

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
April 20, 2021
10:42 a.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

TRACIE A. CINQUEMANI
Reporter/Notary Public

1 SUPERVISOR SALADINO: Good morning,
2 everyone, and welcome to the Town of Oyster Bay,
3 Town Board meeting of Tuesday, April 20, 2021.

4 I appreciate your patience. There were
5 some items that had to be dealt with
6 governmentally, and we thank you all for coming
7 today as today is our first back to in-person Board
8 meetings.

9 Once again, it's great to be joined
10 with my colleagues. Thank you everyone for being
11 here, and, of course, we're still adhering to
12 safety protocols. Please continue to properly
13 socially distance. That means at least six feet
14 between individuals, and we ask that everyone
15 please keep their masks on at all times.

16 We'll never take for granted the simple
17 joys in the rights to gather and the true privilege
18 we have as Americans to meet in rooms like this and
19 participate in the Democratic process of
20 government.

21 Leading us in prayer this morning is
22 Cantor Brad Hyman of Temple Chaverim of Oyster Bay.

23 Cantor, would you please join us, would
24 everyone please rise?

25 CANTOR HYMAN: Good morning.

1 Eternal source of blessing. From Psalm
2 133 we read, how good and how pleasant it is that
3 we can be together. There are 150 Psalms and it
4 took 132 of them before the sages were able to
5 appreciate something we will never be able to take
6 for granted again, the ability to be together.

7 May we always be able to fully
8 appreciate the presence of those we can keep near
9 to us, our neighbors.

10 Next week's reading in the Third Book
11 of the Torah, Leviticus 19:18, we find the
12 commandment to love your neighbor as you would love
13 yourself.

14 In reflection of this past year, how
15 many can honestly say they were as concerned about
16 or even aware of their neighbor as their own
17 household?

18 Many have been distracted by their own
19 journey, their own pantry, their own accounts. In
20 a crisis or in calmer days, the goal of leadership
21 should be the same; focused on health and safety of
22 the greater community.

23 We humbly ask for the wisdom and
24 guidance to act in the service of others, to work
25 towards building a neighborhood that is both safe

1 and prosperous for all of our inhabitants. May the
2 prosperity of all truly apply to all and not some.

3 We know that it is difficult to focus
4 on which patch of road is the most worn, the most
5 traveled on our journey, for there are so many
6 places that need our attention. May we be given
7 the wisdom and the compassion to see those in need
8 and to actively reach out in support.

9 It is written in Pirkei Avot, the
10 Ethics of Our Fathers, wise Rabbi Hillel said,
11 "B'makom sh'ein anashim, hishtadeil lihiyot ish."
12 In a place where there is no humanity, we must
13 bring humanity. May each of us here be capable of
14 recognizing the absence of humanity, and, at the
15 same time, be prepared to fill it up once again.

16 May each of you be blessed in your own
17 homes, and as you go on your way. Blessed are you
18 who come to this place to act in service of others,
19 and may you be blessed as you leave this place to
20 continue that work where you go, in health and
21 safety. Amen.

22 ALL: Amen.

23 SUPERVISOR SALADINO: Thank you,
24 Cantor.

25 Cantor Brad is a member of the

1 Plainview/Old Bethpage Interfaith Clergy Council,
2 which is made up of leaders of many faiths from
3 congregations within our Township.

4 We thank you and all your congregants,
5 especially with respect to the spirituality that
6 you share among all -- in all times -- good times,
7 and, now, during -- as this pandemic continues.

8 Thank you, sir.

9 We greatly appreciate you.

10 CANTOR HYMAN: And you all.

11 SUPERVISOR SALADINO: God bless.

12 CANTOR HYMAN: And you.

13 SUPERVISOR SALADINO: To lead us in the
14 Pledge of Allegiance, please welcome two
15 distinguished Veterans from AMVETS North Shore
16 Veterans Memorial Post 21 in Oyster Bay.

17 Commander Richard DeJesu, who served in
18 the United States Navy from 1958 to 1961; we are
19 joined also by Vietnam Veteran Army Specialist 4th
20 Class Bob Selby, who served in Vietnam from 1968 to
21 '69 with the 1st Infantry Division.

22 We have three people here, so may I
23 have the third name?

24 MR. CURRY: Edward Curry.

25 SUPERVISOR SALADINO: Edward Curry, of

1 course.

2 How are you, sir?

3 MR. CURRY: Very well. Thank you.

4 SUPERVISOR SALADINO: Gentlemen, the
5 podium is yours to lead us in the Pledge.

6 (Whereupon, the Pledge of Allegiance
7 was recited.)

8 SUPERVISOR SALADINO: We thank you,
9 gentlemen, for your dedication and your service to
10 our Nation in defense of America's freedom and all
11 you do for us and our Veterans so that their life
12 may be enhanced, and that we continue to show the
13 respect and the appreciation to every Veteran.

14 Now, please join our Town Board and our
15 residents in a moment of silence for our men and
16 women in the United States Armed Forces serving
17 here in the Homeland and abroad, and in recognition
18 of the men and women in law enforcement, all of our
19 first responders, our firefighters and, of course,
20 those we have lost in this Town and across our
21 Nation to COVID-19, and we especially thank and
22 respect and appreciate all of the efforts of our
23 health care heroes as they continue to do battle to
24 protect us and protect our Nation.

25 God bless them all, and may the

1 memories of those lost live forever in our hearts.

2 (Whereupon, a moment of silence was
3 observed.)

4 SUPERVISOR SALADINO: Thank you.

5 Please be seated.

6 Thank you, gentlemen. Thank you very
7 much for your assistance.

8 Keeping in mind the social distancing
9 as I mentioned earlier, we will continue to enforce
10 all of the State regulations on protecting our
11 residents, protecting our workforce, protecting all
12 of you who have come here today. Our room is
13 allowed to accommodate 35 residents this morning,
14 but even from home, the public has the opportunity
15 to be heard on matters brought before the Town
16 Board and during public comment for a period of
17 10 days following a meeting.

18 As always, this meeting is being
19 live-streamed on social media and on the Town's
20 website, oysterbaytown.com. These proceedings are
21 recorded and later transcribed.

22 Your voice is very important to us, and
23 please know that statements, comments, and input
24 from the public relative to our meetings is always
25 welcomed, and we ask that it be respectful and

1 germane to the issue at hand.

2 To submit comments, please e-mail
3 publiccomment@oysterbay-ny.gov. That is, again,
4 one word, publiccomment@oysterbay-ny.gov, or mail
5 us at the Office of the Town Attorney, 54 Audrey
6 Avenue, Oyster Bay, New York 11771.

7 Before we start our program, it's a
8 reminder that Thursday, April 22nd is Earth Day,
9 and everyone needs to do their part to protect our
10 planet, to preserve our natural resources, and
11 recognize all the different ways we must act to
12 protect those resources.

13 This past weekend the Town of Oyster
14 Bay hosted a harbor cleanup at our North Shore
15 beaches, and we will soon plant trees throughout
16 the Town, and we will collectively continue to
17 promote the importance of recycling to protect
18 Mother Earth.

19 This morning we take an opportunity to
20 welcome Massapequa resident, Christine
21 Magnifico-Riggio, of Autism FYI, and join in
22 supporting the One in 54 of children diagnosed with
23 autism.

24 One in 34 boys [sic] and one in 144
25 girls [sic] are on the autism spectrum. Boys are

1 four times more likely than girls, and the
2 prevalence of autism is, unfortunately, increasing.
3 There is no medical detection and no cure at the
4 current time, though medical science continues to
5 push forward to work toward a cure.

6 My colleagues in Town government, our
7 Town Board, our Receiver, our Town Clerk, and,
8 quite frankly, all of the Town of Oyster Bay family
9 and I believe it's critical to support these
10 efforts and those of seeking a cure, and to
11 increase public awareness of this incurable
12 neurological disorder.

13 So as we speak about this today, it's
14 in part to increase an awareness of autism, and,
15 obviously, autism continues through life as an
16 adult as well as affecting our children.

17 Autism FYI is doing its part by
18 providing a safety program that offers easy,
19 identifiable products for quick identification by
20 emergency personnel. They offer a hotline for
21 accessing emergency contacts and medical
22 information, as well as training.

23 Autism FYI has created training
24 programs for first responders, child care
25 providers, transportation models, and then all of

1 the other services that may come in contact with
2 folks with autism and their families including hair
3 salons, restaurant staffs, things like school
4 resource officers, correction officers, medical
5 staff, so you never know when you're speaking with,
6 when you're dealing with someone on the autism
7 spectrum, and it's important to identify that and
8 to give them your patience and understanding.

9 Christine, we thank you for your
10 outstanding work and the work you do on behalf of
11 your organization and our community.

12 In support of these efforts, my
13 colleagues on the Oyster Bay Town Board proclaim
14 the month of April 2021 to be Autism Awareness
15 Month 2021 in the Town of Oyster Bay. We're proud
16 to join with Autism FYI to spread awareness of this
17 all too common neurological disorder.

18 Would you please come forward to accept
19 this Town Citation? And I'm going to ask
20 Councilman Tom Hand to help in making this
21 presentation.

22 If you would just meet us right in
23 front, and we will take that photo with you.

24 (Whereupon, a Proclamation was
25 presented to Christine Magnifico-Riggio of Autism

1 FYI followed by a photo opportunity.)

2 SUPERVISOR SALADINO: Congratulations.

3 If you would like to speak to everyone
4 in the room, and by looking at that camera
5 (indicating), you will also be speaking to everyone
6 watching this on the internet.

7 MS. MAGNIFICO-RIGGIO: Sure.

8 And you pretty much said all the
9 important stuff, so thank you so much all of you
10 for recognizing Autism FYI.

11 As you know, it is Autism Month, so --
12 it's a little weird. I haven't been actually to a
13 real meeting in a year now, so it's my first time
14 public speaking in a while, but Autism FYI -- this
15 organization was founded about six and a half years
16 ago. We are excited to say that now we have a
17 presence in New York, so we are the -- I'm actually
18 located in Massapequa -- and we have the New York
19 Chapter, so we are available and want to be the
20 resource that everyone comes to when you need some
21 training for businesses, on-the-job, you know,
22 first responders, or anything else, so if anyone
23 needs my contact information, I'm happy to give it
24 out, and you can check out our website, and, again,
25 anything that you need, just let us know. We want

1 to be that resource for you.

2 SUPERVISOR SALADINO: Can you please
3 tell us again how to direct us to your website?

4 MS. MAGNIFICO-RIGGIO: Sure.

5 It's autismfyi.org.

6 Very simple. And we have a Facebook
7 page as well, so just autismfyi.org.

8 SUPERVISOR SALADINO: Let's all show
9 our thanks and congratulations.

10 (Whereupon, a round of applause
11 ensued.)

12 SUPERVISOR SALADINO: This morning we
13 also welcome Diane Harvey of The Safe Center to
14 speak about two difficult issues in our communities
15 in the world today -- child abuse prevention and
16 sexual assault awareness.

17 The Safe Center is based in Bethpage.
18 It's an incredible facility. I have been fortunate
19 enough to tour the facility and learn about its
20 mission, and they're there to protect, assist and
21 empower victims of family violence and sexual
22 assault while challenging and changing the social
23 systems that could tolerate or perpetuate abuse.

24 My colleagues and I on the Town Board
25 are proud to join with The Safe Center to address

1 these important matters like this and all of the
2 important matters of the day and provide needed
3 information to those affected.

4 Support, counseling, but also the
5 training aspect on how to avoid something of this
6 nature of happening as well as our efforts in terms
7 of changing laws to better protect victims, or to
8 keep people from being victimized or re-victimized.

9 And I turn to Steve Labriola as I talk
10 about this because as a State Assemblyman, my
11 predecessor, and then when I went to the State
12 Assembly, we both worked on a number of laws --
13 strengthening laws -- and believe it or not,
14 sometimes it was very difficult to get these bills
15 to the Assembly floor for consideration, get them
16 out of committee, which was one of the most
17 mind-boggling aspects of my fourteen years in the
18 Assembly.

19 So, Steve, you and I clearly have been
20 on this issue, and it's such a -- and I'm so proud
21 to be joined by the rest of our officials here in
22 the Town of Oyster Bay who have continued to work
23 to protect women and children on these horrific
24 crimes.

25 Thanks to people like Diane and her

1 colleagues with The Safe Center, victims have had a
2 place to turn to for support, for advocacy, for
3 recourse, for direction. Just understanding what
4 to do and how to do it, and how understanding the
5 new laws that have come about in Albany, which
6 makes it, unfortunately, in my opinion, even more
7 complicated for victims. So much as calling
8 someone, then that person becomes a witness, and
9 then that person's information may have to be
10 turned over to the arrested party.

11 It is, in my opinion, insane what has
12 changed, and we're going down a worse road since
13 some of these laws have been passed in the last
14 year or two.

15 That being said, it makes the work of
16 The Safe Center even more invaluable.

17 So, Diane, we appreciate you, and we
18 appreciate everyone at The Safe Center, and the
19 floor is yours.

20 MS. HARVEY: Good morning.

21 I want to thank Supervisor Saladino and
22 the Oyster Bay Town Board for allowing me to speak
23 today. Also, Ester Alter of the Public Information
24 office.

25 It's a great honor to be here today to

1 tell you about the wonderful work we're doing at
2 The Safe Center -- a nonprofit organization -- as
3 you know, located in Nassau County that provides
4 free confidential services for victims of abuse and
5 their nonoffending family members.

6 We serve everybody at The Safe Center.
7 Women, men, people of all ages, no matter what
8 their backgrounds are. People who are victimized
9 as a result of sexual assault, rape, dating
10 violence, domestic violence, child neglect and
11 severe abuse, elder abuse, human trafficking.

12 Services include, but are not limited
13 to our 24/7 hotline, group and individual
14 counselling, child advocacy center, children's
15 mental health, hospital advocacy, legal services
16 and housing. Our staff home currently has 17 beds,
17 and we have recently been approved to build another
18 home.

19 Please note that April is National
20 Child Abuse Prevention Month and Sexual Assault
21 Awareness Month.

22 Just to give you a sense of incidents
23 of child abuse and neglect locally on Long Island,
24 in 2018, 15,000 referrals were made to Child
25 Protective Services involving 18,000 children.

1 More than 25 percent of these children were
2 determined to be victims of abuse and neglect. The
3 majority of the cases involve neglect followed by
4 physical and then sexual abuse.

5 When sexual assault involves a child,
6 we often refer to it as a silent epidemic as
7 two-thirds of all victims are 17 years or younger.
8 The number may be higher as it has been found that
9 90 percent of victims never tell.

10 Sexual abuse involves both touching and
11 nontouching activities including the use of social
12 media and Internet by offenders to access of child
13 victims, which is especially higher during the
14 times of this pandemic.

15 In addition to its comprehensive
16 services for victims, The Safe Center presents
17 community workshops and other events providing the
18 participants with knowledge and tools they need to
19 recognize child abuse and neglect, and to prevent
20 it from occurring in their communities. Trainings
21 are offered to students in elementary school
22 through college, professionals, parents and other
23 concerned adults.

24 If you go to our website at tscli.org,
25 you will find a list of upcoming programs under

1 education and training.

2 Again, I want to thank the Town of
3 Oyster Bay for supporting and joining The Safe
4 Center in raising awareness about child
5 maltreatment and its prevention. Please consider
6 hosting a free "Enough Abuse" presentation in your
7 community.

8 If you suspect that a child may be a
9 victim, or someone may be an offender of child
10 abuse and neglect, please call our 24/7 hotline at
11 516-542-0404 to get information on how to best
12 prevent these offenses from continuing and provide
13 the victims with the services they need.

14 Thanks again so much for your time,
15 effort and energy today. It's greatly appreciated.

16 SUPERVISOR SALADINO: Thank you, Diane
17 Harvey, of The Safe Center.

18 Could you please give a -- once again,
19 give a website that people can go to get more
20 information?

21 MS. HARVEY: That's tscli.org.

22 SUPERVISOR SALADINO: TSC, as in The
23 Safe Center --

24 MS. HARVEY: Yes, sir.

25 SUPERVISOR SALADINO: LI, as in Long

1 Island.org.

2 MS. HARVEY: Yes.

3 SUPERVISOR SALADINO: Well, we want to
4 thank Diane for providing insight on these very
5 serious issues in the community.

6 I've worked with you, but also those
7 who came before you -- people like Cindy Scott
8 going back to 2004 -- where we have worked on these
9 issues consistently, especially from the
10 governmental standpoint.

11 I mentioned Councilman Labriola and I
12 on legislation to better protect children from
13 predators and worked to keep the most dangerous of
14 predators off our streets longer, and I will tell
15 you, surprisingly, it was a very, very difficult
16 process to get the Assembly to accept this and to
17 pass those laws.

18 So, even at that point, my experience
19 was they watered them down in a compromise to get
20 them onto the Assembly floor and passed. A very
21 frustrating situation, so thank God for groups like
22 yours, and thank God for your efforts, Diane.

23 We appreciate you very much, and we
24 commend these needed services.

25 MS. HARVEY: Thank you.

1 SUPERVISOR SALADINO: Again, to get
2 more information on this issue, please visit
3 tscli.org.

4 And on that, I will ask our Town Board
5 members to join you in front, and we will ask -- we
6 have a Town Proclamation to present to you, and
7 we'll get the assistance of Councilwoman Maier in
8 terms of that, and Councilman Labriola, please.

9 COUNCILMAN LABRIOLA: Supervisor, just
10 before we present the Citation, I just wanted to
11 also echo the remarks of our Supervisor, but I
12 wanted to also state to you how important your role
13 is, particularly now, with what's happening, and
14 it's not just for things that the State Legislature
15 has done recently over the last year, which is, I
16 think, is endanger children even more by allowing
17 these predators to continue to roam the streets
18 after they've been arrested and accused or
19 indicted, but more importantly even mis your
20 message to the teachers, who are our frontline
21 soldiers when it comes to child abuse and getting
22 out there that they understand where they can call
23 right here in Bethpage.

24 To all of our Town of Oyster Bay
25 teachers that this is a resource for you when you

1 spot that child who's been malnourished or
2 mistreated in some way, that this should be a call
3 in addition to what you -- what their role is in
4 the school itself, but they can also reach out to
5 you to make sure that we have a parallel course
6 running to protect these children. But
7 particularly with the thousands of undocumented
8 children that are coming across our border and
9 being placed into our school districts, this
10 message is more urgent than ever before.

11 So thank you for what you're doing.

12 MS. HARVEY: Thank you.

13 SUPERVISOR SALADINO: Councilwoman
14 Maier, would you lead us in making this
15 presentation?

16 (Whereupon, a Proclamation was
17 presented to Diane Harvey of The Safe Center
18 followed by a photo opportunity.)

19 SUPERVISOR SALADINO: Again, let's hear
20 it, show the love for our recipients for all of
21 their hard work and the wonderful work of their
22 organizations.

23 We thank you from the bottom of our
24 hearts.

25 (Whereupon, a round of applause

1 ensued.)

2 SUPERVISOR SALADINO: And before we
3 move forward with the business of the day of this
4 Town Board meeting, I do want to point out that
5 we're still in a pandemic, we are still following
6 the regulations of the State as it relates to the
7 pandemic, but it's important to know that the
8 people in our hospitals are in great need of blood
9 donations.

10 With this in mind, once again, the Town
11 of Oyster Bay is jumping in to the rescue, and our
12 Town of Oyster Bay Councilman Lou Imbroto and Town
13 Clerk Richard LaMarca, as well as the entire Board,
14 are hosting a blood collection drive on Saturday,
15 April 24th, from 10:00 a.m. to 4:00 p.m. at the
16 Hicksville Athletic Center.

17 We've done this a number of times
18 during the pandemic. It's been very successful.
19 We want to thank our Town employees and our
20 residents who have been consistently donating blood
21 for this tremendous need.

22 Of course, you have to make an
23 appointment, and they have to prepare for the
24 number of people that will come to donate blood,
25 and to make that appointment for a blood donation

1 at this blood drive, you can sign up at NYBC, which
2 is the New York Blood Center, dot org slash donate,
3 nybc.org/donate to help out.

4 We have these blue bracelets -- oh,
5 this was on the autism bracelet, so we thank them
6 as well.

7 (TIME NOTED: 11:10 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
April 20, 2021
11:11 a.m.

HEARING P-3-21

To consider the application of F and Q Properties, LLC, fee owner, for a Special Use Permit to allow operation of a daycare facility at premises located at 208 Merritts Road, Farmingdale, New York. (M.D. 3/9/21 #15).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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1 SUPERVISOR SALADINO: And with that
2 being said, Clerk, would you please poll our Board?

3 MR. LaMARCA: Supervisor Saladino?

4 SUPERVISOR SALADINO: Present.

5 MR. LaMARCA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: Councilwoman
7 Johnson, present.

8 MR. LaMARCA: Councilman Imbroto?

9 COUNCILMAN IMBROTO: Present.

10 MR. LaMARCA: Councilman Hand?

11 COUNCILMAN HAND: Present.

12 MR. LaMARCA: Councilman Labriola?

13 COUNCILMAN LABRIOLA: Present.

14 MR. LaMARCA: Councilwoman Maier?

15 COUNCILWOMAN MAIER: Present.

16 MR. LaMARCA: And Councilwoman Walsh?

17 COUNCILWOMAN WALSH: Councilwoman
18 Walsh, present.

19 SUPERVISOR SALADINO: Once again, just
20 as a reminder to the public, we have two Board
21 members who are participating via telephone, and
22 they will be announcing their names every time they
23 speak so as to avoid any confusion, but we thank
24 them for their participation as well.

25 With that being said, would you please

1 call the first hearing?

2 MR. LaMARCA: The first hearing today
3 is to consider the application of F & Q Properties,
4 LLC, fee owner, for a Special Use Permit to allow
5 operation of a daycare facility at a premises
6 located at 208 Merritts Road, Farmingdale, New York.

7 MR. FARRELL: Good morning,
8 Mr. Supervisor, Members of the Board.

9 For the applicant of F & Q Properties,
10 John Farrell with the firm Sahn Ward. Our offices
11 are located at 333 Earle Ovington Boulevard, Suite
12 601, Uniondale, New York.

13 With me today are Wayne Muller and Matt
14 Aylward from R & M Engineering. They were the
15 engineers and traffic experts on this project, and
16 Devon Que (phonetic) from Dilly Dally Nursery.
17 He's also one of the principals of F & Q
18 Properties.

19 The subject property is located on the
20 west side of Merritts Road. It's about 245 feet
21 south of Cort Place in Farmingdale. The lot is
22 about 8,100 square feet in total lot area, and it's
23 presently improved with a 1,300 square foot
24 single-family dwelling. The property is located in
25 an R1-7 Zoning District, and it's adjacent to an

1 existing daycare facility that's operated by the
2 applicant at 210 Merritts Road.

3 Dilly Dally Nursery, as many of you may
4 know, has been in operation since 1962. It's a
5 long-standing institution in Farmingdale.

6 We're here today seeking a special
7 permit to operate a daycare facility out of the
8 dwelling at 208 Merritts Road. This will be a
9 complement to the existing facility at 210 Merritts
10 Road.

11 It's important to note that as part of
12 this project, we will not be expanding the existing
13 footprint of the building. Everything will be kept
14 within the existing footprint. The improvements
15 that we will be making will be interior
16 alterations, and then we will be making
17 improvements to the property itself to add parking
18 and a drive-thru queue area that will allow the
19 pickup and dropoff of students without having to
20 utilize Merritts Road.

21 The applicant is a small business. He
22 is -- it's not one of these major corporations that
23 is now in the daycare business. He's looking to
24 expand and provide a much needed service to the
25 Farmingdale community.

1 The subject property, we feel, is ideal
2 for a daycare center. It adjoins the -- as I said,
3 it adjoins the existing daycare facility that's
4 owned and operated by the applicant, that's to the
5 south, and then to the south of that is the Town
6 park.

7 The Town park is generally busiest when
8 the daycare facility is not in operation;
9 typically, nights and weekends. The daycare
10 facility has been operating at 210 Merritts Road
11 and hasn't had any issues or conflicts with parking
12 with that park and hasn't had any complaints to our
13 knowledge since it was established.

14 We think that this will actually be an
15 improvement over that because it's going to allow
16 dropoff and pickup in the turnaround area in the
17 front of the building, so this way we're not
18 utilizing the on-street area in front of the site
19 on Merritts Road.

20 The Board knows this area. It's a very
21 large mix of different types of uses. There's auto
22 repair uses and gas stations across the street.
23 There's a number of retail centers up and down
24 Merritts Road in this area. There are some
25 residential homes along Merritts Road in this area.

1 There's a Town park. There are professional
2 offices.

3 So, based on the diversity of the uses
4 in the community, we feel that this will be a
5 complement to those uses and will help enhance the
6 character of the community.

7 I think the -- one of the critical
8 components here is that, you know, we have an
9 existing daycare facility that has no on-site
10 parking, no drive -- no queue to dropoff and
11 pickup, and it's been operating effectively for
12 many years without any interference with the
13 surrounding properties.

14 I received a couple of calls from
15 neighbors who thought the application was actually
16 concerning the former -- I think it was the Capital
17 One Bank -- which is diagonally across the street,
18 that's been vacant for awhile, and when I told them
19 it was part of the Dilly Dally Nursery School, they
20 expressed that Dilly Dally had been there for many
21 years, and they had never had any issues with them,
22 so I thought that was very encouraging.

23 With that, I mean, I think, you know,
24 generally, the hours of operation are 7:30 a.m. to
25 6:00 p.m. The bulk of the operation, though, is

1 from 9:00 to 4:00. 7:30 is for early care, and
2 then there's aftercare that starts after 4:00.

3 The use will have five teachers and 30
4 students. That's in compliance with the State law
5 requirements regarding teacher to student ratios,
6 and we are fully licensed by New York State.

7 So if the Board has any questions, I'd
8 be happy to answer them or have my experts answer
9 them if you need.

10 COUNCILMAN IMBROTO: Yes.

11 Mr. Farrell, is this going to replace
12 the existing Dilly Dally facility?

13 MR. FARRELL: No.

14 It's going to -- it's -- I don't want
15 to say they're going to be working together, but
16 the new facility will have -- will allow them to
17 expand their operation. Because they have the
18 existing operation that has a playground area, they
19 have a kiddie pool there, so the kids in the new
20 facility would be able to utilize the play area and
21 the pool area in the existing building.

22 COUNCILMAN IMBROTO: So the children
23 are going to be back and forth between the two
24 properties?

25 MR. FARRELL: For only during playtime

1 when they have their breaks -- their playtime
2 breaks -- which I believe is an hour a day. That's
3 typically what they do. They go outside for, like,
4 an hour a day.

5 COUNCILMAN IMBROTO: To your knowledge,
6 is this application in compliance with the existing
7 zoning requirements?

8 MR. FARRELL: We do need -- we do
9 require variances.

10 COUNCILMAN IMBROTO: Which variances do
11 you require?

12 MR. FARRELL: We will need parking
13 variances, we need a variance to increase the --
14 the code has a requirement on the size of the
15 property based on the number of students, which, I
16 think, is a little excessive.

17 Based on the code, I think we need,
18 like, 50,000 square feet to have 35 students, and
19 we don't -- you don't need that many -- that
20 much -- that much property to accommodate that
21 number of students because the students are inside.

22 COUNCILMAN IMBROTO: What is the square
23 footage?

24 MR. FARRELL: 1,300.

25 COUNCILMAN IMBROTO: And you're saying

1 the required is 50,000?

2 MR. FARRELL: It's something, yeah,
3 it's something -- no, 1,300 is the size of the
4 building. The property is 8,000 square feet.

5 COUNCILMAN IMBROTO: And the required
6 lot area is 50,000 or 21,000?

7 MR. FARRELL: I believe it's something
8 in that neighborhood. I'll ask my experts.

9 COUNCILMAN IMBROTO: But this
10 application falls far short of the requirement; is
11 that what you're saying?

12 MR. FARRELL: It would fall far short
13 of the requirement, but I think the requirement is
14 excessive, because as I said, in our existing
15 facility, we have 40 students full time. The lot
16 is only 10,000 square feet, and we don't have any
17 issue because people aren't going outside. Cars
18 aren't staying for long periods of time. Parents
19 are coming and dropping their students off and
20 leaving. They very rarely go into the building.
21 If they do, it's by appointment, so they'll set it
22 for a time when it's not as busy. They're not
23 going to have appointments when they're doing
24 pickup and dropoff of students.

25 COUNCILMAN IMBROTO: How many parking

1 spaces are you providing?

2 MR. FARRELL: We're providing five
3 parking spaces on-site, which would accommodate the
4 number of teachers that we have. The existing site
5 at 210 has no parking whatsoever.

6 COUNCILMAN IMBROTO: And how many
7 teachers will you have in this facility?

8 MR. FARRELL: This facility would have
9 five teachers.

10 COUNCILMAN IMBROTO: Are there Any
11 administrators?

12 SUPERVISOR SALADINO: Or clerical?

13 MR. FARRELL: No.

14 They work at the existing facility.

15 COUNCILMAN IMBROTO: Are there any
16 other faculty besides teachers that work there:
17 Janitors, custodians?

18 MR. FARRELL: No.

19 COUNCILMAN IMBROTO: Nurses?

20 MR. FARRELL: No.

21 COUNCILMAN IMBROTO: So there's five
22 total employees?

23 MR. FARRELL: Five total employees for
24 this building, yes.

25 COUNCILMAN IMBROTO: And how many

1 students do you anticipate having?

2 MR. FARRELL: 30 students.

3 COUNCILMAN IMBROTO: 30 students?

4 MR. FARRELL: 30 students.

5 COUNCILMAN IMBROTO: What time does
6 school start?

7 MR. FARRELL: School -- so the typical
8 day is 9:00 a.m. to 4:00 p.m. They do have a
9 pre-care, which starts at 7:30 for parents that
10 have to commute for long distance, and they have an
11 aftercare from 4:00 to 6:00.

12 The bulk of the dropoff is between that
13 7:30 and 9:00 a.m. hour, and then the pickup is
14 usually between 4:00 and 5:30 largely.

15 COUNCILMAN IMBROTO: Okay.

16 So, basically during rush hour?

17 MR. FARRELL: I mean, if you want to
18 say that, I mean, we have a traffic expert, we've
19 done the counts and, you know, we don't think it's
20 going to interfere with the traffic on Merritts
21 Road at all. It hasn't.

22 COUNCILMAN IMBROTO: Are we going to
23 hear from the traffic expert?

24 MR. FARRELL: If you would like to.

25 COUNCILMAN IMBROTO: Okay.

1 I would like to. I don't know about
2 the rest of the Board.

3 MR. FARRELL: Okay.

4 COUNCILMAN IMBROTO: If you don't mind.

5 MR. FARRELL: No.

6 Absolutely.

7 COUNCILMAN IMBROTO: So besides the
8 parking variance --

9 COUNCILWOMAN WALSH: This is
10 Councilwoman Walsh.

11 I agree. I think for the dropoff
12 times, especially, and the pickup time. More the
13 dropoff time, it could be a little crazy in the one
14 area in front.

15 MR. FARRELL: And we understand that.

16 One of the things that's good about
17 Merritts Road in this area is it doesn't get --
18 there isn't a lot of traffic on this part of
19 Merritts Road, and there's a lot of on-street
20 parking. The way the County redid -- or the way
21 the Town redid the road -- it left a large shoulder
22 for plenty of on-street parking. It's one lane in
23 each direction with a turning lane in the middle,
24 so there's not really much impact on that part of
25 the -- on that stretch of road.

1 COUNCILMAN IMBROTO: Okay.

2 So other than the parking variance and
3 the lot area variance, are there any other
4 variances required?

5 MR. FARRELL: We need buffer variances.
6 We need a buffer zone variance because we're
7 adjacent to residential, and we have the parking
8 lot in the rear is, I think, a little bit closer --
9 we have a six-foot buffer, I believe, on that -- a
10 four to six-foot buffer in the rear, and then on
11 the north side of the property -- there's 11 feet
12 of space. It's our ingress/egress, but the
13 property next door to us has a -- probably a
14 25-foot side yard on that side -- so we're not
15 butted up directly against that property.

16 COUNCILMAN IMBROTO: You're against the
17 property but not against their house because they
18 have a side yard; is that what you're saying?

19 MR. FARRELL: So if you look on the
20 plan here (indicating), you see we have about 11
21 feet of space between the end of our staircase and
22 the property line, and then there's probably, I
23 think, another 15 to 20 feet --

24 COUNCILMAN IMBROTO: To the house, but
25 not --

1 MR. FARRELL: To that house, yeah.

2 COUNCILMAN IMBROTO: -- to their yard?

3 MR. FARRELL: I'm sorry?

4 COUNCILMAN IMBROTO: To the house, but
5 not to their yard?

6 MR. FARRELL: Right.

7 To the house but not to the yard.

8 COUNCILMAN IMBROTO: So you're
9 including their side yard -- the resident's side
10 yard -- in your buffer?

11 MR. FARRELL: No, no, no, no, no.

12 What I'm saying -- we have an 11-foot
13 buffer. What I'm saying is the impact isn't as
14 significant because there's a driveway. That
15 neighbor's driveway is on that side of the
16 property, so there's a larger separation.

17 It's not like we're pressed up right
18 against their house where we have, like, a 10-foot
19 buffer and then the neighbor's house is five feet
20 off the property line. I'm saying existing field
21 conditions, you know, make it -- provide enough
22 open space.

23 COUNCILMAN IMBROTO: What is the
24 required buffer, and how does it compare to the
25 buffer that you're providing, and could you

1 describe the buffer -- the four- to six-foot buffer
2 that you're providing?

3 MR. FARRELL: The four- to six-foot
4 buffer is in the rear. On that, will be a planted
5 landscape buffer. We're required to have a ten-
6 foot separating us from the residential.

7 COUNCILMAN IMBROTO: And you have four
8 to six?

9 What does that mean?

10 You have four or six.

11 MR. FARRELL: Four to six on the rear,
12 and we don't have a side yard buffer on the north
13 side yard.

14 COUNCILMAN IMBROTO: Okay.

15 So --

16 MR. FARRELL: We have -- we don't have
17 a landscape buffer. We have a setback, but we
18 don't have a landscape buffer on that side.

19 COUNCILMAN IMBROTO: That's a driveway.

20 MR. FARRELL: Yeah, that's the
21 driveway.

22 COUNCILMAN IMBROTO: So on one part of
23 the property, you have a four- to six-foot buffer.

24 Is that a four-foot buffer, a five-foot
25 buffer, a six-foot buffer?

1 It's mostly a four-foot buffer, right?

2 MR. FARRELL: So if you look at the
3 plan (indicating), you can see the northerly part
4 of the buffer is about four feet, but then where
5 it's closest to the parking, it's a six-foot
6 buffer, and then as you go even further, we have a
7 garden back here, which is existing, which is
8 30 feet away, so we're not completely filling in
9 the back. We're trying to, you know, make the best
10 use of the space and provide, you know, the most
11 off-street parking we can provide, and also
12 providing a little bit of buffer to that resident
13 to the rear.

14 COUNCILMAN IMBROTO: So in the rear of
15 the building there is a four-foot buffer when a
16 10-foot buffer is required. On the other side,
17 there's no buffer when a 10-foot buffer is required
18 other than the driveway and the neighbor's yard.

19 So the neighbor's yard abuts directly
20 against the driveway of your property where the
21 neighbor's driveway --

22 MR. FARRELL: Well, it's the neighbor's
23 driveway that abuts our driveway.

24 COUNCILMAN IMBROTO: Right.

25 MR. FARRELL: So the neighbor's

1 driveway right here (indicating) goes all the way
2 to the back of their property.

3 COUNCILMAN IMBROTO: The neighbor's
4 property abuts directly against your driveway?

5 MR. FARRELL: Correct.

6 COUNCILMAN IMBROTO: With no buffer?

7 MR. FARRELL: Correct.

8 COUNCILMAN IMBROTO: Okay.

9 Are there any other variances besides
10 the buffer, the parking and the lot area?

11 MR. FARRELL: So we don't have a play
12 area, which is required. The play area is on the
13 adjoining property. There's -- let me see --

14 COUNCILWOMAN MAIER: Where is the
15 adjoining property when you're looking at this
16 plan?

17 MR. FARRELL: It's directly to the
18 south.

19 COUNCILMAN IMBROTO: What separates the
20 two properties?

21 MR. FARRELL: Right now, it's just a
22 fence that separates the two properties.

23 SUPERVISOR SALADINO: Is that the kind
24 of fence that is like a vinyl fence that you cannot
25 see through or --

1 MR. FARRELL: No, no, no, no.

2 SUPERVISOR SALADINO: -- is it more
3 like a chain link that you can see through?

4 MR. FARRELL: It's a -- I think it's --
5 actually, I think it's an estate fence. Like an
6 aluminum estate fence.

7 SUPERVISOR SALADINO: Are you planning
8 on keeping that fence? Are you looking to --

9 MR. FARRELL: Well, we would open it up
10 and have a gate that would access the existing site
11 so we could get, you know, the kids when we have
12 them out for playtime, they would be able to go,
13 you know, out the back of the building and go into
14 the play area on the other property.

15 COUNCILMAN IMBROTO: Is the play area
16 directly on the other side of that fence?

17 MR. FARRELL: Yes.

18 COUNCILMAN IMBROTO: And is that next
19 to your garden?

20 MR. FARRELL: Yes.

21 SUPERVISOR SALADINO: And you said,
22 what type of fence is that?

23 MR. FARRELL: I believe it's an estate
24 fence.

25 SUPERVISOR SALADINO: An estate fence.

1 AUDIENCE SPEAKER: It's a PVC fence
2 that was installed prior to us purchasing that
3 property.

4 SUPERVISOR SALADINO: So is it the kind
5 of fence you can fully see through --

6 MR. FARRELL: You can see through.

7 SUPERVISOR SALADINO: -- so that you
8 can see the children at all times, or is it the
9 type of fence that blocks the view to some
10 percentage?

11 COUNCILMAN IMBROTO: But you're taking
12 the fence down, so it doesn't matter.

13 MR. FARRELL: We'll replace it so you
14 can see through it. I mean, we're going to have to
15 replace part of it anyway to put the gate in, so we
16 can put -- so this is -- I'll hand this up to the
17 Board (handing). That's essentially the fence
18 that's around the property.

19 COUNCILWOMAN MAIER: I have a few
20 questions.

21 SUPERVISOR SALADINO: Please.

22 COUNCILWOMAN MAIER: Regarding the ages
23 of the children, do we know what ages attend this
24 site?

25 AUDIENCE SPEAKER: 18-months to five

1 years.

2 MR. FARRELL: 18-months to five years
3 old.

4 COUNCILWOMAN MAIER: Okay.

5 18-months to five years old.

6 So is the ratio -- is the State ratio
7 -- is it six to one?

8 Is that what you're legally required
9 to --

10 SUPERVISOR SALADINO: For this
11 gentleman to be a witness, he needs to come up and
12 identify himself, and let's bring him up, and
13 please state your name, your presence, your
14 address.

15 MR. FARRELL: This is Devon Que. He is
16 one of the principals of F & Q Properties and Dilly
17 Dally Nursery.

18 MR. QUE: Hi. My name is
19 Devon Que.

20 To address the question, we are State
21 licensed --

22 SUPERVISOR SALADINO: Just give us your
23 address, please, Devon.

24 MR. QUE: My address?

25 SUPERVISOR SALADINO: Yes, please.

1 MR. QUE: It's 249 Devonshire Drive in
2 New Hyde Park.

3 SUPERVISOR SALADINO: Thank you.

4 MR. QUE: Okay.

5 Regarding the age and ratio, for
6 18-months, we do 1 to 5, and that's per State
7 license.

8 COUNCILWOMAN MAIER: Okay.

9 So 18-months is one to five, and then
10 over that, what is the ratio?

11 MR. QUE: For 3-year-olds, it's 1 to 7;
12 4 and 5, 1 to 8.

13 COUNCILWOMAN MAIER: 1 to 8, you said?

14 MR. QUE: 1 to 8.

15 COUNCILWOMAN MAIER: So I'm looking at
16 the layout here.

17 So there's three proposed classrooms,
18 correct?

19 MR. QUE: Correct.

20 COUNCILWOMAN MAIER: So what would the
21 break up be?

22 Would you be mixing children of
23 different ages in these rooms?

24 MR. QUE: We would, like, it depends on
25 enrollment. Likely, there will be one for

1 18-months, another group for threes and another
2 group for fours. That's a typical expected
3 enrollment, but also since we will have the other
4 side, we may just have, let's say, all 3-year-olds
5 on this side and then the younger age group on the
6 other side.

7 COUNCILWOMAN MAIER: And how many
8 children do you have at the other site?

9 MR. QUE: We have about 40 on an
10 average day.

11 COUNCILWOMAN MAIER: About 40?

12 MR. QUE: Mm-hmm.

13 COUNCILWOMAN MAIER: And how many
14 staff, teachers are there?

15 MR. QUE: We have about eight there and
16 that includes administrative staff.

17 COUNCILWOMAN MAIER: And that's from
18 the ages of 18-months to five years?

19 MR. QUE: Correct.

20 COUNCILWOMAN MAIER: So it looks like
21 also you have a proposal for the seller as well to
22 put a gym, dance room, a recreation room --

23 MR. QUE: Yes.

24 We were planning to use an indoor
25 playground for when there's bad weather to have

1 somewhere else for them to go.

2 COUNCILWOMAN MAIER: Now, is -- do you
3 have an emergency plan evacuation route in the
4 basement?

5 MR. QUE: There's an -- there is direct
6 egress that we plan to have.

7 COUNCILWOMAN MAIER: That you plan to
8 have or is there now?

9 MR. QUE: There isn't one at the
10 moment.

11 COUNCILWOMAN MAIER: Okay.
12 Is the building sprinklered?

13 MR. QUE: I'm sorry?

14 COUNCILWOMAN MAIER: Are there
15 sprinklers in the building?

16 MR. QUE: Inside, no. It's not
17 necessary for -- unless we have infants, per
18 regulation.

19 MR. FARRELL: That would be a State
20 building code issue. So whatever the State
21 building code would require would be what we would
22 do.

23 COUNCILWOMAN MAIER: Is there cooking
24 on-site?

25 MR. QUE: No.

1 Well, we'll have a pantry to warm up
2 food, but nothing, no.

3 COUNCILWOMAN MAIER: Just like a
4 microwave?

5 MR. QUE: Correct.

6 COUNCILWOMAN MAIER: Now, would you be
7 willing to share your plan for the basement?

8 I mean, I would be comfortable with
9 that because I have three kids, one is pre-school
10 age, so I guess my concern as a parent having a
11 child going to a school is having an evacuation
12 plan and knowing in the event of an emergency how
13 they're going to safely get out of the building.

14 MR. QUE: Okay.

15 Is that something you want me to
16 describe now or as a followup in --

17 COUNCILWOMAN MAIER: As a followup.

18 MR. QUE: Okay.

19 That's fine.

20 MR. FARRELL: We can provide that plan.
21 That's not a problem.

22 COUNCILWOMAN MAIER: Okay.

23 Thank you.

24 COUNCILMAN LABRIOLA: I have some
25 questions.

1 SUPERVISOR SALADINO: Please,
2 Councilman.

3 COUNCILMAN LABRIOLA: Counselor, in
4 your disclosure affidavit, you identify Mr. Que,
5 but you're not identifying who "F" of F & Q is.

6 Could you describe your members of your
7 LLC?

8 MR. QUE: That would be my brother.

9 COUNCILMAN LABRIOLA: Your brother,
10 okay.

11 His disclosure is not in my packet. I
12 assume --

13 MR. FARRELL: I will update it. I was
14 not aware.

15 COUNCILMAN LABRIOLA: Okay.

16 So --

17 SUPERVISOR SALADINO: Let's ask his
18 name. The brother's name.

19 MR. FARRELL: What's your brother's
20 name?

21 MR. QUE: It's Chien Fung. That's
22 spelled "C" as in Charles, "H" --

23 MR. FARRELL: Take your mask off.

24 MR. QUE: Is that okay?

25 SUPERVISOR SALADINO: Yes, it is.

1 In front of the screen it is.

2 COUNCILMAN IMBROTO: If it's okay with
3 you.

4 MR. FARRELL: You're by the screen.

5 MR. QUE: It's C-H-I-E-N, and last name
6 is F-U-N-G.

7 COUNCILMAN LABRIOLA: So your brother
8 is Mr. Fung?

9 MR. QUE: Yes.

10 COUNCILMAN LABRIOLA: Okay.

11 So the two of you own Dilly Dally?

12 MR. QUE: Correct.

13 COUNCILMAN LABRIOLA: And you've been
14 in business for how many years?

15 MR. QUE: Five with Dilly Dally. Six.
16 Going six.

17 COUNCILMAN LABRIOLA: So in addition to
18 the fact that you say that you have all of the
19 State licenses, you follow all of the State
20 requirements as far as background checks required
21 for your staff?

22 MR. QUE: Correct.

23 COUNCILMAN LABRIOLA: Have you had any
24 violations from the State in your practice in the
25 past five years?

1 MR. QUE: No major violations.

2 It could be sometimes, um, let me think
3 of one, maybe a child didn't wash their hands when
4 they came back from the -- with the incidences of
5 COVID, now they basically wash their hands after
6 every thing that they do. We've had a violation
7 for something like that, but nothing major. No
8 child abuse or anything like that.

9 COUNCILMAN LABRIOLA: And your staff?

10 MR. QUE: They're all cleared.

11 A lot of our staff have been with us
12 ten-plus years. I think that can be a testament to
13 the good environment that we really try to provide
14 for them, but, otherwise, they are all really good.

15 COUNCILMAN LABRIOLA: So are there any
16 other members of the LLC?

17 MR. QUE: No, just us two.

18 COUNCILMAN LABRIOLA: Okay.

19 So as far as the queueing lines that
20 you talk about, and you state -- or your counselor
21 stated -- and counselor, sure, if this should be
22 directed to you --

23 MR. FARRELL: Sure.

24 COUNCILMAN LABRIOLA: I'm not trying to
25 question your client if you should answer.

1 MR. FARRELL: No.

2 Whatever.

3 That's fine.

4 COUNCILMAN LABRIOLA: In terms of the
5 queueing lines that you speak of, now you've said
6 that there's no parking in the Dilly Dally, but we
7 do have five parking spaces in this particular --
8 in this particular site plan --

9 MR. FARRELL: Correct.

10 COUNCILMAN LABRIOLA: -- which is
11 inadequate in terms of what the current code
12 requires.

13 MR. FARRELL: Correct.

14 COUNCILMAN LABRIOLA: When Dilly Dally
15 was created, was it created under variances or
16 exceptions to the code?

17 MR. FARRELL: I don't -- I believe
18 there was a parking variance. You have to
19 understand we filed this application a very long
20 time ago, and with COVID, I've been in and out of
21 my office, so I really didn't have access to the
22 file prior to this.

23 I believe there was a parking variance
24 that was required, and they got permission for a
25 zero parking variance, but I would have to go back

1 and double check that.

2 COUNCILMAN LABRIOLA: Counselor, have
3 you reached out to the adjoining property owners
4 besides the required mailing?

5 Have you had any meetings or contact
6 with the adjoining property owners?

7 MR. FARRELL: Honestly, I hadn't had
8 any conversations or reached out to the adjoining
9 property owners.

10 I think one of the reasons that I
11 didn't was a) COVID. That's kind of limited a lot
12 of that opportunity.

13 I think the second reason is my client
14 has been operating -- he's personally been
15 operating there for five years, and it was existing
16 prior to him acquiring the property, and he has
17 never had an issue or complaint from a neighbor.
18 If it were a situation where we were aware of
19 complaints or issues and people were complaining, I
20 certainly would have made a greater effort to reach
21 out.

22 As I said, we sent out the radius
23 mailing as required. I always put a cover letter
24 in my radius mailing asking people to contact me
25 directly with any questions or issues, and the only

1 two calls I got were people that had mistaken this
2 property for another property, and when I told them
3 it was Dilly Dally that was making this
4 application, they had nothing but good things to
5 say.

6 COUNCILMAN LABRIOLA: Is Dilly Dally a
7 wood frame construction?

8 MR. FARRELL: Yes.

9 COUNCILMAN LABRIOLA: And how many
10 students and staff are currently in Dilly Dally?

11 MR. FARRELL: There's 40 students and
12 eight staff.

13 COUNCILMAN LABRIOLA: And where do they
14 park?

15 MR. FARRELL: Generally, on the
16 on-street parking on Merritts Road.

17 COUNCILMAN IMBROTO: Could you discuss
18 the existing use of this property?

19 MR. FARRELL: The existing use -- so
20 we've been in this process for a very long time. I
21 think we filed this application in 2017 maybe, and
22 it's just basically been a vacant single-family
23 house so --

24 COUNCILMAN IMBROTO: So you're going
25 from a vacant single-family house to a daycare

1 facility with 30 students, five faculty, and no
2 parking or --

3 MR. FARRELL: Well, there is parking.

4 COUNCILMAN IMBROTO: -- limited
5 parking.

6 MR. FARRELL: There's parking for the
7 people that are going to be there all day.

8 I mean, that's really the thing, so the
9 bulk of the day from 9:00 a.m. to 4:00 p.m., you're
10 basically going to have the five cars that are
11 parked on-site. There's not going to be any impact
12 to the surrounding roadways.

13 You know, obviously, if a parent wants
14 to have a meeting, you know, they'll schedule a
15 meeting, but with the limited number of students
16 and the limited number of teachers, you know, you
17 don't really get that many meetings, so it's not
18 like they're going to be stacked all day long with
19 cars parking in front of the property.

20 They don't get a ton of deliveries.
21 It's really -- for a busy use that's in use all
22 day, it's relatively quiet. You know, once the
23 dropoff and pickup is done, there's nothing going
24 on.

25 COUNCILMAN IMBROTO: Okay.

1 And that's three times a day in the
2 pre-session, the morning session and the afternoon?

3 MR. FARRELL: I mean, it's really kind
4 of one rolling session from the morning. The
5 morning is more of a rolling session, I would say.
6 I would defer to my client.

7 I mean, I'm just going from my
8 experience with daycare. You know, the morning --
9 the dropoffs come, they start at 7:30. They end at
10 9:00. It's not like you get one big rush at any
11 particular time, but it's over that hour and a half
12 period where people are just rolling in, and then,
13 I think, at the end of the day -- it's a little
14 more around 4:00 -- you probably get more people,
15 but I would defer to my client on that.

16 COUNCILMAN IMBROTO: Is it fair to say
17 it's a lot more people than a single-family home,
18 especially a vacant single-family home?

19 MR. FARRELL: Well, I think any time
20 you grant a special permit for a business use in a
21 residential district, it's going to generate more
22 traffic than a single-family home would.

23 COUNCILMAN IMBROTO: How many other
24 nonresidential uses are within the radius that you
25 provided us with the radius mailing?

1 MR. FARRELL: Nonresidential uses?

2 I mean, directly across the street --

3 COUNCILMAN IMBROTO: On your side of
4 the street.

5 MR. FARRELL: On our side of the
6 street, there is Dilly Dally Nursery, which is next
7 to us, there's the Town park, which is next to
8 that, then Bar Boy is next to that, and then, I
9 think, it might turn -- I don't think there's any
10 more houses after Bar Boy. I think it's kind of --
11 I think it's part of the roadway. It's like --

12 MR. QUE: Medical office --

13 MR. FARRELL: Yeah, there might be a
14 medical office --

15 MR. QUE: Dentist, something --

16 MR. FARRELL: -- and then it turns,
17 then it turns, and the roadway becomes part of the
18 parkway over there.

19 COUNCILMAN IMBROTO: Okay.

20 Directly to the north, are there any
21 nonresidential uses on your side of the street?

22 MR. FARRELL: Directly adjacent to the
23 north, no, there's not. It's -- there's a few
24 single-family houses as you go. Maybe, a quarter
25 mile up, there's the strip center on that side, but

1 this is really the area where the property is on
2 this side (indicating), the west side -- I'm sorry,
3 yeah, on the west side of Merritts Road turn
4 commercial.

5 COUNCILMAN IMBROTO: Okay.

6 Up until the Town park, heading south
7 from the corner of Cort Place and Merritts Road,
8 it's basically all residential uses on Cort Place
9 and Merritts Road, on Cort Place and Cinque Drive?
10 Basically, this entire block is residential other
11 than Dilly Dally?

12 MR. FARRELL: There's seven.

13 So if you go from Motor Avenue on the
14 north to Reese Place, there are seven houses, and
15 there is one retail center, which is across from
16 Motor Avenue, and there are seven houses, then
17 these two properties (indicating), then the Town
18 park, then Bar Boy, then a dentist office --

19 COUNCILMAN IMBROTO: But Bar Boy is all
20 the way on the other side of the Town park, right?

21 MR. FARRELL: Bar Boy is on the other
22 side of the Town park, but this is, you know,
23 generally a commercial strip of road, and then it
24 goes to the Bethpage Parkway.

25 COUNCILMAN IMBROTO: But this block is

1 not a commercial block that this is located on; is
2 that fair to say that it's a residential block?

3 MR. FARRELL: I don't think it's fair
4 to say that Merritts Road is a residential block
5 when you go directly across the street, there are
6 three auto repair uses, a gas station, an abandoned
7 bank, a retail strip center, professional offices,
8 restaurants, you know --

9 COUNCILMAN IMBROTO: You're talking
10 about the shopping center that's on the other side
11 of Merritts Road. I'm talking about the block that
12 your client's property is located on.

13 It's a bunch of single-family homes and
14 a Town park; is that fair to say?

15 MR. FARRELL: No.

16 Because my client's property is located
17 on Merritts Road, and Merritts Road is not just
18 single-family homes.

19 If you want to say that my client's
20 property is adjoined --

21 COUNCILMAN IMBROTO: Next to your
22 property on all sides --

23 MR. FARRELL: If you want to say my
24 client is adjoining residential to the immediate
25 north and the immediate west, the answer is yes.

1 COUNCILMAN IMBROTO: And south is a
2 Town park.

3 MR. FARRELL: And to the south is, no,
4 to the south is my client's existing nursery and
5 then the Town park.

6 COUNCILMAN IMBROTO: Which in some
7 respects is being treated as the same property and
8 others is not.

9 Okay.

10 Are there 12 variances required for
11 this application?

12 MR. FARRELL: Yes.

13 COUNCILMAN IMBROTO: Okay.

14 So we talked about three of them.

15 What are the other nine?

16 MR. FARRELL: They're shown on the plan
17 if you look at them on the right side (indicating).
18 So we don't meet the minimum lot size, I misspoke
19 earlier, it's 21,000 square feet. We would need
20 for the additional students.

21 COUNCILMAN IMBROTO: Versus the 8,000
22 provided?

23 MR. FARRELL: Versus the 8,000
24 provided, but, again, you know, this is not a use
25 where the people are outside, and I think if you

1 look at the existing use at 210, it's worked very
2 well without any parking and with much less
3 property than the current code requires.

4 The proposed circular driveway is
5 beyond the required front yard. The proposed
6 circular driveway does not have a minimum side
7 yard, which, I mean, yeah, I guess.

8 The proposed staircase does not meet
9 the principal front yard setbacks. It is closer,
10 but that's because we had to get the, you know, the
11 angle proper for the emergency egress from the
12 second floor. That's a minimal encroachment.

13 It's a -- 10-foot buffers separating,
14 which we discussed, the six-foot landscaping
15 abutting parking, which we do provide at least on
16 the west side of the property with the parking in
17 the rear. There's a six-foot buffer between those
18 parking spaces, there's just not a six-foot buffer,
19 I guess, between the parking that's along the south
20 side of our property line, if you see that on the
21 plan.

22 Parking stalls do not meet the minimum
23 required amount.

24 Proposed dropoff stalls do not meet the
25 minimum required amount.

1 Play area does not meet the principal
2 structure rear and side yards. We don't have a
3 play area on this site, so that's something we
4 could discuss, but I think that's for the Zoning
5 Board to consider.

6 And then the access driveway does not
7 have 20 feet of width. Again, the access driveway
8 is a -- well, I'll have the traffic expert address
9 that, but it's really an ingress. People that are
10 going to be leaving, you know, you're talking about
11 the teachers that are getting there in the morning,
12 parking in the rear, I don't think we really need
13 the 20 feet of width because you're having the
14 teachers come in at one time, and the teachers are
15 leaving at one time, and it's not going to be a
16 constant flow of traffic in and out of the back
17 parking lot.

18 If this were more of a commercial --
19 COUNCILMAN IMBROTO: But there being a
20 constant flow for the students that are coming in
21 and out, right?

22 MR. FARRELL: That would be in the
23 front, and that would be one-way in and one-way
24 out, and you wouldn't have -- when the students are
25 coming in and out, this is the area they're talking

1 about here (indicating).

2 When the students are coming in,
3 they're coming in here and going out this way
4 (indicating). You're not going to have two-way
5 traffic in this side yard very much because the
6 parking in the rear is just for the teachers, so
7 you're going to have them going in at one time and
8 coming out at one time, and they'll be able to
9 coordinate with one other.

10 COUNCILMAN IMBROTO: Well, what if
11 there's no room in that small driveway in the front
12 and the parents want to drop their kid off in the
13 back?

14 MR. FARRELL: They would, well, again,
15 that's going to be -- they're going to be directed
16 which way to go when they get to the site. My
17 client has a lot of experience with this, again --

18 COUNCILMAN IMBROTO: How many cars can
19 the driveway in the front accommodate?

20 MR. FARRELL: It can accommodate two
21 cars at a time.

22 COUNCILMAN IMBROTO: And you have 30
23 students --

24 MR. FARRELL: Right.

25 But they're not all coming in at --

1 COUNCILMAN IMBROTO: -- more in the
2 other property.

3 MR. FARRELL: Right. But they're not
4 all getting dropped off on this site.

5 COUNCILMAN IMBROTO: So if there's two
6 cars in the driveway, where are the other cars
7 going to go?

8 Are they going to back up on Merritts
9 Road, or are they going to go in the back parking
10 lot?

11 MR. FARRELL: They would be in the
12 shoulder on Merritts Road.

13 COUNCILMAN IMBROTO: So you could
14 potentially have 28 cars backed up on the shoulder
15 of Merritts Road in the morning because only two
16 fit in the driveway?

17 MR. FARRELL: Not from a practical
18 standpoint because as I said earlier, the dropoffs
19 are going to be rolling, so you're not going to
20 have 28 people showing up at one time. This isn't
21 a business that opens at 9:00 and everybody's
22 waiting to get in. It opens at 7:30, so you'll
23 have --

24 COUNCILMAN IMBROTO: But there's a
25 pre -- I don't know what you called it, a

1 pre-care --

2 MR. FARRELL: Yeah, early care.

3 COUNCILMAN IMBROTO: -- I don't know
4 what you said, that's at 7:30, but school starts at
5 9:00.

6 MR. FARRELL: Right.

7 COUNCILMAN IMBROTO: So how many
8 participate in the 7:30 program versus the 9:00
9 program?

10 MR. QUE: So based on our existing
11 operation with 40 kids, I'd say about 15 percent of
12 the kids come in at 7:00; the rest come in at 9:00.

13 Our typical dropoff period is really
14 only about a fifteen-minute window of which, in
15 most cases there are about -- with our current
16 operation -- maybe four cars or five cars, I think.
17 Drop off their kids, and they're probably there
18 for, like, not even a minute.

19 We've devised a process with our staff
20 that makes it easy for us to receive the children
21 and quickly have them into the building and then
22 they just move off.

23 COUNCILMAN IMBROTO: So the substantial
24 majority are getting dropped off a little bit
25 before 9:00?

1 MR. QUE: We do, like, a stagger.
2 Like, if you're 3, you come in at 8:50. If you are
3 4 years old -- if you're the 4-year-old group, you
4 come in at 9:00, so that eases the flow in and out
5 of the street.

6 COUNCILMAN IMBROTO: Okay.

7 MR. FARRELL: You have to understand
8 too, I mean, my client has been doing this for a
9 number of years without any issues. He doesn't
10 want his people -- the people that are dropping
11 their kids off to feel unsafe when they're dropping
12 their kids off.

13 If he needs to adjust his schedule to
14 accommodate cars coming in and out, he can do that.
15 He has that flexibility. He wants a constant flow,
16 he wants it quick and seamless, and he doesn't want
17 to have any issues, so if there's a safety concern,
18 he can address it with just changing times, having
19 people come in earlier, but, like I said, he's been
20 operating without a drive-thru queue with people
21 just dropping off on Merritts Road, and he hasn't
22 had any problems at all at the site.

23 SUPERVISOR SALADINO: So, counselor, to
24 that point, what is the earliest hours of operation
25 currently, and are you asking for greater hours?

1 MR. FARRELL: It's the same.

2 SUPERVISOR SALADINO: What time?

3 MR. FARRELL: 7:30 a.m.

4 SUPERVISOR SALADINO: 7:30 a.m.

5 So some people are dropping off, and
6 there's an upcharge the earlier you drop off your
7 child the more expensive it becomes?

8 MR. FARRELL: Correct.

9 SUPERVISOR SALADINO: Does that create
10 a situation whereby your problem becomes the
11 problem of your parents who utilize your service,
12 your customers?

13 MR. FARRELL: I'm not sure I follow.

14 SUPERVISOR SALADINO: So I'm not clear
15 entirely what steps you're taking to make this as
16 safe as possible for the dropoff of very young
17 children on a very busy street.

18 COUNCILMAN IMBROTO: The early drop-off
19 is about four or five kids. The rest are coming --
20 25, 28 kids are coming at 9:00.

21 MR. FARRELL: Well, yeah, they're
22 coming at intervals over that time between 8:30 and
23 9:00, yes.

24 COUNCILWOMAN MAIER: Here's my
25 question --

1 SUPERVISOR SALADINO: Councilwoman.

2 MR. FARRELL: Yes.

3 COUNCILWOMAN MAIER: I mean, I have
4 three kids, they're all, you know, at pre-school
5 age at one point or another. Do you have staff
6 that meets them outside, and, like, here's my child
7 and here's my stuff, or is it, like, get out of the
8 car because listen, you have a diaper bag, you have
9 food, you have a child that is 18-months old and
10 does not want to separate from their mother --

11 MR. FARRELL: Typically, the parents
12 would just leave the door open and just push the
13 car seat out as they're rolling through.

14 (Whereupon, there was some laughter
15 from the audience.)

16 COUNCILWOMAN MAIER: Honestly, you
17 know, for a one minute drop-off, that's exactly
18 what you're going to have to do, which, obviously,
19 we all know it's not practical.

20 You know, I have three kids. They were
21 all different personalities. One was see 'ya
22 later. I'll see you at pickup. The others were
23 more attached where it was a process. It was a ten
24 to fifteen-minute process where I had to walk them
25 in, I had to get them settled, so I was there in

1 the parking spot for fifteen minutes.

2 MR. FARRELL: That doesn't happen at
3 the existing facility, but I'll let my client
4 explain.

5 COUNCILWOMAN MAIER: Let us know what
6 you're doing to make that --

7 COUNCILMAN IMBROTO: Yeah, we want some
8 of that.

9 SUPERVISOR SALADINO: What is the
10 process so we can be very confident that there is
11 safety above all as well as this issue of what
12 happens when cars start stacking up on a very busy
13 street during rush hour because rush hour doesn't
14 end at 9:00. People are getting to work beyond
15 that time or there's deliveries -- it's a busy
16 street. There's no doubt.

17 MR. QUE: Right.

18 So, based on our current operation
19 where we have more kids of 40, the current protocol
20 is they pull up onto the shoulder, they hop out of
21 their car, they unstrap their children. They
22 usually only have one bag with them. We have
23 cubicles inside where they keep extra sheets and
24 stuff like that. They would then walk up to the
25 gate and then they are received at the gate. The

1 gate is about maybe six steps -- six-foot type of
2 space. It's just a curb. They come through our
3 gate and then our teachers from that point on
4 passes them into the school, so the parents don't
5 actually go in. They don't go chitchat. They know
6 that they, you know, they have their jobs to do,
7 but they also know they're not here to block the
8 shoulder.

9 If they need to talk to the teacher,
10 they can call us, or they can schedule some time to
11 come after-school or a ZOOM session these days, and
12 with the new flow that we're expecting to have with
13 the new side building, they actually don't even
14 need to pull up to the shoulder because then they
15 can just pull through the drive-thru, and as I
16 mentioned before, with our current 40 children on
17 average during dropoff, it's about four to five
18 cars that come in and just kind of go. It just
19 happens to be that way.

20 If it ever became a concern, we can
21 then enforce a little harder, hey, if you're 3 --
22 if your child is 3, you're definitely coming at
23 this time, and everyone has kind of obliged to
24 everything, so we haven't had any issues in the
25 years that I've seen, and I imagine for the decades

1 before that.

2 COUNCILMAN IMBROTO: But now you're
3 going to be essentially doubling the amount of
4 students, doubling the amount of vehicles, doubling
5 the amount of teachers presumably in a residential
6 area. You don't have a lot of the requirements
7 that our zoning specifically requires for this use,
8 including an outdoor play area. It's a daycare
9 without an outdoor play area. You're going to put
10 them next door at the outdoor play area that
11 already has 40 kids using it in the middle of a
12 residential neighborhood without any buffers, and
13 the lot is one-third of the size that it needs to
14 be.

15 Is that accurate?

16 MR. QUE: So two points that I can
17 address, and I'll let my attorney address the
18 others.

19 In terms of the play space, we have
20 multiple play areas in the existing facility.
21 Mostly throughout the day because they cycle
22 throughout, you don't have all 40 kids out at the
23 same time. Just based on that alone --

24 COUNCILMAN IMBROTO: Now, it's going to
25 be 70 kids using the same playground.

1 MR. QUE: Right.

2 MR. FARRELL: But it's still not at the
3 same time. It's like an elementary school. You
4 don't put -- the elementary schools don't put all
5 of their students out onto the playground at one
6 time. They go out after their lunch hour or before
7 their lunch hour. That's how they're able to
8 stagger, and now it's even -- they even use more
9 time now because of social distancing requirements
10 and everything else, but you're not going to flood
11 the playground with 70 kids. You're going to have
12 it staggered.

13 COUNCILMAN IMBROTO: How long is the
14 playtime?

15 MR. QUE: Typically, they're outside
16 for maybe about 45 minutes. Right now, in our
17 existing school, we have three big playgrounds, so
18 let's logistically think about if we have three
19 groups out over each hour, in reality you can have
20 18 groups in there throughout the course of the
21 day, and they would have enough playtime. We only
22 have four groups.

23 COUNCILMAN IMBROTO: I don't know if
24 that works -- 18?

25 MR. QUE: 18 groups.

1 If we had three groups go out every
2 hour and occupy all three spaces over the course of
3 six hours, you could really have 18 groups, but we
4 only have four.

5 COUNCILMAN IMBROTO: So lunch lasts for
6 six hours?

7 MR. QUE: Huh?

8 COUNCILMAN IMBROTO: Lunch lasts for
9 six hours?

10 MR. QUE: No, no, no.

11 They eat lunch, but when they go out to
12 play, they go out to play for about 45 minutes.

13 Now, different from an elementary
14 school, playtime is not only during lunchtime. It
15 could be at 9:00. There could be a block of kids
16 going out to play for some fresh air and, you know,
17 climbing apparatus. 10:00, you could have another
18 group. So, there's a cycle, so if we were to
19 logistically think about three groups using all the
20 space at every hour of our normal operating hours,
21 that's already 18 groups, and we only have four.

22 So even if we were to add another three
23 groups, that's still only seven, so there's, you
24 know, ample time and space for the proposed that
25 we're thinking of.

1 COUNCILMAN IMBROTO: So some kids will
2 get to play right when they get there, and then
3 they don't get to leave the building for the rest
4 of the day?

5 MR. QUE: Well, if they came in at 7:00
6 or they came in at 9:00, they settle down. If the
7 day is nice, they go out more. If the weather's
8 not good, they play inside. There are different
9 methods of making sure that they have their
10 exercise daily.

11 Now, also the other part of that in
12 terms of you mentioning that now you have double
13 the students, if we excluded the original building
14 out of this flow, then the new flow that we're
15 creating really is to accommodate a lesser amount
16 of children, but at the same time, an even more
17 efficient flow than what we're able to accommodate
18 with 210.

19 So with that said, I actually think
20 instead of us thinking oh, this one flow now has to
21 accommodate 70 children, it's actually two flows,
22 which one is accommodating a lesser number of kids
23 in a more efficient way to complement anything else
24 that has been happening for 50 years.

25 COUNCILMAN HAND: If I may, I'd like to

1 ask a different question.

2 Following up on the hygiene concern
3 that you had raised earlier -- an isolated incident
4 during COVID -- I see that this facility has one
5 existing bathroom presently, and then you're going
6 to add one on the second floor.

7 Is that going to be adequate for the 35
8 people that you're going to have in that facility,
9 and, if not, what accommodations are you going to
10 make to the restrooms, washing stations, et cetera?

11 MR. QUE: Yes.

12 So we're actually thinking about
13 revising the plan a little bit, but typically one
14 toilet accommodates 15 children, so we really only
15 need two to accommodate 30. We're actually hoping
16 to probably fit in, like, a third.

17 COUNCILMAN IMBROTO: You've got about
18 70, 75 students playing in an area that essentially
19 is the size of a residential backyard, right?

20 MR. QUE: I think it's much bigger than
21 a residential backyard. My home -- 4,000, 5,000
22 square feet feels like a residential backyard.

23 Dilly Dally, which is currently at 210
24 Merritts Road, based on our use there's more than
25 ample outside space for the, you know, 40 children

1 that we have for sure.

2 COUNCILMAN IMBROTO: Is it ample space
3 for 75 or 70?

4 MR. QUE: Once we add in the other side
5 of the building, we have the extra garden, I would
6 say, yes.

7 COUNCILMAN IMBROTO: Is the garden
8 going to become a play area?

9 MR. QUE: Possibly.
10 But it's definitely space that they can
11 use.

12 COUNCILMAN IMBROTO: It's not reflected
13 as a play area on the application.

14 MR. QUE: Right.

15 Right.

16 We have ample play area now if it's
17 just for designated play, but what I'm saying is
18 because we have all the outside space, all the
19 different sections, it's more than ample for 70
20 children.

21 COUNCILMAN IMBROTO: How would it
22 compare to an elementary school play area for
23 example?

24 MR. QUE: I mean, if you look at an
25 elementary school play area, usually they have

1 one -- they can have all the outside space they
2 want, but they usually have one small designated
3 playground area with, you know, built-in climbers
4 and stuff, so I would say it's comparable.

5 My son's school has probably, like, 300
6 children, and they have, you know, two playgrounds
7 that they can run to, to climb, and I'd say even
8 that playground can fit in our facility, so I would
9 say that we are more than ample in terms of having
10 outside space for the use of however many inside
11 groups we have.

12 COUNCILMAN IMBROTO: So you're saying
13 you have almost as much outside space as your son's
14 elementary school?

15 MR. QUE: I'm saying in terms of the
16 playground, right.

17 COUNCILMAN IMBROTO: The physical
18 structure.

19 MR. QUE: Right.

20 Physical structure and --

21 COUNCILMAN IMBROTO: But I'm talking
22 about the space surrounding it, the total play
23 area.

24 MR. FARRELL: You're talking about, I
25 think you guys are talking about two different

1 things. I think my client is talking about on a
2 ratio basis. The square footage of the playground
3 to the number of students is comparable to that of
4 an elementary school for the jungle gym and the
5 climbing area. I think that's what he's saying.

6 MR. QUE: I also want to add in one of
7 our other schools, we also are licensed for 60
8 children, and we only have one playground outside,
9 and we are still approved by the State license
10 based on our operating flow that it can accommodate
11 the capacity of children that we have, and that's
12 -- that play space is probably one-eighth the size
13 of the exterior of what we have at 210 Merritts
14 Road.

15 COUNCILMAN IMBROTO: Any plans to
16 acquire the other surrounding properties?

17 MR. QUE: I mean, if they want to.

18 MR. FARRELL: If business is good.

19 MR. QUE: Right.

20 Yeah.

21 Times are definitely tough right now in
22 the child care space, especially with COVID
23 protocols. You know, you have a lot of things that
24 made 210 Merritts Road very sustainable in the
25 past, but to go into the future is very

1 unsustainable with just, like, four classrooms.

2 You have, you know, minimum wage going
3 up, your administrative staff is costing more and
4 more, the cost of tuition is already kind of, like,
5 really high for a lot of people. The only way to
6 offset those costs is to be able to have additional
7 classrooms, which can help offset costs outside of
8 the classroom that is needed to maintain the
9 school.

10 For example, administrative staff,
11 cleaning, you know, property tax, everything around
12 that, so this, you know, 210 Merritts Road has been
13 a struggle, and this COVID situation has not made
14 it any easier for us.

15 COUNCILMAN LABRIOLA: Just a couple of
16 follow-up questions.

17 What are the ages of the children you
18 serve?

19 MR. QUE: Typically, two -- sorry,
20 18-months through the age of five. Sometimes we
21 have after-school kids, so it can go up to, like,
22 second grade, third grade for after-school.

23 COUNCILMAN LABRIOLA: What are the
24 hours that you would keep, let's say, up to the
25 ages of five?

1 How many hours would you provide the
2 care?

3 Is it a full day from 7:30 to 6:00, or
4 is it a half a day, or is it based on what the
5 parents choose?

6 MR. QUE: If a parent really needed,
7 they could come from 7:00 and stay until 6:00, but
8 on average, most people leave after eight hours or
9 ten hours. That's a typical workday.

10 COUNCILMAN LABRIOLA: And the State
11 permits you to keep an 18-month-old child for eight
12 hours?

13 MR. QUE: Yes.

14 With proper care and meeting the food,
15 nutrition and the exercises, yes.

16 COUNCILMAN LABRIOLA: Counsel, I
17 personally would like to see the CV for the members
18 of this LLC.

19 MR. FARRELL: Okay.

20 COUNCILMAN LABRIOLA: And I also want
21 to see you correct your petition, your disclosure
22 affidavit because it's lacking in the partner
23 and --

24 MR. FARRELL: Okay.

25 I can do that.

1 COUNCILMAN LABRIOLA: -- in addition to
2 that, you're referencing a site plan in Syosset on
3 the disclosure affidavits, and that should be
4 corrected for the record.

5 MR. FARRELL: Okay.

6 COUNCILMAN LABRIOLA: I'd also like our
7 Town Attorney's Office to verify the statement made
8 that there have been no violations of State code or
9 regulations over the last five years.

10 And that's all I have, Supervisor.

11 SUPERVISOR SALADINO: Okay.

12 Are there any other questions?

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

15 SUPERVISOR SALADINO: I wasn't one
16 hundred percent clear on the owner's answer.

17 We had The Safe Center here just this
18 morning, and we do know that every teacher, there's
19 long list of the people that have to go through an
20 intensive background check.

21 Has every employee of the company at
22 this site and elsewhere been vetted on the
23 appropriate State-mandated background checks?

24 MR. FARRELL: So the State licensing
25 requirements for daycare facilities are very

1 strict. They are inspected on a regular basis and
2 on a surprise basis. If there are violations,
3 they're violated. Every teacher that works for
4 Dilly Dally and every teacher that my client will
5 hire, will have all the proper certifications, all
6 the proper background checks, and if they don't
7 have that and they're inspected, and this isn't an
8 infrequent basis, my sister-in-law does these
9 inspections, and she inspects probably ten schools
10 a day.

11 SUPERVISOR SALADINO: Will she be doing
12 the inspections at this location?

13 MR. FARRELL: She might. I don't know.
14 I don't really talk to her about where she goes.

15 SUPERVISOR SALADINO: And that's not
16 seen as a conflict in any way, shape, or form?

17 MR. FARRELL: I don't know if she will
18 do the inspections, honestly.

19 My point is, this is not something that
20 is taken lightly by the State or the regulatory
21 agencies, and if he doesn't have the proper
22 background checks and the proper certifications for
23 his instructors, he'll lose his license.

24 SUPERVISOR SALADINO: Okay.

25 MR. FARRELL: And if he loses his

1 license, he loses his business.

2 SUPERVISOR SALADINO: So I have a more
3 specific question.

4 This location, this facility has been
5 in operation for how long?

6 MR. FARRELL: I think it's been here
7 since 1962.

8 SUPERVISOR SALADINO: Okay.

9 So you have a number of employees
10 currently working there?

11 MR. FARRELL: Eight.

12 SUPERVISOR SALADINO: Have all eight of
13 those employees passed their background checks?

14 MR. QUE: Absolutely.

15 SUPERVISOR SALADINO: Have you ever had
16 an employee there who has not passed the background
17 check or a prospective employee?

18 MR. QUE: No, sir.

19 SUPERVISOR SALADINO: Okay.

20 MR. QUE: Knock on wood, no.

21 SUPERVISOR SALADINO: All right.

22 We wanted to be very clear on that.

23 MR. FARRELL: No.

24 You can't, I mean, he can't even start
25 them at work until they've taken -- until they've

1 done a background check, so that's not something
2 that's -- that's not something that would
3 happen -- where he would hire somebody who's not
4 properly certified and doesn't have the proper
5 background checks. It's just not -- it can't
6 happen under his State license.

7 SUPERVISOR SALADINO: You also told us
8 that you have a traffic expert here.

9 MR. FARRELL: Yes, I do.

10 SUPERVISOR SALADINO: Can we ask some
11 questions of your traffic expert?

12 MR. FARRELL: Sure.

13 Wayne Muller from R & M Engineering.

14 SUPERVISOR SALADINO: Thank you.

15 MR. FARRELL: Sure.

16 MR. MULLER: Good morning, Supervisor
17 and Members of the Board.

18 My name is Wayne Muller. I'm with the
19 firm of Robinson and Muller Engineering. Our
20 offices are at 50 Elm Street, Huntington, New York.

21 SUPERVISOR SALADINO: In Huntington.

22 Thank you.

23 So my first question goes back to what
24 we were dealing with just before. We would like to
25 know, and the residents would like to know what is

1 being done to deal with safety as students -- as
2 these children are being unloaded and then loaded,
3 you have quite -- you have a busy street here. You
4 have children who could run out into the street.
5 You have a lot going on in this location that is,
6 in essence, off-site because you're -- we are
7 understanding that this process will take place on
8 the public road and not on the private property of
9 the facility.

10 MR. MULLER: I think if I could direct
11 the Board's attention to the site plan that's
12 before the Board today, I mean, we have designed
13 the plan to provide a two-car dropoff area on-site.

14 SUPERVISOR SALADINO: Two cars?

15 MR. MULLER: Two cars, right.

16 And based on the testimony the
17 applicant has offered, it is based on the
18 observations that we performed and his explanation
19 of the activity at the facility next door that the
20 two spaces will be adequate to accommodate the
21 maximum dropoff that would occur at this facility
22 based on the fact that the activity would be
23 reduced.

24 I believe he testified somewhere
25 between around five cars maximum would occur at the

1 maximum time, so we would say that the two spaces,
2 theoretically, would be adequate to accommodate the
3 maximum.

4 SUPERVISOR SALADINO: So you're
5 saying -- how many dropoffs, how many cars drop off
6 students in the course of a morning?

7 MR. MULLER: Well, the -- I mean, I
8 guess the maximum, theoretically, would be 30 if
9 every student came in its own individual vehicle.

10 COUNCILMAN IMBROTO: Would any of the
11 students of the existing Dilly Dally be getting
12 dropped off at this new driveway as well?

13 Could it be 70?

14 MR. QUE: No. No.

15 I mean, we expect this dropoff to be
16 much more efficient. If it turns out to be more
17 accommodating, then we can think about it, but the
18 reality is, we're isolating this as itself with 30
19 children, and it should be more efficient.

20 COUNCILMAN IMBROTO: But potentially
21 70?

22 MR. QUE: I think for the purpose of
23 this, I would say, no. They would just --

24 COUNCILMAN IMBROTO: But you just said
25 you would think about it.

1 MR. QUE: If it was more efficient,
2 then, yes, but otherwise, no.

3 SUPERVISOR SALADINO: So we're learning
4 that you would have two facilities operating and
5 cars queue in a northerly direction on the --
6 facing southerly, but as those cars build up, they
7 are queueing to the north?

8 MR. MULLER: That's correct. You're
9 absolutely correct.

10 SUPERVISOR SALADINO: So as the first
11 location, which is to the south of this application
12 queues up past that location, where are those cars
13 parked in front of?

14 MR. QUE: So as I mentioned before,
15 based on what we've seen in the last 50 years on
16 average, based on our current process, there's
17 about four to five cars that come by, dropoff and
18 go.

19 SUPERVISOR SALADINO: At a time?

20 Four to five cars at a time?

21 MR. QUE: Right.

22 So with the new proposal location where
23 we have two cars on-site for a lesser number of
24 children, I expect maybe two cars to be on the
25 shoulder waiting.

1 SUPERVISOR SALADINO: But don't those
2 cars at the first location, which is the south,
3 queue up and build up waiting for their turn?

4 Wouldn't they be parked in front of the
5 second location?

6 MR. QUE: Our queue is typically five
7 cars. So five cars come and they pretty much go.
8 We don't queue up to, like, ten, fifteen cars even
9 with 40 children.

10 SUPERVISOR SALADINO: Where does the
11 sixth, seventh, eighth car if they're trying to
12 drop off their children, where do they go?

13 MR. QUE: Because they come in a flow.
14 So at 8:55, 9:00, 9:05.

15 COUNCILWOMAN MAIER: So with this
16 proposed driveway for this new location allows for
17 a two-car stack?

18 MR. FARRELL: Correct.

19 COUNCILWOMAN MAIER: Say you have four
20 or five cars, that's out of the ordinary, five
21 cars. Where would that third, fourth, fifth car
22 land?

23 Would it be in front of the neighbor's
24 driveway?

25 MR. MULLER: Yes.

1 Not in front of their driveway, but
2 within the existing parking area that's available
3 on Merritts Road to the north. Yeah, it would
4 extend past the property.

5 SUPERVISOR SALADINO: So is it possible
6 people, as our Councilwoman spoke to earlier, it's
7 a big process to get multiple children ready and
8 out in the morning, you can't guarantee that that
9 parent is making that same time window every day,
10 right?

11 MR. QUE: Based on what we've seen,
12 they are pretty consistent. You know, usually
13 maybe the start of the school year you may have a
14 new child who is unsure, maybe it takes two
15 minutes, but once they're in the flow, like, after
16 two weeks of practice, it's, like, about a
17 one-minute dropoff.

18 MR. MULLER: Based on the observations
19 that we performed at his existing facility back in
20 2019 pre-COVID, what we saw was exactly what he
21 said.

22 During the maximum timeframe that we
23 observed, which was between 8:45 and 9:00 a.m.,
24 there were 13 cars that accessed the property on
25 Merritts Road and 13 cars that left, so the

1 turnover was about one per minute. The car would
2 pull up, the student and parent would get out --

3 SUPERVISOR SALADINO: So there were
4 times where 13 cars were queueing?

5 MR. MULLER: Not queued.

6 Within fifteen minutes.

7 SUPERVISOR SALADINO: Within fifteen
8 minutes.

9 MR. MULLER: Came in and left.

10 So they come in, they sit for a minute,
11 and they leave.

12 SUPERVISOR SALADINO: Okay.

13 And if so much as one person has a
14 problem, their child doesn't want to go to school
15 that day, their child has an issue, maybe not
16 feeling well, whatever it is, that -- common sense
17 would tell us that that means that more cars would
18 backup as that one family is taking more than their
19 one minute?

20 MR. MULLER: We didn't observe any
21 significant backups. It's like one or two cars
22 waiting on Merritts Road. The parents would get
23 out and drop their kids off.

24 MR. FARRELL: I think what you're
25 talking about, Mr. Supervisor, is a kind of a

1 worst-case scenario where somebody has an issue,
2 and, yeah, in those instances, that's going to
3 happen, but, I think, what you have to deal with
4 when you are considering applications for Planning
5 and Zoning, is you have to consider the average.
6 On average, that is not going to happen on every
7 day.

8 My client has been operating there for
9 five years at 210 and hasn't had any issues or
10 complaints that we've been made aware of or were
11 ever brought to our attention, so those instances
12 are very limited, and when they happen, they
13 happen. It happens with every use.

14 You know, I remember I was on the
15 Zoning Board in the Town of Babylon, and we
16 approved a SONIC. The first three months that that
17 SONIC was open, cars were parked along Deer Park
18 Avenue, Route 231, for about a quarter of a mile
19 down the road. You couldn't get into the site.
20 People were going nuts. They were freaking out.

21 Within six months, that problem
22 resolved itself because the novelty had worn off.
23 People learned when to go and when not to go, and
24 things kind of evened out. That was a worst-case
25 scenario.

1 If we denied every application based on
2 the worst-case scenario, you'd never approve
3 anything because you're thinking about oh, my God,
4 what if this happens. Well, if it does, it's only
5 going to happen once in a while, and if it does,
6 you just -- you kind of have to deal with it.

7 I mean, you can say it with any use
8 that gets an approval. Even a one-car parking
9 variance, you're talking about --

10 SUPERVISOR SALADINO: Yes, but that's
11 exactly the point.

12 That's why there is a variance process --

13 MR. FARRELL: Right.

14 SUPERVISOR SALADINO: -- so that it can
15 be vetted out so that the multiple layers of
16 government can look at these issues and determine
17 which are the ones that will increase an unsafe
18 condition and which are the ones that are workable.

19 MR. FARRELL: Right.

20 SUPERVISOR SALADINO: So to your very
21 point, we're trying to determine if this addition
22 of so many more students, which means so many more
23 cars adding to this will create an unsafe
24 condition, or will it create a commuter's nightmare
25 if people are pulling in and pulling out into

1 traffic.

2 Is there a light right at that
3 location?

4 MR. FARRELL: No.

5 MR. MULLER: No.

6 MR. FARRELL: But I think what our
7 traffic expert is saying is that he's -- and he can
8 correct me if I'm wrong -- when they did
9 observations, they didn't observe that.

10 MR. MULLER: That's correct.

11 MR. FARRELL: They observed an
12 efficient process that was working, and they
13 observed it on multiple occasions.

14 MR. MULLER: One thing to consider
15 also, I think, I didn't drop my daughter off for
16 daycare. My ex-wife did. But it's a repetitive
17 thing, and when you're going pretty much five days
18 a week, and you select a facility that you're
19 comfortable with, and that's traditionally on your
20 route to or from work, so a lot of times what we
21 found is that the cars are really on the route
22 because they want to pick a place that's convenient
23 and efficient and safe for them to drop their
24 children off, and then pick them up on the way to
25 and from work, and it becomes a repetitive routine

1 for, you know, four or five years of their lives
2 where you're going to drop the children off at
3 these facilities.

4 COUNCILWOMAN MAIER: I mean, I would
5 like to agree with that. I do. I mean, I think
6 every case is different. I have three kids. All
7 three went through daycare. You know, as I
8 mentioned earlier, I had one child who I could
9 throw out the window, and he'd be fine, but the
10 other one would cling to my leg for fifteen
11 minutes, and it was a whole settling down process,
12 and my third child the same thing.

13 So, you know, the daycare that we
14 selected for two of our children allowed us to go
15 in, park the car, go in, you know, make sure they
16 were settled, so, I mean, it's great if you have
17 families that are, you know, their kids are
18 comfortable just being dropped off like that. I'm
19 just -- I'm looking out for the situation that I
20 encountered over several years with my children,
21 and, unfortunately, they didn't fall into that
22 category of just, you know, dropping off and
23 leaving. They needed to be, I guess, cuddled or
24 handheld a little bit more before, you know, me
25 leaving them.

1 There is one question I have, and I
2 apologize, I don't think this was addressed before,
3 and this, actually, doesn't have anything to do
4 with traffic but more security related.

5 What are your security measures that
6 you currently have in place with your existing
7 building with either cameras or door locks making
8 sure that the children that are in there do not get
9 out, and what do you propose for the new listing?

10 MR. QUE: So in terms of our current
11 operation, all doors outside are locked. We also
12 have ample supervision for every group, so no child
13 strays off in any way. If they were to exit the
14 building of the school, we are still fully enclosed
15 with our gates. Once -- with the new proposed
16 building, at that time when we do renovations, we
17 do plan to put up additional security cameras in
18 all areas to further supervise the location.

19 COUNCILWOMAN MAIER: Now, so, if the
20 child does happen to get out of the, I guess,
21 vision of one of their teachers, are they able to
22 open the door and walk out?

23 Is there a double lock or is it just on
24 the --

25 MR. QUE: We have Magna-Locks that pull

1 up. They are not able to reach.

2 COUNCILWOMAN MAIER: They can't reach
3 it.

4 MR. QUE: And that would be what we'll
5 do for the next location, too. We definitely want
6 to fully fence off the building and play areas so
7 that they can't just run out to the street as one
8 can imagine that kind of thing.

9 COUNCILWOMAN MAIER: And so your
10 existing location, the cameras are only accessible
11 by you and maybe even the staff?

12 MR. QUE: Yes, the administrative team.

13 COUNCILWOMAN MAIER: Okay.
14 Thank you.

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

17 COUNCILMAN LABRIOLA: Questions for
18 Mr. Muller.

19 SUPERVISOR SALADINO: Please, go ahead.

20 COUNCILMAN LABRIOLA: Can we continue
21 with the traffic expert, please?

22 Where you have in your report, did you
23 get traffic counts during peak periods on Merritts
24 Road?

25 MR. MULLER: We relied on the County --

1 excuse me, the New York State Department of
2 Transportation data that was available on the
3 website back in 2019.

4 So, essentially, what we found is that
5 during the -- there were approximately 14,600
6 vehicles per day, which travel in both directions
7 on Merritts Road.

8 During the morning peak hour, which is
9 traditionally the hour between 8:00 and 9:00 a.m.,
10 there are about 1,100 vehicles that go north and
11 southbound on Merritts Road, and in the p.m. peak
12 hour, traditionally, that's one hour between 4:00
13 and 6:00, there's 1,400 vehicles.

14 COUNCILMAN LABRIOLA: Thank you.

15 MR. MULLER: The additional check and
16 what we did look at in our analysis of the
17 additional traffic generated by the facility,
18 assuming that it would be all newly generated to
19 the area, which would translate to about a 3
20 percent increase in traffic in the morning and a
21 two percent in the afternoon, which is fairly
22 de minimis.

23 Now, taking into account that, in my
24 opinion, based on a lot of the other daycare
25 facilities that I have represented in my 32-year

1 career being a traffic expert, which is sometimes
2 not a very popular thing to be, but a lot of people
3 choose a facility that's on their route to and from
4 work, so those cars are really, I mean, we could
5 consider them or make an argument that they would
6 be passby traffic similar to retail facilities
7 where cars are already on the road passing the
8 facility, and they choose a spot to use as a
9 daycare facility because it's convenient on their
10 route to and from work.

11 That may not be one hundred percent of
12 the case, but an argument could be made that at
13 least a portion of the people who would choose this
14 facility will do it because of its convenience for
15 them because they want to be able to efficiently
16 and safely have their child go to the facility and
17 they do it on their way to and from work, so those
18 numbers would tend to be less.

19 COUNCILMAN LABRIOLA: Just to followup,
20 when a car comes into the queue over there and they
21 drop off, take me -- how they -- no, the queue is
22 it in the back of the building?

23 MR. MULLER: Right here (indicating).

24 They're going to come in the front.

25 It's like a circular driveway.

1 COUNCILMAN HAND: I see two-way traffic
2 on the side of the building.

3 MR. MULLER: Well, this is just
4 (indicating) this will be employee parking in the
5 rear only.

6 COUNCILMAN LABRIOLA: Okay.

7 MR. MULLER: So any of the parents that
8 will use the site to drop off will come in the
9 driveway and then exit out that way (indicating).
10 It's almost like a circular driveway in front of
11 the facility.

12 COUNCILMAN LABRIOLA: When the
13 employees go into the back of the building there
14 (pointing), they have to -- they park over --

15 MR. MULLER: They park.

16 COUNCILMAN LABRIOLA: They're parking
17 over there and then they're going to come back out
18 the same driveway.

19 MR. MULLER: Yeah, but, again, they're
20 going to get there in the morning, they're going to
21 be parked all day long, and they're going to leave
22 after all the activity is done.

23 COUNCILMAN LABRIOLA: Where's the
24 nearest traffic signal?

25 MR. MULLER: Merritts Road to the

1 north.

2 Merritts is pretty -- it's not that far
3 away, but it's --

4 COUNCILMAN LABRIOLA: Well, we're on
5 Merritts.

6 MR. MULLER: I'm sorry, Motor Avenue.

7 Motor Avenue is the nearest signal to
8 the north, and then the next one to the south is
9 Fallwood Parkway.

10 COUNCILMAN LABRIOLA: Thank you very
11 much.

12 MR. FARRELL: Mr. Muller, just one
13 quick -- what would you say about the level of
14 traffic through the level of service on Merritts
15 Road compared to, say ma Hempstead Turnpike where
16 it intersects Merritts Road?

17 MR. MULLER: I mean, Merritts Road from
18 all of the times that I've been out there
19 performing my observations, it's operating at a
20 very good level of service.

21 Hempstead Turnpike is a State road.
22 It's a much more heavily travelled road, so I would
23 anticipate the level of service to be, if you want
24 to call it worse, or there would be more delays on
25 Hempstead Turnpike than there are on Merritts Road.

1 I would like to say one thing for the
2 record. I guess about 30 years ago or maybe 25, I
3 represented Stop & Shop on Motor Avenue, and the
4 Town did a wonderful job on that park expanding the
5 Allen Park to what it is now. It really is a very
6 beautiful facility. I hadn't been over there in a
7 while since you guys have done all the work, and
8 this project gave me that opportunity, and you guys
9 did a great job on that.

10 SUPERVISOR SALADINO: Thank you.

11 MR. MULLER: I just would like to say
12 that for the record.

13 Thank you.

14 COUNCILMAN IMBROTO: Does anyone have
15 any other questions?

16 SUPERVISOR SALADINO: I don't think so,
17 but -- yes?

18 COUNCILWOMAN MAIER: No.

19 (Whereupon, there were no additional
20 questions from the Board.)

21 SUPERVISOR SALADINO: So, counselor, if
22 you would like to wrap up.

23 MR. FARRELL: Sure.

24 I think, look, there's definitely, you
25 know, challenges with the size of the site. I

1 think the Board has kind of brought those to light,
2 but I think my client has also demonstrated with
3 his experience, and prior to my client, the
4 property to the south has existed in that place for
5 50 years -- a long time -- and there haven't been
6 any major complaints or any major issues. You
7 know, Dilly Dally has been a staple in Farmingdale
8 for many, many years.

9 This is a small business. As he said,
10 he's struggling. He needs an expansion to kind of
11 help his bottom line, help his business grow. I
12 think this would be overall an improvement to the
13 community. I think it provides a much needed
14 service. I think it provides jobs, and, you know,
15 again, he's shown that he can operate under similar
16 parameters just on the property to the south.

17 This is a smaller property, but it's
18 also less students, and, you know, the design of
19 this site is superior in many ways to the design at
20 the existing site, so if he can make it work on the
21 existing site to the south with no parking and no
22 drive-thru queue, I think this proposal offers a
23 much better opportunity for the Town with this type
24 of use on this size lot, and we would hope that the
25 Board would take all of that into consideration and

1 grant us an approval.

2 COUNCILMAN IMBROTO: Thank you.

3 SUPERVISOR SALADINO: Thank you.

4 We appreciate it.

5 Are there any slips on this

6 application?

7 MR. LaMARCA: No.

8 SUPERVISOR SALADINO: No.

9 No slips on residents who would like to
10 be heard on this application.

11 Mailings?

12 MR. LaMARCA: The communications are as
13 follows:

14 We have memos from the Department of
15 Planning and Development, including the review of
16 the required off-street parking.

17 The Nassau County Land and Tax Map
18 indicates the property as Section 49, Block 257,
19 Lot 9.

20 According to the Town of Oyster Bay
21 Zoning Maps, the property is located within an R1-7
22 one-family Residence Zone.

23 There are no variance or open Fire Code
24 Enforcement Bureau cases and no Town Board
25 resolutions are on file.

1 There is no further correspondence.

2 SUPERVISOR SALADINO: Okay.

3 Thank you.

4 COUNCILMAN IMBROTO: Supervisor, I make
5 a motion to close this hearing and keep the record
6 open -- reserve decision and keep the record open
7 for 10 days.

8 COUNCILMAN HAND: Second.

9 SUPERVISOR SALADINO: Will it be 10
10 days, counselor?

11 MR. SCALERA: A little bit more.

12 SUPERVISOR SALADINO: 30 days.

13 COUNCILMAN IMBROTO: 30 days?

14 SUPERVISOR SALADINO: Make it 30 days.

15 COUNCILMAN IMBROTO: 30 days.

16 COUNCILMAN HAND: Second that motion.

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

19 ALL: "Aye."

20 SUPERVISOR SALADINO: Could you please
21 call out the names of the individuals on the phone,
22 so we can hear how they vote on this, please?

23 MR. LaMARCA: Councilwoman Johnson,
24 your vote, please.

25 COUNCILWOMAN JOHNSON: Councilwoman

1 Johnson, "Aye."

2 MR. LaMARCA: Councilwoman Walsh?

3 (Whereupon, there was no response from
4 Councilwoman Walsh.)

5 MR. LaMARCA: Councilwoman Walsh?

6 COUNCILWOMAN WALSH: I'm sorry.

7 Councilwoman Walsh, "Aye."

8 SUPERVISOR SALADINO: Okay.

9 So the "Ayes" have it.

10 And anyone in the public who would like
11 to be heard on this can contact us at
12 publiccomment@oysterbay-ny.gov, or they can mail us
13 at the Office of the Town Attorney, 54 Audrey
14 Avenue, Oyster Bay, New York 11771.

15 Thank you.

16 Thank you, counselor.

17 MR. FARRELL: Thank you very much.

18 Appreciate your time.

19 (TIME NOTED: 12:24 P.M.)

20

21

22

23

24

25

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
April 20, 2021
12:25 P.M.

HEARING - Local Law

To consider a Local Law entitled: "A Local Law to Amend Chapter 103 Dogs and Other Animals, Article IV, of the Code of the Town of Oyster Bay." (M.D. 3/9/21 #42).

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 please call the next hearing.

3 MR. LaMARCA: The second hearing today
4 is to consider a local law entitled, "A Local Law
5 to Amend Chapter, 103 Dogs and Other Animals,
6 Article 4 of the Code of the Town of Oyster Bay."

7 MR. SABELLICO: Good afternoon,
8 Supervisor and Members of the Town Board.

9 Thomas M. Sabellico, Special Counsel,
10 Office of the Town Attorney.

11 We have two local laws to present this
12 morning. We have two separate hearings. The State
13 law requires that if the laws amend different
14 chapters that it require their own separate law.
15 They're both on the same topic.

16 SUPERVISOR SALADINO: Separate hearing
17 you mean?

18 MR. SABELLICO: Separate hearing.

19 SUPERVISOR SALADINO: Okay.

20 MR. SABELLICO: And separate laws.

21 The topic of both laws is the same. It
22 has to do with the feeding of pigeons on Town and
23 personal property.

24 First is a local law to amend Chapter
25 103, which is currently entitled, "Dogs and Other

1 Animals," Article 4 as to the feeding of fowl.

2 The change specifically is to Section
3 103.19 to include pigeons. That's the only change
4 in the definition of fowl is to add pigeons.

5 The second change is in Section 103.20.
6 Prior to this amendment, the prohibition was to
7 feed fowl on Town property, this extends it onto
8 privately owned property located within the Town.

9 However, 103.22 makes it clear that
10 that above prohibition, since it extends to private
11 property, shall not apply to the feeding of
12 domesticated or confined fowl including those
13 confined in zoos, animal shelters, or animal care
14 facilities, and it would not prohibit keeping,
15 filling or maintaining a noncommercial bird feeder
16 unless that activity becomes so extensive as to
17 create a nuisance in the opinion of the Town
18 Enforcement officers.

19 Other than those changes, there are no
20 changes to the law.

21 SUPERVISOR SALADINO: Thank you,
22 counselor.

23 Just to inform the public because,
24 obviously, this is going to raise questions in the
25 minds of those who may be watching this at home or

1 wherever they might be, just to inform us, when it
2 comes to the feeding of other types of fowl --
3 ducks and so forth -- the other types of animals,
4 can you just read that small section of the Code so
5 people understand, and then I'm going to ask a
6 follow-up question as to why is this essential to
7 the public good.

8 MR. SABELLICO: So prior to the
9 inclusion of pigeons, this provision identified
10 feeding of migratory waterfowl species belonging to
11 the order Anseriformes; including, but not limited
12 to, Mute swans, Canadian geese, ducks, Mallards,
13 and any other waterfowl falling under the
14 jurisdiction of the United States Fish and Wildlife
15 Service.

16 SUPERVISOR SALADINO: So this would
17 include people who might want to go with a loaf of
18 bread and take it to a Town park and feed the
19 waterfowl there, that's not permitted by Town Code?

20 MR. SABELLICO: Correct.

21 SUPERVISOR SALADINO: Tell us why.

22 MR. SABELLICO: Well, this suggested
23 amendment was brought to us by the Department of
24 Environmental Resources, and a study shows, before
25 preparing the change in the law, that although the

1 feeding of birds sounds romantic, it's actually
2 harmful to the birds because they can choke on the
3 bread, and they're actually able to feed themselves
4 naturally with things that are acceptable to their
5 digestive tract, and what humans feed them can be
6 actually harmful to the fowl.

7 SUPERVISOR SALADINO: And, indeed,
8 doesn't it build up the bacteria count inside the
9 animal and make it unsafe?

10 MR. SABELLICO: That's one of the
11 dangers.

12 SUPERVISOR SALADINO: In case of wet
13 bread that's certainly been something the experts
14 have told us over many years.

15 MR. SABELLICO: Correct.

16 SUPERVISOR SALADINO: There is the
17 issue of conditioning.

18 If Canadian geese -- we'll take one
19 species for the purposes of a discussion -- as
20 Canadian geese fly over the area, they see animals
21 feeding, they land, and there is an abundance of
22 food for them, does that promote more geese to
23 spend more time on fields, on the areas where the
24 public attends?

25 MR. SABELLICO: It's believed that the

1 reception that people have given to the geese has
2 made this area a landing area and has increased the
3 population, yes.

4 SUPERVISOR SALADINO: And can you speak
5 to the health issues associated with the numbers of
6 Canadian geese on our fields, in our parks?

7 MR. SABELLICO: Well, it's created a
8 safety issue and both a hazard because the birds
9 can be antagonistic towards children or humans, but
10 also the amount of feces on the fields has
11 increased exponentially. It's created a problem
12 for the Parks Department.

13 SUPERVISOR SALADINO: Parks Department
14 as well as to young children.

15 We just had a hearing where we spoke
16 about the safety for young children as it related
17 to cars and so forth, but a bacterial issue exists
18 in terms of fields, and this takes place all over
19 our country, especially in coastal communities
20 where you have an abundance of waterfowl.

21 MR. SABELLICO: Correct.

22 SUPERVISOR SALADINO: So my
23 understanding is for years now Towns and Counties
24 across our region have been dealing with an
25 abundance of waterfowl and the defecation they

1 leave behind, which creates a biological hazard to
2 children and others using those facilities.

3 MR. SABELLICO: It has actually spawned
4 an entire industry for Geesepeace and unanimated
5 figures that are supposed to scare the geese that
6 locate on the golf course --

7 SUPERVISOR SALADINO: All kinds of
8 different methods to reduce the number of geese.

9 So I take it that this -- the
10 motivation for a change in our ordinance relates to
11 the public safety, the bacterial issues, the
12 aggressiveness of certain animals, which could then
13 create a problem for that animal and for government
14 who is trying to provide the safest environment
15 possible.

16 MR. SABELLICO: All that is accurate
17 and correct.

18 SUPERVISOR SALADINO: Thank you for
19 your description.

20 MR. SABELLICO: Now, the other change
21 on this local law before we go to the second, this
22 chapter was created many years ago, and it was
23 entitled, "Dogs and Other Animals."

24 At this point, a growth of provisions
25 to deal with other animals, so at your excellent

1 suggestion, I think the amendment would be to
2 retitle the chapter, Animals, rather than Dogs and
3 Animals.

4 SUPERVISOR SALADINO: Because these
5 issues have nothing to do with dogs and --

6 MR. SABELLICO: Correct.

7 SUPERVISOR SALADINO: Okay.

8 And we want to bring as much clarity to
9 the residents as possible.

10 MR. SABELLICO: Right.

11 SUPERVISOR SALADINO: Thank you.

12 MR. SABELLICO: So those are the
13 changes in this chapter.

14 It would be to add pigeons, to add
15 personal property with a carve out if you're just
16 feeding your own domesticated fowl, that's not a
17 problem on your own property.

18 SUPERVISOR SALADINO: What is the
19 punishment under this ordinance?

20 MR. SABELLICO: That has remained
21 unchanged since this provision went in, in 2008,
22 and the penalties are: A fine of not less than
23 \$100, not more than \$500 for the first violation;
24 any subsequent violation occurring within five
25 years of the date of the first violation punishable

1 by a fine of not less than \$250, no more than \$750.

2 But that provision is not being changed, and has
3 not been changed in over 13 years.

4 SUPERVISOR SALADINO: Thank you.

5 Thank you, counselor.

6 COUNCILMAN LABRIOLA: Mr. Sabellico --

7 SUPERVISOR SALADINO: Councilman.

8 COUNCILMAN LABRIOLA: Yes, thank you,
9 Supervisor.

10 Mr. Sabellico, does this amendment
11 affect the Town's Code with regard to chickens and
12 hens?

13 AUDIENCE SPEAKER: He can't hear you.

14 MR. SABELLICO: I can't hear you.

15 COUNCILMAN LABRIOLA: Does this
16 amendment affect the Town's treatment of chickens
17 and hens in our Township?

18 MR. SABELLICO: No.

19 This provision doesn't talk about
20 chickens, hens. This provision talks about
21 waterfowl, and we've now included pigeons.

22 COUNCILMAN LABRIOLA: Right.

23 But the chickens are considered under
24 a -- they're separately defined under the Code?

25 MR. SABELLICO: Correct.

1 COUNCILMAN LABRIOLA: Thank you.

2 SUPERVISOR SALADINO: Some people like
3 to house large numbers of pigeons on their
4 property -- pigeon coops we've heard of and so
5 forth -- and many municipalities, including in
6 New York City, have passed regulations against that
7 practice.

8 MR. SABELLICO: That aspect of this
9 issue will be covered in the next hearing, which
10 has to do with Chapter 246 zoning.

11 SUPERVISOR SALADINO: Okay.

12 MR. SABELLICO: Same issue, different
13 chapter.

14 SUPERVISOR SALADINO: Thank you.
15 Are there any other questions on this
16 ordinance?

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

19 SUPERVISOR SALADINO: We have a couple
20 of residents. No one has put in a slip.

21 We ask you to put in a slip for this,
22 but in the meantime, why don't you come on up,
23 Arthur?

24 Please keep your questions germane to
25 this hearing.

1 MR. ADELMAN: Of course.

2 SUPERVISOR SALADINO: Thank you.

3 MR. ADELMAN: Arthur Adelman,
4 110 Dubois Avenue, Sea Cliff, New York.

5 One simple question.

6 Is this ordinance, as well as all the
7 other codes in the Town Codes, are they enforceable
8 in incorporated villages or do they come under
9 their own codes?

10 SUPERVISOR SALADINO: I know the answer
11 to that, but it's best to hear it right from our
12 attorney.

13 MR. SABELLICO: They are covered by
14 their own codes. An incorporated village would
15 have its own ordinances, its own code.

16 SUPERVISOR SALADINO: Mr. McKenna, do
17 you have a question germane to this hearing?

18 MR. McKENNA: Yes.

19 Kevin McKenna.

20 It is germane to this hearing.

21 Edna Drive, Syosset, New York.

22 Would you also -- would you also be
23 adding roosters?

24 SUPERVISOR SALADINO: That's already
25 been covered in another section of the law.

1 MR. McKENNA: My other question is, and
2 I appreciate this new law, especially as it can
3 help Hicksville, what is the enforcement procedure?

4 In other words, is Public Safety able
5 to enforce this, or is this only enforced by Code
6 Enforcement?

7 SUPERVISOR SALADINO: Do you have any
8 other questions, Mr. McKenna?

9 MR. McKENNA: I'd like you to answer
10 that, and I'd like to ask my next question.

11 SUPERVISOR SALADINO: Why don't you ask
12 all your questions as has been the process
13 throughout, and then take your seat, and we will
14 answer your questions, sir.

15 MR. McKENNA: So, yeah, I'd like to
16 know -- I'd like to know if there's going to be any
17 proactive enforcement of this or if the Town is
18 only going to wait for residents to complain, and,
19 lastly, the reason that I bring up roosters is
20 because we, and I'm wondering if this also applies
21 to commercial businesses because there is a
22 commercial business in Jericho, The Milleridge Inn,
23 that is still -- it's still -- even though the barn
24 was taken down, they're still housing roosters at
25 The Milleridge Inn, and they are actually feeding

1 the roosters, so I'm wondering if this incorporates
2 that violation by The Milleridge Inn in Jericho.

3 Thank you.

4 SUPERVISOR SALADINO: Thank you.

5 So as we stated earlier, this portion
6 of the law directly deals with waterfowl. That
7 animal is not a waterfowl.

8 But, sir, would you like to answer
9 that?

10 MR. SABELLICO: Yes.

11 With respect to the proactive, one of
12 the reasons for the change in the law was folks
13 wanted signs posted in parks about not feeding the
14 pigeons. We could not post a sign that says it's
15 prohibitive to feed pigeons when it wasn't part of
16 our Code. So we have now adopted the Code.

17 It is my understanding, I was speaking
18 to Deputy Commissioner Bishop, that the sign bureau
19 will be, if this law is adopted, will be preparing
20 signs advising the public as to what they can and
21 cannot do on Town property and on private property,
22 so that might be part of your question about
23 proactivity.

24 As to the enforcement, the law talks
25 about any Town Enforcement officer, but both the

1 Commissioner of Public Safety and the Commissioner
2 of Planning and Development, who have offices under
3 their control and are present today, maybe they can
4 better answer that question.

5 AUDIENCE SPEAKER: Are they here?

6 SUPERVISOR SALADINO: Thank you.

7 So we're going to continue to enforce
8 the law as we have all of our Codes.

9 AUDIENCE SPEAKER: We're not enforcing
10 it now, so can we get Public Safety or someone to
11 answer that?

12 SUPERVISOR SALADINO: Certainly.

13 We'll address that with Public Safety
14 right after the meeting.

15 Lisa, did you raise your hand?

16 MS. REINHARDT: Sure.

17 SUPERVISOR SALADINO: Why don't you
18 step forward, please?

19 MS. REINHARDT: Hi.

20 I'm Lisa Reinhardt, 65 Elm Street,
21 Hicksville.

22 Thanks for the opportunity.

23 SUPERVISOR SALADINO: You're welcome.

24 MS. REINHARDT: Similar question to the
25 others.

1 There has been specific instances -- in
2 Hicksville I'm most familiar -- at the train
3 stations, and I know it's a little difficult to
4 enforce, but now that these have been added, am I
5 to understand that there will be extra signage
6 provided and drive-bys by Public Safety or P&D?

7 SUPERVISOR SALADINO: Are you referring
8 to the train platforms?

9 MS. REINHARDT: No.

10 I'm referring to some of the municipal
11 lots. There's a person that does it near Kennedy
12 Park, there's a person who does it in the lot by
13 Hicksville Spring and the puppet theater by
14 Hicksville Gregory Museum.

15 Specifically, those two spots, I've
16 witnessed people coming with a literal huge bag of
17 bird seed, chucking it, and it's all over the
18 place. I don't know how often. I've only seen it
19 on the weekend mornings. I don't know if it's a
20 weekday practice, but it's pervasive enough that
21 there are clouds of pigeons that are there all the
22 time in those two particular places.

23 SUPERVISOR SALADINO: Lisa, in the back
24 of the room is Commissioner McCaffrey.

25 Would you raise your hand, sir?

1 (Whereupon, Commissioner McCaffrey
2 raised his hand.)

3 SUPERVISOR SALADINO: Would you please
4 go meet with Commissioner McCaffrey to give him
5 that specific information, and we'll look into
6 signage and other methods by which to alert the
7 public?

8 MS. REINHARDT: Now or after the
9 meeting?

10 SUPERVISOR SALADINO: You can do it
11 now.

12 MS. REINHARDT: Okay, thanks.

13 SUPERVISOR SALADINO: Thank you.

14 Okay.

15 It seems as though there are no
16 other -- no one else has raised their hands or
17 shown that they are interested in speaking on this
18 issue, so at that point, do we have correspondence?

19 MR. LaMARCA: We have --

20 SUPERVISOR SALADINO: Are there any
21 other questions from any of the Board members?

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

24 SUPERVISOR SALADINO: Any questions
25 from those on the telephone?

1 (Whereupon, there was no response from
2 Councilwoman Johnson or Councilwoman Walsh.)

3 SUPERVISOR SALADINO: Hearing none,
4 please continue, Town Clerk.

5 MR. LaMARCA: We have affidavits of
6 posting and publication.

7 There is no other correspondence,
8 Supervisor.

9 SUPERVISOR SALADINO: Okay.

10 So I do want to point out that our
11 Department of Environment Resources is one of the
12 entities that handles the subject of pigeons in
13 public parking areas, and our Building Department,
14 our P&D, handles this issue on private property,
15 and that our Department of Environmental Resources
16 is able to provide summonses to those who are not
17 in compliance, and I believe that fully answers the
18 questions we've had on this issue.

19 So may I please, thank you, counselor,
20 for providing this information in great detail.

21 MR. SABELLICO: My pleasure.

22 SUPERVISOR SALADINO: To that, I'm
23 asking, Councilman, for a motion.

24 COUNCILMAN HAND: I make a motion that
25 we close this hearing and reserve decision and

1 leave the rolls open for comment for two weeks.

2 SUPERVISOR SALADINO: Councilwoman, may
3 we have a second?

4 COUNCILWOMAN MAIER: Second.

5 SUPERVISOR SALADINO: Okay.

6 On that, all in favor, please signify
7 by saying, "Aye."

8 ALL: "Aye."

9 SUPERVISOR SALADINO: Please identify
10 yourselves on the telephone.

11 (Whereupon, Councilwoman Johnson and
12 Councilwoman Walsh responded simultaneously.)

13 COUNCILWOMAN JOHNSON: Councilwoman
14 Johnson, "Aye."

15 SUPERVISOR SALADINO: I heard
16 Councilwoman Johnson.

17 Councilwoman Walsh?

18 COUNCILWOMAN WALSH: Councilwoman
19 Walsh, "Aye."

20 SUPERVISOR SALADINO: All right.

21 Thank you.

22 Of course, we appreciate all at this
23 time.

24 Councilman, you voted as well?

25 COUNCILMAN LABRIOLA: I did.

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SUPERVISOR SALADINO: Good.

Thank you so much.

(TIME NOTED: 12:40 P.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
April 20, 2021
12:41 P.M.

HEARING - Local Law

To consider a Local Law entitled: "A Local Law to Amend Chapter 246, Zoning Section 246-5.5.16 of the Code of the Town of Oyster Bay." (M.D. 3/9/21 #43).

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: Would you please
2 call the next hearing?

3 MR. LaMARCA: The final hearing today
4 is to consider a law entitled, " A Local Law to
5 Amend Chapter 246, Zoning Section 246-5.5.16 of the
6 Town of Oyster Bay."

7 MR. SABELLICO: Good afternoon again,
8 Supervisor and members of the Town Board.

9 Thomas M. Sabellico, Special Counsel,
10 Office of the Town Attorney.

11 This is a hearing with respect to
12 proposed local law to amend Chapter 246 Zoning,
13 Section 246-5.5.16 of the Code of the Town of
14 Oyster Bay.

15 That Code section currently exists.
16 It's entitled, "The Keeping of Farm Animals," and
17 it talks about no building, structure, or premises
18 shall be erected, altered, or used in any residence
19 district for the housing or harboring of pigeons,
20 fowl, swine, goats, horses, rabbits, foxes, mink,
21 and bees, except when authorized by a Special Use
22 Permit through the Board of Appeals.

23 No exception building or structure or
24 part thereof used for the housing of such farm
25 animals shall be located less than 50 feet from any

1 lot line. The simple amendment today is to add the
2 word feeding. So it would indicate that no
3 building structure or premises shall be erected,
4 altered or used in any residence district for the
5 housing, feeding or harboring of pigeons, fowl,
6 swine, goats, horses, rabbits, foxes, mink and bees
7 except as authorized by the Zoning Board of
8 Appeals.

9 The simple change is to add feeding,
10 because there are structures on tops of homes where
11 people have pigeons, but it didn't prohibit the
12 feeding of them, which now ties into the earlier.

13 SUPERVISOR SALADINO: Okay.

14 Can you speak to all of us about the
15 necessity of this change?

16 MR. SABELLICO: Well, without this
17 change as to what we put into residential
18 districts, it would make the first change less
19 effective, so they actually go hand in hand.

20 It's one of the stalwart things of
21 amending the Code, and one of the problems is then
22 when Code changes have been made, people only look
23 at the one change that's been made and don't
24 realize that there's other sections of the Code
25 that tie in together, so sometimes when a change is

1 made in a section for it to be made totally
2 enforceable, or in order for it to be effective,
3 you need to change the different sections of the
4 Code.

5 So by changing -- by adding pigeons to
6 Chapter 103, it then required how do we deal with
7 then the feeding of pigeons under Chapter 246, so
8 it's -- if State law allowed us to do separate
9 sections of the Code under one local law or
10 hearing, this really wouldn't tie together, but
11 since they're different sections, different
12 chapters of the code, it requires different
13 hearings and different local laws.

14 And this section was done with the
15 input from the Department of Planning and
16 Development since this chapter and specific
17 structures are under the auspices or the
18 jurisdiction of Planning and Development.

19 SUPERINTENDENT SALADINO: So there have
20 been issues that have come up over time with --

21 MR. SABELLICO: Well, as I explained in
22 your absence, Supervisor --

23 SUPERVISOR SALADINO: Sorry.

24 MR SABELLICO: -- in order to make the
25 first change effective, in Chapter 103 where we

1 included the feeding of pigeons, it is necessary
2 for this to be altered simultaneously to make it
3 effective.

4 SUPERVISOR SALADINO: And then there's
5 a safety factor and a nuisance factor in
6 residential neighborhoods.

7 MR. SABELLICO: Right.

8 Correct.

9 SUPERVISOR SALADINO: So, on the
10 record, there's one clarification that needs to be
11 addressed on this.

12 You earlier mentioned rabbits, but
13 there is a carve out for residents on that issue,
14 correct?

15 MR. SABELLICO: Well, I'd have to go
16 back and review the Code.

17 If there are any other questions, I'll
18 check the Code specifically on what your question
19 is to make sure it's accurate and clear.

20 SUPERVISOR SALADINO: Okay.

21 So it is our intention to still allow
22 up to two rabbits and a small rabbit hutch on a
23 resident's property to ensure that they may enjoy
24 that domestic pet without reaching a point where
25 it's a problem for their neighbors and the

1 community.

2 MR. SABELLICO: I'll verify that for
3 you, Supervisor.

4 SUPERVISOR SALADINO: Wonderful.

5 Thank you.

6 Are there any other questions on this
7 hearing?

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

10 SUPERVISOR SALADINO: All right.

11 May we have a motion -- is there any
12 postings and mailings on this?

13 MR. LaMARCA: We have affidavits of
14 posting and publication.

15 There is no other correspondence.

16 SUPERVISOR SALADINO: Okay.

17 And we don't have anyone who wants to
18 be heard on this?

19 Kevin has his hand up, and, again,
20 please approach the podium.

21 MR. McKENNA: Kevin McKenna again.

22 Edna Drive, Syosset, New York.

23 You just talked about birds, fowls.

24 I'd like to right now go on the record and request
25 that the Town of Oyster Bay send out Code

1 Enforcement to The Milleridge Inn in Jericho and
2 have them remove the wild birds that the Town of
3 Oyster Bay, for whatever the reason, continues to
4 allow on that property.

5 They are feeding them. The feed
6 attracts rats. It brings rats to Jericho and
7 Hicksville. And I ask that the Town take this
8 officially as a complaint against The Milleridge
9 Inn that for whatever the reason, I don't know if
10 it's because of your personal relationship with
11 Butch Yamali, you continue to allow The Milleridge
12 Inn to violate the law.

13 Thank you.

14 SUPERVISOR SALADINO: Excuse me, Kevin,
15 it's fowl not fowls.

16 Fowl, okay?

17 MR. SABELLICO: Supervisor?

18 SUPERVISOR SALADINO: Yes, sir.

19 MR. McKENNA: I'm sorry. Fowl.

20 SUPERVISOR SALADINO: Thank you.

21 MR. SABELLICO: This hearing has to do
22 with Section 246, which is for structures in a
23 residence district, so that comment is ingermane to
24 this hearing.

25 SUPERVISOR SALADINO: That's not

1 germane, okay.

2 But in terms of -- we're checking on
3 the issue with the rabbits.

4 MR. SABELLICO: They're going to get me
5 the Code, and I'll get back to you, Supervisor.

6 SUPERVISOR SALADINO: Very good.

7 At this point, may I have a motion?

8 COUNCILMAN HAND: I make a motion to
9 close this hearing and reserve decision and leave
10 the comment period open for two weeks.

11 COUNCILWOMAN MAIER: Second that
12 motion.

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

15 ALL: "Aye."

16 COUNCILWOMAN WALSH: Councilwoman
17 Walsh, "Aye."

18 COUNCILWOMAN JOHNSON: Councilwoman
19 Johnson, "Aye."

20 SUPERVISOR SALADINO: Mr. Adelman, you
21 put your hand up. You took it down. So I'm going
22 to assume that you --

23 AUDIENCE SPEAKER: I'm not voting on
24 it.

25 (Whereupon, there was laughter from the

1 audience.)

2 SUPERVISOR SALADINO: You're voting.
3 You're voting now.

4 Thank you so much.

5 Okay.

6 That concludes our three resolutions
7 for the day.

8 Again, anyone who would like to be
9 heard on these issues may contact us at
10 publiccomment@oysterbay-ny.gov, or send a letter to
11 us at the Office of the Town Attorney, 54 Audrey
12 Avenue, Oyster Bay, New York 11771.

13 Thank you.

14 And now we will proceed to the regular
15 Action Calendar.

16 (TIME NOTED: 12:48 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
April 20, 2021
12:49 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 MR. LaMARCA: May I have a motion,
2 please, to remove from the table Resolution No.
3 525-2020, which was tabled on October 6, 2020;
4 Resolution No. 570-2020, which was tabled on
5 October 20, 2020; and Resolution No. 700-2020,
6 which was tabled on December 8, 2020.

7 **RESOLUTION NO. 525-2020 tabled on**
8 **October 6, 2020;** Resolution pertaining to Contract
9 PWC19-20, On-Call Consultant Relative to
10 Structural Engineering, in connection with design,
11 bid and construction inspection regarding the
12 construction of an overhead canopy over the
13 existing ice skating rink at Marjorie Post
14 Community Park in Massapequa. Account No. PKS H
15 7197 20000 000 2002 001. (M.D. 9/15/20 #23).

16 **RESOLUTION NO. 570-2020 tabled on**
17 **October 20, 2020;** Resolution pertaining to Contract
18 No. PWC07-20, On-Call Consultant Service Request
19 for Civil Engineering for the replacement of three
20 synthetic turf fields at Field of Dreams Park,
21 Massapequa. Account No. PKS H 7197 20000 000 2002
22 001. (M.D. 9/29/20 #11).

23 **RESOLUTION NO. 700-2020 tabled on**
24 **December 8, 2020;** Resolution authorizing the use of
25 a sub-consultant under Contract PWC19-20, On Call

1 Engineering Services Relative to Structural
2 Engineering in connection to Bulkhead Replacement
3 at John J. Burns Park. (M.D. 11/24/20 #60).

4 On the motion, please?

5 COUNCILMAN HAND: So moved.

6 MR. LaMARCA: Motion made by Councilman
7 Hand.

8 May I have a second?

9 COUNCILMAN LABRIOLA: Second.

10 MR. LaMARCA: Seconded by Councilman
11 Labriola.

12 On the vote:

13 Supervisor Saladino?

14 SUPERVISOR SALADINO: "Aye."

15 MR. LaMARCA: Councilwoman Johnson?

16 COUNCILWOMAN JOHNSON: Councilwoman
17 Johnson, "Aye."

18 MR. LaMARCA: Councilman Imbroto?

19 (Whereupon, there was no response from
20 Councilman Imbroto.)

21 MR. LaMARCA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. LaMARCA: Councilman Labriola?

24 COUNCILMAN LABRIOLA: "Aye."

25 MR. LaMARCA: Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye."

2 MR. LaMARCA: And Councilwoman Walsh?

3 COUNCILWOMAN WALSH: Councilwoman
4 Walsh, "Aye."

5 MR. LaMARCA: Motion to remove from the
6 table Resolution Nos. 525-2020, 570-2020 and
7 700-2020 passes with six "Ayes" and zero "Nays."

8 (TIME NOTED: 12:49 P.M.)

9 SUPERVISOR SALADINO: Okay.
10 We have some speakers on these
11 Resolutions starting with Mr. Adelman.

12 Come on up, Arthur. It's been a while.

13 Oh, I'm sorry. No. Open the whole
14 thing. I apologize. Not quite yet, Arthur. Gives
15 you more time to think about it.

16 MR. LaMARCA: May I have a motion to
17 suspend the rules and add Resolution Nos. 239
18 through 241-2021?

19 **RESOLUTION NO. 239-2021;** Resolution
20 directing the Town Clerk to publish a Notice of
21 Hearing in connection with the 2020 Fire Protection
22 Agreement with the East Norwich Volunteer Fire
23 Company No. 1. Hearing Date: May 4, 2021. M.D.
24 4/13.21 #17).

25 **RESOLUTION NO. 240-2021;** Resolution

1 directing the Town Clerk to publish a Notice of
2 Hearing in connection with 2021 Hydrant Rental for
3 Glenwood-Glen Head Fire Protection District and
4 New York American Water Company, Inc. Hearing Date:
5 May 4, 2021. (M.D. 4/13/21 #18).

6 **RESOLUTION NO. 241-2021;** Resolution
7 authorizing the Town, as a sponsor or co-sponsor of
8 the Length of Service Award Programs for several
9 fire companies, amend the applicable Length of
10 Service Award Program point system in response to
11 the COVID pandemic, and for the Supervisor, or his
12 designee, or the Town's representative to each
13 LOSAP Program, execute any documentation necessary.
14 (M.D. 4/13/21 #19).

15 On the motion, please.

16 COUNCILMAN HAND: So moved.

17 MR. LaMARCA: Motion made by Councilman
18 Hand.

19 May I have a second?

20 COUNCILMAN LABRIOLA: Second.

21 MR. LaMARCA: Seconded by Councilman
22 Labriola.

23 On the vote:

24 Supervisor Saladino?

25 SUPERVISOR SALADINO: "Aye."

1 MR. LaMARCA: Councilwoman Johnson?

2 (Whereupon, there was no response from
3 Councilwoman Johnson.)

4 MR. LaMARCA: Councilwoman Johnson?

5 COUNCILWOMAN JOHNSON: I'm sorry.

6 Could you repeat that?

7 MR. LaMARCA: We're asking for a motion
8 to suspend the rules and add Resolution Nos. 239
9 through 241-2021.

10 COUNCILWOMAN JOHNSON: Councilwoman
11 Johnson, "Aye."

12 MR. LaMARCA: Councilman Hand?

13 COUNCILMAN HAND: "Aye."

14 MR. LaMARCA: Councilman Labriola?

15 COUNCILMAN LABRIOLA: "Aye."

16 MR. LaMARCA: Councilwoman Maier?

17 COUNCILWOMAN MAIER: "Aye."

18 MR. LaMARCA: Councilwoman Walsh?

19 COUNCILWOMAN WALSH: Councilwoman
20 Walsh, "Aye."

21 MR. LaMARCA: Motion to suspend the
22 rules and add Resolution No. 239 through 241-2021
23 passes with six "Ayes" and zero "Nays."

24 (TIME NOTED: 12:51 P.M.)

25 MR. LaMARCA: May I have a motion to

1 adopt Resolution Nos. P-7-21 through 241-2021 as
2 well as Resolution Nos. 525-2020, 570-2020, and
3 700-2020, which have been removed from the table?

4 **PERSONNEL RESOLUTION NO. P-7-21;**

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

7 **TRANSFER OF FUNDS RESOLUTION NO.**

8 **TF-5-21;** Resolution pertaining to transfer of funds
9 within various departments' accounts for the Year
10 2021.

11 **RESOLUTION NO. 196-2021;** Resolution
12 authorizing the 2021 Town of Oyster Bay and Greater
13 Long Island Running Club Sponsored Races on various
14 dates. Account No. PKS A 7110 44900 000 0000.
15 (M.D. 3/16/21 #4).

16 **RESOLUTION NO. 197-2021;** Requesting
17 Town Board authorization to employ umpire services
18 for the Town's Senior Citizen Softball Teams for
19 the 2021 season. Account No. PKS A 7110 44900 000
20 0000. (M.D. 3/16/21 #5).

21 **RESOLUTION NO. 198-2021;** Resolution
22 authorizing entrance into a State of New York
23 Master Contract with the New York State Department
24 of Conservation in connection with the 2018
25 Household Hazardous Waste Assistance Program, and

1 for the Supervisor, or his designee, execute said
2 Contract. (M.D. 3/16/21 #10).

3 **RESOLUTION NO. 199-2021;** Resolution
4 pertaining to Contract No. H20-210, Highway
5 Improvements to the Crescent Drive Area, Old
6 Bethpage, and for use of sub-consultants for
7 surveying services, soil investigations and
8 construction materials testing; Account No. HWY H
9 5197 20000 000 2103 008. (M.D. 3/16/21 #12).

10 **RESOLUTION NO. 200-2021;** Resolution
11 authorizing an agreement to employ entertainment
12 for the Group Activities Program (GAP) on April 24,
13 2021, and for the Supervisor, or his designee, or
14 the Commissioner of Community & Youth Services to
15 execute said agreement. Account No. CYS A 7020
16 47660 000 0000. (M.D. 3/23/21 #5).

17 **RESOLUTION NO. 201-2021;** Resolution
18 authorizing acceptance of a donation of a memorial
19 plaque and bench from J. DeMayo, to be placed in
20 John J. Burns Park in memory of Bill and Tommy
21 Bernard. (M.D. 3/23/21 #6).

22 **RESOLUTION NO. 202-2021;** Resolution
23 granting request from Joseph Orlich, Flotilla
24 Operations Officer, Oyster Bay Flotilla 22-05, to
25 have fees waived for the use of one slip at

1 Theodore Roosevelt Marina for the 2021 summer
2 season for the United States Coast Guard
3 Operational Facility 221722, N.Y. (M.D. 3/23/21 #7).

4 **RESOLUTION NO. 203-2021;** Resolution
5 authorizing the issuance of a refund to Friendly
6 Investors Group, Inc. for a building permit fee as
7 the property owner decided not to follow through
8 with the project as outlined in the permit.

9 Account No. PAD B 0001 02555 000 0000. (M.D.
10 3/23/21 #15).

11 **RESOLUTION NO. 204-2021;** Resolution
12 pertaining to Contract No. PWC23-20, On-call
13 Engineering Services Relative to Environmental
14 Engineering, in connection with the investigation
15 and repairing of the TOBAY Well No. 4. Account No.
16 PKS H 7197 20000 000 2002 001. (M.D. 3/23/21 #16).

17 **RESOLUTION NO. 205-2021;** Resolution
18 authorizing payment for the Town of Oyster Bay's
19 Annual Contribution for the 2021 Hempstead Harbor
20 Protection Committee (HHPC) dues. Account No. DER
21 A 8090 44900 000 0000. (M.D. 3/23/21 #18).

22 **RESOLUTION NO. 206-2021;** Resolution
23 authorizing Revocation of Previous Site Plan
24 Amendment and Submission of a Proposed Amendment to
25 Site Plan in connection with Petition of Cedar

1 Realty Trust, Inc., 941 Carmans Road, Massapequa.
2 (M.D. 3/30/21 #12).

3 **RESOLUTION NO. 207-2021;** Resolution
4 authorizing a two six-month extension of time in
5 connection with resolution No. 432-2019, Petition
6 of LSC Development, LLC, 550 West Old Country Road,
7 Hicksville, for a Special Use Permit and Approved
8 Site Plan, from the current expiration date of
9 July 9, 2020 to July 9, 2021. (M.D. 3/30/21 #13).

10 **RESOLUTION NO. 208-2021;** Resolution
11 authorizing a six-month extension of time in
12 connection with Resolution No. 90-2020, Petition of
13 62 South Street Tower, Inc., 62 South Street,
14 Oyster Bay, for a Special Use Permit and Approved
15 Site Plan, from the current expiration date of
16 January 28, 2021 to July 28, 2021. (M.D. 3/30/21 #14).

17 **RESOLUTION NO. 209-2021;** Resolution
18 amending Resolution No. 712-2019, Award of
19 Actuarial Consulting Services Other Post-
20 Employment Benefits to include the cost of the GASB
21 75 report as required by law. Account No. CMP A
22 1315 44800 000 0000. (M.D. 3/30/21 #19).

23 **RESOLUTION NO. 210-2021;** Resolution
24 pertaining to Contract No. PWC19-18, On-call
25 Consultant Services Relative to Structural

1 Engineering, in connection to engineering services
2 for repairs to the Hicksville Parking Facility.
3 Account No. HWY H 5997 20000 000 1804 016. (M.D.
4 3/30/21 #21).

5 **RESOLUTION NO. 211-2021;** Resolution
6 pertaining to Contract No. PWC12-20, On-call
7 Engineering Services Relative to Environmental
8 Science, in connection with preparation of a Harbor
9 Management Plan for Oyster Bay Harbor and Cold
10 Spring Harbor. Account No. DER A 8090 44500 000
11 0000. (M.D. 3/30/21 #22).

12 **RESOLUTION NO. 212-2021;** Resolution
13 pertaining to Contract No. PWC12-20, On-Call
14 Engineering Services Relative to Environmental
15 Science, in connection with technical assistance to
16 the Department of Environmental Resources with
17 various shellfish management programs. Account No.
18 DER A 8090 44500 000 0000. (M.D. 3/30/21 #23).

19 **RESOLUTION NO. 213-2021;** Resolution
20 granting request from the First Presbyterian Church
21 in Oyster Bay for the use of one roll-off container
22 from May 4, 2021 through May 11, 2021, for their
23 spring cleanup. (M.D. 3/30/21 #24).

24 **RESOLUTION NO. 214-2021;** Resolution
25 authorizing renewal of memberships in the New York

1 State Association for the Solid Waste Management
2 for 2021. Account No. DER SR05 8160 47900 000 000.
3 (M.D. 3/30/21 #25).

4 **RESOLUTION NO. 215-2021;** Resolution
5 authorizing the first one-year extension of
6 Contract SE002A-02, Glass Recycling Program for the
7 Town of Oyster Bay, at the same prices, conditions
8 and terms provided for in the present contract,
9 commencing May 1, 2021 through April 30, 2022.
10 (M.D. 4/6/21 #7).

11 **RESOLUTION NO. 216-2021;** Resolution
12 authorizing the first extension option of the
13 License Agreement with the Morgan Center to utilize
14 a portion of the second floor of the Town's
15 Hicksville Athletic Facility, for a two year term
16 for the period June 1, 2021 through May 31, 2023.
17 (M.D. 6/4/21 #18).

18 **RESOLUTION NO. 217-2021;** Resolution
19 authorizing payment related to Self-Insured
20 Retention for Pending Litigation, Account No. OTA A
21 1420 44110 000 0000, Matter ID No. 2020-7808. (M.D.
22 4/6/21 #19).

23 **RESOLUTION NO. 218-2021;** Resolution
24 authorizing the property cleanup assessment of
25 6 Prade Lane, Massapequa Park, New York, performed

1 on December 30, 2020, be referred to the County of
2 Nassau for placement on the Nassau County Tax
3 Assessment Rolls. (M.D. 6/4/21 #21).

4 **RESOLUTION NO. 219-2021;** Resolution
5 pertaining to settlement of litigation, Town of
6 Oyster Bay v. Illinois National Insurance Company,
7 and for the Supervisor, or his designee, execute
8 said Settlement. (M.D. 4/6/21 #22).

9 **RESOLUTION NO. 220-2021;** Resolution
10 authorizing acceptance of full and final
11 satisfaction for the operation of food and beverage
12 services at various Town parks and beaches for the
13 2020 season. (M.D. 4/6/21 #23).

14 **RESOLUTION NO. 221-2021;** Resolution
15 authorizing engagement of appraisal services to
16 prepare an appraisal of Peninsula Golf Club,
17 50 Nassau Road, Massapequa, New York. Account No.
18 OTA A 1420 44800 000 0000. (M.D. 4/6/21 #24).

19 **RESOLUTION NO. 222-2021;** Resolution
20 directing the Town Clerk to publish a Notice of
21 Hearing on a Proposed Local Law entitled: "A Local
22 Law to Amend Chapter 173 Peddling and Soliciting,
23 of the Code of the Town of Oyster Bay." Hearing
24 date: May 4, 2021. (M.D. 4/6/21 #25).

25 **RESOLUTION NO. 223-2021;** Resolution

1 authorizing an extension of General Reconstruction
2 Requirements Contract HGR17-162, commencing
3 April 24, 2021 through April 23, 2022. (M.D. 4/6/21
4 #26).

5 **RESOLUTION NO. 224-2021;** Resolution
6 authorizing acceptance of a donation of a work
7 barge from Creekview Aquaculture LLC, to benefit
8 the Town of Oyster Bay Shellfish program. (M.D.
9 4/6/21 #27).

10 **RESOLUTION NO. 225-2021;** Resolution
11 authorizing payment for the Oyster Bay/Cold Spring
12 Harbor Protection Committee Membership dues for the
13 period June 1, 2020 through May 31, 2021. Account
14 No. DER A 8090 44900 000 0000. (M.D. 4/6/21 #28).

15 **RESOLUTION NO. 226-2021;** Resolution
16 authorizing Friends of the Bay to install and
17 maintain two rain gardens at the Western
18 Waterfront. (M.D. 4/6/21 #29).

19 **RESOLUTION NO. 227-2021;** Resolution
20 authorizing a third one-year extension of Fence
21 Replacement Requirements Contract HFR18-172, for
22 the period April 10, 2021 through April 9, 2022.
23 Account No. HWY H5197 20000 000 2013 008. (M.D.
24 4/6/21 #30).

25 **RESOLUTION NO. 228-2021;** Resolution

1 authorizing issuance of a refund to the Oak Neck
2 Athletic Council for Field Permits which were
3 issued in error as there is no charge for Town of
4 Oyster Bay not-for-profit youth-based athletic
5 groups to use Town of Oyster Bay Facilities. (M.D.
6 4/6/21 #31).

7 **RESOLUTION NO. 229-2021;** Resolution
8 authorizing a first modification to the License
9 Agreement with J&T Beach Corp., and to exercise the
10 second one-year extension and for the Supervisor or
11 his designee, to execute said agreement. (M.D.
12 4/6/21 #33).

13 **RESOLUTION NO. 230-2021;** Resolution
14 authorizing a contract to provide Food and Beverage
15 Services at Various Parks and Facilities for the
16 period May 1, 2021 through April 30, 2024, with a
17 provision for two (2), one (1) year extensions, and
18 for the Supervisor, or his designee, to execute
19 said Contract. (M.D. 4/6/21 #4 & 4/13/21 #15).

20 **RESOLUTION NO. 231-2021;** Resolution
21 authorizing award of contract for the establishment
22 of a COVID-19 Testing Center, and for the
23 Supervisor, or his designee, to execute said
24 contract. (M.D. 4/6/21 #5 & 4/13/21 #8).

25 **RESOLUTION NO. 232-2021;** Resolution

1 authorizing the Supervisor, or his designee and
2 Colin Bell as an additional authorized designee, to
3 execute documents in connection with the State and
4 Municipal Facilities Program Scope of Work Revision
5 for Raynham Hall Education Center Grant. (M.D.
6 4/6/21 #8 & 4/13/21 #11).

7 **RESOLUTION NO. 233-2021;** Resolution
8 directing the Town Clerk to publish a Notice of
9 Hearing in connection with the application of Red
10 Barn Dogs Ops LI, LLC, Lessee, and Bethpage Group
11 LLC, fee owner, for a Special Use Permit to allow
12 for construction and operation of a dog boarding
13 facility at premises located at 4070 Hempstead
14 Turnpike, Bethpage, New York. Hearing Date: May
15 4, 2021. (M.D. 4/6/21 #35).

16 **RESOLUTION NO. 234-2021;** Resolution
17 authorizing a First Modification to the License
18 Agreement with Tiki Joe's Ocean Breeze, LLC for the
19 operation of a food and beverage concession at
20 TOBAY Beach and Marina in connection with COVID-19
21 payment adjustment. (M.D. 4/6/21 #32 & 4/13/21
22 #13).

23 **RESOLUTION NO. 235-2021;** Resolution
24 authorizing the Empire State Ride Long Island, to
25 be held at Theodore Roosevelt Memorial Park, Oyster

1 Bay, in cooperation with Roswell Park Alliance
2 Foundation, on July 24, 2021, and to incorporate
3 use of mobile food concession(s), to accept
4 addition of in-kind sponsors and to utilize audio
5 services for the event. Account Nos. PKS A 7110
6 47670 000 0000 and TWN A 0001 02770 590 0000. (M.D.
7 4/6/21 #34 & 4/13/21 #14).

8 **RESOLUTION NO. 236-2021;** Resolution
9 pertaining to the decision on the application of
10 Ravinder Singh, for a Special Use Permit to allow
11 for a gasoline service station and retail food mart
12 at premises located at 297 Robbins Lane, Syosset,
13 New York. Hearing held: November 17, 2020. (M.D.
14 11/17/20 #4).

15 **RESOLUTION NO. 237-2021;** Resolution
16 pertaining to the decision on a Local Law entitled:
17 "A Local Law to Amend Chapter 233 Traffic, of the
18 Code of the Town of Oyster Bay." (M.D. Hearing
19 held: March 9, 2021. M.D. 3/9/21 #4).

20 **RESOLUTION NO. 238-2021;** Resolution
21 authorizing the Town's Excess General and Automobile
22 Liability Insurance coverage for the period May 1,
23 2021 to May 1, 2022; Account No. TWN AMS 1910 43010
24 602 0000 000. (M.D. 4/6/21 #17 & 4/13/21 #20).

25 **RESOLUTION NO. 239-2021;** Resolution

1 directing the Town Clerk to publish a Notice of
2 Hearing in connection with the 2020 Fire Protection
3 Agreement with the East Norwich Volunteer Fire
4 Company No. 1. Hearing Date: May 4, 2021. M.D.
5 4/13.21 #17).

6 **RESOLUTION NO. 240-2021;** Resolution
7 directing the Town Clerk to publish a Notice of
8 Hearing in connection with 2021 Hydrant Rental for
9 Glenwood-Glen Head Fire Protection District and
10 New York American Water Company, Inc. Hearing Date:
11 May 4, 2021. (M.D. 4/13/21 #18).

12 **RESOLUTION NO. 241-2021;** Resolution
13 authorizing the Town, as a sponsor or co-sponsor of
14 the Length of Service Award Programs for several
15 fire companies, amend the applicable Length of
16 Service Award Program point system in response to
17 the COVID pandemic, and for the Supervisor, or his
18 designee, or the Town's representative to each
19 LOSAP Program, execute any documentation necessary.
20 (M.D. 4/13/21 #19).

21 **RESOLUTION NO. 525-2020 tabled on**
22 **October 6, 2020;** Resolution pertaining to Contract
23 PWC19-20, On-Call Consultant Relative to
24 Structural Engineering, in connection with design,
25 bid and construction inspection regarding the

1 construction of an overhead canopy over the
2 existing ice skating rink at Marjorie Post
3 Community Park in Massapequa. Account No. PKS H
4 7197 20000 000 2002 001. (M.D. 9/15/20 #23).

5 **RESOLUTION NO. 570-2020 tabled on**
6 **October 20, 2020;** Resolution pertaining to Contract
7 No. PWC07-20, On-Call Consultant Service Request
8 for Civil Engineering for the replacement of three
9 synthetic turf fields at Field of Dreams Park,
10 Massapequa. Account No. PKS H 7197 20000 000 2002
11 001. (M.D. 9/29/20 #11).

12 **RESOLUTION NO. 700-2020 tabled on**
13 **December 8, 2020;** Resolution authorizing the use of
14 a sub-consultant under Contract PWC19-20, On Call
15 Engineering Services Relative to Structural
16 Engineering in connection to Bulkhead Replacement
17 at John J. Burns Park. (M.D. 11/24/20 #60).

18 On the motion:

19 COUNCILMAN IMBROTO: So moved.

20 COUNCILMAN HAND: Second.

21 MR. LaMARCA: Motion made by Councilman
22 Imbroto and seconded by Councilman Hand.

23 COUNCILMAN IMBROTO: And Mr. Clerk,
24 could you record my vote as "Aye"?

25 I was upstairs when you called it. I

1 couldn't register my vote.

2 MR. LaMARCA: Yes, sir.

3 SUPERVISOR SALADINO: You were
4 listening to the proceedings from that location?

5 COUNCILMAN IMBROTO: Yeah.

6 SUPERVISOR SALADINO: Thank you.

7 Okay.

8 We're all set.

9 Arthur, come on down.

10 How have you been feeling, Arthur?

11 MR. ADELMAN: Okay. I had surgery last
12 week --

13 COUNCILMAN IMBROTO: Supervisor, we
14 made the motion, but we didn't vote on the motion.

15 SUPERVISOR SALADINO: Oh, I apologize.
16 Where's our attorney on this?

17 MR. SCALERA: We made the motion, but
18 didn't vote on the motion?

19 The motion was to adopt?

20 MS. FAUGHNAN: Yes.

21 SUPERVISOR SALADINO: I believe these
22 are motions to put them on the table.

23 MR. LaMARCA: They were motions to put
24 them on the table, that first one was, and the
25 second one was to suspend the rules and add

1 Resolutions 239 through 241-2021.

2 COUNCILMAN IMBROTO: And we did not
3 vote, right?

4 MR. LaMARCA: We did.

5 SUPERVISOR SALADINO: We voted to bring
6 those forward, and now we're adding this to our
7 entire Resolution Calendar, and now the motion is
8 to adopt. We'll listen to the public and then make
9 our decisions accordingly, okay?

10 We in line with --

11 MR. SCALERA: Yes.

12 SUPERVISOR SALADINO: Okay.

13 All good.

14 Arthur, how are you?

15 As always, we'll ask you to ask all
16 your questions and then take a seat, and then we'll
17 deal with the --

18 MR. ADELMAN: Good morning, Town Board,
19 and greetings to Councilwomen Johnson and Walsh.
20 You are recognized. I don't know where the camera
21 is.

22 Okay, before I proceed and talk about
23 the Resolutions, I do request that the Board
24 suspend the rules and go back and read into the
25 record the Resolutions that you have taken off the

1 table and are reintroducing for vote, as the public
2 has no idea what was tabled, what those topics are.
3 I know in previous meetings the Clerk did read into
4 the record a quick synopsis of the Resolutions that
5 are coming off the table and being voted on, so
6 shall I sit while the Clerk reads those three or
7 four Resolutions?

8 SUPERVISOR SALADINO: Why don't you ask
9 all of your questions all at once while your time
10 is running?

11 MR. ADELMAN: Okay, but I might have
12 questions on the tabled ones coming back.

13 SUPERVISOR SALADINO: I understand.

14 MR. ADELMAN: All right.

15 Resolution 215. Continuation of the
16 glass pickup and agreement with Winter Brothers.
17 Commissioner Batista's memo to the Board extended
18 -- shows an extension of the agreement for three
19 months and a payment of \$3,200, and at the same
20 time, he's expressing the fact that last year the
21 entire cost was \$6,367 -- \$3,200 for three months
22 is a higher amount than \$6,367 for 12 months, so I
23 question that.

24 Resolution 217. Regarding the -- no,
25 we'll forget -- yeah, the excess liability policy.

1 I was just curious on the original Resolution
2 212-2018 refers to a Chubb policy, but I assume
3 it's been changed in the interim.

4 Resolution 221. We are paying \$5,000
5 to appraise private property in Massapequa. The
6 property is currently a country club owned having
7 stock ownership, and recently it was thought that
8 the members got an offer of \$4.4 million to sell
9 it, and they didn't sell it, and now I'm curious
10 why we would spend -- I say spend -- why did we
11 spend \$5,000 without the authority of the Board to
12 appraise this land?

13 What's in mind of the Town to do with
14 this land?

15 I'm a little annoyed when we do
16 Resolutions nunc pro tunc, which for all of you out
17 there who don't know what that is, this is allowing
18 the Board to approve something that's already been
19 done. It's to me not the way we're supposed to run
20 good government.

21 In any case, I want to know why we are
22 paying someone \$5,000 to appraise land that's
23 already been appraised in the open market for
24 \$4.4 million even though the County appraises it at
25 \$1.1 on their assessment roll.

1 Lastly, I am curious about the license
2 agreement with, I think it's ProPhase, the COVID
3 testing to test all Town employees and their family
4 members at no cost.

5 My question is --

6 SUPERVISOR SALADINO: That's incorrect.
7 It's not at no cost.

8 MR. ADELMAN: To the employees.

9 SUPERVISOR SALADINO: The employees
10 have health insurance.

11 MR. ADELMAN: To the employees it's no
12 cost. It mentions -- it talks nothing about the
13 Town's insurance carrier picking up the tab.

14 All -- this is an agreement to allow
15 them to work out of a Town facility, a licensing
16 fee at no cost, and then the cost of the testing is
17 zero to employees and their families. It doesn't
18 mention that the Town does not get a bill at the
19 end. It should be noted there if we do not -- if
20 the Town is not paying for it, we should be told.
21 I think that's great.

22 I think that wraps it up. 215, 221.
23 221 is really my big one. I really would like some
24 followup on that.

25 According to the Resolution, the

1 appraisal has already been done, and you're just
2 looking for an approval to pay them \$5,000. I
3 don't agree that's proper. I want to know why --
4 it should have come to the Board last month. It
5 was plenty of time. I don't know what the rush is.
6 And why are we appraising land that doesn't belong
7 to us or not -- it's not in the -- I have no idea.
8 If we're looking to buy it, I think the Town has
9 enough land, and why take it off the tax roll.

10 That wraps it up. I thank you all.
11 It's great to be back, and that's it.

12 SUPERVISOR SALADINO: Thank you,
13 Mr. Adelman.

14 MR. ADELMAN: You're welcome.

15 SUPERVISOR SALADINO: Please be safe.
16 Frank Scalera, would you please
17 approach?

18 MR. ADELMAN: Oh, I forgot one thing.
19 I am so sorry. So sorry. I did forget one item,
20 P-7-21.

21 Is that still on the calendar to be
22 voted on?

23 I was given the word by the Town that I
24 would have a copy of the personnel changes, raises,
25 et cetera, whatever you're voting on I was

1 guaranteed that I would have a copy prior to
2 today's meeting. That did not happen. I don't
3 think we should be voting on stuff in secret.

4 Thank you.

5 MR. SCALERA: Good afternoon.

6 Frank Scalera, Town Attorney.

7 Real quickly with regard to the
8 personnel action, the binder in the front of the
9 room has such a document that Mr. Adelman has been
10 asking for. It has been there since the beginning
11 of the meeting.

12 Secondly, I guess I'm called up for
13 Resolution 221 on the appraisal.

14 First off, the actual firm that we use,
15 Real Estate Solutions, to do the appraisal was
16 previously approved by this Town, so pursuant to
17 legal requirements on procurement, we, indeed,
18 already had them on a list of folks that we can
19 use, so that was done.

20 SUPERVISOR SALADINO: And the list,
21 where all of those on that list have already been
22 vetted by our Inspector General?

23 MR. SCALERA: Previously vetted and
24 RFPd, through Request for Proposal, vetted, came
25 before the Board and approved a list of appraisers

1 for purposes, obviously, of appraising.

2 SUPERVISOR SALADINO: And does that
3 process allow the Town to go out and use their
4 services without an additional hearing or action?

5 MR. SCALERA: The Town can use those
6 appraisers without any additional Resolution to use
7 them.

8 The issue of the money to pay them,
9 while Mr. Adelman is correct in some respects that,
10 of course, ideally if something was to occur that
11 we can do it within the two weeks of the next Board
12 meeting, we, of course, would do that and not nunc
13 pro tunc.

14 In this particular set of
15 circumstances, there is already an offer on the
16 table for this particular piece of land, the
17 peninsula -- known as the Peninsula Golf Course.

18 That offer was approved by their Board
19 of Directors, and they had the buyer ready to enter
20 into contract, so in order for the Town to purchase
21 that property, or to potentially purchase that
22 property, we have to get an appraisal by law and by
23 New York State Comptroller opinions.

24 No, we cannot rely on the assessment
25 value of the Nassau County Assessment Office.

1 No, we cannot rely on values that we
2 find on Google.

3 No, we cannot rely on the purchase
4 price that was offered by a private purchaser.

5 Why?

6 Because law and government procedures
7 require the Town to get an appraisal before we
8 spend taxpayer dollars. That is the check and
9 balance to ensure that what we're paying for the
10 property is properly valued by an independent
11 appraiser; that being the appraiser, Real Estate
12 Solutions.

13 So, in this particular case, we found
14 out between time periods of your Town Board to --
15 for the purpose of appraisal, and, yes, that was a
16 time period here that we had to move swiftly;
17 otherwise, we wouldn't be able to purchase this
18 property or even potentially purchase, so, yes,
19 nunc pro tunc is not improper because you can
20 legally allow to ratify this.

21 My particular explanation, I'm
22 confident, satisfies all the law and the procedure
23 behind doing it this way.

24 SUPERVISOR SALADINO: So the Town is
25 following the law to the "T"?

1 MR. SCALERA: Yes, it is.

2 SUPERVISOR SALADINO: Okay.

3 So this property we learned that it was
4 available for sale. The Town has received phone
5 calls from residents, people have talked to me
6 about this and others about this property, and
7 their concerns of what ultimately could be the end
8 result of this sale, so it's my understanding that
9 in an effort to see what options we have, first
10 thing we have to know is what the appraisal will
11 come in, so before we can make any considerations
12 of dealing with concerns of neighbors and so forth;
13 is that accurate?

14 MR. SCALERA: That's accurate.

15 And there's two ways for the government
16 to buy the property.

17 One way, of course, is just negotiating
18 and then paying for it in a regular contract of
19 sale, or, if the government chooses for public
20 purposes, to do a condemnation.

21 Either method requires an appraisal by
22 an independent appraiser. We had to do this
23 otherwise we couldn't go to step two.

24 SUPERVISOR SALADINO: No matter what.

25 And it would help us in making our

1 decisions of what path to take.

2 MR. SCALERA: That, too, because your
3 appraisal -- the appraisal done by the independent
4 appraiser, which was previously retained by our
5 Resolution by this Board, we go to you with the
6 appraisal and say, hey, folks, hey, counsel, Town
7 Board, this is the appraisal. Would you want to
8 move forward to purchase, which would be another
9 Reso, which would be coming before you or maybe not
10 depending upon, you know, how we, you know, what
11 you folks decide.

12 SUPERVISOR SALADINO: And to deal more
13 specifically with Mr. Adelman's question, we want
14 to know -- and I had this conversation with you, so
15 I feel very comfortable repeating it here and
16 having you verify it -- we want to know what a
17 purchaser of the property would be able to do, and
18 how it would affect the community. We've gotten
19 calls and so forth, communications from residents
20 who want to know what that purchaser could do with
21 that property and what the results of these
22 different options would be.

23 MR. SCALERA: Well, that property is
24 zoned residential, so a purchaser can take those, I
25 guess about 50 acres, and build one hundred-plus

1 homes on that property. They could develop that
2 property because it is zoned residential. It is
3 not zoned a recreational use. It is not zoned park
4 land. It's not. It's zoned residential because it
5 is in a residential community.

6 SUPERVISOR SALADINO: Okay.

7 MR. SCALERA: So this developer is a
8 private developer, is a private company, which buys
9 and develops. That's what they do.

10 SUPERVISOR SALADINO: So the long and
11 short of this is in order to know what options we
12 have in line with the requests and the concerns of
13 the community, we had to know what the value of the
14 property was, and this was the important first step
15 in telling us what the value of the property is,
16 and, obviously, your legal research in what could
17 happen to that property if a private sell takes
18 place?

19 MR. SCALERA: And I just want to add
20 there was a comment made about the price of the
21 appraisal.

22 Over the years when the Town had the
23 environmental bonds for purchase of open space, we
24 purchased, I don't remember, but at least ten,
25 twelve, fifteen properties, I, from the Town

1 Attorney's office, but me personally, performed all
2 those transactions and went out to appraisers to
3 buy -- to purchase the services of an appraiser,
4 and the number of 5,000 falls squarely within the
5 range -- the high and low range -- of appraisals.
6 I paid, not I, the Town has paid sometimes up to
7 seven and sometimes down as low as four. This is a
8 commercial appraisal. It's not a simple going to a
9 50 by 100 home and appraising. You have to
10 understand, this property is a nine-hole golf
11 course, so you have to appraise it against other
12 nine-hole golf courses.

13 COUNCILMAN IMBROTO: It's a unique
14 property.

15 MR. SCALERA: It's unique, and
16 uniqueness causes the professional to have to spend
17 more time and rightly so because you don't want a
18 from the hip appraisal. You need an accurate
19 appraisal because as a Town Board, you need that
20 accurate appraisal to make your decision going
21 forward.

22 SUPERVISOR SALADINO: You need all the
23 information, accurate information.

24 MR. SCALERA: Absolutely.

25 Absolutely.

1 So it is, as Councilman Imbroto
2 indicated, it's unique. You don't find many
3 nine-hole golf courses like these, so it becomes a
4 little more difficult for an appraiser to --

5 SUPERVISOR SALADINO: Mm-hmm.

6 MR. SCALERA: -- so the number that was
7 charged is within the industry.

8 SUPERVISOR SALADINO: And in addition
9 to that, we know that the Town has worked hard --
10 we're environmentalists -- we're very
11 environmentally conscious, and the Town has
12 continued to work on ways to provide open space as
13 a recharge to our aquifer system -- our sole source
14 of drinking water -- as well as other environmental
15 reasons why protecting open space is something that
16 is an important consideration to us.

17 MR. SCALERA: Well, Supervisor, it is a
18 very good point, and this Board, and you,
19 Supervisor, and past Boards, I, personally, as the
20 attorney in the Town, as a former Deputy Town
21 Attorney and now Town Attorney, have worked on
22 personally all the open space purchases, and I'll
23 be glad to share the list. It is out there anyway,
24 but all the land we've purchased to keep for open
25 space for active parks, for passive parks, just for

1 open space on all areas from the North Shore all
2 the way down to the South Shore, so we've been
3 doing that. I guess, you know, over the years
4 people forget, but, you know, I'd be more than
5 happy to tell people all the open space that this
6 Town has preserved over the years.

7 COUNCILMAN IMBROTO: It's always been a
8 priority to preserve the suburban quality of our
9 communities and our quality of life so --

10 MR. SCALERA: Well said.

11 SUPERVISOR SALADINO: And I just want
12 to point out that it's also a factor for us to
13 garner as much information as possible. No
14 decision has been made on this property.

15 We're still fact finding, correct?

16 MR. SCALERA: Yes.

17 And, of course, the seller has to agree
18 to sell it to us.

19 SUPERVISOR SALADINO: And we have not
20 entered into those discussions at this time?

21 MR. SCALERA: Just preliminarily.

22 We haven't gotten anything back yet.

23 We just put our intent out there.

24 SUPERVISOR SALADINO: I just want to be
25 clear that this is not some done deal.

1 MR. SCALERA: Correct.

2 SUPERVISOR SALADINO: This is not some
3 decision that has been made. We're doing fact
4 finding, and this appraisal is a portion of that
5 fact finding.

6 MR. SCALERA. Yes.

7 And if, indeed, the seller of the site
8 decides to sell it to the Town, the next Resolution
9 would be a Resolution authorizing the purchase with
10 authorizing you or your designee to sign the
11 contract of sale like any other land deal.

12 SUPERVISOR SALADINO: We're getting
13 ahead of ourselves.

14 MR. SCALERA: Yes.

15 We're way ahead.

16 SUPERVISOR SALADINO: We don't want
17 rumors to start.

18 MR. SCALERA: Yeah, that's a good
19 point.

20 SUPERVISOR SALADINO: We are currently
21 gathering information to make decisions from there.

22 There was a question that came up in
23 terms of our self-insured retention, the \$25,000
24 deductible, and that's the insurance that we have.

25 Can you provide more detail on

1 Resolution 217?

2 MR. SCALERA: The self-insured
3 retention relates to the -- and I was explaining
4 this to Councilwoman Maier just a few days
5 ago -- she had asked about this particular Reso.

6 We are self-insured. The Town is
7 self-insured in negligence, property and automobile
8 liability insurance, so we're self-insured. So the
9 first amount of money we handle it in-house.

10 This particular Resolution is what we
11 call an excess policy. An excess policy in cases
12 of catastrophic loss, that excess policy is for
13 \$10 million of coverage, which is called -- for the
14 person listening and the average person -- it would
15 be your personal umbrella policy that you get on
16 your homeowner's insurance.

17 The excess policy would be like the
18 personal umbrella policy. We don't get to it until
19 a case is worth more than that money.

20 SUPERVISOR SALADINO: So how does this
21 Resolution protect our taxpayers?

22 MR. SCALERA: Well, in the case, you
23 know, knock on wood, you know, every once in a
24 while if you get a case where it's worth over the
25 self-insured retention, instead of the taxpayer

1 having to foot that part of the judgment or
2 settlement or the like, you have a policy from
3 Allied Insurance that comes in and picks up
4 anything in excess, in case it's a catastrophic
5 loss.

6 SUPERVISOR SALADINO: Okay.

7 MR. SCALERA: And the comment that was
8 made about Chubb.

9 Chubb Insurance that Mr. Adelman
10 indicated, that has nothing to do with this
11 Resolution.

12 The Chubb Insurance Company is for
13 another policy, not this excess policy, just to
14 clarify.

15 SUPERVISOR SALADINO: It has nothing to
16 do with this issue at hand.

17 MR. SCALERA: Allied, we used the same
18 insurance company last year. Allied is this year.
19 They gave the best quote out of nine-plus quotes
20 that we --

21 SUPERVISOR SALADINO: So we went out to
22 nine companies, their rate was less than all the
23 others --

24 MR. SCALERA: Yes.

25 SUPERVISOR SALADINO: It protects the

1 taxpayers --

2 MR. SCALERA: Correct.

3 SUPERVISOR SALADINO: -- not only on
4 the purchase of that policy and in the event of,
5 God forbid, some catastrophic situation --

6 MR. SCALERA: Correct.

7 SUPERVISOR SALADINO: -- that would be
8 more than we're insured for. This policy ensures
9 the taxpayers --

10 MR. SCALERA: Correct.

11 SUPERVISOR SALADINO: -- that the
12 insurance pays for it and not our Town taxpayers.

13 MR. SCALERA: Correct.

14 At that point, not only would they pick
15 up the value, they would also pick up defense costs
16 if it went beyond the self-insured retention part.

17 Okay?

18 SUPERVISOR SALADINO: Just on one more
19 issue just to --

20 MR. SCALERA: And 1986 is when this
21 Town started the self-insured portion, so it's been
22 going for over thirty years now.

23 SUPERVISOR SALADINO: Thank you, Frank.

24 On 231, the issue of testing has been
25 an important part of our success, and I do credit

1 our COVID Response Team led by tremendous
2 professionals to protect us.

3 I do recognize that our Town has had
4 the lowest rate of infections among any town on
5 Long Island, and when you factor in the size of the
6 Town, it's been a -- really have to compliment the
7 great work of our COVID Response Team, our
8 employees, and all of the department heads for
9 their work.

10 Just so it -- so we correct the
11 speaker's feelings on this, he was under the
12 impression that there is something unique about no
13 co-pay when, indeed, Albany had set a law that says
14 on COVID testing no one pays a co-pay anywhere for
15 any Town, any municipality, any private -- whether
16 you go to CVS, whether you go to the drive-thru --

17 MR. SCALERA: Correct.

18 SUPERVISOR SALADINO: -- testing at
19 Jones Beach, State law, no one pays a co-pay.

20 But we're very focused on ensuring that
21 the system is in place to protect not only our Town
22 employees, but opening this program up to other
23 municipalities within our Town, be it school
24 districts, fire departments, we're looking to build
25 upon this to show leadership in our Town to provide

1 convenient testing for all of these employees and
2 expanding on that, as I mentioned, schools, whether
3 it be sports groups, whether it be -- different
4 ways to provide this service and protect our
5 residents.

6 But in terms of a co-pay, I'd like you
7 to confirm that State law mandated no one pays
8 co-pays, whether it's the Town doing this, the
9 State, whether it's the CVS, whether it's the
10 doctor's office you go to.

11 MR. SCALERA: The State did pass
12 legislation or regulations to that effect; however,
13 on this particular Resolution with the COVID
14 testing, Matt Rozea, the Deputy Town Attorney in my
15 office, also happens to sit on the COVID Response
16 Committee, and Matt, come on up and add anything
17 that requires adding.

18 MR. ROZEA: Thank you, Supervisor, and
19 Members of the Board.

20 Matt Rozea, Deputy Town Attorney.

21 You're correct, Supervisor, in your
22 statement of what the law requires and provides
23 for.

24 I would also note that the terms of the
25 RFP, it's my recollection, specifically calls for

1 no cost for the Town, so that issue was out there
2 from the beginning, and we ensured that the
3 provider that the Board is acting upon today is not
4 charging to the Town.

5 I'd also note that the insurance matter
6 is a private contractual matter between the insured
7 and the insurer, so we wouldn't have standing to
8 step into that relationship.

9 SUPERVISOR SALADINO: So that
10 Mr. Adelman understands the leadership we're
11 bringing to the table, we've been contacted by
12 other municipalities asking how we're doing this so
13 those municipalities can follow the template the
14 Town has created.

15 The fact that we've had the lowest
16 incidence among our employees in our Town in terms
17 of COVID transmissions and COVID count -- is this,
18 indeed, one of the many pieces to the puzzle that
19 we are putting in place and continue to put in
20 place to protect our employees, to protect the
21 Town's residents, and to protect the communities at
22 large from COVID?

23 MR. ROZEA: That's correct.

24 That's correct.

25 And in terms of our intermunicipal

1 relationships, we were jointly involved taking
2 calls with the school districts and other
3 governments who were asking us how are you doing
4 it, what are you doing, and, you know, what have
5 you seen along the way.

6 SUPERVISOR SALADINO: Villages and our
7 leadership in our Village Mayor's conference calls,
8 speaking to many different municipalities, whether
9 it be fire districts, we've been testing
10 throughout, we've been assisting, and this is a
11 great opportunity to remind the public at large
12 that the continuance of testing, getting
13 vaccinated, social distancing, wearing masks, we
14 will continue to protect you, and we will continue
15 to take these steps.

16 We put together a very intensive
17 program that I'm very proud of, and as you stated,
18 other municipalities have been asking advice, and
19 we've been sharing our best practices to help them
20 protect their constituencies, their employees,
21 their students, their workforce, and, of course,
22 protect the public at large.

23 MR. ROZEA: That is all accurate, yes.

24 SUPERVISOR SALADINO: So these are all
25 parts to our overall plan that we've been carrying

1 out since the issues of COVID began.

2 MR. ROZEA: I agree.

3 Since Day One.

4 SUPERVISOR SALADINO: Okay.

5 Thank you, counselor.

6 Our next speaker will be Lisa

7 Reinhardt.

8 Good afternoon, Lisa.

9 How are you today?

10 MS. REINHARDT: Hi. I'm good.

11 It's so nice to be back. It's a
12 beautiful day.

13 AUDIENCE SPEAKER: Lisa, take your mask
14 off so we can hear you.

15 MS. REINHARDT: Okay.

16 COUNCILMAN IMBROTO: If you're
17 comfortable doing so.

18 SUPERINTENDENT SALADINO: Just a
19 reminder of the rules because I know you want to
20 follow the rules.

21 We ask you to keep all questions
22 germane to these items on the calendar that you're
23 speaking on, and then take your seat, and we'll
24 address the issues.

25 MS. REINHARDT: Fine.

1 Perfect.

2 Okay. I have just a question, kind of
3 a followup to Arthur on P-7-21.

4 Is this regarding raises and for whom
5 is what I was going to ask. Mr. Scalera said
6 there's a binder at the front of the room.

7 AUDIENCE SPEAKER: It is there now.

8 MS. REINHARDT: Oh, okay.

9 Okay, great.

10 I'll take a look at that.

11 AUDIENCE SPEAKER: How would you know
12 that?

13 MS. REINHARDT: Is there -- we weren't
14 told when the meeting started that there was such a
15 binder.

16 Is there a way of posting that along
17 with the links and backup?

18 Then I have Resolution 198. I'm not
19 familiar, I mean, I know about the STOP program,
20 but what are the parameters of expenses on that,
21 and is there a designated hazardous waste
22 management company, or do we RFP that, or how does
23 that work?

24 Number 210. Resolution 210 regarding
25 the Hicksville parking facility. I'm assuming that

1 means the garage.

2 Which work does this payment refer to,
3 and is this a last payment from the 2018 rebuild
4 with the issues we were having with that?

5 And, lastly, on Resolution 215, was
6 there an RFP put out or is it SOP to build
7 extensions into contracts for this type of thing
8 for recycling or waste management?

9 If it's SOP, what or how many
10 extensions are commonly built in or is this
11 case-by-case as the contracts come up for renewal?

12 That's all I have.

13 Thank you.

14 SUPERVISOR SALADINO: Thank you.

15 So to start off with, one of these
16 Resolutions in regard to our STOP Program, STOP
17 stands for Stop Throwing Our Pollutants. We're
18 very proud of the program. It makes a tremendous
19 difference in protecting our environment.

20 You hear us speak about water safety.
21 This program is a statewide program -- New York
22 State Department of Conservation through the New
23 York State budget -- provides for revenue -- rather
24 financial resources to assist municipalities with
25 the STOP Program. The STOP Program I'm going to

1 take a guess, the Town's been doing it way before
2 we got here, but I'm going to take a guess some
3 thirty years at least. I'm looking to some of the
4 folks who have been around a long time, but at
5 least thirty years, and what the Town does on
6 specific dates, and we promote this through our
7 mailers, through our social media, on our Town
8 website, on the Town calendar, the more ways you
9 can inform the public how to properly dispose of
10 pollutants, chemicals, a wide variety of different
11 kinds of specialty waste, the more successful the
12 program.

13 So the Town has been a leader in terms
14 of their volume and the different methods by which
15 they provide these opportunities throughout the
16 year to collect these items, and the State has set
17 up programs by which to provide financial
18 resources, so they're being paid for, in essence,
19 through grants rather than on the taxpayers back.

20 This is one of those Resolutions where
21 we're accepting the grant and entering into the
22 program with the New York State Department of
23 Environmental Conservation. It is very important
24 that residents continue to utilize this program
25 because, obviously, we wouldn't want someone

1 throwing motor oil onto the ground and then through
2 percolation that those contaminants would reach the
3 aquifer system, the Upper Glacial, the Magothy and
4 so forth, and then could contaminate drinking
5 water, which then our water districts have to deal
6 with.

7 So by having programs like this, we
8 protect our drinking water, we protect contaminants
9 from escaping into the open environment, and we
10 utilize the grant programs of the New York State
11 DEC to pay for them.

12 One of the other issues you had asked
13 about was our glass recycling.

14 So the Town was collecting, again, a
15 very important part of our environmental source
16 separation and recycling programs that the Town has
17 over the years received awards for, so glass is no
18 longer accepted by most of the recycling facilities
19 across the country. This deals with China. It's
20 an international issue with recycling and glass.

21 The semi-short answer is that one of
22 the valuable components is paper and cardboard.
23 They can be put in solutions and worked down to a
24 pulp and then passed through screens that collect
25 that fiber, and by utilizing that, they make brand-

1 new products, whether it's new cardboard, from the
2 recycled material.

3 I think the vast majority of us agree
4 that the more recycling we do, the better we're
5 protecting Mother Earth, and the better job we're
6 doing with our environment.

7 Those screens that I describe get cut
8 from broken glass. Broken glass in the waste
9 stream affects these issues. Glass is also very,
10 very heavy.

11 As the cost of transporting, if you
12 think of an 18-wheeler filled of glass and an
13 18-wheeler filled with aluminum cans by volume, the
14 cans and the aluminum is much, much lighter, so
15 they don't want to take on the cost.

16 This is not a Town of Oyster Bay issue.
17 This is a national issue. But because we're so
18 focused on our environment, we went into a contract
19 to collect our glass. We've set up different
20 locations. Rich Lenz, you can nod if I'm correct,
21 I believe there are six locations currently --

22 MR. LENZ: Yes.

23 SUPERVISOR SALADINO: -- at DPW at
24 150 Miller Place, located at different Town
25 facilities. These structures we call igloos --

1 because they look similar to an igloo -- and
2 they're locations for residents to drop off glass.

3 Currently, and this is the case for
4 every town on Long Island, the collection of glass
5 is not something that the solid waste providers
6 want to take. So by co-mingling glass with the
7 recyclables, it doesn't work, and it hurts our
8 recycling program just like the case for every
9 municipality.

10 What are we doing about this?

11 We're doing multiple things. One,
12 those that have been following our meetings know
13 that we have put out an RFP, a Request For
14 Proposals, to construct a new recycling facility
15 that would do source separation in a single-stream
16 manner and create a state-of-the-art facility.
17 It's a long process. We're still going through the
18 maturations to determine what is the best path with
19 that, but we're exploring that because it's real
20 because we want to be the state-of-the-art -- the
21 leaders in effect -- for recycling and
22 environmental initiatives and dealing with solid
23 waste.

24 So in the meantime, the residents of
25 this Town have made it clear they still want to

1 recycle glass. It's what they're accustomed to,
2 they understand the environmental benefits, so we
3 have short-term contracts with those who would
4 collect glass.

5 In this case, we pay \$72.85 a ton, for
6 glass collection. This contract allows those
7 igloos to be emptied and carted off where they take
8 that glass and ground it down and use it for other
9 purposes in a recycled fashion.

10 So that's what this Resolution does, to
11 continue this process short-term while we work on
12 the long-term solution on how to handle our
13 recyclables in a source separation way that
14 could -- could -- lead to single-stream recycling.

15 So these are important issues that the
16 Town in our environmental path and interest are
17 pursuing. Working with top-flight professionals in
18 the industry to determine how we can best deal with
19 recycling, deal with Sanitation in sustainable ways
20 that take into account what's best for the
21 environment. We've listened to the public at
22 hearings and so forth on this subject over the
23 years, and that makes sense financially. So we're
24 taking into account all these issues on this
25 initiative.

1 And today this Resolution will allow
2 for a contractor, who has been vetted by our
3 Inspector General, who has gone through the whole
4 process, to continue to accept glass in the Town.

5 I will caution people because there are
6 some municipalities I've heard of that accept glass
7 at the curb side and then throw it away. We don't
8 do that in this Town, and we won't do that in this
9 Town.

10 So that gives you some real insight
11 into what we're doing. We're very proud of our
12 environmental initiatives, and that's what we're
13 going to continue to do.

14 MR. PRAVATO: Supervisor, if I may for
15 one second.

16 SUPERVISOR SALADINO: Yes, please.

17 MR. PRAVATO: One of the other big
18 problems with the recycling companies was they
19 can't just take all the glass together. It has to
20 be separated by color.

21 SUPERVISOR SALADINO: Oh, that's right.

22 In addition, there's numerous reasons
23 why the industry across the whole nation, and in
24 some cases worldwide, doesn't want to accept glass.
25 You have the issue of weight, you have the issue of

1 glass shards, think about glass rolling around in a
2 hopper of a metal truck. No matter how carefully
3 you place it in there, it's still going to break,
4 and, therefore, it becomes a complicated component
5 of the recycling of those materials that are more
6 valuable to the industry, and that's paper and
7 cardboard. They're the leaders in that issue.

8 In addition to that, to make it more
9 complicated, when they recycle glass, there is a
10 color component to it that they want to keep all
11 clear glass together, and it gets so complicated
12 that we realize, and Jeff speaks from his
13 experience as the Mayor of one of the largest
14 villages on Long Island.

15 As we move forward, we look for overall
16 solutions, and that's why the Town of Oyster Bay
17 has taken on the leadership of putting out this
18 RFP, listening to the public, listening to the
19 experts and determining what the best path moving
20 forward -- it's not an answer you're going to get
21 next week -- it is something that has to be well
22 thought out and that has to be a sustainable
23 process because when you move down this path, you
24 want a process that will protect our residents'
25 checkbooks, that will protect the environment, and

1 that will work in the long term over many, many
2 years.

3 Lisa, we generally don't go back and
4 forth, but go ahead and ask one question.

5 MS. REINHARDT: I had also asked -- I
6 saw that extensions are built into this contract,
7 and you're saying that short-term contracts --

8 SUPERVISOR SALADINO: It's to protect
9 the price point.

10 MS. REINHARDT: Okay.

11 SUPERVISOR SALADINO: To protect the
12 taxpayers. So we lock them in to a rate that is
13 reasonable, but we will still come before the
14 Board.

15 It's not an automatic extension.

16 Right, Commissioner?

17 MR. LENZ: Right.

18 SUPERVISOR SALADINO: They just don't
19 get an automatic extension. It comes before the
20 Board, but locking in a price point protects the
21 residents.

22 MR. LENZ: This is the last extension.

23 SUPERVISOR SALADINO: This is the last
24 extension?

25 Thank you.

1 MS. REINHARDT: That was going to be my
2 question.

3 SUPERVISOR SALADINO: Okay.

4 This is the last extension.

5 MS. REINHARDT: But you let him out the
6 time before.

7 SUPERVISOR SALADINO: So we're going to
8 continue to work on this RFP for our long-term
9 solutions, but we are on a dual path because while
10 we're working out the long-term sustainable
11 solutions, and this isn't an easy issue, this is
12 something we spent a lot of time and effort on to
13 do it right, but you have to have short-term
14 solutions in there too, and this Resolution
15 represents one of those short-term solutions.

16 So I thank you, Lisa, for being with us
17 and for your questions.

18 Our next speaker, ah, Kevin, you're up.

19 Kevin, so there's no questions about
20 this later, again, the rules are the same for
21 everyone, and we ask that you have one, two, three,
22 four, five, six -- it looks like six items -- and
23 we ask that your comments be specifically germane
24 to the Resolutions you put down on your slip.

25 MR. McKENNA: Kevin McKenna, Edna

1 Drive, Syosset, New York.

2 On Personnel Resolution P-7-21.

3 It's great that we found out at the
4 last minute that that information is over there on
5 the sheet in the book, but, unfortunately, you
6 violated Open Meetings Law by not providing that
7 information before the meeting.

8 And, you know, in the spirit of
9 openness and transparency, as the Supervisor has
10 constantly said that the Town wants to bring, that
11 the reason -- the reason that it's important that
12 you post that information by law is so that the
13 public can see where our tax dollars are going.

14 Now, had the residents and the
15 residents watching right now, they don't have the
16 ability right now through the video camera, they
17 don't have the ability to look and see what's on
18 that sheet as I did three minutes ago, so the
19 reason for Open Meetings Law, the reason for the
20 law that it is supposed to be put forth before the
21 meeting is so that the public can see where our tax
22 dollars are going, and for the residents that are
23 watching right now, I just went over, and I took a
24 look at the sheet over there.

25 Now, had the residents known that it

1 appears that the Town has created a position for a
2 messenger. It looks like it's a new position for a
3 messenger, and the messenger is going to be getting
4 paid \$68,000 per year to be the messenger in the
5 Town of Oyster Bay. That's the way that I read the
6 sheet that I just saw a few minutes ago, and I'm
7 only -- I'm only picking out one position off the
8 sheet, so had residents, the taxpayers, had they
9 yesterday, as Open Meetings Law dictates, had they
10 seen the specific jobs that are being created
11 and/or pay raises being given to, it's very, very
12 possible that maybe there would have been more
13 people who would have come to this meeting and
14 voiced their opinion on the Town creating a new
15 position.

16 I'm just using this for the messenger.
17 There's various other pay increases on the sheet
18 over there, so, you know, I just -- I don't
19 understand why the Town leadership -- I don't
20 understand why the Town leadership continues to be
21 nontransparent in this area. It just sends the
22 signal that you're hiding something.

23 Now, if you're able to put the
24 information in the book over there, and I forget
25 who it was, whoever it was, if a resident didn't

1 ask about that ten minutes ago, it appears that the
2 Town Attorney had -- no one had any intentions on
3 telling anybody about that information in the book.

4 What is it that you're hiding?

5 Why are you -- every meeting -- the
6 last few meetings I know that I've come here and
7 pointed out that you're violating Open Meetings Law
8 on the Personnel Resolutions, and I'd like to know
9 also since we are creating a position for a
10 messenger being paid \$68,000 a year, I'd like to
11 know if that position was -- was it announced where
12 members of the public were able to interview to
13 become the messenger of the Town of Oyster Bay for
14 \$68,000? I'd like to know if that job was posted.

15 SUPERVISOR SALADINO: Now, Kevin, you
16 know there's a Civil Service Commission who gives
17 tests, and you know we choose names off of that, so
18 please don't mislead the public.

19 MR. McKENNA: So did the Town in the
20 openness and transparency, Mr. Supervisor, why
21 didn't you put on your Supervisor page that we are
22 creating a, well, we're creating a new Civil
23 Service position for a messenger and give everybody
24 in Town the opportunity to apply to be that
25 messenger, but getting back to the point, the point

1 is --

2 SUPERVISOR SALADINO: We do give people
3 the opportunity to take tests, and we tell that to
4 people constantly.

5 So let's -- I appreciate you're being
6 here, Kevin, but please don't mislead the public.

7 MR. McKENNA: But the point -- I've got
8 five minutes left.

9 The point is, let me go back to the
10 point. The point is, that you violated the Open
11 Meetings Law, again, by not posting -- the
12 information that's in that book should have been
13 posted on the Resolutions yesterday, and it wasn't,
14 and you violated Open Meetings Law by not doing
15 that, and it's not right, it's just not right in
16 the spirit of openness and transparency.

17 Not only that, but even the information
18 that's over there in that binder, that still does
19 not comply with Open Meetings Law because it does
20 not give the names of the individuals that are
21 giving -- that are being got -- being -- that are
22 getting pay increases, a lot of them are labor
23 people that are going from one step to the other,
24 the names of individuals in order for the Town to
25 comply with Open Meetings Law, the names are not on

1 that sheet over there in that book, and, once
2 again, you are violating Open Meetings Law by not
3 providing the names of the -- you're shaking your
4 head, Mr. Supervisor. Tell me.

5 Tell me why I'm wrong.

6 Tell me why I'm wrong.

7 The names are supposed to be attached
8 to the job titles, okay?

9 And the information should have been
10 posted -- should have been posted yesterday on the
11 website, so I'm going to move on --

12 AUDIENCE MEMBER: Hooray.

13 MR. McKENNA: -- because I only have 3
14 minutes and 24 seconds left.

15 I'd like to know why you're act --
16 well, actually, I want to -- you know, you made a
17 statement earlier about the Peninsula Golf Course
18 Resolution I'm talking about right now.

19 You said that you've heard from
20 residents about that. It would be very, very nice
21 if you shared with us what the residents' concerns
22 are, what their suggestions are about that
23 Peninsula Golf Course. It would be nice to know
24 what, you know, what you're being told so that we
25 can get an idea why it is that you're considering

1 buying the property.

2 In other words, are you looking to
3 create another golf course for the Town -- you
4 know, tell us in the spirit of openness and
5 transparency what all the residents on the South
6 Shore are concerned about so we have an idea why it
7 is that you're spending taxpayer money hiring an
8 appraiser for \$5,000, and I'd like to know, I'm
9 sure that you're aware of the fact that the real
10 estate appraiser that you hired, he also is an
11 active -- he's an active real estate agent, so I'd
12 like to know if the Town is considering some type
13 of business partnership where you're paying for the
14 appraiser, which normally -- why isn't the seller
15 of this property -- why isn't the seller of the
16 property the one doing that is doing the appraisal?

17 Normally -- normally when -- normally
18 when somebody is selling property, normally they're
19 the ones who get the appraisal so that -- so that
20 the buyer doesn't, like, you could -- you could
21 have this appraiser -- you could have this
22 appraiser come back with a lower bid, and you're
23 trying to help -- whatever, you understand where
24 I'm going. Why isn't the --

25 SUPERVISOR SALADINO: Unfortunately, I

1 really don't.

2 MR. McKENNA: Why isn't -- why, why
3 aren't you having the seller -- why aren't you
4 having the seller of the property do the appraisal?

5 Why are you paying \$5,000 to do it for
6 him?

7 That's what I'd like the answer to,
8 but --

9 SUPERVISOR SALADINO: Okay.

10 Thank you.

11 Kindly take your seat, and we'll answer
12 your questions.

13 MR. McKENNA: I'm not finished yet.

14 More importantly, I have a minute and
15 10 seconds left.

16 SUPERVISOR SALADINO: And I know you'll
17 want to use every last second.

18 MR. McKENNA: Now, on Resolution 217,
19 which is McKenna against Saladino and the Town of
20 Oyster Bay, I'd like to know on a very, very simple
21 lawsuit that I needed to bring forth because you
22 violated my freedom of speech in a meeting last
23 year, you prevented me from speaking, and that's
24 why the judge awarded \$5,000 in damages to me,
25 which is to be included in the \$20,000 settlement,

1 and it's in the transcript on the record, so don't
2 shake your head no.

3 The Town -- the public should know that
4 Resolution 217 is to pay a law firm that was hired
5 by the insurance company, which has been
6 overbilling you because this case was settled over
7 a month and a half ago and why you're being
8 continually billed by Winget, Spadafora is beyond
9 me, but Mr. Scalera stated earlier that they're
10 supposed to -- the first -- I haven't gotten paid
11 yet, so why haven't I gotten that first payment
12 that you talked about.

13 Thank you very much.

14 SUPERVISOR SALADINO: It's a shame that
15 the resident is looking to profit on the backs of
16 the taxpayers.

17 AUDIENCE SPEAKER: Oh, you know --

18 COUNCILMAN IMBROTO: Mr. McKenna, your
19 time is up. Please sit down.

20 AUDIENCE SPEAKER: Mr. Supervisor, that
21 is a totally untrue statement --

22 SUPERVISOR SALADINO: Mr. McKenna,
23 you're time is up --

24 AUDIENCE SPEAKER: -- you caused the
25 lawsuit --

1 SUPERVISOR SALADINO: Please find your
2 seat.

3 AUDIENCE SPEAKER: -- by preventing my
4 freedom of speech --

5 COUNCILMAN IMBROTO: You are out of
6 order. Please sit down.

7 AUDIENCE SPEAKER: -- and I didn't even
8 ask for the \$5,000. The Judge --

9 SUPERVISOR SALADINO: Please find your
10 seat.

11 AUDIENCE SPEAKER: -- the Judge granted
12 the \$5,000 because of what you did.

13 SUPERVISOR SALADINO: Mr. McKenna,
14 would you please find your seat? Your time is up.

15 Just to clarify, the information,
16 Mr. McKenna is currently suing the taxpayers of
17 this Town --

18 AUDIENCE SPEAKER: Mr. McKenna won the
19 lawsuit.

20 SUPERVISOR SALADINO: -- so we have
21 been asked and advised by our Town Attorney to not
22 respond because of the lawsuit no matter how
23 outrageous, untrue or misleading --

24 AUDIENCE SPEAKER: Mr. McKenna won the
25 lawsuit.

1 SUPERVISOR SALADINO: -- his statements
2 are.

3 Thank you very much.

4 That's all the slips I have at this
5 time.

6 Are there any postings?

7 MR. LaMARCA: No, sir.

8 SUPERVISOR SALADINO: No postings at
9 this time.

10 All right.

11 Then lets call for a vote.

12 AUDIENCE SPEAKER: Excuse me, we were
13 going to read the untabled Resolutions so the
14 public can hear what they were.

15 SUPERVISOR SALADINO: Let get a --
16 certainly. Let's get an opinion by the Town
17 Attorney.

18 Would you please come on up?

19 MR. SCALERA: Town Attorney, Frank
20 Scalera.

21 I have a copy of the three Resolutions,
22 which we decided to untable.

23 Just to be clear in procedure, these
24 Resolutions were on prior calendars and prior Board
25 meetings. Those prior calendars and prior Board

1 meetings are available on the Internet and on our
2 website at all times.

3 SUPERVISOR SALADINO: So we have made
4 each and every one of these Resolutions --

5 MR. SCALERA: They have been available
6 from the time --

7 SUPERVISOR SALADINO: -- as well as the
8 backup, Frank?

9 MR. SCALERA: Right.

10 Like, for instance, 525-2020 was tabled
11 on October 6, 2020.

12 So from October 6, 2020, forward on our
13 Internet, you can pull the last calendars, they
14 were tabled. That's why they were tabled.

15 SUPERVISOR SALADINO: But the backup,
16 meaning the details --

17 MR. SCALERA: Yes.

18 SUPERVISOR SALADINO: -- associated
19 with this have already gone to the public and have
20 been very clear in terms of what the Resolution is
21 for.

22 MR. SCALERA: Correct.

23 Correct.

24 So it's disingenuous when people say
25 that these things were on. They weren't voted on.

1 They were tabled by motion, but were on the agenda
2 at that time, uploaded, and went through all the
3 procedures, so today you are --

4 SUPERVISOR SALADINO: So none of this
5 is new information.

6 MR. SCALERA: No.

7 SUPERVISOR SALADINO: None of this is
8 surprise.

9 MR. SCALERA: Correct.

10 Correct.

11 SUPERVISOR SALADINO: None of this
12 meets the way that the previous speaker tried to
13 describe it.

14 MR. SCALERA: Correct.

15 Correct.

16 It's there. It's in the records, and
17 not only do you not have to ask for it, if you go
18 on to our website, we keep prior agendas on for
19 quite a number of months, so you get this off the
20 website and the backup as well.

21 So, again, let's be clear that this is
22 not a new document that is appearing with new
23 backup. This was something that was tabled, that
24 you have decided -- that you and the Board have
25 decided -- to pull off the table. It's a previous

1 item. It's not a new item, and that's what we do
2 when we untable things.

3 SUPERVISOR SALADINO: And when it was
4 previously brought, and I know I'm being
5 repetitive, but when it was brought previously, all
6 of the details surrounding it were provided to the
7 public?

8 MR. SCALERA: Yes.

9 Correct.

10 SUPERVISOR SALADINO: Thank you.

11 AUDIENCE SPEAKER: Excuse -- can I
12 just -- I have a minute and 30 seconds left.

13 SUPERVISOR SALADINO: Sir, you spoke.
14 We've called you up on the Resolutions --

15 AUDIENCE SPEAKER: But not these
16 Resolutions.

17 SUPERVISOR SALADINO: -- we're going to
18 call you up on the issues of the -- you've asked to
19 speak after the meeting in public comment. We have
20 to provide the same amount of time to everyone, the
21 same opportunity equally --

22 AUDIENCE SPEAKER: Right.

23 But I had three minutes and 37 seconds
24 left, and I said I wanted to address the tabled
25 Resolutions when they were brought forth. I have

1 three minutes left. I respectfully --

2 SUPERVISOR SALADINO: Frank, can we get
3 an opinion, please?

4 Mr. Adelman was -- handed in a slip, he
5 came up, we provided him the full amount of time,
6 he chose the time that he chose. Can we get a --
7 and we're going to follow whatever our legal
8 counsel tells us.

9 MR. SCALERA: Mr. Adelman, you're
10 saying that you had a minute and a half left?

11 AUDIENCE SPEAKER: Three minutes, 37
12 seconds. And I said I wanted to --

13 Common courtesy.

14 -- reserve them to comment on the
15 Resolutions coming off the table.

16 SUPERVISOR SALADINO: So you'd like to
17 comment.

18 Have you seen the backup?

19 MR. SCALERA: Wait.

20 I want to get the facts right. I
21 thought this was mentioned earlier. These
22 tabled --

23 SUPERVISOR SALADINO: He did comment on
24 different items.

25 MR. SCALERA: They were mentioned

1 earlier. And if they were mentioned earlier, and
2 he spoke, unfortunately, he can't speak again.

3 SUPERVISOR SALADINO: Mr. Adelman, do
4 you realize, sir, that these have already been
5 brought up with the backup with the opportunity to
6 you the last time they were on the calender?

7 AUDIENCE SPEAKERS: Excuse me.

8 If they were tabled, they were removed
9 from --

10 SUPERVISOR SALADINO: It's not a
11 walk-on, sir.

12 These were tabled after vetting the
13 details to the public, these items were tabled,
14 they are not a walk-on, which means brought on for
15 the purpose of that meeting.

16 MR. SCALERA: That's right.

17 AUDIENCE SPEAKER: I'm not looking to
18 debate. I just want to make a comment on these
19 three items, and I have three minutes left.

20 COUNCILMAN IMBROTO: That's not how the
21 clock works. You don't get to save time.

22 AUDIENCE SPEAKER: Because they were
23 not available.

24 SUPERVISOR SALADINO: I have no
25 probable with it, Arthur.

1 Arthur, I would have no problem with
2 this, but then people will say oh, they didn't use
3 up 30 seconds, they need to come back, and we have
4 a case where somebody is suing the taxpayers of
5 this Town, so you create a situation whereby you'll
6 cost the taxpayers even more money.

7 I have no problem. Call me on this. I
8 will discuss it at length as long as you want to
9 speak, and on our phone call, you won't have a
10 clock ticking. You'll have the full amount that
11 you want to talk about at any length.

12 AUDIENCE SPEAKER: At previous meetings
13 the --

14 Off the record.

15 -- Clerk has read into the record the
16 type, the synopsis --

17 SUPERVISOR SALADINO: And I have no
18 problem --

19 AUDIENCE SPEAKER: -- of tabled
20 Resolutions --

21 COUNCILMAN IMBROTO: Those are for
22 walk-on Resolutions.

23 SUPERVISOR SALADINO: -- and I have no
24 problem with that --

25 AUDIENCE SPEAKER: -- no, tabled

1 Resolutions. I'll go back and show you.

2 SUPERVISOR SALADINO: You know what,
3 we're not going to do it today. We have a process
4 here. Why don't you just very briefly describe
5 what each one is so that Mr. Adelman is not getting
6 some time advantage that we'll get a complaint from
7 another resident.

8 MR. SCALERA: For the record, I'm just
9 going to read what I handed over to Mr. Adelman.

10 Before I do so, Mr. Supervisor, I agree
11 with what you were saying before. Once -- if you
12 stop to allow exceptions to the speaking rules --

13 SUPERVISOR SALADINO: But having you
14 read it does not cause this problem. So let's make
15 sure we're reading it. We have nothing to hide.
16 We are a transparent government, and it is about
17 your -- it's about the situation.

18 Unfortunately, there are others who try
19 to manipulate situations perhaps to gain money from
20 the taxpayers to feather their own nests, and it's
21 very sad.

22 AUDIENCE SPEAKER: People see through
23 that.

24 MR. SCALERA: Resolution 525-2020 was
25 tabled on October 6, 2020. That's a Resolution

1 pertaining to contract PWC19-20 on-call consultant
2 relative to structural engineering in connection
3 with design bidding and construction inspection
4 regarding the construction of our overhead canopy
5 over the existing ice rink at the Marjorie Post
6 Community Park in Massapequa.

7 The next Resolution is 570 of 2020
8 tabled on October 20, 2020. That's a Resolution
9 pertaining to contract number PWC07-20 on-call
10 consultant service request for civil engineering
11 for the replacement of three synthetic turf fields
12 at the Field of Dreams Park in Massapequa.

13 And the third, the last, is Resolution
14 700-2020, tabled on December 8, 2020. Resolution
15 authorizing the use of a sub-consultant on the
16 contract PWC19-20 on-call engineering services
17 relative to structural engineering in connection to
18 bulkhead replacement at John J. Burns Park.

19 SUPERVISOR SALADINO: Thank you,
20 Mr. Scalera. I appreciate it very much.

21 So now that we have brought attention
22 and shined light on these issues, professional
23 engineering services and the kinds of variety of
24 services that are part of our normal operations in
25 the Town, I will ask you, please, is there any

1 correspondence on any of these items?

2 MR. LaMARCA: No correspondence.

3 SUPERVISOR SALADINO: Would you kindly
4 call for a vote?

5 MR. LaMARCA: Supervisor Saladino?

6 SUPERVISOR SALADINO: "Aye."

7 MR. LaMARCA: Councilwoman Johnson?

8 (Whereupon, there was no response from
9 Councilwoman Johnson.)

10 MR. LaMARCA: Councilwoman Johnson?

11 (Whereupon, there was no response from
12 Councilwoman Johnson.)

13 MR. LaMARCA: Councilman Imbroto?

14 COUNCILMAN IMBROTO: I vote "Aye."

15 I will say I've heard Councilwoman
16 Johnson's phone disconnect a couple times during
17 the meeting, so that might have been what happened.

18 SUPERVISOR SALADINO: We'll recall when
19 we get to the end of the list. We'll call again on
20 her.

21 MR. LaMARCA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. LaMARCA: Councilman Labriola?

24 COUNCILMAN LABRIOLA: "Aye."

25 MR. LaMARCA: Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye."

2 MR. LaMARCA: And Councilwoman Walsh?

3 COUNCILWOMAN WALSH: Councilwoman

4 Walsh, "Aye."

5 MR. LaMARCA: Councilwoman Johnson?

6 (Whereupon, there was no response from
7 Councilwoman Johnson and an attempt to reconnect
8 with her was made.)

9 COUNCILWOMAN JOHNSON: Hello, this is
10 Councilwoman Johnson.

11 Can you guys hear me?

12 SUPERVISOR SALADINO: Yes.

13 COUNCILWOMAN JOHNSON: I apologize for
14 that.

15 SUPERVISOR SALADINO: That's okay.

16 COUNCILWOMAN JOHNSON: Councilwoman
17 Johnson, "Aye."

18 MR. LaMARCA: Motion to adopt
19 Resolution Nos. P-7-21 through 241-2021, as well as
20 Resolutions No. 525-2020, 570-2020, and 700-2020
21 passes with seven "Ayes" and zero "Nays."

22 The calendar is complete, Supervisor.

23 SUPERVISOR SALADINO: Thank you.

24 (TIME NOTED: 1:53 P.M.)

25 SUPERVISOR SALADINO: At this time it

1 is -- there is a necessity for our Town Board to
2 meet with counsel, so we are going to take a break
3 to meet with our counsel, and then report back if
4 any action is taken.

5 I'm not sure exactly how long. I'm
6 looking over at our Town Attorney, Frank Scalera.
7 We're not sure exactly how long this session will
8 take because of the different issues that you have
9 to present regarding litigation that's currently
10 going on, so we're going to break for that, and
11 then we will come back for the final public comment
12 portion of the meeting.

13 Thank you very much.

14 COUNCILMAN IMBROTO: I make a motion to
15 go into Executive Session for the purpose of
16 discussing pending and current litigation.

17 COUNCILMAN HAND: Second.

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

20 ALL: "Aye."

21 SUPERVISOR SALADINO: Opposed, "Nay."

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

24 SUPERVISOR SALADINO: On the phone?

25 COUNCILWOMAN JOHNSON: Councilwoman

1 Johnson, "Aye."

2 COUNCILWOMAN WALSH: Councilwoman
3 Walsh, "Aye."

4 (TIME NOTED: 1:54 P.M.)

5 SUPERVISOR SALADINO: Okay.

6 We will go into Executive Session at
7 this point, and then we will return, and we'll
8 report if any action was taken, and we'll also at
9 that point listen to public comment.

10 Thank you.

11 (Whereupon, the Executive Session began
12 at 1:54 p.m. and the proceedings resuming at
13 3:21 p.m. as follows:)

14 SUPERVISOR SALADINO: All right.

15 I will ask -- okay.

16 Councilman Hand, would you please make
17 a motion?

18 COUNCILMAN HAND: I make a motion to
19 exit Executive Session.

20 No action was taken.

21 COUNCILMAN IMBROTO: I second the
22 motion.

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

25 ALL: "Aye."

1 SUPERVISOR SALADINO: Those opposed,
2 "Nay."

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

5 SUPERVISOR SALADINO: And we're
6 getting -- we're going to get our other Council
7 Members on the phone, and then we'll ask them to
8 vote on this as well.

9 (Whereupon, there was an effort to
10 reestablish telephone connection with Councilwoman
11 Johnson and Councilwoman Walsh.)

12 SUPERVISOR SALADINO: Thank you,
13 everyone, for your patience.

14 Okay, so we'll do this again.

15 Councilman Hand, would you please make
16 a motion.

17 COUNCILMAN HAND: I make a motion to
18 exit Executive Session.

19 No action was taken.

20 COUNCILMAN IMBROTO: I second the
21 motion.

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

24 ALL: "Aye."

25 SUPERVISOR SALADINO: Those on the

1 phone?

2 I just want to hear that again for the
3 folks in the room.

4 What are the votes of the two
5 Councilwomen on the phone?

6 COUNCILWOMAN JOHNSON: Councilwoman
7 Johnson votes, "Aye."

8 SUPERVISOR SALADINO: And Councilwoman
9 Walsh voted "Aye." I heard her.

10 And if anyone votes "Nay," please be
11 heard.

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

14 SUPERVISOR SALADINO: Okay.
15 The "Ayes" have it.

16 (TIME NOTED: 3:24 P.M.)

17 SUPERVISOR SALADINO:
18 We are back. We appreciate everyone's
19 patience. As we've told you, we've met with
20 counsel, and now we're back for the public comment
21 portion.

22 COUNCILMAN HAND: We have to close the
23 meeting.

24 SUPERVISOR SALADINO: Oh, we're going
25 to close our meeting out first. I apologize.

1 May I have a motion to close the
2 meeting.

3 COUNCILMAN IMBROTO: I make a motion to
4 close the meeting.

5 COUNCILMAN HAND: Second.

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

8 ALL: "Aye."

9 SUPERVISOR SALADINO: On the phone?

10 COUNCILWOMAN JOHNSON: Councilwoman
11 Johnson, "Aye."

12 COUNCILWOMAN WALSH: Councilwoman
13 Walsh, "Aye."

14 SUPERVISOR SALADINO: Okay.

15 Our meeting is now closed.

16 (TIME NOTED: 3:25 P.M.)

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