

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
March 23, 2021
7:18 p.m.

HEARING P-1-21

To consider the application of Dejana Industries, LLC, Lessee, 135-165 Cantiague Rock Road, LLC, Fee Owner, for a Special Use Permit and Site Plan Approval for premises located at 135-165 Cantiague Rock Road, Westbury. (M.D. 2/16/21 #18).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good evening,
2 ladies and gentlemen, and welcome to the Town of
3 Oyster Bay's Town Board meeting for the evening of
4 March 23, 2021.

5 I'm joined here in Town Hall by our
6 Town Clerk, Rich LaMarca. I am joined by
7 Councilwoman Vicki Walsh, Councilwoman Michele
8 Johnson, Councilman Tom Hand and Councilwoman Laura
9 Maier.

10 On the phone for this meeting will be
11 Councilman Steve Labriola.

12 Steve, can you hear us?

13 (Whereupon, there was no response from
14 Councilman Labriola.)

15 SUPERVISOR SALADINO: And Councilman
16 Lou Imbroto.

17 Lou, can you hear us?

18 COUNCILMAN LABRIOLA: Yes. Yes, I'm
19 present, Supervisor.

20 This is Steve Labriola.

21 SUPERVISOR SALADINO: Okay.

22 For the --

23 COUNCILMAN IMBROTO: Councilman Lou
24 Imbroto hears you loud and clear.

25 SUPERVISOR SALADINO: Great.

1 As always, every time you would like to
2 speak, please begin by stating your name just to
3 bring clarity of who's on the phone.

4 Ladies and gentlemen, this meeting is
5 being held virtually. As the number of residents
6 getting vaccinated grows, we're very hopeful that
7 we will soon be back to hosting -- we will be soon
8 back hosting public meetings.

9 Obviously, we have been following the
10 recommendations of both the CDC and of Albany to
11 protect the public and to protect our workforce.

12 Having said this, please continue to
13 wear your masks, wash your hands and practice
14 social distancing.

15 You may have heard in the media some
16 European countries are seeing another surge and
17 closedowns are imminent for these nations and
18 cities, and this should be a concern to all of us
19 in New York State and in America, and, obviously,
20 what we do to contain this makes the difference, so
21 please stay safe and stay TOB strong.

22 We thank everyone for their patience in
23 working with us within these parameters in the
24 interest of safety and the well-being of everyone.

25 As I mentioned just before, we're

1 joined by Councilwoman Michele Johnson, Councilman
2 Lou Imbroto on the phone, Councilman Tom Hand here,
3 Councilman Steve Labriola on the phone,
4 Councilwoman Laura Maier here, Councilwoman Vicki
5 Walsh is here, and we're also joined on the phone
6 by our Tax Receiver, Jeff Pravato.

7 I would like to take a moment to
8 recognize so many who continue to be a tremendous
9 help of our Town workforce and everyone who has
10 been here to be part of this. These proceedings
11 are being recorded and will later be transcribed,
12 and because of the way we have to do these meetings
13 at this time, we're accepting public comment via
14 mail and e-mail.

15 We want you to know that your voice is
16 very important to all of us. Statements and
17 comments and input from the public, relative to our
18 meetings, they're always welcomed and respected as
19 part of the record, and it's part of our work in
20 judging applications and hearings and so forth.

21 With respect to tonight's hearing, you
22 have 10 days to submit your comments. They may be
23 e-mailed to publiccomment@oysterbay-ny.gov.

24 I'll say that again. One word -- our
25 e-mail address is publiccomment@oysterbay-ny.gov.

1 You may mail us at the Office of the
2 Town Attorney, 54 Audrey Avenue, Oyster Bay,
3 New York 11771.

4 And now, I ask you to join all of us.

5 Councilwoman Laura Maier, would you
6 lead us in the Pledge of Allegiance?

7 COUNCILWOMAN MAIER: Good evening,
8 everyone. Hand over heart and repeat after me.

9 (Whereupon, the Pledge of Allegiance
10 was recited by Councilwoman Laura Maier.)

11 SUPERVISOR SALADINO: And if I may ask
12 for a moment -- if we'll all bow our heads, and as
13 I lead us in how we begin every meeting with prayer
14 -- Lord, give us the strength, the wisdom, the
15 courage, the experience, and all that's needed to
16 lead this wonderful Town, its residents, its
17 employees, and all who make the Town of Oyster Bay
18 the incredible municipality that it is. Please
19 bless all of us, including our Board members and
20 their families. Please bless our heroes in
21 healthcare, all of our veterans all fighting for
22 us, and let's take a moment now to remember an
23 incredible young man who was an inspiration to all
24 of us. He is the son of our Parks Commissioner.

25 God took Vincent Pinto this past Sunday

1 morning, a young man who had struggled throughout
2 his entire life with physical disabilities, but
3 through his struggles, he showed us the meaning of
4 true strength, and through this, his parents taught
5 us the meaning of true love.

6 Please take Vincent Pinto into Your
7 kingdom. May he rest in peace. Amen.

8 ALL: Amen.

9 SUPERVISOR SALADINO: Thank you.

10 As we think of Vincent, as we think of
11 others who have passed, stricken by COVID-19, we
12 also appreciate the work of our healthcare heroes,
13 our brave doctors and nurses, everyone who works in
14 healthcare as they continue to operate on the
15 frontlines and administer to the sick.

16 I also want to recognize, again, this
17 is Women's History Month, and there have been so
18 many incredible women through the history of this
19 Town, the history of this State, and this Nation,
20 but I want to especially recognize the wonderful
21 women of this administration, including our
22 commissioners, and especially the women on this
23 Town Board -- Michele and Vicki and Laura -- you
24 inspire us each and every day, and we appreciate
25 the way you inspire young people -- young men and

1 women, young boys and girls -- to aspire to this
2 noble profession.

3 Thank you to all of you, and thank you
4 to our heroes.

5 Just a few announcements before we
6 start our regular --

7 COUNCILWOMAN JOHNSON: Supervisor, I
8 just want to say thank you -- a special thank you
9 to all of our -- my assistant and I'm sure you guys
10 all feel the same way about your assistants -- you
11 get us where we need to go, so I just wanted to add
12 that in.

13 SUPERVISOR SALADINO: Thank you,
14 Councilwoman.

15 They -- all of our assistants do an
16 amazing job, especially in the Town Board, and
17 that's much appreciated.

18 I have just a few quick announcements
19 before we take our attendance and get our meeting
20 started.

21 Thank you to everyone who donated blood
22 at the Town's blood drive held last week at the
23 Hicksville Athletic Center. It was a huge success,
24 and it wouldn't have been without our donors, so
25 thank you to the public, thank you to our Town

1 employees who donated. Your donations will save
2 many lives.

3 Councilwoman Johnson and Councilman
4 Hand did a great job in coordinating this
5 initiative, and I commend them for their efforts as
6 we collected enough donations to save over 100
7 lives. Let's give them a hand.

8 (Whereupon, there was a round of
9 applause.)

10 SUPERVISOR SALADINO: Thank you to
11 everyone, all of our Board members, everyone who
12 played a role.

13 We also want to thank everyone who
14 supported the Town's two recent polar plunges --
15 both benefitting great causes.

16 The Cerebral Palsy Polar Plunge,
17 typically held at Theodore Roosevelt Park in Oyster
18 Bay, was held virtually, although I went in the
19 water as part of the virtual -- it wasn't virtual
20 the day I went in that's for sure -- but people
21 continued to do this virtually, which means they
22 jumped in the bathtub or did whatever they could to
23 keep those donations going to Cerebral Palsy, a
24 very important organization doing great work.

25 It was somewhat virtual, but Russ

1 Lundstrum of the Coach Meeting House in Oyster Bay
2 and I were filmed going in the water, and that's
3 shown during the virtual event. It was a lot of
4 fun.

5 Rich, I didn't see you jump in the
6 water this year.

7 What happened.

8 (Whereupon, there was laughter from the
9 Board members.)

10 MR. LaMARCA: I was out with COVID.

11 SUPERVISOR SALADINO: Oh, okay. All
12 right. Well, God bless.

13 Well, next year you're coming in the
14 water with me --

15 MR. LaMARCA: You got it.

16 SUPERVISOR SALADINO: -- otherwise Lou
17 Imbroto's going to tag you because he's been
18 jumping in consistently year after year.

19 We had a number of participants on the
20 South Shore, Councilwoman Laura Maier was there all
21 ready, and Councilman Tom Hand was watching from a
22 very safe distance on dry land.

23 (Whereupon, there was laughter from the
24 Board members.)

25 SUPERVISOR SALADINO: They were

1 cheering on the plungers as all of us ran into the
2 water at Tobay following an extensive list of COVID
3 safety protocols.

4 Thank you, everyone, who braved the
5 frigid waters. They were all Freezin' for a
6 Reason.

7 Long Island Cares has partnered with
8 the Town of Oyster Bay to collect pet food and
9 supplies for those in need of assistance. The
10 drive, initiated by Councilman Tom Hand, will take
11 place -- and it continues on through April 15th
12 with the focus on collecting for the family members
13 most vulnerable to hunger, and that's our pets.

14 We love our pets. I have Captain at
15 home and always look forward to taking him for
16 those weekend walks. I know so many of us have
17 among our loved ones in our family are our pets,
18 and it's very important to us, and we hope to you,
19 too, so it's sad that struggling families have to
20 make choices in these very difficult times, but pet
21 food drives like this one can be a real lifesaver
22 for both pets and families.

23 Those interested in supporting the pet
24 food drive can bring donated items to Town Hall
25 North, Town Hall South, or the Town of Oyster Bay

1 Ice Skating Center in Bethpage.

2 For more information visit
3 www.licares.org. That's licares.org, call the
4 Town's Public Information Office at 516-624-6380,
5 or visit our website, oysterbaytown.com.

6 Councilwoman Johnson invites residents
7 who love visiting the beach and want to help
8 protect the shoreline to the Town of Oyster Bay's
9 annual Dune Day, scheduled for Saturday, March 27th,
10 at Tobay Beach, that's this Saturday. The event
11 begins at 10:00 a.m. by the dunes at Tobay. If
12 you're interested in volunteering, contact the
13 Department of Environmental Resources by calling
14 516-677-5943.

15 And, lastly, we invite residents to
16 nominate their neighbors for the Town's 2021 Women
17 of Distinction Awards Program. That's also always
18 a very special program here, and we've had so many
19 incredible women that have been our honorees, and
20 we look forward to the 2021 Awards Program.

21 Together we continue to recognize
22 extraordinary women who go above and beyond to
23 improve the lives of those around them. If you
24 know a special woman, and you would like to make
25 your community a better place, and you would like

1 to have this special woman honored, we invite you
2 to nominate her by visiting [oysterbaytown.com/
3 nominate](http://oysterbaytown.com/nominate).

4 Now, let's move forward with the
5 evening's business.

6 But, again, a big thank you to everyone
7 involved in all of these programs that I mentioned.

8 And this is, just as they say, the tip
9 of the iceberg because there are so many great
10 programs the Town of Oyster Bay is involved in
11 including getting ready for the best Summer you
12 have ever experienced in this Town.

13 Oh, boy, I've been speaking to the
14 commissioners, we've got great concerts, great
15 movies, all sorts of wonderful drive-ins and
16 different events to shed off the COVID issues, and
17 come enjoy yourselves with your family in a safe
18 fashion.

19 You can find out about all of our
20 programs by going to our Town of Oyster Bay
21 website, which is oysterbaytown.com.

22 And that's the information for now.

23 And with that, I ask you to please,
24 Rich LaMarca, please go down the attendance list
25 for today's Board meeting of March 23, 2021.

1 MR. LaMARCA: Supervisor Saladino?

2 SUPERVISOR SALADINO: Present.

3 MR. LaMARCA: Councilwoman Johnson?

4 SUPERVISOR SALADINO: You saw her here
5 just a moment ago. She will be right back.

6 MR. LaMARCA: Councilman Imbroto?

7 COUNCILMAN IMBROTO: Councilman Imbroto
8 is present.

9 MR. LaMARCA: Councilman Hand?

10 COUNCILMAN HAND: Present.

11 MR. LaMARCA: Councilman Labriola?

12 COUNCILMAN LABRIOLA: Councilman
13 Labriola, present.

14 MR. LaMARCA: Councilwoman Maier?

15 COUNCILWOMAN MAIER: Present.

16 MR. LaMARCA: Councilwoman Walsh?

17 COUNCILWOMAN WALSH: Present.

18 SUPERVISOR SALADINO: All right.

19 As we just saw her here a moment ago,
20 here she is, Michele Johnson, present, Councilwoman
21 Michele Johnson.

22 So would you please begin our Board
23 meeting by calling the first hearing?

24 MR. LaMARCA: Tonight's hearing is to
25 consider the application of Dejana Industries, LLC,

1 Lessee, 135-165 Cantiague Rock Road, LLC, Fee
2 Owner, for a Special Use Permit and Site Plan
3 Approval for premises located at 135-165 Cantiague
4 Rock Road, Westbury.

5 SUPERVISOR SALADINO: Counselor, would
6 you please begin by stating your presence?

7 MR. AVRUTINE: Good evening,
8 Mr. Supervisor, Members of the Board.

9 Appearing for the applicant, Howard
10 Avrutine, 575 Underhill Boulevard, Syosset.

11 This is the application of
12 135-165 Cantiague Rock Road, LLC, and Dejana
13 Industries, Inc. for a Special Use Permit to
14 utilize a portion of the premises under application
15 for automotive repairs and automotive bodywork
16 including spray painting.

17 The premises under application is
18 located on the westerly side of Cantiague Rock
19 Road; 1,255.35 feet north of West John Street in
20 Hicksville. It has a street address of
21 165 Cantiague Rock Road. It also known as Section
22 11, Block 441, Lot 49 on the Nassau County Land and
23 Tax Map.

24 The premises has a lot area of 125,313
25 square feet or 2.877 acres. It is developed with a

1 one-story masonry industrial building and accessory
2 parking. The existing building was constructed in
3 1991, and the premises is developed in accordance
4 with a site plan that was approved at that time.

5 The surrounding area -- this is the
6 industrial portion of Cantiague Rock Road just
7 north of West John Street. The subject premises,
8 of course, is zoned "LI" Light Industry Zoning
9 District and has the industrial building as I
10 described.

11 Directly to the south abutting the
12 subject property to the south is the Nassau County
13 BOCES Administrative Center. Abutting to the north
14 is an industrial building that was previously
15 occupied by a solar panel company. Inspecting the
16 premises today, it appears that they are no longer
17 there. It did not appear that a new tenant has
18 moved in.

19 On the -- opposite the premises on the
20 easterly side of Cantiague Rock Road, we have the
21 Nassau County Department of Public Works garage
22 facility and various industrial buildings as well.

23 And to the south -- further to the
24 south of the subject property adjacent to the BOCES
25 center is a lighting manufacturer, a lighting

1 design center, as well as an establishment that is
2 a distributor of paper and envelopes and printing
3 services and office supplies.

4 There is -- abutting the premises to
5 its west in the rear is a Nassau County drainage
6 facility, and then further to the west are
7 residences zoned R1-7 Zoning District.

8 135-165 Cantiague Rock Road, LLC is the
9 owner of the property. Dejana Industries, Inc. is
10 a tenant of a portion of the building. The
11 remaining portion of the building is tenanted by an
12 entity called GYMA, that's G-Y-M-A, Laboratories of
13 America. They are a pharmaceutical distributor.
14 Nothing about them is before the Board tonight, but
15 I just wanted to give the Board the full picture of
16 the premises.

17 Dejana Industries -- and some of you
18 may be familiar with Dejana -- they provide
19 governmental entities and private business with
20 snow removal services, refuse pickup and disposal,
21 and street sweeping services.

22 This facility does two things for
23 Dejana. One, they have administrative offices as
24 part of the use of the space as depicted in the
25 floor plans that are part of the file that the

1 Board has before it, and, in addition, it is an
2 equipment shop where they repair their various
3 equipment and vehicles.

4 They've been at the premises for over
5 two years, and before they tenanted this portion of
6 the property, it was formerly a school bus depot
7 facility, so the existing configuration is there,
8 and they're using it as it previously existed.

9 They have heavy-duty commercial
10 vehicles -- payloaders, pick-up trucks, snow
11 melting equipment that's stand-alone as well as
12 attached to vehicles -- and they provide services,
13 really throughout the country, and this facility is
14 not a dispatch. It is solely for repairs as
15 needed.

16 When various equipment needs to be
17 repaired, it's brought to this facility. This
18 facility is a generic description automotive
19 repairs and bodywork, it creates an impression,
20 maybe, to some that this is sort of a retail place
21 where I can bring my car to get an oil change or
22 get bodywork done. That is not the case. This is
23 not open to the general public. This is solely for
24 Dejana Industries to maintain, repair and manage
25 their own fleet.

1 So I just wanted to make sure that the
2 Board was fully aware of the application here that
3 while generically it refers to an auto repairs and
4 body shop with a spray booth, it's not a -- what
5 one generally thinks of in that vein -- it is
6 solely for Dejana Industries, so they're highly
7 trained technicians and they control the workflow.

8 On average, they have about between 10
9 and 15 of their vehicles per month that come in.
10 They repair them, they take care of the needs, and
11 then the vehicles leave and go -- are recirculated
12 back into operation.

13 The hours of operation for the facility
14 are 7:00 a.m. to 5:00 p.m., Monday through
15 Saturday, they're closed on Sunday. They employ 30
16 people who work at the facility. This includes
17 office staff as well as shop workers.

18 They started the application process
19 culminating in this public hearing upon signing
20 their lease. They are unable to obtain approval
21 from the Nassau County Fire Marshal for their spray
22 paint booth because they need a Special Use Permit
23 from this Board before they can obtain that.

24 So, in order to be able to perform the
25 bodywork portion of their maintenance at the

1 facility, they need to get a spray booth, and so
2 they would be able to do that upon approval of the
3 Special Use Permit, which will authorize the
4 facility to operate as it does from this location.

5 Unfortunately, between normal
6 processing issues and the COVID pandemic, it took
7 awhile to get to this point where we have the
8 public hearing, and we're pleased to be able to be
9 here before you tonight to present the case and
10 describe the service that Dejana provides and the
11 employment opportunities that it also provides in
12 the Town of Oyster Bay.

13 This application has been determined to
14 be Type II under the New York State Environmental
15 Quality Review Act by the Town of Oyster Bay
16 Department of Environmental Services. That
17 concludes the -- when that declaration is made, it
18 terminates the environmental review process and
19 contains an inherent determination that no adverse
20 environmental impact will result. Town of Oyster
21 Bay Department of Planning and Development has
22 reviewed the file thoroughly and determined that
23 all site plan requirements have been satisfied.

24 As I indicated before, there's an
25 approved site plan from 1991 and the site plan that

1 is before you complies with that approved site plan
2 with some minor changes -- landscaping and similar
3 items -- maybe some parking space restriping and
4 reconfiguration.

5 In addition, Nassau County Department
6 of Public Works has reviewed the application
7 pursuant to Section 239-F of the General Municipal
8 Law and has recommended no changes.

9 If approved by this Board, a parking
10 variance will be required from the Zoning Board of
11 Appeals for insufficient parking, and that stems
12 from the zoning code requirement of four parking
13 spaces required for each service bay at the
14 facility.

15 There are several service bays, and in
16 a use like this, you can see how there's really no
17 requirement to have four-car parking for each
18 service bay because you don't have retail
19 customers, and, of course, we'll get into that more
20 if the Board approves the application and it winds
21 up at the Zoning Board of Appeals.

22 There is never, ever a parking problem
23 at this facility, and we wouldn't anticipate that
24 there ever would be. The people that park at the
25 facility are the employees, which is the office

1 staff, as well as the technicians that service the
2 vehicles.

3 There are 100 -- as a result of the
4 parking calculation calculating the bays as it
5 does, 148 spaces are required with 124 provided
6 on-site.

7 Unless the Board has questions of me at
8 this point, I would like to introduce the project
9 architect, Michael Mallia, to take the Board
10 through the site plan and explain the floor plan,
11 and also explain the state-of-the-art spray booth
12 that is proposed for the bodywork, which, just so
13 for the record, and for the Board's edification, it
14 is, as I said, state-of-the-art and very, very high
15 tech with all the appropriate filtration systems,
16 fully compliant with all Town of Oyster Bay, Nassau
17 County and New York State requirements, and would
18 be fully licensed by the Nassau County Fire
19 Marshal's office. So, all safeguards are there.

20 In addition, any oil or any
21 petroleum-based products that are dealt with from
22 the vehicles or fluids, all are managed in
23 accordance with all applicable law and are disposed
24 in complete and full accordance with all applicable
25 requirements.

1 SUPERVISOR SALADINO: Including all
2 paints and solvents?

3 MR. AVRUTINE: Of course, sir,
4 absolutely.

5 And they haven't been having them there
6 because they haven't done it, but it certainly will
7 be because, again, this is a -- this is an entity
8 that does a lot of governmental work. They do --
9 they perform services for many municipalities right
10 here in Nassau County, so they not only are
11 fastidious about these requirements, but they're
12 required to from their customers who make sure as a
13 governmental entity that companies that they deal
14 with comply with all necessary requirements.

15 So unless -- as I indicated, I would
16 like to call Mr. Mallia, and he can take the Board
17 through the site plan.

18 Come on up.

19 SUPERVISOR SALADINO: Counselor, what
20 I'm going to ask you to do is, if you can, have
21 that pointed to us during the presentation --

22 MR. AVRUTINE: Yes.

23 SUPERVISOR SALADINO: -- but then
24 afterwards, if you'll point that to the camera so
25 those watching -- it's on that post --

1 MR. AVRUTINE: Sure.

2 SUPERVISOR SALADINO: -- so that others
3 watching who would like to see this will be able to
4 see what we're talking about.

5 MR. AVRUTINE: Absolutely.

6 SUPERVISOR SALADINO: Thank you.

7 MR. AVRUTINE: It may be too small for
8 them to see.

9 SUPERVISOR SALADINO: It may be.

10 MR. AVRUTINE: I'll do the best I can.

11 SUPERVISOR SALADINO: Thank you.

12 MR. MALLIA: Good evening, ladies and
13 gentlemen of the Board.

14 My name is Michael Mallia from
15 DiProperzio & Mallia Architects. Office is located
16 at 499 Jericho Turnpike in Mineola.

17 I'd like to walk you through the site.

18 (Whereupon, a large display board with
19 multiple pages was presented to the Board members.)

20 MR. MALLIA: This is an aerial of the
21 site (indicating), and the site is located here on
22 Cantiague Road (pointing).

23 (Whereupon, Mr. Mallia presented a new
24 page on the display board to the Board members.)

25 MR. MALLIA: This is the building

1 (indicating). So this portion of the building is
2 the Dejana Industries, and this is the laboratory
3 (pointing). So we will go to a little larger --

4 (Whereupon, Mr. Mallia presented a new
5 page on the display board to the Board members.)

6 MR. MALLIA: This is the office layout
7 (indicating), and then this is where they do the
8 work on the vehicles (pointing). The spray booth
9 is this piece of equipment right here (pointing).
10 These are where they have -- they service their
11 vehicles (pointing), loading dock (pointing),
12 loading dock (pointing), and basically the spray
13 booth, which is what we're talking about here.

14 It's a very large spray booth that is a
15 fire-rated metal. It's tall so they can get their
16 equipment in there. It's got ventilation -- I'm
17 sorry --

18 MR. AVRUTINE: Filtration.

19 MR. MALLIA: -- it has the ventilation
20 and filtration units in it. It meets all of the
21 distance requirements for where the vents come out
22 of the roof. It's 30 feet away from all property
23 lines. And that's it.

24 Do you have any questions?

25 COUNCILWOMAN MAIER: Is this an

1 enclosed area?

2 MR. MALLIA: I'm sorry?

3 COUNCILWOMAN MAIER: The spray station,
4 is that enclosed?

5 MR. MALLIA: Yes. It's inside the
6 building.

7 COUNCILWOMAN MAIER: It's inside the
8 building?

9 MR. MALLIA: Yes.

10 COUNCILWOMAN MAIER: And the service
11 bays, are those, those rectangular things that
12 are --

13 MR. MALLIA: Yes. Yes. All of these
14 (pointing) are the service bays.

15 COUNCILWOMAN MAIER: How many are
16 there?

17 MR. MALLIA: There are 19.

18 COUNCILWOMAN MAIER: 19.

19 And is it like a garage.

20 MR. MALLIA: Yes.

21 COUNCILWOMAN MAIER: Okay.

22 COUNCILMAN HAND: Mr. Mallia, just
23 questions regarding the paint VOCs and the
24 remediation process in itself.

25 Could you add some color to that as far

1 as the filtration, the frequency of change and a
2 monitoring process?

3 Is there a monitoring process to ensure
4 that the filtration is --

5 MR. MALLIA: Well, these --

6 COUNCILWOMAN JOHNSON: Before you
7 continue, may I ask that you speak into the
8 microphone.

9 MR. MALLIA: I'm sorry. I'm sorry.

10 COUNCILWOMAN JOHNSON: Thank you.

11 MR. MALLIA: This spray booth is a
12 pre-fabricated spray booth, and all of the
13 filtration devices meet the code requirements for
14 the NFPA and the mechanical code, so what they are
15 exactly, I couldn't tell you, but I know that they
16 come pre-figured -- pre-configured to comply with
17 the code.

18 MR. AVRUTINE: Councilman Hand, if you
19 would like --

20 COUNCILWOMAN JOHNSON: I just have to
21 say that no one can hear you.

22 MR. AVRUTINE: Does this mic work
23 (pointing)?

24 COUNCILWOMAN JOHNSON: I don't know.

25 (Whereupon, a moment was taken to

1 disinfect the microphone area.)

2 COUNCILWOMAN JOHNSON: I'm sorry. I'm
3 not trying to interrupt.

4 MR. AVRUTINE: No, no. I want to make
5 sure the record is done properly.

6 COUNCILWOMAN JOHNSON: You probably
7 can't hear me either.

8 COUNCILWOMAN WALSH: Is your mike not
9 on?

10 MR. AVRUTINE: Can you hear me?

11 Is it working?

12 What I was saying was that if you would
13 like, we will submit to the Board the technical
14 specifications for the spray booth so that if the
15 Board wishes to have the technical staff review it,
16 that's certainly something we would be happy to do.

17 COUNCILMAN HAND: And just one quick
18 followup in regards to fire suppression.

19 Is there a fire suppression system in
20 the booth?

21 MR. MALLIA: Yes. Yes. It's required
22 by the Fire Marshal.

23 COUNCILMAN HAND: Okay. Very good.

24 SUPERVISOR SALADINO: Any questions?

25 Any questions?

1 Any other questions?

2 Councilman Imbroto, Councilman
3 Labriola, do you have any questions for the
4 applicant?

5 COUNCILMAN LABRIOLA: Yes, I do.

6 This is Councilman Labriola.

7 SUPERVISOR SALADINO: Yes.

8 Your question is?

9 COUNCILMAN LABRIOLA: Okay.

10 Mr. Mallia, when you describe the
11 ventilation filtration system, is there a -- I'm
12 thinking of something like a stack, a smokestack,
13 or something on top of that building, or is there
14 something else?

15 Could you just describe that, what that
16 looks like from the exterior?

17 MR. MALLIA: Yes. Yes, that's correct.

18 There's a 36-inch diameter vent that
19 comes out of the roof, and it's got a cap on it so
20 that it doesn't get water inside of it, and it is
21 offset from all the property lines as per the code
22 requirements.

23 COUNCILMAN LABRIOLA: Okay.

24 And you said it was 36 in diameter.

25 How high is it from the bottom of the

1 roof line?

2 MR. MALLIA: Yeah, it extends six feet
3 high. I'm sorry. Six feet. I'm sorry.

4 COUNCILMAN LABRIOLA: How high?

5 MR. MALLIA: Six feet.

6 COUNCILMAN LABRIOLA: Six feet, okay.

7 So my question really is about -- I
8 guess it's as plain as I can say it is, if you were
9 to be standing near that stack, when the filtration
10 system is finished, what is it that you would
11 actually -- what is the fume or the smell that a
12 resident or some other person might have at that
13 top of the stack, and then can you tell me is it
14 possible that the residents, who I think the
15 nearest one is about 75 feet away, what they might
16 possibly smell if the winds or the prevailing wind
17 happens to go in that direction?

18 Is their filtration system so complete
19 and thorough that they smell nothing?

20 MR. MALLIA: That is the -- the goal of
21 that filtration system is that they smell nothing,
22 yes.

23 COUNCILMAN LABRIOLA: Okay.

24 And you're going to submit those
25 technical specs to our engineers in the Town?

1 And is, you know, is that something
2 that you're confident about, that that is the way
3 the system works?

4 MR. MALLIA: Yeah --

5 COUNCILMAN LABRIOLA: That they come
6 with a zero -- a zero, you know, zero fumes?

7 MR. MALLIA: Well, by the time it would
8 get to the 30 feet away from the property line, it
9 would be become negligible, so, yes, I would be
10 confident in stating that.

11 MR. AVRUTINE: Councilman Labriola?

12 COUNCILMAN LABRIOLA: Thank you for
13 that. Thank you.

14 MR. AVRUTINE: Councilman Labriola, I'd
15 like to add to that -- and this is of great
16 significance -- any spray booth of this nature in
17 Nassau County must be approved by the Nassau County
18 Fire Marshal for -- after demonstration that the
19 design and the specifications meet all County
20 requirements.

21 So this is designed in a way that all
22 such requirements are satisfied, and the design
23 drawings and plans for any spray booth, including
24 this one, must be reviewed, approved and licensed
25 by the Nassau County Fire Marshal before it can be

1 installed and operated, and it must be demonstrated
2 that it satisfies all requirements 100 percent in
3 terms of safety to the community and in terms of
4 filtration, as has been discussed, the dimensions
5 and the nature of the filtration, the distance of
6 the stack on the roof from the property line as
7 Mr. Mallia indicated, so all of this is highly
8 regulated by the Nassau County Fire Marshal's
9 office.

10 But as I indicated before, and I'll say
11 it again now, we will submit all of the technical
12 specifications so that they can be reviewed by the
13 Town's technical staff if that's what you would
14 like to have done.

15 COUNCILMAN LABRIOLA: Well, yes --

16 COUNCILMAN IMBROTO: Thank you,
17 Mr. Avrutine.

18 Councilman Imbroto.

19 Just to follow up on what Councilman
20 Labriola was saying and what you were just saying,
21 the Fire Marshal is not going to review it for odor
22 though, right? They're reviewing it for, like,
23 safety? I think probably one of the major concerns
24 with this use for the neighborhood would be odor.

25 Does the Fire Marshal review for odor?

1 MR. AVRUTINE: Well --

2 MR. MALLIA: Well, the booth has to
3 comply with the New York State Mechanical Code, and
4 the mechanical code takes that into consideration;
5 that no hazardous fumes are penetrated into the
6 surrounding neighborhood, so when it meets the
7 mechanical code --

8 COUNCILMAN IMBROTO: But hazardous
9 doesn't mean that it's -- they can be nonhazardous
10 but still be annoying, or they might bother people
11 even without them being hazardous.

12 We have experienced this in other areas
13 where the fumes -- the smell of fumes -- while not
14 hazardous is still bothersome to neighbors.

15 Is there any assurance you can give us
16 that that wouldn't be the case here?

17 MR. MALLIA: Well, the word they use is
18 a nuisance, so the odors would not be nuisance, so
19 that's what the mechanical code would classify the
20 odors coming out of the spray booth. It would not
21 be a nuisance.

22 COUNCILMAN IMBROTO: Okay.

23 Is odor quantifiable in that way where
24 it's measurable if the wind is blowing?

25 Is it different than on a calm day --

1 MR. AVRUTINE: Well, I would say
2 this --

3 COUNCILMAN IMBROTO: -- can you speak
4 to that?

5 MR. AVRUTINE: If I could speak to that
6 Councilman. I don't know if you have the benefit
7 at looking at the radius map --

8 COUNCILMAN IMBROTO: Yes.

9 MR. AVRUTINE: And -- So in looking at
10 it you'll see that while there are residences to
11 the north and to the west, that none of them abut
12 the premises, and there -- it seems to me that the
13 very closest residence is at least 75 feet, if not
14 more.

15 COUNCILMAN IMBROTO: Yeah, they don't
16 seem to be that close.

17 I was just asking because your answer
18 seemed to focus more on review by the Fire Marshal
19 and safety hazards, and that is certainly a
20 concern, but also a concern is the neighbors
21 smelling these fumes, so I just want to make sure
22 that that is addressed, and you can give us
23 assurances that they will not, and if that does
24 become a problem in the future, that it will be
25 addressed.

1 MR. AVRUTINE: Well, of course, if it
2 did become an issue in the future, it certainly
3 would be addressed.

4 I can't guarantee that no one will ever
5 smell anything, but I can guarantee that this will
6 comply with all the regulations regarding the
7 emission of odors, so -- and certainly the issue of
8 toxicity must, obviously, be complied with, and as
9 far as smells, if -- we don't believe there will be
10 a problem, but I cannot assure the Board that there
11 will never be a problem because I never do that,
12 because I always wind up being wrong, so --

13 COUNCILMAN IMBROTO: Fair enough,
14 Mr. Avrutine, and that's why I respect you as an
15 attorney. You're always straightforward with us,
16 and I appreciate that. I appreciate your answer.

17 MR. AVRUTINE: And we will certainly --
18 this is a fine company and a good corporate citizen
19 and a long time operator in the County of Nassau,
20 and they want to be a long-time business person in
21 the Town of Oyster Bay and will work very closely
22 with the Town to ensure that its operation bothers
23 no one.

24 COUNCILMAN IMBROTO: Thank you.

25 SUPERVISOR SALADINO: Are there any

1 other questions of any of the Board members?

2 COUNCILWOMAN MAIER: I have a quick
3 question.

4 SUPERVISOR SALADINO: Go right ahead.

5 COUNCILWOMAN MAIER: I think you kind
6 of talked about the odor thing a little bit, and I
7 guess I kind of echo those sentiments, too, with
8 the odor emissions piece because I don't know if
9 they necessarily are able to really -- the radius
10 piece how far the odor is able to transmit.

11 Listen, I own a fast food restaurant.
12 I've been blamed a few times for, you know, the
13 smell of cheeseburgers going down the street, so
14 I'm very sensitive to that, but have there been any
15 complaints over the years from residents, I guess,
16 with noise issues of that nature?

17 Do either of you know that?

18 (Whereupon, a moment was taken to
19 disinfect the podium between speakers.)

20 COUNCILWOMAN MAIER: So noise issues,
21 and do we know how long if they're working on the
22 vehicles, how long they're parked there; do you
23 know?

24 You said an average of 10 to 15
25 vehicles per week?

1 MR. AVRUTINE: No. Per month.

2 COUNCILWOMAN MAIER: Per month?

3 MR. AVRUTINE: Per month.

4 I think, and Mr. Whitman is here and
5 can speak in more to those details, I suspect that
6 if you took a look, if you drove down there, you'd
7 see large commercial vehicles, and it's not like
8 you bring your car in and they fix it in half a day
9 or a day and a half, whatever it is.

10 Sometimes these vehicle are probably
11 there for an extended period of time so that
12 various things are being repaired and maintained
13 with them, and I'll have Mr. Whitman come up in a
14 moment and expand upon that, but, to my knowledge,
15 there have been no complaints, no community
16 problems.

17 If you look at the radius map, and if
18 you have a chance to drive by, you will see that
19 this property is kind of isolated, so there's --
20 there would never be a parking problem because if
21 you can't park on-site here. You're not going
22 here. There's no where else to park, and so -- but
23 that hasn't been a problem, nor will it be.

24 As far as any community problems, as
25 you can also see from the radius, it's not close

1 really to any residential property, and the sound
2 wouldn't emanate because in the vast majority of
3 instances, the work is done with the garage doors
4 closed, so -- and they're very, very cautious and
5 careful to conduct themselves in that way.

6 COUNCILWOMAN MAIER: I appreciate it.

7 Do you know how high those trees are
8 that abut that property to, I guess, is it the west
9 side of it?

10 MR. AVRUTINE: I don't know how high
11 the trees are, no, but I know that there is a --
12 the Nassau County drainage facility is treed, and
13 there is quite a bit of growth there, and the
14 periphery and the perimeter of the subject premises
15 has plantings as per the approved site plan from
16 1991.

17 COUNCILWOMAN MAIER: Okay.

18 MR. AVRUTINE: Mr. Whitman, can I --
19 wait, before you step up, it's got to get cleaned.

20 COUNCILMAN IMBROTO: Mr. Avrutine, this
21 is Councilman Imbroto again.

22 What's happened in the past is that
23 sometimes when these filtration systems stop
24 working, when they break down, that's what often
25 leads to the noxious odors penetrating a

1 neighborhood.

2 Would your client be willing to agree
3 to cease operations should the filtration system
4 cease to function or break down in any way?

5 MR. AVRUTINE: Well, certainly, they're
6 not going to operate if the system is not working
7 well, and, I think, Councilman Imbroto, what
8 sometimes you find with smaller businesses, there
9 might be a little bit of a less of an attention to
10 maintenance of the filtration systems and things of
11 that nature. They're busy working, you know, it's
12 a smaller operation. It's a tougher nut to meet
13 every month, and they don't necessarily focus as
14 much as they should on these types of issues.
15 That's not what you're going to find with this
16 company. Their focus is fully on doing the right
17 thing. They have a maintenance system in place --
18 scheduled maintenance -- and they do all those
19 things, and I'll let Mr. Whitman explain a little
20 bit more about how they operate.

21 COUNCILMAN IMBROTO: Okay.

22 I appreciate that.

23 In the past, I'm just going through
24 some of the previous situations that were similar
25 to this where we did have odor complaints, and it

1 seemed like in one situation the system broke, and
2 they were waiting for a part for quite a while but
3 continued to use the spray system until the part
4 arrived and the filtration unit could be fixed.

5 Would your client agree not to do that?

6 MR. AVRUTINE: I'll ask him.

7 Mr. Whitman, would you give your name
8 and address for the record, please?

9 MR. WHITMAN: My name is Delos Whitman,
10 and I work at 165 Cantiague. I am the Engineering
11 Manager.

12 All I can say to that is now currently
13 we use two paint booths in Nassau County and in
14 Suffolk. Ten miles, fifteen miles down the road in
15 Ronkonkoma that's where we get our things painted
16 because we haven't had this booth up.

17 If something breaks down, we have to
18 fix it. If anyone -- including when employees like
19 the shop manager -- if he smells anything, he
20 immediately stops anyone in our previous building
21 because no one wants to get paint on their car, no
22 one wants to smell -- so it's usually self-governed
23 that we'll shut something down if there is a
24 problem. You know, if there's too much exhaust
25 emissions, if there's any sort of smell because

1 employees too are, you know, they're very -- the
2 smell gets to the employees long before anyone
3 surrounding the building does, so they're usually
4 what gets us going --

5 MR. AVRUTINE: So would then -- would
6 you agree -- would your company agree that if that
7 were to happen, that they would cease using the
8 booth until such time?

9 COUNCILMAN IMBROTO: Would they agree
10 to a covenant to that effect?

11 Because, you know, your client is,
12 obviously, a responsible citizen from what you're
13 telling us, but we have to plan for the future in
14 case they're not the ones that are there any more,
15 and we have had the situation that, you know, seems
16 unlikely that the filtration system would shut down
17 and the operation would continue, but we have dealt
18 with that in the past, so we don't want to be
19 dealing with that in the future.

20 Would you agree to a covenant to that
21 effect?

22 MR. WHITMAN: The filtration system on
23 this paint booth is state-of-the-art circa 2019, so
24 it's better than any paint booth on Long Island
25 that I know of --

1 MR. AVRUTINE: But, but --

2 MR. WHITMAN: -- with redundancies.

3 MR. AVRUTINE: Yes, but they,
4 obviously, they would agree to a condition in that
5 nature that they won't operate it if it's not
6 functioning the way it's designed and intended to
7 function. Certainly.

8 COUNCILMAN IMBROTO: Thank you.

9 SUPERVISOR SALADINO: Are there any
10 other questions from any other members of the
11 Board?

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

14 SUPERVISOR SALADINO: Okay.

15 Thank you, Mr. Whitman.

16 Mr. Avrutine, I have a few questions
17 for you.

18 MR. AVRUTINE: Certainly, sir.

19 SUPERVISOR SALADINO: You began by
20 speaking to the description of Dejana Industries'
21 proposed work at this site including that they are
22 not open to the general public. This is only and
23 solely for the purpose of repairing and reworking
24 and repainting and the bodywork and mechanics of
25 their own vehicles, and that they are not open to

1 the general public.

2 Will that ever change?

3 MR. AVRUTINE: No. That's not going to
4 change. That's what this facility is. It's solely
5 for their purposes.

6 SUPERVISOR SALADINO: So that's
7 permanent?

8 MR. AVRUTINE: Yes.

9 SUPERVISOR SALADINO: Thank you.
10 Our planning commission -- I'm sorry,
11 our Commissioner of Planning and Development,
12 Commissioner Leslie Maccarone, is with us in the
13 building this evening, and she has advised that if
14 we're favorable on this issue, they have suggested
15 some covenants and restrictions, and I wanted to go
16 over them with you to see if you agree on the
17 record.

18 Number one, that employees of the
19 facility must use parking spaces provided on the
20 subject's site and cannot and will never park on
21 the streets in the neighborhood or surrounding
22 streets.

23 MR. AVRUTINE: Yes.

24 Well, as I said before, yes, the answer
25 is yes, Supervisor.

1 SUPERVISOR SALADINO: Also that no
2 banners, flags -- with the exception of one
3 reasonably sized American flag -- no TV monitors,
4 no extraneous signs, none of these inflatables or
5 these fan-driven items, none of these will be --
6 signage and so forth will be allowed at the site.

7 MR. AVRUTINE: No. Because they're
8 not -- there's no -- I presume you're referring to
9 the ones that you see that are advertisements for
10 an establishment that try to draw attention.

11 The answer to that is no, sir, there
12 won't be.

13 SUPERVISOR SALADINO: Okay.

14 So you will agree to that covenant and
15 restriction too?

16 MR. AVRUTINE: Yes, we will.

17 SUPERVISOR SALADINO: And please let
18 the record reflect that we're not referring to
19 banning one reasonably sized American flag should
20 they decide to put that at the site.

21 Will they also --

22 MR. AVRUTINE: May I just ask the
23 question -- that, of course, does not preclude
24 signage with a name and identifying the property as
25 permitted under the regulations of the Town.

1 SUPERVISOR SALADINO: Of the code.

2 As per the code, it does not exclude
3 that, and, obviously, anything that they would
4 require special permission by the Zoning Board and
5 so forth, they would have to apply for.

6 MR. AVRUTINE: Right.

7 Because, obviously, they will -- they
8 do have signage already, but if they want to have a
9 sign that someone could see if they're bringing a
10 vehicle there, they have to be able to see the
11 name.

12 SUPERVISOR SALADINO: We understand
13 that, and that --

14 MR. AVRUTINE: I just want to make that
15 clear.

16 SUPERVISOR SALADINO: I appreciate
17 that.

18 Our code calls for that, but that is
19 limited in size and the placement and setbacks and
20 so forth.

21 MR. AVRUTINE: Yes, sir.

22 SUPERVISOR SALADINO: Okay.

23 And, in addition, another covenant and
24 restriction that they will keep -- we spent a lot
25 of time talking about the spray booth -- but one of

1 the big issues is that the company then needs to
2 agree to a covenant and restriction of keeping
3 those doors closed while painting, while doing
4 noisy bodywork -- especially during and immediately
5 following painting -- because that's, you know, a
6 Summer day comes around, you go by a body shop, all
7 the overhead garage doors are open, and that's
8 where that renders that filtration system
9 ineffective.

10 MR. AVRUTINE: Understood.

11 SUPERVISOR SALADINO: So will they
12 agree to that as well?

13 MR. AVRUTINE: Yes.

14 SUPERVISOR SALADINO: Okay.

15 And now just moving passed covenants
16 and restrictions, two questions: Have you been in
17 touch, any conversations with the neighborhood's
18 residents?

19 MR. AVRUTINE: I spoke with Joel Berse
20 from the Northwest Civic Association and the -- I
21 think there's a group of unified civics for
22 Hicksville -- and he had indicated that he had some
23 questions from the membership, but did not indicate
24 that they had any particular objections or
25 opposition.

1 SUPERVISOR SALADINO: There were no
2 complaints --

3 MR. AVRUTINE: None.

4 SUPERVISOR SALADINO: -- from any of
5 the local residents to any activities going on at
6 that site?

7 MR. AVRUTINE: As a matter of fact,
8 when I spoke to Mr. Berse, he didn't even realize
9 that the facility was already there.

10 SUPERVISOR SALADINO: The fact that he
11 mentioned that he has questions leads me to believe
12 you're entirely honest on that issue.

13 MR. AVRUTINE: Oh, absolutely.

14 SUPERVISOR SALADINO: And this is not
15 an issue of a covenant or restriction, and perhaps
16 it's a little personal, but you're right across the
17 street from Barry Tech BOCES Center.

18 MR. AVRUTINE: Yes. Right next to it.

19 SUPERVISOR SALADINO: Would they
20 consider voluntarily, cooperatively working with
21 BOCES to provide educational opportunities to their
22 students as it's associated with mechanics, auto
23 body and similar procedures?

24 MR. WHITMAN: We already hire BOCES
25 people.

1 MR. AVRUTINE: He said -- Mr. Whitman
2 says --

3 SUPERVISOR SALADINO: After graduation
4 he's referring to?

5 MR. AVRUTINE: Yes.

6 SUPERVISOR SALADINO: They have a
7 wonderful -- again, this is not a covenant or
8 restriction we're asking for -- but they have
9 wonderful programs for their students while
10 students. There is a -- and they also have a Board
11 there that deals directly with professionals in a
12 variety of fields associated with the kind of
13 programs that they provide, so may I use this
14 opportunity to suggest that you contact them should
15 you be interested in working with their students.

16 They're highly motivated and they're --
17 by collaborating with professionals, they fine tune
18 their programs to meet the needs of the industries
19 that these students would like to work in.

20 MR. AVRUTINE: Well, I would
21 certainly -- I'll suggest that Mr. Whitman discuss
22 that with his bosses and certainly encourage that
23 they do that.

24 SUPERVISOR SALADINO: Yes. It's an
25 excellent program, and both sides would probably

1 easily benefit from that relationship.

2 MR. AVRUTINE: Surely.

3 SUPERVISOR SALADINO: So on the doors,
4 you will agree to restrictions and covenants to
5 keep the doors -- overhead doors -- closed during
6 and immediately following painting and during noisy
7 bodywork and other work -- mechanical work?

8 MR. AVRUTINE: Yes. Yes, sir, we will.

9 SUPERVISOR SALADINO: Great.

10 Then I'm all done with my questions.

11 Is there anyone else who would like to
12 add anything to this?

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

15 SUPERVISOR SALADINO: Okay.

16 Please proceed with your wrapup.

17 MR. AVRUTINE: I know when to stop, and
18 this would be time. That would complete our
19 application.

20 Unless the Board or anyone else has any
21 comments or questions, we would respectfully
22 request that the application be approved as
23 submitted with the stipulations and conditions that
24 the Supervisor has put on the record.

25 SUPERVISOR SALADINO: And we do want --

1 Thank you.

2 Greatly appreciate your coming in this
3 evening.

4 MR. AVRUTINE: Thank you.

5 Would the Board like us to submit those
6 technical specs?

7 (Whereupon, Councilman Hand nodded in
8 affirmation.)

9 MR. AVRUTINE: I will take care of
10 that.

11 SUPERVISOR SALADINO: Please.

12 MR. AVRUTINE: Absolutely.

13 SUPERVISOR SALADINO: So if the public
14 would like to comment on this hearing, they can do
15 so by e-mailing publiccomment@oysterbay-ny.gov or
16 mail us at the Office of the Town Attorney,
17 54 Audrey Avenue, Oyster Bay, New York 11771.

18 And if you are unable to get through
19 either of these paths, you can always call my
20 office, which is 516-624-6350, or feel free to
21 contact the Town Board office as well.

22 MR. AVRUTINE: Thank you so much.

23 SUPERVISOR SALADINO: Thank you,
24 Mr. Avrutine.

25 Thank you very much.

1 MR. AVRUTINE: Good night, everyone.

2 SUPERVISOR SALADINO: And we will be
3 leaving this comment period open for at least a
4 minimum of ten days to submit comments in regard to
5 this hearing.

6 Thank you very much.

7 In a short while we will be proceeding
8 to our regular Action Calendar, but I believe we
9 have an Executive Session.

10 MR. LaMARCA: Supervisor?

11 SUPERVISOR SALADINO: Oh, I'm sorry.

12 MR. LaMARCA: Thank you.

13 SUPERVISOR SALADINO: Please.

14 MR. LaMARCA: Just some correspondence.

15 The attorney for the applicant has
16 filed his Affidavit of Service and Disclosure.

17 The communications are as follows:

18 We have memos from the Department of
19 Planning and Development including a review of the
20 required off-street parking.

21 The Nassau County Land and Tax Map
22 indicates the property is Section 11, Block 441,
23 Lot 49.

24 According to the Town of Oyster Bay
25 Zoning Maps, the property is located within a Light

1 Industry Zone.

2 There are no code compliance cases or
3 variances on the subject premises and no Town Board
4 Resolutions on file.

5 There is no further correspondence.

6 SUPERVISOR SALADINO: Thank you.

7 May I have a motion to close the
8 hearing?

9 COUNCILWOMAN JOHNSON: Supervisor, I
10 make a motion that this hearing be closed and
11 decision be reserved, but the record remain open
12 for ten days --

13 SUPERVISOR SALADINO: Yes.

14 COUNCILWOMAN JOHNSON: -- to allow for
15 further public comment.

16 SUPERVISOR SALADINO: Thank you,
17 Councilwoman Johnson.

18 May I have a second to that,
19 Councilman?

20 COUNCILMAN IMBROTO: Councilman Imbroto
21 seconds the motion.

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

24 ALL: "Aye."

25 SUPERVISOR SALADINO: Those opposed,

1 "Nay."

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

4 SUPERVISOR SALADINO: The "Ayes" have
5 it.

6 Thank you very much, and thank you to
7 the team who has come in this evening.

8 Next, we will be -- we will in just a
9 short while be heading to our regular Action
10 Calendar, but by law, we are going to take some
11 time for an Executive Session to confer with
12 counsel, and at this point, we need a motion for
13 that.

14 COUNCILWOMAN JOHNSON: Supervisor, I
15 make a motion that this Board go into Executive
16 Session for the purpose of discussing present,
17 pending litigation and/or personnel.

18 SUPERVISOR SALADINO: May I have a
19 second?

20 COUNCILMAN IMBROTO: Councilman
21 Imbroto --

22 (Whereupon, there was a disruption in
23 the telephone connection.)

24 SUPERVISOR SALADINO: Councilman
25 Imbroto, please state it again.

1 COUNCILMAN IMBROTO: Councilman Imbroto
2 seconds the motion made by Councilwoman Johnson.

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

5 ALL: "Aye."

6 SUPERVISOR SALADINO: Those opposed,
7 "Nay."

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

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

12 We will be back shortly after our
13 Executive Session to proceed with our regular
14 Action Calendar.

15 Thank you.

16 (Whereupon, the Executive Session began
17 at 8:15 p.m. and the proceedings resumed at
18 8:48 p.m. as follows:)

19 SUPERVISOR SALADINO: Clerk LaMarca,
20 would you please confirm that both Councilman
21 Labriola and Councilman Lou Imbroto are with us
22 live on the phone at this time?

23 COUNCILMAN IMBROTO: Councilman Imbroto
24 is here with you live on the phone.

25 MR. LaMARCA: Councilman Labriola?

1 COUNCILMAN LABRIOLA: Councilman
2 Labriola, present.

3 MR. LaMARCA: Thank you.

4 SUPERVISOR SALADINO: May I have a
5 motion to report on activities regarding Executive
6 Session?

7 COUNCILWOMAN JOHNSON: Supervisor, I
8 make a motion that the Executive Session be closed.

9 No action was taken.

10 SUPERVISOR SALADINO: Thank you,
11 Councilwoman Johnson.

12 May I have a second?

13 COUNCILMAN IMBROTO: Councilman Imbroto
14 seconds the motion made by Councilwoman Johnson.

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

17 ALL: "Aye."

18 SUPERVISOR SALADINO: Those opposed,
19 signify by saying, "Nay."

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

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

24 Thank you.

25 (TIME NOTED: 8:48 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
March 23, 2021
8:49 p.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: At this time,
2 would the Clerk please present our regular Action
3 Calendar?

4 MR. LaMARCA: Yes, Supervisor.

5 May I have a motion to table Resolution
6 No. 190-2021?

7 **RESOLUTION NO. 190-2021;** Resolution
8 pertaining to additional legal fees for Outside
9 Counsel Services in connection with a civil action
10 that was commenced in the State of Connecticut.
11 Account No. OTA A 1420 44110 000 0000. (M.D.
12 3/16/21 #17).

13 On the motion:

14 COUNCILWOMAN JOHNSON: So moved.

15 MR. LaMARCA: Motion made by
16 Councilwoman Johnson.

17 COUNCILMAN IMBROTO: Second by
18 Councilman Imbroto.

19 MR. LaMARCA: Seconded by Councilman
20 Imbroto.

21 On the vote:
22 Supervisor Saladino?

23 SUPERVISOR SALADINO: "Aye."

24 MR. LaMARCA: Councilwoman Johnson?

25 COUNCILWOMAN JOHNSON: "Aye."

1 MR. LaMARCA: Councilman Imbroto?

2 COUNCILMAN IMBROTO: "Aye."

3 MR. LaMARCA: Councilman Hand?

4 COUNCILMAN HAND: "Aye."

5 MR. LaMARCA: Councilman Labriola?

6 COUNCILMAN LABRIOLA: Councilman

7 Labriola, "Aye."

8 MR. LaMARCA: Councilwoman Maier?

9 COUNCILWOMAN MAIER: "Aye."

10 MR. LaMARCA: Councilwoman Walsh?

11 COUNCILWOMAN WALSH: "Aye."

12 MR. LaMARCA: Motion to table

13 Resolution No. 190-2021 passes with seven "Ayes"
14 and zero "Nays."

15 May I have a motion to suspend the
16 rules and add Resolution Nos. 191 through 193-2021?

17 **RESOLUTION NO. 191-2021;** Resolution
18 authorizing adoption of the Town of Oyster Bay
19 Health Emergency Plan. (M.D. 3/16/21 #18).

20 **RESOLUTION NO. 192-2021;** Resolution
21 authorizing the rejection of bids and request to
22 rebid Contract No. H20-206, Repairs to the
23 Hicksville Parking Facility Elevators. (M.D.
24 3/16/21 #19).

25 **RESOLUTION NO. 193-2021;** Resolution

1 directing the Town Clerk to publish a Notice of
2 Hearing on a Proposed Local Law entitled: "A Local
3 Law to Amend Section 246-5.5.34 Restrictions on
4 Sale of Vaping and Marijuana Products, Vape Shops,
5 Hookah Lounges, Marijuana Dispensaries and
6 Marijuana Shops, to Chapter 246 Zoning, of the Code
7 of the Town of Oyster Bay." Hearing date: March 30,
8 2021. (M.D. 3/16/21 #20).

9 On the motion:

10 COUNCILWOMAN JOHNSON: So moved.

11 MR. LaMARCA: Motion made by
12 Councilwoman Johnson.

13 COUNCILMAN IMBROTO: Second.

14 MR. LaMARCA: Seconded by Councilman
15 Imbroto.

16 COUNCILMAN IMBROTO: Councilman Imbroto
17 seconds.

18 MR. LaMARCA: On the vote:
19 Supervisor Saladino?

20 SUPERVISOR SALADINO: "Aye."

21 MR. LaMARCA: Councilwoman Johnson?

22 COUNCILWOMAN JOHNSON: "Aye."

23 MR. LaMARCA: Councilman Imbroto?

24 COUNCILMAN IMBROTO: "Aye."

25 MR. LaMARCA: Councilman Hand?

1 COUNCILMAN HAND: "Aye."

2 MR. LaMARCA: Councilman Labriola?

3 COUNCILMAN LABRIOLA: Councilman
4 Labriola, "Aye."

5 MR. LaMARCA: Councilwoman Maier?

6 COUNCILWOMAN MAIER: "Aye."

7 MR. LaMARCA: Councilwoman Walsh?

8 COUNCILWOMAN WALSH: "Aye."

9 MR. LaMARCA: Motion to suspend the
10 rules and add Resolution Nos. 191 through 193-2021
11 passes with seven "Ayes."

12 May I have a motion to re-suspend the
13 rules and add walked-on Resolution No. 194-2021,
14 which is a resolution authorizing extension for
15 Contract No. HTR17-163 requirements contract for
16 tree removal and trimming throughout the Town of
17 Oyster Bay for March 13, 2021 through June 10,
18 2021.

19 On the motion:

20 COUNCILWOMAN JOHNSON: So moved.

21 MR. LaMARCA: Motion made by
22 Councilwoman Johnson.

23 COUNCILMAN IMBROTO: Councilman
24 Imbroto, second.

25 MR. LaMARCA: Seconded by Councilman

1 Imbroto.

2 On the vote:

3 Supervisor Saladino?

4 SUPERVISOR SALADINO: "Aye."

5 MR. LaMARCA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: "Aye."

7 MR. LaMARCA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: "Aye."

9 MR. LaMARCA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. LaMARCA: Councilman Labriola?

12 COUNCILMAN LABRIOLA: Councilman

13 Labriola, "Aye."

14 MR. LaMARCA: Councilwoman Maier?

15 COUNCILWOMAN MAIER: "Aye."

16 MR. LaMARCA: Councilwoman Walsh?

17 COUNCILWOMAN WALSH: "Aye."

18 MR. LaMARCA: Motion to re-suspend the

19 rules of procedure and add walked-on Resolution

20 No. 194-2021 passes with seven "Ayes."

21 May I have a motion, please, to amend

22 Resolution No. 180-2021 to conform the Resolution

23 to the backup due to a Scribner's error. The

24 amended Resolution 180 should read \$262,500 rather

25 than the \$45,000 amount.

1 On the motion?

2 COUNCILWOMAN JOHNSON: So moved.

3 MR. LaMARCA: Motion made by
4 Councilwoman Johnson.

5 COUNCILMAN IMBROTO: Seconded by
6 Councilman Imbroto.

7 MR. LaMARCA: On the vote:
8 Supervisor Saladino?

9 SUPERVISOR SALADINO: "Aye."

10 MR. LaMARCA: Councilwoman Johnson?

11 COUNCILWOMAN JOHNSON: "Aye."

12 MR. LaMARCA: Councilman Imbroto?

13 COUNCILMAN IMBROTO: "Aye."

14 MR. LaMARCA: Councilman Hand?

15 COUNCILMAN HAND: "Aye."

16 MR. LaMARCA: Councilman Labriola?

17 COUNCILMAN LABRIOLA: Councilman
18 Labriola, "Aye."

19 MR. LaMARCA: Councilwoman Maier?

20 COUNCILWOMAN MAIER: "Aye."

21 MR. LaMARCA: Councilwoman Walsh?

22 COUNCILWOMAN WALSH: "Aye."

23 MR. LaMARCA: Motion to amend

24 Resolution No. 180-2021 passes with seven "Ayes."

25 May I have a motion, please, to adopt

1 Resolution No. P-6-21 through 179-2021, 180-2021 as
2 amended, and 191 through 194-2021.

3 **PERSONNEL RESOLUTION NO. P-6-21;**

4 Resolution pertaining to personnel of various
5 departments within the Town of Oyster Bay.

6 **TRANSFER OF FUNDS RESOLUTION NO.**

7 **TF-4-21;** Resolution pertaining to transfer of funds
8 within various departments' accounts for the Year
9 2021.

10 **RESOLUTION NO. 155-2021;** Resolution

11 authorizing a six-month extension of time in
12 connection with Resolution No. 269-2019, Petition
13 of Kimco Jericho, MI LLC, 585 North Broadway,
14 Jericho, New York, for a Special Use Permit and
15 Approved Site Plan, from the current expiration
16 date of November 7, 2020 to May 7, 2021. (M.D.
17 3/2/21 #6).

18 **RESOLUTION NO. 156-2021;** Resolution

19 pertaining to settlement of a negligence claim;
20 Claimant: GEICO a/s/o Kristen Cruz, Matter ID No.
21 2020-7834. Account No. TWN AMS 1910 43020 602 0000
22 000. (M.D. 3/2/21 #10).

23 **RESOLUTION NO. 157-2021;** Resolution

24 authorizing the property cleanup assessment of
25 63 Vandewater Street, Farmingdale, New York,

1 performed on September 11, 2020, be referred to the
2 County of Nassau for placement on the Nassau County
3 Tax Assessment Rolls. (M.D. 3/2/21 #11).

4 **RESOLUTION NO. 158-2021;** Resolution
5 authorizing the property cleanup assessment of the
6 lot located at the corner of Old Country Road and
7 East Avenue, Hicksville, New York, performed on
8 October 20, 2020, be referred to the County of
9 Nassau for placement on the Nassau County Tax
10 Assessment Rolls. (M.D. 3/2/21 #12).

11 **RESOLUTION NO. 159-2021;** Resolution
12 pertaining to Contract No. PWC20-20, On-Call
13 Consultant Services relative to Engineering
14 Services in connection with Tank Management in the
15 Central Vehicle Maintenance Garage. Account No.
16 DPW H 1997 20000 000 2110 001. (M.D. 3/2/21 #13).

17 **RESOLUTION NO. 160-2021;** Resolution
18 pertaining to Contract No. PWC23-20, On-Call
19 Engineering Services relative to Environmental
20 Engineering in connection with the Tobay Beach
21 Potable Water Treatment System Upgrade. Account
22 No. PKS H 7197 20000 000 2002 001. (M.D. 3/2/21
23 #14).

24 **RESOLUTION NO. 161-2021;** Resolution
25 authorizing the 2021 Spring Drive-in Movie Series

1 on dates to be determined by the Commissioner.
2 Account No. CYS A 7020 41800 000 000, CYS A 7020
3 45100 000 000 and CYS A 7020 47660 000 0000. (M.D.
4 3/9/21 #5).

5 **RESOLUTION NO. 162-2021;** Resolution
6 authorizing the Town of Oyster Bay Car Show Long
7 Island Drive-in Movie, to be held at TOBAY Beach on
8 April 24, 2021 and for the waiver of Chapter 173,
9 to incorporate use of mobile food concession(s),
10 accept addition of in-kind sponsors and utilize
11 audio services for the event. Account No. TWN TA
12 0000 00085 438 0000 and TWN A 0001 02770 590 000.
13 (M.D. 3/9/21 #6).

14 **RESOLUTION NO. 163-2021;** Resolution
15 authorizing acceptance of a donation of a memorial
16 plaque and bench from E. Mager, to be placed in
17 Theodore Roosevelt Memorial Park and Beach in
18 memory of Sandy and Art Mager. (M.D. 3/9/21 #8).

19 **RESOLUTION NO. 164-2021;** Resolution
20 authorizing payment for professional services
21 pertaining to COVID testing, for the period
22 January 1, 2021 through December 31, 2021. Account
23 No. TWN A 1989 47900 000 0000. (M.D. 3/9/21 #9).

24 **RESOLUTION NO. 165-2021;** Resolution
25 pertaining to the appointment of a Zoning Board of

1 Appeals Chairwoman for a term ending December 31,
2 2022 and appointment of a Zoning Board of Appeals
3 Vice Chairwoman for a term ending December 31,
4 2024. (M.D. 3/9/21 #12).

5 **RESOLUTION NO. 166-2021;** Resolution
6 pertaining to an extension of Contract No. PWC
7 72-18, On-Call Technology Consulting Services for a
8 period commencing April 1, 2021 through
9 December 31, 2021 at the same terms and conditions
10 pursuant to Resolution No. 82-2018. Account Nos.
11 CMP A 1680 46410 000 0000, CMP-H-1997-26000-000-
12 2007-001 and ROT H 1997 26000 000 1409 001. (M.D.
13 3/9/21 #14).

14 **RESOLUTION NO. 167-2021;** Resolution
15 directing the Town Clerk to publish a Notice of
16 Hearing in connection with the application of F and
17 Q Properties, LLC, fee owner, for a Special Use
18 Permit to allow operation of a day care facility at
19 premises located at 208 Merritts Road, Farmingdale,
20 New York. Hearing Date: April 20, 2021. (M.D.
21 3/9/21 #15).

22 **RESOLUTION NO. 168-2021;** Resolution
23 designating the list of individuals required to
24 file an Annual Financial Disclosure Form for the
25 year ended December 31, 2020. (M.D. 3/9/21 #16).

1 **RESOLUTION NO. 169-2021;** Resolution
2 authorizing the property cleanup assessment of
3 6 Primrose Avenue, Hicksville, New York, performed
4 on November 9, 2020, be referred to the County of
5 Nassau for placement on the Nassau County Tax
6 Assessment Rolls. (M.D. 3/9/21 #18).

7 **RESOLUTION NO. 170-2021;** Resolution
8 authorizing the property cleanup assessment of
9 72 Lantern Lane, Hicksville, New York, performed on
10 June 12, 2020, be referred to the County of Nassau
11 for placement on the Nassau County Tax Assessment
12 Rolls. (M.D. 3/9/21 #19).

13 **RESOLUTION NO. 171-2021;** Resolution
14 authorizing Award of Construction Contract No.
15 DP17-151, Restoration and Improvements to Alhambra
16 Park GOSR Funded Disaster Recovery. Account No.
17 IGA CD 8689 27000 551 CN17. (M.D. 3/9/21 #20).

18 **RESOLUTION NO. 172-2021;** Resolution
19 authorizing Award of Engineering Services for
20 Contract No. H19-198 PH1, Construction of Highway &
21 Drainage Improvements to the Southwood Circle Area
22 Phase 1, Syosset, New York, and for the use of a
23 sub-consultant for concrete laboratory testing
24 services. Account No. HWY H5197 20000 000 2103
25 008, (LKB) (M.D. 3/9/21 #21).

1 **RESOLUTION NO. 173-2021;** Resolution
2 authorizing Award of Construction Contract No.
3 H19-198 PH1, Construction of Highway & Drainage
4 Improvements to the Southwood Circle Area, Syosset,
5 New York. Account No. HWY H 5197 20000 000 2103
6 008. (Metro) (M.D. 3/9/21 #22).

7 **RESOLUTION NO. 174-2021;** Resolution
8 authorizing Award of Construction Contract No.
9 H19-197 PH1, Construction of Highway & Drainage
10 Improvements to the Intervale Avenue Area,
11 Farmingdale, New York. Account No. HWY H 5197 2000
12 000 2103 008. (M.D. 3/9/21 #23).

13 **RESOLUTION NO. 175-2021;** Resolution
14 authorizing Award of Construction Contract No.
15 H19-196, Road Improvements to the Hicks Avenue
16 Area, Syosset, New York. Account No. HWY H5197
17 20000 000 2103 008. (M.D. 3/9/21 #24).

18 **RESOLUTION NO. 176-2021;** Resolution
19 pertaining to Contract No. H19-196PH1, Award of
20 Engineering Services for Highway Improvement to the
21 Hicks Avenue Area, Syosset, in connection with bid
22 support and construction administration services
23 and for the use of a sub-consultant for
24 construction materials testing services. Account
25 No. HWY H5197 20000 000 2103 008. (M.D. 3/9/21

1 #25).

2 **RESOLUTION NO. 177-2021;** Resolution
3 pertaining to Contract No. PWC19-20, On-Call
4 Consultant Services Relative to Structural
5 Engineering, in connection with design, bid and
6 wetland permitting regarding the improvements made
7 to the bulkhead at the Joseph J. Saladino Memorial
8 Marina at TOBAY, and for use of sub-consultants for
9 bulkhead design and for dive team underwater
10 bulkhead inspection. Account No. PKS H 7197 20000
11 000 1902 001. (M.D. 3/9/21 #26).

12 **RESOLUTION NO. 178-2021;** Resolution
13 pertaining to Contract No. PWC17-20, On-call
14 Engineering Services Relative to Laboratory
15 Analysis, in connection with laboratory analysis
16 for the 2021 landfill monitoring program. Account
17 No. DER SR05 8160 44800 000 0000. (M.D. 3/9/21
18 #27).

19 **RESOLUTION NO. 179-2021;** Resolution
20 pertaining to Contract No. PWC27-20, On-Call
21 Consultant Services Relative to Technical Services
22 in connection with Groundwater Monitoring for the
23 Old Bethpage Landfill. Account No. DER SR05 8160
24 44800 000 0000. (M.D. 3/9/21 #28).

25 **RESOLUTION NO. 180-2021;** Resolution

1 pertaining to Contract No. PWC31-20, On-Call
2 Engineering Services Relative to Operation and
3 Development of the Old Bethpage Solid Waste
4 Disposal Complex in connection with new solid waste
5 and recyclables contract and operational and
6 regulatory assistance with solid waste issues.
7 Account No. DER SR05 8160 44800 000 0000. (CA)
8 (M.D. 3/9/21 #29).

9 **RESOLUTION NO. 181-2021;** Resolution
10 pertaining to Contract No. PWC31-20, On-Call
11 Engineering Services Relative to Operation and
12 Development of the Old Bethpage Solid Waste
13 Disposal Complex in connection services for the new
14 solid waste and recyclables contract. Account No.
15 DER SR05 8160 44800 000 0000. (D&B) (M.D. 3/9/21
16 #30).

17 **RESOLUTION NO. 182-2021;** Resolution
18 granting request from the Oyster Bay Main Street
19 Association for Town assistance in conducting their
20 Oyster Bay Farmers Market on alternating Sundays
21 starting March 28, 2021 through November 21, 2021,
22 to use of Parking Lot 0-8 in Oyster Bay and the use
23 of various Town equipment for the event. (M.D.
24 3/9/21 #39 & 3/16/21 #14).

25 **RESOLUTION NO. 183-2021;** Resolution

1 authorizing Award of Engineering Services under
2 Contract No. H19-197 PH1, Construction of Highway &
3 Drainage Improvements to the Intervale Avenue Area,
4 Farmingdale, New York and for use of a
5 sub-consultant for concrete laboratory testing
6 services. Account No. HWY H 5197 2000 000 2103
7 008. (M.D. 3/9/21 #37).

8 **RESOLUTION NO. 184-2021;** Resolution
9 pertaining to Contract No. PWC08-20, On-Call
10 Consultant Services Relative to Mechanical
11 Engineering in connection with construction
12 management services for replacement of the
13 elevators at the Hicksville Parking Facility.
14 Account No. HWY H 5997 20000 000 1804 016. (M.D.
15 3/9/21 #38).

16 **RESOLUTION NO. 185-2021;** Resolution
17 authorizing authorization the 2021 Dune
18 Stabilization Program at TOBAY Beach in conjunction
19 with the Parks Department on March 27, 2021. (M.D.
20 3/9/21 #40).

21 **RESOLUTION NO. 186-2021;** Resolution
22 authorizing the 2021 Annual Spring Oyster Bay
23 Harbor and Beach Cleanup with sponsors Friends of
24 the Bay and the North Oyster Bay Baymen's
25 Association on April 17, 2021. (M.D. 3/9/21 #41).

1 **RESOLUTION NO. 187-2021;** Resolution
2 directing the Town Clerk to publish a Notice of
3 Hearing on a Proposed Local Law entitled: "A Local
4 Law to Amend Chapter 103 Dogs and Other Animals,
5 Article IV, of the Code of the Town of Oyster Bay."
6 Hearing date: April 20, 2021. (M.D. 3/9/21 #42).

7 **RESOLUTION NO. 188-2021;** Resolution
8 directing the Town Clerk to publish a Notice of
9 Hearing on a Proposed Local Law entitled: "A Local
10 Law to Amend Chapter 246 Zoning, Section
11 246-5.5.16, of the Code of the Town of Oyster Bay."
12 Hearing date April 20, 2021. (M.D. 3/9/21 #43).

13 **RESOLUTION NO. 189-2021;** Resolution
14 authorizing the issuance of a facility use permit
15 for the "2021 BMW Ultimate Driving Experience" to
16 be held at TOBAY Beach parking field from April 15,
17 2021 through April 18, 2021. Account No. TWN A
18 0001 02770 590 0000. (M.D. 3/9/21 #7 & 3/16/21
19 #16).

20 **RESOLUTION NO. 190-2021;** Resolution
21 pertaining to additional legal fees for Outside
22 Counsel Services in connection with a civil action
23 that was commenced in the State of Connecticut.
24 Account No. OTA A 1420 44110 000 0000. (M.D.
25 3/16/21 #17).

1 **RESOLUTION NO. 191-2021;** Resolution
2 authorizing adoption of the Town of Oyster Bay
3 Health Emergency Plan. (M.D. 3/16/21 #18).

4 **RESOLUTION NO. 192-2021;** Resolution
5 authorizing the rejection of bids and request to
6 rebid Contract No. H20-206, Repairs to the
7 Hicksville Parking Facility Elevators. (M.D.
8 3/16/21 #19).

9 **RESOLUTION NO. 193-2021;** Resolution
10 directing the Town Clerk to publish a Notice of
11 Hearing on a Proposed Local Law entitled: "A Local
12 Law to Amend Section 246-5.5.34 Restrictions on
13 Sale of Vaping and Marijuana Products, Vape Shops,
14 Hookah Lounges, Marijuana Dispensaries and
15 Marijuana Shops, to Chapter 246 Zoning, of the Code
16 of the Town of Oyster Bay." Hearing date:
17 March 30, 2021. (M.D. 3/16/21 #20).

18 **RESOLUTION NO. 194-2021;** Resolution
19 authorizing extension for Contract No. HTR17-163
20 requirements contract for tree removal and trimming
21 throughout the Town of Oyster Bay for March 13,
22 2021 through June 10, 2021.

23 On the motion:

24 COUNCILWOMAN JOHNSON: So moved.

25 MR. LaMARCA: Motion made by

1 Councilwoman Johnson.

2 May I have a second?

3 COUNCILMAN IMBROTO: Seconded by
4 Councilman Imbroto.

5 MR. LaMARCA: Do we have any questions
6 from any of the Board members on any of the
7 Resolutions?

8 SUPERVISOR SALADINO: All prepared.
9 All complete.

10 Okay. So now before we take this vote,
11 obviously, we're doing this virtually to protect
12 the public, to protect the Town employees and
13 adhere to the Federal CDC Guidelines and the
14 New York State Guidelines, but we want the public
15 to just understand what it is we're voting on
16 because they're not in the room at this time.

17 So I'm just going to go over just a few
18 of the highlights if you'll all bear with me,
19 please.

20 For instance, Resolution 168-2021 --
21 wait, I'm going to skip down now, we'll get back to
22 that last.

23 Resolution 171-2021. It is a
24 Resolution authorizing an award of a construction
25 contract for the restoration improvements to

1 Alhambra Park.

2 So this is GOSR funded disaster
3 recovery. Years ago, back after the Hurricane of
4 2012, we had -- the Town of Oyster Bay before any
5 of us got here, before this administration began --
6 the Town of Oyster Bay applied for GOSR, or
7 New York State Grant Funding to do construction
8 projects that would help to alleviate storm issues,
9 it would help to create things like absorption
10 areas to deal with flood waters to deal with other
11 issues like generators in Downtown, so if we were
12 to be hit with another natural disaster, we'd have
13 some flexibility and some -- in place some projects
14 that would assist our residents.

15 So this is one of them, and this took
16 place after public -- many public hearings and a
17 very long process, but the process does take some
18 time. So after all of the planning and all of the
19 design phase was completed with the public's input
20 and help, we went out to bid as per the New York
21 State law on these projects, and I'm here to report
22 that the lowest responsible bidder was Galvin
23 Brothers, Inc. and Madhue Construction. They're
24 based in Great Neck, they work as a team.

25 And we received eleven bids, so they

1 were the lowest responsible bidder with a bid for
2 the project of \$2,952,090. The highest bid was
3 \$5.5 million, and as I stated there were eleven
4 bids, which followed all of our Town code and the
5 law.

6 The winning bidder, Galvin Brothers,
7 Inc. and Madhue Construction, as I said, based in
8 Great Neck, they've already been vetted by our
9 Department of Intergovernmental Affairs, as well as
10 our Inspector General, and all deemed to be
11 qualified, as well as our engineering crew who's
12 been working tirelessly on this project. So that's
13 Resolution No. 171.

14 In terms of road paving -- there's
15 always a lot of talk about road paving -- we have
16 paved well over 200 roads in the Town of Oyster
17 Bay, and we're continuing that.

18 Tonight, we are approving the lowest
19 bidder on a number of road projects, including
20 Resolution 173-2021. That's the Resolution
21 authorizing the award of a Construction Contract
22 No. H19-198, and this is the construction -- it's a
23 total reconstruction of highway and drainage in the
24 Southwood Circle area of Syosset.

25 There were eleven bids in the case of

1 this project, and the lowest responsible bidder was
2 Metro Paving with a bid of \$1,660,674.

3 As I mentioned, there were eleven
4 separate bids submitted. The highest bid was for
5 \$2,984,934, so we are awarding this through this
6 public hearing process to Metro Paving who was the
7 lowest responsible bidder -- they're also the
8 lowest bidder -- and that's for the project we're
9 going to get up and running as quickly as possible
10 in the Southwood Circle area of Syosset.

11 Another repaving and full road
12 reconstruction project falls under Resolution
13 174-2021. This Resolution authorizes the award of
14 Construction Contract No. H19-197PH1.

15 This is the construction of highway and
16 drainage -- it's a full road reconstruction -- and
17 that's on Interval Avenue area of Farmingdale --
18 Interval Avenue. It's a very large project.

19 There were eleven bids through the bid
20 process with the lowest bid coming in, again, from
21 Metro Paving. Their bid was \$1,884,000. There
22 were eleven bids in total. The highest bidder came
23 in at \$2,292,292, so this proposal is to award this
24 project for the total full road reconstruction at
25 Interval Avenue in Farmingdale, and that would go

1 to Metro Paving who won with the lowest responsible
2 bid.

3 Another project of note falls under
4 Resolution No. 175-2021 and that's a Resolution
5 authorizing the award of Construction Contract
6 No. H19-196. This is a large road improvement
7 project to the Hicks Avenue area of Syosset.

8 In this case, there were fifteen bids.
9 The lowest bidder was United -- the lowest
10 responsible bidder was United Paving Corporation of
11 East Norwich with a bid of \$2,103,332. The highest
12 bidder was almost a million dollars more. Of the
13 15 bids, the highest bidder bid \$3,784,910, so the
14 plan is to award this to the lowest responsible
15 bidder, United Paving Corporation, for a major road
16 repaving and reconstruction of Hicks Avenue in
17 Syosset.

18 Another of these items of interest
19 is -- I mentioned the GOSR project, we mentioned
20 the road repaving projects -- this one falls under
21 the category of Ethics -- Town of Oyster Bay
22 Ethics.

23 So every year since our administration
24 began, we have created in-depth annual financial
25 disclosure forms, and these forms are a very

1 in-depth way for the public to know -- and we have
2 mandated to know -- financial information of a long
3 list of elected officials, Town employees, as well
4 as -- we expanded this and put more Town employees
5 on as well as all of those who want to do work for
6 the Town. They must also submit a financial
7 disclosure for their individuals, their business.

8 Everyone is vetted who does work with
9 the Town -- is first vetted by the Inspector
10 General. We provided them with very cutting-edge
11 software to assist in the process of checking out
12 the backgrounds of these companies. So we bring
13 this Resolution up every single year with a list of
14 all of those who provide an annual financial
15 disclosure.

16 Not only do we do it every year, but we
17 are always looking to add more individuals as is
18 appropriate, which we are doing again this year
19 with Resolution 168-2021 where we are adding 15
20 more people and expanding it to include anyone
21 whose title includes the word "inspector" so that
22 those employees of the Town of Oyster Bay would
23 also be included.

24 And we continue to work on issues as it
25 relates to our transparency and as it relates to

1 our ethics in the Town of Oyster Bay. So 15 more
2 people added to the very long list, and that is
3 Resolution 168.

4 So these are a few of the bigger items
5 on our Resolutions, as well as many property
6 cleanups where the owner of the properties, and
7 many times it is a mortgagee, a mortgage company,
8 but we do property cleanups, and we do not charge
9 the taxpayers of the Town, instead we charge the
10 owners of the property.

11 We have changed, for instance, our
12 zombie home legislation so that we ensure that the
13 property owners -- again, usually a lender, a
14 mortgage company, a bank -- puts \$25,000 in an
15 escrow account when a home falls into foreclosure.

16 So those cleanups you see on those
17 zombie homes and the house knockdowns to date, I
18 think we've knocked down about fourteen or fifteen
19 homes, and we continue to go to court to get the
20 right to knock down these homes, they're cleaned up
21 in the same day, all of this is provided with
22 information, and what we do in many of the
23 Resolutions that we're covering this evening have
24 to do with these property cleanups where the
25 property owner and not our property taxpayers, not

1 our residents are charged for those.

2 So these are just some of these
3 Resolutions to keep the public up to date on what
4 we're voting on, and, of course, as soon as we can
5 safely do that in the very near future, we'll be
6 inviting the public back to our Board meetings with
7 all the safety precautions, the social distancing,
8 temperatures taken, and, of course, mask wearing.

9 So that's a little overview of some of
10 the items on today's calendar, and I thank everyone
11 for their patience as we spoke about what we are
12 voting on this evening.

13 Are there any questions?

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

16 SUPERVISOR SALADINO: Then I call on
17 our Town Clerk, Rich LaMarca, to please call the
18 vote.

19 MR. LaMARCA: Supervisor Saladino?

20 SUPERVISOR SALADINO: I vote, "Aye."

21 MR. LaMARCA: Councilwoman Johnson?

22 COUNCILWOMAN JOHNSON: "Aye."

23 MR. LaMARCA: Councilman Imbroto?

24 COUNCILMAN IMBROTO: "Aye."

25 MR. LaMARCA: Councilman Hand?

1 COUNCILMAN HAND: "Aye."

2 MR. LaMARCA: Councilman Labriola?

3 COUNCILMAN LABRIOLA: Councilman
4 Labriola, "Aye."

5 MR. LaMARCA: Councilwoman Maier?

6 COUNCILWOMAN MAIER: "Aye."

7 MR. LaMARCA: Councilwoman Walsh?

8 COUNCILWOMAN WALSH: "Aye."

9 MR. LaMARCA: Motion to adopt
10 Resolution Nos. P-6-21 through 179-2021, 180-2021
11 is amended and 191 through 194-2021 passes with
12 seven "Ayes" and zero "Nays."

13 The calendar is complete, Supervisor.

14 SUPERVISOR SALADINO: Thank you,
15 Mr. LaMarca.

16 And I want to thank all of our Board
17 members, everyone here in person and on the phone
18 for your cooperation, thank the public, and just
19 one more time, if residents would like to comment
20 on tonight's public hearing or anything as it
21 relates to our Town Board meeting, to do so please
22 e-mail us at publiccomment@oysterbay-ny.gov or you
23 can mail it to the Office of the Town Attorney,
24 54 Audrey Avenue, Oyster Bay, New York 11771.

25 All of this information is on our

1 website. Please check our website for all the
2 upcoming events and all of the ways to participate
3 in government, and if you need any help, you can
4 always call my office, which is 516-624-6350 or
5 call the office of the Town Board.

6 I thank you all again. Appreciate your
7 help in this evening -- our evening Town Board
8 meeting of Tuesday, March 23, 2021.

9 With that, may I have a motion to close
10 our Town Board meeting?

11 COUNCILWOMAN JOHNSON: Supervisor, I
12 make a motion that this meeting be closed.

13 SUPERVISOR SALADINO: Councilman
14 Imbroto, may I please have a second?

15 COUNCILMAN IMBROTO: Yes.

16 Councilman Imbroto seconds the motion.

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

19 ALL: "Aye."

20 SUPERVISOR SALADINO: Those opposed,
21 "Nay."

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

24 SUPERVISOR SALADINO: The "Ayes" have
25 it.

- 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

Thank you very much, everyone.

(TIME NOTED: 9:06 P.M.)