

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
SEPTEMBER 18, 2018
10:08 A.M.

HEARING - TRAFFIC

To consider amendments to the Code of the Town of Oyster Bay, New York, amending Chapter 233 of the said Code pertaining to parking, stopping, crossing, loading zones, thru traffic, trucking operations and other traffic regulations. (M.D. 7/24/18 #9).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

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

3 If everyone would kindly take their
4 seats, we'd like to begin.

5 Welcome to the Oyster Bay Town Board
6 meeting of Tuesday, September 18, 2018.

7 Good morning and welcome to our Oyster
8 Bay Town Hall.

9 To lead us in prayer, please welcome
10 our friend, Reverend Jose Tenas of St. Kilian Roman
11 Catholic Church in Farmingdale.

12 Father, the podium is all yours.

13 (Whereupon, a prayer was recited by
14 Reverend Jose Tenas.)

15 SUPERVISOR SALADINO: Thank you, Father
16 Tenas.

17 Now, while everyone is still standing,
18 please join us in welcoming two distinguished
19 Vietnam era veterans and Bayville residents, Vince
20 Libertini and Frederick Ahl to lead us in the
21 Pledge of the Allegiance.

22 Gentleman, if you will, please.

23 (Whereupon, the Pledge of Allegiance
24 was recited by Vince Libertini and Frederick Ahl.)

25 SUPERVISOR SALADINO: Gentlemen, we

1 can't thank you enough for all of your dedicated
2 service to our nation in our defense, and as
3 hometown heroes who served in the Air Force and
4 Army Reserves, we thank you very much for your
5 service to our nation and we thank all of the women
6 and the men in our armed services.

7 And I ask you to join us in a moment of
8 silence for the men and women in the United States
9 Armed Services serving here in the homeland and
10 abroad as we recognize all of those, including our
11 first responders, who have given their lives for
12 our freedom and our safety, all of those who have
13 perished on 9/11, which we continue to honor their
14 memory, especially during this month, and for those
15 who have passed and those who are struggling due to
16 Hurricane Florence in the Carolinas.

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

19 SUPERVISOR SALADINO: Thank you.

20 Please be seated.

21 I'd like to begin by sending a most
22 blessed recognition to all of our friends who begin
23 to recognize Yom Kippur beginning this evening and
24 to them, g'mar chatima tova.

25 COUNCILWOMAN ALESIA: That sounded

1 pretty good, Supervisor.

2 SUPERVISOR SALADINO: Thank you. Thank
3 you.

4 COUNCILWOMAN ALESIA: Very, very
5 authentic.

6 SUPERVISOR SALADINO: Grew up in
7 Massapequa, what can I tell you.

8 God bless, everyone, and especially our
9 Jewish friends and residents as we wish you a very
10 easy fast.

11 In response to Hurricane Florence,
12 deadly storm, this terrible damaging storm, the
13 Town of Oyster Bay and the Village of Massapequa
14 Park are collecting supply items at Town Hall
15 North, Town Hall South, the Hicksville Athletic
16 Center, ice skating center in Bethpage, and the
17 Village of Massapequa Park.

18 Please donate nonperishable items,
19 including toiletries, cleaning products and the
20 like. I'd like to thank my colleagues on the Town
21 Board, as well as our Town Clerk, James Altadonna
22 Jr., and we will continue to work together to do
23 everything possible. We all know what it's like to
24 deal with and respond to a life-threatening storm.

25 We've been through that here and our

1 Town Clerk came to me, we had a conversation, and
2 together, not only -- we were all working together
3 to lead this collection of important items, but the
4 Town Clerk and I are reaching out to our Governor
5 to be in the assistance queue so that we're
6 available to our brothers and sisters in the
7 Carolinas.

8 I'd just like to thank all of you for
9 your leadership on this issue.

10 Now, we'd like to welcome members of
11 the Christina Renna Foundation. The foundation was
12 established in honor of Christina Renna, a Long
13 Island teenager who passed in January of 2007 from
14 a rare soft tissue cancer.

15 The foundation is dedicated to
16 supporting children's cancer research and
17 furthering awareness and education through the
18 support of cancer groups and outreach programs for
19 the direct support of those in need.

20 After being diagnosed with cancer,
21 Christina never prayed for herself, but instead,
22 she prayed that others would be spared the ravages
23 of this disease and the obstacles that it
24 presented. She dreamt of a world free of cancer.
25 Her legacy, the Christina Renna Foundation,

1 recognizes and celebrates Christina's life and her
2 vision, and ask that we work to emulate her
3 pureness and all that she did on this issue and all
4 that her family continues to do.

5 Her family, joining us this morning,
6 Christina's parents, Philip and Renee Renna, and
7 Christina's brother, Richard.

8 Philip, would you like to say a few
9 words about the Christina Renna Foundation?

10 MR. RENNA: Thank you, Supervisor.

11 I appreciate the opportunity.

12 Christina Renna Foundation works very
13 hard at bringing awareness to pediatric cancer. We
14 started a research facility over at Cold Spring
15 Harbor Laboratory looking at pediatric cancer and
16 we now have eight scientists working there.

17 We're very excited about that. That's
18 right here in your backyard. And locally, we try
19 to help local children who have cancer.

20 Right now, we've actually put out over
21 thousands and thousands of shoelaces to the local
22 teens here in Nassau County. We're very proud that
23 they've accepted them and to bring awareness to
24 this really, really important issue and we thank
25 you for recognizing the work we do.

1 SUPERVISOR SALADINO: Of course.

2 Could you just tell us briefly about
3 the significance of the shoelaces and what message
4 that specifically sends?

5 MR. RENNA: Sure.

6 So during September, it's Pediatric
7 Cancer Awareness month and it's a gold ribbon
8 recognizing pediatric cancer, so we've asked
9 everyone to wear these gold shoelaces during the
10 month of September in recognition of that.

11 And I do know that they were
12 distributed to all of the Cross Country track teams
13 in Nassau County and they will be wearing them
14 during the season, so we are very proud of that.

15 SUPERVISOR SALADINO: Well, please know
16 that we are all with you. My colleagues and I
17 proudly recognize September 2018 as National
18 Children's Cancer Awareness Month in the Town of
19 Oyster Bay in an effort to continue Christina's
20 dream of creating a cancer-free world, we are
21 walking in lockstep with you, with your foundation,
22 with all of the families and loved ones and those
23 suffering from these terrible diseases associated
24 with cancer.

25 In addition to the gold ribbons that

1 many of you may have seen placed on the columns
2 outside of Town Hall to affirm our support, I'd
3 like to ask Councilman Tom Hand, who is a Board
4 member of the foundation, to present a proclamation
5 honoring Christina's inspirational legacy.

6 So if all the elected officials would
7 join you and your family down here at the rail.

8 (Whereupon, the Town Proclamation was
9 presented to Mr. Renna and his family by Councilman
10 Hand.)

11 (Applause.)

12 SUPERVISOR SALADINO: Ladies and
13 gentlemen, let's have another round of applause for
14 everyone at the Christina Renna Foundation.

15 (Applause.)

16 SUPERVISOR SALADINO: In recognition of
17 their extraordinary support to families affected by
18 children's cancers and the outpouring for our work
19 together to find a cure, with September being
20 National Children's Cancer Awareness Month, I
21 wanted to take the opportunity to mention that
22 there is a very special street dedication taking
23 place on Summer Lane in Hicksville on Saturday,
24 October 13th. Not this Saturday. October 13th at
25 11:00 a.m.

1 We will be ceremoniously renaming the
2 block in honor of Amanda -- Mandy Cooke, a
3 five-year-old girl who lost her life to a rare form
4 of pediatric brain cancer known as DIPG.

5 Despite the terminal diagnosis, Mandy
6 showed courage and fought bravely, something you
7 all know about all too well.

8 She smiled often and was an inspiration
9 to everyone she met. We're proud to recognize her
10 legacy along with Christina's, which includes an
11 amazing charity organization created by Mandy's
12 parents known as Mandy's Mark, the New York chapter
13 of The Cure Starts Now. And this evening, in the
14 privacy of our own homes, let us also pray that the
15 medical field wins its fight against cancer so that
16 other families will never have to endure similar
17 heartbreak.

18 Before we move forward with the
19 business of the day, thank you, again for joining
20 with us and God bless you all.

21 (Applause.)

22 SUPERVISOR SALADINO: Thank you for
23 your strength and leadership.

24 Before we move forward with the
25 business of the day, I have a few announcements.

1 Recently, we announced that the
2 historic mural in the Hicksville Sears building
3 will preserved for future generations.

4 I see some of our great friends from
5 Hicksville here. That will be displayed at the
6 Hicksville Athletic Center, and we're proud to be
7 able to have saved this important part of our
8 community's history and to keep it in Hicksville.

9 Also, last week, we were joined by our
10 baymen in seeding Oyster Bay Harbor with 1 million
11 clam seeds. These seedlings and this effort helps
12 our local shellfish economy, improves our
13 waterways, our water quality and our environment.

14 Clams filter, as well as oysters,
15 approximately up to 50 gallons of seawater per day,
16 so that's the potential of 50 million gallons of
17 water being filtered, as they are filter feeders.

18 And I'd like to thank Councilwoman
19 Michelle Johnson, who's been a leading force on
20 this. Obviously, all of the elected officials have
21 been very supportive of our environmental pursuits
22 to protect and preserve our environment. I know
23 you've been working with the baymen, as well as
24 many of the others here.

25 COUNCILWOMAN JOHNSON: And our great

1 Department of Environmental Resources has really
2 done a terrific job coordinating --

3 SUPERVISOR SALADINO: Absolutely.

4 A big shout out to our Department of
5 Environmental Resources for all of their help and
6 their efforts. It was very special to be part of
7 that and we had some coverage. Those of you who
8 might have seen it in the newspaper, it's an
9 important piece of our environmental preservation
10 in our Town.

11 On that note, we were also down at
12 Tobay Boat Marina this past Saturday for our
13 waterfront festival Marine Expo. We had about
14 3,000 residents. Thank you for all those who
15 attended. And the public got a chance to learn
16 quite a bit about our environment and especially
17 for our children to understand this, to continue in
18 our -- protecting our resources.

19 Some other news that's very important
20 to let all of you know and everyone who is
21 listening or following along at home or online,
22 September is Free Adoption Month, and we ask
23 everyone to visit the Town of Oyster Bay animal
24 shelter and adopt your new furry family member.

25 General adoption fees will be waived

1 for this month. We were there this past weekend
2 giving out free shots for -- rabies shots for
3 animals to protect them and protect our
4 communities.

5 Also, this Saturday the Walk for Autism
6 takes place at Burns Park in Massapequa.
7 Registration is 10:00, and the walk commences at
8 11:00 a.m., and on Sunday from 12:00 p.m. to
9 4:00 p.m., our car show Long Island takes place at
10 Tobay Beach. That's a fabulous event. We held one
11 in the Spring and we're looking forward to this
12 one.

13 Oh, boy, is that exciting. There's
14 bands, there's all kinds of different types of
15 vehicles, really exciting stuff, something to be a
16 part of, and for our residents and spectators, it's
17 all free.

18 Finally, I'd like to thank YES
19 Community Counseling Center -- we would like to
20 thank them for partnering with us to host an
21 Overdose Awareness Remembrance Ceremony last month
22 and Drug Free Long Island for partnering with us on
23 the Bikers Against Heroin Ride.

24 So, once again, we are moving quickly
25 to bring about a new Town of Oyster Bay and that

1 continues to embrace our resident's needs.

2 Town Clerk James Altadonna, would you
3 please poll the Board?

4 MR. ALTADONNA: Sure.

5 Supervisor Saladino?

6 SUPERVISOR SALADINO: Present.

7 MR. ALTADONNA: Councilman Muscarella?

8 COUNCILMAN MUSCARELLA: Here.

9 MR. ALTADONNA: Councilman Macagnone?

10 COUNCILMAN MACAGNONE: Here, Mr. Clerk.

11 MR. ALTADONNA: Thank you.

12 Councilwoman Alesia?

13 COUNCILWOMAN ALESIA: Here.

14 Good morning, Jim.

15 MR. ALTADONNA: Good morning.

16 Councilwoman Johnson?

17 COUNCILWOMAN JOHNSON: Here.

18 MR. ALTADONNA: Councilman Imbroto?

19 COUNCILMAN IMBROTO: Present.

20 MR. ALTADONNA: Councilman Hand?

21 COUNCILMAN HAND: Here.

22 MR. ALTADONNA: Would you like me to
23 read the first hearing?

24 SUPERVISOR SALADINO: Yes, please.

25 MR. ALTADONNA: First hearing is

1 Traffic, to consider amendments to the Code of the
2 Town of Oyster Bay, New York, amending Chapter 233
3 of the said Code pertaining to parking, stopping,
4 crossing, loading zones, through traffic, trucking
5 operations, and other traffic regulations.

6 SUPERVISOR SALADINO: Counselor, would
7 you please state your presence?

8 MS. FAUGHNAN: Good morning,
9 Supervisor.

10 Elizabeth Faughnan, Deputy Town
11 Attorney, Oyster Bay Town Attorney's Office.

12 SUPERVISOR SALADINO: Thank you.

13 MS. FAUGHNAN: Thank you.

14 As you know, from time to time, the
15 Department of Highways, the Town Board members
16 themselves, the Supervisor's office receive
17 communications from residents that they have
18 concerns regarding parking restrictions and traffic
19 restrictions in their neighborhoods that they have
20 witnessed or actually experienced themselves.

21 And these questions, comments, queries
22 are then translated in that members of the Highway
23 Department do a traffic study to investigate
24 whether or not the conditions at that intersection
25 or on that road should be changed, and if the

1 Department of Highway recommends that those changes
2 be made, they then come forward to you as they have
3 today in this traffic hearing.

4 I am going to hand up to the Clerk, the
5 list of the proposed changes so that he has them
6 for the record and you will have them in your
7 proposed Resolution, but I've got them here
8 separately for each one of you.

9 COUNCILWOMAN ALESIA: Supervisor, I'd
10 like to speak to this.

11 SUPERVISOR SALADINO: Yes, please.

12 MS. FAUGHNAN: I was going to say, I
13 think Councilwoman Alesia would like to speak to
14 this.

15 As you are aware, and the other Board
16 members are aware, there have been a lot of
17 concerns regarding parking regulations in the
18 Hamlet of Syosset, and those are included in
19 today's proposed changes and John Bishop is here
20 today also to speak to them as well.

21 So would you like me to go through the
22 various changes? You can see it's a four-page list
23 of proposed changes in all communities throughout
24 the Town of Oyster Bay.

25 We try and do them -- rather than do

1 them one at a time, we try and do them in a group.
2 You can see that current regulations are being
3 changed, perhaps, for lack of a better term,
4 upgrade the restrictions; some are the removal of
5 restrictions.

6 If you'd like me to go through them by
7 community, I can, or if you'd just like to take the
8 time to look through the proposed changes.

9 COUNCILWOMAN ALESIA: I'll leave that
10 question to the rest of the Board.

11 I just wanted to speak on the Syosset
12 issue, but it's up to my colleagues whether they
13 need -- do you want the list read out, folks?

14 COUNCILMAN IMBROTO: It's relatively
15 lengthy.

16 MS. FAUGHNAN: Yes.

17 SUPERVISOR SALADINO: Let's see if
18 there's anybody here to speak on it.

19 We can go from there.

20 COUNCILWOMAN ALESIA: Well, I'd like --
21 can I speak first?

22 SUPERVISOR SALADINO: Yes, absolutely.
23 That's what was my intention all along.

24 COUNCILWOMAN ALESIA: Thank you,
25 Supervisor.

1 SUPERVISOR SALADINO: Of course.

2 COUNCILWOMAN ALESIA: I'm sorry if I'm
3 a little quick on the draw on this particular
4 issue, but as my good colleague, John Bishop knows,
5 this has been -- to say a torturous process would
6 be an understatement.

7 I just want to share with everybody on
8 the Board because we are going to be voting on this
9 and, you know, we -- I have been very, very
10 involved, so I apologize if this is not the
11 shortest conversation I've ever had with you.

12 But this started almost close to a year
13 ago when a group of commuting -- it was really
14 moms, but it doesn't matter who it was, but it was
15 a group of moms, which I think, for me, because I'm
16 a working parent, you know, I was very sensitive to
17 their plight.

18 And they came and said they were having
19 a real issue with the parking at the Syosset train
20 station, that some of them were either having to
21 wake their babies up from sleeping to take them to
22 the train station, you know, so the father or
23 partner could drop them off and then come back or
24 that they were leaving the house at, you know, 4:30
25 or 5 o'clock in the morning and not seeing their

1 children at all in order to be able to get a
2 parking space.

3 It was really -- it was really a plea
4 for help and it really did break my heart. I mean,
5 I felt terrible. I still feel terrible. So I
6 spoke to John Bishop and we tried -- we tried to do
7 something to fix it, and as sometimes happens in a
8 game of Jenga, when you move one brick, you topple
9 the tower.

10 So we tried several different things to
11 help. We went to the business owners in the
12 community and asked them if there were underused
13 spots that we could perhaps use for commuters. We
14 went out into the neighborhoods and tried to find
15 spots that we thought might work without impacting
16 the people that live there for commuter parking.

17 We changed some of our own parking
18 restrictions from, you know, that were two-hour and
19 four-hour to be commuter parking and the tidal wave
20 of complaints and outrage that came in from the
21 people that live in the area immediately
22 surrounding the train station was quite honestly
23 like nothing I've ever seen and I've been here
24 ten years, and I've never this level of commitment
25 to a cause.

1 People were extremely upset. It was
2 having a very deleterious impact on their quality
3 of life as people that live around the train
4 station.

5 So we then had a series of three
6 meetings. They were public meetings. We tried to
7 advertise them on Facebook. I believe we did -- I
8 think Brian Evan from Public Information's here, we
9 mailed, right? We did mailers on it.

10 We sent e-mails to every person that
11 had been in contact with any of your offices as
12 well on this issue. So we really tried to get
13 everybody in one room and it was the most
14 overwhelming group of people who wanted the parking
15 restrictions in their neighborhood put back in. I
16 mean, it -- like, it wasn't even -- and I know
17 these things shouldn't necessarily be an exact
18 numbers game. It shouldn't always be that the needs
19 about the many outweigh the needs of the few, but
20 in this case, it was -- like, it wasn't even close.
21 It was just a resoundingly voice of the community
22 begging us to put the parking restrictions back in.

23 So that -- we did tell them that we
24 would put a hearing on. I definitely would like to
25 give John Bishop a chance to get up and speak, if

1 he wants to on this issue. That's up to you, John.

2 But I just wanted to share with
3 everybody on the Board what's been going on back
4 and forth so that you have some history. I was at
5 all the meetings. I'm happy to answer any
6 questions and I'll leave it at that.

7 DEPUTY COMMISSIONER BISHOP: Good
8 morning, everyone.

9 John Bishop, Deputy Commissioner, Town
10 of Oyster Bay Highway Department.

11 The Councilwoman Rebecca Alesia put it
12 very clean and as accurate as possible. We had
13 many meetings, all at night so that we would be
14 able to accommodate the commuters to attend, voice
15 their opinion.

16 It has now gotten to the point where we
17 had promised that these restrictions that were
18 removed in the Downtown areas to be reinstalled,
19 and in the meantime, we are still looking for ways
20 to solve the problem, whether that be a parcel of
21 land or a bussing or trying to accommodate parking
22 restrictions with the LIRR and maybe work with the
23 Oyster Bay Line.

24 I mean, we're really looking at every
25 angle. It was -- we were trying to cause -- to

1 create a solution, which then just snowballed into
2 a bigger issue. So we're going back to square one
3 putting all the signs back.

4 If any resident does see that a sign
5 that was there, was not there, we can check the
6 ordinance and if the sign was not part of this
7 resolution, I would just request that we just make
8 it clear that it is part of the resolution because
9 there were many signs that were removed and our
10 Sign Bureau did capture each and every one that was
11 previously ordinance.

12 There are some locations that were -- I
13 received a call last week where there are signs
14 that were -- that are in place, but some residents
15 feel that they don't like the sign there and have
16 been removing themselves for restrictions opposite
17 their homes. So I have had the Sign Bureau
18 reinstall these signs, almost weekly, because the
19 homeowner doesn't want a sign there or whatnot.

20 But we are making sure that the
21 enforcements are in effect and Public Safety has
22 worked diligently with us in order to make sure we
23 accommodate the Syosset commuters.

24 To add to that, with the LIRR taking on
25 this project of the ticket house, they have their

1 own workers there that are coming in and we had to
2 accommodate the movement of some handicap spaces
3 because the LIRR owns that property, so they had
4 the right to put the trailer where they wish.

5 It was not a piece of property that was
6 deeded to the Town. The Town of Oyster Bay did not
7 select that location for the trailer, so we did
8 make sure that we -- if there five spaces that were
9 obtained by the trailer, we made sure that we
10 placed them within the lot so that this way we're
11 not in violation of Disability Act law.

12 And I have called the LIRR to find out
13 if they can touch base with their workers to make
14 sure that they are conscious that -- not to take up
15 parking spaces in the commuter field because if
16 you don't have a sticker, you're getting a ticket
17 if you don't belong in there and not overflow into
18 the residential communities, which we're getting a
19 couple of calls on.

20 COUNCILWOMAN ALESIA: And I just want
21 to underscore, Deputy Commissioner, for everybody
22 on the Board, this is not a solution.

23 This is alleviating the problem of the
24 residents, which is great and -- but it is not
25 alleviating the problem of the commuters and it's

1 bad.

2 We really, really need to continue. We
3 have to work with Long Island Railroad. We have to
4 try to find space where we might be able to do a
5 shuttle. There has to be a solution where, look,
6 it used to be, prominently, a place where only one
7 person in the household worked.

8 We now have, I would say, almost every
9 household has two working parents. They need spots
10 for their cars at the train station. We have to do
11 something to help. This obviously was a misguided
12 attempt, but we will, I hope with your partnership,
13 Supervisor, continue to look for a solution.

14 SUPERVISOR SALADINO: Absolutely.

15 All of the above are very important to
16 us, and I want to thank Councilman Macagnone. We
17 walked the property in terms of realigning to add
18 more spots, but that's just one of the solutions,
19 and we are currently working with the MTA and the
20 State for a permanent solution to this that would
21 greatly expand our parking needs.

22 We appreciate the support of the
23 public, all of our Board members, all of us working
24 together on the solution that we know will solve
25 the problem for the commuter side of this.

1 COUNCILWOMAN ALESIA: If I could just
2 say one last thing.

3 SUPERVISOR SALADINO: Please.

4 COUNCILWOMAN ALESIA: I just want to
5 give -- really, Deputy Commissioner went, you
6 should know, above and beyond in terms of taking on
7 phone calls, e-mails, slings and arrows.

8 I mean, really, really outstanding work
9 and I thank you very much for your partnership.

10 DEPUTY COMMISSIONER BISHOP: Thank you.

11 (Applause.)

12 SUPERVISOR SALADINO: Thank you, John.

13 MS. FAUGHNAN: Any questions from the
14 Board?

15 SUPERVISOR SALADINO: Yes.

16 Any other questions from any Board
17 members? Okay.

18 Let's turn it over to our residents to
19 ask if there's anyone who would like to be heard on
20 this issue of parking amendments.

21 Yes, sir?

22 MR. SCHULMAN: I have a question --

23 SUPERVISOR SALADINO: Why don't you step
24 forward and follow our protocols? Why don't you
25 start off by telling us your name and address, sir.

1 You can step right up to the podium.

2 MR. SCHULMAN: My name is Charles
3 Schulman. I live at 9 Dune Drive in Syosset.

4 I used to use the Hicksville station
5 and they built a beautiful garage that they're now
6 fixing.

7 Why don't they build a garage in
8 Syosset, a multilevel garage in Syosset? Wouldn't
9 that cure a lot of the problem?

10 SUPERVISOR SALADINO: It's certainly
11 something we've put together with our staff, a team
12 to continue to look at this. We've been looking at
13 a multitude of solutions. A garage costs
14 approximately -- for one level above the tarmac,
15 above the pavement, if it's a one -- the higher you
16 go, the stronger the structure has to be, the more
17 expensive it is, but for just one level, the cost
18 is approximately \$30,000 per parking spot.

19 So at a time -- so it is one of the
20 opinions that we're looking at, but, obviously, we
21 have to balance out the cost and -- every community
22 would love to have multiple or at least another
23 level of parking. We recognize that.

24 We also recognize that that works out
25 to hundreds of millions of dollars across the Town.

1 So we are exploring all options. We are currently
2 in the process of negotiations with the State. We
3 hope and pray that we will have some good news
4 there and I think that's one of the better options.

5 Obviously, in the meanwhile, we're
6 looking into other options like shuttles from a
7 different location.

8 And I'll add to what Councilwoman
9 Alesia said, not only are there many families with
10 two people working, now with so many young adults
11 still living at home, we're looking at three and
12 four working adults out of each household. So
13 you're absolutely right. The dynamic is growing
14 very, very quickly. We understand. This is a very
15 high priority to us. And we'll continue to balance
16 out costs just because the reality of how much debt
17 would you and the public like us to take on. And
18 the other solutions, the short term as well as the
19 long-term solutions that involve the MTA.

20 MR. SCHULMAN: Okay. Thank you.

21 SUPERVISOR SALADINO: Thank you, sir.

22 Thank you for being here.

23 Would anyone else like to be heard?

24 Yes, please come up.

25 MS. COHEN: My name is Michelle Cohen.

1 I live at 6 Maple Street in the Village of Syosset.

2 This is my first meeting because, as
3 many others, I know I've spoken to you before on
4 the phone, I'm a working parent as well. And I can
5 tell you, I walk to the train because I'm blessed
6 to live near the train, but I also get the traffic.
7 I get the people speeding through to meet the
8 train.

9 So I actually took a picture today when
10 I was walking through and there were two cars
11 parked on both sides. The bus couldn't get through
12 and I couldn't get through. And as I walked to the
13 train, I see double cars that can't get through,
14 and someone almost hit someone's mirror the other
15 day.

16 So I am a working mom and I get that we
17 need parking, because you know what, I could park
18 there if I wanted to, but I don't want to because
19 it's a mess.

20 On rainy days, I still choose to walk
21 because I don't want my husband or my child to come
22 through the train station because it is a nightmare
23 when the train comes in, so I get it, but the
24 safety of my neighborhood and the safety of my
25 family is more important than someone -- anything

1 else.

2 And I do think that some people did
3 elaborate on being -- having to go at 4:30 because
4 when I walk to the train, there's spots at 7:00.
5 So that's a little bit of an exaggeration. But the
6 other day, my son was riding his bike and couldn't
7 see because of all the cars parked. So kind of
8 beating a dead horse, but I saw it with my own eyes
9 and my son's like, all the cars are in the way, I
10 can't see where I'm going, so I appreciate the help
11 you guys are doing and I do hope we come up with a
12 solution because I'm a working parent. I have a
13 high schooler, who knows where he'll be in a couple
14 years. He might be living at home with me and he
15 needs to get to the train, too, so I completely
16 understand and I thank you for your understanding
17 of our situation in our neighborhood.

18 SUPERVISOR SALADINO: Thank you.

19 MS. COHEN: Anyone who wants to see the
20 picture, I'm more than happy to share, but I think
21 everyone gets the idea.

22 COUNCILMAN MACAGNONE: I know the
23 neighborhood well.

24 MS. COHEN: Thank you very much.

25 (Applause.)

1 SUPERVISOR SALADINO: Please rest
2 assure that this is a big priority for us. I thank
3 all of the Board members for their participation,
4 and thank you for your attention and all of the
5 time you've been spending on this issue. We
6 appreciate the work of all of our Board members on
7 this.

8 Yes, sir?

9 Yeah. Absolutely, come on up, please.

10 MR. TISKA: My name's Hank Tiska and
11 I'm a resident of Syosset. I've been there since
12 November of '63. I live on Woodbury Way.

13 Woodbury Way is a superhighway between
14 Syosset Cold Spring Road and Berry Hill used by the
15 commuters.

16 Over the years, like I said, I moved in
17 11/63, there was no problem with the commuters, but
18 the current batch of commuters have no respect for
19 the traffic laws, both the speed and the stop
20 signs, because we ended up getting two stop signs
21 installed on Woodbury Way because by the time they
22 hit my house, which is in the middle of the block,
23 they were doing 50 and 60 miles an hour. They're
24 late for the train. Get out of my way. That's the
25 attitude.

1 MS. COHEN: Or they're coming back from
2 train doing the same thing.

3 MR. TISKA: But the -- and then what we
4 had is we had the street signs changed to open
5 parking in front of our house to one block.

6 Well, they got word of that very
7 quickly. How would you like a car parked in front
8 of your house from 7:00 a.m. to 7:00 p.m.? You
9 know, our lots are not big up there. They're 50 by
10 100 on my side of the street, all the way from
11 Syosset Cold Spring Road to Berry Hill Road.
12 Once -- the commuters don't have any respect for
13 the homeowners. They don't have any respect for the
14 traffic laws. They're just out for themselves.
15 And I always loved the commuters complaining. What
16 percentage of the operating cost do they pay with
17 their ticket on the MTA; do you know?

18 SUPERVISOR SALADINO: What percentage
19 of the operating cost of the parking facilities?

20 MR. TISKA: Of their ticket when they
21 commute into the city. I think it's about 50 or 60
22 percent of their fare is subsidized by the
23 taxpayer, but they do a lot of complaining.

24 SUPERVISOR SALADINO: The State and
25 New York City, mostly New York State.

1 MR. TISKA: New York State has their
2 own money? Where's the money from New York State
3 come from?

4 SUPERVISOR SALADINO: We are in
5 agreement with you, sir.

6 MR. TISKA: Okay.

7 And they just have no respect for the
8 neighborhood. That's why the problem happened.

9 And those first meetings were not
10 really publicized with the working moms of Syosset.
11 No one -- I've lived there, like I say, for
12 55 years, and I can see the degradation of the
13 commuter because the commuters used to go through
14 all the time. No problem. Nobody was in a hurry.

15 They waved to you and the whole bit.
16 There was no problem. And the parking garage,
17 that's not a new idea. That goes back to Sarah
18 Mittendorf and Judy Jacobs when that -- the first
19 time. A multilevel -- that was shot down. You're
20 not going to find much support for a parking
21 garage.

22 SUPERVISOR SALADINO: Because of
23 aesthetics or because of costs?

24 MR. TISKA: Excuse me?

25 SUPERVISOR SALADINO: Why do you

1 believe it -- you mentioned it was shot down.

2 Is that because of aesthetics or
3 because of costs or both?

4 MR. TISKA: Think about it. You open
5 up, you put a parking garage in, that brings more
6 cars into Syosset. It doesn't solve the problem.

7 Okay. To tell you the truth, having the
8 Town of Oyster Bay responsible for building a
9 parking garage, you know, your track record isn't
10 too good.

11 Not you, personally, but I'm saying the
12 Town Board. So that the -- the solution is, and it
13 was talked to at the time, was to move the station
14 down to Robbins Lane.

15 Now, you have that Syosset Park complex
16 going in. Maybe you want to do it at the same
17 time. There'd be less cost impact. But you said
18 it, it was \$30,000 per spot for a one-level garage.

19 What is it for two-level garage?

20 SUPERVISOR SALADINO: It goes up
21 considerably.

22 MR. TISKA: Yeah, doubles, triples,
23 whatever, because, you know, the supporting
24 structure has to be -- the foundation has to be --

25 SUPERVISOR SALADINO: I don't suggest

1 that I know engineering as well as our resident
2 expert on construction, but, yes, it --

3 COUNCILMAN MACAGNONE: And I have
4 personally built a parking garage 25 years ago at
5 North Shore, and it's still standing, so my
6 record's pretty good.

7 COUNCILMAN MUSCARELLA: You're the one.

8 MR. TISKA: You get lumped into the
9 Town Board. I know it's a previous Town Board,
10 but, you know, the solution is not a parking garage
11 in Downtown Syosset. It's moving the station
12 somewhere else and we've talked about that for
13 years again.

14 SUPERVISOR SALADINO: Or perhaps both.
15 Perhaps two stations.

16 MR. TISKA: You wouldn't want to do it.
17 They're too close together. It doesn't make sense.
18 You need one station with significant parking area.
19 Okay. Thank you.

20 COUNCILMAN IMBROTO: Mr. Tiska, thank
21 you very much.

22 SUPERVISOR SALADINO: Thank you very
23 much.

24 COUNCILMAN IMBROTO: I believe we
25 spoke -- well, spoke on the phone a couple of

1 months ago, so I appreciate you coming down and
2 giving your opinion.

3 You know, we all recognize there's
4 issues with parking at the station, but that should
5 not be the neighborhood's problem, and it should
6 not become your problem.

7 MR. TISKA: Okay. Thank you.

8 (Applause.)

9 SUPERVISOR SALADINO: Thank you.

10 Yes, please step forward.

11 MS. TESO: Thank you for welcoming me.

12 My name is Linda Teso. I live on
13 51 Miller Boulevard, Syosset. I've been a resident
14 there for 41 years. I've been to all the meetings
15 that the Deputy Director talked about. I've been
16 very involved in, you know, knowing what's going
17 on.

18 And, first of all, I think the attorney
19 did say that, you know, there was -- it really
20 wasn't the way to handle it, but I will say that
21 there was no attempt in the beginning to knock on
22 doors and talk to the residents and ask them about
23 removing their parking. It was just done.

24 And what is being done is there's an
25 attempt to solve the problems with the parking,

1 which we all know that there is, on the backs of
2 the residents.

3 In my particular situation now, because
4 I live close to the station, Miller Boulevard
5 intersects with Ira Road and goes around the park,
6 last Tuesday after the holiday, there were 20 cars
7 parked on just a portion of the block. I called
8 the Town, I spoke with your employee, and I didn't
9 really feel that I got a very good response. I was
10 even eluded to -- because I mentioned that I'm
11 selling my house, that I'm interested in this
12 problem because I'm selling.

13 Well, that's not the case, and this is
14 a part of something for, you know, that a lot of
15 people can face. I don't want to sell my home to
16 someone who's going to have to encounter that
17 problem. Something needs to be done.

18 In my opinion, the only thing could
19 really work is that if you open the Landia station
20 because everybody has a tale of woe.

21 What goes on on their block, what goes
22 on in front of their house. It's just really out
23 of control and this is something the vitriol that's
24 been created between the residents and the
25 commuters, and we all know that they need help, is

1 going to be lasting in the community for a long
2 time. And that's the thing that really bothers me.
3 So I hope that something can be done and relatively
4 soon.

5 SUPERVISOR SALADINO: Just to clarify,
6 based on what you're saying, I'm go to assume that
7 you are in favor of this hearing, you're in favor
8 of this action that's being proposed today to
9 protect the residents?

10 MS. TESO: Well, I got here late and I
11 didn't read it so I have to be straight up.

12 MS. FAUGHNAN: The hearing is to
13 restore the parking restrictions as they were
14 prior.

15 MS. TESO: Absolutely, and I wonder why
16 it was so quick to have them removed and it's taken
17 such a long time to restore them. That, I think,
18 is inequity.

19 Thank you very much.

20 SUPERVISOR SALADINO: Thank you for
21 being here.

22 (Applause.)

23 SUPERVISOR SALADINO: Is there anyone
24 else who would like to be heard?

25 Yes, please come forward.

1 Why don't you say it in front on the
2 microphone, thank you, for the record.

3 MS. IMARINO: Deborah Imarino,
4 9 Walters Avenue.

5 SUPERVISOR SALADINO: Thank you very
6 much.

7 MS. IMARINO: I come from this from a
8 little bit of a different perspective.

9 My street has restrictions and it's
10 impacted the homeowners because we can't park in
11 front of our own homes for two hours a day, and
12 last week, eight people on our block got tickets
13 because they were in front of the house at five to
14 9:00 when the restriction comes in at 9:00.

15 As you said before, we all have, now,
16 children that are coming home. Some of us have
17 several cars in the household and we can't park in
18 front of our own homes because the goal was to keep
19 commuters off our street.

20 So I've contacted some of your offices
21 about issuing resident parking garage permits, so
22 that if you live on the street, you can park there
23 during the restricted times so that you don't get
24 \$150 ticket.

25 One household on my street last week,

1 two cars on the street in the same household, so
2 that's a \$300 ticket for being in front of their
3 home at 9:00. I understand that the goal is to
4 keep the commuters off of our residential streets,
5 but it's also keeping homeowners.

6 And either I have to expand my driveway
7 or I have to risk getting a ticket or I have to
8 assume that my kids will be out on time, my husband
9 will be out. We play musical cars in the morning
10 trying to get out of our -- you know, making sure
11 nobody's in front of our own home.

12 I've gotten tickets for \$150, so I just
13 wanted to see if there was a consideration of
14 getting maybe parking permits to the residents.

15 COUNCILMAN IMBROTO: Seems like common
16 sense, right?

17 MS. IMARINO: You would think, but I've
18 been told that the Town Attorney says it
19 impossible.

20 I know that they did in East Meadow by
21 the hospital because they had the same situation
22 with hospital visitor parking, and I think they did
23 it at another hospital in Nassau County, so it's
24 just -- I don't see why the Town code couldn't be
25 amended.

1 COUNCILWOMAN ALESIA: I responded to
2 you and I think that my response may have had a
3 misnomer in it. I don't believe it's the town --
4 it's not our Oyster Bay Town code that prohibits
5 it, I think it's under New York State Town Law.
6 There's no provision for it, so I believe to do it
7 in the Town, we would need to create a special
8 parking district.

9 Counsel, to have resident parking only
10 in a certain area?

11 MR. NOCELLA: Yeah, that's an accurate
12 description. The State grants a scheme which we
13 can adopt locally.

14 COUNCILWOMAN ALESIA: Right.

15 So it's not that it's impossible, but
16 there isn't, currently, a mechanism to do it and
17 it's not a quick fix because we would need an act
18 of the State Legislature to do it. I actually
19 don't know that that's a crazy idea to do for --
20 especially the area around the Hicksville station
21 and the Syosset station, maybe in Massapequa, too,
22 where people are really being impacted by commuters
23 parking in front of their homes.

24 COUNCILMAN MACAGNONE: And Bethpage
25 also.

1 COUNCILWOMAN ALESIA: There are many,
2 many train stations.

3 SUPERVISOR SALADINO: We are seeing
4 this at every railroad station, so in an effort to
5 begin this process, because it sounds like we're
6 all in agreement that we should very strongly
7 consider this, I'm going ask our Town Attorney to
8 please put the research together so that we -- and
9 inform all of the Board members so we can give some
10 very strong consideration to something that sounds
11 like a very reasonable idea.

12 We have to stay within the bounds of
13 the law and our Town Attorney will put the research
14 together for us so that can be strongly considered.

15 MS. IMARINO: Thank you.

16 SUPERVISOR SALADINO: Also, while we
17 are working on solutions, it's been brought to our
18 attention of issues, safety issues and people
19 speeding in these residential streets. I'm going
20 to ask our Public Safety Commissioner to please
21 once again reach out to the Nassau County Police
22 Department for stepped-up enforcement.

23 And then also alert the residents that
24 stepped-up enforcement is on the way so that
25 they're not caught in any kind of a -- so they

1 don't get tickets for that and that those who would
2 break the law, be on notice because we're going to
3 work with our Nassau County police to step up that
4 enforcement to bring a higher level of safety in
5 the community. That's very, very important.

6 Is there anyone else who would like to
7 be heard on this?

8 Counselor, to close.

9 MS. FAUGHNAN: I would just like to add
10 to you, Supervisor and the Town Board, that due to
11 the concerns regarding the implementation or the
12 correction of what had been done previously, we
13 have prepared a Walk-On Resolution to be added to
14 today's agenda so that if you wish, you can vote on
15 these changes today and the Department of Highway
16 can leave here today and start implementing the
17 corrections to bring the pendulum back, for lack of
18 a better term.

19 SUPERVISOR SALADINO: Would you kindly
20 brief everyone, the public and everyone, on that
21 potential amendment?

22 MS. FAUGHNAN: What I'll do is, if you
23 don't mind, I will read the Town's and the
24 additions to the Code rather than -- it's a
25 four-page resolution so rather than read the entire

1 thing.

2 SUPERVISOR SALADINO: Get's the point
3 across.

4 MS. FAUGHNAN: Okay.

5 So, the first section would be to add
6 locations under Section 1725 to add stop signs at
7 locations in Bethpage, Glen Head, Hicksville,
8 Massapequa and Plainview.

9 The next section of the proposed
10 Resolution is to add locations to Section 17-152,
11 establishing no stopping zones. And those will be
12 added in Bethpage, Massapequa, Plainview and
13 Syosset on various streets.

14 The next section of the proposed
15 Resolution would be to delete from Section 17-152,
16 which is the no-stopping zones in Syosset -- that
17 one is completely in Syosset.

18 The next section of the code is to
19 delete from Section 17-154, no stopping here to
20 corner and other type restrictions in Massapequa.

21 Again, we have additions to Section
22 17-165, establishing no parking zones in
23 Massapequa, Plainview and Syosset.

24 We are deleting sections from 17-165,
25 the same no parking restrictions. These are --

1 whether it's no parking any time, no parking
2 between particular hours, Massapequa, Plainview,
3 and Syosset.

4 We are adding to Section 17-166,
5 certain locations that would be no parking during
6 certain days and hours, whether it be Monday
7 through Friday or Saturday and Sunday with certain
8 hours of the day in Glen Head and Syosset.

9 We are deleting from Section 17-166, no
10 parking on certain days and hours restrictions in
11 Syosset.

12 We are adding limited parking zones in
13 accordance with Section 17-167 in Massapequa, so it
14 will be -- for instance, we're adding a one-hour
15 parking zone. We are deleting from that same
16 section, the limited parking zone in Massapequa.
17 We're removing a one-hour parking section.

18 In accordance with -- in addition, we
19 are going to add to Section 17-168, limited parking
20 during certain days and hours. In Hicksville on
21 Orchard Street, for example, it'll be a two-hour
22 parking during certain hours of the day during
23 certain days of the week.

24 We are deleting from that same section,
25 17-168, limited parking during certain days or

1 hours in Massapequa and Syosset.

2 And lastly, the Resolution would add to
3 Section 17-183, adding no parking or no standing
4 zones and it was actually a no parking or standing,
5 not that it's no parking, no standing. It is no
6 parking or standing in Glen Head and in Old
7 Bethpage.

8 So that's the towns and the sections of
9 the law themselves.

10 SUPERVISOR SALADINO: Thank you.

11 MS. FAUGHNAN: Thank you, Supervisor.

12 Thank you, Board.

13 And if there are no more questions,
14 I believe it's going to be added to the end of your
15 agenda as Resolution 609.

16 SUPERVISOR SALADINO: Anyone else have
17 any questions?

18 COUNCILWOMAN ALESIA: No, I would just
19 add that I've been in touch with at least one of
20 the original members of the commuters.

21 To me, it's a little concerning that
22 we're having a 10:00 a.m. meeting when people -- a
23 lot of people at work. And I have been in touch
24 with them and I did invite people to send us
25 e-mails and comments.

1 So there has been ample -- I don't want
2 anyone to feel that there's not been ample
3 opportunity for both sides to present their side of
4 the story.

5 SUPERVISOR SALADINO: And it's
6 important to point out that in terms of our
7 scheduling of meetings, approximately half our
8 meetings are day meetings and approximately half of
9 our meetings are evening meetings.

10 I would like to point out that the
11 Village of Mineola is currently working on the
12 residential parking issue and so I ask our Town
13 Attorney, who's going to be doing research, take a
14 look at what Mineola's been doing.

15 And we continue to lobby the State of
16 New York on this very, very important issue. As
17 the Town -- as all of our communities evolve across
18 our state, we're seeing that there's more and more
19 pressure on parking. There's more and more
20 Massapequa transit commuting.

21 Part of our paradigm moving forward in
22 Hicksville and other downtowns is to continue to
23 embrace the strategy and paradigm of commuter-based
24 development. So we realize that there is -- this
25 issue is not going away.

1 We've been working with the MTA. For
2 instance, they have promised to build parking and
3 to fund the building of parking in Hicksville.

4 You know, sometimes dealing with
5 government, especially at State level, moves very
6 slowly, but we're going to ratchet up the pressure
7 and we asked that the public and the media help us
8 to get the message out that the MTA and the State
9 must embrace their commitment to pay for and build
10 that parking.

11 Hicksville is a perfect location, a
12 perfect example of how to take some of the pressure
13 off by building designs that would be fabulous to
14 encase parking garages with stores and restaurants
15 and next level business was one of the designs. A
16 level above that for housing and apartments within
17 walking distance. In the case of Hicksville, the
18 next block over from the brand-new railroad
19 station.

20 So the State has followed through with
21 some of their commitments, \$132 million in the
22 creation of a brand-new railroad station in
23 Hicksville.

24 Syosset is something that's one of
25 the -- next on the list, but the issue specifically

1 of building appropriate parking structures that the
2 residents can embrace will be one of the steps.

3 All of the ideas that were presented
4 today, actually, we have been working on and we
5 appreciate your support for these ideas so that we
6 can continue to lobby the State hard to get that
7 done.

8 So if there are no other questions, may
9 I ask for a motion?

10 COUNCILMAN MUSCARELLA: Correspondence?

11 SUPERVISOR SALADINO: Yes.

12 Would you, please?

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

15 There is no other correspondence.

16 SUPERVISOR SALADINO: Okay.

17 Thank you.

18 COUNCILMAN MUSCARELLA: Supervisor, I
19 make a motion that this public hearing be closed
20 and the decision be voted on today with Walk-On
21 Resolution 609.

22 COUNCILMAN MACAGNONE: Second.

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

25 ALL: "Aye."

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SUPERVISOR SALADINO: Those opposed,
"Nay."

(No verbal response given.)

SUPERVISOR SALADINO: The "Ayes" have
it.

(TIME NOTED: 11:02 A.M.)

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
SEPTEMBER 18, 2018
11:03 A.M.

HEARING - P-5-18

To consider the application of MOM Realty II LLC, fee owner, for Modification of Restrictive Covenants and/or Modification of Conditions, for premises located at 150 Crossways Drive West, Woodbury, New York. (M.D. 7/31/18 #34).

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: While that's
2 being prepared for a vote today, I'm going to
3 ask --

4 MR. ALTADONNA: I'll call the second
5 hearing.

6 SUPERVISOR SALADINO: Yes, I'm going to
7 ask James Altadonna Jr., our Town Clerk, to please
8 call the second hearing.

9 MR. ALTADONNA: Hearing P-5-18 to
10 consider the application of MOM Realty II, LLC, fee
11 owner, for modifications of restrictive covenants
12 and/or modifications of conditions for premises
13 located at 150 Crossway Drive West, Woodbury,
14 New York.

15 MR. FARRELL: Good morning, everyone.
16 For the applicant, MOM Realty II, LLC,
17 John Farrell with the firm, Sahn Ward Coschignano.
18 Our firm is located at 333 Earl Ovington Boulevard,
19 Suite 601, Uniondale, New York.

20 With me today are John Beyer, Geffen
21 Roddick, and Denise Beyer from Men on the Move, and
22 I brought my experts, Marc Pillota from Prime
23 Engineering, Frank Ralph from Frank Ralph
24 Architect, and Wayne Muller from R & M Engineering,
25 who is our traffic expert.

1 Subject property is located on the
2 northwest corner of Crossways Park Drive and Media
3 Crossways in Woodbury. It's identified on the
4 Nassau County Land and Tax Map as Section 15, Block
5 196, Lot 19. The property is about 4.59 acres in
6 total lot area, or a little over 200,000 square
7 feet. It's zoned LI, and it's presently improved
8 with a 51,479 square foot building that serves as
9 corporate headquarters for Men on the Move moving
10 and self-storage company.

11 In addition to the corporate
12 headquarters, a portion of the building is used for
13 a self-storage facility.

14 My client purchased this property a
15 little over 18 months ago with the intent to
16 redevelop it and expand the building in connection
17 with relocating his moving business and some of his
18 storage from Floral Park to Woodbury.

19 My client had a number of options when
20 he was considering what -- you know, where to go
21 with his business. He moves people all over the
22 country. So being in Floral Park, he could have
23 easily taken his business to Queens or -- you know,
24 or Brooklyn and it would not have really impacted
25 his business, but he wanted to stay in local roots.

1 He's a Town of Oyster Bay resident, so
2 he started focusing on areas in the Town of Oyster
3 Bay and he found this location in Woodbury. My
4 client -- I think you need a little bit of
5 background. You know, he started his business
6 basically with a hand truck and a moving van in the
7 in the '80s, and he's grown that business.

8 He now has about 75 employees as part
9 of his moving company and he's also developed about
10 eight or nine self-storage facilities throughout
11 Long Island, so to say what he's done is impressive
12 is actually an understatement. That being his
13 nature, he jumped into this property with both
14 feet. He already started a massive interior
15 alteration of the site.

16 If you haven't been to his facility,
17 talk to him after the meeting and go see it. He
18 took this building and he made it something to
19 really be proud of. Left no detail, no stone
20 unturned. Some of the nicest offices I've ever
21 seen.

22 So, basically, where we're at is we
23 have this application. They want to redevelop the
24 site. The proposal is to build a 23,000 square
25 foot footprint onto the back of the existing

1 building. The 23,000 square foot footprint will
2 yield about 89,000 square feet, close to 90,000
3 square feet in floor area. There'll be an
4 additional 500 square feet in office. 16,800
5 square feet for the warehouse associated with the
6 moving company where they can store materials and
7 things like that, and then another 72,671 square
8 feet of self-storage.

9 It's important to note that this
10 property, this project, is fully compliant with all
11 of the zoning restrictions in the Town of Oyster
12 Bay Town code. My client was very mindful of those
13 when he -- when he bought this property and when he
14 went about this process. He didn't want to go for
15 variances. He didn't want to frustrate the code.
16 He didn't want to impact residents.

17 He tried to find the best possible
18 location for his use. And there's -- you know,
19 you've all had the site plan in front of you.
20 He -- this site is fully compliant. He has all the
21 parking he needs. He's actually smaller than what
22 he could build on the site.

23 The Town code permits you to build a 50
24 percent footprint. At 200,000 square feet, he
25 could have 100,000 square foot footprint. His

1 footprint is only about 57,600 and change. So
2 really, we're about 57 percent below what the Town
3 Clerk would otherwise permit us to do.

4 So the reason we're here this morning
5 is because when this building was approved back in
6 1980, the Town Board imposed a number of conditions
7 on the approval for a special permit. Back then,
8 this was an industrial park. The Town didn't want
9 -- didn't really want or desire to have office
10 space in the industrial park, so to get an office
11 building approved, you needed a special permit.

12 So they made the application for the
13 special permit. The Town Board imposed seven
14 conditions. All of those conditions became null
15 and void upon changing the property to a conforming
16 use, with the exception of condition number two,
17 which states that there shall be no substantial
18 deviation or expansion, including the height of the
19 building from the approved site plan referred to in
20 condition one unless and until it's approved by the
21 Resolution of the Town Board after a public
22 hearing.

23 We're not really sure why this
24 condition was imposed. We couldn't really find any
25 clarification in the records. I imagine it's

1 because the Town Board at the time was probably
2 concerned about expanding the building and creating
3 a significant amount of traffic going into this
4 site.

5 As everybody knows, Jericho Turnpike in
6 this area can get pretty backed up, so I think that
7 that was something that they were mindful --
8 mindful of when they imposed that condition.

9 I would respectfully submit that that
10 condition is not enforceable as a matter of law;
11 specifically, because the law states that you can't
12 use your zoning powers to enact legislation.

13 The Town has -- the Town Board went to
14 great lengths to create a zoning ordinance. They
15 decided what the appropriate size of buildings
16 would be for a light industrial property and, you
17 know, to further restrict what the code has by
18 imposing a condition on an approval, unfairly
19 burdens an individual property owner in comparison
20 with the rest of the community.

21 So because my client when the --
22 because when this property was built, they needed a
23 special permit, they have a restriction on it that
24 says that they can't expand the building, but the
25 people across the street, when they built their

1 building, could have had a permitted as of right
2 use and would not have had the same condition. So
3 they could develop the same exact building my
4 client wants to build, but we have to come here.

5 That's why the courts have determined
6 that such restrictions are improper and
7 unenforceable as a matter of law.

8 If the Town Board wanted to further
9 restrict it, the Town Board could easily have
10 adopted as zoning ordinance applicable to this area
11 that would have prevented expansions of the
12 buildings in a way that was not in character with
13 the community.

14 I could also say that the condition
15 is -- might not be enforceable by its own terms,
16 and I apologize for the legal arguments, but I do
17 have to -- I do want to just preserve my record in
18 case, you know, something were to happen and the
19 application were to be denied.

20 So just bear with me one more minute.
21 The conditions that were imposed in the 1980
22 approval specifically say, "Said special use permit
23 shall not become effective unless and until
24 certified copy of this Resolution shall be duly
25 filed in the Office of the Clerk of Nassau County."

1 I can state with certainty that that
2 never happened. This res -- the Resolution from
3 1980 was never recorded in the County Clerk's
4 Office. We only became aware of the fact that the
5 Resolution existed when we filed our application
6 for a site plan review.

7 We thought this was going to be an
8 internal site plan review, and my client actually
9 thought he would be under construction already at
10 this point. You know, so it was a surprise to us.
11 We went back through the records, we could not find
12 this resolution recorded against the property. We
13 checked our title report. It wasn't in our title
14 report. We checked the title report from the prior
15 owner. It wasn't in their title report.

16 So I would submit that that special
17 permit never became effective because they didn't
18 comply with the condition to record it. If that
19 condition -- if that special permit is not valid,
20 then the conditions that it's based upon are not
21 valid, so we should be able to develop in
22 accordance with the Town code, which is precisely
23 what we're doing.

24 Legal arguments aside, I think this
25 application is eminently approvable by this Board.

1 This is not an overdevelopment of the property.

2 As I said, we fully comply with all of
3 the setback requirements. We comply with all the
4 parking requirements. We actually exceed the
5 number of parking spaces we have to provide.

6 The code says we have to provide 129;
7 we're providing 131. We comply with the number of
8 loading bays. The Town code says we're supposed to
9 have two; we have three. We may have to have more,
10 it's -- there's kind of a nuance in the code that
11 allows the Planning Department to determine how
12 many loading bays we would need for the self-
13 storage facility, but we added an extra two bays
14 for the self-storage facility, so we have
15 substantial compliance with all of the requirements
16 of the code.

17 So just as -- you know, just so you
18 know, we went through great lengths with this plan.
19 We sat down with Planning, we've shown them the
20 plan. They required us to do -- you know, we're
21 going to have some outside storage, which is a
22 principle permitted use in this zone.

23 Planning wanted us to put up some
24 screening to shield the trucks from view on Media
25 Crossways. We did that.

1 Environmental wanted us to add more
2 trees because we were taking down some trees, which
3 were necessary as part of the construction. We've
4 replaced every tree we removed on the site.

5 We've really gone to great lengths to
6 make this a showcase for the town and certainly for
7 the industrial park. The facility itself, about
8 131,000 square feet of 141,000 square feet are
9 going to be either self-storage or warehouse use;
10 exceedingly low traffic generators.

11 You know, we have 131 spaces on the
12 site. I don't think we're going to need half that
13 many to accommodate the people that are going to be
14 coming in and out of this property.

15 With that, I have my experts here in
16 case the Board has any specific questions, but I
17 think that about covers what we're doing.

18 SUPERVISOR SALADINO: Thank you.

19 Are there any questions?

20 COUNCILWOMAN ALESIA: No.

21 SUPERVISOR SALADINO: Would anyone like
22 to be heard on this application, on this hearing?

23 (No verbal response given.)

24 SUPERVISOR SALADINO: Please let the
25 record reflect that no one has responded.

1 Now, we ask, is there any
2 correspondence on this?

3 MR. ALTADONNA: Yes, for hearing MOM
4 Realty II, LLC, the attorney for the applicant has
5 filed his Affidavit of Service and Disclosure.

6 The communications are as follows: We
7 have memos from the Department of Planning and
8 Development. As per present review procedures, the
9 required off-street parking for this application is
10 128 parking spaces. The site plan submitted
11 depicts a total of 131 parking spaces.

12 The Nassau County Land and Tax Map
13 indicates the property is Section 15, Block 196,
14 Lot 19. According to the Town of Oyster Bay's
15 Zoning Maps, the property is located within the LI,
16 Light Industrial zone.

17 There are no variance applications or
18 open code compliance cases on file. However, there
19 are Town Board resolutions on file for the subject
20 premise. There is no further correspondence.

21 SUPERVISOR SALADINO: So we don't have
22 so much as one resident who has written or
23 contacted us in opposition to this?

24 MR. ALTADONNA: No.

25 SUPERVISOR SALADINO: Let me ask our

1 Commissioner of P & D to please step forward,
2 Commissioner MacCarone?

3 MR. FARRELL: I did bring some color
4 renderings.

5 SUPERVISOR SALADINO: Thank you.
6 We'd be happy to look at those.

7 COMMISSIONER MACCARONE: Good morning.
8 Elizabeth MacCarone, Commissioner of
9 Planning and Development.

10 SUPERVISOR SALADINO: Thank you,
11 Commissioner.

12 Are you familiar with this application
13 and this site?

14 COMMISSIONER MACCARONE: Yes.

15 SUPERVISOR SALADINO: Has the Town of
16 Oyster Bay received any phone calls, any
17 correspondence, e-mails, letters, anything in
18 regard to this application?

19 COMMISSIONER MACCARONE: No, not in
20 regards to this application or the prior building
21 permit that was issued last year.

22 SUPERVISOR SALADINO: So there has been
23 no opposition that we are aware of in any form?

24 COMMISSIONER MACCARONE: No, none.

25 SUPERVISOR SALADINO: Does anyone have

1 any other questions?

2 COUNCILMAN IMBROTO: Commissioner, this
3 is more just out of curiosity, did anyone check in
4 the Clerk's office whether the restriction was
5 recorded?

6 COMMISSIONER MACCARONE: We did not.

7 COUNCILMAN IMBROTO: Okay. I'm just
8 curious because it just seems like an odd way to do
9 this, but that's fine.

10 SUPERVISOR SALADINO: Any other
11 questions for the Commissioner?

12 Thank you, Commissioner.

13 Okay. I just want to ask to make sure,
14 is there anyone who would like to be heard on this
15 application so we're very thorough?

16 (No verbal response given.)

17 SUPERVISOR SALADINO: No one has raised
18 their hand. Okay.

19 Thank you.

20 Would you like to close.

21 MR. FARRELL: Yes, I welcome an
22 approval of the application. I think this is going
23 to be a benefit to the community. You know,
24 Mr. Beyer is very active in the community. He's
25 very active in Chamber of Commerce and he's looking

1 forward to expanding his business and being
2 successful in Oyster Bay.

3 SUPERVISOR SALADINO: I actually did a
4 little checking up on Mr. Beyer, and I have spoken
5 with community people to find out who he is and
6 what he's about, and I have learned he's one of our
7 region's leaders in support of and assistance to
8 those with autism and their families and has been
9 extremely active on that as well as other community
10 issues.

11 MR. FARRELL: Absolutely. 100 percent.

12 SUPERVISOR SALADINO: Okay.

13 May we have a motion?

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

17 COUNCILMAN MACAGNONE: Second.

18 SUPERVISOR SALADINO: Would you please
19 call for the vote?

20 MR. ALTADONNA: Supervisor Saladino?

21 SUPERVISOR SALADINO: "Aye."

22 MR. ALTADONNA: Councilman Muscarella?

23 COUNCILMAN MUSCARELLA: "Aye."

24 MR. ALTADONNA: Councilman Macagnone?

25 COUNCILMAN MACAGNONE: Before we vote,

1 you're going to hold the record open for 30 days?

2 "Aye."

3 SUPERVISOR SALADINO: Until our next
4 Board meeting.

5 MR. ALTADONNA: Councilwoman Alesia?

6 COUNCILWOMAN ALESIA: "Aye."

7 MR. ALTADONNA: Councilwoman Johnson?

8 COUNCILWOMAN JOHNSON: "Aye."

9 MR. ALTADONNA: Councilman Imbroto?

10 COUNCILMAN IMBROTO: "Aye."

11 MR. ALTADONNA: Councilman Hand?

12 COUNCILMAN HAND: "Aye."

13 SUPERVISOR SALADINO: Okay.

14 Thank you very much.

15 MR. FARREL: Thank you very much.

16 Have a great day.

17 SUPERVISOR SALADINO: Thank you.

18 MR. ALTADONNA: Would you like to
19 proceed?

20 SUPERVISOR SALADINO: I would like --
21 ladies and gentlemen, before we begin with our
22 action calendar for the day, we have to go into
23 Executive Session, as per our Town code, to be
24 briefed by counsel, so I'll ask for a motion,
25 please.

1 COUNCILMAN MUSCARELLA: Supervisor, I
2 make a motion that this Town Board go into
3 Executive Session for the purpose of discussions on
4 concessionaire litigation, proposed, pending and
5 current.

6 COUNCILMAN MACAGNONE: Second.

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

9 ALL: "Aye."

10 SUPERVISOR SALADINO: Those opposed,
11 "Nay."

12 (No verbal response given.)

13 SUPERVISOR SALADINO: The "Ayes" have
14 it.

15 Ladies and gentlemen, we'll make this
16 as quick as possible.

17 (Whereupon, the Executive Session began
18 at 11:19 a.m. and ended at 12:06 p.m. and the
19 proceedings resumed as follows:)

20 SUPERVISOR SALADINO: Ladies and
21 gentlemen, thank you so much for your patience
22 during our Executive Session where, as you know, by
23 law, we have to -- many of you know, that has to be
24 done in this process.

25 So may I have motion to close the

1 Executive Session?

2 COUNCILMAN MUSCARELLA: Supervisor, I
3 make a motion to close the Executive Session.

4 No action has been taken.

5 COUNCILMAN MACAGNONE: Second.

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

8 ALL: "Aye."

9 SUPERVISOR SALADINO: Those opposed,
10 "Nay."

11 (No verbal response given.)

12 SUPERVISOR SALADINO: The "Ayes" have
13 it.

14 (TIME NOTED: 12:07 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
SEPTEMBER 18, 2018
12:08 P.M.

JOSEPH SALADINO
SUPERVISOR

JAMES ALTADONNA JR.
TOWN CLERK

P R E S E N T:

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

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

JAMES ALTADONNA JR., TOWN CLERK
JAMES STEFANICH, RECEIVER OF TAXES

Minutes of the meeting
taken by:

KRISTINA TRNKA
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would our Town
2 Clerk, James Altadonna Jr., please call the
3 Resolution Calendar, normal calendar?

4 MR. ALTADONNA: What are we --

5 SUPERVISOR SALADINO: I'm going to say
6 that right as soon as we call the calendar and I
7 will ask for a motion.

8 Would you like that done in reverse?

9 MR. ALTADONNA: I'd like to table the
10 motions and then call the calendar.

11 SUPERVISOR SALADINO: Okay. Fine.

12 I would like to call for a motion to
13 table Resolutions 564, 596 and 598. These are all
14 land use Resolutions. Some of the residents are
15 here have signified through these forms, Public
16 Comment forms and so forth, that they are here to
17 speak on those resolutions.

18 We would like -- as Board members, we
19 would like more information on these as well as our
20 process to look at overlays that are still being
21 prepared so we can look more holistically across
22 the town on these things, which we think is
23 important. Quite frankly, many of you here today
24 have asked for that very process that we've been
25 putting through.

1 So may I have a motion to table --

2 MR. ALTADONNA: Excuse me, Supervisor.

3 SUPERVISOR SALADINO: Yes?

4 MR. ALTADONNA: I was also told 604.

5 Has that changed?

6 SUPERVISOR SALADINO: Did I skip that

7 one? 604. Let me just double check.

8 No, it's not 604.

9 COUNCILWOMAN JOHNSON: (Inaudible.)

10 SUPERVISOR SALADINO: That's what we're

11 looking, for the land use Resolutions, 564, 596,

12 598 --

13 MR. ALTADONNA: Town Attorney just

14 confirmed 604 as well.

15 MR. NOCELLA: So these three are in

16 addition to Resolution 604.

17 SUPERVISOR SALADINO: Okay.

18 So I'm calling for a motion to table

19 Resolutions 564, 596, 598 and 604 to another date

20 and time to be determined so that Board can acquire

21 more information need to make decisions on these

22 parcels.

23 MR. ALTADONNA: On the motion?

24 COUNCILMAN MUSCARELLA: So moved.

25 COUNCILMAN MACAGNONE: Second.

1 MR. ALTADONNA: Motion made by
2 Councilman Muscarella, seconded by Councilman
3 Macagnone.

4 SUPERVISOR SALADINO: All in -- I'm
5 sorry. Go ahead.

6 MR. ALTADONNA: On the vote:
7 Supervisor Saladino?

8 SUPERVISOR SALADINO: "Aye."

9 MR. ALTADONNA: Councilman Muscarella?

10 COUNCILMAN MUSCARELLA: "Aye."

11 MR. ALTADONNA: Councilman Macagnone?

12 COUNCILMAN MACAGNONE: "Aye."

13 MR. ALTADONNA: Councilwoman Alesia?

14 COUNCILWOMAN ALESIA: I vote "Aye."

15 MR. ALTADONNA: Councilwoman Johnson?

16 COUNCILWOMAN JOHNSON: "Aye."

17 MR. ALTADONNA: Councilman Imbroto?

18 COUNCILMAN IMBROTO: "Aye."

19 MR. ALTADONNA: Councilman Hand?

20 COUNCILWOMAN JOHNSON: Can I amend

21 mine?

22 MR. ALTADONNA: Sure.

23 COUNCILWOMAN JOHNSON: I voted "Aye,"

24 except I have to recuse on 564.

25 MR. ALTADONNA: Okay.

1 Motion to table Resolution 564 passes
2 with six approvals and one recusal.

3 596, 598 and 604, motion to table those
4 Resolutions passes seven "Ayes."

5 SUPERVISOR SALADINO: Thank you.

6 COUNCILMAN HAND: I'm going to
7 verbalize my "Aye."

8 "Aye."

9 MR. ALTADONNA: Oh, you had stepped --

10 COUNCILMAN HAND: That's okay.

11 MR. ALTADONNA: Okay. Sorry, Mr. Hand.

12 SUPERVISOR SALADINO: So, for your
13 information, we have tabled these Resolutions.

14 The Board members, all of us, have more
15 questions, more information that we would like to
16 get answered through the research process as well
17 as the overlay, which helps us look at these
18 properties with a better eye toward a holistic view
19 town wide, which we think is a appropriate and
20 obviously is something that many of our residents
21 concur with.

22 Certainly, would you like to come up,
23 sir?

24 MR. SHULMAN: I would appreciate it.

25 SUPERVISOR SALADINO: Of course.

1 Thank you.

2 MR. SHULMAN: In regard to the
3 Terrehan's that you're now going to go back.

4 SUPERVISOR SALADINO: Table.

5 MR. SHULMAN: Okay. So that means we
6 are not going to discuss it today?

7 SUPERVISOR SALADINO: That's correct.

8 MR. SHULMAN: Okay.

9 I would respectfully ask when you're
10 ready to discuss it if that comes up again --

11 SUPERVISOR SALADINO: Yes?

12 MR. SHULMAN: That we be notified.

13 SUPERVISOR SALADINO: Certainly.

14 MR. SHULMAN: We were not notified
15 about this today. If it wasn't from a neighbor of
16 mine who passed something out to all of us, I'm not
17 on Facebook and I'm not going to go to the Town of
18 Oyster Bay website every day to see what you guys
19 are doing.

20 SUPERVISOR SALADINO: Okay.

21 MR. SHULMAN: Just like we get
22 information about who to vote for in our mailbox,
23 it would be nice to get a heads up when you're
24 going to have this meeting, that we can come and be
25 well represented.

1 That's all I ask out of respect because
2 I took a day off from work to be here, to be heard,
3 and now you're not going hear it.

4 COUNCILMAN IMBROTO: Sir, we also will
5 have Public Comment and if you want to give us
6 information about your opinion on this, you could
7 also use that opportunity.

8 SUPERVISOR SALADINO: But please know
9 that yes, we are in agreement. If you and anyone
10 else in the room, anyone else listening at home
11 would like to -- we ask that you contact -- who do
12 we have from Public Information herein? Who's here
13 from Public Information?

14 COUNCILMAN IMBROTO: In the back.

15 SUPERVISOR SALADINO: Okay.

16 Please give your contact information to
17 the gentleman whose hand is in the air.

18 Yes, we will contact you, but just for
19 clarity, not very specifically to you, but to
20 anyone watching or listening, we've followed all of
21 the State and Town Codes and Laws in terms of
22 getting that information out, but we are more than
23 happy to include you, to include civic
24 associations, anyone else.

25 MR. SHULMAN: I would appreciate that.

1 SUPERVISOR SALADINO: Absolutely.

2 COUNCILMAN IMBROTO: Feel free to use
3 the Public Comment period for whatever purpose you
4 want, and you can also send us correspondence by
5 e-mail or letter.

6 MR. SHULMAN: I will gladly do that.

7 And I appreciate that.

8 SUPERVISOR SALADINO: Just so we know,
9 we apologize.

10 MR. SHULMAN: Oh, it's okay. No
11 apology necessary.

12 SUPERVISOR SALADINO: It's an
13 inconvenience to you, you've had to take a day off
14 from work.

15 MR. SHULMAN: I just want to be heard
16 because it's a big issue, and something has changed
17 that we're -- that I'm unaware of and maybe other
18 people are unaware of. That's all. I want to just
19 note the facts.

20 SUPERVISOR SALADINO: We're, by law,
21 not allowed to meet as a Board privately, only
22 publicly, so this was our first chance to legally
23 sit together with counsel.

24 MR. SHULMAN: And I appreciate that.

25 Thank you so much.

1 SUPERVISOR SALADINO: Thank you very
2 much.

3 And, again, our apologies for you
4 missing work.

5 MR. SHULMAN: Oh, no problem.

6 SUPERVISOR SALADINO: Yes, sir?

7 Why don't you come up, please? Come up
8 to the podium and why don't you start off by giving
9 us your name and address so we know how
10 we're conversing with?

11 MR. CATAPANO: My name is Ralph
12 Catapano.

13 I'm also here to talk about Syosset
14 Park -- Terrehan's Lane, this land sale.

15 I personally spoke yesterday to
16 Mr. Nevin about this issue and he specifically
17 asked me, are you coming tomorrow to talk, and I
18 told him yes, that I was taking the day off.

19 So I find it very outrageous and very
20 inconsiderate and selfish that now, at 12:00, you
21 are now telling us we cannot talk. That is
22 outrageous.

23 SUPERVISOR SALADINO: Okay. Let's just
24 stick to the facts here.

25 First of all, we apologize for the

1 inconvenience. It's obviously an inconvenience to
2 you and the others, so we recognize that and we
3 apologize.

4 By law, we are not allowed to meet when
5 it is not a public hearing with the exception of
6 Executive Session.

7 MR. CATAPANO: Why weren't we told that
8 then at five after 10:00?

9 COUNCILWOMAN ALESIA: Supervisor, I
10 don't want -- Mr. Catapano?

11 MR. CATAPANO: The perception is that
12 it was done deliberately.

13 COUNCILWOMAN ALESIA: Mr. Catapano, I
14 don't want the Supervisor taking my heat.

15 I requested that the Resolution be
16 tabled because I received e-mails stating that
17 there were some issues that I would like to look
18 into.

19 It was -- there may be other Board
20 members that agree, but I requested it, so if
21 you're upset with anybody, you can be upset with
22 me.

23 We had some regular business of the
24 Town to attend to. When we had a break, I asked if
25 the Resolution could be tabled so that I could get

1 more information. I'm very deeply and truly sorry
2 if it's an inconvenience, but I cannot vote without
3 having all of the information at my fingertips.

4 MR. CATAPANO: Okay.

5 And I appreciate your candor and
6 honesty, but I think for the future, maybe an
7 announcement could have been made where maybe some
8 of us could have gone back to work earlier had we
9 been made aware of this. Have a little
10 consideration for the taxpayer and voter. We do
11 vote and we won't forget.

12 COUNCILMAN IMBROTO: Mr. Catapano, you
13 will have an opportunity during Public Comment to
14 address this if you wish.

15 MR. CATAPANO: Again, Mr. Imbroto, but
16 I spoke to Mr. Nevin yesterday and he specifically
17 asked me, are you planning to speak tomorrow, and I
18 said yes.

19 So, again, I was led to believe I would
20 have the opportunity to talk today.

21 SUPERVISOR SALADINO: You do have the
22 opportunity to speak during the Public Comment.

23 COUNCILWOMAN ALESIA: Public Comment.

24 SUPERVISOR SALADINO: So we are --
25 you're going to speak at Public Comment -- just a

1 moment, please. Just a moment, please.

2 COUNCILMAN IMBROTO: At the end of the
3 meeting, we have a portion called Public Comment
4 where you could come up and tell us how you feel
5 about it.

6 SUPERVISOR SALADINO: We have a portion
7 at the end after the Resolutions are all voted on
8 to -- if it's a Resolution that we're voting on
9 today, we have people speak before we vote because
10 it's very important to us to hear the public's
11 opinion.

12 If we're not voting on this, you can
13 speak during the Public Comment portion which
14 happens after the Resolutions are completed.

15 In addition to that, you can write us,
16 you can e-mail us, but in terms of the question
17 that you're making, why weren't you told, because
18 we did not address this yet, we addressed it in the
19 Executive Session. We're not allowed to meet
20 privately, nor would we.

21 MR. CATAPANO: I think you need to
22 consider, Mr. Supervisor, the taxpaying voter's
23 time.

24 SUPERVISOR SALADINO: But we do.

25 MR. CATAPANO: Our time is valuable.

1 We have taken time off from work to be here.

2 SUPERVISOR SALADINO: Yes, sir, and we
3 understand that entirely and we will continue to be
4 very understanding of the taxpayer's time and the
5 residents time, whether they're taxpayers or not,
6 sir, but we are not allowed, by law, unless it's in
7 Executive Session.

8 So I think what you're saying is the
9 timing on this Executive Session is at issue and we
10 do understand that.

11 MR. CATAPANO: It could have been
12 handled better.

13 SUPERVISOR SALADINO: Well, we also
14 have to follow the law, the open meetings law. So
15 we have to follow what the State lays out in what
16 we're allowed and not allowed to do. So we were
17 following the procedures of law that allow for the
18 Executive Session.

19 Having said that, that doesn't take
20 away from the fact that you did miss work today and
21 you did burn a day or half a day or whatever it is,
22 so we are very sympathetic and if you would like to
23 stay around until after the Resolution portion of
24 the calendar, there's a Public Comment period.

25 And if it's okay with our Town Attorney

1 and the Board, I'm more than happy to call you
2 first during the Public Comment portion so you are
3 heard today --

4 MR. CATAPANO: Okay.

5 SUPERVISOR SALADINO: -- to not waste
6 your time.

7 Is that fair enough, sir?

8 MR. CATAPANO: That's fine.

9 SUPERVISOR SALADINO: But we do
10 apologize for the inconvenience that you're seeing
11 in this process of our focus on following the
12 letter of the law in terms of the process.

13 MR. CATAPANO: Okay.

14 SUPERVISOR SALADINO: We thank you for
15 understanding.

16 All right.

17 MR. ALTADONNA: May we continue?

18 We have the suspends.

19 SUPERVISOR SALADINO: Yes, please.

20 MR. ALTADONNA: May I have a motion to
21 suspend the rules and add the following Walk-On
22 Resolution No. 609-2018, which is a Resolution
23 relating to and pertaining to a decision for
24 amendments to the Code of the Town of Oyster Bay,
25 New York, amending Chapter 233 of the said Code

1 pertaining to parking, stopping, crossing, loading
2 zones, through traffic, trucking operations, and
3 other traffic regulations. Hearing held
4 September 18, 2018.

5 Now, this is just to bring it to the
6 table for the rest of the Action Calendar.

7 May I have a motion?

8 COUNCILMAN MUSCARELLA: So moved.

9 COUNCILMAN MACAGNONE: Second.

10 MR. ALTADONNA: Motion made by
11 Councilman Muscarella, seconded by Councilman
12 Macagnone.

13 On the vote:

14 Supervisor Saladino?

15 SUPERVISOR SALADINO: "Aye."

16 MR. ALTADONNA: Councilman Muscarella?

17 COUNCILMAN MUSCARELLA: "Aye."

18 MR. ALTADONNA: Councilman Macagnone?

19 COUNCILMAN MACAGNONE: "Aye."

20 MR. ALTADONNA: Councilwoman Alesia?

21 COUNCILWOMAN ALESIA: "Aye."

22 MR. ALTADONNA: Councilwoman Johnson?

23 COUNCILWOMAN JOHNSON: "Aye."

24 MR. ALTADONNA: Councilman Imbroto?

25 COUNCILMAN IMBROTO: "Aye."

1 MR. ALTADONNA: And not to forget,
2 Councilman Hand?

3 COUNCILMAN HAND: "Aye."

4 COUNCILMAN MACAGNONE: The
5 unforgettable, Councilman Hand.

6 MR. ALTADONNA: Motion to suspend the
7 rules and proceed with the following Walk-On
8 Resolution No. 609-2018 passes with seven "Ayes."

9 Now, may I have a motion to adopt
10 Resolution No. P-15-18 through Resolution 609,
11 noting that Resolutions 564, 596, 598 and 604 were
12 tabled?

13 Personnel Resolution No. P15-18;
14 Resolution pertaining to personnel of various
15 departments within the Town of Oyster Bay.

16 Transfer of Funds Resolution No.
17 TF-15-18; Resolution pertaining to Transfer of
18 Funds within various departments accounts for the
19 Year 2018.

20 Resolution No. 538-2018; Resolution
21 authorizing the issuance of a refund of a building
22 permit fee to F. DeSimone. Account No. PAD B 0001
23 02555 000 0000. (M.D. 8/7/18 #10).

24 Resolution No. 539-2018; Resolution
25 authorizing the issuance of a refund of a building

1 permit fee to James J. Stout & Associates. Account
2 No. PAD B 0001 02555 000 0000. (M.D. 8/7/18 #11).

3 Resolution No. 540-2018; Resolution
4 authorizing the issuance of a refund of a building
5 permit fee to G. Mullen. Account No. PAD B 0001
6 02555 000 0000. (M.D. 8/7/18 #12).

7 Resolution No. 541-2018; Resolution
8 authorizing the Supervisor or his designee to
9 execute an agreement in connection with Contract
10 No. SE 002-17, Single Stream Recycling of
11 Commingled Glass, Ferrous and Non-ferrous Metal,
12 Plastic Containers, Cardboard and Mixed Paper.
13 (M.D. 8/7/18 #13).

14 Resolution No. 542-2018; Resolution
15 authorizing the property cleanup assessment of
16 47 Thirteenth Street, Locust Valley, New York,
17 performed on September 20, 2017, be referred to the
18 County of Nassau for placement on the Nassau County
19 Tax Assessment Rolls. (M.D. 8/7/18 #14).

20 Resolution No. 543-2018; Resolution
21 authorizing the property cleanup assessment of
22 165 Willfred Boulevard, Hicksville, New York,
23 performed on May 25, 2018, be referred to the
24 County of Nassau for placement on the Nassau County
25 Tax Assessment Rolls. (M.D. 8/7/18 #15).

1 Resolution No. 544-2018; Resolution
2 authorizing the property board-up assessment of
3 603 Franklin Avenue, Massapequa, New York,
4 performed on May 22, 2018, be referred to the
5 County of Nassau for placement on the Nassau County
6 Tax Assessment Rolls. (M.D. 8/7/18 #16).

7 Resolution No. 545-2018; Resolution
8 authorizing the property securement assessment of
9 29 Oak Drive Plainview, New York, performed on
10 May 31, 2018, be referred to the County of Nassau
11 for placement on the Nassau County Tax Assessment
12 Rolls. (M.D. 8/7/18 #17).

13 Resolution No. 546-2018; Resolution
14 pertaining to Contract No. PWC17-18, On-Call
15 Engineering Services relative to Laboratory
16 Analysis including air and groundwater samples from
17 the Old Bethpage Landfill. Account No. DER SR05
18 8160 44800 000 0000. (M.D. 8/7/18 #21).

19 Resolution No. 547-2018; Resolution
20 authorizing the issuance of a reimbursement check
21 to Town employee C. J. Baranski for a pesticide
22 certification renewal fee valid through April 21,
23 2021. Account No. PKS SP 7110 44900 000 0000. (M.D.
24 8/14/18 #5).

25 Resolution No. 548-2018; Resolution

1 pertaining to an amended site plan for the Inn at
2 Fox Hollow, Woodbury, New York. (M.D. 8/14/18 #7).

3 Resolution No. 549-2018; Resolution
4 authorizing the property cleanup assessment of
5 191 North Detroit Avenue, Massapequa, New York,
6 performed on May 31, 2018, be referred to the
7 County of Nassau for placement on the Nassau County
8 Tax Assessment Rolls. (M.D. 8/14/18 #9).

9 Resolution No. 550-2018; Resolution
10 authorizing the property cleanup assessment of
11 6 Primrose Avenue, Hicksville, New York, performed
12 on May 23, 2018, be referred to the County of
13 Nassau for placement on the Nassau County Tax
14 Assessment Rolls. (M.D. 8/14/18 #10).

15 Resolution No. 551-2018; Resolution
16 authorizing the property securement assessment of
17 72 Intervale Avenue, Farmingdale, New York,
18 performed on May 17, 2018, be referred to the
19 County of Nassau for placement on the Nassau County
20 Tax Assessment Rolls. (M.D. 8/14/18 #11).

21 Resolution No. 552-2018; Resolution
22 authorizing the property cleanup assessment of
23 2 Colonial Gate, Plainview, New York, performed on
24 May 30, 2018, be referred to the County of Nassau
25 for placement on the Nassau County Tax Assessment

1 Rolls. (M.D. 8/14/18 #12).

2 Resolution No. 553-2018; Resolution
3 authorizing the property cleanup assessment of
4 28 Pickwick Drive, Old Bethpage, New York,
5 performed on June 4, 2018, be referred to the
6 County of Nassau for placement on the Nassau County
7 Tax Assessment Rolls. (M.D. 8/14/18 #13).

8 Resolution No. 554-2018; Resolution
9 authorizing the property cleanup assessment of
10 58 Parkview Circle, Bethpage, New York, performed
11 on April 18, 2018, be referred to the County of
12 Nassau for placement on the Nassau County Tax
13 Assessment Rolls. (M.D. 8/14/18 #14).

14 Resolution No. 555-2018; Resolution
15 granting request from the New York Marine Trades
16 Association to use the parking lot at Tobay Beach
17 and the Joseph J. Saladino Memorial Marina at Tobay
18 for their 42nd Annual In-Water Boat Show scheduled
19 to be held September 28 through September 30, 2018
20 and for the waiver of Town Ordinance 168-22 for
21 said event. (M.D 8/21/18 #4).

22 Resolution No. 556-2018; Resolution
23 authorizing a continuation of a credit card
24 services contract with the same terms and
25 conditions from August 1, 2018 through December 31,

1 2018. (M.D 8/21/18 #13).

2 Resolution No. 557-2018; Resolution
3 pertaining to Self-Insured retention for pending
4 claims; *N.Y State Div. Of Human Rights o/b/o Napoli*
5 *v. Town of Oyster Bay, et al* and *N.Y State Div. Of*
6 *Human Rights o/b/o Russo v. Town of Oyster Bay,*
7 *et al,* in accordance with the Public Officials and
8 Employees Insurance Policy. Account No. OTA A 1420
9 44110 000 0000. (M.D 8/21/18 #14).

10 Resolution No. 558-2018; Resolution
11 authorizing payment to the Nassau County Department
12 of Health for fines in connection with underground
13 storage equipment at Bethpage Community Park.
14 Account No. OTA A 1420 44110 000 0000. (M.D 8/21/18
15 #15).

16 Resolution No. 559-2018; Resolution
17 authorizing payment for Process Server costs.
18 Account No. OTA A 1420 44110 000 0000. (M.D 8/21/18
19 #16).

20 Resolution No. 560-2018; Resolution
21 authorizing the issuance of a refund of a parking
22 permit fee to L. Moshan. Account No. HWY ST 0001
23 01721 000 0000. (M.D 8/21/18 #17).

24 Resolution No. 561-2018; Resolution
25 granting request from Columbus Lodge #2143, Order

1 Sons of Italy in America, for Town assistance in
2 conducting their 23rd Annual Columbus Lodge Italian
3 Feast and Festival on North Broadway in Massapequa
4 on September 30, 2018, to have of Town Ordinance
5 Chapter 82-3 waived and to use various Town
6 equipment for the event. (M.D 8/21/18 #18).

7 Resolution No. 562-2018; Resolution
8 authorizing reimbursement of fees to renew
9 Certified Professional in Erosion & Sediment
10 Control Certification and American Institute of
11 Certified Planners Certification to employee
12 J. Schneider. Account No. DER A 8090 44500 000
13 0000. (M.D 8/21/18 #19).

14 Resolution No. 563-2018; Resolution
15 authorizing the Town to enter into a Use and
16 Dissemination Agreement with the New York State
17 Division of Criminal Justice and for the Supervisor
18 to execute said agreement. (M.D. 8/21/18 #20).

19 Resolution No. 565-2018; Resolution
20 authorizing seven enrichment workshops and
21 retention of professional services of an instructor
22 for one of the workshops as well as authorize the
23 Supervisor or his designee to execute said
24 agreement. Account No. CYS A 0001 02001 511 0000.
25 (M.D. 8/28/18 #4).

1 Resolution No. 566-2018; Resolution
2 authorizing payment of Workers Compensation
3 Insurance in connection with the Division's Summer
4 Youth Employment and Training program for the
5 period January 1, 2018 through December 31, 2018.
6 Account No. IGA CD 6293 43000 000 CW17. (M.D.
7 8/28/18 #7).

8 Resolution No. 567-2018; Resolution
9 authorizing the issuance of a refund of a Building
10 Permit fee to N. Schoelermann. Account No. PAD B
11 0001 02555 000 0000. (M.D. 8/28/18 #8).

12 Resolution No. 568-2018; Resolution
13 amending Resolution No. 708-2016 to authorize
14 additional funds relating to Outside Counsel in
15 connection with action titled: Romano, et al. V.
16 Town of Oyster Bay, et al (EDNY). Account No. OTA A
17 1420 44110 000 0000. (M.D. 8/28/18 #9).

18 Resolution No. 569-2018; Resolution
19 amending Resolution No. 939-2013 to authorize
20 additional funds relating to Special Counsel in
21 connection with the application of the Town of
22 Oyster Bay to acquire title to certain real
23 property located at the Liberty Industrial
24 Finishing Site, 55 Motor Avenue, Farmingdale,
25 New York. (Condemnation I and Condemnation II).

1 Account No. OTA A 1420 44110 000 0000. (M.D.
2 8/28/18 #10).

3 Resolution No. 570-2018; Resolution
4 amending Resolution No. 406-2017 to authorize
5 additional funds relating to Outside Counsel in
6 connection with litigation involving the United
7 States Securities and Exchange Commission. Account
8 No. OTA A 1420 44110 000 0000. (M.D. 8/28/18 #11).

9 Resolution No. 571-2018; Resolution
10 amending Resolution No. 49-2018 to authorize
11 additional funds relating to Outside Counsel in
12 connection with legal services for certain
13 negligence matters. Account Nos. TWN AMS 1910 43010
14 602 0000 000 and TWN AMS 1910 43020 602 0000 000.
15 (M.D. 8/28/18 #12).

16 Resolution No. 572-2018; Resolution
17 pertaining to On-call Engineering Service Request
18 for Construction Management for Contract No.
19 PWC010-18. Account No. HWY H 5197 20000 000 1503
20 008. (M.D. 8/28/18 #13).

21 Resolution No. 573-2018; Resolution
22 authorizing the Supervisor to exercise a third
23 two-year extension of a contract to provide
24 recreational ice hockey and figure skating school
25 services at the Town of Oyster Bay Ice Skating

1 Center and outdoor facilities for the Parks
2 Department, effective September 1, 2018 through
3 August 31, 2020. (M.D. 9/4/18 #5).

4 Resolution No. 574-2018; Resolution
5 authorizing the implementation of an Ice Rink
6 Rental Cancellation/*No Show* Fee Policy. (M.D.
7 9/4/18 #6).

8 Resolution No. 575 2018; Resolution
9 amending Resolution No. 103-2015 to include an
10 hourly fee for businesses requesting use of
11 Community Rooms 1 and 2 located at the Ice Skating
12 Center at Bethpage and to amend fees for Ice
13 Charters at all Town ice rinks. (M.D. 9/4/18 #7).

14 Resolution No. 576-2018; Resolution
15 pertaining to a surplus equipment bid for DPW
16 surplus vehicles. (M.D. 9/4/18 #8).

17 Resolution No. 577-2018; Resolution
18 authorizing a one-year extension of time from
19 July 25, 2018 to July 25, 2019 to record a
20 Declaration of Restrictive Covenants for the
21 petition of Sunrise Promenade Associates and
22 Massapequa Restaurant Joint Venture for premises
23 located at 5204 Sunrise Highway, Massapequa,
24 New York. (M.D. 9/4/18 #10).

25 Resolution No. 578-2018; Resolution

1 authorizing the issuance of a refund of a building
2 permit fee to N. & M. Giroffi. Account No. PAD B
3 0001 02555 000 0000. (M.D. 9/4/18 #11).

4 Resolution No. 579-2018; Resolution
5 calling for a hearing to consider the issuance of
6 serial bonds in the amount of \$7,300,000 in
7 connection with Jericho Water District
8 Improvements. Hearing Date: October 2, 2018. (M.D.
9 9/4/18 #12).

10 Resolution No. 580-2018; Resolution
11 directing the Town Clerk to publish a Notice of
12 Hearing on the application of Sunrise Mall, LLC for
13 a Special Use Permit to establish an interactive
14 aquarium at premises located at 1 Sunrise Mall,
15 Massapequa, New York. Hearing Date: October 2,
16 2018. (M.D. 9/4/18 #14).

17 Resolution No. 581-2018; Resolution
18 related to the New York State Volunteer
19 Firefighters' Benefit Law Policy for the period
20 January 1, 2018 through January 1, 2019. Account
21 No. TWN SF12 3410 47790 000 0000. (M.D. 9/4/18
22 #15).

23 Resolution No. 582-2018; Resolution
24 authorizing the renewal of the Town's Environmental
25 Impairment Liability Insurance for the period

1 June 1, 2018 through July 31, 2019. Account No. TWN
2 AMS 1910 43010 602 0000 000. (M.D. 9/4/18 #47). 7.

3 Resolution No. 583-2018; Resolution
4 authorizing the Supervisor or his designee to enter
5 into an agreement for Ethics Counsel Services,
6 effective August 1, 2018 through July 31, 2019 and
7 to make payment for services rendered from
8 January 1, 2018 through July 31, 2018. Account No.
9 OTA A 1420 44110 000 0000. (M.D. 9/4/18 #17).

10 Resolution No. 584-2018; Resolution
11 ratifying and approving a Letter Notice dated
12 September 7, 2018 in connection with cancellation/
13 termination/revocation of license for occupancy of
14 a cottage located at the Town of Oyster Bay Golf
15 Course, Woodbury, New York. (M.D. 9/4/18 #46).

16 Resolution No. 585-2018; Resolution
17 authorizing the property cleanup assessment of
18 455 North Queens Avenue, Massapequa, New York,
19 performed on June 28, 2018, be referred to the
20 County of Nassau for placement on the Nassau County
21 Tax Assessment Rolls. (M.D. 9/4/18 #19).

22 Resolution No. 586-2018; Resolution
23 authorizing the property cleanup assessment of
24 3 Ford Drive South, Massapequa, New York, performed
25 on June 16, 2018, be referred to the County of

1 Nassau for placement on the Nassau County Tax
2 Assessment Rolls. (M.D. 9/4/18 #20).

3 Resolution No. 587-2018; Resolution
4 authorizing the property cleanup assessment of
5 13 Jefferson Place, Massapequa, New York, performed
6 on May 31, 2018, be referred to the County of
7 Nassau for placement on the Nassau County Tax
8 Assessment Rolls. (M.D. 9/4/18 #21).

9 Resolution No. 588-2018; Resolution
10 authorizing the re-board up assessment of 889 Main
11 Street, Farmingdale, New York, performed on
12 June 14, 2018, be referred to the County of Nassau
13 for placement on the Nassau County Tax Assessment
14 Rolls. (M.D. 9/4/18 #22).

15 Resolution No. 589-2018; Resolution
16 authorizing the property cleanup assessment of
17 14 Matthew Street, Farmingdale, New York, performed
18 on June 16, 2018, be referred to the County of
19 Nassau for placement on the Nassau County Tax
20 Assessment Rolls. (M.D. 9/4/18 #23).

21 Resolution No. 590-2018; Resolution
22 authorizing the property cleanup assessment of
23 63 Vanderwater Street, Farmingdale, New York,
24 performed on June 26, 2018, be referred to the
25 County of Nassau for placement on the Nassau County

1 Tax Assessment Rolls. (M.D. 9/4/18 #24).

2 Resolution No. 591-2018; Resolution
3 authorizing the property cleanup assessment of
4 15 Stephen Lane, Hicksville, New York, performed on
5 June 12, 2018, be referred to the County of Nassau
6 for placement on the Nassau County Tax Assessment
7 Rolls. (M.D. 9/4/18 #25).

8 Resolution No. 592-2018; Resolution
9 authorizing the property re-board up assessment of
10 131 Dean Street, Hicksville, New York, performed on
11 October 10, 2017, be referred to the County of
12 Nassau for placement on the Nassau County Tax
13 Assessment Rolls. (M.D. 9/4/18 #26).

14 Resolution No. 593-2018; Resolution
15 authorizing the property cleanup assessment of
16 56 Randy Lane, Hicksville, New York, performed on
17 July 7, 2018, be referred to the County of Nassau
18 for placement on the Nassau County Tax Assessment
19 Rolls. (M.D. 9/4/18 #27).

20 Resolution No. 594-2018; Resolution
21 authorizing the property cleanup assessment of
22 38 Violet Avenue, Hicksville, New York, performed
23 on May 10, 2018, be referred to the County of
24 Nassau for placement on the Nassau County Tax
25 Assessment Rolls. (M.D. 9/4/18 #28).

1 Resolution No. 595-2018; Resolution
2 authorizing the property board-up assessment of
3 132 Gardner Avenue, Hicksville, New York, performed
4 on June 5, 2018, be referred to the County of
5 Nassau for placement on the Nassau County Tax
6 Assessment Rolls. (M.D. 9/4/18 #29).

7 Resolution No. 597-2018; Resolution to
8 secure flood insurance on 38 Town buildings from
9 September 18, 2018 (at 12:01 a.m.) through
10 September 18, 2019 (at 12:01 a.m.). Account No. TWN
11 AMS 1910 43010 602 0000 000. (M.D. 9/4/18 #45).

12 Resolution No. 599-2018; Resolution
13 amending Resolution No. 287-2018 in connection with
14 the use of a sub-consultant to perform route
15 development analysis relative to Contract No.
16 PWC07-18, On-Call Civil Engineering Services. (M.D.
17 9/4/18 #34).

18 Resolution No. 600-2018; Resolution
19 pertaining to engineering in connection with the
20 preparation of a project labor agreement for the
21 Hicksville Parking Facility; Contract No. H17-170.
22 Account No. HWY H 5997 20000 000 1804 016. (M.D.
23 9/4/18 #35).

24 Resolution No. 601-2018; Resolution
25 authorizing the cancellation of a contract and

1 permission to re-bid Contract No. DP15-128-R,
2 Syosset Fire Department Memorial Park.
3 (M.D. 9/4/18 #36).

4 Resolution No. 602-2018; Resolution
5 authorizing the acceptance of the Design and
6 entrance into Bid & Construction Phases for
7 Contract No. H16-142 PH 1 & 2, Highway Improvements
8 to the Smith Street Area Phase 1 & 2 in Glen Head,
9 New York. (M.D. 9/4/18 #37).

10 Resolution No. 603-2018; Resolution
11 pertaining to Contract No. PWC07-18, On-Call
12 Engineering Services relative to Civil Engineering
13 for quantities, estimates and field inspection of
14 the Town's requirements contract for road
15 restoration. Account No. HWY H 5197 2000 000 1803
16 008. (M.D. 9/4/18 #38).

17 Resolution No. 605-2018; Resolution
18 pertaining to Contract No. PWC23-18, On-Call
19 Engineering Services relative to Environmental
20 Engineering for review of draft DEIS for Syosset
21 Park. Account No. TWN TA 0000 00085 466 000. (M.D.
22 9/4/18 #40).

23 Resolution No. 606-2018; Resolution
24 pertaining to Contract No. PWC23-18, On-Call
25 Engineering relative to Environmental Engineering

1 for review of Stormwater Pollution Prevention Plans
2 throughout the Town. Account No. HWY H 5197 20000
3 000 1803 008. (M.D. 9/4/18 #41).

4 Resolution No. 607-2018; Resolution
5 authorizing the co-sponsorship of the Annual Fall
6 Oyster Bay Harbor and Beach Cleanup in conjunction
7 with the International Coastal Cleanup Event on
8 September 15, 2018 at Theodore Roosevelt Memorial
9 Park, Beekman Beach, Centre Island Beach and Stehli
10 Beach. (M.D. 9/4/18 #43).

11 Resolution No. 608-2018; Resolution
12 pertaining to Contract No. PWC09-18, On-Call
13 Engineering Services relative to Site Development.
14 Account No. DER A 8090 44500 000 0000. (M.D. 9/4/18
15 #44).

16 On the motion?

17 COUNCILMAN MUSCARELLA: So moved.

18 COUNCILMAN MACAGNONE: Second.

19 MR. ALTADONNA: Motion made by
20 Councilman Muscarella, seconded by Councilman
21 Macagnone.

22 You have a various speakers on a number
23 of Resolutions.

24 SUPERVISOR SALADINO: So we will
25 start -- now, just for you're information, Ralph,

1 we're going to be dealing with the Resolutions that
2 we are acting on today, and then once that -- we've
3 listened to the public, we've considered the
4 correspondence and that entire legal process that
5 we are bound to and that we will follow, then we
6 will close out that portion of the Board meeting
7 and begin on Public Comment when people can come up
8 and talk to us about anything they'd like to say to
9 us within the confines that they're allowed time.

10 Sir, you will be first. I'm looking
11 over at the Town Attorney, who has no issues with
12 that, so we're doing it properly. You'll be first
13 so that you can get on your way back to work,
14 but -- okay. So we are very cognizant of your time
15 issues and we are very respectful of everything
16 that you brought to our attention.

17 All right. Our first speaker on our
18 Resolutions will be Charles Schulman. This is on
19 one of the tabled resolutions, just so you know.

20 You can come up now, but you're coming
21 up not to speak on a tabled resolution, correct?

22 COUNCILMAN MUSCARELLA: No, he's going
23 to speak --

24 COUNCILWOMAN ALESIA: He's going to
25 speak on the tabled resolution.

1 COUNCILMAN MUSCARELLA: Yeah, so we've
2 got to wait until Public Comment.

3 SUPERVISOR SALADINO: So we're also
4 going to put you on the list for Public Comment
5 because it's not one of the -- it's one of the
6 tabled resolutions.

7 So that will be the case with a few of
8 them, but, Ralph, I'm still keeping you number one.

9 Paul Molinari, I also have you listed
10 as two Resolutions that are both tabled, so I'm
11 going to also move you, understandingly, to Public
12 Comment.

13 I'm still keeping you, Ralph, as our
14 first speaker.

15 Okay. We have -- looks like Meresh.
16 Seth? Sheff. I'm sorry, sir. So that's on the
17 same?

18 MR. SHEFF: Yes.

19 SUPERVISOR SALADINO: Okay. So we are
20 going to move you over to the Public Comment as
21 described.

22 Lesley Levy, on another issue. Okay.

23 MS. LEVY: Good morning.

24 SUPERVISOR SALADINO: Good morning.

25 MS. LEVY: Good afternoon.

1 Sorry. Bear with me for one second.

2 SUPERVISOR SALADINO: Take your time.

3 Of course, just to remind you that we
4 ask you to begin by giving us your name and address
5 for the record.

6 MS. LEVY: That, I can do by heart.

7 SUPERVISOR SALADINO: Could you move
8 that microphone down?

9 MS. LEVY: That would be good.

10 Lesley Levy, 8 Spruce Lane, Syosset.

11 And I had questions regarding

12 Resolutions 605 through 608.

13 My question on 608 is the easiest one.

14 On most of these engineering Resolutions, we know
15 where the location is. In other words, it says
16 here for the stormwater pollution, for Theodore
17 Roosevelt, on what location is the on-calling
18 engineering services relative to site development
19 under 608?

20 SUPERVISOR SALADINO: We'll bring our
21 Commissioner up of DP -- Department of Public
22 Works.

23 Commissioner, if you would please come
24 up to the podium.

25 Good afternoon, Commissioner.

1 Could you please start off by giving us
2 your name and department?

3 COMMISSIONER LENZ: Hello. How you
4 doing?

5 My name is Richard Lenz. I'm
6 Commissioner of Department of Public Works and also
7 Highway.

8 COUNCILMAN MACAGNONE: Good afternoon,
9 Commissioner.

10 How are you?

11 COMMISSIONER LENZ: Very good, you?

12 COUNCILMAN MACAGNONE: Well, thank you.

13 COMMISSIONER LENZ: Good.

14 Most of these engineering are
15 considered on-call engineering contracts, so they
16 are a requirements contract that we discuss and
17 select -- well, it's RFP'd, and then we select what
18 the --

19 SUPERVISOR SALADINO: Please just
20 briefly explain RFP so we're making sure that all
21 the public knows.

22 COMMISSIONER LENZ: What RFP is a
23 request for proposal, and in this particular case,
24 we -- we're asking for -- to have a -- to have
25 different consultants work in different areas.

1 That's what we call the on-call. It's different
2 for site and things like that.

3 SUPERVISOR SALADINO: So areas of their
4 specific expertise?

5 COMMISSIONER LENZ: Expertise.

6 Thank you.

7 This particular one, we're going to use
8 Nelson and Pope for SEQR, which is the State
9 Environmental Quality Review Act or also TEQR,
10 which is the Town's because we have Town
11 regulations.

12 SUPERVISOR SALADINO: Both of them are
13 mandated by law.

14 COMMISSIONER LENZ: They're going to
15 help us with assisting us on the review of some of
16 the applications that come in for DEIS and things
17 like that, and also for traffic or -- so they can
18 analyze different things for us.

19 What happens in a lot of these things
20 is, in order to have enough expertise in the field,
21 you would have to have this huge staff of engineers
22 working within the Town of Oyster Bay.

23 This way, I can particularly ask a
24 gentleman to work for me for two hours, three
25 hours, five hours, whatever it takes to get this

1 specific condition done.

2 SUPERVISOR SALADINO: Excuse me,
3 Commissioner, a gentleman or woman.

4 COMMISSIONER LENZ: Woman, thank you.

5 Does that help you, you know? You're
6 question is, what are they working on specifically.

7 MS. LEVY: Where?

8 COMMISSIONER LENZ: This item is not a
9 specific location.

10 MS. LEVY: It's at large?

11 COMMISSIONER LENZ: It's at large,
12 right.

13 COUNCILMAN MACAGNONE: Now,
14 Commissioner, we also can utilize a firm such as
15 that or any number of firms for the different
16 expertise that they may have.

17 COMMISSIONER LENZ: Yes.

18 COUNCILMAN MACAGNONE: Whereas we don't
19 somebody, argument's sake, to, say, build storage
20 sheds where they might have somebody?

21 COMMISSIONER LENZ: Yes, exactly.

22 We do have quite a bit of expertise --

23 COUNCILMAN MACAGNONE: Storage shed
24 buildings.

25 COMMISSIONER LENZ: We do have quite an

1 expertise in the Town of Oyster Bay, but these are
2 specific consultants that can help us to extend our
3 engineering staff.

4 COUNCILMAN MACAGNONE: And they're
5 current on all regulations and --

6 COMMISSIONER LENZ: Yes. Yes.

7 SUPERVISOR SALADINO: And these
8 processes are all mandated by State law, by our
9 Town Code that we must provide these reports?

10 COMMISSIONER LENZ: This is mandated by
11 State law, right.

12 MS. LEVY: That was given, I was just
13 wondering where because other ones did say certain
14 projects.

15 COMMISSIONER LENZ: Well, this one, we
16 will be able to use whenever the Department of
17 Environmental Resources has an application, they
18 can help out and assist Department of Environmental
19 Resources. That's the purpose of that one.

20 Yes, the DER.

21 MS. LEVY: My question for 604 --
22 excuse me, 605 -- 604 is tabled -- for 605, which
23 you might also know is the resolution pertaining to
24 contract such and such, specifically for review of
25 the draft DEIS for Syosset Park.

1 Is this at taxpayer cost? Are we
2 paying for this?

3 COMMISSIONER LENZ: This particular one
4 is -- is -- George, is this one paid by the Town?

5 (Inaudible.)

6 COMMISSIONER LENZ: That's what I
7 thought. This is paid by the applicant.

8 What happened is they originally gave
9 us 10,000 for the Town of Oyster Bay to oversee the
10 review of work that will be done at the landfill
11 portion of the Town property. That money --

12 MS. LEVY: Work being done?

13 COMMISSIONER LENZ: No, I said the work
14 to be done, I meant to say. Okay.

15 MS. LEVY: Proposal?

16 COMMISSIONER LENZ: Yes.

17 They have spent the \$10,000 and they're
18 going to need more because it's more of a lengthy
19 project and lengthy review than originally
20 entailed.

21 MS. LEVY: This is additional funds?

22 COMMISSIONER LENZ: That will be paid
23 for by the applicant.

24 MS. LEVY: Okay.

25 COUNCILMAN MACAGNONE: But we chose --

1 excuse me -- we chose the consultant that --

2 COMMISSIONER LENZ: Yes.

3 COUNCILMAN MACAGNONE: -- we're
4 comfortable with, not the ones that the applicant
5 is.

6 COMMISSIONER LENZ: Thank you very
7 much, yes.

8 MS. LEVY: That's exactly --

9 SUPERVISOR SALADINO: That's where the
10 RFP that the Commissioner mentioned, that's the
11 request for proposals, the legal process to look at
12 multiple firms to determine what best suits the
13 needs of the public, the needs of the taxpayer, the
14 needs of satisfying the mandates of these projects.

15 MS. LEVY: Well, what I was looking for
16 was just specifically how it works because I know
17 that you like transparency.

18 SUPERVISOR SALADINO: Yes.

19 MS. LEVY: And it's good if the money
20 goes to the Town, the Town pays their selected
21 specialist.

22 SUPERVISOR SALADINO: The developer
23 doesn't get to choose and pay them directly.

24 MS. LEVY: That's good. If the money
25 goes to the specialist, not good. Okay.

1 Thank you.

2 SUPERVISOR SALADINO: Of course.

3 Thank you.

4 COMMISSIONER LENZ: Thank you.

5 COUNCILMAN MACAGNONE: Thank you,
6 Commissioner.

7 COMMISSIONER LENZ: Thank you.

8 SUPERVISOR SALADINO: Our next speaker
9 will be Arthur Adelman.

10 Hi, Arthur.

11 How've you been?

12 MR. ADELMAN: All right.

13 SUPERVISOR SALADINO: Most blessed and
14 easy fast to you and your loved ones.

15 MR. ADELMAN: Thank you very much.

16 Wish you all a healthy and Happy New
17 Year.

18 I'm here because two of the resolutions
19 I wanted to talk about center around the same
20 problem the Town seems to be constantly stuck with,
21 and that is vendors who seem to need more than they
22 bid on when they responded to RFPs that the Town
23 issued.

24 My first one is in regard to the
25 parking garage and the engineering work done by

1 Cashin, Resolution 600.

2 From what I've read from the documents
3 that are offered online, Cashin won a bid to do the
4 original engineering study, all work for the garage
5 for \$81,800.

6 Now they're coming back to the Town and
7 saying that the scope of the job has changed to
8 such an extent that they want an additional
9 \$245,000, three times the original amount they bid.

10 It's -- I see it over and over again,
11 that low qualified bidders constantly receive money
12 on the back end.

13 I don't understand it. This is maybe
14 why the public has been screaming for an Inspector
15 General, someone that could write an ironclad
16 contract where something like this should not
17 happen or someone who can write an RFP that will
18 encompass the scope of the whole job.

19 Now, if this job now is going to run,
20 instead of \$82,000, over \$300,000, the additional
21 amount, I don't understand why it's not being put
22 out for bid again. I mean, it's three times the
23 amount. That was the Resolution Number One that I
24 wanted to touch upon.

25 If you want to comment on that, then

1 we'll wait until the second one.

2 SUPERVISOR SALADINO: I don't want to
3 eat up all your time, so why don't you ask all of
4 your questions.

5 MR. ADELMAN: Okay. The second one
6 pertains to the new agreement with Winters Brothers.

7 I know I commented last meeting at the
8 public when I voiced it publicly off the record
9 that I was very happy that the Town avoided
10 litigation; however, after reading over some
11 information, I -- a little upset about this whole
12 thing. I found it very -- just very concerning
13 that a year ago in August 2017 when Councilman
14 Macagnone requested a 30-day tabling of the
15 original deal, he was lambasted and told it's --
16 can't do that, it's going to cost us \$25,000, you
17 have a week to go over the paperwork and come to a
18 conclusion.

19 At that meeting back on August 12th, we
20 were addressed by our Brad Slover of Omni Recycling
21 of Westbury, who, at the time, said the offer by
22 Winters Brothers of \$25 a ton for recycled
23 separated -- what are they called? One -- single
24 source.

25 COUNCILMAN MACAGNONE: Single stream.

1 MR. ADELMAN: -- single stream was out
2 of the market value.

3 Their bid was one-third of what Winters
4 Brothers had offered. They offered 8 versus 25.
5 He requested a 30-day tabling of the Resolution so
6 he could inform the Town what might be wrong with
7 this bid.

8 I find it very distasteful that Winters
9 Brothers is now coming back and saying, we can't do
10 it because it's a force majeure. My understanding
11 of an item that would be a force majeure is if they
12 specifically were going to utilize a factory in
13 China to take their recycling and a typhoon hit,
14 destroyed the factory, and then that -- now they
15 had nowhere to go.

16 But what they're faced with is a simple
17 problem of supply and demand. The supply is
18 greater than the demand, the price drops. That
19 shouldn't be -- it should be our concern because
20 they are a vendor and we want them to be healthy,
21 but to give them a full release as of January 1st.

22 SUPERVISOR SALADINO: We have not.

23 MR. ADELMAN: I don't know. I don't
24 know, are we doing another RFP for?

25 SUPERVISOR SALADINO: We will bring the

1 Commissioner up and point out exactly what's going
2 on.

3 MR. ADELMAN: Lastly, regarding the
4 Winters -- just my other question was, though, in
5 the backup data in today's paperwork, there's a
6 copy of the agreement. However, in the Resolution
7 section back on August 18th or 19th when we passed
8 the Resolution, there is no such -- the RFP or
9 agreement is not included with the minutes or
10 the -- it's not memorialized in any way in the
11 record, and I find that disconcerting as well.

12 SUPERVISOR SALADINO: Thank you,
13 Arthur.

14 Why don't you take your seat and we'll
15 bring the Commissioner up.

16 It's very important for people to
17 realize that the situation you are describing is
18 not a Town of Oyster Bay problem, it is a national,
19 and, actually, even an international problem.

20 The big problem -- the largest problem
21 here is that the -- China has now shut down
22 accepting recyclables and causing a problem with
23 how to deal with this and a cost issue to every
24 entity that handles this, to every municipality
25 across America, and, quite frankly, throughout the

1 world.

2 So I want to make sure that people
3 here, people listening don't think that you're
4 trying to say that this is specifically something
5 that's Town of Oyster Bay related. And when we did
6 approve this contract, and it was the largest
7 number, right, we're all on agreement that was an
8 amazing contract, we were getting a great, great
9 deal, that was prior to the Chinese breaking --
10 ending their acceptance of the world's recyclables.

11 So this is something -- and if you
12 believe the news reports you see, it didn't -- the
13 news coverage is not necessarily about a storm, but
14 about the will of the Chinese due to certain events
15 that have occurred there and public opinion within
16 that nation. That's what we're being told from the
17 media.

18 Well, let's go to the experts, to the
19 Commissioner. Obviously, it greatly affects this
20 company's abilities, but we have negotiated with
21 them and most of -- I believe all of us believe
22 that we still are getting the best of the scenario
23 considering, on the financials.

24 So, Commissioner, if you would address
25 these issues.

1 COMMISSIONER LENZ: Sure.

2 Should I go to the first one first?

3 SUPERVISOR SALADINO: Yes, please.

4 COMMISSIONER LENZ: That would be
5 Resolution 600. It's regarding Cashin.

6 When we were doing the contract for the
7 repairs of the Hicksville garage, one of the things
8 we talked about was the possibility of going with a
9 project labor agreement. That's a PLA.

10 Doing that, then you would have one
11 contractor in charge of the whole contract or you'd
12 have to go multi prime, and that would be four
13 different contractors working on the garage all at
14 the same time.

15 COUNCILMAN MACAGNONE: Which is a
16 nightmare.

17 COMMISSIONER LENZ: Thank you.

18 So that's one of the problems.

19 So the reason why we hired Cashin
20 originally for the \$81,800 was to do a study to
21 find out if this PLA is possible, to check with the
22 unions, talk to the unions, write up a study. They
23 had to write up a PLA compliance report for us. So
24 that's what that originally was.

25 Once we got all of the contractors --

1 excuse me, all the unions on board with this, then
2 we have to go into the next phase, and that's what
3 this 240 is. We have to have a PLA representative
4 from our -- for our oversight, the Town's
5 oversight, to make sure that this contractor is
6 making sure that he's bringing in all of the unions
7 that he's supposed to.

8 They have to sign in and the whole bit,
9 that's what this guy is doing and that's why
10 we're -- I had to extend it because it's weekly
11 and -- daily, weekly meetings that Cashin will have
12 to take care of us for us.

13 SUPERVISOR SALADINO: Doesn't that
14 represent far more greater number of hours than --

15 COMMISSIONER LENZ: Yes. Yes.

16 As I say, the original one was just to
17 get the report done. When -- we -- and that's --
18 so when we RFP'd, we asked, can this consultant do
19 this whole task. We only authorized a portion of
20 the task because -- there was no sense authorizing
21 this -- over \$300,000 if we're not allowed -- if we
22 can't do it. If the unions weren't going sign on,
23 then there was no sense. So we only did -- it
24 wasn't set up as phases, but it's like phase one we
25 authorized. That's the \$80,000.

1 The next phase now that we're actually
2 doing the work, that's what this is for.

3 SUPERVISOR SALADINO: To answer one of
4 the questions, at the time that we went out to the
5 companies on this, you're saying we would not have
6 known that.

7 Why was there --

8 COMMISSIONER LENZ: No, no. No, we
9 did, but as I say, we didn't -- we RFP'd for the
10 whole concept of doing the study, first phase, and
11 then actually doing the reporting, but we never
12 came before the Town Board to ask for all the
13 funding because we didn't know if we -- if weren't
14 allowed to do it, there's no sense having the Town
15 Board authorize over \$300,000 for work that we
16 can't possibly do -- go with a four-phase contract.

17 SUPERVISOR SALADINO: And then once we
18 reached the point where that paradigm shifted and
19 this had to be done, was there a financial
20 consideration given in terms of why this wasn't
21 sent out to be rebid?

22 COMMISSIONER LENZ: As I said, when we
23 RFP'd it, it was RFP'd for doing all of the work,
24 the whole project. We only went to the Town Board
25 for phase one, and so, no, we didn't go back out

1 for another RFP. The RFP was already originally
2 completed with all of these tasks in mind.

3 SUPERVISOR SALADINO: The way the RFP
4 was designed, by continuing with the same company,
5 can we and our taxpayers feel confident that that
6 means that we're still getting the lowest rate as
7 opposed as to one of the other firms that were
8 chosen?

9 COMMISSIONER LENZ: Yes, we are. Yes,
10 we are.

11 This was the highest rated firm, also
12 the firm that has the most experience in doing this
13 before. They have done several of these types in
14 Nassau and Suffolk County. They did come with the
15 best value.

16 SUPERVISOR SALADINO: Thank you very
17 much.

18 I'd like to call our Town Attorney up
19 now to address the issue of cause majeure so that
20 we are all on the same page and anyone here or
21 anyone listening to these proceedings can
22 understand.

23 MR. NOCELLA: Yes. Thank you,
24 Supervisor, members of the Town Board.

25 Legally, an argument can be made that

1 the events in China constitute a force majeure,
2 that was Winters Brothers' position. We would
3 dispute that. We don't believe it is actually a
4 force majeure. We think the example that was used
5 by the speaker is actually much closer to home.

6 It's when there's a hurricane, an
7 earthquake or something like that, an act of God,
8 not economic conditions. But nonetheless, that's
9 our position. And Winters Brothers set its own
10 position. We were headed toward litigation. If we
11 got into litigation, service would have stopped by
12 Winters Brothers. Winters Brothers could not of
13 continued.

14 SUPERVISOR SALADINO: Just so we're
15 very clear on this, the service of picking up the
16 recyclables and perhaps the solid waste?

17 MR. NOCELLA: Yes. We would have spent
18 money litigating against them. We would have been
19 without any vendor. We would have had to call
20 someone in on an emergency basis under
21 circumstances that would require us to spend a
22 great deal of money in order to make up for the
23 fact that we were now in litigation and we were at
24 loggerheads with Winters Brothers over this matter.

25 So I can't litigate in public whether

1 or not economic conditions in China are actually a
2 force majeure under the law, but the Town did not
3 accept that position, we took a contrary position,
4 but we had to consider the overall circumstances
5 with which we were presented by Winters Brothers'
6 assertion of force majeure.

7 They were going to pull out and they
8 were going to pull out because of the conditions in
9 China, regardless of what you call a force majeure
10 or otherwise.

11 SUPERVISOR SALADINO: So then -- I'm
12 sorry.

13 MR. NOCELLA: So the most efficient and
14 expedient thing to do for everybody was to bring
15 them back to the table and ask them to complete the
16 one year term of their contract under its existing
17 terms, and that is what we had done.

18 The extensions, which were options that
19 we could exercise, are questionable as to whether
20 or not they are enforceable under a court of law.
21 The extensions are there for us to exercise the
22 option, and it would appear as if we can simply
23 decide we want to exercise that option and Winters
24 Brothers has no choice but to provide the services.

25 If that had been the case, it would

1 have been a multi-year contract instead of having
2 extensions. The law is unsettled in this area and
3 they could have a powerful case that they do not
4 have to perform merely because we exercised an
5 option.

6 So the resolution was, we came forward
7 and said, we will tell you up front, we won't
8 exercise the option since it's going to cause you
9 to lose money. You know, if you get someone in a
10 contract and the consequence of the contract,
11 unforeseeable to either side, is that one of the
12 parties is going to go bankrupt, it really does you
13 no good to hold their feet to the fire and demand
14 the benefit of your bargain, which you did bargain
15 for and which is in your best interests, but if you
16 hold them to the benefit of the bargain and the
17 consequence is they go bankrupt, now you're getting
18 the service and you're not getting payment.

19 The best thing to do was to require
20 them to complete what everybody agreed was their
21 legal obligation absent the force majeure argument
22 that they raised, which is to complete it up
23 through December 31st. And then we would not
24 exercise our options going forward, which are of
25 questionable enforceability.

1 SUPERVISOR SALADINO: Okay.

2 So that was a long answer, and we
3 appreciate that, but I'd also like to --

4 MR. NOCELLA: I prefer complete.

5 SUPERVISOR SALADINO: A complete
6 answer, which is very much appreciated. We would
7 give a complete answer either way, but I just want
8 assure Mr. Adelman, the public, all of our
9 taxpayers, all of the people that use our services,
10 and this I'm directing at both of you as the
11 Commissioner of DPW who oversees Sanitation as our
12 Town Attorney, the actions that have been taken
13 take into consideration the cost so that it's more
14 efficient financially to us, takes into
15 consideration, the contractual obligations that
16 they have and the Town has, and takes into
17 consideration, legal costs that we would have been
18 forced to pay to litigate this and takes into
19 consideration one of the most important aspects,
20 that we have no break in service of collecting and
21 disposing of the sold waste and the recyclables
22 generated by our residents.

23 MR. NOCELLA: That's exactly right,
24 Supervisor.

25 And as you noted last, perhaps the most

1 important was the lack of a disruption of service.

2 SUPERVISOR SALADINO: Lack of
3 disruption of service of picking up the Sanitation
4 and the recyclables of our residents.

5 Do you concur, Commissioner?

6 COMMISSIONER LENZ: Yes, I do.

7 And at this time, we are also still
8 getting paid the fee that we originally had awarded
9 to Winters Brothers, so they are still honoring
10 their contract.

11 SUPERVISOR SALADINO: Which means the
12 fee that we receive for the sale of our recyclables
13 to the company, who is the same company that picks
14 up our solid waste. You can't clash pans with one
15 of your hands and go to war with your other hand.

16 COMMISSIONER LENZ: Exactly.

17 SUPERVISOR SALADINO: It just doesn't
18 work, and then the taxpayers and those who depend
19 on the service pay the price and their service is
20 affected.

21 COMMISSIONER LENZ: Just for the
22 record, we're getting paid \$25.08 per ton for
23 recyclables.

24 SUPERVISOR SALADINO: From now until?

25 COMMISSIONER LENZ: From now until the

1 end of the year. So we've been paid -- we've been
2 getting paid that for a whole year and more, so
3 it's a big turnaround from what we originally --

4 SUPERVISOR SALADINO: Even though they
5 can't receive the same amount that they were
6 getting in the past by selling to a market that has
7 closed down to America and to the rest of the
8 world?

9 COMMISSIONER LENZ: Right.

10 COUNCILMAN MACAGNONE: Commissioner,
11 this is a regional problem.

12 COMMISSIONER LENZ: Yes, it is.

13 COUNCILMAN MACAGNONE: Have we been
14 talking to other municipalities about trying to
15 solve it together globally?

16 COMMISSIONER LENZ: We have begun
17 talking to them. We're also in the process of
18 getting ready to look into rebidding this also at
19 the same time, seeing if there's other options.
20 One of the other options is to RFP to see what
21 other municipalities are doing.

22 We have, in the past, have always
23 talked to other municipalities before we go out to
24 bid and try to work things out. Sometimes that's
25 not always successful because other people don't

1 want our garbage.

2 The big problem with a lot of times
3 when you're working with other municipalities is we
4 have to transport to another facility. That's your
5 big cost, is the transport.

6 MR. NOCELLA: May I expound upon --

7 COMMISSIONER LENZ: Having said that --

8 COUNCILWOMAN JOHNSON: I have a
9 question.

10 SUPERVISOR SALADINO: Even though there
11 is a cost, because I know we've had this
12 conversation, I've had this conversation with other
13 members of our staff, even though there is a cost,
14 we are continuing our dialogue with other
15 municipalities, especially our surrounding towns to
16 better answer your question.

17 Even though there is, it's not slowing
18 us down to having those conversations to seeing
19 about the regional approach. And I happen to agree
20 with you, a regional approach on this is what I
21 believe will probably end up to be one of our very
22 best options.

23 MR. NOCELLA: Yes --

24 COUNCILWOMAN JOHNSON: I have a
25 question.

1 MR. NOCELLA: -- Supervisor.

2 I was simply going to expand upon what
3 Commissioner Lenz said, what I think he touched
4 upon, but in response to the Councilman's question,
5 we are even exploring an inter-municipal agreement,
6 or a possibility of an inter-municipal agreement
7 with somebody who's already being able to do this
8 successfully, having taken into account all the
9 costs, all the factors. And that is -- that's an
10 option, it's definitely an option and we're giving
11 a good hard look at it.

12 SUPERVISOR SALADINO: Councilwoman?

13 COUNCILWOMAN JOHNSON: So going forward
14 with whatever company we may do business with in
15 the future, if a dispute arises, they can just stop
16 providing services, there's no clause that says,
17 until this litigation is complete or until
18 resolved, you must continue to provide services?

19 MR. NOCELLA: The trouble -- it's the
20 same circumstance, it's the same situation you're
21 in with any sort of vendor in any kind of breach of
22 contract.

23 COUNCILMAN IMBROTO: If they breach the
24 contract, they breach the contract.

25 COUNCILWOMAN JOHNSON: I understand

1 that. It's kind of like the tailor law, maybe a
2 little bit, but, just, I don't know, the whole town
3 could fill up with garage.

4 MR. NOCELLA: The best example, the
5 most extreme example I can give you is a personal
6 services contract where someone has to sing and
7 dance on stage at Westbury Music Fair. I don't
8 think it's called Westbury Music Fair anymore,
9 hasn't for a long time.

10 SUPERVISOR SALADINO: Showing your age,
11 Counselor.

12 MR. NOCELLA: But if somebody like
13 Shirley McClain is booked there. She can --

14 SUPERVISOR SALADINO: Once again,
15 Counselor, you're showing your age.

16 COUNCILWOMAN JOHNSON: You can't force.

17 MR. NOCELLA: You cannot force her.

18 COUNCILWOMAN JOHNSON: I understand.

19 MR. NOCELLA: You can sue for damages,
20 but --

21 COUNCILMAN IMBROTO: That would be part
22 of the measure of damages.

23 COUNCILWOMAN JOHNSON: Contract, it
24 could be part of the contract that you have to
25 perform until it's resolved, that can't be part of

1 the contract?

2 MR. NOCELLA: It can be, but this is
3 not something that was routinely ever an issue that
4 we've had to deal with before. Somebody's economic
5 conditions would put them into bankruptcy if they
6 continued indefinitely at this rate, and turned
7 around and said, force majeure, and we responded,
8 no, that's not a force majeure, that's economic
9 conditions.

10 They still have a colorable argument.
11 Look, we can't do it, we're going to lose money, we
12 didn't realize it at the time, we can't pay you,
13 we're not going to continue with the service. You
14 have to either pay us instead of us paying you, and
15 then we'll continue or we're just walking away.

16 Now, we can sue them for breach of
17 contract and make them pay for what they've done
18 to -- what that would have done to our residents
19 and otherwise, but they had better -- just to
20 continue Councilman Johnson, they had been
21 responsible in other areas and that's one of the
22 reasons why they were willing to, at cost to
23 themselves, they're losing money hand over foot,
24 continue through the end of this period, the end of
25 this contract. No disruption of services. They're

1 losing money, we're making money, and we continue.

2 COUNCILWOMAN JOHNSON: I can't
3 understand that there's no backup to garbage
4 services.

5 COUNCILMAN IMBROTO: Mr. Town Attorney,
6 correct me if I'm wrong, but the backup would be
7 that we would have to get in somebody else --

8 COUNCILWOMAN JOHNSON: Immediately.

9 COUNCILMAN IMBROTO: -- to perform the
10 service and then go after the vendor for damages.

11 COUNCILWOMAN JOHNSON: I understand.

12 SUPERVISOR SALADINO: So that we bring
13 some closure to this issue and we bring clarity to
14 all of our residents, Commissioner, I'd like to
15 direct you to confer with the Town Attorney and our
16 counsel staff as well as our attorneys who are our
17 Board members, or any of the Board members who
18 would like to weigh in on this.

19 So that going forward, you had
20 mentioned the -- one of our options is to looking
21 to rebid so that any new contract would take into
22 consideration, as per our legal counsel on this
23 issue. So we can better assure people that there
24 is a backup plan.

25 COMMISSIONER LENZ: One of the other

1 things, too, Councilwoman, we also -- Winters
2 Brothers gave us a date of when they were not going
3 to pick up anymore.

4 At the same time, as soon as they gave
5 us the date, we had contacted other contractors for
6 an emergency contract. We put out a bid. We
7 didn't award it, but it was an emergency contract
8 bid. So we already had two other contractors on
9 board; one that would take bottles and cans and one
10 that would take newspaper, so there was always a
11 backup. Same thing would happen with MSW. If they
12 came in today and said --

13 SUPERVISOR SALADINO: Which is
14 Municipal Solid Waste for everyone following along.

15 COMMISSIONER LENZ: Thank you.

16 We would also have a backup. All
17 right.

18 COUNCILMAN IMBROTO: Just to summarize,
19 they are fully performing under the contract,
20 they're paying us a tremendous amount of money --

21 COMMISSIONER LENZ: Yes.

22 COUNCILMAN IMBROTO: -- and they're
23 performing until the end of their required term?

24 COMMISSIONER LENZ: Yes.

25 The required term for the first year of

1 the contract.

2 MR. NOCELLA: Without us exercising
3 options.

4 COUNCILMAN IMBROTO: Right. It was a
5 one-year contract with our option to --

6 MR. NOCELLA: Exactly.

7 SUPERVISOR SALADINO: To renew if we
8 deem that's in the best interest of our residents.

9 MR. ADELMAN: The original contract
10 ended in September; didn't it? Didn't it just run
11 out?

12 SUPERVISOR SALADINO: December 31st.

13 MR. ADELMAN: Calendar year contract.

14 SUPERVISOR SALADINO: And we are
15 holding them to that.

16 To make this very clear, their ability
17 to recoup has diminished, we're still holding them
18 to that amount of the contract.

19 Okay? So if we can move along on this.

20 MR. ADELMAN: The last part of the
21 question is, going ahead as of January 1st, has an
22 RFP been issued?

23 MR. NOCELLA: Yes.

24 SUPERVISOR SALADINO: That was
25 answered. That was stated.

1 MR. NOCELLA: We are looking at each of
2 these options, Mr. Adelman. It has hadn't been
3 issued yet. It will be done and we are looking at
4 other options, too, including the possibility of
5 teaming up with one of the other localities and
6 doing an inter- --

7 SUPERVISOR SALADINO: Or multiple
8 municipalities in an inter-municipal agreement.

9 MR. NOCELLA: It's September 18th.
10 There will be plenty of time for the RFP to examine
11 all the inter-municipal agreements. There's
12 sufficient time.

13 COUNCILMAN MACAGNONE: This market
14 changes daily, if I'm not mistaken.

15 SUPERVISOR SALADINO: That's another
16 good point.

17 MR. NOCELLA: That's exactly correct.

18 COUNCILMAN MACAGNONE: Totally influx
19 right now.

20 COUNCILWOMAN JOHNSON: Mr. Adelman,
21 come up.

22 MR. ADELMAN: My objection is we're
23 told now September 18th is plenty of time to get a
24 new vendor ready by January 1st, yet back in August
25 2017 when Councilman Macagnone requested a 30-day

1 tabling of the original contract, he was told it
2 was impossible.

3 SUPERVISOR SALADINO: Mr. Adelman, you
4 just heard the facts, that this changes. We had
5 such an amazing high price that our taxpayers were
6 receiving that -- you were here, you heard multiple
7 people come up and say, this sounds too good to be
8 true. If this is true, it's record breaking. You
9 heard them come up and say that.

10 MR. ADELMAN: But they were right, all
11 the people said it was too good to be true.

12 SUPERVISOR SALADINO: How would
13 anyone --

14 MR. ADELMAN: It couldn't be.

15 SUPERVISOR SALADINO: They weren't
16 right, because we got the contract to prove that we
17 locked them into that.

18 MR. ADELMAN: For 12 months.

19 SUPERVISOR SALADINO: But no one could
20 know what's going on with China at that point.

21 MR. ADELMAN: Just like if I bought
22 gold, I didn't know it was going to go to 1,800 an
23 ounce or \$600 an ounce.

24 SUPERVISOR SALADINO: But if you had a
25 terrific opportunity to buy that gold and you knew

1 that would change and you needed gold just like our
2 residents need for these products to be picked up,
3 why wouldn't you grab the opportunity to deliver?
4 It's part of our responsibility.

5 MR. ADELMAN: Because now I'm in a
6 corner because I went with the high ball bid.
7 We're in a corner now. We're at the mercy --

8 COUNCILWOMAN JOHNSON: Nobody knows --

9 SUPERVISOR SALADINO: Just like every
10 other municipality in America.

11 MR. ADELMAN: No, what about if we
12 could go back to Omni or Westbury who had offered
13 \$8 a ton?

14 SUPERVISOR SALADINO: So this doesn't
15 turn into --

16 COMMISSIONER LENZ: Like you're saying,
17 we got paid three times the amount. You said that
18 earlier. We got paid three times the amount for a
19 year, so that's the wrong way to go?

20 MR. ADELMAN: The reason why we did was
21 because of a possible five-year deal. It was all
22 about us.

23 SUPERVISOR SALADINO: Mr. Adelman, why
24 don't we do this --

25 MR. NOCELLA: That may be true, but

1 even if we knew it was only for one year, it was a
2 good deal for the one year.

3 SUPERVISOR SALADINO: Sir, why don't we
4 do this? You clearly would like to continue to
5 weigh in on this, and we respect that and we
6 appreciate that. We've told you that we're looking
7 at all options and we appreciate your input, so --

8 MR. ADELMAN: Understand, what I'm
9 upset about is when Councilman Macagnone requested
10 a 30-day tabling to look at this bid a year ago, he
11 was told no, if we wait and to do it in September,
12 vote on it in September, we are going to lose
13 \$25,000, one months' of receipts, but you're
14 telling me that the deal was from January 1st to
15 December 31st, so how would we have lost 30 days
16 of --

17 SUPERVISOR SALADINO: By not locking
18 into that contract or waiting another 30 days to
19 enter an amazing contract that everybody is in
20 agreement, including yourself, we're getting a
21 great rate, by a waiting another month, we would
22 have lost the revenue from that month.

23 MR. ADELMAN: What month? It didn't
24 start until January.

25 COUNCILMAN MACAGNONE: No. Actually,

1 it started in September. What they did, they gave
2 me two weeks. I met with the Winters Brothers'
3 team and the attorneys, a few other people were
4 there, and I asked the question straight out and
5 they explained to us, he did say, barring any major
6 unforeseen thing in the world market, this will a
7 great deal for years to come.

8 MR. ADELMAN: The key is that the other
9 deal did start in September, ran through August,
10 and a they're giving us three months now grace
11 period, which is appreciated, of course, but I
12 really think we need to get the RFPs out there.

13 SUPERVISOR SALADINO: Well, that's what
14 we've already announced, but now that you've heard
15 the facts, you feel --

16 MR. ADELMAN: Well, no, you had to
17 clear it up. It wasn't a calendar year contract.
18 It was September to August and we got an extra
19 quarter.

20 SUPERVISOR SALADINO: And now that
21 we've clarified those facts, I'm assuming you're
22 feeling much, much better about that.

23 Thank you, sir.

24 COUNCILMAN IMBROTO: Mr. Adelman, just
25 to put it into perspective, it's as if we had went

1 with the other bidder for three years.

2 MR. ADELMAN: Right.

3 SUPERVISOR SALADINO: Thank you. Okay.

4 Well, that's all the people that would
5 like to speak on these Resolutions, so let's ask if
6 there's correspondence on this.

7 MR. ALTADONNA: No correspondence.

8 SUPERVISOR SALADINO: No correspondence
9 at all on these Resolutions.

10 May I ask for a vote, please?

11 MR. ALTADONNA: We have a vote on
12 Resolutions No. P-15-18 through 609, noting 564,
13 596, 598 and 604 are tabled, so you're not voting
14 on those, you're voting on all the other
15 Resolutions except those.

16 SUPERVISOR SALADINO: Thank you.

17 MR. ALTADONNA: Supervisor Saladino?

18 SUPERVISOR SALADINO: "Aye."

19 MR. ALTADONNA: Councilman Muscarella?

20 COUNCILMAN MUSCARELLA: "Aye."

21 MR. ALTADONNA: Councilman Macagnone?

22 COUNCILMAN MACAGNONE: "Abstain" on
23 600.

24 "Aye" on the rest.

25 MR. ALTADONNA: Councilwoman Alesia?

1 COUNCILWOMAN ALESIA: I "abstain" on
2 568 and 571.

3 MR. ALTADONNA: Hold on. Hold on.
4 568, 571, okay.

5 COUNCILWOMAN ALESIA: And then under my
6 continuing objection that we still do not have an
7 Inspector General in place, I abstain on 599, 546,
8 572, 602 --

9 MR. ALTADONNA: 546.
10 What was after 546?

11 COUNCILWOMAN ALESIA: 572.

12 MR. ALTADONNA: 572.

13 COUNCILWOMAN ALESIA: 602, 603.

14 MR. ALTADONNA: Okay.

15 COUNCILWOMAN ALESIA: 6 -- I think it's
16 05 -- 605, 606 and 608.

17 "Aye" on the rest.

18 MR. ALTADONNA: Thank you.

19 Councilwoman Johnson?

20 COUNCILWOMAN JOHNSON: I recuse on 608
21 and vote "Aye" on the rest.

22 MR. ALTADONNA: Councilman Imbroto?

23 COUNCILMAN IMBROTO: I vote "Aye" on
24 all Resolutions.

25 MR. ALTADONNA: Councilman Hand?

1 COUNCILMAN HAND: "Aye" on all, but
2 599.

3 MR. ALTADONNA: Is that "Nay" on 599?

4 COUNCILMAN HAND: A "Nay" on 599.

5 MR. ALTADONNA: Okay. Here we go.

6 Resolutions P-15-18 through 545 passes
7 with seven "Ayes."

8 546, six "Ayes," one "Abstention."

9 547 through 559 passes with seven
10 "Ayes."

11 560, six "Ayes," one "Abstention."

12 561, 562, 563 passes with seven "Ayes."

13 564 was tabled.

14 505 through 570 passes with seven
15 "Ayes."

16 571, six "Ayes," one "Abstention."

17 572, six "Ayes," one "Abstention."

18 573 through 595 passes with seven
19 "Ayes."

20 596 was tabled.

21 597, seven "Ayes."

22 598 was tabled.

23 599 passes with five "Ayes," one
24 "Abstention," one "No."

25 600, six "Ayes," one "Abstention."

1 601, seven "Ayes."
2 602, six "Ayes," one "Abstention."
3 603, six "Ayes," one "Abstention."
4 604 was tabled.
5 605, six "Ayes," one "Abstention."
6 606, six "Ayes," one "Abstention."
7 607, seven "Ayes."
8 608 passes with five "Ayes," one
9 "Abstention," one "Recusal."
10 609 passes with seven "Ayes."
11 Calendar is complete.
12 SUPERVISOR SALADINO: Thank you so
13 much, Clerk Altadonna.
14 Before we begin public --
15 MR. ALTADONNA: Hold on.
16 SUPERVISOR SALADINO: Certainly.
17 (Whereupon, a discussion was held off
18 the record.)
19 MR. ALTADONNA: Did you abstain on 560
20 or 568?
21 COUNCILWOMAN ALESIA: 568.
22 MR. ALTADONNA: Okay. So 560, let the
23 record reflect is seven "Ayes."
24 568 passes with six "Ayes" and one
25 "Abstention."

1 SUPERVISOR SALADINO: Thank you very
2 much.

3 Before we -- well, no, actually, we are
4 going to call for a motion at this time.

5 COUNCILMAN MUSCARELLA: Supervisor, I
6 make a motion to close the meeting and go into
7 Public Comment.

8 COUNCILMAN MACAGNONE: Second.

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

11 ALL: "Aye."

12 SUPERVISOR SALADINO: Those opposed,
13 "Nay."

14 (No verbal response given.)

15 SUPERVISOR SALADINO: The "Ayes" have
16 it.

17 (TIME NOTED: 1:05 P.M.)

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