different scenarios.

12 May I please -- any other speakers?

13 (No verbal response given.)

14 SUPERVISOR SALADINO: May I please have  
15 a motion to close the hearing?

16 MR. MUSCARELLA: Supervisor, I'll make  
17 a motion that this public hearing be closed and the  
18 decision be reserved.

19 COUNCILMAN MACAGNONE: Second.

20 SUPERVISOR SALADINO: All in favor,  
21 signify by saying aye.

22 ALL: "Aye."

23 SUPERVISOR SALADINO: All opposed,  
24 "Nay."

25 (No verbal response given.)

1                   SUPERVISOR SALADINO:   The "Ayes" have  
2           it.

3                   Thank you, ladies and gentlemen.   We're  
4           going to give the stenographer a five-minute break  
5           before we continue our business.

6                   (TIME NOTED:   1:26 P.M.)

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TOWN BOARD  
TOWN OF OYSTER BAY  
ACTION CALENDAR  
AUGUST 15, 2017  
1:38 P.M.

**JOSEPH SALADINO**  
**SUPERVISOR**

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

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN THOMAS HAND  
TOWN CLERK JAMES ALTADONNA JR.  
RECEIVER OF TAXES JAMES STEFANICH

N O T P R E S E N T:

COUNCILWOMAN REBECCA M. ALESIA

Minutes of the meeting  
taken by:

KRISTINA TRNKA  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Ladies and  
2 gentlemen, if you'd kindly take your seats, we are  
3 going to continue our meeting.

4 COUNCILMAN MACAGNONE: Would everybody  
5 please take their seats?

6 Thank you.

7 SUPERVISOR SALADINO: Thank you.

8 Your assistance is quite valuable to  
9 us.

10 Will the Town Clerk please call the  
11 regular Action Calendar?

12 MR. ALTADONNA: Supervisor, we have a  
13 few tables, suspends, and then we'll get to the  
14 regular Action Calendar.

15 SUPERVISOR SALADINO: Please proceed.

16 MR. ALTADONNA: May I have a motion to  
17 table Resolution Nos. 507, 508, 509 and 526?

18 SUPERVISOR SALADINO: 507, 508, 509 --

19 MR. ALTADONNA: -- and 526.

20 COUNCILMAN MUSCARELLA: So moved.

21 COUNCILMAN MACAGNONE: Hang on a  
22 second, please.

23 507, 50- --

24 MR. ALTADONNA: 508, 509, and 526.

25 SUPERVISOR SALADINO: May I have a

1 motion?

2 COUNCILMAN MUSCARELLA: So moved.

3 SUPERVISOR SALADINO: And a second.

4 COUNCILMAN MACAGNONE: Second.

5 SUPERVISOR SALADINO: All in favor,  
6 signify by saying aye.

7 ALL: "Aye."

8 SUPERVISOR SALADINO: Opposed, "Nay."  
9 (No verbal response given.)

10 SUPERVISOR SALADINO: The "Ayes" have  
11 it.

12 Please continue.

13 MR. ALTADONNA: Motion to table  
14 Resolution Nos. 507, 508, 509, and 526 passes with  
15 six "Ayes."

16 Okay.

17 May I have a motion to suspend the  
18 rules and add Resolution No. 527?

19 Resolution No. 527-2017; Resolution  
20 authorizing the Supervisor of his designee to  
21 execute an inter-municipal agreement and easement  
22 agreement with Plainedge School District. (M.D.  
23 8/8/17 #22).

24 On the motion?

25 COUNCILMAN MUSCARELLA: So moved.

1 COUNCILMAN MACAGNONE: Second.

2 MR. ALTADONNA: Motion made by  
3 Councilman Muscarella, seconded by Councilman  
4 Macagnone.

5 On the vote?

6 Supervisor Saladino?

7 SUPERVISOR SALADINO: "Aye."

8 MR. ALTADONNA: Councilman Muscarella?

9 MR. MUSCARELLA: "Aye."

10 MR. ALTADONNA: Councilman Macagnone?

11 COUNCILMAN MACAGNONE: "Aye."

12 MR. ALTADONNA: Councilwoman Alesia is  
13 absent.

14 Councilwoman Johnson?

15 COUNCILWOMAN JOHNSON: "Aye."

16 MR. ALTADONNA: Councilman Imbroto?

17 COUNCILMAN IMBROTO: "Aye."

18 MR. ALTADONNA: Councilman Hand?

19 COUNCILMAN HAND: "Aye."

20 MR. ALTADONNA: Motion to suspend the  
21 rules and add Resolution No. 527 passes with the  
22 six "Ayes."

23 Now, I'm going to go to the regular  
24 Action Calendar.

25 May I have a motion to adopt Resolution

1 Nos. P-19-17 through Resolution 527, noting that  
2 507, 508, 509, and 526 were tabled?

3 Personnel Resolution No. P-19-17;  
4 Resolution pertaining to personnel of various  
5 departments within the Town of Oyster Bay.

6 Transfer of Funds; Resolution No.  
7 TF-12-17; Resolution pertaining to Transfer of  
8 Funds within various departments accounts for the  
9 Year 2017.

10 Resolution No. 451-2017; Resolution  
11 authorizing the Town-wide Senior Trips in September  
12 and October 2017 and to authorize the Department  
13 Commissioner to make any necessary adjustments.  
14 (M.D. 7/18/17 #4).

15 Resolution No. 452-2017; Resolution  
16 directing the Town Clerk to advertise the  
17 application of Avi Polischuk to erect, maintain,  
18 improve, alter or repair a dock, float, bulkhead or  
19 other mooring at 249 West Shore Drive, Massapequa,  
20 NY. (M.D. 7/18/17 #12).

21 Resolution No. 453-2017; Resolution  
22 pertaining to special counsel to the Town Attorney.  
23 Account No. OTA A 1420 44110 000 0000. (M.D.  
24 7/18/17 #13).

25 Resolution No. 454-2017; Resolution

1       pertaining to legal services in connection with  
2       various matters. Account No. OTA A 1420 44110 000  
3       0000. (M.D. 7/18/17 #14).

4               Resolution No. 455-2017; Resolution  
5       pertaining to outside counsel relative to the  
6       Town's housing programs. Account No. OTA A 1420  
7       44110 000 0000. (M.D. 7/18/17 #15).

8               Resolution No. 456-2017; Resolution  
9       authorizing the issuance of a refund of a parking  
10      permit fee to B.S. Kalra. Account No. HWY St 0001  
11      01721 000 0000. (M.D. 7/18/17 #16).

12              Resolution No. 457-2017; Resolution  
13      granting request from the Kiwanis of Central  
14      Bethpage for Town assistance in conducting their  
15      community garage sale on September 16, 2017, to use  
16      Municipal Parking Field B-7 and the use of Town  
17      equipment for the event. (M.D. 7/18/17 #18).

18              Resolution No. 458-2017; Resolution  
19      granting request from Pakistan Day Parade  
20      Long Island, for Town assistance in conducting  
21      their Pakistan Day Parade in Hicksville on  
22      August 27, 2017, to use Municipal Parking Field  
23      H-14 on August 26 & 27, 2017 and Town equipment for  
24      the event. (M.D. 7/18/17 #19).

25              Resolution No. 459-2017; Resolution



1 granting request from Holy Trinity Greek Orthodox  
2 Church in Hicksville, for Town assistance in  
3 conducting their annual Grecian Festival from  
4 September 8-10, 2017 and use Town equipment for the  
5 event. (M.D. 7/18/17 #20).

6 Resolution No. 460-2017; Resolution  
7 authorizing payment of the Town's share of dues in  
8 the Oyster Bay/Cold Spring Harbor Protection  
9 Committee form June 1, 2017 through May 31, 2018.  
10 Account No. DER A 8090 44900 000 0000. (M.D.  
11 7/18/17 #21).

12 Resolution No. 461-2017; Resolution  
13 authorizing renewal of membership in the Nassau  
14 Municipal Swim Conference Inc., for the year 2017  
15 for Marjorie R. Post Community Park and Syosset-  
16 Woodbury Community Park. Account Nos. PKS SP07 7180  
17 47900 000 0000 and PKS SP11 7180 47900 000 0000.  
18 (M.D. 7/25/17 #8).

19 Resolution No. 462-2017; Resolution  
20 pertaining to the decision on the application of  
21 James B. Busch, 156 Division Avenue, Massapequa, NY  
22 to erect, maintain, improve, alter or repair a  
23 dock, float, bulkhead or other moorings. (M.D.  
24 7/25/17 #9).

25 Resolution No. 463-2017; Resolution

1 authorizing the issuance of a refund of a building  
2 permit fee to SolarCity Corp., for property at 2  
3 Oak Lane, Old Bethpage, NY. Account No. PAD B 0001  
4 02555 000 0000. (M.D. 7/25/17 #10).

5 Resolution No. 464-2017; Resolution  
6 authorizing the property cleanup of 496 North  
7 Atlanta Avenue, Massapequa, NY, be referred to the  
8 County of Nassau for placement on the Nassau County  
9 Tax Assessment Rolls. (M.D. 7/25/17 #15).

10 Resolution No. 465-2017; Resolution  
11 authorizing the property cleanup of 70 Lincoln  
12 Avenue, Massapequa, NY, be referred to the County  
13 of Nassau for placement on the Nassau County Tax  
14 Assessment Rolls. (M.D. 7/25/17 #16).

15 Resolution No. 466-2017; Resolution  
16 authorizing the property cleanup of One Woodland  
17 Avenue, Glenwood Landing, NY, be referred to the  
18 County of Nassau for placement on the Nassau County  
19 Tax Assessment Rolls. (M.D. 7/25/17 #17).

20 Resolution No. 467-2017; Resolution  
21 authorizing the property cleanup of 144 Gerhard  
22 Road, Plainview, NY, be referred to the County of  
23 Nassau for placement on the Nassau County Tax  
24 Assessment Rolls. (M.D. 7/25/17 #18).

25 Resolution No. 468-2017; Resolution

1 authorizing the property cleanup of 6 Hyman Drive,  
2 South Farmingdale, NY, be referred to the County of  
3 Nassau for placement on the Nassau County Tax  
4 Assessment Rolls. (M.D. 7/25/17 #19).

5 Resolution No. 469-2017; Resolution  
6 authorizing the property cleanup of 18 Monroe  
7 Avenue, Massapequa, NY, be referred to the County  
8 of Nassau for placement on the Nassau County Tax  
9 Assessment Rolls. (M.D. 7/25/17 #20).

10 Resolution No. 470-2017; Resolution  
11 authorizing the property cleanup of 326 Linden  
12 Street, Massapequa, NY, be referred to the County  
13 of Nassau for placement on the Nassau County Tax  
14 Assessment Rolls. (M.D. 7/25/17 #21).

15 Resolution No. 471-2017; Resolution  
16 pertaining to Settlement of Claim: West Publishing  
17 Corporation d/b/a Thomson Elite, Claimant. Account  
18 No. CMP A 1315 46410 000 0000. (M.D. 7/25/17 #22).

19 Resolution No. 472-2017; Resolution  
20 pertaining to legal services in connection with  
21 negligence matters. Account Nos. TWN AMS 1910 43010  
22 602 0000 000 and TWN AMS 1910 43020 602 0000 000.  
23 (M.D. 7/25/17 #23).

24 Resolution No. 473-2017; Resolution  
25 granting request from the Bayville Chamber of

1 Commerce, for the use of Charles E. Ransom Beach  
2 and Stehli Beach to hold their annual Bayville  
3 Waterside Festival on September 9, 2017, to waive  
4 Town Ordinances 168-22 and 168-20 and for the use  
5 of various Town equipment for the event. (M.D.  
6 8/1/17 #58).

7 Resolution No. 474-2017; Resolution  
8 pertaining to On-Call Engineering Services relative  
9 to Civil Engineering for Contract No. PWC07-16  
10 Construction of Pickleball Courts. Account No. PKS  
11 H 7197 20000 000 1504 013. (M.D. 8/1/17 #54 &  
12 8/8/17 #24).

13 Resolution No. 475-2017; Resolution  
14 pertaining to Settlement of Negligence claim;  
15 Stark v. Town of Oyster Bay; Nassau County. Account  
16 No. TWN AMS 1910 43010 602 0000 000. (M.D. 7/25/17  
17 #26).

18 Resolution No. 476-2017; Resolution  
19 authorizing an Inter-Municipal Agreement with the  
20 Village of Upper Brookville for Yard Waste Disposal  
21 Service from July 1, 2017 until June 30, 2019.  
22 (M.D. 7/25/17 #28).

23 Resolution No. 477-2017; Resolution  
24 authorizing the annual "9/11 Memorial Ceremony" at  
25 the memorial site located at TOBAY Beach (bay side)

1 on the evening of September 6, 2017, and to employ  
2 the services of a vocalist for this event and to  
3 authorize the Supervisor or his designee to execute  
4 an agreement for said services. Account No.  
5 CYS A 7020 47660 000 0000. (M.D. 8/1/17 #4).

6 Resolution No. 478-2017; Resolution  
7 authorizing the issuance of a refund for two  
8 resident daily parking permits purchased at TOBAY  
9 Beach to M. Smith. Account No. PKS A 0001 02025 523  
10 0000. (M.D. 8/1/17 #6).

11 Resolution No. 479-2017; Resolution  
12 authorizing the issuance of a refund for a resident  
13 season parking permit purchased at Harry Tappen  
14 Beach and Marina to B. Russo. Account No.  
15 PKS A 0001 02025 523 0000. (M.D. 8/1/17 #7).

16 Resolution No. 480-2017; Resolution  
17 authorizing the issuance of a refund for a resident  
18 daily parking permit purchased at TOBAY Beach to  
19 A. Janusas. Account No. PKS A 0001 02025 523 0000.  
20 (M.D. 8/1/17 #8).

21 Resolution No. 481-2017; Resolution  
22 authorizing the issuance of a refund for three  
23 resident daily parking permits purchased at TOBAY  
24 Beach to C. Lis-Johnson. Account No. PKS A 0001  
25 02025 523 0000. (M.D. 8/1/17 #9).

1 Resolution No. 482-2017; Resolution  
2 authorizing the issuance of a refund for  
3 registration for one child in Town of Oyster Bay  
4 Recreation Program at Theodore Roosevelt Memorial  
5 Park to P. Weiss. Account No. PKS A 0001 02001 510  
6 0000. (M.D. 8/1/17 #10).

7 Resolution No. 483-2017; Resolution  
8 authorizing the issuance of a refund for  
9 registration for one child in Town of Oyster Bay  
10 Recreation Program at Ellsworth Allen Town Park to  
11 S. Gangi. Account No. PKS A 0001 02001 510 0000.  
12 (M.D. 8/1/17 #11).

13 Resolution No. 484-2017; Resolution  
14 authorizing the issuance of a refund for  
15 registration for two children in Town of Oyster Bay  
16 Recreation Program at Theodore Roosevelt Memorial  
17 Park to M. Svoboda. Account No. PKS A 0001 02001  
18 510 0000. (M.D. 8/1/17 #12).

19 Resolution No. 485-2017; Resolution  
20 authorizing the issuance of a refund for  
21 registration for one additional child in Town of  
22 Oyster Bay Summer Recreation Program at Ellsworth  
23 Allen Town Park to K. McNamara. Account No. PKS A  
24 0001 02001 510 0000. (M.D. 8/1/17 #13).

25 Resolution No. 486-2017; Resolution

1 authorizing the issuance of a refund for  
2 registration for two children in Town of Oyster Bay  
3 Summer Recreation Program at Plainview-Old Bethpage  
4 Community Park to Mr. & Mrs. Castagna; Account No.  
5 PKS A 0001 02001 510 0000. (M.D. 8/1/17 #14).

6 Resolution No. 487-2017; Resolution  
7 authorizing the issuance of a refund for a resident  
8 daily parking permit purchased at TOBAY Beach to N.  
9 Katz; Account No. PKS A 0001 02025 523 0000. (M.D.  
10 8/1/17 #15).

11 Resolution No. 488-2017; Resolution  
12 authorizing the issuance of a refund for  
13 registration for one child in Town of Oyster Bay  
14 Swim Team at Syosset-Woodbury Community Park Pool  
15 to D. & N. Walowitz .Account No. PKS A 0001 02001  
16 510 0000. (M.D. 8/1/17 #16).

17 Resolution No. 489-2017; Resolution  
18 authorizing the issuance of a refund for  
19 registration for one child in Town of Oyster Bay  
20 Swim Lessons at Syosset-Woodbury Community Park  
21 Pool to O. Campbell. Account No. PKS A 0001 02001  
22 510 0000. (M.D. 8/1/17 #17).

23 Resolution No. 490-2017; Resolution  
24 authorizing the issuance of a refund to Syosset  
25 High School Activities Fund for a Town of Oyster

1 Bay Showmobile rental. Account No. PKS A 0001 02414  
2 000 0000. (M.D. 8/1/17 #18).

3 Resolution No. 491-2017; Resolution  
4 authorizing the issuance of a refund for a resident  
5 season parking permit purchased at TOBAY Beach to  
6 F.J. Carlo. Account No. PKS A 0001 02025 523 0000.  
7 (M.D. 8/1/17 #19).

8 Resolution No. 492-2017; Resolution  
9 authorizing the Supervisor to execute an amendment  
10 to the Inter-Municipal Agreement with the County of  
11 Nassau in connection with Community Revitalization  
12 Program: Atlantic Steamer Fire Company. (M.D.  
13 8/1/17 #23).

14 Resolution No. 493-2017; Resolution  
15 authorizing the Supervisor to execute an amendment  
16 to the Inter-Municipal Agreement with the County of  
17 Nassau in connection with Community Revitalization  
18 Program: Oyster Bay Fire Company. (M.D. 8/1/17  
19 #24).

20 Resolution No. 494-2017; Resolution  
21 authorizing the issuance of a refund to SolarCity  
22 Corp. In connection with 54 Roosevelt Avenue,  
23 Syosset, NY. Account No. PAD B 0001 02555 000 0000.  
24 (M.D. 8/1/17 #27).

25 Resolution No. 495 2017; Resolution



1 authorizing the issuance of a refund to SolarCity  
2 Corp. In connection with 3 Monfort Place, Syosset,  
3 NY. Account No. PAD B 0001 02555 000 0000. (M.D.  
4 8/1/17 #28).

5 Resolution No. 496-2017; Resolution  
6 authorizing the issuance of refund to SolarCity  
7 Corp. in connection with 5 Rubin Lane, Woodbury,  
8 NY. Account No. PAD B 0001 02555 000 0000. (M.D.  
9 8/1/17 #29).

10 Resolution No. 497-2017; Resolution  
11 authorizing the issuance of a refund to SolarCity  
12 Corp. In connection with 24 Essex Road, Bethpage,  
13 NY. Account No. PAD B 0001 02555 000 0000. (M.D.  
14 8/1/17 #30).

15 Resolution No. 498-2017; Resolution  
16 authorizing the issuance of a refund to SolarCity  
17 Corp. In connection with 48 Tidewater Avenue,  
18 Massapequa, NY. Account No. PAD B 0001 02555 000  
19 0000. (M.D. 8/1/17 #31).

20 Resolution No. 499-2017; Resolution  
21 authorizing the issuance of a refund to SolarCity  
22 Corp. In connection with 36 Irene Lane East,  
23 Plainview, NY. Account No. PAD B 0001 02555 000  
24 0000. (M.D. 8/1/17 #32).

25 Resolution No. 500-2017; Resolution

1 authorizing the issuance a refund to SolarCity  
2 Corp. In connection with 79 Brittle Lane,  
3 Hicksville, NY. Account No. PAD B 0001 02555 000  
4 0000. (M.D. 8/1/17 #33).

5 Resolution No. 501-2017; Resolution  
6 authorizing the issuance a refund to SolarCity  
7 Corp. In connection with 206 Central Park Road,  
8 Plainview, NY. Account No. PAD B 0001 02555 000  
9 0000. (M.D. 8/1/17 #34).

10 Resolution No. 502-2017; Resolution  
11 authorizing the Town of Oyster Bay Animal Shelter  
12 to host a free rabies clinic on September 16, 2017.  
13 (M.D. 8/1/17 #37).

14 Resolution No. 503-2017; Resolution  
15 authorizing the Town of Oyster Bay Animal Shelter  
16 to hold a "Free Adoption Month" event and waive  
17 adoption fees during the month of September 2017.  
18 (M.D. 8/1/17 #38).

19 Resolution No. 504-2017; Resolution  
20 authorizing the Supervisor or his designee to  
21 execute a Municipal Cooperation Agreement with the  
22 Syosset Fire District for the Syosset Fire  
23 Department Memorial Park, under contract No. DP  
24 15-128 and authorizing the award of this contract.  
25 (M.D. 8/1/17 #40).

1 Resolution No. 505-2017; Resolution  
2 authorizing the acceptance of the design and  
3 entrance into the Bid and Construction Phases for  
4 Contract No. DP 16-136 Improvements to Pool Filter  
5 Systems at various Town Parks. (M.D. 8/1/17 #41).

6 Resolution No. 506-2017; Resolution  
7 authorizing the acceptance of design and entrance  
8 into Bid and Construction Phases for Contract No.  
9 DP 17-157 Replacement of Parking Lot Lights at  
10 Plainview-Old Bethpage Community Park and  
11 Syosset-Woodbury Community Park. (M.D. 8/1/17 #42).

12 Resolution No. 510-2017; Resolution  
13 authorizing the award of Construction Contract No.  
14 H17-150, replacement of existing timber bulkhead at  
15 Ships Point Lane. Account No. HWY H 5197 20000 000  
16 1503 008. (M.D. 8/1/17 #46).

17 Resolution No. 511-2017; Resolution  
18 pertaining to Contract No. PWC23-16; On-Call  
19 Technical Assistance relative to Environmental  
20 Engineering review of groundwater monitoring well  
21 locations. Account No. HWY H 5197 20000 000 1503  
22 008. (M.D. 8/1/17 #47 & 8/8/17 #18).

23 Resolution No. 512-2017; Resolution  
24 authorizing the Bid and Construction Phases for  
25 Contract No. HRR17-154 Requirements Contract for

1 Road Restoration throughout the Town of Oyster Bay.  
2 (M.D. 8/1/17 #48).

3 Resolution No. 513-2017; Resolution  
4 authorizing the Bid and Construction Phases for  
5 Contract No. HVR17-156 Highway requirements  
6 Contract for Inspection and Cleaning of Storm  
7 Drainage Systems throughout the Town of Oyster Bay.  
8 (M.D. 8/1/17 #49).

9 Resolution No. 514-2017; Resolution  
10 authorizing the award of Construction Contract;  
11 Highway Improvements for Canal Road and Seabreeze  
12 Road, Massapequa, NY. Account No. HWY H 5197 20000  
13 000 1503 008. (M.D. 8/1/17 #50).

14 Resolution No. 515-2017; Resolution  
15 pertaining to the retention of special counsel for  
16 Office of the Town Attorney for *Zombie and Vacant*  
17 *Properties Remediation and Prevention Initiative*  
18 which will be covered under a grant awarded to the  
19 Town by the Local Initiatives Support Corporation.  
20 (M.D. 8/1/17 #51).

21 Resolution No. 516-2017; Resolution  
22 authorizing the establishment of fees for Town of  
23 Oyster Bay program - Arts and Crafts for Toddlers  
24 Ages 2-4. (M.D. 8/1/17 #52).

25 Resolution No. 517-2017; Resolution

1 authorizing the award of Contract No. SE 005-17,  
2 Surplus Vehicles and Equipment. Bids received  
3 July 17, 2017. (M.D 8/1/17 #53).

4 Resolution No. 518-2017; Resolution  
5 authorizing the acceptance of the design and  
6 entrance into bid and construction phases for  
7 Contract No. DP16-137, Construction of Pickleball  
8 Courts at B-21, Bethpage. (M.D. 8/1/17 #55).

9 Resolution No. 519-2017; Resolution  
10 recommending award of Contract No. SE 006-17,  
11 Surplus Recycling Trucks. Bids received July 31,  
12 2017. (M.D. 8/1/17 #20 & 8/8/17 #9).

13 Resolution No. 520-2017; Resolution  
14 authorizing the award of Contract No. SE 002-17,  
15 Single Stream Recycling of Commingled Glass,  
16 Ferrous and Non-Ferrous Metal, Plastic Containers,  
17 Cardboard and Mixed Paper. Bids received July 31,  
18 2017. (M.D. 8/1/17 #21 & 8/8/17 #7).

19 Resolution No. 521-2017; Resolution  
20 pertaining to Standard Workday Resolution for the  
21 appointive positions of Town Supervisor and one  
22 Councilman. (M.D. 8/1/17 #59).

23 Resolution No. 522-2017; Resolution  
24 authorizing the Division of Employment and Training  
25 to enter into an Urban Senior Jobs Program Host

1 Agency Training and maintenance of Effort Agreement  
2 and to authorize the Supervisor and/or his designee  
3 to execute said agreement. (M.D. 8/1/17 #26 &  
4 8/8/17 #10).

5 Resolution No. 523-2017; Resolution  
6 pertaining to Site plan review in connection with  
7 80 Grumman Road West, Bethpage, NY. (M.D. 8/1/17  
8 #35 & 8/8/17 #12).

9 Resolution No. 524-2017; Resolution  
10 pertaining to Litigation and Retention of Counsel  
11 to the Town Attorney in connection with nuisance  
12 matters. (M.D. 8/1/17 #36 & 8/8/17 #25).

13 Resolution No. 525-2017; Resolution  
14 pertaining to the decision on the 2017 Hydrant  
15 Rental Agreement with New York American Water  
16 Company, Inc. - Glenwood-Glen Head Fire Protection  
17 District. Hearing held: August 15, 2017. (M.D.  
18 6/20/17 #12).

19 Resolution No. 527-2017; Resolution  
20 authorizing the Supervisor of his designee to  
21 execute an inter-municipal agreement and easement  
22 agreement with Plainedge School District. (M.D.  
23 8/8/17 #22).

24 COUNCILMAN MUSCARELLA: So moved.

25 COUNCILMAN MACAGNONE: Second.

1 MR. ALTADONNA: Motion was made by  
2 Councilman Muscarella, seconded by Councilman  
3 Macagnone.

4 You have multiple speakers.

5 SUPERVISOR SALADINO: Our first speaker  
6 will be Paul Molinari.

7 Please step up, Mr. Molinari.

8 MR. MOLINARI: Paul Molinari, 323 West  
9 Nicholai, Hicksville.

10 I apologize for holding up. We're just  
11 having a heated discussion about Downtown  
12 Hicksville Revitalization with the Receiver of  
13 Taxes and one of your Town Attorneys.

14 I guess I'm addressing the Board on  
15 438.

16 SUPERVISOR SALADINO: Just if I may on  
17 that, I'm very thrilled to know that the community  
18 is as passionate about Hicksville as we are.

19 MR. MOLINARI: Yes, thank you.

20 COUNCILMAN MACAGNONE: 438, Paul.

21 MR. MOLINARI: 438, the legal fees?

22 SUPERVISOR SALADINO: 453.

23 MR. MOLINARI: I'm sorry.

24 My concern, I see that we're approving  
25 approximately an additional \$40,000 representing --

1 not that a Town employee should not be represented,  
2 but I don't understand what's really going on in  
3 here. We've already spent -- I don't know how much  
4 money we've spent to represent this individual and  
5 it's another \$40,000 to represent a Town employee.  
6 It seem -- it doesn't seem to me that we're -- just  
7 seems exorbitant.

8 COUNCILMAN IMBROTO: It is frustrating  
9 for all of us, Paul.

10 SUPERVISOR SALADINO: Yes. Let's get  
11 that answered for you.

12 I know what the answer is, but I want  
13 to hear it right from our Town Attorney.

14 MR. MOLINARI: Thank you.

15 MR. NOCELLA: Supervisor, Members of  
16 the Town Board, this is as a result of an  
17 administrative review and investigation where Town  
18 employees were required to come forward and be  
19 interviewed by an administrative agency and they  
20 are entitled to be represented and this was a bill,  
21 most of which I believe was generated in 2016, that  
22 has been outstanding and needs be paid for the  
23 representation of the employee.

24 It was not something that was within  
25 the employee's control to be called forward and to



1 provide information and testimony or otherwise, nor  
2 was it in the Town's control. We do have an  
3 obligation to make sure they're represented.

4 SUPERVISOR SALADINO: For the purposes  
5 of clarification, this employee has the right to  
6 counsel?

7 MR. NOCELLA: Yes.

8 SUPERVISOR SALADINO: Was the employee  
9 the focus of the investigation?

10 MR. NOCELLA: No.

11 SUPERVISOR SALADINO: Was the employee,  
12 in fact, a fact witness?

13 MR. NOCELLA: That's exactly correct.  
14 Fact witness. Somebody who had to provide  
15 information.

16 SUPERVISOR SALADINO: For the purposes  
17 of clarification, was the employee the previous  
18 Supervisor of the Town of Oyster Bay?

19 MR. NOCELLA: No. It was definitely  
20 not the previous Supervisor.

21 SUPERVISOR SALADINO: To ensure that  
22 the public gets the accurate information and is not  
23 misled or that we are taking every step of clarity  
24 and transparency, did the previous Supervisor ever  
25 receive Town of Oyster Bay paid legal

1 representation on any criminal issue whatsoever?

2 MR. NOCELLA: None. None at all.

3 SUPERVISOR SALADINO: At any time, and  
4 this includes periods of time before you began  
5 here?

6 MR. NOCELLA: Yes.

7 To the best of my knowledge, that has  
8 never occurred. The fact that -- I used an example  
9 once before. Let's say the department -- the State  
10 Department of Insurance is conducting an  
11 investigation and they want to look into how rates  
12 are set by insurance companies with whom we do  
13 business. In that case, we might not even be the  
14 target of the Department of Insurance's  
15 investigation.

16 We're part of the subject matter of the  
17 investigation and they want to talk to our  
18 financial people and we can't refuse and the  
19 Department of Insurance has subpoena power so they  
20 called various financial people from the Town to  
21 come forward and say, we need to know, what  
22 information was given to you by these insurance  
23 companies, how did they set their rates, what  
24 calculations did you do, so on and so forth.

25 That was not the case. I'm making an

1 analogy. A different agency came and had required  
2 these people to come forward and provide  
3 information as fact witnesses. That did not  
4 involve any criminal allegations or a criminal  
5 indictment brought against the prior Supervisor and  
6 there was no defense -- no money spent or expended  
7 by the Town for any defense.

8 SUPERVISOR SALADINO: So let us  
9 reiterate this so it is very clear because there  
10 have been some rare few individuals of the public  
11 that, I believe, wanted to mislead the public to  
12 make it seem as though the taxpayers paid for any  
13 legal representation on any criminal matter  
14 whatsoever for the previous Supervisor.

15 To your knowledge, the previous -- that  
16 the taxpayers of the Town of Oyster Bay have never  
17 paid to represent the previous Supervisor in any  
18 criminal proceeding or any criminal issue?

19 MR. NOCELLA: That is precisely  
20 correct.

21 The Town of Oyster Bay taxpayers have  
22 never spent a nickel on defense on any kind of  
23 criminal defense.

24 SUPERVISOR SALADINO: What day did you  
25 begin to be employed by the Town of Oyster Bay?

1 MR. NOCELLA: February 14th of this  
2 year.

3 SUPERVISOR SALADINO: Thank you very  
4 much.

5 MR. NOCELLA: Thank you.

6 Mr. Rozea, would you please step up  
7 here as well?

8 I'm asking these questions to provide  
9 crystal clear clarity and transparency.

10 What day did you begin your employment  
11 here in the Town Attorney's Office?

12 MR. ROZEA: I believe it was April 21st  
13 of 2011.

14 SUPERVISOR SALADINO: Since -- so you  
15 have been employed as a member of the Town  
16 Attorney's Office since 2011?

17 MR. ROZEA: That's correct.

18 SUPERVISOR SALADINO: Have the  
19 taxpayers ever paid for the previous Supervisor's  
20 representation on any criminal matter whatsoever?

21 MR. ROZEA: No, not to my knowledge,  
22 none.

23 SUPERVISOR SALADINO: And you feel as  
24 though your knowledge --

25 MR. ROZEA: It would be improper for

1 the Town to spend money to provide the criminal  
2 defense for any employee, including the Supervisor.

3 SUPERVISOR SALADINO: And you feel very  
4 knowledgeable of all the activities of the Town  
5 Attorney's Office since 2011?

6 MR. ROZEA: Well, I'm certainly aware  
7 of those activities that were authorized by the  
8 Town Attorney.

9 SUPERVISOR SALADINO: Thank you.

10 Mr. Molinari, does that answer your  
11 question?

12 MR. MOLINARI: Yes. Thank you.

13 SUPERVISOR SALADINO: You're very  
14 welcome.

15 Our next speaker is Brad Slover.

16 MR. SLOVER: Thank you, Supervisor,  
17 Members of the Board.

18 My name is Brad Slover. I'm one of the  
19 General Managers at Omni Recycling of Westbury.  
20 Mr. Anthony Core is the President and Owner of Omni  
21 Recycling of Westbury. He unfortunately cannot be  
22 here today. He had another meeting that's been  
23 scheduled for over 45 days with people coming from  
24 various distances that he just -- would be  
25 unprofessional for him to cancel at the last

1 minute, but if the Board will allow me, I'd like to  
2 read a prepared statement due to Mr. Core's  
3 absence.

4 "Omni Recycling is the current call" --  
5 this is with regards to Resolution 520 -- "Omni is  
6 the current commingle contractor for the Town and  
7 became such when other agreements for recycling and  
8 disposal of your commingled material failed. At  
9 said time, Omni made itself available to aid the  
10 Town with its problem. Omni has been the only  
11 company to invest in infrastructure for the  
12 processing and recycling of commingled material in  
13 Nassau County in almost thirty years.

14 "In fact, it was Mr. Core at Omni that  
15 developed the first residential program for them --  
16 for this material on Long Island. Omni operates  
17 from a plant located in Westbury, New York. It is  
18 proud to employ workers that are members of the  
19 International Brotherhood of Teamsters with some  
20 living in the Town of Oyster Bay.

21 "Oyster Bay is moving very fast with  
22 this bid and with this award and the movement to  
23 single -- excuse me -- and movement to a single  
24 stream program. We only ask for a motion to table  
25 this award so that we may have an opportunity to

1 review the Winters Brothers bid and provide the  
2 Town with beneficial insight.

3 "We see no harm in such a request for  
4 the Board to vote on this matter at the next Town  
5 Board meeting on September 12, 2017. The Town may  
6 remember that on February 10th of last year, the  
7 Town of Oyster Bay requested bids for commingled  
8 recycling. When Winters Brothers responded to that  
9 bid, they proposed to charge the Town \$60 per ton.

10 "Now, they have offered to pay for  
11 single stream at a rate that we believe is  
12 significantly higher than anywhere else on Long  
13 Island or in the Northeast region. Why? What is  
14 the catch? Shouldn't the Town take a few more  
15 weeks to ask additional questions before it jumps  
16 into a substantial program change, a change that  
17 may not easily be reversible?

18 "As far as the hope in increase  
19 recycling rates going to single stream, that answer  
20 is an absolute yes, but not because of single  
21 stream alone, because the Town will permit  
22 homeowners to place residential cardboard with the  
23 newspaper.

24 "When Mr. Core unsuccessfully bid the  
25 newspaper contract over ten years ago, his proposal

1 highlighted residential cardboard to be added to  
2 the newspaper, and at the time, the old Town  
3 Supervisor did not listen.

4 "Residential cardboard can now be added  
5 to your current program to increase the Town's  
6 revenue. Over fifteen years ago, Mr. Core came  
7 home to UPS boxes in the door on his way home from  
8 one night at work.

9 He asked his wife, "Are we moving?"

10 She said, "No, I was just doing some  
11 Christmas shopping online."

12 Immediately, Mr. Core called the Towns  
13 that he has newspaper contracts with and added  
14 cardboard to the newspaper collection. And where he  
15 was not the contractor, he respectfully suggested  
16 doing the same and even proposed it as part of his  
17 bid to the Town of Oyster Bay, telling the Town  
18 that it could be as much as a 33 percent increase  
19 in revenue due to the increase in volume in  
20 recycling.

21 "Heartbreaking because such a disregard  
22 of good advice cost of Town's taxpayers a lot of  
23 money. Now, the Town seems to be moving very fast  
24 on new advice. Please, let's make sure it's the  
25 right advice.



1           "The recycling market is a complicated  
2 business. The only reason this material is  
3 recyclable is because it has a value to others  
4 after it's been processed and marketed.

5           "If it has no value, it is just garbage  
6 and must be disposed of. Single stream puts it all  
7 together and requires it to be taken apart again.  
8 The cost of that processing on Long Island is high  
9 because, in part, our workers, friends and  
10 neighbors need a living wage to live here.

11           "Mr. Core's concern is for his Town as  
12 a resident, his company and his workers. Keeping  
13 jobs on Long Island and not exporting them,  
14 especially good union jobs will not and cannot help  
15 our economy. Not investing in proper  
16 infrastructure will not help either. Our only  
17 request is the Town allows us to review the bids  
18 and ask the relevant questions so that its Town  
19 Board and its Supervisor will know that this  
20 decision is correct for the Town of Oyster Bay.

21           "The adjournment of this matter until  
22 September 12th is all we are respectfully asking  
23 for today."

24           Thank you for your time and attention.

25           SUPERVISOR SALADINO: Thank you.

1 MR. SLOVER: Do you have any questions  
2 or comments for me?

3 COUNCILMAN IMBROTO: Other than the  
4 fact that the high bidder was so significantly  
5 higher than Omni, is there any other reason for  
6 this request?

7 MR. SLOVER: Well, that's why we've --  
8 actually, there's been a formal request.

9 We've asked to see the bids to make  
10 sure that there isn't something because the number  
11 that has been offered is just -- it makes  
12 absolutely no sense and one of the conditions as  
13 part of bid was to also -- not only pricing, but  
14 was also to disclose where the material is being  
15 sent and it just doesn't -- it just doesn't add up  
16 to us and all we're trying to do is just make sure  
17 the Town is doing the right decision.

18 If it's not with any of it -- with  
19 Mr. Core, if it's with Winters Brothers, God bless  
20 them. We just -- obviously, Mr. Core has very --  
21 is very concerned for the Town and just wants to  
22 make sure that, you know, the right things are  
23 being done for the Town and its residents.

24 SUPERVISOR SALADINO: Thank you.

25 MR. SLOVER: Thank you.

1 I only have three slips. Our last  
2 speaker is Mr. Freier, so he'll have to ask  
3 somebody to hold his phone while he struggles to  
4 handle what he has.

5 Good afternoon, Mr. Freier.

6 MR. FREIER: Good afternoon,  
7 Mr. Saladino.

8 First of all, with regard to Resolution  
9 P19-17, after you take your vote, I'd appreciate it  
10 if you could name who is being moved around and/or  
11 hired.

12 I came in a little late so the  
13 Resolution that Mr. Molinari talked about, which  
14 Resolution was that?

15 COUNCILMAN MACAGNONE: 453.

16 MR. FREIER: 453. Okay. Great.

17 So, actually, I had a very similar  
18 question. One of the questions -- and I understand  
19 what you said about paying for legal defense, but  
20 was there any kind of indemnification policies or  
21 anything like that that were utilized?

22 SUPERVISOR SALADINO: Would the Town  
23 Attorney please step forward, Mr. Nocella?

24 MR. NOCELLA: The answer to  
25 Mr. Freier's question is no, there were not because

1       these persons were not in any way going to be held  
2       responsible. They were fact witnesses.

3               SUPERVISOR SALADINO: Fact witnesses  
4       only.

5               MR. NOCELLA: Because they were fact  
6       witnesses, they were entitled to representation.  
7       It wasn't a situation where they caused some loss  
8       to the Town and we needed to be indemnified.

9               SUPERVISOR SALADINO: As would be the  
10      case in any municipality in America?

11              MR. NOCELLA: Absolutely.

12              SUPERVISOR SALADINO: Thank you.

13              MR. FREIER: Okay.

14              Was -- so this is \$38,000, was this --  
15      that money was spent already or is just being paid  
16      now?

17              SUPERVISOR SALADINO: Can you please  
18      tell us the status of that, Mr. Nocella?

19              MR. NOCELLA: Again, the bills were  
20      mostly incurred, I believe, in 2016 and to some  
21      extent, in 2017 for an employee who was called  
22      before this reviewing body, for lack of a better  
23      term, without disclosing specifics.

24              The bill was incurred, but the money  
25      had not been spent. The firm had previously been

1 engaged, but they have not been paid for the work  
2 that they did.

3 MR. FREIER: Had the money been  
4 encumbered last year or --

5 MR. NOCELLA: I can't answer the  
6 specifics as to what was or was not entirely  
7 encumbered, but there were -- this amount is the  
8 amount that remains outstanding so, I believe, but  
9 I can't swear to it, that a certain amount had been  
10 encumbered and this is the balance.

11 SUPERVISOR SALADINO: What we've seen  
12 in the Town is that legal services took place prior  
13 to this year, prior to my taking over as the Town  
14 Supervisor, but the bills have been coming now in  
15 2017, and, obviously, as you would agree, we have a  
16 responsibility to pay our bills.

17 MR. FREIER: Yes.

18 SUPERVISOR SALADINO: I bet you agree.

19 MR. FREIER: See, we agree on  
20 something.

21 As far as, was that money reflected  
22 anywhere in this year's budget?

23 SUPERVISOR SALADINO: We would have to  
24 ask and we will get that answered for you.

25 MR. FREIER: Next Resolution 454, looks

1       like another \$47,000, almost 48,000 for the  
2       Sinnreich Law Firm and I'm wondering is if you know  
3       how much has the Town spent to date since the time  
4       that that firm was hired, previous years including  
5       this year, and also is that a budgeted line item?

6               SUPERVISOR SALADINO:   To date.

7               MR. FREIER:    Pardon?

8               SUPERVISOR SALADINO:   Your question was  
9       how much have to spent to date with that firm?

10              MR. FREIER:    Yes, in total, since the  
11       Town hired them.

12              SUPERVISOR SALADINO:   We will get that  
13       for you.

14              MR. FREIER:    And is that -- was that  
15       budgeted for in this year's budget?

16              SUPERVISOR SALADINO:   I'll get that  
17       answer.

18              MR. FREIER:    Second, also 455, another  
19       law firm and that's another \$50,000 pertaining -- I  
20       guess that's to the housing discrimination lawsuit  
21       brought by the federal government.

22              Was -- that's the same firm that was  
23       originally hired, right?  I just -- I didn't  
24       recognize the name, but is that also in the budget  
25       because that lawsuit existed previously to this

1 year?

2 I just want to go through and then you  
3 can answer them so that way you don't knock me out  
4 of time.

5 SUPERVISOR SALADINO: Certainly.

6 MR. FREIER: Okay.

7 The Resolution 471 pertaining to the  
8 settlement of claims for publishing -- for a  
9 publishing company. I guess it looks like you  
10 settled -- you had a bill of \$29,000 and you  
11 settled on paying \$15,000.

12 Could you explain that?

13 SUPERVISOR SALADINO: Yes.

14 That's good government. That is  
15 watching out for the taxpayers at every turn.

16 MR. FREIER: Can I -- I can finish and  
17 then you can answer my question.

18 SUPERVISOR SALADINO: Oh, sure. Go  
19 ahead.

20 MR. FREIER: Thank you very much.

21 Resolution 472, looks like that was a  
22 negligence claim, and if I read it correctly, it  
23 looks like we did use outside counsel for that and  
24 I'm just curious why that our internal, you know,  
25 that our internal legal department didn't handle

1       that.

2                       474, you're hiring Debron Engineering  
3       to oversee on-call engineering services to build  
4       pickleball courts, and I remember the gentleman who  
5       was here last year to talk about pickleball and how  
6       popular it's becoming, and that's -- and it sounds  
7       like a fun thing to do. I'm just curious also, is  
8       that -- are those pickleball courts, beside the  
9       engineering services, but are those pickleball  
10      courts in this year's budget?

11                     And going down to Resolution 497, I  
12      think you said at the last meeting that this was  
13      going to be the last kind of tranche of refunds to  
14      SolarCity and I recall --

15                     SUPERVISOR SALADINO: Just as a point  
16      of correction. The refunds are for the residents,  
17      not SolarCity; specifically, for our residents who  
18      we have the highest respect for.

19                     MR. FREIER: It says Resolution  
20      authorizing the issuance of a refund to SolarCity  
21      Corporation.

22                     SUPERVISOR SALADINO: Let's find that  
23      out.

24                     MR. FREIER: In fact --

25                     SUPERVISOR SALADINO: Is Mr. Zike here?



1                   We've gone over this in the past about  
2                   speaking to this issue, and we realize that there  
3                   are a number of these situations are coming up as  
4                   they relate to SolarCity. You have pointed out to  
5                   us, and the Commissioner's pointed out to us, that  
6                   we have corrected, under my watch, with the Town  
7                   Board's direction, we have corrected this situation  
8                   so we have a different procedure in place so that  
9                   companies can't come in and force these  
10                  expenditures on our residents.

11                  We've protected our residents, but the  
12                  question was specifically, who pays that check? Is  
13                  it a reimbursement? Tell us how that works.

14                  COMMISSIONER ZIKE: Sure.

15                  As you alluded to at the last meeting,  
16                  you did say at the last meeting that the last slew  
17                  of Solar City refunds was actually going to be  
18                  completed by today's calendar date. Those refunds  
19                  do go directly back to SolarCity.

20                  What they had done is they had filed on  
21                  behalf of the residents to take out these solar  
22                  permits and whether the residents said that they  
23                  didn't want to go to through with the solar project  
24                  or they simply went with another solar company,  
25                  that's what brought on the whole process of voiding

1 out these permit applications. They're refunding  
2 the money.

3 SUPERVISOR SALADINO: Are there cases  
4 where the residents paid that money in cases where  
5 Solar City paid the money?

6 COMMISSIONER ZIKE: Absolutely. I  
7 would say most of the time, the money came from  
8 SolarCity, but it could have been based on that the  
9 homeowner paid SolarCity.

10 SUPERVISOR SALADINO: Right.

11 COMMISSIONER ZEICH: To come out and  
12 get their building permit. And it should also be  
13 noted, too, that the entire building permit fee is  
14 not being refunded. We do keep the application fee  
15 sort of for the administrative fee, so we don't  
16 lose money in that respect.

17 SUPERVISOR SALADINO: Thank you very  
18 much, Mr. Zike.

19 MR. FREIER: Before you go away, in  
20 terms of -- so money is going to SolarCity.

21 Is the Town doing any --

22 SUPERVISOR SALADINO: Not entirely. As  
23 you just heard.

24 MR. FREIER: Every single Resolution  
25 here says to SolarCity.

1           SUPERVISOR SALADINO:  Sir, are you  
2           trying to suggest that people should not be  
3           reimbursed?

4           MR. FREIER:  No.  Not at all.  If you'd  
5           let me finish talking and not interrupt me, you can  
6           hear what I'm saying.

7           SUPERVISOR SALADINO:  Because you're  
8           making certain assertions that these residents  
9           shouldn't be reimbursed by either SolarCity or the  
10          Town.

11          MR. FREIER:  No, that's purely --  
12          you're saying that.  I'm not saying that.

13          SUPERVISOR SALADINO:  We are in  
14          agreement that that wouldn't be right.

15          MR. FREIER:  Yes.  We are in agreement,  
16          but that's not what I'm saying.  That's what you're  
17          saying.

18          Every single Resolution says to  
19          SolarCity.

20          My question is in looking out for the  
21          taxpayers of the Town are before SolarCity is being  
22          refunded, is the Town verifying that the resident  
23          has been refunded?

24          SUPERVISOR SALADINO:  Can we speak  
25          about our process in relation to that question?

1 COMMISSIONER ZEICH: Certainly.

2 We don't specifically get involved with  
3 private business transactions. What happens when  
4 someone requests a refund, they'll write a letter  
5 to the Department saying that they'd like to void  
6 out an application. We have a building inspector,  
7 while out doing inspections, will verify the work  
8 wasn't completed, that information will come back  
9 to the Department and we, myself, Commission  
10 Maccarone, will do a referral to the Town Board for  
11 a refund back to whoever physically paid the permit  
12 fee, whether it be the corporation, SolarCity,  
13 whether it be the homeowner, but, again, we as a  
14 Town don't get involved with private contractual  
15 agreements such as myself, if I paid SolarCity and  
16 SolarCity, in turn, paid the Town for it, I have no  
17 method of tracking this --

18 SUPERVISOR SALADINO: This process --

19 COUNCILMAN IMBROTO: In other words,  
20 Mr. Zike, we refund the money to the person who  
21 gave it to us?

22 COMMISSIONER ZEICH: Absolutely.

23 So if the check said SolarCity,  
24 procedurally, we keep consistent with who paid the  
25 fee. So if SolarCity paid it, the money will go

1 back to SolarCity, and as the Supervisor alluded to  
2 before, there are instances where the homeowner  
3 will lay out the money to the contractor and the  
4 contractor will come up and pay the permit fee.

5 SUPERVISOR SALADINO: Thank you,  
6 Mr. Zike.

7 MR. FREIER: And with regard to that  
8 and Resolution 497, you mention that, you know,  
9 you're verifying that the work has not been done.

10 In 497, in the backup, there is a  
11 Certification of Completion where the work was done  
12 apparently by a company called SunRun and I was  
13 just wondering if inspectors had gone out to verify  
14 that the work wasn't done, but yet there is a  
15 Certificate of Completion in there and it's just --  
16 just a point of information. I'm not sure the  
17 backstory.

18 SUPERVISOR SALADINO: Thank you.

19 MR. FREIER: I'd appreciate if you can  
20 explain that.

21 SUPERVISOR SALADINO: We appreciate the  
22 information and we will be looking into it.

23 COUNCILMAN MACAGNONE: I asked that  
24 question also and I was told that what could have  
25 happened was that there was dual permits issued.

1 MR. FREIER: Okay.

2 COUNCILMAN MACAGNONE: The refund was  
3 on the other one, and this was completed.

4 Tim?

5 COMMISSIONER ZIKE: Yeah, Councilman,  
6 what had happened was SolarCity submitted a  
7 building permit for this one particular address  
8 over in Bethpage, and what had happened was -- and  
9 I had said before, resident, this particular  
10 resident, decided to go with another solar company,  
11 in this case being SunRun, so when the Certificate  
12 of Completion was issued, it was issued for the  
13 SunRun application that was -- issued the building  
14 permit. The one for SolarCity was never done.

15 SUPERVISOR SALADINO: Thank you.

16 COUNCILMAN IMBROTO: Could have figured  
17 that out by reading it.

18 MR. FREIER: Thanks, Lou.

19 As far -- and then, I'll just ask a  
20 number of questions.

21 SUPERVISOR SALADINO: Well, where are  
22 we on time?

23 MR. FREIER: Well, you let just about  
24 everyone else speak beyond their allotted time.

25 SUPERVISOR SALADINO: Sir, we have a

1 limit on time, so why don't you ask one last  
2 question as a convenience to you?

3 MR. FREIER: Oh, thanks.

4 I still have so many more, but I'll  
5 kind of bundle together most of the questions from  
6 506, excluding the tabled ones, to 512.

7 Can you let us know if those are indeed  
8 in this year's budget and also explain the  
9 requirements, contracts, that Cashin seems to be  
10 getting all this -- from old requirements  
11 contracts, they're getting renewed without perhaps  
12 seeing if there are entities that out there that  
13 can perform the same business for hopefully less?

14 SUPERVISOR SALADINO: Okay.

15 Thank you.

16 Are there any other speakers?

17 MR. FREIER: Can you answer those  
18 questions?

19 SUPERVISOR SALADINO: Yes.

20 Any other speakers?

21 Okay. So, one of the questions was in  
22 regard to issues as they relate to personnel.

23 We have been continuing to work  
24 diligently to ensure that our employees are working  
25 in the proper titles that reflect the work

1 responsibilities that they have. Over the course  
2 of, what I assume is years, we have reduced the  
3 Town's workforce and, therefore, employees are  
4 doing a heavier load of more responsibilities.

5 Through that process, the -- we have  
6 been working with the Union to ensure that titles  
7 properly reflect the responsibilities of the  
8 employees. So, we continue to put the employees  
9 into titles that directly reflect what they're  
10 doing.

11 In the case of the first one in the  
12 Executive Office, we have one from the Executive  
13 Office, my office, and a secretary to the Town  
14 Board, that title is being changed to Secretary to  
15 the Deputy Supervisor. That employee will get a  
16 reduction in their salary because the other title  
17 pays less.

18 So, this is one of a number that have a  
19 reduction in salary. The ones that do have a small  
20 increase, it's very di minimus, in the hundreds of  
21 dollars, and nothing that I see immediately that is  
22 any more than that.

23 So, this is a process to ensure that  
24 our employees are working in title, so as to not  
25 bring grievances with the Union and to ensure that



1 we -- while we're not adding employees and  
2 increasing the cost to our taxpayers, we do have a  
3 legal responsibility to have our employees working  
4 in title.

5 And, obviously, the other issues you  
6 brought up, we will look into in terms of the  
7 budget.

8 Are there are any other speakers that  
9 would like to speak in the comment period? Okay.

10 COUNCILMAN MACAGNONE: Hang on,  
11 Supervisor.

12 Before we go to vote, on 520,  
13 Mr. Slover brought up some good suggestions.

14 I kindly request that we table it to  
15 September 12th to review this to make sure that the  
16 deal we are getting is the right deal.

17 SUPERVISOR SALADINO: Okay. I would  
18 like to point out that we went through a legal bid  
19 process.

20 COUNCILMAN MACAGNONE: I'm not asking  
21 that, sir.

22 I'm asking if we can table it for a  
23 month.

24 SUPERVISOR SALADINO: Can we have an  
25 opinion from the Town Attorney, please?

1 MR. NOCELLA: Supervisor, Councilman  
2 Macagnone, of course, it could be tabled, but the  
3 effect would be to delay the movement that we've  
4 determined we're going to head for towards single-  
5 stream recycling with a tremendous impact,  
6 budgetary wise.

7 COUNCILMAN MACAGNONE: I'm sure we are  
8 still going to do it no matter who the vendee is.

9 MR. NOCELLA: Well, moving it to  
10 September means that we would have to then change  
11 the entire schedule and pushing it back in effect  
12 two or three months. The two or three months would  
13 add up to a substantial amount of money. I say  
14 that because we have to give a Notice of  
15 Cancellation to the current vendors.

16 COUNCILMAN MACAGNONE: We didn't say  
17 we're cancelling it. I just want to review it a  
18 little further.

19 MR. NOCELLA: No, I understand that.

20 But for example, notwithstanding the  
21 fact that this bidder's contract is on for your  
22 consideration today, we did not cancel any of the  
23 other prior vendors contracts because until you  
24 approved it, we didn't want to be caught short  
25 without having any coverage.

1           They actually inquired, is our contract  
2           canceled because you've now chosen a different  
3           bidder?

4           The answer was, no, not until the Board  
5           acts, but the letter is canceling the 60 days  
6           notice that we are canceling, which we have the  
7           right to do, would be issued today under those  
8           circumstances and then we have been gearing up  
9           under the assumption that 60 days from now, we  
10          would begin moving toward the single stream and  
11          not -- by delaying the vote on this contract, we'd  
12          be delaying the entire process.

13          COUNCILMAN MACAGNONE: One month.

14          MR. NOCELLA: Well, yes, but every  
15          phase of it would be delayed one month.

16          COUNCILMAN MACAGNONE: One month.

17          SUPERVISOR SALADINO: Would that be a  
18          cost to the taxpayers?

19          MR. NOCELLA: Yes, it would.

20          I can't calculate it, but -- I can't  
21          give you the actual numbers, I can't crunch them,  
22          but it delays every single phase of what we're  
23          doing.

24          SUPERVISOR SALADINO: So delaying this  
25          would have an adverse effect and actually cost our

1 taxpayers more money?

2 MR. NOCELLA: Yes.

3 We would lose the revenue stream that  
4 we would gain. By entering into contract with the  
5 new vendor, we would continue to make outlays based  
6 upon the old contracts. All of the efforts that  
7 we've made so far that are geared toward moving  
8 toward single stream would also be delayed so there  
9 would be a time cost involved in that delay.

10 As the Councilman noted, it's a month,  
11 but it is still a substantial amount that would be  
12 incurred, even during the month.

13 COUNCILMAN IMBROTO: If tabled, would  
14 it be possible for the Board to vote on it before  
15 the next Board meeting? Is there a procedure for  
16 that? Does it have to be an entire month?

17 MR. NOCELLA: I believe the only  
18 alternative would be a Special Board Meeting.

19 SUPERVISOR SALADINO: Well, thank you.

20 Thank you very much.

21 I'm going to ask the --

22 COUNCILMAN HAND: Supervisor, could we  
23 hear from Commissioner Bergin on this, please?

24 SUPERVISOR SALADINO: Yes. And I was  
25 actually going to bring -- Commissioner Bergin, why

1 don't you come up? We'll speak with you and we'll  
2 speak with our Commissioner of DPW and, obviously,  
3 Sanitation, and let's try to get some of the  
4 Councilman's questions answered and maybe all of  
5 his questions answered.

6 COMMISSIONER BERGIN: Sure,.

7 Supervisor, members of the Board.

8 First off, I would like to thank  
9 Councilwoman Johnson for listening to me complain  
10 about single stream for years and --

11 SUPERVISOR SALADINO: Or the lack  
12 thereof, you mean?

13 COMMISSIONER BERGIN: The lack thereof.

14 Mr. Core's concerns that were presented  
15 here today, I was here with the bid opening,  
16 Mr. Core was here and Mr. Core put in a bid under  
17 another company's name. He offered \$8 a ton  
18 collected at the transfer station for single stream  
19 or \$10 a ton if we do -- would drop it off at his  
20 facility. Citywide Carting of Stanford Connecticut  
21 wrote clearly on their bid, and the Town Attorney  
22 was here as well as Rich, that we would pay them  
23 \$10 a ton.

24 I vetted this thing for over five  
25 years. We are getting the best deal on Long Island

1 at \$25.08 a ton. The facility that Mr. Winters has  
2 where this will be brought to, is state of the art.  
3 It has optics. It is going to recycle everything  
4 under the sun. No one else has this. No one else  
5 is willing to give us \$25 a ton for this.

6 This is a win/win for the Town. It's  
7 going to be roughly half a million dollars the  
8 first year and once we educate the public about  
9 recycling single stream, we will increase that by  
10 35 percent. That meaning, we will lower our  
11 municipal solid waste bill by 35 percent. This is  
12 huge for the taxpayers of the Town of Oyster Bay.

13 COUNCILMAN MACAGNONE: Mr. Bergin, in  
14 my life, I've always found that if something seems  
15 too good, there's something wrong with it. I'd  
16 like to review this a little bit more. I'm not  
17 saying -- I know you guys -- I've known you a long  
18 time.

19 COMMISSIONER BERGIN: Yes, you have.

20 COUNCILMAN MACAGNONE: But I, you know,  
21 and if it's, you know, taken hours gone, sometimes  
22 you're better off letting it go. It's not going to  
23 be here in a month or the Supervisor so chooses to  
24 call a Special Board Meeting in two weeks after  
25 this is reviewed, then I have no problem with that.

1 COMMISSIONER BERGIN: If you choose to  
2 go in that direction, my suggestion would be to  
3 reach out to Ed Romaine, the Brookhaven Supervisor,  
4 who during the first week that Brookhaven went  
5 single stream, he was standing on the piles of  
6 single stream that he was getting paid for  
7 basically with a sign that said, "Money." And  
8 Mr. Core is a principal in that business in  
9 Brookhaven.

10 COUNCILMAN IMBROTO: Commissioner, can  
11 I ask you a question.

12 You said the lowest bid in this  
13 situation was that we were going to pay them \$10?

14 COMMISSIONER BERGIN: That's correct.  
15 That was Citywide's account.

16 COUNCILMAN IMBROTO: Mr. Core's bid was  
17 that he would pay us \$10.

18 What's the difference?

19 COMMISSIONER BERGIN: He would pay us  
20 \$8 if he picked it up at the transfer station and  
21 10 if we delivered it to him?

22 COUNCILMAN IMBROTO: What's the  
23 difference between those two bids? The difference  
24 is \$18 or \$20 per ton, right?

25 COMMISSIONER BERGIN: Yeah, exactly.

1 COUNCILMAN IMBROTO: And what's the  
2 difference between Mr. Core's bid and Winters  
3 Brothers bid?

4 COMMISSIONER BERGIN: Mr. Core was \$8  
5 and Winters Brothers was \$25.

6 COUNCILMAN IMBROTO: Which is how many  
7 dollars?

8 COMMISSIONER BERGIN: Lots. Lots.  
9 Lots.

10 COUNCILMAN MUSCARELLA: 17.

11 COUNCILMAN IMBROTO: It's \$17 higher  
12 than Mr. Core's bid.

13 COMMISSIONER BERGIN: What I'm saying  
14 is when you can --

15 COUNCILMAN IMBROTO: Commissioner, this  
16 is the question: Winters Brother's bid is \$17.00  
17 higher than Mr. Core's bid?

18 COMMISSIONER BERGIN: Correct.

19 COUNCILMAN IMBROTO: Mr. Core's bid was  
20 \$18 higher than the next lowest bidder?

21 COMMISSIONER BERGIN: Correct.

22 COUNCILMAN IMBROTO: So it's not such a  
23 dramatic difference that it would raise suspicion.  
24 He was in the middle. There was somebody that was  
25 17 higher and he was 18 higher than somebody else.



1 COMMISSIONER BERGIN: Correct.

2 COUNCILMAN IMBROTO: I don't know.

3 To me, it doesn't raise eyebrows but...

4 SUPERVISOR SALADINO: We are here to  
5 get the Councilman's questions answered.

6 COUNCILMAN MACAGNONE: Well, wait, a  
7 bid that's three times higher than the other one  
8 certainly does raise eyebrows.

9 SUPERVISOR SALADINO: But you don't  
10 have what -- what I believe he's saying is you  
11 don't have cluster of bids in the same category and  
12 one unusually high.

13 The three bids, and I'm assuming we  
14 went out to as many companies as possible; is that  
15 correct?

16 COMMISSIONER LENZ: Yes.

17 SUPERVISOR SALADINO: Okay.

18 COMMISSIONER LENZ: It was an open bid  
19 and only three bid.

20 I just want to add to what Commissioner  
21 Neil had just said.

22 At Brookhaven, there is a contractor  
23 there right now, what's called Green Stream, and  
24 that's Omni and Winters working together as a team  
25 and they pay Brookhaven \$20 a ton.

1                   Winters is looking to do it with just  
2                   the Town of Oyster Bay at 25 and it's 25.08, so  
3                   it's, you know, that, we're comparing apples  
4                   against apples. That's what I'm trying to say to  
5                   you, Brookhaven.

6                   It's just that ours was the best  
7                   contract mainly because the facility, the way the  
8                   education of our residents have been taken care of  
9                   their recyclables over all of these years, that  
10                  Winters Brothers was able to provide this increased  
11                  cost and that's why they're looking to do this for  
12                  the Town of Oyster Bay.

13                  COUNCILWOMAN JOHNSON: Commissioner,  
14                  when exactly were the bids opened?

15                  COUNCILMAN MACAGNONE: 31st.

16                  COMMISSIONER LENZ: Yes, 31st, yes.  
17                  Thank you. I'm sorry. I don't have my backup with  
18                  me.

19                  COUNCILWOMAN JOHNSON: Anyone receive  
20                  correspondence from Mr. Core before this meeting  
21                  that we could have perhaps looked into this in the  
22                  past couple of weeks?

23                  SUPERVISOR SALADINO: Mr. Core was at  
24                  the bid opening?

25                  COMMISSIONER LENZ: At the bid opening,

1       yes.   He bid.

2                   SUPERVISOR SALADINO:   Was he allowed to  
3       look at all of the other bids?

4                   COMMISSIONER LENZ:   He foiled the  
5       request.   I have the foil.   I responded back to the  
6       Clerk's Office with the foil, with additional  
7       information.

8                   Now, I just want everybody to  
9       understand, there is not a lot to look at.   The way  
10      this bid was done was pretty simple.   It's, what  
11      are you willing to pay the Town of Oyster Bay for  
12      this year and for the next four years, so it is a  
13      five-year contact and he had put the same number in  
14      for the next five years.   There is nothing else to  
15      read in there.   You know, other than insurances and  
16      bonds and things like that, there is no  
17      interpretation here.

18                  SUPERVISOR SALADINO:   Did all three of  
19      the companies provide insurance and bond?

20                  COMMISSIONER BERGIN:   Yes.

21                  COMMISSIONER LENZ:   Yes.

22                  SUPERVISOR SALADINO:   Was there any  
23      difference in the way they would pick it up or  
24      where they would deliver it to that made one stand  
25      out in any way in a substantive manner?

1 COUNCILMAN MACAGNONE: That's a good  
2 question.

3 COMMISSIONER LENZ: I'm sorry?

4 SUPERVISOR SALADINO: Is there any  
5 difference among the three in the way they would  
6 pick up the recyclables or where they would deliver  
7 them to? Did we get that kind of information?

8 COMMISSIONER LENZ: As Commissioner  
9 Neil had said, they had -- Winters Brothers is  
10 going to pick it up at our site, at old Bethpage  
11 landfill at the transfer station. Omni had said  
12 that if we delivered it to their site, we would get  
13 paid \$10 if they picked it up at our site, we  
14 would get paid \$8 and then the other company would  
15 pick it up --

16 COMMISSIONER BERGIN: We were paying  
17 them \$10.

18 COMMISSIONER LENZ: We're paying them  
19 \$10. That's the other thing, too. With the two  
20 contracts that we have right now, we have a  
21 newspaper contract and we have a mixed commingled  
22 contract. The newspaper contract, we get paid for,  
23 and the commingled contract, we have to pay and  
24 that's Omni. We have to pay Omni about \$90,000 a  
25 year to get rid of our bottles and cans.

1           The newspaper contract, we get paid  
2   about 200,000 -- no, it's a little bit less than  
3   that. It's about -- yeah, it's a lot less now that  
4   I'm thinking about it, it was like a 100,000 we get  
5   paid, so the net is on the zero side. So this is  
6   the only way that we could, after doing a lot of  
7   investigation on the Commissioner's part and also  
8   bringing me into this, we did a lot of  
9   investigation, we found that this was the best way  
10   to go for the Town and for the residents, that now  
11   we'll be getting paid for all our bottles and cans  
12   and our newspaper.

13           COUNCILMAN MACAGNONE: And waiting a  
14   month or two weeks, whatever we do, would be that  
15   big of an inconvenience?

16           COMMISSIONER LENZ: Only thing is --  
17   that was brought up is you have to alert both  
18   contractors that we are going to stop their  
19   contracts so that moves everything 60 days. It's  
20   60 days.

21           COUNCILMAN MACAGNONE: It would be a  
22   month. No.

23           COMMISSIONER LENZ: No. No. What I'm  
24   saying is.

25           COUNCILMAN MACAGNONE: Move them back a

1 month, Rich.

2 COMMISSIONER LENZ: Right.

3 COUNCILMAN MACAGNONE: Because the  
4 month would be --

5 COMMISSIONER LENZ: I understand.

6 COUNCILMAN MACAGNONE: On the 12th, we  
7 sent the letter out, it would be 60 days from then.

8 COMMISSIONER LENZ: Yes. Yes, because  
9 that's the termination. It's in both contracts, in  
10 all three contracts, even in the new one we wrote.

11 COUNCILMAN MACAGNONE: And during that  
12 time, we could have that month to start educating  
13 our residents that we're going to be doing single  
14 stream so we really wouldn't be losing that much.

15 COUNCILMAN MUSCARELLA: Did you say why  
16 there would be such a difference between one and  
17 the other? Does Winters Brothers have a facility  
18 that's superior?

19 COMMISSIONER BERGIN: They have a state  
20 of the art facility with optics that can really  
21 pick out the different recyclable material.

22 When you when you go to one of these  
23 facilities, the -- it's done on a conveyor belt.  
24 So if somebody puts a plastic bag, the plastic bag  
25 gets thrown in the air and there's a vacuum and it

1 sends all the plastic bags down into a separate  
2 bin.

3 Everything along the way is separated  
4 out into its original form. Plastic bottles, big  
5 milk jugs or Poland Spring bottles, aluminum cans.  
6 Aluminum is through the roof right now because of  
7 Ford pickup trucks made out of aluminum. The  
8 cardboard currently is being shipped to China.

9 Once it is processed, the ton -- per  
10 ton price is a \$165 at the container ship so we  
11 are -- we hit this at the right time because the  
12 cost of everything is -- that we are going to get  
13 paid for it is there.

14 In the advent of Amazon, the amount of  
15 boxes that come every day to the residents homes,  
16 now they just throw that in the garbage and we're  
17 going to be making serious money.

18 MR. MUSCARELLA: Curiosity.

19 Where do they deliver it to?

20 COMMISSIONER BERGIN: Shelton,  
21 Connecticut.

22 MR. MUSCARELLA: Have you been to the  
23 facility?

24 COMMISSIONER BERGIN: I have not been  
25 to Shelton as of yet. I have a son about to go to

1 college, so I can't really disappear anywhere.

2 SUPERVISOR SALADINO: Have you looked  
3 into on the internet or in some other research  
4 process?

5 COMMISSIONER BERGIN: Absolutely.

6 SUPERVISOR SALADINO: What can you tell  
7 us about that facility?

8 COMMISSIONER BERGIN: Well, with the  
9 optics, like I said, you're going to be able to  
10 capture so much more material and separate it out  
11 into different commodities, and then Winters  
12 Brothers has somebody that is a commodities broker  
13 and they will sell the commodity to the different  
14 purchaser.

15 COUNCILMAN MUSCARELLA: Corporation,  
16 Winters Brothers is obviously bigger than Omni?

17 COMMISSIONER BERGIN: Yeah, a lot  
18 bigger.

19 MR. MUSCARELLA: Okay.

20 COUNCILMAN IMBROTO: Commissioner, on  
21 Long Island, is \$25 a ton unusually high? You  
22 mentioned Brookhaven is \$20 a ton?

23 COMMISSIONER BERGIN: Brookhaven is \$20  
24 a ton, Rich?

25 COMMISSIONER LENZ: Yes, it is.



1 COUNCILMAN IMBROTO: Is there any other  
2 municipalities within that range?

3 COMMISSIONER BERGIN: That's the norm,  
4 is \$8 to \$20. When we -- we were kind of excited  
5 to see that we were -- they were giving an extra \$5  
6 a ton, Winters.

7 COUNCILMAN MACAGNONE: Is a five-year  
8 term normal for this?

9 COMMISSIONER LENZ: Yes. You can go  
10 five.

11 I'll be honest with you, Councilman,  
12 most of the time you go twenty years.

13 COUNCILMAN MACAGNONE: Okay.

14 Thank you.

15 COMMISSIONER LENZ: We were going with  
16 five to investigate, make sure that this is really  
17 the best way of going and it's really only a  
18 one-year contact with four year extensions on it.

19 SUPERVISOR SALADINO: With one-year  
20 extensions for four years?

21 COMMISSIONER LENZ: For four years,  
22 yes. So what I'm saying is, if we do find that  
23 there are problems, but I don't believe so, but  
24 that's why we did it that way.

25 COUNCILMAN IMBROTO: That was by our

1 choice?

2 COMMISSIONER LENZ: To ensure, yes.

3 COUNCILMAN IMBROTO: That was our  
4 choice to do it that way?

5 COMMISSIONER LENZ: Yes. Yes.

6 SUPERVISOR SALADINO: Well, through  
7 your research of this entire process, what kind of  
8 problems do municipalities face and what assurances  
9 have we received from this company that leads us to  
10 believe that they are not only the best  
11 financially, but they are a structurally company  
12 sound in terms of being to deal with -- being able  
13 to correct any problems that other municipalities  
14 have had?

15 COMMISSIONER LENZ: Right now, they are  
16 picking up our MSW. They have been doing it for  
17 quite a few years and we have never had a problem  
18 with the MSW. Also, their base is on Long Island.  
19 That's where they're structured. They had been in  
20 Connecticut for a while and now they're getting  
21 back into Connecticut and Long Island, so they have  
22 a long history of doing -- working in this  
23 industry.

24 COMMISSIONER BERGIN: I believe  
25 Mr. Winters, if you look in the packet that I sent

1 home on the Friday nights, there should be a map in  
2 the back and it pinpoints where its locations are.  
3 I believe he has -- it's called a MRF basically, a  
4 Materials Recovery Facility.

5 I believe he has one in Danbury and  
6 Shelton, but he pretty much runs the State of  
7 Connecticut and -- as far as Sanitation is  
8 concerned and he's got a good chunk of Long Island.

9 COUNCILWOMAN JOHNSON: Commissioner,  
10 can you put a dollar amount on what any delay would  
11 actually cost us, potentially?

12 COMMISSIONER BERGIN: \$25,000 a month.

13 SUPERVISOR SALADINO: It would cost us  
14 \$25,000 per month to delay this?

15 COMMISSIONER BERGIN: Yes.

16 SUPERVISOR SALADINO: Well, I, again,  
17 refer back to the Councilman to find out what other  
18 questions he might have that would be helpful in  
19 making his decision. We went through an open and  
20 legal bid process. This company won the bid fairly  
21 and legally.

22 We have a certain responsibility to  
23 live up to the agreement that we make with a  
24 company, but what other questions do you have,  
25 Councilman, that he could answer you?

1 COUNCILMAN MACAGNONE: Just the fact  
2 that he's three times higher than the other guy  
3 just raises questions.

4 SUPERVISOR SALADINO: Three times  
5 higher than the lowest, but not three times higher  
6 than the next.

7 COUNCILMAN MACAGNONE: Actually,  
8 he's -- no, he's two times higher than the next. I  
9 just -- I don't know. Just something about it  
10 doesn't seem right.

11 COMMISSIONER BERGIN: Your hair  
12 standing up on the back of your neck?

13 COMMISSIONER LENZ: I understand but as  
14 I said.

15 COUNCILMAN MACAGNONE: We are big  
16 people here, everybody has their vote so...

17 COMMISSIONER LENZ: They're already  
18 doing this work in Brookhaven.

19 COUNCILMAN IMBROTO: Do you have  
20 concerns?

21 COUNCILMAN MACAGNONE: I do have  
22 concerns.

23 SUPERVISOR SALADINO: Let's try to  
24 answer as many of those as possible so that the  
25 residents, the public, so that everybody feels very

1 calm.

2 COUNCILMAN MACAGNONE: I don't think we  
3 can answer all at this time. I'd like to see both  
4 bids. I'd like to review them. I'd like to dive  
5 into them. I don't think this -- that's why I  
6 asked for a month to table it.

7 MR. FREIER: Can the public ask a  
8 question about this?

9 SUPERVISOR SALADINO: The process is  
10 that the Town Board receives backup on this,  
11 receives information, has an opportunity to ask  
12 questions prior to Board meeting in the time  
13 leading up to this.

14 COUNCILMAN MACAGNONE: And Mr. Slover  
15 brought up some good points that I'd like to  
16 investigate.

17 SUPERVISOR SALADINO: Okay. This  
18 individual was the person who was the losing  
19 bidder.

20 COUNCILMAN MACAGNONE: Understood, and  
21 when he first got up, I thought that, but he  
22 brought up some good points. But, guys, everyone's  
23 got their own vote. I just had questions and I  
24 still have questions and I'd like to table it.

25 SUPERVISOR SALADINO: Is there an

1 issue -- I'd like to have a sense of why. I have  
2 no problem. We have no problem with being  
3 transparent, letting the public know why.

4 COUNCILMAN MACAGNONE: Supervisor, no  
5 one is questioning that.

6 I, personally, I'm not comfortable  
7 voting on it at this time after hearing Mr. Slover.

8 COMMISSIONER LENZ: Could I just add,  
9 Supervisor --

10 SUPERVISOR SALADINO: Yes. We want to  
11 get your questions answered.

12 COMMISSIONER LENZ: Right. This  
13 contract is --

14 COUNCILMAN MACAGNONE: If you really  
15 want to get them answered, we will table it for a  
16 month or call for a special meeting next week even  
17 so we can look this over and I can look at  
18 everything and make my decision.

19 COMMISSIONER LENZ: I understand.

20 This contract is not -- like sometimes  
21 in the past, you would do what they call an RFP and  
22 you're allowed to do that where you can write  
23 different things and anything. This is just a pure  
24 bid contract, straight bid contract.

25 How much are you paying? Give me your

1       number? This is what material we have there. This  
2       is how much material we have in commingled and  
3       newspaper and mixed paper. That's it.

4               So I just want you -- everybody to  
5       understand here, and even the public, this is --  
6       you're not going to be able to see much of anything  
7       other than numbers when you're opening up the  
8       books. There's not a lot of things to look at.

9               COUNCILMAN IMBROTO: Councilman, does  
10      the fact that it's only for a one-year trial term  
11      and then at our option, we could choose either to  
12      cancel it or renew it, does that alleviate some of  
13      your concerns?

14              COUNCILMAN MACAGNONE: Yes, it does,  
15      but also the fact that we can't delay it a month  
16      creates more concerns.

17              SUPERVISOR SALADINO: Well, there's a  
18      cost to the taxpayers. We have been working very  
19      hard to put this together. It was legal, it was --  
20      and there's also responsibility to the bidders.

21              COUNCILMAN MACAGNONE: Supervisor, then  
22      please, just go to a vote then and every one will  
23      vote for what they feel.

24              SUPERVISOR SALADINO: All right.

25              Well, I do want to point out that I'm

1 directing the departments to please continue to  
2 provide, not only Councilman Macagnone, but any  
3 other Member of the Board, with whatever  
4 information they ask for so they can continue to be  
5 briefed so that they have every question answered.

6 One last question from our Town  
7 Attorney.

8 Sir, would you step up, Mr. Nocella?

9 Just to clarify, was this bid process  
10 done entirely legally, transparently, did we ensure  
11 that the information was on the website?

12 MR. NOCELLA: All of those procedures  
13 were followed to the letter.

14 SUPERVISOR SALADINO: Did we reach out  
15 to as many entities as possible to ensure that  
16 everyone had a chance to bid?

17 MR. NOCELLA: In fact, we did.

18 One other piece of information, and I  
19 apologize for not bringing this to the Board's  
20 attention, but it is germane to your consideration,  
21 very germane to your consideration.

22 One of the current vendors actually  
23 went to court twice to try to seek a stay of the  
24 bids being opened and the contract being awarded  
25 and both times, the judiciary denied the stay.



1           Their argument was that there was a  
2           rush in the bidding process, a rush to convert to  
3           single stream, and that there were irregularities  
4           in the bidding process and the judiciary dismissed  
5           those arguments.

6           SUPERVISOR SALADINO: And those judges  
7           looked at -- carefully at all of the facts and all  
8           of the documentation?

9           MR. NOCELLA: Yes.

10          As the Commissioners can attest, I had  
11          to come down to this very meeting room at the time  
12          and stop the bids from being opened while Judge  
13          Diamond considered the matter.

14          Then we sent the bidders out for lunch  
15          because we expected a Resolution by the afternoon  
16          and finally, Judge Diamond issued his decision  
17          denying the stay and he wrote a very short opinion  
18          saying that the bidding process was correct and all  
19          the procedures were followed. There's no basis for  
20          staying the opening of the bids. At the very end  
21          of the afternoon, I believe, Mr. Core was here for  
22          that as were the other bidders and they were fully  
23          aware.

24          None of those bidders, by the way,  
25          sought to stop the opening of the stay, it was a

1 different company with whom we are we currently  
2 contracting, but whose contract we are going to  
3 terminate.

4 COUNCILMAN IMBROTO: Mr. Town Attorney,  
5 given that Winters Brothers was the highest bidder,  
6 what grounds would it to take to award this to  
7 someone who was not the highest bidder?

8 MR. NOCELLA: There would have to be a  
9 determination that Winters Brothers was in some way  
10 not responsible and then and only then could we  
11 entertain Omni, Mr. Core's company's bid, as the  
12 second highest bidder.

13 I'll note for the record, Mr. Core's a  
14 lawyer and during the proceedings that day, I  
15 discussed the applications for the stay with him.  
16 He's also an expert in the field of recycling and  
17 he is also a partner of Winters Brothers in another  
18 venture.

19 He has great respect for Winters  
20 Brothers, but I think Councilman Macagnone summed  
21 up accurately in your own view, sir, what  
22 Mr. Core's view was, which is very simply, those  
23 numbers, if they're real, are great, obviously,  
24 it's a good deal for the Town of Oyster Bay, but he  
25 just doesn't understand how they could have gotten

1 to the numbers that they did and that was the sum  
2 and substance of his position.

3 If you heard the gentlemen read  
4 Mr. Core's statement into the record, condensing it  
5 to its substance, is it what Councilman Macagnone  
6 had said. He doesn't understand how they were able  
7 to achieve such excellent numbers.

8 That having been said, Mr. Core's also  
9 a gentlemen and never cast any aspersions against  
10 Winters Brothers or suggested in any way that they  
11 were any responsible bidder.

12 In fact, they were very successful  
13 ongoing concern in this field as is his company, or  
14 I should say, companies.

15 COUNCILMAN IMBROTO: Mr. Town Attorney,  
16 what are the types of factors that would lead one  
17 to conclude that a company is not a responsible  
18 bidder?

19 MR. NOCELLA: If, in the past, they had  
20 breached their contracts. If they had, in the  
21 past, been sued and successfully sued; say, for  
22 example, by a municipality or by a private concern  
23 and judgments had been entered against them. If  
24 they had, for example, been fined or cited by the  
25 State for violation of labor laws or other

1 regulatory bodies and so on and so forth.

2 COUNCILMAN IMBROTO: Would you consider  
3 it a high bar to reach?

4 In other words, let's say, this were --  
5 this was set aside and someone wanted to go with  
6 the lower bidder, do you think that that would be  
7 successful or do you think that Winters Brothers  
8 would probably be successful in arguing they were  
9 the highest responsible bidder?

10 MR. NOCELLA: I'd be speculating,  
11 Councilman, I really can't answer your question  
12 other than to say, another factor is how well  
13 capitalized is the firm, how long have they been in  
14 business, how successful have they been at what  
15 they're doing, and in these cases, I think all  
16 three qualify as highly successful enterprises.

17 COUNCILMAN IMBROTO: Is it common  
18 though.

19 COUNCILMAN MACAGNONE: No disrespect to  
20 the Councilman, no one is questioning Winters  
21 Brothers integrity, their history. I'm questioning  
22 this bid, if it was apples to apples and everything  
23 else and that's what I'm not sure. When the  
24 numbers come in so different. I know from my  
25 business, when I see a bid that's way out of whack,

1       there's a problem. If it's too low, there's a  
2       problem. Something is wrong. We missed something.  
3       Missed a floor, missed columns. Hate to say  
4       subcontractors pay people, wrong but they do.  
5       There's something in here that's just bothering me,  
6       but as I said earlier, go to a vote, everyone has  
7       their vote. It is fine. I personally, just  
8       something here that I'm not ready to vote on.

9               SUPERVISOR SALADINO: Just so we can  
10       be -- bring clarity to every aspect of this because  
11       we're not rushing this for any other reason than  
12       to --

13              COUNCILMAN MACAGNONE: No one said we  
14       are.

15              SUPERVISOR SALADINO: Thank you.  
16              Did the judge look at issues that  
17       Councilman Macagnone has just spoken to?

18              MR. NOCELLA: I believe the judge, in  
19       both instances -- I was not at the Appellate  
20       Division after they appealed Judge Diamond's denial  
21       of the stay, but I believe the proceedings didn't  
22       include the precise analysis that Councilman  
23       Macagnone is talking about, sir, no.

24              What the judges were looking at was,  
25       did the Town of Oyster Bay employ the correct

1 procedures, were the procedures followed, did the  
2 bidders comply with the procedures and the answers  
3 to those questions were a resounding yes, and,  
4 hence; there was no basis for any stay to ever  
5 issue.

6 That went, as I say, that went to  
7 Nassau Supreme before Justice Arthur Diamond, but  
8 also up to the Appellate Division affirmed his  
9 decision.

10 SUPERVISOR SALADINO: It went all the  
11 way to the Appellate Division.

12 And in your legal opinion, were both  
13 judges thorough?

14 MR. NOCELLA: Absolutely. Absolutely.

15 In fact, Justice Diamond -- I came  
16 down, I believe both Commissioners might recall  
17 this, I came down and apologized several times to  
18 our bidders because the judge wanted to be very  
19 careful and thorough, which he was, and gave us a  
20 decision pretty much at the last possible moment  
21 for us to open the bids that day.

22 Again, to Mr. Core's credit, he was a  
23 gentleman and pointed out to me that I had no  
24 reason to apologize because it was in the hands of  
25 the judiciary, as did the other bidders for that

1 matter.

2 SUPERVISOR SALADINO: Councilman, one  
3 last question.

4 Have you taken an opportunity to  
5 research any of the backup, any of the data that is  
6 available to us?

7 COUNCILMAN MACAGNONE: Only the stuff  
8 that was provided to me on Friday.

9 SUPERVISOR SALADINO: Only that.  
10 And from that data, you're not  
11 confident?

12 COUNCILMAN MACAGNONE: I was confident  
13 until Mr. Slover brought up some good points. And  
14 when I find out that the numbers are so different,  
15 that, to me, just -- it's a red flag. But you  
16 guys, like I said, we all have our own votes,  
17 please. Nothing says we have to be unanimous.  
18 Difference of opinion is good sometimes.

19 SUPERVISOR SALADINO: Absolutely.

20 COUNCILMAN IMBROTO: But we want to  
21 respect your concerns about where you --

22 COUNCILMAN MACAGNONE: I appreciate  
23 that.

24 SUPERVISOR SALADINO: We are very  
25 respectful of you.

1 COUNCILMAN MACAGNONE: I appreciate  
2 that, and you guys make compelling arguments. I  
3 still don't feel comfortable voting on it right  
4 now.

5 MR. NOCELLA: May I add one thing,  
6 Councilman?

7 COUNCILMAN MACAGNONE: Please.

8 MR. NOCELLA: Again, in the  
9 conversations that I did have with Mr. Core and  
10 mindful of the fact that he's a fellow lawyer, as  
11 well as I recognize an expert in this field, his  
12 statement, much like yours after you heard the  
13 statement that was read into the record, was he  
14 can't understand, knowing the business, how the  
15 numbers can be as good as they are, but if they are  
16 legitimate numbers, then certainly it's undeniably  
17 the best deal for the Town of Oyster Bay.

18 COUNCILMAN MACAGNONE: I'm sure he'd  
19 like to sub out to them at that rate.

20 MR. NOCELLA: Maybe so. That in and of  
21 itself, there was nothing specific.

22 COUNCILMAN MACAGNONE: I'm not saying  
23 anything specific. I just want to make sure that  
24 we are comparing the same thing, that we're  
25 getting -- it is a great deal. I just want to make



1       sure it's real.

2                   COUNCILWOMAN JOHNSON: Does Omni have  
3       the same type of recycling facility as Winters  
4       Brothers, like, state of the art with the optics?

5                   COMMISSIONER BERGIN: I do not believe  
6       so. I believe that Winters in Shelton is probably  
7       one of the only ones around. The Brookhaven  
8       facility does not have the optics because their  
9       original MRF was -- it was antique and when  
10      Mr. Core and Mr. Winters got together, they were  
11      able to add on to the existing MRF for the Green  
12      Stream. They don't get as fine a residual out of  
13      their facility out there.

14                  SUPERVISOR SALADINO: Let's do this.  
15                  Councilman, is one week sufficient for  
16      you to get your questions answered?

17                  COUNCILMAN MACAGNONE: Yes, I believe  
18      so.

19                  SUPERVISOR SALADINO: Let's do this.

20                  The Town of Oyster Bay, under our new  
21      administration, has prided ourself on our  
22      transparency and the fact that we always do things  
23      the right way.

24                  While I believe we are doing things the  
25      right way and I'm very confident of that, I'm also

1 respectful of the Councilman's concerns --

2 COUNCILMAN MACAGNONE: Thank you.

3 Thank you.

4 SUPERVISOR SALADINO: -- and what I  
5 would like to do is ask the Board to table this one  
6 item for one week and then ask the staff to make  
7 themselves available to Councilman Macagnone to  
8 answer every question he might have and then we  
9 will call a Special Meeting in one week, which  
10 everyone will be asked to attend, and to get this  
11 done.

12 The public deserves that we get this  
13 done quickly, but the public deserves we get it  
14 done accurately, and my opinion and the opinion of  
15 our Town Attorney and everyone is that we are doing  
16 this properly, but I'm going to ask that we --

17 COUNCILMAN MACAGNONE: Supervisor, once  
18 again, the procedure is perfect. I have no  
19 questions about the procedure.

20 All right?

21 MR. MUSCARELLA: You just want time --

22 SUPERVISOR SALADINO: That's not  
23 directed toward --

24 COUNCILMAN MACAGNONE: The procedure is  
25 done perfect. You guys did a wonderful job. Just

1 when numbers come back that skewed, I have  
2 questions.

3 COMMISSIONER BERGIN: Your hair is  
4 standing up on the back of your neck. That's all.

5 COMMISSIONER LENZ: Let's set up a  
6 meeting and discuss it further.

7 COUNCILMAN MACAGNONE: Can we do Friday  
8 morning?

9 MR. ALTADONNA: Let's make sure we have  
10 enough time to do it in a week.

11 SUPERVISOR SALADINO: Yes. That's a  
12 good point.

13 COMMISSIONER LENZ: Yes.

14 COMMISSIONER BERGIN: Do you want to do  
15 it at DPW or do you want to do it --

16 COUNCILMAN MACAGNONE: DPW is  
17 wonderful.

18 COMMISSIONER BERGIN: You name the  
19 time, we're there.

20 COMMISSIONER LENZ: DPW. We're either  
21 going to set up a meeting on Friday with Tony and  
22 anybody else.

23 SUPERVISOR SALADINO: We're just asking  
24 for the opinion of Counsel.

25 COUNCILMAN MUSCARELLA: Maybe someone

1 can see the facility also, of Winters Brothers.

2 COMMISSIONER LENZ: Can set that up  
3 also.

4 COMMISSIONER BERGIN: Whenever we want  
5 to go.

6 SUPERVISOR SALADINO: All right.

7 We are just asking for the opinion of  
8 Counsel who worked on this to ensure that our  
9 contract and any other factors allow for this week  
10 delay and what are the ramifications?

11 We, obviously, want to -- we are very  
12 proud to go to single stream, we are very proud of  
13 the process that we reached out to any and every  
14 entity and we're very proud that we adhered to the  
15 law and we adhered to the ethics of this. But I  
16 don't have a problem with giving the Councilman one  
17 week to get all his questions answered and then to  
18 reconvene in a Special Board Meeting.

19 Yes, sir, Mr. Nocella.

20 MR. NOCELLA: Yes. It was brought to  
21 my attention that rather than call a Special  
22 Meeting, you need only adjourn this meeting to be  
23 resumed at a date when you're ready to call  
24 everybody back together for these purposes, for  
25 voting on the Resolution.

1 SUPERVISOR SALADINO: On this one item?

2 MR. NOCELLA: Yes.

3 SUPERVISOR SALADINO: All right.

4 I'm going to have to ask for a motion  
5 then.

6 COUNCILMAN MUSCARELLA: Later we'll do  
7 that. We have to go through the voting. I'll do  
8 that at the end.

9 SUPERVISOR SALADINO: Okay.

10 Fair enough.

11 MR. ALTADONNA: I think we should --  
12 because right now we have on the table 507, 508,  
13 509 and 526, and I called the whole calendar so I  
14 think we should have the motion to adjourn  
15 Resolution 520 to date certain and then I can call  
16 the whole calendar.

17 COUNCILMAN MUSCARELLA: Okay. Let's  
18 look at the dates.

19 A week from today?

20 MR. ALTADONNA: Whatever the Board  
21 decides.

22 COUNCILMAN MACAGNONE: I'll make myself  
23 available when anybody needs me.

24 SUPERVISOR SALADINO: A week from today  
25 is the 22nd.

1 COUNCILMAN MUSCARELLA: So we will go  
2 to the 22nd.

3 MR. ALTADONNA: Okay.

4 May I have a motion to adjourn  
5 Resolution 520 to August 22nd?

6 COUNCILMAN MUSCARELLA: 10:00 a.m.

7 MR. ALTADONNA: At 10:00 a.m.

8 MR. MUSCARELLA: So moved.

9 COUNCILMAN MACAGNONE: Second.

10 And I want to thank the Board also for  
11 indulging me in this, and the Supervisor.

12 SUPERVISOR SALADINO: You're welcome.

13 MR. ALTADONNA: Motion was made by  
14 Councilman Muscarella, seconded by Councilman  
15 Macagnone.

16 On the vote.

17 Supervisor Saladino?

18 SUPERVISOR SALADINO: "Aye."

19 MR. ALTADONNA: Councilman Muscarella?

20 COUNCILMAN MUSCARELLA: "Aye."

21 MR. ALTADONNA: Councilman Macagnone?

22 COUNCILMAN MACAGNONE: "Aye."

23 MR. ALTADONNA: Councilwoman Alesia is  
24 absent.

25 Councilwoman Johnson?

1 COUNCILWOMAN JOHNSON: "Aye."

2 MR. ALTADONNA: Councilman Imbroto?

3 COUNCILMAN IMBROTO: I vote "Aye."

4 And I think that it's the right thing.

5 We don't want there to be a perception that we

6 rushed into this. We want this to be successful

7 and I think after we have a chance to look at it, I

8 think it will, so I vote "Aye."

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. ALTADONNA: Motion to adjourn

12 Resolution 520 to August 22nd at 10:00 a.m. passes

13 with six "Ayes."

14 Now, we can call the regular Action

15 Calendar for a vote.

16 Is everybody prepared to vote on the

17 regular Action Calendar?

18 SUPERVISOR SALADINO: Yes.

19 COUNCILMAN MACAGNONE: You're funny

20 now, huh, clerk?

21 MR. ALTADONNA: Yes. Yes.

22 Supervisor Saladino?

23 SUPERVISOR SALADINO: "Aye."

24 MR. ALTADONNA: Councilman Muscarella?

25 COUNCILMAN MUSCARELLA: "Aye."

1 MR. ALTADONNA: Councilman Macagnone?

2 COUNCILMAN MACAGNONE: "Aye."

3 MR. ALTADONNA: Councilwoman Alesia is  
4 absent.

5 Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: "Aye."

7 MR. ALTADONNA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: "Aye."

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. ALTADONNA: Motion to adopt  
12 Resolution Nos. P19-17 through Resolution Nos. 527,  
13 noting that 507, 508, 509, 526 was tabled and  
14 Resolution 520 was adjourned to August 22nd at  
15 10:00 a.m. passes with six "Ayes."

16 The calendar is complete, Supervisor.

17 SUPERVISOR SALADINO: Thank you so  
18 much.

19 May I have a motion to close?

20 COUNCILMAN MUSCARELLA: Supervisor, I  
21 make a motion to adjourn this meeting to August 22,  
22 2017, at 10:00 a.m.

23 COUNCILMAN MACAGNONE: Second.

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



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed,  
"Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have  
it.

Thank you very much and now we'll begin  
our public comment portion of the meeting.

(TIME NOTED: 2:45 P.M.)