

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
December 7, 2021
10:22 a.m.

HEARING - Local Law

To consider a Proposed Local Law entitled, "A Local Law to Amend the Code of the Town of Oyster Bay by Adding Chapter 266 - Town of Oyster Bay Opt-Out of Allowing Cannabis Retail Dispensaries and On-Site Consumption Sites as otherwise authorized under Article 4 of the Cannabis Law of the State of New York. (M.D. 11/2/21 #31).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

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

3 May I have your attention, please? If
4 everyone would kindly take their seats, we'll get
5 our meeting started.

6 Good morning. Welcome to the meeting
7 of Oyster Bay Town Board for Tuesday, December 7,
8 2021.

9 We wish you all a very healthy and
10 happy Merry Christmas, a Happy Hanukkah, Happy
11 Kwanza and may your family and activities be filled
12 with love and joy.

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

17 As always, we'll be live streaming this
18 meeting on social media and on the Town's Website
19 oysterbaytown.com. These proceedings are recorded
20 and later transcribed. And, of course, your voice
21 and opinions are important to us. Statements,
22 comments and input from the public relative to our
23 meetings and specifically relative to our
24 resolutions and activities before us today are very
25 important and always respected.

1 If anyone would like to submit comments
2 online, they can e-mail publiccomment@oysterbay-
3 NY.gov or mail us at the Office of the Town
4 Attorney, 54 Audrey Avenue, Oyster Bay, New York
5 11771.

6 Leading us in prayer today is a good
7 friend from a wonderful community. Father
8 Christopher Costigan, Pastor of St. Martin of Tours
9 Church in Bethpage. Interesting to note, that
10 Father Christopher has also served as a volunteer
11 firefighter since 1998 and was appointed as a
12 Diocesan Chaplain to the Nassau County Fire Service
13 in 2015.

14 Father, if you'd like to come forward
15 to the podium, the floor is yours.

16 Would everyone please rise?

17 (Whereupon, Father Christopher Costigan
18 prayed.)

19 (Whereupon, the Pledge of Allegiance
20 was recited.)

21 (Whereupon, several citations were
22 presented.)

23 SUPERVISOR SALADINO: At this point, we
24 have a very busy day, many speakers.

25 Clerk LaMarca, please poll the Board.

1 MR. LaMARCA: Supervisor Saldino?

2 SUPERVISOR SALADINO: Present.

3 MR. LaMARCA: Councilwoman Johnson?

4 COUNCILWOMAN JOHNSON: Present.

5 MR. LaMARCA: Councilman Imbroto?

6 COUNCILMAN IMBROTO: Present.

7 MR. LaMARCA: Councilman Hand?

8 COUNCILMAN HAND: Present.

9 MR. LaMARCA: Councilman Labriola?

10 COUNCILMAN LABRIOLA: Here.

11 MR. LaMARCA: Councilwoman Maier?

12 COUNCILWOMAN MAIER: Present.

13 MR. LaMARCA: Councilwoman Walsh?

14 COUNCILWOMAN WALSH: Present.

15 SUPERVISOR SALADINO: Folks, this is
16 the way our schedule is going to run today. We
17 have two hearings and we will get to everyone who
18 would like to speak. If you haven't filled out a
19 slip to speak and you would like to speak, there
20 are some forms up front by the Clerk's desk, so
21 please pick up one of those and fill it out.

22 As soon as the hearings are over, we're
23 going to break for Executive Session to be vetted
24 by our counsel and then we'll come back out and go
25 over our Town calendar Resolutions for this month.

1 Bear with us. It's a long one. It's our last Town
2 Board meeting of the year and after we're done with
3 that, we're going to close our meeting and we're
4 going to listen to public comment.

5 So, with that Clerk LaMarca, will you
6 please call the first hearing.

7 MR. LaMARCA: The first hearing is
8 proposed local law entitled A "Local Law to Amend
9 the code of the Town of Oyster Bay by adding
10 Chapter to 266 opt-out allowing Cannabis Retail
11 Dispensaries and on-site consumption sites as
12 otherwise authorized under Article 4 of the
13 Cannabis Law of the State of New York."

14 SUPERVISOR SALADINO: Good morning,
15 Counsel.

16 Please state your presence.

17 MR. SABELLICO: Good morning,
18 Supervisor Saladino and Members of the Town Board,
19 Clerk LaMarca and Receiver Pravato.

20 I am Thomas M. Sabellico, Special
21 Counsel, Office of the Town Attorney.

22 This morning I'm presenting to you for
23 your consideration a proposed Local Law to add
24 Chapter 266 to the Town code to authorize the Town
25 of Oyster Bay opt-out of certain provisions of the

1 legislation enacted by the New York State
2 legislation on March 31 --

3 COUNCILWOMAN JOHNSON: Can I interrupt
4 you for a second? I believe your microphone is
5 off.

6 Thank you.

7 SUPERVISOR SALADINO: Thank you,
8 Councilwoman.

9 MR. SABELLICO: Enacted by the New York
10 legislation March 31, 2021 known as the Marijuana
11 Regulation and Taxation Act which created Chapter
12 7A of the Consolidated Laws of the State of
13 New York, known as the Cannabis Law.

14 The Cannabis Law drew much attention
15 when it was first adopted and is evidenced by the
16 number of references of local and regional news
17 outlets and social media. There has ben renewed
18 interest in the past few months. The original high
19 level of media and public interest was caused by
20 two factors: The year's anticipation for the
21 legislation which sparked debate over what it would
22 include and the content of legislation which
23 legalized adult-use marijuana in the State of
24 New York. Allow for the expungement of certain
25 prior convictions for marijuana-related convictions

1 and instituted a licensing system for cultivation,
2 processing, delivery, retail sale on-site
3 consumption facilities and medical dispensaries of
4 marijuana and marijuana-related products leaving
5 very little discretion on those topics to local
6 governments.

7 The recent interest is a product of a
8 provision in the Cannabis Law that allows local
9 governments in the State, such as Towns and
10 Villages to opt-out of very limited provisions of
11 the Cannabis Law (retail dispensary and on-site
12 consumption licenses.) And provides that to do so,
13 the local government must adopt a Local Law, such
14 as the one I am presenting to you this morning,
15 before December 31, 2021, subject to permissive
16 referendum.

17 At the outset, I submit that there are
18 two items of great importance for the Board and the
19 residents to bear in mind, both of which are very
20 helpful in defining the limited scope of and the
21 wisdom of adopting the law I am presenting this
22 morning.

23 The first point is the content of
24 Cannabis Law which greatly limits the leeway local
25 governments have to act with respect to marijuana

1 and the related items which is the subject of the
2 Cannabis Law.

3 Second is the one-way street the
4 Legislature created regarding opting out. If a
5 local government does not affirmatively opt-out by
6 December 31, 2021, it is precluded of opting out
7 thereafter. However, if a local government does
8 not opt-out in a timely fashion, it may thereafter
9 opt-in at any time.

10 So that the purpose and intent of the
11 proposed Local Law and the advisability in adopting
12 it are clear to the Board and the residents of the
13 Town of Oyster Bay, I will lay out the pertinent
14 provisions of the Cannabis Law which can opted-out
15 which is mandatory, how the opt-out works and its
16 effect.

17 The Cannabis Law:

18 The Legislation created a new Office of
19 Cannabis Management, OCM, governed by a Cannabis
20 Control Board to oversee and implement the law.
21 The OCM will issue licenses and develop regulations
22 outlining how and when businesses can participate
23 in the new industry. OCM will actively promote
24 social and economic equity applicants who have been
25 harmed by the prohibition of cannabis adult-use

1 licenses, establishing a goal of awarding 50
2 percent of licenses to social and economic equity
3 applicants.

4 The law allows for several providers
5 for several types of licenses. Medical
6 dispensaries, research licenses, cultivation,
7 processing, distribution, delivery, and nursery,
8 all of which the local government cannot restrict.
9 In addition retail dispensary and on-site
10 consumption which can be the subject of opt-outs.

11 Personal Possession:

12 Pursuant to Article 4 of the Cannabis
13 Law effective immediately with the passage of the
14 law which April 1st, adults over 21 can legally
15 possess up to three ounces of cannabis and 24 grams
16 of concentrated cannabis by vaporization, oil or an
17 edible. Adults may possess up to five pounds of
18 cannabis at their personal residence or grounds.
19 Personal possession over the legal limit and the
20 unauthorized sale of any amount of cannabis is
21 illegal and subject to penalties. The Cannabis Law
22 does not allow local government to alter, restrict
23 or prohibit these provisions legalizing the
24 possession and use of marijuana or the amounts to
25 be possessed. Possession and use of cannabis by

1 adults 21 years of age or older is legal in
2 New York State. Because marijuana is still not a
3 legal substance under federal law, possession
4 and/or the use of is on federal land is prohibited
5 as is transported across state lines.

6 Public Consumption (smoking):

7 The legislation adds cannabis to the
8 existing Clean Indoor Air Act which establishes
9 prohibitions on where cannabis can be smoked or
10 vaporized. The smoking or vaporizing of cannabis
11 is prohibited anywhere smoking tobacco is
12 prohibited. Cannabis cannot be consumed when
13 operating a motor vehicle. Pursuant to the CIAA
14 municipalities are authorized to make laws that are
15 more restrictive than the CIAA. For instance, some
16 local governments have prohibited smoking within a
17 certain proximity of schools or restaurants or on
18 sidewalks in defined areas. By extension, that
19 prohibition would include marijuana. Those
20 restrictions are not part of the legislation before
21 you today.

22 Home Cultivation of Cannabis:

23 New York is 21 years of age or older
24 can grow up to six cannabis plants in their home
25 for personal use. Three mature plants and three

1 immature plants and a maximum of twelve plants per
2 household, six mature and six immature.

3 The home cultivation of cannabis was
4 not allowed immediately. Pursuant to the Cannabis
5 Law, home cultivation was only permitted after the
6 OCM issues regulations governing home cultivation
7 of cannabis which will occur within 18 months which
8 is scheduled to occur within 18 months of the first
9 adult-use retail sale.

10 Cannabis plants must be kept in a
11 secure place and not accessible to any person under
12 21. Home cultivated cannabis cannot be sold to
13 anyone and is only intended for personal use.

14 Cannabis Law also permits the home
15 cultivation of medical cannabis to certified
16 patients registered in the Medical Cannibal
17 Program. Home cultivation for certified patients
18 has an accelerated timeline, but was not authorized
19 until the OCM issues regulations which was supposed
20 to occur on or before September 30, 2021, but was
21 delayed because the OCM did not even have its first
22 meeting until October 2021 and has now met three
23 times.

24 Local municipalities may enact and
25 enforce regulations relating to home cultivation of

1 cannabis, providing no municipality may completely
2 ban or prohibit home cultivation. Those
3 regulations are not before us today.

4 Cultivation, Nurseries and Research:

5 The Cannabis Law give OCM the power to
6 issue licenses for the operation of several
7 additional types of marijuana, hemp-related
8 businesses, including the operation of medical
9 marijuana dispensaries and facilities to cultivate
10 marijuana and to conduct research on the property.

11 The Cannabis Law lays out guidelines
12 for the OCM to consider in the issuance of those
13 licenses but specifically preempted local
14 governments from adopting any law, rule, ordinance,
15 regulation or prohibition pertaining to the
16 operation or licensure of adult-use cannabis,
17 medical cannabis or cannabinoid hemp licenses.

18 Towns, cities and villages are
19 permitted to pass local laws and regulations
20 governing the time, place and manner of adult-use
21 retail dispensaries and on-site consumption
22 licenses, provided such laws and regulations do not
23 make the operation of the operation of the license
24 unreasonably impracticable.

25 For example, cities, towns and villages

1 may pass laws and regulations pertaining to local
2 zoning and the location of the licensees
3 facilities, hours of operations and adherence to
4 local building codes.

5 In March 2021, Town of Oyster Bay was a
6 leader in adopting just such legislation which
7 amended Chapter 246 Town Code, Zoning and
8 restricted the location of retail dispensaries,
9 medical marijuana dispensaries and on-site
10 consumption facilities to the Light Industry, LI
11 zone district.

12 Oyster Bay's legislation has been used
13 by several local governments on Long Island as a
14 model for similar legislation.

15 Delivery License:

16 Section 74 of the Cannabis Law provides
17 for the granting of a delivery license:

18 It authorizes the licensee to deliver
19 cannabis and cannabis products.

20 The licensee may employ no more than 25
21 individuals for full-time paid delivery services.

22 The licensee may not also have a direct
23 or indirect financial or controlling interest in
24 more than one delivery license.

25 This type of license shall promote

1 social and economic equity applicants, a goal of 50
2 percent.

3 Medical Dispensaries:

4 Article 3 of the Cannabis Law covers
5 the medical use of cannabis. The OCM which
6 addressed the medical cannabis in its first few
7 meetings during the last six weeks addressed the
8 medical cannabis patients (inaudible) to start this
9 process so the medical cannabis (inaudible) is
10 expedited and assured.

11 Local government cannot preclude the
12 State from issuing licenses for medical marijuana
13 dispensaries in their jurisdiction and we are not
14 anticipating or contemplating such -- any such
15 restrictions.

16 Adult-Use Retail Dispensaries:

17 Article 4, Section 72 of the Cannabis
18 Law provides for the issuance of Adult-Use Retail
19 Dispensary Licenses:

20 No person may have a direct or
21 controlling interest in more than three such
22 licenses.

23 No person with this license may hold an
24 on-site consumption, cultivation, processing or
25 distribution license.

1 The facility must be stored based and
2 on street level.

3 By State law the storefront may not be
4 within 500 feet of school grounds or within 200
5 feet of a house of worship.

6 Adult-Use on-Site Consumption License:

7 Article 4, Section 77 of the Cannabis
8 Law provides for the issuance for the Adult-Use
9 on-Site Consumption Licenses.

10 No person may have a direct or
11 controlling interest in more than three such
12 licenses.

13 No person with this license may hold a
14 retail dispensary, cultivation, processing or
15 distribution license.

16 The facility must be store based on
17 street level.

18 By state law the storefront not be
19 within 500 feet of school grounds or over 200 feet
20 of a house worship.

21 As stated earlier, on March 30, 2021,
22 the Town of Oyster Bay adopted legislation, which
23 amended Chapter 246 in Town Code, Zoning, which
24 provided retail dispensaries and on-site
25 consumption facilities were legalized by the State

1 as they were and the Town was not to able opt-out.

2 In addition to restricting the location
3 of retail dispensaries and on-site consumption
4 facilities to LI districts, they could not be
5 located within 1000 feet of properties used for
6 residential use, schools, parks, playgrounds,
7 libraries, churches or other houses or worship
8 which is more protective than the State law.

9 Local Op-Out:

10 If a Town passes a local law to
11 opt-out, which is proposed today, it only affects
12 the area of the Town outside any village within the
13 Town. County governments are not permitted to
14 opt-out of any adult-use license types under the
15 law.

16 Please note that the language of the
17 proposed Local Law directly mirrors the language of
18 Section 131 of th Cannabis Law, which states that
19 any local opt-out law for "requesting the Cannabis
20 Control Board to prohibit the establishment of such
21 retail dispensary licenses and/or on-site
22 consumption licenses within the jurisdiction of the
23 Town," close quote.

24 Any Local Law opting out of adult-use
25 retail dispensary or on-site consumption licenses

1 will be subject to Permissive Referendum governed
2 by Municipal Home Rule Law, Section 24.

3 With respect to the Town, Municipal
4 Home Rule Law Section 24 provides that the proposed
5 Local Law takes affect 45 days after its adoption
6 unless a valid petition requesting a Permissive
7 Referendum is filed by the Clerk within that 45-day
8 period.

9 In other words, the Local Law opting
10 out of allowing retail dispensaries and/or on-site
11 consumption licenses takes effect 45 days after
12 adoption without a referendum unless a valid
13 petition for a referendum is filed according to
14 Municipal Home Rule Law, Section 24. The
15 Permissive Referendum procedures under Section 24
16 are different than those required under Article 7
17 of the Town Law, which unlike Section 24 would have
18 allowed the Town Board to call for a referendum on
19 its own.

20 Instead, pursuant Section 24 of the
21 Municipal Home Rule Law only qualified electors,
22 voters may file with the Clerk, with the Town Clerk
23 Mr. LaMarca, a valid and compliant petition
24 protesting against such Local Law. Qualified
25 electors are those individuals who are qualified

1 and registered to vote in the last general
2 election.

3 If a valid and compliant petition, for
4 instance, signed and authenticated by at least 10
5 percent of the total number of votes cast for
6 governor during the last gubernatorial election
7 held in the Town, is timely filed with the Clerk
8 then the Local Law shall not take effect until an
9 affirmative vote of a majority of the qualified
10 electors of the local government votes for the
11 Local Law's approval.

12 Section 24 further authorizes the Clerk
13 to examine the petition and certifies that it
14 complies with all of the requirements of Section
15 24.

16 When a petition is filed and certified
17 and no timely written objection is made to the
18 Clerk's determination, the Clerk then prepares and
19 submits a proposition to the Board of Elections for
20 placement on the ballot.

21 The proposition may be submitted at the
22 next general election in November which will be
23 held no more than 60 days after the filing of the
24 petition or a special election of the petition
25 requests and the local Board adopts a Local Law

1 submitting the proposition to a special election.

2 If a 45-day period passes without the
3 filing of a valid petition, the Local opt-out Law
4 is filed within New York State Department of State
5 and becomes effective upon file.

6 At any time thereafter, the Town can
7 elect to reverse this Local Law and opt-in to the
8 Cannabis Law. If a valid petition is filed, a
9 referendum will be held next November. If the
10 referendum passes, the opt-out is voided and the
11 Town has opted-in irreversibly.

12 If the referendum to reject the law
13 fails, the Town has opted-out and may thereafter
14 opt-in at any time.

15 Potential Income:

16 The Cannabis Law imposes a state and
17 local excise tax on the sale of cannabis products
18 by a retail dispensary to a cannabis consumer. The
19 State tax is 9 percent and all of it goes to
20 New York State. The local excise tax is 4 percent,
21 25 of which goes to the County and 75 of which --
22 75 percent of which goes to the local government --
23 local governments to be divided based upon a
24 distribution agreement between the Town and
25 villages in the County.

1 If no such agreement exists, then the
2 revenue distribution between the Towns and villages
3 shall be divided evenly. There is no provisions
4 for local governments to receive any portion of the
5 license fees with 100 percent going to New York
6 State.

7 Several projections have been made as
8 to the possible economic impact of opting out which
9 vary greatly. Within the ranges of the
10 projections, for the Town to receive \$1 million in
11 excise tax in revenue, there would need to be
12 between \$60 to \$100 million in retail sales and
13 on-site consumption within the Town.

14 Sales are not expected to start until
15 2023 and history tells us that it takes several
16 years for the Town, currently, to receive its share
17 of sales taxes from Nassau County.

18 To Recap:

19 What are we opting out of.

20 We are opting out, we are proposing to
21 opt-out the granting of adult-use retail
22 dispensaries and Adult-Use on-Site Consumption
23 Licenses in the unincorporated areas of the Town
24 with each village or city having its right to
25 opt-in or out on its own.

1 Is the opt-out effective immediately.

2 No. It is subject to a Permissive
3 Referendum which means that a vote may be taken
4 next November if a valid petition is filed within
5 45 days.

6 Is the opt-out irreversible? No.

7 The Town may opt-in at any time;
8 however, if the Town does not opt-out now or before
9 December 31st, it may not opt-out later.

10 Has New York State issued all of the
11 rules and regulations to institute the issuance of
12 licenses under the Cannabis Law? No.

13 Does the opt-out affect the legal use
14 and possession of marijuana in New York State
15 allowed by the Cannabis Law? No.

16 Will the opt-out restrict the
17 availability to legally obtain marijuana in Oyster
18 Bay? No, because the opt-out does not affect
19 medical dispensary licenses, nor delivery of
20 marijuana within the Town of a licensed facility
21 outside of the Town.

22 Not that it is dispositive of the
23 question, but for your consideration, local towns
24 throughout Long Island have acted with respect to
25 similar laws.

1 The Town of Brookhaven has opted in.
2 The Town of Babylon failed to carry a motion, so it
3 has opted in by default. The Village of
4 Farmingdale has opted out. The Town of Smithtown
5 has opted-out. The Town of Islip has opted-out.
6 The Town of East Hampton has opted-out. The Town
7 of Shelter Island has opted-out.

8 The Town of Hempstead is voting today
9 on very similar legislation to opt-out. The
10 Village of Lindenhurst is opting out -- voting to
11 opt-out this evening. The Town of North Hempstead
12 is scheduled to vote on an opt-out law on
13 December 8th. The Village of Laurel Hollow is
14 schedule to vote on an opt-out law on
15 December 16th. The City of Long Beach is scheduled
16 to vote on an opt-out law on December 21st.

17 That concludes my presentation and it
18 is now open to public comment, any questions that
19 any member of the Board may have.

20 SUPERVISOR SALADINO: Terms of villages
21 within the Town of Town of Oyster Bay, Sea Cliff,
22 what have you found out? I heard from them but...

23 MR. SABELLICO: I only had Farmingdale
24 and Laurel Hollow. I'm sorry.

25 SUPERVISOR SALADINO: To bring clarity

1 to this, if a village does nothing, they are opting
2 in?

3 MR. SABELLICO: Correct.

4 Similar to -- every local government is
5 treated the same for that purpose.

6 COUNCILMAN IMBROTO: Mr. Sabellico, is
7 it possible to opt-out of the on-site consumption
8 while not opting out of the adult-use?

9 MR. SABELLICO: Yes. Those are the two
10 licenses you can opt-out on. It's not an all or
11 none.

12 COUNCILMAN IMBROTO: Right. The way
13 it's --

14 SUPERVISOR SALADINO: Use is in no
15 matter what?

16 COUNCILMAN IMBROTO: Right, I
17 understand. It's called an adult-use dispensary.

18 MR. SABELLICO: Right. The law is
19 drafted --

20 COUNCILMAN IMBROTO: You can treat it
21 differently I'm asking.

22 MR. SABELLICO: Yes.

23 SUPERVISOR SALADINO: We have many,
24 many speakers.

25 COUNCILMAN LABRIOLA: Just one quick

1 question for out Town Attorney.

2 Mr. Sabellico, if the Town chooses to
3 opt-out, will individuals be prohibited from
4 growing marijuana in their own homes?

5 MR. SABELLICO: No. Home grown is
6 covered by a different Section of the law. It's
7 three adult plants or three immature plants and
8 three immature plants -- I don't have the exact
9 definition I guess it's by number of growth per
10 person with a maximum of 6/6.

11 COUNCILMAN LABRIOLA: Can that use be
12 something I guess your office would have to look
13 into, but can that use be a prohibited use in a
14 residential zone?

15 MR. SABELLICO: It can be regulated.
16 We'd have to look at the exact regulations because
17 the State hasn't finished all of their guidelines
18 yet, but it specifically says in the Cannabis Law
19 that the Town has a right to regulate that use. It
20 distinguishes that use from home grown marijuana
21 for medical purposes which they are supposed to
22 have expedited, but the State failed to adopt its
23 laws by September 30 th.

24 COUNCILMAN LABRIOLA: During the
25 Permissive Referendum period, no permits would be

1 issued from the State?

2 MR. SABELLICO: There's nothing that
3 specifically says that; however, they're not ready
4 to issue licenses yet and your Permissive
5 Referendum period would be 45 days from today if --
6 if the law is adopted today and properly filed. So
7 that would be a moot point.

8 COUNCILMAN LABRIOLA: Thank you.

9 COUNCILWOMAN MAIER: Just a point of
10 clarity, the Village of Massapequa has opted out.

11 MR. SABELLICO: The Village of
12 Massapequa has opted out already.

13 Thank you, Councilwoman.

14 SUPERVISOR SALADINO: There are no
15 other questions from our Board members. We have
16 many, many speakers on this. Some town residents,
17 some not.

18 Our first speaker today will be
19 Dr. Jeff Reynolds followed by Assemblyman Keith
20 Brown.

21 DR. REYNOLDS: Good morning.

22 SUPERVISOR SALADINO: Good morning.

23 DR. REYNOLDS: I'm Jeff Reynolds. I
24 have the privilege of being the President and CEO
25 of Family and Children's Association. We are one

1 of Nassau County's oldest and largest
2 Not-for-Profit organizations. We offer more than
3 50 programs to 30,000 residents in Nassau County
4 per year.

5 Most germane to this conversation: We
6 run two licensed addiction treatment centers. One
7 in the Village of Hempstead. One in Hicksville.
8 We run three recovery centers across Long Island.
9 Recovery coaching program and overdose response
10 program, as well as a very large children's mental
11 health program. It serves about 100 local
12 residents here in the Town on an annual basis.

13 So that's our stake in all of this.
14 What I would say is this conversation is less about
15 debating the legalization of marijuana and more
16 about what happens here in the Town of Oyster Bay.
17 The legislature debated that. The legislature made
18 a decision. Some of us like the decision. Some of
19 us don't love the decision and some of us look at
20 the social justice implications to this decision
21 and say that's great, but worry intensely about the
22 commercialization of marijuana.

23 There's a real big distinction between
24 legalizing a drug and promoting the heck out of it.
25 At this point in time, we've got an industry that

1 is hellbent on promoting the heck out of marijuana.
2 It shouldn't happen here in this town.

3 The number one reason why it shouldn't
4 happen here is the State hasn't done its job. MRTA
5 requires -- and I served on the previous governor's
6 task force Write the Law and as you can tell I
7 probably was an outliner in terms of the points of
8 view represented around that table. I will say
9 that we managed some of the potential harm in that
10 process.

11 But the State committed to hiring a
12 director of the Office of Cannabis Management which
13 counsel mentioned earlier in June or July. They
14 debated who was going to take the position. The
15 parties couldn't agree and then as you know some
16 other things happened in Albany which were pretty
17 distracting for everybody who worked there. As a
18 result, the regulations and the framework that's
19 needed to do this has not been designed and has not
20 happened.

21 While there is now a director of the
22 Office of Cannabis Management and members have been
23 appropriated to the Cannabis Control Board, the
24 Advisory Board is supposed to be made up of
25 community folks from across the State has not yet

1 been assembled. In fact, if you go to the State's
2 cannabis website in which they talk about the
3 process, there's an opt-out form for villages.

4 I'll tell you what it says:

5 "The legalization of adult-use cannabis
6 is an enormous shift in public policy. The
7 regulatory framework outlined in MRTA is currently
8 under development and will require input from the
9 community stakeholders throughout the State.

10 "The office cannabis management needs
11 to draft and issue regulations to implement the law
12 before adult sales can begin. Please continue to
13 monitor this page for updates."

14 That's the guidance you're being given
15 in terms of moving ahead with this. So I guess the
16 question would be what is it you're opting into?
17 And once you opt-in, you're in because businesses
18 will start. People will make investments. Stores
19 will be here and you'll have no ability to shut
20 them down.

21 This is one of the places I usually go
22 before towns and villages and argue for you to be
23 the first mover to get out in front of things.
24 This is not an occasion where you want to be the
25 first mover.

1 This is an occasion where you want to
2 see the framework. You want to understand the
3 implications. You want to see who is giving
4 licenses and how those are handed out. Who's going
5 to operate the stores in this community. How are
6 they going to be governed. Yes, you have the
7 ability to regulate in terms of time, place and
8 manner. But there's a much bigger picture.

9 It was supposed to be fleshed out
10 months ago. It hasn't been fleshed out. One of
11 the things I would recommend in addition to opting
12 out is that you all -- you have a very supportive
13 assembly member here.

14 The entire state ought to be saying to
15 villages and municipalities, "We didn't do our job
16 on time. In fact, we're going to extend the
17 deadline for you to opt-in or opt-out until
18 December 31, 2022." That should be the
19 recommendation here and that's the recommendation
20 that towns and villages should be making.

21 You have no basis to make a decision in
22 this case because we don't know what the details
23 are. So I can get into the arguments around job
24 creation and everything else that goes along with
25 this conversation. Quite frankly, we have enough

1 jobs in the community. I can get into the
2 incarceration rates and some of the public safety
3 issues around where stores are located and
4 obviously the issue of impaired driving should be a
5 huge one for all of us especially as we enter the
6 holiday season.

7 Here, I would strongly recommend and
8 strongly advise and encourage you to opt-out. It
9 doesn't mean it's a forever decision. It's means
10 that for now given the lack of details I don't
11 think, you have any other choice. And so with
12 that, I will end and welcome to take any questions
13 you might have.

14 SUPERVISOR SALADINO: Dr. Reynolds, we
15 thank you.

16 We know you have enormous experience in
17 this field as a New York State Assemblyman. I
18 formed an opioid and heroin task force to help with
19 that horrible situation. You, as a volunteer, are
20 one of the key members of that task force where we
21 wrote legislation and presented it in Albany and
22 many of that etiology was passed by both the State
23 assembly and the State senator as well as signed
24 into law by the governor. So we thank you for
25 presenting your expertise. You've been working in

1 this field for how many years?

2 DR. REYNOLDS: Too many.

3 SUPERVISOR SALADINO: That speaks
4 volumes.

5 Are there any questions for
6 Dr. Reynolds.

7 COUNCILMAN LABRIOLA: I have just a
8 question and comment.

9 First of all, thank you for being here,
10 Dr. Reynolds and hearing your presentation and what
11 we're talking about and what we're actually
12 debating today sometimes I feel like I'm in the
13 Twilight Zone.

14 When I was in the State Assembly --
15 actually, before Supervisor Saladino was there, I
16 never thought that I'd see the day or at least live
17 to see the day that we'd be debating this kind of
18 legislation.

19 That being said, the most -- I think
20 what you really put your finger on was probably the
21 biggest concern for me as an elected official and
22 somebody who's been a lifelong resident in this
23 town is what will the implications be upon our
24 roadways and highways and you said that and I want
25 to ask you a question because I think I asked you

1 this question last time and I want to see if
2 anything has changed since then.

3 Has there been any test developed so
4 that our law enforcement can determine whether or
5 not somebody's under the influence when they're
6 driving.

7 DR. REYNOLDS: There is not. There are
8 a number of tests that are in trials that we are
9 looking at. Keep in mind when we talk about
10 breathalyzers, breathalyzers have been on the
11 market and tested and have been supported and
12 comport -- 40 years. We fully understand the
13 mechanics of blood alcohol content and measurement
14 of the AC.

15 We don't yet have the same knowledge
16 when it comes to marijuana and that's quite frankly
17 because it's just been made legal in a whole bunch
18 of places. Almost as importantly, we don't know
19 how to inform consumers who would like to do the
20 right thing. So we don't know how say to
21 consumers, this is how long you should wait after
22 smoking a joint before you actually drive a
23 vehicle. We don't have a standardized mechanism to
24 do that.

25 So we know that with alcohol we say a

1 shot equals a glass of wine, equals a glass of beer
2 as long as it's not a craft beer. And here is what
3 you should expect to be able to consume if you
4 decided to consume any alcohol safely before
5 driving a motor vehicle. Here's the amount you can
6 safely consume before you put other people at risk
7 and run afoul of the law.

8 We don't have the same mechanism when
9 it comes to marijuana. I believe there are folks
10 who want to do the right thing in terms of cannabis
11 but the variation in terms of strains, potency,
12 edible versus smoked flower are all really very
13 different.

14 So not only do we not have the roadside
15 testing to be able to do this aside from
16 observations, we don't have the ability to inform
17 consumers that would like to do the right thing.
18 Until we have those things, I think suburbanaries
19 like Long Island are at increased risk.

20 This might do fine in the five boroughs
21 that are not heavily dependent on driving cars in
22 the five boroughs. Out here when you look at
23 roadway, fatalities Suffolk is at the top of the
24 list and Nassau is not far behind. It's really
25 tough to look into the eyes of some of the parents

1 who lost kids or family members due to impaired
2 driving and tell them, you know what, now we're
3 approving another legal intoxicant. This is going
4 to get worse.

5 COUNCILMAN LABRIOLA: Thank you very
6 much.

7 COUNCILMAN IMBROTO: Doctor, you
8 mentioned that we're still awaiting the propagation
9 of regulation.

10 What kind of regulations are
11 contemplated or what kind of regulations could we
12 expect.

13 DR. REYNOLDS: For me, the key thing
14 and the entire framework has yet to be worked out.
15 There's no framework for doing this. As you
16 probably know, the legislation provides broad
17 parameters for doing this and you heard those
18 parameters from counsel. But who gets licenses?
19 What does the application process look like? What
20 kind of money needs to be put up in order to submit
21 that application? Is it open to folks that have
22 criminal drug offenses in their background, for
23 example? There's an entire licensing scheme and
24 monitoring scheme that needs to be set up in order
25 to do this.

1 The legislation contemplates and I
2 think OCM is being set up in this way. It would be
3 very similar to the way they do alcohol inspections
4 around licensing right now. None of that has been
5 worked out.

6 So who will give the licenses? What
7 does a startup look like? Who come around and
8 actually inspect the stores to ensure that the
9 right things happening? The same way bars are
10 inspected at this point in time. None of that has
11 been done. The funds have not been spent on hiring
12 the staff and so none of this exists.

13 SUPERVISOR SALADINO: Are there any
14 other questions for Dr. Reynolds?

15 (No response.)

16 SUPERVISOR SALADINO: Thank you very
17 much for your participation.

18 DR. REYNOLDS: Thank you for having me.
19 I appreciate it. Thanks to all of you for your
20 service and happy holidays.

21 SUPERVISOR SALADINO: Happy holidays.

22 MR. SABELLICO: For the benefit the
23 reporter, the speaker used a word that sounded like
24 MRTA. It's the acronym for the law which is
25 Marijuana Regulation and Taxation Act, MRTA, for

1 clarity.

2 SUPERVISOR SALADINO: Our next speaker
3 is New York State Assemblyman Keith Brown who
4 obviously can shine some very interesting light on
5 the debate in Albany and the pros and cons and
6 New York's perspective on how this law is made and
7 what the status is now.

8 ASSEMBLYMAN BROWN: Thank you very
9 much, Mr. Supervisor and Members of the Town Board.

10 It's a pleasure to be here. I want to
11 thank first of all Deputy Town Attorney Sabellico
12 for doing such an amazing job summarizing for you
13 the MRTA. I also want to thank Dr. Jeffrey
14 Reynolds. He and I have been working hand in hand
15 the last couple of months since I've been elected.

16 I just want to say from the outset, I
17 am here in the capacity as assemblyman. Just to
18 give you my perspective, while I am the assemblyman
19 from the 12th District, which is nearby to the
20 east, I am also a ranking member of the Assembly OF
21 Alcoholism AND Substance Abuse Committee and I'm
22 also on the Nassau County Heroin Task Force
23 Committee and I'm also a member of the Northport
24 Drug and Alcohol Task Force. That is not by
25 accident.

1 Unfortunately, I lost my nephew three
2 years ago to a heroin overdose and I feel it's
3 important that you should know that that's where I
4 come from.

5 So someone told me recently you pick
6 your path in life or you try to pick your path in
7 life, but sometimes your path chooses you. So with
8 that, I want to discuss the looming deadline in
9 requirements in order to opt-out of the recently
10 enacted Marijuana Regulation and Taxation Act which
11 authorizes the opening of retail recreational
12 cannabis dispensaries and on-site consumption
13 licenses within the Town boundaries unless the Town
14 of Oyster Bay opts out.

15 I'm not here to debate the new law. It
16 was passed by legislation last session, signed into
17 law by the Governor. It is the law in the State of
18 New York. However, most importantly, as you heard,
19 it's very important that you act now before the
20 December 31st deadline because if you don't we, we
21 lose the opportunity.

22 So with this deadline quickly
23 approaching, I urge you to take the prudent
24 approach that Dr. Reynolds just outlined for you a
25 second ago, some of the issues involved with the

1 new MRTA, many of which is the fact that the Office
2 of Cannabis Management has not set up regulations
3 as you heard Councilman Imbroto brought up, but the
4 framework is not even there.

5 The Cannabis Control Board members just
6 recently appointed and there are just many, many
7 questions that are related to this legislation.
8 I'm asking you to take this prudent approach at
9 least for now by prohibiting establishments until
10 more comprehensive research and regulations are in
11 place.

12 I've spent a lot of time on this issue
13 since taking office last Thanksgiving and there's a
14 lot of information from states that have legalized
15 marijuana such as California and Colorado.

16 In fact, a recent Rocky Mountain study
17 from Colorado is disturbing to say the least. It
18 paints a troubled picture. For instance, there's
19 an increase since legalization in teen use of
20 marijuana, increased number of traffic accidents
21 and most disconcerting is increased number of motor
22 vehicle fatalities.

23 As a result, I drafted several
24 Amendments to what I consider a very poorly drafted
25 MRTA that's designed to strengthen the law to

1 accomplish several important things, first and
2 foremost to protect young people from starting to
3 smoke through vape diversion programs and AOP
4 diversion programs in schools.

5 The second is to provide potency levels
6 for marijuana use.

7 And third to protect motorists by
8 changing the driving while impaired laws and allow
9 for roadside swab tests. There was a question that
10 was asked before about what technical tests there
11 are.

12 Right now leading the way is probably
13 Michigan coming up with a swab test to test for
14 roadside sobriety. They seem to be the leader in
15 it and is something that we're looking at very
16 carefully.

17 So regardless of how you may feel about
18 the law I believe there are too many questions that
19 remain unanswered. My belief is that there's
20 simply not enough information coming out of the
21 Office of Cannabis Management. I believe it's too
22 soon to tell how the MRTA will be implemented and
23 the impact it's going to have on our kids and our
24 communities.

25 As such, I believe the wait-and-see

1 approach will afford the Town the opportunity to
2 see how the new law's working in other
3 municipalities. You heard a list of municipalities
4 that have opted out. I just think there's one
5 correction, Mr. Sabellico, I don't think Brookhaven
6 has opted in just yet. They're considering it and
7 the Village of Northport is also considering opting
8 out.

9 So, as you heard many, of the Towns
10 that surround you, in fact, I have a representative
11 over at the Town of Hempstead this morning because
12 they're considering a similar local law.

13 So I believe these measures can always
14 -- it's important because you can always repeal and
15 you can always opt back in when you know more
16 information, when we have a better handle on how
17 this law is going to be implemented.

18 I'm happy to discuss any aspects with
19 any of the members you have.

20 Thank you for your time.

21 COUNCILMAN IMBROTO: Thank you,
22 Assemblyman.

23 I have a few questions.

24 ASSEMBLYMAN BROWN: Sure.

25 COUNCILMAN IMBROTO: When you said the

1 Colorado study there was increase in teen use,
2 presumably in Colorado teen use is illegal.

3 What do you attribute that to? Is that
4 a failure on the part of regulators or enforcement?
5 Is marijuana being sold to teens? Is it being
6 bought by other people, by adults and then used by
7 teens?

8 ASSEMBLYMAN BROWN: Well, there's a
9 couple of components.

10 Number one is education, right.

11 Number two, is keeping the data which
12 is one thing that, you know, I've been trying very
13 hard to do is because they analyze two pieces of
14 data. They look at data -- they ask teenagers have
15 they smoked within the last 30 days and had they
16 smoked prior to graduation, had they ever smoked
17 and the numbers are going up.

18 So I believe there is a real education
19 component and that's one of the biggest things --
20 another piece of legislation I'm trying to get the
21 Office of Cannabis Management to do is actually
22 come up with a public relations campaign in terms
23 of educating people about the dangers of marijuana
24 use; particularly, marijuana use disorder which is
25 a clinical disorder by the way.

1 COUNCILMAN IMBROTO: So do you
2 attribute it to the marketing or the normalization
3 of marijuana use and a failure to educate people
4 about harmful affects of marijuana?

5 ASSEMBLYMAN BROWN: Absolutely.

6 COUNCILMAN IMBROTO: Could you go into
7 some detail about the swab test?

8 ASSEMBLYMAN BROWN: Well, so the
9 biggest difficulty in comparing -- many people try
10 to compare marijuana to alcohol use, but it really
11 begins and ends with the actual consumption because
12 as many people know, it it's absorbed by our bodies
13 -- in the body differently. It's not collected in
14 the blood, so you can't do a blood alcohol test.
15 It's stored in fatty tissue. So what they found is
16 that by doing saliva testing to determine what the
17 THC level is.

18 Another thing that I'd also like to
19 point out --

20 COUNCILMAN IMBROTO: The THC level
21 present in your body at a given time?

22 ASSEMBLYMAN BROWN: Correct.

23 COUNCILMAN IMBROTO: Which correlates
24 with intoxication?

25 ASSEMBLYMAN BROWN: Correct.

1 You know, one of the biggest things
2 that myself or Dr. Reynolds brought up is that the
3 marijuana today is not the marijuana from the
4 1970s. The seeds and stems that were being smoked
5 at Woodstock is a far cry from what's happening
6 now.

7 You know, just to educate some of the
8 Board members, because I happen to know about this,
9 is that kids today are doing something called
10 dabbing marijuana.

11 Well, dabbing is a highly dangerous use
12 of marijuana. What it does is it takes the residue
13 from the marijuana plant and it basically takes the
14 essence of it by boiling it down and almost making
15 a resin. That resin is smoked in a special pipe
16 using a butane torch. What that does is it gives a
17 sudden burst of THC. They documented that it's as
18 close to 94 to 96 percent pure THC. The problem
19 with that is it's shown to cause mental health
20 issues from schizophrenia to anger and many other
21 disorders that arrive from that.

22 COUNCILMAN IMBROTO: Those are
23 permanent disorders?

24 ASSEMBLYMAN BROWN: No. They're
25 actually reversible by stopping the use and they

1 have found -- I've spoken with Anthony Perandino
2 who is our drug and alcohol counselor at Northport
3 high school that he's had the incidence where kids
4 are actually draining out in class which is the
5 same as blacking out, you know, on alcohol and that
6 he, himself, just this past year had to take three
7 ambulance rides from Northport High School to
8 Huntington Hospital because the child -- the
9 student who has drained out is not revivable in the
10 high school. So they have to bring them to the
11 emergency room. Stand by him. Make sure his vital
12 signs are correct and make sure that kid can be
13 revived.

14 So, again, these are some of the issues
15 that, you know, unless people really know about the
16 use of it and how we're going to regulate it, I
17 think there's extreme public danger. I'd also like
18 to point out, too, that Suffolk County has the
19 distinction -- a horrible distinction of being the
20 leading county in the overdose deaths in the United
21 States, not in New York; in the United States.

22 So before we had COVID, we had a heroin
23 epidemic. We haven't dealt with the heroin
24 epidemic. And to do this -- to legalize marijuana,
25 at this point in our nation's history, I think is

1 going to be disaster.

2 I have tried to tell people that. I
3 reported to Newsday as saying that. You know, when
4 you look at the impacts of COVID-19 to mental
5 health, to depression, to high levels of suicide
6 that we're experiencing, to legalize marijuana and
7 add another substance for people to abuse, I think
8 is highly dangerous and that's why I'm going around
9 and urging people to opt out.

10 COUNCILMAN IMBROTO: Can I ask you more
11 about this swab test, though?

12 ASSEMBLYMAN BROWN: Sure.

13 COUNCILMAN IMBROTO: Do we currently
14 have the ability to administer that test?

15 Is that technology advanced enough that
16 that's realistic or is it still being developed.

17 ASSEMBLYMAN BROWN: It's still being
18 developed.

19 COUNCILMAN IMBROTO: Does the State
20 provide any funding for local police departments to
21 research those types of tests or purchase them or
22 build the infrastructure necessary to enforce the
23 laws to protect people against intoxicating
24 driving?

25 ASSEMBLYMAN BROWN: Not as of yet.

1 COUNCILMAN IMBROTO: And you're saying
2 that there are no regulations whatsoever related to
3 the potency levels of marijuana that would be sold?

4 ASSEMBLYMAN BROWN: That's correct.

5 COUNCILMAN IMBROTO: Are those
6 regulations contemplated?

7 ASSEMBLYMAN BROWN: They are.

8 Actually, I've looked at what Colorado
9 -- there's actually a very big movement in Colorado
10 by -- you might want to know by progressives and
11 conservatives to rethink the legalizing of
12 marijuana in Colorado and coming up with potency
13 levels. People that voted to pass the initial
14 legalization --

15 COUNCILMAN IMBROTO: In Colorado, it's
16 unregulated, the potency levels?

17 ASSEMBLYMAN BROWN: Correct.

18 Now, there's a movement to try to
19 regulate it. Similar to alcohol levels that we
20 have with the State Liquor Authority.

21 COUNCILMAN IMBROTO: Based on your
22 understanding of who is running the OCM and who's
23 going to be promulgating the regulations, do you
24 have a concern that there is going to be a failure
25 to promulgate appropriate regulations that would

1 protect a community like ours from the ill effects
2 of marijuana legalization?

3 ASSEMBLYMAN BROWN: I can answer it
4 this way that I feel that it's necessary to try to
5 legislate it because I don't feel the State
6 regulate agency will regulate it enough and then
7 that will put some larger teeth into the
8 regulations by legislating at a higher level.

9 COUNCILMAN IMBROTO: Has your
10 legislation gotten any traction at this point or
11 has there been any interest in it on the other side
12 of the aisle?

13 ASSEMBLYMAN BROWN: So the answer to
14 that is I actually have reached out to the Majority
15 Leader Crystal Peoples-Stokes who actually was the
16 sponsor of MRTA.

17 To join in what Dr. Reynolds said,
18 there is a huge social justice aspect to this and I
19 don't discount that at all. I understand that. My
20 feeling is that's really where she -- the point of
21 view she's coming from and, but, again, a very
22 important point that Dr. Reynolds brought out was
23 taking it to the next level and commercializing it.

24 COUNCILMAN IMBROTO: In your view right
25 now, you're not competent that the regulators can

1 promulgate the regulations that you would like to
2 see, that you would propose as a legislator in
3 order to adequately protect communities like us,
4 suburban communities from the ill effects of
5 legalizing marijuana sales?

6 ASSEMBLYMAN BROWN: I'll answer it this
7 way. I'm concerned because we haven't heard
8 anything.

9 COUNCILMAN IMBROTO: Thank you.

10 ASSEMBLYMAN BROWN: Sure. My pleasure.

11 MR. SABELLICO: To further answer
12 Councilman Imbroto's question, the OCM is comprised
13 of five members and the Cannabis Law allows the
14 Governor to appoint one; the president of the
15 Senate to appoint two with the Governor's consent
16 and a president of the Assembly to appoint two.

17 At the current time, one party has
18 control of all three of those houses. There is no
19 provision in the Cannabis Law for representation by
20 a minority party.

21 SUPERVISOR SALADINO: Any questions?

22 COUNCILMAN LABRIOLA: First of all,
23 thank you for being here today.

24 ASSEMBLYMAN BROWN: My pleasure.

25 COUNCILMAN LABRIOLA: I do want to say

1 a couple of things and then ask you a question.

2 Twenty years ago when I was the State
3 Assembly representing the 12th District, by the
4 way, we were debating the merits of medical
5 marijuana and, obviously, you can see we've come a
6 long way since then, and the State Legislature's
7 wisdom, in its infinite wisdom, has now -- in terms
8 of decriminalizing the use of marijuana has gone
9 now completely to the other side where they are, in
10 fact, commercializing and incentivizing people in a
11 sense because they're trying to, as I understand
12 listening to some of the debate, take some of these
13 street level drug dealers off the streets and get
14 them into legitimate businesses of selling
15 marijuana and, of course, they're going to be
16 collecting, what is it, a 13 percent tax as opposed
17 to selling it on the street.

18 ASSEMBLYMAN BROWN: Right.

19 COUNCILMAN LABRIOLA: I don't think --
20 I think this is, obviously, going to be a failed
21 experiment and I think it's going to cost a great
22 deal of lives in New York State. That's my own
23 personal opinion, but one of the things when we
24 talk about the decriminalizing is its effect on
25 children.

1 Now, I know as the law reads, it says
2 18-year-olds and above are permitted to purchase
3 and smoke and partake in the use of cannabis, but
4 what is the penalty for people, children that are
5 under the age of 18.

6 ASSEMBLYMAN BROWN: So I'm really glad
7 you asked that question. I'll just tell you.

8 \$75 and a pamphlet on the dangers of
9 marijuana use and marijuana use disorder.

10 That's it.

11 COUNCILMAN LABRIOLA: \$75 is the
12 penalty? That's in the law?

13 ASSEMBLYMAN BROWN: Yes, and a
14 pamphlet.

15 COUNCILMAN LABRIOLA: As far as illegal
16 sales to children, so a drug dealer who doesn't
17 want to charge 13 percent tax off the street starts
18 selling to people who can't buy it in the stores,
19 young people, teenagers, what is the penalty to
20 that individual under the law?

21 Is that a felony offense?

22 ASSEMBLYMAN BROWN: No. It's
23 definitely not a felony. It's either a fine or a
24 B misdemeanor.

25 COUNCILMAN LABRIOLA: So it has been

1 completely decriminalize in every respect?

2 ASSEMBLYMAN BROWN: Yes.

3 COUNCILMAN LABRIOLA: And what about --

4 ASSEMBLYMAN BROWN: Wait.

5 Can I just on that note -- so if --
6 this is the amazing thing about the law and that's
7 why I believe it's so poorly written is if you're
8 underage and you sell to another underage person
9 and you're within three years of that person -- So
10 you're 17, you sold to a 14-year-old, there is no
11 penalty. There's an absolute defense.

12 I don't know where -- where -- there's
13 nothing in our law that -- that there is such an
14 immunity from prosecution.

15 COUNCILMAN LABRIOLA: Son once again, I
16 said earlier to Dr. Reynolds I sometimes think I'm
17 in the twilight zone what has happened to our
18 state.

19 ASSEMBLYMAN BROWN: Right.

20 COUNCILMAN LABRIOLA: In just a couple
21 of short years because elections have consequences
22 and it's very clear this is a long-term
23 consequence. I don't know if our state can undue
24 this if we start to see what has happened with
25 their social justice moves on no bail.

1 As you know we see this tremendous
2 increase in criminality. We see people who are
3 mentally and emotionally disturbed that are
4 constantly committing crimes and violent crimes.
5 And this revolving door of justice and I think that
6 this will exacerbate that problem.

7 So a great many lives may be lost as a
8 result of this kind of thing.

9 So, I get the social justice aspect of
10 it, but I don't understand how we are not trying to
11 prohibit under this law the illegal use of
12 marijuana; in particular, having severe penalties
13 for people who are selling to teenagers or for that
14 matter drug kingpins, illegal aliens selling drugs.
15 What are the penalties? Can they be deported even
16 if they are caught selling drugs? Is that grounds
17 for deportation.

18 ASSEMBLYMAN BROWN: Councilman
19 Labriola, you bring up so many different issues. I
20 will tell you, you know, first you're familiar with
21 the crash in East Quogue where an individual went
22 and struck an Uber vehicle that contained three or
23 four kids, and I believe the young lady is still
24 recovering in the hospital.

25 COUNCILWOMAN JOHNSON: And the driver,

1 the Uber driver.

2 ASSEMBLYMAN BROWN: Yes. The gentleman
3 that caused that crash was high. Also Officer
4 Tsakos from NYPD highway patrolman that died, the
5 woman that killed him was also high. She's pending
6 charges.

7 So, again, when it comes to the effects
8 of smoking high levels of high potency marijuana on
9 people's ability to drive, we don't know, but I
10 think you're right. I think without coming up with
11 some regulatory scheme and understanding of how the
12 police -- that because right now our driving while
13 impaired laws are inept to control this.

14 Right now the way it is that there is a
15 list of controlled substances under the law and a
16 DRC officer has to be able to identify which drug
17 -- which narcotic that person was high on when they
18 were driving while impaired. It's almost
19 impossible. You mentioned something else --

20 COUNCILMAN LABRIOLA: Deportation.

21 ASSEMBLYMAN BROWN: I don't think
22 there's anything -- there's certainly nothing
23 regulated that I've heard relative to that, but the
24 black market also is an interesting point.

25 When you read the Rocky Mountain study

1 and if you look at what's happening in California,
2 too, they actually found a black market sale of
3 marijuana actually increased. When you think about
4 it, who's going to pay 20 percent extra to buy
5 marijuana because now it's taxed.

6 So these are some of the issues that we
7 debated on the floor that were disregarded that,
8 you know, we're still arguing, you know, and we're
9 saying this law doesn't address these issues.

10 COUNCILMAN LABRIOLA: Thank you.

11 COUNCILMAN IMBROTO: Assemblyman, I
12 just want to clarify something. You said that the
13 penalty for an of-age person selling to an underage
14 person was I believe you said a Class B
15 misdemeanor.

16 ASSEMBLYMAN BROWN: It's either a fine
17 or a Class B misdemeanor.

18 COUNCILMAN IMBROTO: But the penalty
19 for one of these dispensaries selling to an
20 underage person is what?

21 ASSEMBLYMAN BROWN: Well, I think the
22 threat of losing their license.

23 COUNCILMAN IMBROTO: But that wouldn't
24 stop somebody who's overage from purchasing from
25 the dispensary and then reselling to somebody who

1 is underage?

2 ASSEMBLYMAN BROWN: Right.

3 COUNCILMAN IMBROTO: Which would then
4 be Class B misdemeanor?

5 ASSEMBLYMAN BROWN: Right.

6 By the way --

7 COUNCILMAN IMBROTO: Within three years
8 it's no penalty?

9 ASSEMBLYMAN BROWN: Absolute defense.

10 COUNCILMAN IMBROTO: If you're 18 and
11 you sell to someone who is 17?

12 ASSEMBLYMAN BROWN: If you're.

13 COUNCILMAN IMBROTO: You're over age,
14 but you sell to a person who is one year below you.

15 (Someone speaks from the audience.)

16 ASSEMBLYMAN BROWN: 21.

17 COUNCILWOMAN JOHNSON: I'm sorry. You
18 can't speak out from the gallery.

19 ASSEMBLYMAN BROWN: It's actually 21
20 and it's within three years. So if you're within
21 three years of the person you sold it to and you're
22 caught selling to them, it's an absolute defense.

23 COUNCILMAN IMBROTO: Even if you're
24 above age?

25 I'm 22, I sell to 19 --

1 ASSEMBLYMAN BROWN: No. I think it has
2 to be underage person that sells to another
3 underage person, right.

4 MR. SABELLICO: Yes.

5 COUNCILWOMAN MAIER: I have a question.

6 ASSEMBLYMAN BROWN: Yes.

7 COUNCILWOMAN MAIER: Assemblyman, thank
8 you for being here. Nice to see her.

9 Thank you, Dr. Reynolds, for being here
10 as well.

11 I have a question. I know for personal
12 possession it's clearly defined three ounces of
13 cannabis 24 grams and 5 pounds in your personal
14 residence, but is there any way to track how much
15 someone is buying.

16 ASSEMBLYMAN BROWN: That is a great
17 question. I was going to tell you about the
18 medical marijuana field for a second.

19 So before it came to the floor in the
20 Assembly, I actually went to a medical dispensary
21 on Wolf Road and toured it and I was very
22 impressed.

23 So just like pharmaceuticals, there's a
24 way -- there's a term used when it comes to people
25 purchasing medical marijuana for illegal purposes

1 we'll call it. It's call looping where they can go
2 around from dispensary to dispensary to -- legal
3 dispensary to dispensary and accumulate enough
4 marijuana presumably to possibly sell that.

5 So one of things that the Office of
6 Cannabis Management has to deal with is making sure
7 that that's going to be regulated by the
8 dispensaries in the same way in order to make sure
9 the people aren't obtaining more than their
10 allotment.

11 By the way, another provision of the
12 law that I find befuddling is that a person is
13 allowed to possess up to 15 pounds of marijuana
14 which --

15 COUNCILWOMAN MAIER: 15 pounds or 5
16 pounds?

17 ASSEMBLYMAN BROWN: 5 pounds, but up to
18 three people in a household, so a household can
19 have 15 pounds of marijuana.

20 Again, that's why I'm here.

21 SUPERVISOR SALADINO: Assemblyman, I
22 can only imagine after my years, 14 years in the
23 State Assembly what that debate must have been
24 like. So I have two questions for you.

25 You spoke to social justice and we all

1 have a sensitivity to that, but when you brought
2 out these issues to the majority members and the
3 sponsors debating for this law and you pointed out
4 all of these dangers and enormous concerns, what
5 was the answer of the democrats and the Assembly
6 pushing for this law that passed.

7 ASSEMBLYMAN BROWN: I would say deaf
8 ears for the most part.

9 We had 25 -- there were 25 people that
10 spoke on the floor against the legalization and all
11 of those -- we were able to obtain one Amendment
12 out of 14 that we had requested from the majority.

13 SUPERVISOR SALADINO: Did all the
14 majority members from Long Island and the Assembly
15 and State Senate vote for this?

16 ASSEMBLYMAN BROWN: No.

17 Actually, there were several people
18 from the Long Island delegation -- both sides of
19 the aisle that voted against I was happy to say.
20 Not enough, however.

21 SUPERVISOR SALADINO: Were there some
22 majority members in the State Senate or Assembly
23 voting for this?

24 ASSEMBLYMAN BROWN: Yes.

25 SUPERVISOR SALADINO: Thank you.

1 Are there any other questions for
2 Assemblyman Brown.

3 (No response.)

4 SUPERVISOR SALADINO: Thank you for
5 continuing to protect Long Island and thank you for
6 your enormous effort in a very challenging
7 situation in the State Capital at this time.

8 ASSEMBLYMAN BROWN: Thank you very
9 much.

10 Have a nice holiday.

11 SUPERVISOR SALADINO: Thank you.

12 MR. SABELLICO: Supervisor, to clarify
13 Councilman Labriola's concern, the 13 percent
14 excise tax is what's charged at the point of sale.

15 In addition to that, the dispensaries
16 pay an additional fee besides the licensure, an
17 additional tax to the State. So there is more than
18 13 percent, which is why Assemblyman Brown said 20
19 percent surcharge. It's 13 excise tax by the
20 consumer, plus an amount by the dispensary.

21 And the other part of that is what he
22 said, with that added tax and current users
23 devotion to their current supplier is called a
24 legacy dealer. There's a thought that the
25 imposition of this tax might not -- might, in fact,

1 increase the use of sales not from dispensaries.

2 COUNCILMAN LABRIOLA: Those are my
3 thoughts.

4 Thank you.

5 SUPERVISOR SALADINO: Our next speaker
6 will be Paul Defendini, Superintendent of
7 Farmingdale School District.

8 Superintendent Defendini, please join
9 us.

10 How are you today, sir?

11 SUPERINTENDENT DEFENDINI: Very well,
12 Supervisor.

13 And, again, I haven't had the chance to
14 express my gratitude to the team that sits before
15 me. Obviously, the last couple of years has been
16 difficult for us all.

17 In government, your, support of course,
18 the last couple years whether or not it was Island
19 Harvest or any of the other initiatives that we had
20 that helped to feed and support our schools during
21 that is very much appreciated.

22 I want to start by saying thank you
23 very much for your work and service to our schools
24 over the course of the last several years.

25 SUPERVISOR SALADINO: Would you please

1 begin by giving us your full name and address and
2 your title?

3 SUPERINTENDENT DEFENDINI: Of course.

4 My name is Paul Defendini. I'm the
5 Superintendent of Schools of the Farmingdale School
6 District, Town of Oyster Bay, Nassau County.

7 I'm here today on behalf of --

8 SUPERVISOR SALADINO: And that's
9 50 Van Cott Avenue in Farmingdale.

10 SUPERINTENDENT DEFENDINI: Yes,
11 50 Van Cott Avenue, Farmingdale, New York 11357.

12 I'm here today on behalf of the
13 superintendents here in the Town of Oyster Bay to
14 express our opposition to the sale of recreational
15 marijuana in this great town.

16 The health and wellbeing of our
17 students has always been a top priority of our
18 schools here in the Town of Oyster Bay. Beginning
19 at the elementary level, we educate our students
20 about healthy living habits while concurrently
21 teaching them about the dangers posed by unhealthy
22 behaviors such as e-cigarette abuse and substance
23 abuse.

24 Over the past several years, the use of
25 e-cigarettes has increased dramatically across the

1 country and correspondingly in our schools at the
2 local level.

3 We have all heard the stories of our
4 young adults and teenagers forming addictions to
5 these dangerous products. E-cigarettes are not
6 safe and they're made with nicotine and will
7 ultimately cause long-term health issues.

8 Here in the Town of Oyster Bay we have
9 not been immune to this very troubling trend,
10 especially amongst our middle school and high
11 school age students.

12 Our districts have been making serious
13 progress and our collective efforts to curb
14 traditional cigarette use. Several years ago we
15 had our students understanding the dangers of
16 cigarettes and tobacco use and the number of
17 students using these products was at historic lows.
18 But the emergence of e-cigarettes poses a challenge
19 entirely on its own.

20 Big tobacco found a way to market to
21 our students and it worked. We are once again at
22 war with big tobacco as we fight to teach our
23 students to ignore the sophisticated marketing of
24 the tobacco industry and instead to follow science
25 and sound reasoning.

1 Not only did these materials represent
2 a serious health hazard for the young people of our
3 community, but they've also become a destruction in
4 our classrooms and in our schools. Instances in
5 which paraphernalia has needed to be confiscated on
6 school grounds continues to increase by the day.

7 Schools in the Town of Oyster Bay
8 believe that federal and state government should be
9 drafting laws that protect our children by
10 eliminating access to these deadly substances.
11 That has sadly not been the case. Allowing the
12 sale of recreational marijuana will only make the
13 current challenges of our school that much more
14 difficult.

15 My above comments regarding the sale of
16 these e-cigarettes are proof enough. E-cigarettes
17 are not legally allowed to be sold to our students
18 and yet many students now have easier access. They
19 are entering our schools at an alarming rate.

20 We do not support the New York State's
21 most recent actions permitting the sale of
22 recreational marijuana.

23 Make no mistake about it, the proposed
24 zoning laws in the Town of Oyster Bay could make
25 marijuana more easily accessible to our students.

1 We understand the constraints placed on the Town of
2 Oyster Bay with these new state laws and
3 acknowledge the economic responsibility elected
4 officials have to the Town, but for the sake of our
5 students' health, safety and security, we implore
6 our representatives to keep the location of
7 dispensaries out of the Town of Oyster Bay.

8 As a community, we have made impressive
9 strides in imparting in our children the dangers of
10 these highly addictive substances, the misleading
11 narrative surrounding e-cigarettes and the still
12 unknown consequence of legalized recreational
13 marijuana threatens to undue much of what we have
14 accomplished.

15 We must continue to educate students on
16 the dangers of smoking and all its form and
17 champion legislation that protects the academic
18 environment and the integrity that our districts
19 continue to nurture.

20 If we were to standby and allow these
21 materials to make their way into our communities
22 unchecked, then we would be derelict in our duties
23 of maintaining our students health and safety.

24 Our schools will continue to voice
25 their concerns regarding the need for comprehensive

1 legislation to combat the use of e-cigarettes and
2 other highly addictive substances by our students.
3 Until that time when our voice is better heard in
4 Washington and in Albany, the best we can do is
5 stand with the Town to ensure at this time that the
6 sale of these products is as far from our schools
7 and our students as possible.

8 Thank you.

9 SUPERVISOR SALADINO: Thank you,
10 Superintendent.

11 Are there questions.

12 COUNCILMAN LABRIOLA: Just one, Doctor,
13 does your school have a Code of Conduct?

14 Would the violation of the Code of
15 Conduct regarding use of these products, marijuana
16 products, on campus, would that result in
17 suspension or being expelled.

18 SUPERINTENDENT DEFENDINI: Yes. We do
19 have a Code of Conduct as do most of my
20 counterparts in other school systems.

21 Again, there are consequences. They
22 usually do start with short-term suspensions. Any
23 type of drug paraphernalia or drugs coming into the
24 schools could result in longer term suspensions.

25 Again, we understand full well that a

1 lot of times issues pertaining to drug use stem
2 from other issues that students are dealing with as
3 the family, at their own personal level.

4 The support staff that we have is
5 working around the clock because again, suspensions
6 don't always have their intended effect, right.

7 Students don't come back all of a
8 sudden realizing some profound wisdom because they
9 were suspended from school for five days.

10 It's the support that goes into place
11 that follows the suspension that actually has its
12 effect.

13 We've been increasing the number of
14 support staff members that we have in our district
15 over the course of the last years. It's been a
16 tremendous financial problem for us as a school
17 system, but it's what we need at this point in time
18 to continue to take more of those responsibilities.

19 I'm saying that because I don't want it
20 to appear that in any way the suspension in and of
21 itself has its intended effect that they come back,
22 you know, realizing that their behaviors were such
23 and, therefore, the behavior never surfaces again.
24 So it's a combination of an effort that ultimately
25 curbs the behavior.

1 Again, it's much more difficult now
2 because of the vaping of these products makes it
3 much more easier for students to disguise the use
4 than it once was.

5 COUNCILMAN LABRIOLA: Doctor, selling
6 illegal drugs to your students on campus by
7 somebody under the age of 21, apparently, your
8 suspension is more severe than the State criminal
9 penalties.

10 Would it behoove you and all the school
11 superintendents to lobby Albany to possibly
12 criminalize that aspect of dealing on school
13 grounds to make it a severe penalty, a felony.

14 I think that is something that would be
15 worthwhile pursuing down the road especially what
16 we see may be happening here.

17 SUPERINTENDENT DEFENDINI: Agreed,
18 Councilman.

19 SUPERVISOR SALADINO: Any other
20 questions.

21 (No response.)

22 SUPERVISOR SALADINO: Superintendent,
23 thank you for not only your participation today,
24 but the enormous efforts that you, the
25 administration and the School Board in Farmingdale

1 have been embracing to protect our students and to
2 ensure the highest level of education. It's very
3 much appreciated by all of the Town of Oyster Bay.

4 SUPERINTENDENT DEFENDINI: Thank you
5 very much, Supervisor.

6 Have a great day.

7 SUPERVISOR SALADINO: Our next speaker
8 will be Leonard Glassman.

9 Good morning, Mr. Glassman.

10 Would you please begin by telling us
11 your full name and full address for the record?

12 MR. GLASSMAN: Sure.

13 Leonard Glassman. I'm at 45 North
14 Gate, Syosset.

15 I'm sorry. I'm not as skilled at
16 public speaking.

17 SUPERVISOR SALADINO: That's okay.

18 MR. GLASSMAN: I'm a little nervous.

19 SUPERVISOR SALADINO: Relax. Don't be
20 nervous at all.

21 MR. GLASSMAN: So why is there a stigma
22 around marijuana? Why do we treat it differently
23 from alcohol? I would argue that they're very
24 similar and should treat them similarly.

25 As a matter of fact, marijuana is safer

1 to use than alcohol. I'll point out why.

2 Marijuana has not always been illegal.
3 People have been using it thousands of years.
4 Possession was made illegal in the United States in
5 1902. As we know, alcohol was illegal from 1920 to
6 1933, but did very little to curtail its
7 consumption. As a matter of fact, it created an
8 opportunity to be criminal.

9 The Prohibition Era was seen as a
10 massive error. Making things illegal is not
11 necessarily stopping people from using them. It
12 just causes people to use them in more dangerous
13 ways.

14 There's effectively no lethal dose of
15 marijuana. Lethal dose is defined by the amount of
16 drug that's consumed at one time that will kill you
17 also known as an overdose. As we have tragically
18 seen on college campuses, it's not very hard to
19 drink enough alcohol to kill yourself.

20 Opioids, one of the deadliest class of
21 drugs, is dispensed by pharmacies every day. As a
22 matter of fact, it's even possible to overdose on
23 Tylenol, which will is considered one of our safest
24 drugs. You cannot overdose on marijuana.

25 Marijuana is not physically addictive

1 unlike alcohol, opioids and cigarettes. Marijuana
2 is often referred to as the gateway drug because
3 users often go onto use stronger drugs. Why is
4 that? The reason that it is a gateway to the world
5 of drug dealers because of this network of dealers
6 marijuana is easily available to every high school
7 on Long Island.

8 When we're able to buy marijuana
9 legally, we have no reason to interact with illegal
10 drug dealers. This will also make drug dealing
11 much less lucrative and may even drive these people
12 out of business.

13 Marijuana should be treated like
14 alcohol. Be regulated and taxed and should only be
15 available to adults. It should be the same
16 penalties for driving while intoxicated.

17 We have liquor stores on every main
18 street in every town. We don't regulate them to
19 industrial areas. We celebrate bars on TV shows
20 like Cheers, even cartoons like the Simpsons.

21 Marijuana legalization has final come
22 to New York. (Inaudible) sales in Oyster Bay will
23 not cause anyone to use less of it. The only thing
24 it will do is make it a little less convenient.

25 In case you're wondering, I have no

1 financial interest in this. I won't be owning any
2 stores. I don't plan to make any investments in
3 marijuana. I'm here to talk about this because it
4 just makes sense.

5 Thank you.

6 COUNCILMAN IMBROTO: Thank you, sir.

7 SUPERVISOR SALADINO: Mr. Glassman, we
8 heard from our attorney that there is talk of
9 delivery service to the home. I don't quite
10 understand how there would be a limit of access
11 based on what our counsel is telling us the roll
12 out of New York State's law.

13 MR. GLASSMAN: I never heard of that
14 until today.

15 Thank you for the information.

16 I mean, you're right. It will be
17 available through delivery. My argument is against
18 stigmatization of something that I don't think is
19 sensible.

20 So it's not -- as I said, it's pretty
21 easy to get marijuana wherever you want. So it's
22 really about the stigma around it.

23 COUNCILMAN IMBROTO: The purpose of
24 this hearing is certainly not to stigmatize
25 anything. We're trying to consider whether it

1 makes sense to opt-in or opt-out of a regulatory
2 framework that we're not really clear is going to
3 be at this point.

4 MR. GLASSMAN: Fair enough.

5 SUPERVISOR SALADINO: In addition to
6 that, sir, the way the law is written we have one
7 opportunity to opt-out and endless opportunities to
8 opt-in at a later date after this Board -- if we
9 were to opt-out, after this Board sees what the
10 rollout is.

11 Understanding that concept, does that
12 affect your view?

13 MR. GLASSMAN: I knew that before. I
14 guess in my view that's -- while that's certainly
15 an option to you all, it seems unlikely that it
16 would ever happen.

17 SUPERVISOR SALADINO: Unlikely what?

18 MR. GLASSMAN: That at some later date
19 it would be opted in by this Town.

20 SUPERVISOR SALADINO: But you realize
21 it would possible --

22 MR. GLASSMAN: Absolutely.

23 SUPERVISOR SALADINO: -- to opt-out --

24 MR. GLASSMAN: And then opt-in. I
25 understand.

1 SUPERVISOR SALADINO: No. Impossible
2 to ever opt-out again.

3 MR. GLASSMAN: Oh, after the 31st.

4 SUPERVISOR SALADINO: After the 31st
5 where you can always opt-in if things change or
6 depending on what the data says.

7 Once you know that, does that affect
8 your view of how we have to make a decision here?

9 MR. GLASSMAN: In the first place, I
10 understand this (inaudible) conclusion.

11 SUPERVISOR SALADINO: We have not
12 stated that at all, sir.

13 MR. GLASSMAN: No, because, you know,
14 to me this is a decision that, you know, a change
15 that should have been made many years ago.
16 Obviously, I'm at odds with the Board.

17 COUNCILMAN IMBROTO: We're trying to
18 keep open minds. That's why we're asking a lot of
19 questions.

20 MR. GLASSMAN: Right, I appreciate
21 that.

22 COUNCILMAN IMBROTO: I guess our
23 question to you, so knowing that right now there
24 have been no regulation promulgated and we don't
25 know what those regulations are going to look like

1 and we don't know whether they're going to be
2 promulgated at all or what's going to be regulated
3 and what isn't, would that change your view of what
4 we should do today regardless of how you feel about
5 what we should do eventually?

6 MR. GLASSMAN: I guess my point is in a
7 lot of ways all of this is just a symbolic gesture
8 because the availability is going to be there
9 whether it's the next town or you have to go to
10 Queens or, whatever.

11 SUPERVISOR SALADINO: The Village right
12 up the road.

13 MR. GLASSMAN: It's all symbolic.

14 SUPERVISOR SALADINO: Thank you, sir.
15 We appreciate your participation today.

16 The next speaker will be Luca Negrino.

17 Sir, would you please start off by
18 giving us your full name and your full address for
19 the record?

20 MR. NEGRINO: Sure.

21 My name is Luca Negrino and I'm a
22 representative of Local 33 and I'm speaking on
23 behalf of them. So I'm using.

24 SUPERVISOR SALADINO: I missed that --

25 MR. NEGRINO: Sorry about that.

1 My name is Luca Negrino.

2 COUNCILMAN LABRIOLA: We have the
3 shield. You could remove your mask.

4 MR. NEGRINO: Sure.

5 Can you hear me now?

6 COUNCILMAN LABRIOLA: Yes.

7 My name is Luca Negrino. My address is
8 1505 Kellum Place, Mineola, New York.

9 SUPERVISOR SALADINO: You said you were
10 representing a group?

11 MR. NEGRINO: Yes. Local 338, Labor
12 Union. I'm speaking on behalf of the membership of
13 the union.

14 COUNCILMAN LABRIOLA: 338 is
15 supermarket?

16 MR. NEGRINO: Retail.

17 COUNCILMAN LABRIOLA: Thank you.

18 SUPERVISOR SALADINO: Please proceed.

19 MR. NEGRINO: Good morning.

20 My name is Luca Negrino. I'm the union
21 representative at Local 338 RWDSU labor union that
22 represents 13,000 working people across New York
23 State including over 500 union families who live in
24 the Town of Oyster Bay.

25 Local 338 members are employed in a

1 variety of industries including cannabis. These
2 workers are employed in cultivation, processing and
3 manufacturing, distribution and retail
4 dispensaries.

5 I'm proud to speak on behalf of our
6 cannabis members who make up about 70 percent of
7 New York's medical cannabis industry and encourage
8 the Town Board to oppose opting out of cannabis
9 retail business.

10 With the recent legislation of
11 adult-use cannabis misinformation about
12 dispensaries can lead to the laws of opportunity
13 for responsible operators, jobs and economic
14 confusion they could bring to a community.

15 As a union in New York State
16 representing cannabis workers, we believe -- we
17 bring our unique perspective to the industry and
18 those who work in the industry, as well as these
19 concerns we've heard from community members over
20 our years working in the cannabis space.

21 First, I'd like to share with you the
22 economic reality of working in the cannabis
23 industry. Through our Collective Bargaining
24 Agreements, we have built the standard for what
25 these jobs can and should be, full-time family

1 sustaining careers. Our members receive guaranteed
2 wage increases each year and starting salaries for
3 dispensary workers range from \$18 to \$23 an hour,
4 with pharmacists at the dispensary starting between
5 \$60 to \$65 an hour, and members at cultivation and
6 manufacturing facilities starting at between \$18
7 and \$25 an hour.

8 Local 338 members also receive quality
9 affordable health insurance for themselves and
10 their families at no cost to them. Generous paid
11 time off standards, retirement benefits and access
12 to scholarships and no-cost college degrees among
13 other critical -- amongst other critical on-the-job
14 protection.

15 We believe that by investing in our
16 members we can help shape an industry that provides
17 opportunity for growth and gives support not only
18 our members, but their families as well.

19 RW [sic] market is expected to generate
20 over \$300 million for the State annually and
21 municipalities who opt-in will receive revenue from
22 3 percent point of sales tax. However, this does
23 not fully capture the scope of the economic output
24 that will be generated from adult-use cannabis
25 businesses including dispensaries.

1 The creation of new jobs directly in
2 the industry, as well as those that develop
3 ancillary businesses will also create other sources
4 of revenue including payroll tax and providing a
5 boost for local -- as workers spend their earnings
6 at local businesses and in some cases move into
7 some the same communities that they work in.

8 The reality is that there are already
9 people employed in the cannabis industry in
10 New York and we can learn from what's already
11 happening throughout the industry and that working
12 workers and cannabis business operators are subject
13 to rigorous standards and protocols, something we
14 can all expect in the adult-use program.

15 Workers are well-trained in the State
16 regulatory standards and security requirements
17 including who is legally allowed to enter the
18 dispensary and verifying the proper identification.

19 They are also working with products
20 that are safely grown, lab tested and thoroughly
21 labeled.

22 Our members are well-versed in the
23 science of cannabis and are already providing
24 counseling to consumers on how to use the cannabis
25 safely and effectively.

1 We have not seen a single instance of
2 diversion or negative impact on a community in
3 which cannabis facilities and dispensaries operate.

4 Most importantly, provisions
5 (inaudible) opportunity for good union careers in
6 the industry. Workers feel invested in by their
7 employer and in turn invested with where they work
8 making it less likely they would be willing to
9 jeopardize their employment by neglecting or
10 violating state laws and regulations.

11 Cannabis dispensaries are and will be
12 heavily regulated by the State right down to their
13 advertising and window displays.

14 Currently, these businesses are almost
15 unrecognizable unless you know what you're looking
16 for due to their discrete look and there's no
17 reason those businesses should be zoned into
18 industrial areas.

19 We should not be stigmatizing
20 legitimate businesses and workers and customers
21 should feel safe and comfortable at dispensaries.
22 Placing them in an industrial zone outside the
23 route of regular foot traffic for (inaudible)
24 conditions that undermines the security of business
25 and those in it.

1 The State has given municipalities like
2 yours the choice to opt-out. However, if you
3 decide to do so, you are turning down the
4 opportunity to bring new jobs and businesses to
5 your community, as well as new revenue source for
6 your local economy.

7 Cannabis consumption will still be
8 legal regardless of opt-out and legal consumers
9 will simply visit dispensaries at other
10 municipalities or have dispensaries in neighboring
11 communities delivered to their front door.

12 Other cannabis businesses like
13 processing, manufacturing and distribution can also
14 still open and operate in your municipality.

15 Opting out simply means that the Town
16 of Oyster Bay's stands to lose sales tax revenue
17 and economic impact that adult-use dispensary will
18 bring to your community and prevent working people
19 from taking advantage of the quality unionized jobs
20 a dispensary offers.

21 Dispensaries and our members are
22 already here and they haven't had a negative impact
23 to the State nor has that been the case for
24 neighboring states that have tightly regulated
25 markers in place.

1 Our members are passionate about their
2 jobs and proud to serve their communities. Opting
3 out will deprive residents and workers and economic
4 opportunities and I call the members of the Town of
5 Oyster Bay to vote against opting out.

6 SUPERVISOR SALADINO: Just one quick
7 question, Mr. Negrino.

8 Is there anything written into the
9 New York State law that mandates that the employees
10 of such establishments must be union members?

11 MR. NEGRINO: In order to get a
12 cannabis license, you need to sign what's called a
13 Labor Peace Agreement. To operate -- to get your
14 license with the Labor Peace Agreement, the
15 employer essentially agrees to not interfere at all
16 with the unionization process, but, ultimately, it
17 will always be the workers choice to choose if they
18 want a union or not.

19 COUNCILMAN IMBROTO: Mr. Negrino, it's
20 your understanding that were these workers to
21 choose to unionize, your union would represent
22 them?

23 MR. NEGRINO: Correct. Right now there
24 are ten medical operators in New York State and we
25 currently represent eight of those.

1 COUNCILMAN IMBROTO: How many employees
2 does that mean you represent?

3 MR. NEGRINO: 500 right now.

4 COUNCILMAN IMBROTO: How many would you
5 contemplate -- how many members would you
6 contemplate having were we to opt-in in the Town of
7 Oyster Bay?

8 MR. NEGRINO: (Inaudible.)

9 COUNCILMAN IMBROTO: How many people do
10 you think would be working in this field
11 represented by your union should we opt-in?

12 MR. NEGRINO: Well, could be hundreds,
13 could be thousands. I guess it depends on how many
14 locations are located within the Town of Oyster
15 Bay, but you, know -- we would essentially look to
16 speak to all those workers and engage them in the
17 unionization process.

18 COUNCILMAN IMBROTO: Currently, you
19 represent around 500 workers statewide?

20 MR. NEGRINO: Statewide, correct.

21 SUPERVISOR SALADINO: But there's
22 nothing in the law specifically that mandates that
23 the employees must be unionized?

24 MR. NEGRINO: No.

25 I mean, it's a worker's choice.

1 SUPERVISOR SALADINO: So it's no
2 different than any other business in the Town?

3 There's nothing special to this field
4 that would bring about more support for union
5 employees than any other, a card store, a pizzeria,
6 any business?

7 MR. NEGRINO: In order to obtain a
8 license, the employer needs to sign a Labor Peace
9 Agreement with a registered recognized labor union.
10 So there's an added layer, I would say, average.

11 COUNCILMAN IMBROTO: Are employers
12 permitted to interfere with unionization efforts in
13 the about of a Labor Peace Agreement?

14 MR. NEGRINO: No, but as we see time
15 and time again, like with Amazon, classic example,
16 that's occurring right now, the employers still
17 will always interfere. You know, kind of line --

18 SUPERVISOR SALADINO: Thank you for
19 that information.

20 COUNCILMAN IMBROTO: As far as estimate
21 with respect to the Town of Oyster Bay, you're not
22 really -- it's impossible to tell?

23 MR. NEGRINO: How many jobs could be
24 brought?

25 COUNCILMAN IMBROTO: Yes.

1 MR. NEGRINO: I personally probably
2 can't answer that question accurately.

3 COUNCILMAN IMBROTO: That's fine. I
4 didn't know whether you were able to or not.

5 SUPERVISOR SALADINO: Thank you.

6 MR. NEGRINO: Thank you.

7 SUPERVISOR SALADINO: Our next speaker
8 is Cathy Samuels.

9 Hi, Cathy. How are you?

10 Would you be kind enough to state your
11 full name, your organization and your address for
12 the record.

13 MS. SAMUELS: Sure.

14 Cathy Samuels. I'm Program Director
15 for YES Community Counseling Centers partnering
16 with Change For Tomorrow Federal Grant, as well as
17 Massapequa Takes Action Coalition Federal Grant
18 with Drug Free Community Grant Program, Infectious
19 District Control, located at 75 Grand Avenue,
20 Massapequa.

21 SUPERVISOR SALADINO: Thank you.

22 MS. SAMUELS: I want to thank you for
23 providing the opportunity for us to speak today
24 with regards to the health and safety of the
25 community.

1 Without safety guards to protect the
2 public and community and our youth, we are truly at
3 risk today from exposure to dangerous products as
4 well as dangerous roads.

5 We ask the Town of Oyster Bay to
6 opt-out of adult-use cannabis retail dispensaries,
7 as well as on-site consumption businesses from
8 operating in the township so we can protect the
9 health and safety of the community, families and
10 youth here in our communities.

11 I'm going to focus a little bit about
12 some other items that haven't been discussed yet.
13 My colleague, Mark Wenzel, will probably be
14 speaking with regards to some other issues specific
15 in the Town.

16 But within the other states that had
17 legalized, there has been question to the value of
18 homes that are located near dispensaries. There
19 was a study done in Washington and was completed to
20 assess the impact marijuana legalization had on
21 property values throughout the State.

22 When examining the finals results, a
23 marijuana dispensary decreases property values by 3
24 to 4 percent for homes that are within .36 miles of
25 the retailer. That's a decline of 10 to 15,000 on

1 the average home sale in Washington.

2 With regard to some of the questions on
3 how are children accessing marijuana today, I mean,
4 we can certainly look towards the actual law as it
5 written as we move forward with legalization.

6 I think the number was 15 pounds
7 marijuana will be actually allowed to be in the
8 home depending on the amount of people you have,
9 but when we think about the black market that
10 there's been much discussion would be eradicated
11 when we look toward Colorado, despite their
12 legalization, the black market continues to thrive.

13 Seizures of marijuana have been
14 reported to the El Paso Intelligence Center in
15 Colorado. It increased 48 percent from an average
16 of 174 parcels when marijuana was commercialized to
17 an average of 257 parcels from 2013 to 2020 and
18 this was during the time that recreational
19 marijuana was legalized.

20 There's also been discussion with
21 regards to potency. Today's marijuana is more
22 potent than it was in the past. It's actually
23 tripled its potency since the 1990s.

24 Currently, there is no legal limit to
25 potency. It's a wild west scenario with regards to

1 these products being out and be accessed by our
2 kids, especially in the home as we have edibles as
3 well as plants that can be accessible in the home.

4 One of our concerns about our children
5 is the developing brain can be influenced by access
6 to alcohol and drugs. When children begin using
7 alcohol and drugs before the age of 15, it
8 increases their likelihood of drug dependence into
9 adulthood.

10 With regards to public health,
11 marijuana exposure have increased 185 percent from
12 2013, again, in Colorado through 2020. Treatment
13 for marijuana use -- excuse me -- percentage of
14 suicide incidents in which toxicology results were
15 positive to marijuana has also increased from 14
16 percent, 2013 to 29 percent.

17 Specific to driving here in Nassau
18 County, 13 percent of eleventh and twelfth graders
19 have already reported driving under the influence
20 after they had used marijuana.

21 Massapequa, 10 percent of that,
22 eleventh and twelfth grade students also reported
23 driving under the influence of marijuana after
24 using. These are great concerns.

25 In terms of the Office of Cannabis

1 Management, as you continue to assess this issue
2 going forward, keep in mind that there is nothing
3 in place to educate or require retail employees to
4 understanding these laws. Anything similar like in
5 Alcohol Training Awareness Program in New York
6 State we have a voluntary program and we still have
7 people dying from DWIs.

8 We just this heard just before about
9 two horrific accidents that took place recently
10 where the drivers were under the influence of
11 marijuana.

12 In Nassau County, the Massapequas, how
13 will retail employees determine if a customer is
14 already under the influence of marijuana and then,
15 of course, getting back in the car at an on-site
16 consumption place? What training will employees
17 have? How will the Office of Cannabis Management
18 be able to ensure the public safety of our roads
19 without any of these kinds of educational things in
20 place? And, again, we want to thank the Town for
21 making this an opportunity for people to come
22 forward, voice their concerns.

23 Again, we are very, very concerned with
24 regards to access, as well as our roads with our
25 youth, as well as the entire community.

1 Thank you for listening.

2 We appreciate your time.

3 COUNCILMAN IMBROTO: Thank you,
4 Ms. Samuels.

5 Can I just ask you, do you distinguish
6 from the perspective of YES Commune Counsel between
7 the adult-use dispensaries and on-site consumption
8 facilities? Is one worse than other in your mind
9 or do you oppose them both?

10 MS. SAMUEL: I think both have the
11 opportunity for access to children first, and
12 secondly, both -- because we live in a community
13 where we all drive, I think both have an issue for
14 our roads in terms of safety.

15 SUPERVISOR SALADINO: Cathy, how long
16 have you been associated with this field,
17 understanding the research, understanding the
18 effects?

19 MS. SAMUEL: I've been doing this work
20 intervention since 2004. I worked in the City of
21 Glen Cove doing this, East Williston, Roslyn,
22 Manhasset, Massapequa and we're also working with
23 five different school districts right now under the
24 other federal grant that YES has.

25 We are so concerned. We are seeing the

1 perception of risk for this particular drug
2 plummeting for youth. When you see the perception
3 of risk go down, there is an increase in use.
4 We've been seeing this for years now.

5 SUPERVISOR SALADINO: Any other
6 questions?

7 COUNCILMAN IMBROTO: In your experience
8 when someone purchases marijuana from a dispensary,
9 do they use it in the home; do they use it
10 someplace else?

11 MS. SAMUEL: Will they use it someplace
12 else.

13 COUNCILMAN IMBROTO: Is it typically
14 consumed in the home or is an on-site consumption
15 or consumed off-site when they go home?

16 MS. SAMUEL: I can't speak to where
17 people are using. I don't have that information,
18 but I do know as a homeowner -- I do know as a
19 driver, any time I'm sitting at a public traffic
20 light, I can smell marijuana. We are not supposed
21 to be driving under the influence of marijuana.

22 Back to our youth, many youth think it
23 actually helps them drive better. We know that is
24 not the case. We know it's slowed reaction time,
25 as well as other symptoms of driving under the

1 influence that are --

2 COUNCILMAN IMBROTO: They believe it
3 helps them driver better?

4 MS. SAMUEL: That's what some youth
5 indicate.

6 SUPERVISOR SALADINO: If I can rephrase
7 my colleague's question, do you believe if someone
8 is purchasing marijuana at a legal dispensary,
9 would they use it any differently than used -- than
10 the way it's used now when purchasing it illegally?

11 MS. SAMUEL: I am not qualified to make
12 that answer at all.

13 COUNCILMAN IMBROTO: That's fine.

14 MS. SAMUEL: I, you know --

15 SUPERVISOR SALADINO: Thank you.

16 MS. SAMUEL: Whether it's legal use or
17 illegal use, it affects our youth, brain
18 development, it increases their access, whether
19 it's in the home or through the black market that
20 will continue and our roads are dangerous.

21 Again, if you go to a retail
22 dispensary, chances are you're driving there and
23 that's the safety concerns we have. People are
24 still under --

25 SUPERVISOR SALADINO: I think that last

1 piece answered the question I had.

2 Thank you.

3 MS. SAMUEL: Thank you.

4 SUPERVISOR SALADINO: Our next speaker
5 is Mark Wenzel.

6 MR. WENZEL: Good afternoon.

7 Thank you for the opportunity to be
8 here.

9 My name is Mark Wenzel. I am the
10 Assistant Director of YES Community Counseling
11 Center for the past, as most of you know, 37 years.
12 Okay. I'm also cochair of the organization called
13 Massapequa Takes Action Coalition which is
14 specifically designed to work on prevention
15 services in the community of Massapequa.

16 YES works on behalf of really several
17 communities in the Town of Hempstead, Town of
18 Oyster Bay. We have somebody who is -- some staff
19 are also over at the Town of Hempstead hearing this
20 morning.

21 Thank you for allowing us to be here,
22 Supervisor Saladino and the Town Board. We're
23 grateful for the opportunity to speak publically on
24 the issue of adult-use cannabis, retail
25 dispensaries, on-site consumption businesses and

1 the impact they will have on health and safety of
2 the Town of Oyster Bay residents in the community.

3 We ask the Town of Oyster Bay to
4 opt-out of adult-use cannabis dispensaries and
5 on-site consumption businesses from operating in
6 your jurisdiction to protect the health, safety of
7 our community, our families and our youth.

8 New York State's Marijuana Regulation
9 and Taxation Act, MRTA, new adult-use cannabis
10 program will provide youth easier access to
11 marijuana, expose youth to proyouth advertising, as
12 well as impact the health and safety of our
13 community.

14 MRTA expressly bans advertising within
15 500 feet of school grounds, playgrounds, childcare,
16 public works and libraries. It is well-known for
17 the tobacco and alcohol markets that youth exposure
18 to advertising is associated perceptions of lower
19 risk and increased use of alcohol and substances
20 among our young people.

21 As Cathy just said, when perception of
22 risk goes down, use goes up. Since recreational
23 marijuana was legalized in 2013 in Colorado past
24 month marijuana use, the ages 12 and older
25 increased 26 percent and is 61 percent higher than

1 the national average. Past month, adult marijuana
2 use 18 and older, increased 20 percent and is 62
3 percent higher than national average.

4 Opting out will ensure our youth are
5 not exposed to pro-youth messaging and 500 and even
6 1000 feet from retail dispensaries and on-site
7 consumption businesses is a short walk from our
8 community schools, playgrounds, et cetera.

9 Opting in ensures that our youth will
10 not experience long-term health challenges. Some
11 of my colleagues have already spoken very
12 eloquently to the law and to the impact on a
13 (inaudible) state level. But, clearly, the health
14 risks associated with marijuana use and the acute
15 affects impaired memory, learning and attention,
16 impaired motor coordination and reaction time. In
17 high doses, are, acute psychosis and altered
18 paranoia, altered judgment, increased likelihood of
19 risky behaviors, and health risks: Long term
20 affects. Cognitive development and related
21 outcomes are impacted.

22 Cannabis use disorder, and I would say
23 that while it may be stated it's not addictive, it
24 is. We see that up to 20 percent of our clients
25 coming to our agency -- for those of you don't know

1 much more about YES, we are a licensed treatment
2 and prevention program in the Town of Oyster Bay.

3 You're being -- we're being paid to try
4 to prevent substance abuse in our communities.
5 This is going totally contrary to what they're
6 paying us to do or what the County, the Town and
7 the State is paying us to do.

8 The use and dependence on other
9 substances can follow, respiratory and
10 cardiovascular effects, certainly even pregnancy
11 outcomes. I was reading something this morning
12 where they're concerned about all kinds of issues
13 with gestation and so forth.

14 So, it's very important that we
15 consider all these issues and we still have so much
16 more to learn and was said earlier, this law is
17 really -- I'm going to so far as to say ill
18 conceived and poorly legislated and I think that
19 the outcome is going to be the ability for us to
20 enforce it is even less optimistic.

21 Opting out insures our community roads
22 are safer and free from drivers under the influence
23 of marijuana.

24 In Colorado, recreational marijuana use
25 was legalized in 2013 and traffic deaths where

1 drivers tested for positive marijuana increased 138
2 percent, while all Colorado traffic deaths
3 increased 29 percent.

4 Traffic deaths involving drivers that
5 tested positive for marijuana have more than
6 doubled in 2013, to 131 people from 55 in 2013 to
7 131 people in 2020. The percentage of all Colorado
8 deaths of drivers who tested positive increased
9 from 11 percent in 2013 to 20 percent in 2020.

10 That being said, I think that some of
11 statements made by Dr. Reynolds and certainly the
12 assemblyman, this is not in best interest of our
13 communities. It's certainly not in the best
14 interest of our children and our families. We can
15 draw the line between adult-use. We can draw the
16 line between medical marijuana use.

17 This issue is really about how will
18 this impact and if you know anything from alcohol,
19 from the vaping issue, from the big tobacco issue,
20 people who are more invested in making this happen
21 either are personally or financially invested.
22 This is not in the best interest of our kids and
23 that's what this is really all about.

24 Thank you for your time.

25 SUPERVISOR SALADINO: Perfect timing.

1 Mark, can you please just give us a
2 sense of how many years you've been working in this
3 field, your background in terms of your education
4 and your expertise to judge the law, to judge the
5 situation and provide us with expert testimony?

6 MR. WENZEL: I'm no lawyer, but I'm a
7 social worker. I'm a licensed social worker. I've
8 been working in the field now for 37 years at YES,
9 for four years before that in Hicksville.

10 The prevention license that we have and
11 treatment licenses we got at YES started back in
12 1990, so we've had over 30 years now in the field
13 of treatment and prevention services. That's -- my
14 Master's level is as social worker.

15 SUPERVISOR SALADINO: You've dealt with
16 hundreds, perhaps thousand of families affected by
17 this?

18 MR. WENZEL: Certainly. The agency
19 sees approximately 1000 individuals each year.

20 SUPERVISOR SALADINO: You understand
21 the way the law is written in terms of what our
22 choice is and you know today is not a judgment.
23 It's not a judgment on the recreational use of
24 marijuana because the State doesn't allow that. It
25 just gives us one opportunity to opt-out

1 permanently, but endless opportunities to opt-in.

2 Knowing that, what advice could you
3 give us in terms of making this decision?

4 MR. WENZEL: You're asking my opinion.

5 The bottom line is it's absolutely
6 well-stated. This is not about recreation that was
7 passed. I'll say we fought that war. We didn't
8 win that war.

9 The bottom line is that this war now is
10 one we certainly have to continue to fight if we
11 can, as long as we can. The opportunity to
12 opt-out, like you said, is a one-way street. If
13 you don't go down that now and take care of it,
14 you're never going to get there.

15 So, in my opinion, we have no choice
16 but to opt-out and see where the advanced
17 regulations and so forth and at some point in the
18 future if we're better protected, the communities
19 are better protected, then the Town decides to
20 opt-in, you have that opportunity.

21 Right now, we don't really have a
22 choice, in my opinion.

23 SUPERVISOR SALADINO: Any other
24 questions for Mark Wenzel?

25 COUNCILMAN LABRIOLA: I just have one,

1 just one question, Supervisor.

2 Mark, first of all, thank you for being
3 here and thank you for all you've done for our
4 community through the years. I know you've
5 affected the lives of thousands of teenagers,
6 especially the troubled teenagers.

7 I just was -- you were mentioning some
8 of the health effects. I was looking at some of
9 mental health effects from CDC listed on their
10 website, and it is very clear to me as a result of
11 marijuana being more readily available in the
12 community and teenagers getting access to it more
13 readily available, albeit, we know it is illegal
14 for them to possess and smoke or vape or the other
15 thing they call it, dabbing. I never heard that
16 term before. I'm sure it's going to exacerbate
17 your problems, your -- I should say your patients
18 that you deal with, the people who come to you for
19 help, families that are doing the outreach that you
20 do to reach parents, but in terms of mental health
21 issues, you know, just recently we're hearing about
22 these teenagers acting out in school in a very
23 violent way.

24 MR. WENZEL: Right.

25 COUNCILMAN LABRIOLA: We hear about the

1 school shootings, death threats and all kinds of
2 depression and anxiety that plagues our young
3 people.

4 Do you think, in your professional
5 opinion, that teenagers who are smoking marijuana
6 or using marijuana, whether it's edibles or dabbing
7 or whatever else they're doing, do you think that's
8 going to help their mental health in any particular
9 way?

10 I mean, I know that's an obvious answer
11 to that question, but isn't that the danger that we
12 should be thinking about when we cast our vote?

13 MR. WENZEL: Without a doubt.

14 I think that, unfortunately, the
15 pandemic has created some -- certain levels of
16 anxiety and issues social issues for our young
17 people and so forth.

18 We also know that use of substances
19 also inflames those issues and makes them worse.
20 Sometimes young people will turn to substances to
21 deal with some of their concerns and issues, their
22 anxieties and that just makes thing worse because
23 they're really not turning to healthy coping
24 mechanism. They are turning to things that are
25 unhealthy. So they're kind of magnifying each

1 other in so many different ways and I really feel
2 like, as someone said earlier, adding another
3 toxicant -- legal toxicant into our communities is
4 absolutely the wrong way to go right now.

5 COUNCILMAN LABRIOLA: For the record --

6 MR. WENZEL: If I can, we're in
7 business to go out of business and that's never
8 going to happen.

9 COUNCILMAN LABRIOLA: I hope that
10 happens some day.

11 For the record, and as part of the
12 hearing, the CDC lists the dangers involved with
13 teenage use and they talk about the hallucination,
14 paranoia, long lasting mental disorders,
15 schizophrenia. These are just some of the effects
16 that are long-term effects, not just short-term
17 effects. This is a developing brain --

18 MR. WENZEL: Right.

19 COUNCILMAN LABRIOLA: -- in teenagers.

20 According to the CDC, says the brain is
21 developing up to the age of 25. This can have
22 extremely detrimental effects upon our students and
23 their ability to compete, their ability to
24 graduate, their ability to get a job.

25 MR. WENZEL: On all levels, you clearly

1 have done your homework. There's no doubt the
2 developing brain through 25, use of marijuana
3 before the age of 15 increases the likelihood six
4 times of them having substance use disorder. Motor
5 coordination goes down, cognitive memory skills.
6 So many different things are impacted by the use of
7 substances early on.

8 I know we're debating the issue of
9 legalization -- not legalization, but recreational
10 sale and use, but, clearly, that translates down to
11 young people feeling like it's less concern -- less
12 -- I can't think of the right word -- negative
13 impacts. They are reduced -- the more they see it,
14 the more they're surround it and really takes us in
15 the wrong direction. We need hold the line.

16 COUNCILMAN LABRIOLA: Mr. Wenzel, you
17 know that whatever Albany does, whatever they
18 adopt, whatever they legalize, at some point in the
19 future can also be unadopted. The word I'm looking
20 for is you can change the laws, you can amend the
21 laws, you can make them better. I know the aspect
22 of the social justice aspect and decriminalize was
23 the initial aim of Albany, but I think, obviously,
24 there's a lot here that needs to be amended and
25 changed to swing the pendulum back to sanity so

1 that we don't have some of these ramifications that
2 are going to take place right in our township
3 affecting the families we love and support.

4 That just leads me to my last question
5 in terms of teen suicide.

6 Do you find that instances when you --
7 obviously, you're interacting with families in a
8 much deeper level than we are -- do you find some
9 of these teen suicides are related to drug use?

10 MR. WENZEL: I think that the incidents
11 -- as we learn about the suicide, because very
12 often we don't learn about them upfront. We don't
13 hear all the upfront information, but many of them
14 are connected to early onset of disturbance of
15 substance use. I can't give you a specific number.
16 I would have to research that for you, but there is
17 no doubt when we find out -- and we work very
18 closely with several school districts. Very often,
19 we get called in to help respond to a suicide or a
20 death in the school district and a significant
21 number of those are associated with substance
22 use-related issues. I can get more specifics.

23 COUNCILMAN LABRIOLA: I would
24 appreciate that.

25 SUPERVISOR SALADINO: Mark, I'll say it

1 again we're not here judging the use of marijuana.

2 That's already been decided,
3 recreational use, but it's the impression of some
4 that marijuana is used in groups and that smoking
5 devices, whether they be marijuana cigarette or
6 some other pipe, some other smoking device are
7 shared during the use of marijuana smoking.

8 Does that increase the risks of
9 transmission of COVID?

10 MR. WENZEL: That's a very good
11 question. I would have to research that as well,
12 but I would have to say yes. Any time you're
13 passing a joint from person to person, you're
14 sharing that directly, much less sitting together
15 in a small group. I can't imagine it wouldn't, but
16 I'm not an infectious disease specialist, but I
17 would think so.

18 SUPERVISOR SALADINO: Thank you.

19 MR. WENZEL: Thank you very much for
20 your time.

21 SUPERVISOR SALADINO: Our next speaker
22 will be Saul Garerra.

23 Mr. Garerra, are you here? I have Saul
24 Garerra at Pelham Place, it looks like. We can
25 call him.

1 Our stenographer certainly needs a
2 break. So we're going to take a five-minute
3 recess.

4 We thank you very much for your
5 patience. We'll be right back.

6 (Whereupon, a recess was taken at
7 12:36 p.m. and the proceedings resumed at
8 12:54 p.m. as follows:)

9 SUPERVISOR SALADINO: Ladies and
10 gentlemen, if you could all take your seats,
11 please.

12 We will get back to our hearing and I
13 thank you for your patience.

14 Has Saul Garerra come back in the room?
15 Please raise your hand if you're Saul.

16 Next is Imran. Where is he? I saw him
17 earlier. Come on up, pal. How are you?

18 MR. ANSARI: Good.

19 SUPERVISOR SALADINO: Could you please
20 beginning by giving us your full name, your address
21 and your organization you represent today?

22 MR. ANSARI: Imran Ansari,
23 150 Secatogue Avenue, Farmingdale, New York 11735.
24 My name is Imran Ansari. I'm with the Long Island
25 Federation of Labor representing over 250,000

1 members and their families in Nassau County and
2 Suffolk Counties. I'm also a resident of the Town
3 of Oyster Bay.

4 I urge you to oppose the opt-out --
5 oppose the opt-out cannabis discussion of whether
6 or not the opt-out should be one litigating the
7 issue cannabis legalization. Regardless of the
8 Town Board's decision today, medical and adult-use
9 of cannabis will still be legal in the Town of
10 Oyster Bay. The decision to opt-out is one that
11 opts this community out of jobs and revenue and the
12 economic benefits of legalization, you'll still
13 being tasked with the responsibility of dealing
14 with any potential impacts associated with
15 legalization.

16 I urge you to consider the opportunity
17 to shape how this industry develops in our
18 community. A collaborate discussion on zoning
19 (inaudible) regulation, our well-trained workforce
20 will insure the industry brings with it, high
21 quality union jobs for families sustaining wages.
22 This outcome will be much like the unionized
23 cannabis industry that exists in New York today
24 with a multitude of other economic benefits.

25 Specially, cannabis sales are projected

1 to generate \$75 million to local governments. The
2 Town that opts out will be opting out of 3 percent
3 sales tax that will go to the municipality.

4 Furthermore, recent a real estate study
5 found out cities with more dispensaries positively
6 correlate with higher home values, suggesting
7 legalization boost jobs and economic growth.

8 In fact, home values increased more
9 than \$22,000 more in municipalities with
10 recreational dispensaries compared to home values
11 in areas where adult-use cannabis is legal, but
12 dispensaries are not available.

13 Finally, we know based on our
14 experience in the medical cannabis industry in
15 New York, as well as the adult-use market in other
16 states, workers at unionized cannabis dispensaries
17 are treated much better. They receive affordable
18 quality medical coverage at no cost to them, paid
19 time off and retirement benefits and other
20 necessary on-the-job protection.

21 They are paid well above minimum wage
22 and guaranteed wage increases with Collect
23 Bargaining Agreements. Workers are able to depend
24 on these jobs for years to come turning them into
25 career benefits that not only support workers but

1 their families as well.

2 We should take a look to other states
3 that legalized adult-use cannabis. Their
4 communities haven't crumbled and there hasn't been
5 an increase in crime or negative impact on property
6 values. It's an emerging industry that has great
7 potential for workers and community served.

8 I urge you to vote against opting out.

9 Thank you.

10 COUNCILMAN IMBROTO: Thank you, Imran.

11 Do you have any idea how many union
12 workers there could potentially be were the Town to
13 choose opt-in?

14 MR. ANSARI: Yes. I also don't know
15 the answer to that question. That would very much
16 depend like my colleague from 338 said. It would
17 very much depend on how many dispensaries
18 theoretically were to exist. We know there are
19 already hundreds of members in this industry in
20 New York. We know that last I've seen 6 out of 10,
21 but I guess now the number is 8 out of 10 of the
22 applicants have already reached agreements with
23 Local 338.

24 Like we said before, the MRTA requires
25 that employers are tending to have more than 25

1 employees to agree to PLAs before having their
2 applications in.

3 COUNCILMAN IMBROTO: Other than 338,
4 are there any other unions that are active in this
5 field or is it just --

6 MR. ANSARI: Not that I'm aware of.

7 COUNCILMAN IMBROTO: You said PLA.
8 Is it PLA?

9 MR. ANSARI: Actually Labor Peace
10 Agreement. Just -- it's created to allow the
11 traffic similar thing we were talking about before.
12 It's just an agreement between the employer and the
13 union that they're both going to be neutral on the
14 topic of unionization should the workers choose to
15 do that.

16 COUNCILMAN IMBROTO: The union has to
17 be neutral as well?

18 MR. ANSARI: Yes.

19 COUNCILMAN IMBROTO: The supervisor
20 asked earlier if there was anything that required
21 these employees to be unionized or that would
22 prevent them not to unionize if they wanted to --

23 MR. ANSARI: There's no requirement to
24 do that.

25 COUNCILMAN IMBROTO: In what period of

1 time was it that 6 out of 10 or 8 out of 10 of the
2 existing dispensaries were unionized with 338?

3 MR. ANSARI: So part of it is when the
4 applicants go to -- receive their license in the
5 State of New York, they have to reach a agreement
6 with the labor organization. So last I've seen a
7 few months ago, it was 6 out of 10. It's possible
8 it might be two.

9 SUPERVISOR SALADINO: Who chooses which
10 union?

11 MR. ANSARI: They just have to work
12 with a labor organization.

13 SUPERVISOR SALADINO: Any labor
14 organization?

15 MR. ANSARI: Yes.

16 Given Local 338 is engaged in this
17 field, I imagine their representative is in touch
18 with the applicants.

19 SUPERVISOR SALADINO: Any other
20 questions?

21 (No response.)

22 SUPERVISOR SALADINO: We'd like to
23 thank you very much for coming in today.

24 I've known you for a long time and I'd
25 like to comment that you do a phenomenal job for

1 your workforce and we appreciate all of your
2 efforts to assist people to earn a high wage.

3 MR. ANSARI: Thank you, Supervisor.

4 Thank you, council members.

5 SUPERVISOR SALADINO: Thank you for all
6 you do. While it has nothing to do with this
7 issue, how proud we are of our unionized workforce
8 and the incredible job they do each and every day.

9 Our next speaker is David Pejovic.

10 MR. PEJOVIC: I want to hand these
11 documents up (handing).

12 Good afternoon, council members,
13 Supervisor.

14 COUNCILMAN IMBROTO: Good afternoon.
15 How are you?

16 MR. PEJOVIC: I'm good. I'm good.
17 How are you?

18 My name is David Pejovic. I'm here in
19 favor of opt-in of cannabis. I'm a Westchester,
20 New York native and a cofounder of potency will be
21 displayed in the documents we passed around.

22 A little background on me. I'm a
23 college alumni and recent 2021 graduate of
24 Villanova Law. I took the New York Bar and I
25 passed, so I do expect to be admitted soon.

1 SUPERVISOR SALADINO: Congratulations.

2 MR. PEJOVIC: I appreciate that.

3 COUNCILMAN IMBROTO: Don't do it.

4 MR. PEJOVIC: Too late for that.

5 Prior, I had been working in the
6 financial technology industry, and now I work in
7 cannabis. Enough about me and now cannabis.

8 My opinion as to why the Town of Oyster
9 Bay should opt-in. Really quick just sitting here
10 I did realize access to minors is a big concern in
11 the community. I'd like to first speak on that
12 issue before moving on with the particulars of how
13 a dispensary would handle access.

14 I did see that a lot people had
15 concerns about the criminal penalties, misdemeanor
16 penalties associated with provision to minor
17 individuals. Under Section 222.250 criminal sale
18 of cannabis in the first degree, person 21 or over
19 who provides any type of cannabis unless they're a
20 licensed caregiver to a person under the age of 18,
21 any cannabis at all is liable to a Class A
22 misdemeanor which carries with it a maximum of one
23 year imprisonment or three-year payroll period with
24 a maximum \$1000 penalty.

25 However, in the same context, if

1 someone depending on the weight if they sell in the
2 context to an individual under the age of 18, the
3 amount of cannabis over three ounces and the
4 equivalent to concentrates or edible, that's a
5 Class E felony which constitutes about one and
6 one-third minimum prison sentence or rather
7 incarceration sentence to a maximum of four years
8 depending on the context and the judge's
9 discretion.

10 COUNCILMAN LABRIOLA: What's the amount
11 of sale to have a Class E felony?

12 MR. PEJOVIC: The amount of sale is
13 3 ounces or more.

14 COUNCILMAN LABRIOLA: That's to a minor
15 or anyone?

16 MR. PEJOVIC: To somebody over the age
17 21 to somebody under the age of 18. That covers
18 the penalties associated.

19 I want to speak more about how --
20 that's how the government and the judicial system
21 would handle that issue, but speaking to how a
22 legal operated licensed cannabis, adult-use
23 cannabis dispensary would handle the issue in terms
24 of acces, I'd like to first go into safety and
25 security.

1 By law, an adult-use dispensary is
2 required to develop a robust security plan for the
3 dispensary in order to be approved for a license.

4 This plan will include amongst many
5 features a comprehensive surveillance system
6 containing video surveillance of every corner,
7 usually translating to over 35 individual cameras
8 creating a mandatory recorded video record being
9 held at a minimum of two years. The two-year
10 recorded minimum is just -- that's something I took
11 from analogous state such as Massachusetts and New
12 Jersey. Also requiring dozens of key card
13 monitored entry points. Like doors, et cetera, to
14 vaults, back doors to employee break rooms. To
15 just go from break rooms to the parking lot, you
16 need a key card to access that. All of that is
17 recorded in a security log which can be reviewed
18 and audited by regulators at any time.

19 Additionally, there's an experienced
20 on-staff security team that will be there not only
21 during operating hours, but during off hours as
22 well in various aspects. Stores can expect
23 mandatory onsite audits to ensure compliance with
24 an extensive set of licensure requirements that
25 have been seen in analogous states like New Jersey

1 and Massachusetts.

2 Amongst these requirements -- this was
3 brought up previously -- insuring extensive
4 background checks, criminal background checks on
5 the management and employment of the dispensary
6 store.

7 Additionally, each operator seeking
8 licensure needs to require local approval on the
9 sought [sic] locality's government. This decision
10 is, of course, subject to public comment giving the
11 community control over what operators enter their
12 Town. I'm not talking about, you know, amateur
13 operation shops, the common perception of a smoke
14 shop with glassware-like bongs. Someone mentioned
15 dab rigs with butane torches being displayed in the
16 window with ostentatious, you know, come here to
17 buy your cannabis product advertising, but rather
18 discrete and professional and approved public
19 presence in your communities.

20 COUNCILMAN IMBROTO: Approved by who?

21 MR. PEJOVIC: By the local zoning board
22 and the town government.

23 Simply put as well from the dispensary
24 side, there will be a strict enforced no tolerance
25 policy for on-site cannabis consumption not only

1 the legal end, but how dispensaries will govern
2 themselves. I see that being a pretty standard
3 operating procedure for any cannabis dispensary in
4 the State of New York for liability reasons, as
5 well as public cannabis.

6 Our personnel -- rather personnel of
7 the dispensary would monitor parking lots on the
8 premises to ensure compliance with that not only
9 the law but, the concerns of the community.

10 Dispensaries, like ourselves, we will
11 also maintain coordinated relationships with Oyster
12 Bay police and fire departments to not only ensure
13 fast crisis response, but also to ensure ongoing
14 communications pipeline to stay in touch with
15 community first responder concerns and community
16 concerns in general in regards to law enforcement,
17 fire. Mainly, more on this point, concerns
18 speaking to police and law enforcement concerns.

19 SUPERVISOR SALADINO: I am not quite
20 sure that I understand the point because if people
21 are not allowed to smoke on the premises, how would
22 someone trained who works inside the store know
23 that someone who is now maybe using it in their
24 car, now leaving the scene, how would they even
25 know?

1 MR. PEJOVIC: You would have security
2 personnel walking around the parking lot ensuring
3 compliance. I mean, you can't stop every single
4 person from attempting, but you can have security
5 personnel walking around.

6 SUPERVISOR SALADINO: And the security
7 personnel would get the total level of training
8 that someone inside would have?

9 MR. PEJOVIC: Correct.

10 All employees have responsible vendor
11 training. It's call (inaudible) training. I think
12 it's a colloquial term, alongside security would
13 also have specialized training to ensure that. You
14 know, they contact law enforcement as soon as
15 possible once they realize an infraction is taking
16 place.

17 SUPERVISOR SALADINO: Does the wording
18 of the law mandate that they hire security?

19 MR. PEJOVIC: You have to have a safety
20 and security plan and the legislature, of course,
21 is broad waiting for specific inputs from
22 regulators to create specifically enacted
23 regulation. However, you can -- within safety and
24 security plan, you can bet that having security
25 personal on-site would be a requirement.

1 COUNCILMAN IMBROTO: Do you have any
2 incite as to the potential regulations that are
3 going to be coming down?

4 MR. PEJOVIC: I can't speak on that at
5 this moment.

6 SUPERVISOR SALADINO: So we're not
7 assured yet whether or not someone has to --
8 mandated to have a security force? They have to
9 have a security plan --

10 MR. PEJOVIC: Yes.

11 SUPERVISOR SALADINO: I'm just asking
12 for clarification.

13 MR. PEJOVIC: Of course. Of course.

14 SUPERVISOR SALADINO: Not to in any way
15 to contradict your statement.

16 MR. PEJOVIC: To my knowledge, I
17 haven't -- I do not know specifically mandated to
18 have a specific security personnel requirement.
19 However with the safety and security plan, I'll bet
20 your bottom dollar that the regulations would
21 require it as have other states.

22 Additionally, at least, from our
23 perspective, we would pledge that, at least at this
24 current time.

25 COUNCILMAN IMBROTO: Beyond the

1 security personnel, we heard from a lot of people
2 on one side of the issue.

3 From your side of the issue, does
4 anybody have incite with respect to what
5 regulations are contemplated; when we may expect
6 see them?

7 Is there chatter in the industry? Do
8 you go to trade association meetings where this is
9 discussed?

10 MR. PEJOVIC: One of my business
11 partners is going to speak to that. We sit on --

12 SUPERVISOR SALADINO: We'll call him
13 next.

14 MR. PEJOVIC: Yes.

15 We sit on the New York Cannabis Growers
16 and Processors Association. We speak to this issue
17 quite frequently. I'd rather have Owen speak to
18 that.

19 COUNCILMAN IMBROTO: While you're here,
20 there was a lot of concern raised about reselling
21 the product that's legally purchased at your
22 dispensary to other people that would not be
23 eligible to purchase it.

24 Is there any way that you or any other
25 enforcement agency can prevent that?

1 MR. PEJOVIC: I'll speak more to a
2 dispensary's angle.

3 At least when you do -- let's say you
4 do catch an underage individual with a cannabis
5 product, as long as it does have the original
6 packaging that contained the cannabis in the first
7 place, you can trace it to the store.

8 COUNCILMAN IMBROTO: Not to the
9 original buyer. That's not -- these are cash
10 transactions.

11 MR. PEJOVIC: Yes. You can.

12 COUNCILMAN IMBROTO: You can trace it
13 to the original --

14 MR. PEJOVIC: There's a seed-to-sale
15 tracking program that most states have enacted.
16 New York will most likely enact that. Correct me
17 if I'm wrong, my partners will speak better than I
18 will, you can track the purchase product to
19 purchaser.

20 COUNCILMAN IMBROTO: So if somebody
21 were to go to your store to buy a marijuana product
22 they give their name?

23 MR. PEJOVIC: Of course.

24 COUNCILMAN IMBROTO: Do you log --

25 MR. PEJOVIC: Of course.

1 COUNCILMAN IMBROTO: -- a license or
2 something like that.

3 MR. PEJOVIC: Of course. It's standard
4 procedure to have three or more security
5 checkpoints for ID verification required.

6 Typically, what you see is the first
7 being just kind of like a bouncer, quote/unquote,
8 just managing the line, checking IDs, making sure
9 no one's loitering on the premises. There should
10 be surveillance on that line as well to have a
11 monitored video feed. That individual will check
12 just to make sure everyone that has an ID is over
13 the age of 21.

14 The next layer is kind of a screening
15 room, quote/unquote. It's closed from the actual
16 sales floor. So you enter. There's going to be a
17 separate room where you'll have chairs, seating.
18 Essentially, what you're doing is you're giving it
19 to someone behind a security checkpoint to actually
20 run your ID against a more robust system to ensure
21 that not only are you over the age of 21, but is
22 that ID real. We all know underage individuals use
23 fake IDs to buy alcohol, cigarettes. It's pretty
24 common practice in society. So, that would be
25 there to ensure no fake IDs being used.

1 The next step is going on to the actual
2 sales floor. Standing in line, waiting your turn
3 at the sales counter, you know, doing the classic
4 sales routine, and then at the time of purchase you
5 give them your ID again to check for a third time
6 to make sure again no one has slipped through.
7 That's at the time of purchase.

8 So there are three ID checks and
9 speaking on to the recording of the individual,
10 you'll have essentially a sales account tied to
11 your personal information of what you purchased in
12 the past, what your purchasing history -- it kind
13 goes on to sales analytics, that's a different
14 topic, but you're going to have a pretty
15 comprehensive profile of what you buy, what you
16 like to buy. It will be there. The data will be
17 there.

18 COUNCILMAN IMBROTO: That's used for
19 marketing purposes.

20 Is there a way to purchase without
21 giving you that information? Without -- yes, I
22 understand you show your license, but is there a
23 way for a person to just go and show their license
24 demonstrate that they are of age and then purchase
25 product without creating a profile, without it

1 being logged into your system, without it being
2 personally identifiable?

3 SUPERVISOR SALADINO: For instance,
4 there's a parent who doesn't want any materials
5 mailed to their home.

6 MR. PEJOVIC: There'll be no materials
7 mailed to the home. It would be like a liquor
8 store.

9 SUPERVISOR SALADINO: Promotions,
10 Christmas specials, two for one. It's really --
11 that's the way business works.

12 MR. PEJOVIC: Of course, of course.

13 SUPERVISOR SALADINO: Why this would be
14 different?

15 MR. PEJOVIC: Of course. This is a
16 more stringently regulated business.

17 COUNCILWOMAN MAIER: I have a quick
18 question. I'm sorry to interject.

19 We're talking about regulations. You
20 commonly often refer to New York, New Jersey and
21 Massachusetts for specifically regarding security
22 surveillance.

23 Now, when you're talking about, you
24 know, upon entering showing your license and going
25 behind closed doors, is that specific to your

1 business or is that something written to New York
2 State law in dispensary owned, these are rules you
3 have to follow?

4 MR. PEJOVIC: I'm sorry.

5 Could you repeat the middle piece of
6 what you said? I couldn't hear.

7 COUNCILWOMAN MAIER: The security and
8 surveillance you often refer to the states, New
9 Jersey and New York, and what they have written
10 into their law, is that New York State law because
11 you talked about, you know, three points of entry
12 and, you know, checking their, you know, license ID
13 to make sure they're of age, is that something
14 that's required in the State of New York or are you
15 referring to your business specifically? If you
16 were to move forward that you're going to follow
17 that?

18 MR. PEJOVIC: First, I'm referring to
19 our business specifically.

20 In regards to the analogous state
21 references, I'm referring to them as analogous
22 states primarily because MRTA is a piece of
23 legislation and is only enacting the authority to
24 the cannabis commission to then create legislations
25 specifically tailored to those.

1 SUPERVISOR SALADINO: Once again, we
2 have no idea what the regulation will be?

3 MR. PEJOVIC: Of course.

4 SUPERVISOR SALADINO: If I may just
5 dovetail to Councilman Imbroto's question --

6 COUNCILMAN IMBROTO: And if you can
7 just answer my question also, that would be great.

8 SUPERVISOR SALADINO: How do you stop
9 someone from a process that was referred to as
10 looping during this hearing as information came
11 out --

12 MR. PEJOVIC: Of course.

13 SUPERVISOR SALADINO: -- how do you
14 stop someone going from place to place, taking it
15 out of your container and putting it in a Ziploc
16 bag and selling it across the street?

17 MR. PEJOVIC: So, I don't have an
18 answer for you currently as to how the dispensary
19 level we would stop that, but from a criminal
20 level, any sale of cannabis from the age of 21,
21 again, from the age 21 to a minor under the age of
22 18 is a Class A misdemeanor. In that same context
23 but just with the increased amount of cannabis 3
24 ounces or over, is a Class E felony. So if anyone
25 is caught doing that, and again they have to be

1 caught, would be seeing pretty severe --

2 SUPERVISOR SALADINO: You don't know
3 any way -- I bring this up because in all of our
4 work to protect people from opioid, that was -- in
5 all the hearings that I attended, that was the
6 constant, constant theme of people doctor shopping
7 and going from prescription to prescription and
8 getting far more for resale or for abuse. So we
9 know there's problem. It's come out in a plethora
10 of hearings --

11 MR. PEJOVIC: Of course.

12 SUPERVISOR SALADINO: -- specifically
13 what the problem is and I'm wondering if this is
14 being addressed at all by either the industry or
15 New York State?

16 MR. PEJOVIC: Again, retouching on the
17 seed-to-sale programs enacted by other states and
18 will definitely be enacted by New York State, you
19 can track literally the cultivated plant all the
20 way to the sold product on any product you buy.

21 COUNCILMAN IMBROTO: Is that through
22 genetic identifying material or how could you track
23 it?

24 MR. PEJOVIC: I think one of my
25 partners will speak to that.

1 SUPERVISOR SALADINO: We will bring him
2 up next.

3 MR. PEJOVIC: Of course.

4 In terms of preventing looping, I would
5 believe that dispensaries don't necessarily have
6 access to other dispensary sale records. So, in
7 order to prevent that you would have to have a
8 collaboration of law enforcement as well as
9 dispensary.

10 SUPERVISOR SALADINO: So you encourage
11 providing people's information that they are
12 purchasing --

13 MR. PEJOVIC: Strongly.

14 SUPERVISOR SALADINO: -- you strongly
15 encourage that to be shared with others?

16 MR. PEJOVIC: Of course within the
17 bounds of the law in making sure nobody's data is
18 being shared with others.

19 COUNCILMAN IMBROTO: So no centralized
20 database or State agency that collects or tracks
21 that information that you're aware of?

22 MR. PEJOVIC: Well, the seed-to-sale
23 program, it would be centrally collected.

24 COUNCILMAN IMBROTO: And that's to the
25 consume it would be tracked?

1 MR. PEJOVIC: Yes.

2 COUNCILMAN IMBROTO: Going back to my
3 original question, is there a way to purchase
4 product in one of your dispensaries or in another
5 dispensary that you're aware of without giving
6 personal identification other than for age
7 verification purposes that you can collect, track,
8 store and keep a record of?

9 MR. PEJOVIC: So, again, the
10 regulations have not been released, but if we were
11 to use an analogous case, like case studies there
12 would be no way.

13 COUNCILMAN IMBROTO: Okay.

14 SUPERVISOR SALADINO: Therefore,
15 there's no way to protect a parent, an adult
16 legally using this to ensure them that their child
17 could never find out?

18 MR. PEJOVIC: Wait.

19 Could you repeat that?

20 SUPERVISOR SALADINO: If you're
21 collecting information and you're sharing with it
22 other companies, other dispensaries, the State,
23 there would have to be a large scale sharing of
24 information?

25 MR. PEJOVIC: Of course, it would be

1 confidential. Sharing would be very secure.

2 SUPERVISOR SALADINO: What is
3 confidential? If you have an employee today that
4 gets fired tomorrow for some reason, what stops
5 them from sharing that information?

6 MR. PEJOVIC: Nondisclosure agreements
7 to not.

8 SUPERVISOR SALADINO: You have to track
9 them down and sue them. Of course. You've
10 answered my question.

11 COUNCILMAN IMBROTO: Do you know --
12 sorry, just one more.

13 Do you know other dispensaries in other
14 states where you can just walk in, show ID, your ID
15 doesn't get logged or tracked, it just gets looked
16 at for verification purposes, you can purchase a
17 marijuana product without them taking down your
18 name, without them recording it; you can walk out,
19 give them cash and walk out without there being any
20 way to identify who the purchaser was other than
21 the initial person who looked at the license to
22 verify they were of age to be in the dispensary?

23 MR. PEJOVIC: Every state is different.

24 COUNCILMAN IMBROTO: To your knowledge,
25 are you aware --

1 MR. PEJOVIC: To my knowledge, no --
2 Massachusetts. It's required in Massachusetts.

3 COUNCILMAN IMBROTO: It's required that
4 you log in the store your information?

5 MR. PEJOVIC: Yeah. It's also required
6 that you have I think at a minimum storing just
7 video surveillance data for two years, just so it's
8 available for audit and law enforcement purposes.

9 So, if you compare that with sales
10 record you can actually --

11 COUNCILMAN IMBROTO: I heard situations
12 people can just walk in to a dispensary in
13 Massachusetts and purchase marijuana product, they
14 check your ID at the door. No one ever takes your
15 name down. Nobody ever records your information.
16 Maybe there's video surveillance, but I haven't
17 heard.

18 MR. PEJOVIC: That would be a sketchy
19 operation in that case.

20 SUPERVISOR SALADINO: There's a balance
21 to tracking this to stop looping and resale and so
22 forth versus a parent who is raising their child to
23 be drug free and doesn't want their child to know
24 that they may be legally using.

25 MR. PEJOVIC: Without a large scale

1 data leak, I couldn't imagine a child finding out
2 as long as the parent did their own proper personal
3 measures to make sure their child does not find
4 out.

5 COUNCILMAN IMBROTO: Not just a child,
6 anybody.

7 MR. PEJOVIC: Anybody.

8 COUNCILMAN IMBROTO: They want to be
9 private and discreet.

10 MR. PEJOVIC: Of course.

11 I mean, it's just up to that person to
12 keep it private and discreet.

13 SUPERVISOR SALADINO: So on and so
14 forth.

15 You've been very, very helpful.

16 COUNCILMAN HAND: I just have one
17 question.

18 Could you speak to the liability
19 insurance requirements?

20 MR. PEJOVIC: We are required to obtain
21 liability insurance.

22 COUNCILMAN HAND: To what limit?

23 MR. PEJOVIC: To what limit.

24 There's no specific so far.

25 SUPERVISOR SALADINO: What would you

1 advise a State mandate?

2 MR. PEJOVIC: I'll let Owen speak on
3 that.

4 SUPERVISOR SALADINO: Okay.

5 MR. PEJOVIC: I would speak on the
6 specifics of how we would want to engage with the
7 community if I have time, if that's okay with you,
8 Council.

9 SUPERVISOR SALADINO: You've been very
10 helpful. We've run out of time.

11 Can the next speaker provide that
12 information so --

13 MR. PEJOVIC: Of course.

14 SUPERVISOR SALADINO: -- we try to give
15 everybody equal amount of time.

16 MR. PEJOVIC: Absolutely.

17 SUPERVISOR SALADINO: I think you've
18 been very, very helpful.

19 MR. PEJOVIC: Thank you for your time,
20 seriously.

21 SUPERVISOR SALADINO: Thank you.

22 The next speaker will be --

23 COUNCILWOMAN JOHNSON: Mr. Sabellico.

24 SUPERVISOR SALADINO: Yes, sir.

25 MR. SABELLICO: I just wanted to add to

1 Councilman Imbroto's question about advertising.
2 He asked who would be in control of advertising and
3 the speaker seemed to indicate it would be the
4 Town, but the Section 85 the MRTA law indicates
5 it's the State Board that does it. Specifically,
6 Section 85 business governing adult-use cannabis
7 retail dispensaries indicates that no sign of any
8 kind, printed, painted or electric advertising of
9 any brand can be permitted on the exterior except
10 by permission of the State Board. So the State
11 Board has control of advertising at the
12 establishment.

13 SUPERVISOR SALADINO: Thank you.

14 So our next speaker I believe is Owen.

15 MR. MARTINETTI: Yes.

16 Good afternoon, everybody.

17 My name is Owen Martinetti. I grew up
18 in Northport. I graduated Northport High School,
19 Class of 2013. I studied at Baruch College with
20 David and Chris. I studied economics and
21 philosophy.

22 I left school in 2017 when Cuomo passed
23 the New York State Hemp initiative. I got awarded
24 one of 20 licenses to go grow hemp to make CBD
25 products and also started an extraction facility

1 called Naturide.

2 I did that for three years in the State
3 of New York, learned about the entire supply chain.
4 I learned about different states and traveled all
5 over the country. I made the product in New York
6 and shipped everything out of state. There wasn't
7 really a market here for hemp.

8 During COVID things slowed down for the
9 hemp industry. There's a glut in surplus of
10 products. We ended up slowing down operations and
11 Chris and myself worked with four state health
12 agencies to bring in over three million masks and
13 one million hand sanitizers to help agencies. We
14 also worked with Northwell Hospital to get them
15 masks.

16 Lastly, as David mentioned, I'm
17 involved with a dispensary in Massachusetts called
18 Potency. I've been working on that for about a
19 year and two months. We're probably going to be
20 licensed to operate in the next two months. We're
21 undergoing our final licensing procedure.

22 So with that experience, I've gone
23 through a lot of Massachusetts requirements to get
24 to the point of about to open our stores and I can
25 speak to that and answer any questions you might

1 have.

2 Additionally, back in 2018, I cofounded
3 the New York Cannabis Growers and Processors
4 Association, which at the time was small and medium
5 sized farms and processors. It was just five of
6 us. Today there's 215. So what we do over there
7 is advocate for policy change. In and around the
8 cannabis industry, we're advocating things like
9 insurance, safety procedures, social equity impact
10 and working with communities to figure out a good
11 way to role out this MRTA program.

12 So I'm happy to be a resource to you in
13 any way possible. Obviously, my stance currently
14 is to opt-in on the adult-use dispensary and I'm
15 going to abstain from the on-site consumption. I
16 think there's issues around the consumption and
17 driving that we haven't quite figured out yet,
18 which will be avoided in a discussion around retail
19 dispensary so --

20 COUNCILMAN IMBROTO: Just to be clear,
21 are you advocating that we opt-out on the on-site
22 consumption as well?

23 MR. MARTINETTI: I'm not -- like I'm
24 just abstaining.

25 I'm opting in for the adult-use

1 dispensary. I'm not expert or have any industry
2 expertise on that aspect, so I don't have the
3 information to a give proper analysis --

4 COUNCILMAN IMBROTO: The on-site
5 consumption raises a host of additional issues that
6 are not relevant to retail issues.

7 MR. MARTINETTI: They have different
8 issues, yes. I can't speak to exactly to all those
9 I issues as I do not have information.

10 One point I wanted to bring up with
11 regards to opt-in is opting in doesn't mean that
12 tomorrow -- if we opt-in today after this
13 discussion that everybody's brought forward today,
14 that doesn't mean that dispensaries are going to
15 open up in the Town of Oyster Bay tomorrow.

16 The process of getting a license
17 requires an application to be released. The regs
18 haven't been released yet. The anticipation that
19 it's going to take place some time between January
20 and March. The goal is to get Upstate hemp farmers
21 and distressed farmers growing cannabis so that
22 they can supply the market because indoor
23 cultivation takes a long time to build it will be
24 that outdoor farming will be a way to get legal
25 compliant crop affordably with Upstate farmers

1 growing.

2 COUNCILMAN IMBROTO: What's a legal
3 complaint crop?

4 MR. MARTINETTI: Meaning that there's a
5 market right now that's unregulated that everybody
6 currently consuming cannabis is consuming
7 unregulated cannabis.

8 COUNCILMAN IMBROTO: Even if we comply
9 with incentive licensed --

10 MR. MARTINETTI: As a licensed
11 operation, yeah.

12 COUNCILMAN IMBROTO: Okay.

13 MR. MARTINETTI: We don't have that yet
14 in New York and New York is the largest cannabis
15 consuming state in the entire country and is being
16 consumed unregulated.

17 So, the biggest issue on that is that
18 -- no test results. So everybody's consuming
19 cannabis right now with no understanding of what
20 they're actually putting in their body.

21 The illegal market doesn't have any
22 type of repercussions for putting herbicides for
23 pesticides on their crop to save it and then
24 they're selling to people --

25 COUNCILMAN IMBROTO: Are there any

1 regulations under the existing law for a licensed
2 version?

3 MR. MARTINETTI: Yes. So every product
4 that is sold -- manufactured starting at the
5 cultivation level -- I'll bring it back.

6 There's a seed-to-sale tracking system
7 and the way they track everything is they put
8 literally a small bar code on the base of the plant
9 when it becomes just a few inches tall after it's
10 been sprouted. They require to track that and scan
11 that as it moves to different rooms in their
12 facilities. It's very labor intensive, but they're
13 required to do that. Once it's harvested and
14 weighed, that material is then tracked to the
15 delivery or logistics. Either the grower or the
16 processor handles that themselves or they outsource
17 it.

18 It goes into the delivery aspect and
19 tracked. It goes to the dispensary and the
20 dispensary is required to then break down that lot
21 and track every single product, as David said
22 earlier, and then once it's sold, there is customer
23 data, but it is silod (inaudible) so every
24 dispensary will have that information, but it would
25 be up to law enforcement or the State to get

1 involved in cross sharing of data. That is not
2 currently there yet, but there are systems that can
3 perform this if New York State does push that.

4 COUNCILMAN IMBROTO: These are
5 currently all cash transactions?

6 MR. MARTINETTI: No. So, the
7 misconception around the cannabis industry being
8 cash, that was pretty much the scene from 2011 to
9 about 2015, '16.

10 Currently, you know, in Massachusetts,
11 there is local federal credit unions, banks that
12 work with cannabis operators and allow them to open
13 a bank account to provide them with debit cards and
14 things like that to allow different forms of
15 payment. So, currently, 50 percent of your payment
16 at the dispensary come in the form of online
17 orders.

18 COUNCILMAN IMBROTO: If I were to come
19 in with my Visa card, can I buy a marijuana product
20 with that credit card?

21 MR. MARTINETTI: Depending on the
22 dispensary that you go to. The capabilities are
23 there. It doesn't mean the dispensary will have
24 them. Some dispensaries are tech savvy.

25 COUNCILMAN IMBROTO: Is it legal to do

1 so?

2 MR. MARTINETTI: It's legal to do so.

3 COUNCILMAN IMBROTO: So a federally
4 regulated bank could finance a marijuana
5 transaction?

6 MR. MARTINETTI: A federally regulated
7 bank, no. A State bank could.

8 So, regarding if we opt-in today, if
9 the Town of Oyster Bay doesn't, it's going to
10 happen tomorrow. So this application and regs that
11 are going to be released some time between now and
12 March has to be commented on. They take a 60-day
13 comment period followed by like a 30-day period.
14 Then once that 30-day period is concluded, there's
15 one more 24 or 25-day period. So, in total, about
16 120 days from when the regs are released to final
17 regs.

18 In addition to this --

19 COUNCILMAN IMBROTO: That's after
20 released they're released. We don't know when
21 they're going to be released?

22 MR. MARTINETTI: Correct.

23 COUNCILWOMAN JOHNSON: We don't know
24 what they're going to be?

25 MR. MARTINETTI: We have an idea. I

1 mean they put framework out --

2 COUNCILMAN IMBROTO: Can you speak to
3 that?

4 MR. MARTINETTI: Well, what questions
5 do you have.

6 COUNCILMAN IMBROTO: Can you tell me
7 everything that you know?

8 MR. MARTINETTI: We'll be here all day.

9 SUPERVISOR SALADINO: Owen, first of
10 all, I think what we're all learning and I'm asking
11 you if you agree, what we're all learning as you
12 said it yourself, there's an enormous amount of
13 information to decipher --

14 MR. MARTINETTI: 100 percent.

15 SUPERVISOR SALADINO: -- in a
16 ridiculously short amount of time, 24 days.

17 COUNCILMAN IMBROTO: And there's a lot
18 of information that cannot be deciphered because it
19 doesn't exist yet --

20 SUPERVISOR SALADINO: We don't know
21 what the regs are.

22 One of the questions --

23 COUNCILMAN IMBROTO: The proposed regs
24 are. We don't know what the final regs are. We
25 don't know anything about regs at this point.

1 SUPERVISOR SALADINO: How do you manage
2 -- I was a part of so many hearings in Albany
3 regarding the opioid crisis and doctor shopping and
4 the pattern of the issues repeated themselves and
5 one of them was going from place to place
6 purchasing the drug and then selling it on the
7 black market.

8 At the same time people want some
9 security that their personal habit, legal personal
10 use is not shared with the world.

11 What could the State do to protect from
12 looping and these sorts processes but still protect
13 people's privacy?

14 How do you do both?

15 MR. MARTINETTI: I think there are
16 technological solutions that can do that that would
17 anonymize data for operators that are putting data
18 in or looking at data that when you swipe their
19 card or you input their information, it would just
20 tell you if they bought cannabis, and that's it.
21 You don't need to know what they bought.

22 SUPERVISOR SALADINO: So how do you
23 deal with the privacy issue?

24 MR. MARTINETTI: The privacy issue is
25 that they're trying to break the law. If they're

1 trying to go from dispensary to dispensary to, you
2 know, accumulate cannabis, that's a way that you
3 reduce that is anonymize their purchasing behavior
4 for the viewer --

5 SUPERVISOR SALADINO: So you believe
6 that someone's purchasing habit should be
7 legislated? You believe that one of your future
8 customers, I believe, your motivation is to open
9 dispensaries, so you have an economic motivation,
10 so do you believe the State when we finally get
11 these rules should limit the number of visits and
12 purchases someone should be able to make at your
13 dispensary or anyone else's dispensary?

14 MR. MARTINETTI: I think that's
15 extremely reasonable to prevent people from
16 stockpiling on cannabis that they physically can't
17 consume.

18 SUPERVISOR SALADINO: How often do you
19 think they should be limited to, how many visits
20 per --

21 MR. MARTINETTI: I don't think it
22 should be a visit. I think it should be a
23 quantity.

24 SUPERVISOR SALADINO: Okay.

25 MR. MARTINETTI: In Massachusetts --

1 I'd have to give you the specifics, but,
2 essentially, you can only purchase up to a certain
3 amount per day. Maybe that's two ounces per day or
4 an ounce per day. There's some metric that we can
5 use --

6 COUNCILMAN IMBROTO: Is an ounce a lot
7 for a single person to use in a day?

8 MR. MARTINETTI: It depends on the
9 consumer. A person brought up earlier about
10 different concentrations of products -- the thing
11 with cannabis is it interacts with their body
12 completely different than alcohol. All right. So
13 every body's body is different. Someone consuming
14 50 milligrams of THC might not be affected, but
15 someone who has not consumed THC or has a different
16 body type that they could just be falling asleep.
17 It has completely different effects on your body.
18 So I --

19 SUPERVISOR SALADINO: Do you agree that
20 if someone consumes -- smoked an ounce per day,
21 they would be doing damage to their lungs?

22 COUNCILMAN IMBROTO: How many joints is
23 an ounce of marijuana, a typical joint?

24 MR. MARTINETTI: It depends on how big
25 the joint is. A per gram is around 28.

1 COUNCILMAN IMBROTO: How many?

2 MR. MARTINETTI: 28.

3 COUNCILMAN IMBROTO: In one ounce?

4 MR. MARTINETTI: Yeah.

5 COUNCILMAN IMBROTO: Can I ask you one
6 more thing and then I'll stop asking you questions?

7 This program that you say tracks the
8 product from the seeds, once that product is
9 purchased, other than the packaging of the product,
10 is there a way to track where it came from, who
11 purchased it or anything like that other than
12 packaging?

13 MR. MARTINETTI: No, but I feel the
14 solution of regulating the market allows us to have
15 some visibility to the flow of cannabis.

16 Right now we're completely in the dark
17 on where people are getting their cannabis. Do I
18 think there's -- here's the other thing, too. The
19 market aspect of it is people are going to be
20 buying this legally at a high price that's taxed
21 and then reselling it. There's already a market
22 here to purchase lower-priced cannabis.

23 COUNCILMAN IMBROTO: Isn't part of the
24 purpose to end the black market and underground
25 sales of cannabis?

1 MR. MARTINETTI: Correct. That's why,
2 you know, the regulated market is going to
3 undermine the black market because it's allowing
4 for safe products to be consumed to residents.

5 So if we opt-out in the Town of Oyster
6 Bay, that doesn't mean the people in this
7 municipality aren't consuming cannabis. They're
8 going to go to Bay Shore, Brookhaven, Riverhead,
9 the Town of Huntington. I have a meeting with
10 them. They might opt-out in as well.

11 COUNCILMAN IMBROTO: It's not to say
12 that there's no market for legal marijuana products
13 in a place where sales are illegal or by someone
14 who's ineligible to purchase marijuana, it's still
15 potentially a more desirable product than something
16 that's being sold on the black market that's
17 completely unregulated, even if it's purchased at a
18 higher price, correct?

19 MR. MARTINETTI: I don't know what the
20 statistics are on that.

21 SUPERVISOR SALADINO: Please continue.

22 MR. MARTINETTI: My response to that
23 would be I think that's a difficult question to
24 answer because it's already being consumed here.

25 COUNCILMAN IMBROTO: But might there be

1 an incentive for somebody who cannot legally
2 purchase marijuana to seek out the purchase of
3 regulated product?

4 SUPERVISOR SALADINO: Or to buy it less
5 expensively.

6 MR. MARTINETTI: The answer to that is,
7 they can. Whether that's why it's going to be here
8 in the Town of Oyster Bay or it's going to in the
9 Town of Bay Shore or Huntington.

10 COUNCILMAN IMBROTO: I'm not talking
11 about teenagers. I'm talking about somebody who
12 can't buy legally from a dispensary --

13 MR. MARTINETTI: No. I disagree
14 because the sale of cannabis is only to people of
15 21 and older. If anything, it's actually
16 destigmatizing the idea of marijuana.

17 COUNCILMAN IMBROTO: You're talking
18 you're going in to buy an ounce. I don't want an
19 ounce. I just want a little bit. I'm 17. I can
20 still buy if from you even if I'm paying a little
21 more than from the drug dealer next door, correct?

22 MR. MARTINETTI: Yeah, but if we're
23 going to do this (inaudible) experiment, it's like
24 say one, do you want to risk a misdemeanor, and
25 two, why are, like, there's a black market. If

1 people are going to do it illegally, they're going
2 to purchase it cheaper in that market already. It
3 already exists. How are people getting it today.

4 So, why would they spend more money to
5 go to a store?

6 COUNCILMAN IMBROTO: Because you're
7 telling me it's a superior product.

8 MR. MARTINETTI: It's regulated.

9 It's consuming food that you wouldn't
10 know where it came from. Like when you shop at the
11 supermarkets, they have requirements for the
12 pesticides, spermicides, heavy metals and
13 microbials, things like that. You're essentially
14 giving safety to people that are consuming right
15 now as opposed to not.

16 COUNCILMAN IMBROTO: So somebody who
17 values safety and the certainty that comes with a
18 regulated product may seek out that product as
19 opposed to a black market product even if it costs
20 a little bit more?

21 MR. MARTINETTI: Correct.

22 COUNCILMAN IMBROTO: And those people
23 may be under age or ineligible to purchase the
24 product legally?

25 MR. MARTINETTI: I can't speak -- they

1 can't purchase it directly from a licensed
2 operation and there's laws in place that penalize
3 people for breaking the laws.

4 COUNCILMAN IMBROTO: Okay.

5 MR. MARTINETTI: We're trying to
6 penalize people that break the law.

7 SUPERVISOR SALADINO: But they are
8 right now. These cartels and the things we learn
9 about in the media don't seem to be weaning. Have
10 they waned -- you may not know this.

11 You know what? This is a very long
12 discussion and I'm concerned we may be getting off
13 onto a tangent.

14 One thing I'm clearly learning is
15 there's an enormous amount of information, far more
16 than I even realized to base our decision on and
17 with 24 days to go, it's sending a certain message
18 but -- would you like to wrap up?

19 MR. MARTINETTI: Yeah.

20 In conclusion, I think that although
21 there are some uncertainties around the MRTA, all
22 the power ultimately ends up with the municipality.

23 So the Community Board and Zoning Board
24 are going to be required in order to get a license.
25 So if the Community Board and the Zoning Board is

1 not in favor of allowing businesses here, you can
2 structure all the requirements that you want as a
3 municipality.

4 COUNCILWOMAN JOHNSON: I have to
5 disagree on that. Mr. Sabellico said --

6 SUPERVISOR SALADINO: Let him speak.

7 COUNCILWOMAN JOHNSON: There's a lot of
8 information. We have other speakers on this issue.
9 I think the next speaker should come up.

10 COUNCILMAN IMBROTO: Unless another
11 Board member has a question for this speaker.

12 COUNCILMAN LABRIOLA: Is he the last
13 speaker from --

14 SUPERVISOR SALADINO: No. Another
15 business --

16 COUNCILMAN LABRIOLA: Another speaker
17 from (inaudible) --

18 SUPERVISOR SALADINO: We do.

19 Christopher, and I promise Joel to get
20 him up next.

21 While he's looking this up, I haven't
22 heard anything that would lead me to believe that
23 the cartels are going to close up shop and no
24 longer be involved in their multibillion dollar
25 industries just because they're worried about being

1 adjudicated.

2 COUNCILWOMAN JOHNSON: I think someone
3 spoke to that earlier that it might actually be
4 cheaper to get it without a tax on it. It's
5 already spoken to. That's a different opinion that
6 may be subjective, but it was spoken to.

7 COUNCILMAN IMBROTO: In reality -- one
8 other -- the black market sales are going to
9 increase or decrease. I'm trying to get -- to wrap
10 my head around what is likely to happen.

11 COUNCILMAN LABRIOLA: Other states.

12 MR. MARTINETTI: Every state is
13 different. Like California has seen an increase
14 but other legal states have not.

15 SUPERVISOR SALADINO: An increase in
16 black market sales, illegal sales?

17 MR. MARTINETTI: Yes, but not at the
18 retail level. At the corporation level, there's
19 more product flowing because we can -- dispensaries
20 can't sell illegal products. It's a funnel to a
21 regulated market.

22 SUPERVISOR SALADINO: Right.

23 COUNCILWOMAN JOHNSON: You have to wait
24 your turn.

25 (Speaker from audience.)

1 COUNCILMAN IMBROTO: Does a license
2 seller have to sell within this -- within this
3 license regulated world or can they sell to
4 anybody? Do they have to sell through a dispensary
5 or can they sell to somebody else?

6 MR. MARTINETTI: So a licensed
7 cultivator or processor -- you can be a cultivator
8 and a processor. You can be both separate. You
9 can't be vertical. You can't be a grower,
10 processor and a dispensary. So, the grower and
11 processor can only sell to a licensed retailer, and
12 that's it.

13 COUNCILMAN IMBROTO: And the grower can
14 only sell to a licensed processor --

15 MR. MARTINETTI: Or a retailer.

16 COUNCILWOMAN JOHNSON: Is that the same
17 as corporation or do they have to be a separate
18 owners of each corporation? The owner of the
19 grower can't be an owner of the actual
20 dispensary --

21 MR. MARTINETTI: So --

22 COUNCILWOMAN JOHNSON: -- so to speak,
23 with the owners.

24 SUPERVISOR SALADINO: That's a good
25 point.

1 MR. MARTINETTI: So the ownership
2 structure -- if you have any interest, whether it's
3 a loan or an equity stake, in a growing or
4 production operation, you can't have an ownership
5 stake or any financial interest in a retail
6 operation and vice versa.

7 SUPERVISOR SALADINO: Mr. Sabellico,
8 why don't we bring up the next speaker?

9 Continue to research. Just raise your
10 hand. We'll have --

11 COUNCILWOMAN MAIER: Just about that
12 point New York State regulations has that been
13 determined by the regulations --

14 MR. MARTINETTI: Yes.

15 COUNCILWOMAN MAIER: -- or haven't seen
16 the regulation.

17 MR. MARTINETTI: That's part of the
18 MRTA because the reason being is they didn't want
19 like monopolies forming here in New York because
20 they already formed with the medical marijuana
21 operators.

22 COUNCILMAN IMBROTO: So that's in the
23 law already? We don't have to wait for a
24 regulation on that subject?

25 MR. MARTINETTI: No.

1 That's already -- thank you so much for
2 the time. Appreciate all the questions.

3 You guys are doing a lot of due
4 diligence. It's going to be a long discussion.

5 SUPERVISOR SALADINO: It's very
6 interesting.

7 My takeaway is there's an enormous
8 amount of information, way more than we could glean
9 in one year.

10 I thank you very much. It's been very
11 important to hear what you have to say.

12 MR. MARTINETTI: Thank you.

13 SUPERVISOR SALADINO: Joel, I promised
14 you. I know you have a situation.

15 MR. BERSE: Tom and I collaborated very
16 well. Thank you, Tom.

17 Good afternoon. My comments originally
18 said good morning.

19 Mr. Supervisor, Town Board members, as
20 you know, my name is Joel Berse. I appear here
21 today as a member of the Nassau County Police
22 Commissioner Patrick Ryder's Community Council as
23 the 14th Legislative Representative at Hicksville.
24 I was appointed per Laura Schaefer as part of the
25 origination of this Council in 2018.

1 If the (inaudible) aren't in the room
2 they're watching the live stream because they were
3 talking about being in support of my presentation
4 here today.

5 Last week Commissioner Ryder and I
6 reviewed a presentation he made to the Council
7 during 2019 with regards to the potential
8 legalization of marijuana sales and consumption in
9 Nassau County.

10 He referred -- he referenced a report
11 by the Nassau County Task Force on marijuana
12 legalization and regulation that is on Nassau
13 County's website as a portion of Executive Order
14 Number 203.

15 He also recommended that anyone who is
16 a portion of the process to potentially legalize
17 cannabis sales and usage read this report. The
18 report is 107 pages long and I printed one copy at
19 my own expense for the Town Clerk to distribute
20 appropriately. I didn't think everybody wanted to
21 be handed 107 papers right now.

22 In interest of brevity, I will
23 highlight certain key points. The task force held
24 hearings in North Hempstead, Hempstead and Oyster
25 Bay townships during February and March 2019.

1 At the Oyster Bay hearing,
2 approximately 70 percent of the attendees were
3 antilegalization. In other hearings, the results
4 were high in opposition to legalization. The
5 Nassau County hearing was 90 percent. In both
6 North Hempstead and Hempstead, it was 80 percent.

7 Decisions after the hearings were that
8 North Hempstead opted out and at that time
9 Hempstead made a one-year moratorium. Remember,
10 that was 2019.

11 Ten states in the District of Columbia,
12 as of the report, legalized cannabis. Colorado and
13 Washington in 2012; Alaska, Oregon and D.C. 2014;
14 California, Maine, Massachusetts and Nevada in
15 2016; Vermont and Michigan in 2018. There are
16 known figures for six of the states and D.C. with
17 the communities that opted out:

18 Colorado, 175; Washington, 79; Oregon,
19 95; California, 338; Massachusetts, 200, Michigan,
20 250; Maine and District of Columbia have no
21 marijuana stores.

22 There are incurred costs associated
23 with legalization that are not exactly determined
24 but will be significant. There will be an
25 anticipated increase in needs for first responder

1 action and social services. These costs could
2 easily surpass projected revenue.

3 There would be a need to train drug
4 recognition experts as there currently is no test
5 similar to the breathalyzer BAC for alcohol-
6 impaired driving. These individuals would require
7 an additional advanced training period beyond
8 current standards enabling them to recognize
9 related medical issues and synergistic effects of
10 combined conditions to aid victims.

11 The disbursement of tax funds are
12 incomplete in New York State and dollar amounts may
13 not meet the costs of counseling, treatment and
14 criminal justice services that result from
15 legalization.

16 The report discusses related taxes,
17 licensing and fees, violations and fines, as well
18 as qualifying for the various associated licenses.

19 Public safety has been negatively
20 affected by marijuana legalization. Nassau County
21 has maintained crime statistics for quite a while.
22 After legalization, Denver Police began doing
23 likewise. There were dramatic increases in
24 burglaries and robberies. There was also an
25 increase in organized crime case files.

1 Colorado, like New York, has 22 State
2 parks. Since legalization, there was dramatic
3 increase of illegal growing on public lands.

4 Traffic safety statistics showed a
5 measurable increase in traffic fatalities with
6 drivers having used marijuana being involved in
7 fatal crashes increasing by 250 percent.

8 In Washington State 44, percent of
9 drunken drivers had a combination of types of
10 impairment. Ten percent of drivers involved in
11 fatal collisions had used marijuana.

12 Nassau County has been trending
13 downward in overall traffic collisions, traffic
14 fatalities and impaired driving. Even with these
15 recent declines, Suffolk and Nassau County ranks
16 first and second in New York State traffic
17 fatalities. The potential of additional
18 impairments would impact these numbers negatively.

19 We have already been battling youthful
20 vaping and drug issues in the Town of Oyster Bay.
21 Ask yourself how leaguizing marijuana would create
22 greater difficulties. The task force recommended
23 that Nassau County opt-out of all cannabis-related
24 commercial business.

25 The following subcommittee reports

1 likewise:

2 Public Health Subcommittee made up of
3 22 health professionals. Treatment subcommittee
4 made up of eight guidance and counseling center s.
5 Taxation and finance subcommittee whose eight
6 members included various Village officials.

7 The Education Subcommittee had concerns
8 over a parent coming to school on behalf of their
9 child potentially while impaired. An elementary
10 student bringing a bag of marijuana to school that
11 they thought was candy and the potential of high
12 school students consuming marijuana in a school
13 bathroom. Besides other factors, that could affect
14 a student's development and success.

15 The Small Business Subcommittee was
16 made up of Chamber of Commerce representatives and
17 business professionals. Their concerns were not to
18 have this type of business in their downtowns.
19 Vacant storefronts, they said, were more desirable.
20 They were also worry about increased violent crimes
21 that occurred in Colorado after legalization.

22 Other concerns were over the potential
23 type of clientele, dangers of a cash-only business
24 and behavior of an impaired individual. If
25 legalized, it would suggest that such a business

1 not be allowed to operate at street level, but on a
2 second floor. However, there was some favorable
3 thought for economic reasons with restrictions in
4 education for neighboring businesses.

5 The Community Impact Subcommittee was
6 concerned about quality of life issues in proximity
7 to dispensaries. Neighborhood education would
8 utilize social media and local clergy.

9 The Legislation and Regulation
10 Subcommittee's main concern were in regards to
11 differences -- differences between Federal and
12 State regulations, plus the ability of the
13 Department of Consumer Affairs to monitor the
14 actions of these establishments in Nassau County.

15 Public submissions included in the
16 report came from the following:

17 Two Town of North Hempstead residents
18 supporting opt-out. National Organization for the
19 Reform of Marijuana Laws sent an e-mail with 14
20 attachments.

21 The DEA's war on marijuana made a
22 submission. Nassau County Counselor's Association
23 calling for the need of student educational
24 programs. The Black Educator's Committee
25 Incorporated had their concerns of the long-range

1 effects on the students they were serving.

2 Nassau County Council of School
3 Superintendents is concerned that the introduction
4 of another mind altering substance in society will
5 increase health concerns and be a hazard to the
6 students in their care.

7 Local 338 submitted a letter in support
8 of legalizing marijuana. A petition in opposition
9 collected in the Town of North Hempstead was
10 included. Four additional e-mails sent to
11 Commissioner Ryder where in opposition were
12 included in the report.

13 In conclusion, while our communities
14 continue to suffer the effects of bail reform
15 legalization of marijuana and the results proven in
16 other states having done so are shortsighted.

17 Progressives have been changing life
18 too dramatically for us all. Police officials that
19 I have dealt with for my entire life have major
20 concerns if there is no opt-out.

21 My fellow members, in all 19
22 Legislative Districts of the Nassau County Police
23 Department Commissioner's Community Council
24 overwhelmingly are concerned of what will happen if
25 municipalities do not opt-out.

1 As a side bar, I have another concern.
2 I was appointed by the County Executive in 2014 to
3 serve on the County Bus and Transit Committee
4 overseeing NICE bus.

5 Legalization would create more
6 instances of impaired individuals in transit
7 facilities or on a bus where a loan operator has
8 enough to do operating a vehicle safely without
9 more unruly individuals on board.

10 Additionally, traffic safety matters
11 very much to me as I spent 22 years in my earlier
12 life with the National Safety Council as a
13 defensive driving course instructor and monitor of
14 other instructors.

15 So the Town of Oyster Bay should
16 opt-out, plain and simple.

17 Thank you.

18 SUPERVISOR SALADINO: Thank you, Joel.

19 Our next speaker is Christopher
20 Abbenda. I'm sorry, Abbenda.

21 I know that presentation went on little
22 long. You're the third person speaking for your
23 organization. If you think you can condense it to
24 five minutes, we would greatly appreciate it.

25 Thank you so much.

1 Would you kindly start off by giving us
2 your full name, organization and your full address?

3 MR. ABBENDA: Sure.

4 My name is Chris Abbenda. I'm a
5 resident in Sea Cliff, 81 Central Avenue, Sea
6 Cliff, New York 11579.

7 I've been a lifelong resident of the
8 Town of Oyster Bay. I've been involved in the
9 cannabis industry both in New York and in
10 Massachusetts for the last three years.

11 Most recently as Owen, my partner,
12 mentioned with an adult-use cannabis dispensary in
13 Massachusetts, I'm also on the retail committee for
14 NYCBA the current largest association for cannabis
15 in New York State. It has been involved with
16 shaping the MRTA.

17 I'm going to cover some quick topics
18 that already have been discussed, but I will go
19 over them again.

20 First, I'd like to start discussing the
21 cannabis products themselves that are sold at these
22 dispensaries.

23 Marijuana consumption is not anything
24 new. We're not here to discuss the legalization of
25 cannabis, but it should be known by allowing these

1 retail dispensaries to exist, you're giving people,
2 members of this community access to safe and
3 effective products that have been tested.

4 Unlike the black market products that
5 exist currently, regulated products are tested for
6 microbials, heavy metals, pesticides, and things
7 that would normally be considered unsafe for human
8 consumption.

9 They meet New York State regulation
10 testing requirements. Products will also be
11 required to have labeling requirements that show
12 the testing results on the products for consumers
13 to understand exactly what they're getting.

14 The second thing I would like to cover,
15 which I don't think was discussed in depth, was the
16 tax revenue. The MRTA has large tax benefits for
17 municipalities. The regulation includes a
18 4 percent additional tax on the sale of cannabis
19 that's split three percent to the Town and one
20 percent to the County.

21 Many might not understand what a
22 cannabis dispensary is capable of generating
23 revenue, but in Massachusetts, there are currently
24 200 operable business with an average revenue of
25 around 7 million.

1 To put that in perspective, we can
2 expect dispensaries in New York State to do much
3 better, but applying the same numbers, the same
4 revenue metric, that would be 200,000 going to the
5 Town and 70,000 going to the County which is pretty
6 significant additional tax revenue for one
7 business.

8 SUPERVISOR SALADINO: How many outlets
9 would you have to have to have that kind of income
10 to the Town?

11 MR. ABBENDA: How many outlets -- I'm
12 sorry?

13 SUPERVISOR SALADINO: It's a volume --

14 MR. ABBENDA: Right.

15 SUPERVISOR SALADINO: -- thing, so
16 metric. How many outlets, how many dispensaries
17 would we have to have throughout the Town of Oyster
18 Bay in unincorporated areas -- because we were told
19 by counsel we don't receive a dollar in tax money
20 from villages, how many dispensaries would there
21 have to be for the Town taxpayers to receive
22 \$200,000?

23 MR. ABBENDA: Well, I think it's -- I
24 think you would have to look at the number of
25 residents that we have in this municipality,

1 surrounding municipalities across Long Island.
2 Long Island has approximately three million
3 residents. In some states the average number of
4 dispensaries -- residents per dispensaries is
5 around 100,000. I think it's fair to say, that
6 having more locations --

7 SUPERVISOR SALADINO: 100 -- would mean
8 three dispensaries across the entire town?

9 MR. ABBENDA: Correct. This is not the
10 business where you need -- or you're going to have
11 -- the liquor store you have one on every corner.
12 These are going to be in places -- we're not
13 expecting a dispensary to open up in the Village of
14 Oyster Bay. We're expecting dispensaries to open
15 up on Jericho Turnpike or Union Turnpike. It's in
16 heavily trafficked areas, commercial areas away
17 from small towns and main streets.

18 SUPERVISOR SALADINO: That's not our
19 law, but the law passed previously.

20 I appreciate --

21 MR. ABBENDA: Right. Right now I
22 understand it's for light industrial.

23 What I'm saying it, it's up to the
24 community, the Planning Board, Zoning Board to
25 decide where those businesses are operated.

1 SUPERVISOR SALADINO: Just answer the
2 question.

3 Approximately, how many dispensaries
4 would need to open to assure the Town that the?
5 Would get the revenue that you suggested.

6 MR. ABBENDA: I would say between three
7 to five dispensaries.

8 SUPERVISOR SALADINO: Three to five
9 dispensaries town wide?

10 MR. ABBENDA: That number would be
11 derived from one dispensary.

12 I'm saying in terms of being able to
13 service the Town as a whole, I would say -- I would
14 hope they would operate more than one location.
15 The Town of Oyster Bay spans quite a significant
16 space across Long Island. That's what I --

17 COUNCILMAN LABRIOLA: Let me stop you
18 right there for a minute. There's little or no
19 provision in the law as I understand it talking
20 about social justice that they're putting "social
21 equity" in the law.

22 And you understand that these licenses
23 are given a preference to those communities that
24 have been disproportionately affected by
25 criminalization of marijuana, so I'm not sure how

1 many licenses Oyster Bay would actually qualify
2 for. In addition to that, the applicants
3 themselves, there's preference to the applicants,
4 that they also that they also be minority or
5 veterans.

6 MR. ABBENDA: Right.

7 COUNCILMAN LABRIOLA: I mean, this is
8 from a reading of the law a few months back, am I
9 correct, Counselors?

10 MR. SABELLICO: Correct.

11 MR. ABBENDA: From my understanding the
12 way MRTA reads, is that 50 percent of the
13 applicants that are applying will be given that
14 priority status. It does not prevent other
15 nonsocial equity applicants from obtaining a
16 license. And it also doesn't prevent social equity
17 applicants -- you don't have to live within the
18 community in which you to operate the business.
19 Although we'd like to see the Town's reflect their
20 community and empower local entrepreneurs --

21 COUNCILMAN LABRIOLA: Is there a finite
22 number of licenses that will be permitted --

23 MR. ABBENDA: That's not --

24 COUNCILMAN LABRIOLA: That's not in the
25 law?

1 MR. ABBENDA: From my understanding,
2 not as of yet.

3 MR. SABELLICO: To the discretion of
4 the Cannabis Board.

5 COUNCILMAN LABRIOLA: And that has
6 nothing to do --

7 COUNCILWOMAN JOHNSON: (Inaudible.)

8 MR. ABBENDA: Just to put --

9 (SPEAKING TO HIS PARTNERS) How many
10 licenses have been applied for in Massachusetts?
11 14,000? Around 14,000 in Massachusetts.

12 There's under 200 operational retail
13 dispensaries and I would say a handful of
14 cultivators and processors.

15 SUPERVISOR SALADINO: And people are
16 continuing to file their applications?

17 MR. ABBENDA: Correct.

18 SUPERVISOR SALADINO: So it could only
19 grow to a larger number in time?

20 MR. ABBENDA: To some degree, but every
21 municipality -- most municipalities, even in
22 Massachusetts, have opted, and in New Jersey, have
23 put regulations in place to limit the number of
24 locations that they would allow in their
25 communities.

1 Like, for example, this is, obviously,
2 New Jersey but Trenton, New Jersey allows ten
3 whereas other municipalities might only allow one.

4 SUPERVISOR SALADINO: Are we allowed to
5 limit? We are not allowed to limit by State law?

6 MR. SABELLICO: My understanding is
7 opt-in or opt-out.

8 COUNCILMAN LABRIOLA: But that will be
9 determined at a future date whether or not there'll
10 be a finite -- for instance, I know initially when
11 they created charter schools, there was a finite
12 number of charter school licenses that were
13 granted.

14 I would imagine at some point since
15 it's going to be so heavily regulated from the
16 State, you're going to have a finite number of
17 these dispensaries.

18 MR. ABBENDA: Right.

19 COUNCILMAN IMBROTO: We don't know
20 that.

21 SUPERVISOR SALADINO: We don't know
22 that.

23 We have no idea. Please continue.

24 MR. SABELLICO: Reference Section 10 of
25 the law says that the powers and duties of the

1 Cannabis Control Board has the sole discretion to
2 limit or not limit the number of registrations,
3 licenses and permits of each class. That's one of
4 the discretions and there's pages of discretions
5 all broad to refer to.

6 MR. ABBENDA: Just to add at this
7 point, is that in Massachusetts, and I expect
8 New York State is going to follow in suit, in a
9 municipality, you have to apply for a special use
10 variance to operate a retail dispensary. So it
11 would start with the discretion of the Town to
12 allow for that type of business use at a specific
13 location. Then -- so there can be an imposed limit
14 in that sense from the Town. Not just the sense
15 that if it's allowed, then you can open up a
16 dispensary regardless. I can't speak too much to
17 the on-site.

18 SUPERVISOR SALADINO: Counselor, by
19 law, can we limit?

20 MR. SABELLICO: The only evidence I see
21 in the issue of licenses where the broad discretion
22 is given to the Board, is when applications are
23 made -- the Town would be advised of the
24 application, but if they're going to go into an
25 area where they're limited by our prior legislation

1 of Light Industry, then I don't see where a Special
2 Use Permit exists. I think that there's a
3 notification to the Town, but I think the ultimate
4 decision of discretion as to the issuance of
5 licenses as drafted, is with the Board.

6 SUPERVISOR SALADINO: With the State
7 Board and then subject to Article 78, beyond that?

8 MR. SABELLICO: Right.

9 With all due respect, the information
10 provided by the individuals have been very
11 informative, but it all has to do with what is
12 existing legislation in Massachusetts.

13 SUPERVISOR SALADINO: We have no idea
14 the state --

15 MR. SABELLICO: And it's prospected
16 guesses as to what New York is going to do.

17 SUPERVISOR SALADINO: Thank you, Chris.
18 We appreciate it.

19 Does anyone have any specific questions
20 for Chris?

21 (No response.)

22 SUPERVISOR SALADINO: Just one question
23 or statement.

24 You made the point to say that you're
25 under the impression that if we limited by opting

1 out, then it would affect access, but it's been
2 made very clear that delivery is a legal service
3 that we expect the industry to provide and,
4 therefore, I can't understand how anyone could
5 believe that there would be an access -- access
6 problem, if you would have delivery to your home.

7 MR. ABBENDA: Correct, I agree.

8 SUPERVISOR SALADINO: Okay.

9 MR. ABBENDA: The thing --

10 SUPERVISOR SALADINO: There's no
11 question whether we opt-in or opt-out, everyone
12 will have -- every adult will have access no matter
13 what we do.

14 MR. ABBENDA: Correct.

15 There's no question if you opt-out,
16 that residents of this town can grow themselves.
17 You can consume cannabis anywhere you can smoke a
18 cigarette. You can drive to a neighboring town,
19 such as the Town of Babylon or potentially the Town
20 of Huntington which is fifteen minutes from here.

21 COUNCILMAN IMBROTO: Someone from the
22 Town of Babylon --

23 SUPERVISOR SALADINO: Or Sea Cliff.

24 MR. ABBENDA: I don't know where Sea
25 Cliff stands.

1 SUPERVISOR SALADINO: The bottom line
2 is someone can make an order online, have it
3 delivered to their home. No one will have whether
4 it's recreational or medical. No one will have an
5 access issue.

6]MR. ABBENDA: Well, medical is
7 separate, but correct.

8 SUPERVISOR SALADINO: Thank you.

9 COUNCILMAN IMBROTO: It can be
10 delivered from a neighboring town to this town?

11 MR. ABBENDA: Yes.

12 COUNCILMAN IMBROTO: This is only about
13 the location of the dispensary?

14 MR. ABBENDA: Correct.

15 SUPERVISOR SALADINO: So there's no
16 issue with access. No one should inform us that
17 any decision we make today would affect their legal
18 access because there will be access under the State
19 law.

20 MR. ABBENDA: Correct.

21 COUNCILMAN LABRIOLA: I just want to
22 say while we're on the record, first of all, I just
23 want you to know and understand in asking the
24 questions that I ask and I'm sure the other Board
25 members feel the same way, we have to evaluate

1 this --

2 MR. ABBENDA: Of course.

3 COUNCILMAN LABRIOLA: -- from a global
4 perspective and not just from a business
5 perspective, and I admire that you three young
6 entrepreneurs are out there and turning this into a
7 business, and I already heard about your success,
8 and I'm not passing judgment on that or on you.

9 I'm simply concerned about how this
10 opt-in or opt-out affects the Town of Oyster Bay
11 residents and that's what we are elected to do.

12 MR. ABBENDA: Of course. I respect
13 that.

14 COUNCILMAN LABRIOLA: The other thing I
15 was going to ask you, just from your expertise,
16 this business, one of the speakers brought up, was
17 about potency. We talked about dabbing. The name
18 of your business is called Potency and the dabbing
19 aspect is about 94 to 96 percent THC potency.

20 Does your business -- do you
21 manufacture this dabbing product, this gel,
22 whatever it is?

23 MR. ABBENDA: They're called
24 concentrates. We don't produce any products. We
25 have just a different retail operation in

1 Massachusetts.

2 COUNCILMAN IMBROTO: Do you sell those
3 products?

4 MR. ABBENDA: We do.

5 COUNCILMAN IMBROTO: Can I ask, how
6 many employees do you have in the dispensary?

7 MR. ABBENDA: A dispensary of our size,
8 around 15 full time and part time.

9 COUNCILMAN IMBROTO: Are they
10 unionized?

11 MR. ABBENDA: They are not.

12 COUNCILMAN IMBROTO: So you have 15
13 nonunion employees at each dispensary,
14 approximately?

15 MR. ABBENDA: Approximately.

16 COUNCILMAN LABRIOLA: Last question and
17 then I'm going to stop.

18 In the sale of alcohol, I mean,
19 obviously, people who are employed particularly
20 bartenders, et cetera, they are trained, licensed
21 and their job, of course, is not to serve alcohol
22 to inebriated people or to stop them at some point
23 as part of the procedures that --

24 MR. ABBENDA: Right.

25 COUNCILMAN LABRIOLA: -- go on in a bar

1 where there's on-site consumption.

2 I'm not exactly sure how it works in
3 liquor stores, but in your store, if somebody
4 drives up in a car, parks in a spot, gets out and
5 they come in to order, you know, whatever they're
6 buying, an ounce or joint of marijuana that you're
7 selling and they're obviously inebriated, what is
8 your role? Do you stop that sale or do you --

9 MR. ABBENDA: Correct.

10 COUNCILMAN LABRIOLA: -- you have the
11 power to stop that sale in Massachusetts?

12 MR. ABBENDA: We have the power to stop
13 the sale in Massachusetts.

14 COUNCILMAN LABRIOLA: Do you have the
15 power to stop that sale in New York?

16 MR. SABELLICO: Yes.

17 COUNCILMAN LABRIOLA: We do?

18 MR. ABBENDA: Just to clarify, in
19 Massachusetts, every employee on site has to go
20 through responsible (inaudible) training program
21 through a certified course in the state. In
22 addition to metric training which is a seed-to-sale
23 tracking platform that will likely be the same
24 platform that's adopted in New York State. It
25 hasn't been fully decided. Employees have to

1 undergo training in both of those areas. Part of
2 the responsible training is to be able to diagnosis
3 or detect somebody that might be impaired coming to
4 the store, do not sell to that individual.

5 Typically they won't -- I'll say --
6 again to reiterate, there are three license checks
7 in those facilities in Massachusetts. One outside,
8 one at the door, it typically always involves an
9 actual ID scan, and then a third at the actual
10 point of sale.

11 COUNCILMAN IMBROTO: Is there --

12 COUNCILMAN LABRIOLA: Thank you very
13 much.

14 COUNCILMAN IMBROTO: Is there another
15 use for this THC concentrate product other than
16 dabbing or achieving the maximum level of
17 intoxication in a short amount of time as possible?

18 MR. ABBENDA: Yes.

19 Concentrates are typically used in
20 marijuana fuse products such as edibles or
21 beverages.

22 COUNCILMAN IMBROTO: So if you were to
23 make your own products at home, is that essentially
24 what you're doing?

25 MR. ABBENDA: I'm sorry?

1 COUNCILMAN IMBROTO: If I were going in
2 your store to purchase THC concentrate --

3 MR. ABBENDA: Right.

4 COUNCILMAN IMBROTO: -- what is the use
5 of that product other than dabbing?

6 MR. ABBENDA: It can be used in
7 dabbing. It can also be used in smoking as a vape
8 pen.

9 (Someone speaks from the gallery.)

10 MR. ABBENDA: Right.

11 (Someone speaks from the gallery.)

12 MR. ABBENDA: So I misspoke.

13 I meant to say, that concentrates are
14 used such as product distal is used to make
15 marijuana infused products such as edibles. The
16 concentrates you were referring to --

17 COUNCILMAN IMBROTO: I'm talking about
18 to this 95 percent.

19 MR. ABBENDA: Are used for dabbing,
20 correct.

21 COUNCILMAN IMBROTO: Is there any other
22 use for them?

23 COUNCILWOMAN JOHNSON: (Inaudible.)

24 COUNCILMAN IMBROTO: I'll stop asking
25 question.

1 MR. ABBENDA: Massachusetts, just to
2 clarify, correct me if I'm wrong, concentrate makes
3 up only about 7 percent of the sales, around 50
4 percent from flower products. This is a select
5 group.

6 COUNCILMAN IMBROTO: Under the --

7 MR. ABBENDA: Compare concentrates to
8 somebody buying 50 proof alcohol.

9 COUNCILMAN IMBROTO: Under the existing
10 law, we wouldn't have the ability to regulate what
11 type of products are sold in the dispensary; it's
12 only whether the dispensary exists or not;
13 everything else would be regulated by the State
14 under regulations not yet promulgated?

15 MR. ABBENDA: That's my understanding,
16 correct.

17 COUNCILMAN IMBROTO: Thank you.

18 SUPERVISOR SALADINO: Thank you very
19 much.

20 This has been very informative.

21 MR. ABBENDA: Thank you.

22 SUPERVISOR SALADINO: Our next speaker
23 is Howard Raymond.

24 Good afternoon, sir.

25 MR. RAYMOND: Good afternoon.

1 I thank you all, Members of the Board
2 and members of the community actually came out to
3 speak on this and showed their interest in this
4 topic.

5 SUPERVISOR SALADINO: Sir, could you
6 start off by giving your full name and address for
7 the record and your organization?

8 MR. RAYMOND: Of course, I apologize.

9 I am Howard Raymond. I live in
10 Plainview at 88 Virginia Avenue. So anybody that
11 wants to come over and say hello, they can do that.

12 Unfortunately, by the way, I once as a
13 boy 18 to 20s spoke at a meeting like this and I
14 said some things that might not have been popular
15 with everybody there and I had the -- at the end,
16 people in law enforcement that were there, told me
17 they would escort me to my car because they were
18 afraid I was going to get hurt.

19 SUPERVISOR SALADINO: A can assure you
20 that no one --

21 MR. RAYMOND: I don't have that fear
22 here.

23 SUPERVISOR SALADINO: Good. Please
24 speak freely.

25 MR. RAYMOND: Because I'm an old man.

1 And I don't think too many people would be
2 threatened by me.

3 SUPERVISOR SALADINO: No matter what,
4 you can speak freely, sir.

5 MR. RAYMOND: In any event -- in any
6 event, I put myself down as a member of the
7 Libertarian Party of Nassau County which I am
8 officer. However, I'm really here to speak as a
9 citizen, but I have no horse in this race. I don't
10 smoke. I never smoked. I've never used marijuana.
11 I've never used drugs. I have four children that
12 -- well, back up, I went to public school.

13 My public school that I went to here in
14 Nassau County was infested and this is 40 years ago
15 because I graduated in 1976. It's actually more
16 like 45. Was infested with people smoking
17 marijuana. I have to believe -- and it was illegal
18 then. I have to believe that that hasn't changed
19 an awful lot.

20 Now, I opted to send my children to
21 private schools hoping that they wouldn't come into
22 this what I consider bad element. However, my son
23 in high school when I questioned him about that, he
24 said dad, I could walk -- he went to private
25 school. He boarded there. He said dad, I could

1 walk across the street and get anything I want.

2 And that's the case here, too. As
3 Mr. Saladino accurately stated, this is not an
4 issue of getting anything. Anybody that wants to
5 have access to marijuana cannabis products can get
6 it, so that's not the issue, and it's not here to
7 protect -- the issue that is before the Board is
8 only dealing with opting in or opting out. There
9 are two choices of opting in or opting out which
10 I'm not going to differentiate now because for my
11 purposes it doesn't affect my -- what I would have
12 to say.

13 But I would say that how many of you
14 who attended either public or private schools had
15 friends or you, yourselves, used cannabis products?
16 I'm not asking you to embarrass yourself, to say
17 one way or the other. It might not be politically
18 correct. I didn't. I don't care I didn't choose
19 for my children to do this and I believe for the
20 most part, they didn't. In fact, I know the three
21 of them never did, but that's not the issue here.

22 The issue is who is this going to help
23 by opting in or opting out. It's not really an
24 issue about the law. I'm going to go back and try
25 to learn from history. What did we learn from

1 history?

2 First of all, 100 years ago -- almost
3 100 years on January 17th of 1920, Prohibition was
4 adopted in this country.

5 How do you folks perceive that as
6 having worked? It didn't work very well; did it?

7 Thirteen years later it was abolished.
8 Some states held on to it. It didn't necessarily
9 change anything. If somebody wanted alcohol,
10 they'd get it. If somebody wants marijuana,
11 they're going to get it and it's not going to help
12 -- whatever law you pass here is not going to
13 matter, but what will matter is -- and I don't own
14 a store here, so I don't have a horse in this game
15 either -- but for retailers, retailers are the only
16 ones if somebody has a retail store, they're the
17 ones that can get hurt. They don't have a vote for
18 any of you folks for the most part. Not because
19 that have a retail store here. They have to live
20 here to have a vote. So these are people that are
21 being taxed and unrepresented. That's something we
22 had a tea party about oh, 250-plus years ago.

23 These people, there's plenty of vacant
24 stores. COVID has hurt the economy. It is better
25 for our economy. It's not going to affect the

1 health and welfare of our community to have retail
2 stores. All it does is it makes it more convenient
3 to them, to the people in the community. It's not
4 going to affect whether or not people drive or the
5 dangers of it. I heard in subterfuge of the real
6 issues here people raised issues of drugs. I spoke
7 -- I heard the term marijuana -- not marijuana --
8 heroin used. That has nothing to do with this
9 vote. This vote is only to opt-in or opt-out.

10 Whether or not you opt-in or opt-out,
11 the State is still controlling that it's legal.
12 They can make it legal and it is available to
13 anyone that wants and whether you do it today or
14 not, the law can change such that in the future you
15 will have it here. I'm not going to say 90, I'm
16 not going to say 10 years, 100 years, but it
17 doesn't help.

18 Prohibition, the reason it failed is
19 because what it led to was gangs.

20 Do we have gangs as a result of having
21 marijuana illegal?

22 Absolutely we do. Absolutely we do
23 have a police enforcement problem here. Our war on
24 drugs has failed. The notion that this is somehow
25 a gateway drug is absurd. I'm going to say that

1 based on personal experience, not of my own people,
2 but of the people I went to school with that
3 smoked.

4 One became a New York State Appellate
5 Judge. It didn't hurt his career at all. He was
6 one biggest person -- people I know use -- smoked
7 marijuana.

8 It didn't affect another friend of mine
9 who grew it in his backyard. He was angry with his
10 dad because his dad pulled up his weeds. He joined
11 the Navy and he's a contractor in the defense
12 industry now. He's an honest guy and he's always
13 been.

14 So it doesn't make you a good or bad
15 person whether or not you use that. The kids, I
16 don't want kids to have it. I think maybe they
17 don't know enough to make an informed decision, but
18 that's not what this vote today has anything at all
19 to do with.

20 I thank you for your time.

21 If you have any questions for me,
22 I'm --

23 SUPERVISOR SALADINO: Thank you, sir.

24 We very much appreciate you coming in.

25 Our next speaker will be Arthur

1 Adelman.

2 Come on up, Arthur.

3 MR. ADELMAN: On the clock.

4 Good afternoon, Board, Supervisor.

5 I'm trying to understand what this
6 hearing is about whether we are going to place
7 Resolution on the calendar to vote on opting in or
8 opting out of the cannabis, State Cannabis Law, so
9 I will try to talk on the hearing aspect.

10 I must first state that I've been
11 associated with cannabis use since 1969. I long
12 for the days like someone else said of the lower
13 potency marijuana.

14 My trip to Amsterdam back in 2002, I
15 was fortunate enough to be able to go into the
16 coffee house there and requested Vintage 73 and he
17 knew what I was talking about. It was nice to be
18 able to have a legal joint, smoke it walking down
19 the street and just feel okay.

20 The cannabis being produced today,
21 unfortunately, that's available to our younger
22 children, my kids are in their 40s already, so I'm
23 talking about the kids in high school is so potent
24 and it's the black market stuff. I can't even try
25 it anymore because it's just too strong, that and

1 the possibility that it might be laced with PCPs.
2 We don't know.

3 Regulation of an industry like this
4 will bring about a safer and controlled substance.
5 That's what we want. Just like alcohol, we can
6 control potency and I think that opting out is
7 probably the solution for the short term because
8 the Town can then take a step back and look at what
9 really needs to be done, but I think the Town
10 should really organize a group to look into the
11 possibilities of opting in, in the near future.

12 I don't think there is any reason to
13 opt-out and close the book on this discussion. I
14 know that if the people get riled enough, they can
15 petition to have a referendum. I don't think that
16 will happen on a Town level. It might happen on
17 some of the local Village levels where the
18 populations are a lot smaller.

19 So whether to opt-in or opt-out, I
20 leave that to you. You are the wise ones to make
21 all the decisions that I respect. I would like to
22 see us opt-in. If you could then delay any
23 openings until all regulations are at and we know
24 what we're talking about because --

25 COUNCILWOMAN JOHNSON: We don't have

1 the ability to do that.

2 SUPERVISOR SALADINO: Arthur, I'm a
3 little confused. You just a moment ago you're
4 advising us to opt-out now. Put a group together,
5 in essence, study the affects and be open minded
6 for the future, but now you're saying --

7 MR. ADELMAN: I'm saying if you can you
8 opt-in and not --

9 SUPERVISOR SALADINO: We can only
10 opt-out and then opt-in in the future. If we
11 opt-in, that's it forever.

12 MR. ADELMAN: If you don't opt-out, we
13 can still regulate what's going to happen; can't
14 we?

15 SUPERVISOR SALADINO: We have no idea
16 because what's a very confusing complicated and
17 quite frankly frustrating to this process is we
18 have no idea, as our counsel has told us, New York
19 State said they would put together the Office of
20 Cannabis. We are told they have begun that
21 process. They have not promulgated any rules and
22 regulations. So it's like boxing in the dark. We
23 have no idea, at least in my opinion, we have no
24 idea what is to come, what the roll out will be,
25 what we're getting into because --

1 Is that an accurate statement to make,
2 Counselor?

3 MR. ADELMAN: I understand the
4 licensing process is handed down by the State, not
5 the municipality.

6 SUPERVISOR SALADINO: Correct, correct.

7 MR. ADELMAN: Just like the State
8 Liquor Authority, SLA, would be the same --

9 SUPERVISOR SALADINO: Right. We don't
10 know what type of rules they're going to make. So
11 we heard you.

12 We thank you for coming up here to
13 speak.

14 MR. ADELMAN: Well, if I was sitting
15 here and I had a vote, a choice what to do, I would
16 put it on the calendar to bring a Resolution to
17 opt-out and then discuss more when it's on the
18 calendar. I'm serious. I think opt-out would be
19 prudent thing at this time, but I do hope that the
20 Board members all have an open mind to this concept
21 because my feeling is that a regulation and legal
22 pot sales is a must for the State. I think we
23 should pursue it, income wise and safety wise. I
24 don't think it affects the use of high school kids
25 because they're going to get it somewhere. Legal

1 or illegal, they're going to obtain it just like
2 they do beer and alcohol and drugs they get today.

3 SUPERVISOR SALADINO: Thank you,
4 Arthur.

5 MR. ADELMAN: Okay.

6 SUPERVISOR SALADINO: Happy and healthy
7 Hanukkah to you and yours.

8 Our next speaker is Garry Slaving.
9 Come on up, Garry.

10 MR. SLAVIN: Good morning -- good
11 afternoon.

12 SUPERVISOR SALADINO: Hi, Garry.

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

15 MR. SLAVIN: My full name is Garry
16 Slavin and I live at 63 Sunset Road, Massapequa,
17 New York. Gorgeous town in the township.

18 One of the stats that you got --

19 SUPERVISOR SALADINO: That's more
20 controversial than what we're dealing with today.

21 MR. SLAVIN: I've lived there for a
22 number of years.

23 One of the stats you got is how many
24 towns, the number of towns opted out of Colorado.
25 Let me just give you a statistic, 66 percent. 66

1 percent of the towns said hell no. And they're
2 still out, all right, period.

3 COUNCILWOMAN JOHNSON: You said
4 Colorado?

5 MR. SLAVIN: Colorado.

6 One of the things I -- I represent
7 Massapequa Takes Action Coalition. I'm on the
8 Board of the Chamber of Commerce and I'm also on
9 the Executive Board for New York State Professional
10 Insurance Agents.

11 Recently, I was asked to write an
12 article because we've had some problem getting life
13 insurance because the State of New York did this
14 glorious thing of opting in.

15 Like, now it's legal. How in God's
16 name are we supposed to get life insurance and
17 disability for people? You want to hear some of
18 the questions they're asking you?

19 So, you know, life has consequences.
20 You decide to do this. Well, you're going to get
21 bit someplace else.

22 Company A asks this question: Have you
23 used narcotics, amphetamines, cocaine, LSD and the
24 next one is marijuana.

25 Company B, have you ever used. The

1 third one is marijuana. We really moved up the
2 spectrum here.

3 Then someone else asked, in the last
4 ten years have you ever used this?

5 I'm going tell you if you're in perfect
6 health and you answer yes to these things, guess
7 what, yes, you're being rated which means you're
8 paying more money.

9 Why, because insurance companies, they
10 look back at history, real history. What happened
11 with alcohol?

12 Well, they've been through it so much.
13 You know, if we know history and really learn from
14 history, we don't have repeat it.

15 Well, if you just changed the word drug
16 for everything we've been through with alcohol, you
17 remember Mom's Against Drunk Driving? Who thought
18 of that. This is where we're going today.

19 I recently had a client who came to me
20 and he had a problem here. I had to go through
21 four insurance carriers to get this guy something
22 as simple as life insurance. So it is a panacea
23 and the money you're going to make is going to
24 evaporate quicker than anything else.

25 One of the biggest problems health

1 insurance companies have today is mental and
2 nervous disorders. Disability carriers don't even
3 want to give you mental and nervous disorders
4 today. Why? Because I can't prove it. You break
5 your leg. You can't work. I can prove that. You
6 tell me you have a mental disorder, I'm paying you
7 for the rest of your life. So you think disability
8 insurance is going to go up, yes. The money that
9 you make is not even going to make it into your
10 pocket.

11 Health insurance in Colorado and the
12 rest of nation is skyrocketing. Why? You all know
13 why. It's not something we need to go through, or
14 waste of time. So I really think that -- oh, this
15 thing is nice. We can make money, no you're not.
16 You're not going to see a dime of it. You're never
17 going to see a dime of it.

18 You know other politicians these things
19 -- you know, this is a family. You know, the
20 reason I lived here all my life is because I felt
21 it was a family. You cared for me and you cared
22 for my community. There are three generations of
23 Slavins living in this town because you cared
24 enough to make sure that my kids grew up in a good
25 town. Not one that I always had to look over the

1 shoulder for and say what are they doing over
2 there?

3 This, I don't think is going to help me
4 raising my new granddaughter of two months. I
5 don't think this is a good thing for her and I
6 don't think it's a good thing for any other kids.

7 I remember when I was a kid, yeah, I
8 was 14 and 15 years old, how did I get around
9 buying beer, I went to another friend of mine. He
10 was 18 and 19. Come on. The law is the law. But
11 what happens our kids when we subject them to this?
12 Yes, it's spoke to very eloquently. They're never
13 going to go out of business. Why? Because people
14 in Albany make stupid laws. This law reminds me of
15 the Affordable Care Act. When I got the, bill the
16 first couple of pages had writing on it. The rest
17 of the bill had no writing on it. I asked the
18 woman who drafted the bill, how the hell did you do
19 this? She said Garry, that was the draft. It was
20 never supposed to get published. That's what they
21 passed. It seems to me they did the same thing
22 here and they're asking you to approve it.

23 None of you would sign a blank
24 contract. None of you would sign a blank check and
25 say yeah, go ahead do it. So I opt for you guys to

1 say no, but I also ask you because you opt-out,
2 New York State has a health insurance plan that
3 you're all on. It's called a New York Empire Plan.
4 I think you should get a credit on your health
5 insurance because you opted out. You did the same
6 thing. You said no. I don't want to increase the
7 cost of the health insurance plan, New York Empire
8 Plan. You probably should get a credit for the 13
9 percent you're not going to get.

10 Ladies and gentlemen, I know you've
11 been here a long day. Thank you for listening to
12 my complaints, and I hope you vote to opt-out.
13 Because as I said, the Town of Oyster Bay is a
14 great place to be to raise a family, a place to
15 live, so I want it to stay that way with your votes
16 hopefully voting to opt-out we can get there.

17 So, thank you very much.

18 SUPERVISOR SALADINO: Thank you, Garry.
19 Margaret? Is Margaret here? Margaret
20 Marsham?

21 COUNCILWOMAN JOHNSON: She's not here.

22 SUPERVISOR SALADINO: Catherine. Come
23 on up, please.

24 MS. GUGLIUCCI: My name is Catherine
25 Gugliucci.

1 I live at 1297 Cedar Swam Road, Old
2 Brookville.

3 I'm here as a parent --

4 SUPERVISOR SALADINO: Could you just
5 speak up a little bit? I'm having trouble hearing
6 you.

7 MS. GUGLIUCCI: Should I start over?
8 Did you hear my name and address?

9 THE STENOGRAPHER: Could you spell your
10 last name?

11 MS. GUGLIUCCI: G-U-G-L-I-U-C-C-I.

12 My address is 1297 Cedar Swam Road, Old
13 Brookville, New York. I'm here as a parent and a
14 resident to ask you to please opt-out of retail
15 sales especially on-site consumption. I'm
16 concerned about exposure to our young people and
17 safety on our roads. We have seen the explosion of
18 the vape industry. These kids are addicted and
19 many are already willing to move onto adding THC to
20 these vapes. These are obstacles to our law
21 enforcement and to our schools. We should be
22 working with law enforcement and schools and
23 parents to create healthy, safe and smart
24 societies. People are more important than profit.
25 You have the gift of time. Please opt-out.

1 Thank you.

2 SUPERVISOR SALADINO: Thank you very
3 much.

4 That's the last slip that I have
5 identifying anyone who would like to speak on this
6 hearing.

7 Counselor, what do you have for us in
8 summary?

9 MR. SABELLICO: Supervisor and Town
10 Board, we heard a lot of excellent testimony this
11 morning. I think many issues were brought before
12 you. However, the one thing is that this
13 legislation doesn't really have to do with a lot of
14 what was heard. What's before you today is not
15 about the legalization of use. It's not about a
16 stigma of marijuana. It's about can you agree to a
17 law that was passed that you don't know how it
18 totally binds you yet.

19 So, in essence, what the Local Law
20 before you is, is to put your foot on the brake at
21 this point until you find out exactly what Albany
22 has in mind for you. With the knowledge that it's
23 not irreversible, that in the future you can change
24 it and put your foot on the gas and go forward.

25 COUNCILMAN IMBROTO: Mr. Sabellico, can

1 I ask you one more question?

2 Is it conceivable that the regulations
3 that are eventually promulgated would supercede our
4 ability to regulate the land use and zoning aspect
5 of this?

6 MR. SABELLICO: Anything is possible
7 because it hasn't been fully vetted out yet.

8 What has been adopted by MRTA is very
9 broad powers to the Board and the Board itself
10 hasn't been populated. So, therefore, if they
11 can't tell you what they're going to do because we
12 don't even know who's going to do.

13 COUNCILMAN IMBROTO: For example, with
14 respect to alcohol, there's a regulatory scheme
15 from the State that regulates alcohol which
16 curtails our ability to regulate alcohol sales.

17 MR. SABELLICO: Right.

18 A regulatory scheme here is very
19 similar because this Board is under the control of
20 the ABC Alcohol Beverage Control Law. So it's very
21 similar, but you don't have all the rules yet. So
22 it's very difficult for me to tell you go ahead and
23 opt-in knowing that coming December 31st, you can't
24 opt-out.

25 COUNCILMAN IMBROTO: So a regulation

1 may come that says we can't limit sales to Light
2 Industrial, we can't control where they're sold.
3 That may --

4 MR. SABELLICO: Right. My suggestion
5 is the purpose of this law was to say following the
6 dictates of the Cannabis Law is to put your foot on
7 the brake at this point and say right now need to
8 know more. As a Board, we need to know more.
9 We're not going to step into a hole that we don't
10 know how deep it is. Hold off. All right.

11 So knowing that you can reverse that at
12 any time, now you can take a deep breath, watch
13 what goes on. You can repeal this law in January.
14 You can repeal it at any time going forward once
15 New York State has taken the actions necessary to
16 fully regulate what it is that they had in mind.
17 That's the purpose of this law, not to criminalize
18 marijuana, not to stigmatize it, not to make it
19 unavailable, not to do any of the things that were
20 passionately brought before you today, but to just
21 take a look at what the State has done and say what
22 is my obligation now as a Board, as a town.

23 Maybe we need to just put your foot on
24 the brake and find out what it is we're going into
25 and then you can always reverse it, but if you

1 don't do it, it's a one-way street.

2 SUPERVISOR SALADINO: Thank you,
3 Counselor.

4 May I have a motion -- is there any
5 postings?

6 MR. LaMARCA: We have Affidavits of
7 postings and publication. There is no -- there is
8 correspondence on file which has been distributed
9 to the Town Board.

10 There is no other correspondence.

11 SUPERVISOR SALADINO: Thank you, Clerk.
12 May I have a motion, please?

13 COUNCILWOMAN JOHNSON: Supervisor, I
14 make a motion that this hearing be closed.

15 Decision to be voted on.

16 SUPERVISOR SALADINO: May I have a
17 second?

18 COUNCILMAN IMBROTO: I second the
19 motion.

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

22 ALL: "Aye."

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

25 (No verbal response.)

1 SUPERVISOR SALADINO: The "Ayes" have
2 it.

3 So what we have just done is we have
4 taken a vote to close the meeting and then the vote
5 on the opt-out will come later today during this
6 meeting, but we have not yet voted on whether to
7 opt-out or not.

8 At this time, we are going to have our
9 second hearing followed by a conversation with our
10 attorneys on some legal matters in Executive
11 Session.

12 MR. SABELLICO: Thank you, Supervisor.
13 Thank you, Board.

14 SUPERVISOR SALADINO: Thank you,
15 Counselor.

16 COUNCILWOMAN JOHNSON: A pleasure to
17 see you, Counselor.

18 (TIME NOTED: 2:38 P.M.)
19
20
21
22
23
24
25

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
December 7, 2021
2:39 p.m.

HEARING - P-8-21

To consider the application of L&B Land, LLC, fee owner, for a Special Use Permit on premises at 521 Stewart Avenue, Bethpage. (M.D. 11/2/21 #33).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would you please
2 call the second hearing?

3 MR. LaMARCA: The next hearing to is to
4 consider the application of L&B Land, LLC, fee
5 owner for a Special Use Permit on premises at
6 521 Stewart Avenue, Bethpage.

7 (Whereupon, a discussion was held off
8 the record.)

9 SUPERVISOR SALADINO: Please set up
10 your equipment.

11 (Whereupon, a discussion was held off
12 the record.)

13 SUPERVISOR SALADINO: We have some of
14 the Board members taking a break. They can hear
15 your application from the adjoining room, so they
16 are listening. You can wait or you can begin
17 immediately. I am here physically in the room, so
18 we have a quorum and they are listening.

19 Do you agree with all that, Frank?
20 Okay. So it can be up to you what you would like
21 to do.

22 UNKNOWN SPEAKER: I think we can just
23 start then.

24 SUPERVISOR SALADINO: And they are
25 listening through the speaker in the adjoining

1 room. Please go right ahead.

2 Would you start by stating your
3 presence, please?

4 MR. SNIPAS: My name is Erik Snipas.
5 I'm an attorney with the law firm of Forchelli,
6 Deegan, Terrana, 333 Earle Ovington Boulevard,
7 Uniondale, New York. I'm here on behalf of L&B
8 Land, LLC, the owner of the premises.

9 This application is from dabbling to
10 donuts. Present with me today, I do have Louis
11 Brienza, who is the owner and proposed operator of
12 the Dunkin' Donuts site as well as Rick Bartlett
13 who is the architect of record. I have submitted
14 an exhibit packet which I prepared which I will be
15 referencing during this hearing. This exhibit
16 packet also contains 38 consent letters from
17 residents of Bethpage who fully support the
18 project. I also do have Mr. Brienza over the last
19 few days has secured 22 more consent letters. So I
20 would like to hand those up as well to be made part
21 of the record.

22 Many of the consent letters were
23 obtained after Mr. Brienza mailed out a letter
24 dated July 2, 2021, to the neighbors within the 300
25 foot radius. The letter is included in the exhibit

1 packet, Exhibit 2. The letter explained the
2 project and provided a letter of support for the
3 neighbors' signatures. Mr. Brienza was also
4 informed by some of the neighbors that he they did
5 not receive the letter of support with the letter
6 that was sent out, so he sent out a subsequent
7 letter. That's also in your exhibit packet as
8 Exhibit 3. All of the consent letters are within
9 the exhibit packet that were provided to the Town
10 in our October 7th correspondence.

11 Our application today seeks special
12 permit approval and site plan approval to relocate
13 the existing Dunkin' Donuts at 515 Stewart Avenue
14 to the northern adjacent lot and repurpose the
15 existing drive-thru.

16 Under the town code, the Dunkin' Donuts
17 is classified as a fast food restaurant and within
18 the neighborhood business district which this
19 premises is in. A fast food restaurant in a free
20 standing building, requires Special Use Permit.
21 The drive-thru is a permitted accessory use subject
22 to Town Board approval.

23 As I stated, the premises is currently
24 owned by L&B Land, LLC and is proposed to be
25 operated by the franchisee, L&B Donuts, LLC.

1 Mr. Brienza has operated the Dunkin'
2 Donuts at 515 Stewart Avenue for twelve years. His
3 lease at 515 Stewart is expiring. And he purchased
4 the premises to allow him to move the Dunkin'
5 Donuts, the premises, and provide a drive-thru
6 service that will meet the ever growing demand of
7 Dunkin' Donuts customers for drive-thru services.

8 As you may recall this premises is the
9 former Bank of America Bethpage branch know as
10 521 Stewart Avenue. Stewart Avenue is a County
11 road and we have gone through extensive revisions
12 with DPW, which I will allow Rick Bartlett to come
13 up in a few short moments, who will explain all the
14 provisions. And we have received 239F approval.

15 The premises is located across the
16 street from the King Kullen shopping center on
17 Stewart and is one block north of the Bethpage
18 train station. It's located on the Nassau County
19 tax map as Section 46, Block 1, Lot 183, 184, and
20 185. It features 140.02 feet of frontage on
21 Stewart Avenue with two existing curb cuts. It has
22 a total lot area of 13,368 square feet. It is
23 currently improved with the vacant 2,730 square
24 foot bank building that was constructed in 1967
25 based on the Nassau County property card.

1 Our application today actually proposes
2 to reduce the existing building by 1300 square feet
3 which is nearly half the building and relocating
4 the parking from the rear of the building to
5 accommodate a drive-thru lane at Dunkin' Donuts.

6 To be clear, I want to make this clear
7 for the record, we're not proposing a Baskin
8 Robbins. Our initial application did propose a
9 Dunkin' Donuts with a Baskin Robbins. Baskin
10 Robbins is not part of our application.

11 Now, due to COVID-19 and the recent
12 variants, more and more people are opting to visit
13 the drive-thru rather than ordering in the store.

14 According to the market research firm
15 the MPD Group by December 2020, drive-thru lanes
16 accounted for 44 percent of all premise orders
17 across the entire restaurant industry.

18 Dunkin' Donuts provides the Dunkin
19 on-the-go mobile ordering application which allows
20 customers to place their orders from their phones
21 and pick up their orders at the drive-thru window.
22 This drastically reduces the queuing time as the
23 customers bypass the menu board and go straight
24 through to the drive-thru window.

25 Due to the efficiency of the

1 application, the applicant expects drive-thru wait
2 times to be less than one minute. And I know from
3 personal experience and I'm sure many of the Board
4 members know, when you go to -- it's a little
5 different from when you go to a Starbucks which has
6 more specialty drinks. When you go to Starbucks --
7 I know I'm always asking my wife, do you want
8 coconut milk, skim milk, is it whip cream or not
9 and you're sitting at the drive-thru window waiting
10 to confirm.

11 COUNCILMAN IMBROTO: Do you know what
12 the average wait time at the Starbucks window is?

13 MR. SNIPAS: No.

14 COUNCILMAN IMBROTO: Could you find
15 that out because we have a drive-thru through
16 Starbucks in Bethpage? There's always 20 cars
17 backed up on Stewart Avenue. Every time I drive
18 past, I say whoever approved this is crazy so...

19 MR. SNIPAS: Right.

20 MR. BRIENZA: They are espresso based
21 -- more of an espresso base which takes much longer
22 than -- we're a coffee base, mostly coffee base.

23 So to steam milk will take an extra
24 minute and a half and you have to -- to get the
25 espresso out which takes a little bit more time to

1 grind it into the packer and then pressurize. So
2 that takes longer.

3 So we're faster that way. That's why
4 there's more people -- it takes longer when you go
5 into Starbucks. We can make coffee in literally
6 ten seconds. If you order a coffee and you did it
7 on the app, we're actually making it while we're
8 making a customer's coffee because it comes out and
9 they're not even in the store and we can do two
10 things at once and we can make two different
11 coffees at once. We put a sticker on it and then
12 they just walk into the store. They take the cup
13 and they walk out. They're literally in the store
14 for under 30 seconds.

15 COUNCILMAN IMBROTO: Go on.

16 MR. SNIPAS: If you turn to Exhibit 6,
17 that is the existing survey. The existing site's
18 configuration has the drive-thru queuing lane
19 wrapping around the parking spaces on the west side
20 of the building, the rear of the building. This
21 configuration that's existing, the queuing aisle is
22 blocked, the parking spaces, and causes further
23 congestion in the site.

24 The applicant has gone through great
25 length to reduce the size of the building down to

1 the proposed 1440 square foot building. I think
2 1327.5 square feet of the GFA excluding the
3 allowable exclusions in the Town code.

4 All parking will now be in the anterior
5 site with the drive-thru lane wrapping around the
6 building and parking spaces of the site.

7 You kind of see from this color
8 rendering all the parking will be anterior. We're
9 proposing seven parking space where nine are
10 required. So we will require relief from the
11 Zoning Board of Appeals for the parking as well as
12 for a pile on -- the standard pile on that's going
13 to be located within the front yard setback. The
14 drive-thru lane will be separated from the parking
15 area by a new poured curb as well as wheel stops in
16 each in each one of the parking spaces.

17 Additionally, we're proposing to remove
18 the existing northern curb cut and replace it with
19 a 30-foot curb cut. The southern curb cut will be
20 modified down to 20 feet. Customers will enter the
21 site via the northern curb cut.

22 Walk-in customers will turn left into
23 the parking area as shown here in the plan.

24 Drive-thru customers will stay to the right and
25 follow the drive-thru signs on the menu board which

1 will be located directly west of the building.

2 The drive-thru window will be located
3 five car lengths from the menu board on the south
4 side of the building. Under Town code, Town code
5 requires five vehicles from the drive-thru window.
6 We're proposing eleven from the drive-thru window
7 and there will be seven from the menu board.

8 And that's how we accommodate -- in
9 total, we can accommodate eleven vehicles from the
10 drive-thru window. Drive-thru -- customers will
11 then exit the premises via the southern curb cut.
12 Customers who park their vehicles at the premises
13 will exit via the northern curb cut and there will
14 be no left turn sign at both curb cuts as well.

15 In addition to the improvements I
16 already mentioned, we are also drastically
17 improving the buffer are separating the premises
18 from the property to the north and west. As the
19 premises currently exists, there are between two
20 and three feet of buffer area. Along the northern
21 property line, the applicant is proposing to
22 increase that buffer to between 5 feet and 17 feet.
23 Along the western property line, the applicant is
24 proposing a 10-foot buffer with a new white 6-foot
25 PVC fence.

1 Also shown on the landscape plan which
2 is drawing SP3, the applicant is proposing very
3 dense and beautiful plantings within the northern
4 and western buffers and will be enhancing the
5 landscaping at the front of the property and the
6 building.

7 Regarding the menu board, we are
8 proposing to use the HME automatic volume control
9 which is known as ABC menu board and speaker
10 system. This speaker system actually adjusts the
11 outbound volume based on the outdoor ambient noise
12 level. So when the ambient noise levels decrease,
13 noise levels decrease at night, the ABC will reduce
14 the outbound volume in the system.

15 SUPERVISOR SALADINO: Is the speaker
16 pointed in the direction of the homes or is it
17 pointed back to the building?

18 MR. SNIPAS: Pointed to the northwest.

19 SUPERVISOR SALADINO: Pointed to the
20 northwest.

21 MR. SNIPAS: Right.

22 So, what you'll have is you have
23 vehicles in front of it. From the menu board to
24 the property line is 35 feet. Then from the
25 property line to an adjacent residence, probably

1 another 15 to 20 feet. So you're looking at about
2 50, 55 feet in total. That doesn't even take into
3 account the fact that you'll have the vehicle
4 that's going to be blocking the sound and then the
5 landscape buffer, the 10-foot landscape and 6-foot
6 fence and then the distance beyond that to the
7 residences.

8 I also would like to hand up, if I may,
9 the HME, which is the manufacturer of the ABC
10 system, there's a white paper -- with the ABC
11 system, the decibel level of the speaker with 45
12 decibels of outside noise that is 16 feet away
13 would be 36 decibels which is equivalent of a
14 whisper or a clock ticking and that's just 15 feet
15 away. Like I just said, we're about 50 feet away
16 from the house and 35 feet from the property line.
17 I'd just like to hand that up as Exhibit 11.

18 COUNCILWOMAN MAIER: I will say from
19 personal experience, the HP product is definitely
20 superior. It's attenuating [sic] system is much
21 more clearer and crisper and I guess, you're not
22 having to repeat yourself with a customer.

23 MR. SNIPAS: Right.

24 And reading -- doing some research
25 about the system, the manufacturers have realized

1 that over the years, speaker systems that have
2 posed a problem with neighbors, and as a result,
3 come up with ABC to reduce noise.

4 COUNCILWOMAN MAIER: What was the
5 distance from the nearest property neighbor?

6 MR. SNIPAS: From the nearest property
7 line would be 35 feet from the menu board and then
8 from property line to the building -- residence
9 rather would be probably another 15, 20 feet, give
10 or take.

11 We're proposing about ten employees,
12 maximum four, during any given shift. Proposed
13 hours would be seven days a week, 5:00 a.m. until
14 11:00 p.m. Deliveries would occur at 1:00 p.m. on
15 Wednesday and the drive-thru would be shut down
16 during that half hour window for deliveries.

17 COUNCILMAN IMBROTO: Do you bake the
18 donuts on-site?

19 MR. SNIPAS: No.

20 COUNCILMAN IMBROTO: When do those get
21 delivered?

22 MR. SNIPAS: Those get delivered early
23 in the morning by a van. They drop it off. You
24 have the door in back. It's just dropped off --
25 would you say three minutes?

1 MR. BRIENZA: All we do is, we have a
2 rack ready for them that they take and roll in the
3 rack with donuts and then they leave them there and
4 then they leave.

5 MR. SNIPAS: Additionally, Nassau
6 County Planning Commission has recommended local
7 determination at its October 7, 2021 meeting.

8 At this time, I just ask that Rick
9 Bartlett come up and explain a little bit about
10 what we went through in dealing with DPW and all
11 the alterations we've done, as well as explain the
12 elevations.

13 Rick, if you wouldn't mind.

14 MR. BARTLETT: Good afternoon,
15 Supervisor, Members of the Board.

16 My name is Rick Bartlett, architect,
17 offices at 190 Motor Parkway in Hauppauge.

18 When Lou first came to me with this
19 building and the concept of developing it, it was
20 slated for a combination Dunkin' Donuts/Baskin
21 Robbins.

22 The building itself as it existed was
23 plenty big enough. Everything was great, except
24 with the addition of the drive-thru lane, we were
25 running into some logistical obstacles with regard

1 to stacking, blocking parking spaces, access in and
2 out of the site.

3 So we took a step back and we said, all
4 right, what if we took about I think -- what was
5 it, Lou, 1000 square feet? The first pass, we took
6 1000 square feet of the building away. Most of the
7 parking was located on the north side of the
8 building. And after submitting to the Nassau
9 County DPW, the comments came back, well, we don't
10 like the idea you're blocking parking here. Even
11 though we met the stacking requirement per Town
12 standards, we were not meeting the Nassau DPW
13 standard of seven cars from the order point. So,
14 we needed seven cars from the order window to the
15 back of the stacking line and we weren't allowed to
16 come closer than 25 feet from the street.

17 So we took another step back and said
18 how are we going to make this work? The only way
19 to make it work was to drop the Baskin Robbins and
20 lose another percentage of the building. So we're
21 now cutting the building back almost 50 percent in
22 order to accommodate the drive-thru lane as it is
23 currently configured.

24 So the stacking is able to stack along
25 the north part of the property, wrap around the

1 west side and then exit on the south side without
2 disrupting any of parking spaces whatsoever.

3 COUNCILMAN IMBROTO: Is there a parking
4 spot that lines up with the exit lane for the
5 northern side of the property? It looks to me that
6 there's exits on both sides of the property.

7 MR. BARTLETT: You can exit to the
8 north as well. There is one spot, I guess, that is
9 opposite that --

10 COUNCILMAN IMBROTO: How do you get out
11 of that spot without entering the drive-thru lane?

12 MR. BARTLETT: You would back out to
13 left here (indicating).

14 COUNCILMAN IMBROTO: It's not a whole
15 lot of room to do that.

16 MR. BARTLETT: Well, there's enough
17 room to do a typical backup out of a parking space.
18 There's 24 feet between the back end --

19 COUNCILMAN IMBROTO: I'm just picturing
20 them all backing up into the drive-thru lane.

21 SUPERVISOR SALADINO: I think he's
22 saying -- let me ask a question, if I may, please.

23 MR. BARTLETT: Go ahead.

24 SUPERVISOR SALADINO: So you backed up.
25 Now, you're turning east and you want to exit

1 through the northerly entrance apron.

2 MR. BARTLETT: Right.

3 SUPERVISOR SALADINO: Egress.

4 How wide is that egress?

5 MR. BARTLETT: The exit curb cut is 30
6 feet.

7 SUPERVISOR SALADINO: 30 feet wide?

8 MR. BARTLETT: Right.

9 SUPERVISOR SALADINO: I see a white
10 stanchion.

11 Is that --

12 MR. BARTLETT: A stop line.

13 SUPERVISOR SALADINO: That's a stop
14 line painted on the ground?

15 MR. BARTLETT: Correct.

16 SUPERVISOR SALADINO: So you can -- on
17 the north side of that stop line, you exit there?

18 MR. BARTLETT: No. There's enter here.
19 So the entry is here (indicating).

20 SUPERVISOR SALADINO: Right.

21 MR. BARTLETT: The exit is here
22 (indicating).

23 SUPERVISOR SALADINO: Okay.

24 So, if that outer ring is filled with
25 cars waiting to order --

1 MR. BARTLETT: Right.

2 SUPERVISOR SALADINO: -- the only way
3 out is through that northerly egress, that
4 northerly apron?

5 MR. BARTLETT: Correct, correct.

6 You wouldn't be able to access the
7 drive-thru.

8 COUNCILMAN IMBROTO: What I'm saying is
9 if you're that car and it's parked in that furthest
10 north parking spot --

11 SUPERVISOR SALADINO: On the west side
12 of the parking lot, that one?

13 COUNCILMAN IMBROTO: Yes.

14 You would be unable to back your car
15 out the other way without going into the entry or
16 drive-thru lane because there's not a car length to
17 do so.

18 SUPERVISOR SALADINO: Backing out and
19 putting the rear of your car south.

20 MR. BARTLETT: This way (indicating)?

21 COUNCILMAN IMBROTO: Putting the rear
22 of your car to the north, you wouldn't be able to
23 do that.

24 COUNCILWOMAN MAIER: Putting the rear
25 of the car to the building.

1 COUNCILMAN IMBROTO: Right.

2 SUPERVISOR SALADINO: So the southerly
3 most spot of those pots is where it becomes most
4 complicated. In the parking spot closest to the
5 building, that's where that my colleague has a good
6 point.

7 MR. BARTLETT: No, he's referring to
8 this spot (indicating).

9 COUNCILMAN IMBROTO: Either spot is a
10 problem with either spot.

11 MR. BARTLETT: This is a handicap spot.

12 SUPERVISOR SALADINO: How does that car
13 back up in the handicap spot?

14 MR. BARTLETT: Toward the building and
15 out (indicating).

16 SUPERVISOR SALADINO: But how do you
17 back up? Is there a sidewalk?

18 MR. BARTLETT: This is a sidewalk,
19 correct.

20 SUPERVISOR SALADINO: So you couldn't
21 turn because there's no place to turn and back
22 into. You can only back up and then go to the
23 right and make, in essence, a 180-degree turnabout
24 to get out of there.

25 So you can only go over -- you couldn't

1 cut your wheel because then you'd be backing up
2 into the building.

3 MR. BARTLETT: You have almost eight
4 feet of stripe area that would, you know, allow for
5 a backup from here (indicating). It's not like
6 there's no room at all to get your car out. You're
7 going -- I mean, it's no different than most other
8 parking that's situated in this configuration where
9 you have a sidewalk or you have, you know, other
10 obstacles. You've got 24 foot of space -- is it 24
11 or did we increase that a little bit?

12 SUPERVISOR SALADINO: That's the
13 disabled parking spot.

14 Now, if we move north to the other end,
15 how does that car make a circle out so it --

16 MR. BARTLETT: Here (indicating)?

17 SUPERVISOR SALADINO: Yes, that one.

18 MR. BARTLETT: They back out in the
19 same fashion.

20 SUPERVISOR SALADINO: So if this is
21 filled with cars, how do they get out?

22 MR. BARTLETT: Well, the queue starts
23 here (indicating), so the cars are actually out of
24 the ingress.

25 SUPERVISOR SALADINO: Who will stop

1 them from doing just that?

2 MR. BARTLETT: From doing what?

3 SUPERVISOR SALADINO: Pulling off of
4 Stewart Avenue into that ingress area that you
5 don't want a car to be parked? How will someone
6 know not to do that? Will there be an employee out
7 there directing them?

8 MR. BARTLETT: No. I mean, at this
9 point, they've got two choices. They're either
10 going to go drive-thru or park and go into the
11 store.

12 SUPERVISOR SALADINO: Right.

13 So if there's no more parking spots or
14 if someone has not interest in parking and they
15 just want to use the drive-thru, they pull in and
16 there's whatever it is, ten cars waiting, what
17 stops them from blocking the ingress and,
18 therefore, blocking the exit for cars in the
19 parking lot?

20 MR. SNIPAS: Supervisor, if I may, I'm
21 just conferring with Mr. Brienza. We have two
22 options here.

23 One is, we can make that northern space
24 employee only parking which would mean the employee
25 would leave, obviously, when the drive-thru is, you

1 know, not really -- not active, not very busy. The
2 other would be that during busy hours, Mr. Brienza
3 would agree to have an employee out there to direct
4 traffic to prevent the issue.

5 COUNCILWOMAN MAIER: I have a quick
6 question regarding, I guess, the parking lot.

7 I know lot of businesses due to COVID
8 are changing their operations and doing curbside
9 pickup.

10 Are there any allocated spaces in the
11 parking lot for curbside pickup? A mobile app and
12 then --

13 MR. BARTLETT: Typically, what Dunkin'
14 does, is they will allocate one space in the
15 parking area.

16 COUNCILWOMAN MAIER: Is it going to be
17 marked or is there going to be a sign?

18 MR. BARTLETT: There's usually a sign
19 that says, you know, "Mobile On The Go."

20 COUNCILWOMAN MAIER: Where would that
21 be on this?

22 MR. BARTLETT: That is yet to be
23 determined. I mean, I would think it would
24 probably be one of the ones closer to the building,
25 closer to door on the opposite side here

1 (indicating) so coming out to serve the car and,
2 you know, would be limited to travel distance for
3 the employee.

4 COUNCILWOMAN MAIER: Now, heading into
5 the drive-thru, is there just enough space for one
6 car to get through?

7 MR. BARTLETT: As you enter the
8 drive-thru lane?

9 COUNCILWOMAN MAIER: Yes.

10 MR. BARTLETT: Yes.

11 COUNCILWOMAN MAIER: That first arrow
12 up there --

13 MR. BARTLETT: Yes.

14 COUNCILWOMAN MAIER: So there could
15 potentially be a backup. So if someone wanted to
16 get out and chose to make the left to go to the
17 drive-thru instead of going right, I guess there
18 would be somewhat of a merge because there is no
19 escape lane.

20 MR. BARTLETT: There's an escape lane
21 once you make the turn.

22 COUNCILWOMAN MAIER: But that space
23 right now where the greenery is -- that curb --

24 MR. BARTLETT: That space here
25 (indicating)?

1 COUNCILWOMAN MAIER: Correct. There's
2 only room for one car?

3 MR. BARTLETT: Correct. I mean, that
4 could theoretically be widened, you know, reduce
5 that landscape strip there and then provide for
6 two, but then you've got the issue with four
7 shortening the stack lane. Now, the stack lane is
8 not going to have the seven cars that the DPW
9 requires.

10 COUNCILWOMAN MAIER: I'm not sure if
11 that necessarily shortens the stacking lane, but it
12 would prevent any backup onto Stewart Avenue.

13 MR. BARTLETT: Now you would --

14 COUNCILWOMAN MAIER: Use it to make a
15 left --

16 MR. BARTLETT: Now, you would have the
17 cars stacking here in order to leave this as a
18 clear bypass.

19 In doing so, by foreshortening --
20 foreshortening it -- that's a tough word -- by even
21 10 feet here, you're going to lose a queue of
22 possibly half a car or more.

23 SUPERVISOR SALADINO: What's the width
24 of that green space that you were just pointing at?

25 MR. BARTLETT: This space here

1 (indicating)?

2 SUPERVISOR SALADINO: Yes.

3 MR. BARTLETT: It's probably about 12
4 feet as its widest --

5 SUPERVISOR SALADINO: North/south --

6 MR. BARTLETT: Yes, about 12 feet.

7 SUPERVISOR SALADINO: Would the
8 applicant consider making that more narrow to
9 reduce this choke point that's there?

10 MR. BARTLETT: Sure.

11 SUPERVISOR SALADINO: That doesn't
12 serve any purpose right now other than visual green
13 space.

14 MR. BARTLETT: That access point could
15 be widened.

16 COUNCILWOMAN MAIER: Just going back to
17 curb side pickup, I'm sorry.

18 Does the franchisee have the option of
19 opting into curbside or is that, you know,
20 determined by the brand, no, you have to opt-in no
21 matter what to make it work?

22 MR. BRIENZA: We have the curbside
23 where you could either walk into the store and pick
24 it up or you can go through the drive-thru and pick
25 it up.

1 COUNCILWOMAN MAIER: But you don't have
2 a space, per se, dedicated for just curbside?

3 MR. BRIENZA: No.

4 COUNCILWOMAN MAIER: The one closest to
5 the building. You have a sign there.

6 MR. BRIENZA: No.

7 COUNCILWOMAN MAIER: And employee walks
8 out.

9 MR. BRIENZA: Even in the existing
10 building I have, people just walk into the store.
11 They know where to pick up their items and they
12 pick it. So they'll park at any parking spot.

13 MR. BARTLETT: You're talking about
14 on-the-go stuff?

15 MR. BRIENZA: Yes.

16 MR. BARTLETT: She's talking about
17 somebody pulls up waits in their car.

18 MR. BRIENZA: Oh, curbside.

19 COUNCILWOMAN MAIER: Right.

20 Curbside, delivery, Uber, Door Dash,
21 how do those platforms pick up --

22 MR. BRIENZA: We can opt-out of
23 curbside and opt-out of delivery.

24 COUNCILWOMAN MAIER: I mean, I own a
25 fast food restaurant, so I wouldn't want to opt-out

1 of deliveries. That's a big --

2 MR. BRIENZA: We're not a big delivery.

3 COUNCILWOMAN MAIER: How do they
4 pickup? How do they pickup?

5 MR. BRIENZA: They just pull into a
6 park spot.

7 COUNCILWOMAN MAIER: And get out of the
8 car?

9 MR. BRIENZA: Yes. We very -- like
10 curbside, you could opt-out, which I would opt-out
11 of curbside if I have a drive-thru.

12 Deliveries, we can -- you don't have to
13 opt into deliveries. I get like one -- one
14 delivery service, but I get maybe one, two a month.
15 I really don't get deliveries.

16 COUNCILWOMAN MAIER: Do they have the
17 ability to go around the drive-thru to pick up?

18 MR. BRIENZA: Yes. On the app, it will
19 say pick up, drive-thru or in store.

20 COUNCILWOMAN MAIER: Okay.

21 COUNCILMAN IMBROTO: How many employees
22 do you have?

23 MR. BRIENZA: Right now, ten.

24 COUNCILMAN IMBROTO: How many at any
25 given time?

1 MR. BRIENZA: Four. Maybe on a
2 Saturday -- our busier days are Saturdays.

3 SUPERVISOR SALADINO: Where do they
4 currently park?

5 MR. BRIENZA: They park in the -- park
6 -- some of them park in the parking lot. We have
7 people --

8 SUPERVISOR SALADINO: In your parking
9 lot?

10 MR. BRIENZA: Yes.

11 People just -- they get dropped off or
12 don't have a car and -- because we're right by the
13 train, if they're taking a train to work, but most
14 of them, they walk. They live in the Town of
15 Bethpage. I've got a lot of employees that live in
16 the Town.

17 SUPERVISOR SALADINO: Therefore, they
18 drive to work?

19 MR. BRIENZA: They walk. They walk.

20 I have a couple of high school kids,
21 college kids that live in the Town. They just get
22 dropped off or walk.

23 COUNCILMAN IMBROTO: Do you have a
24 traffic engineer?

25 MR. SNIPAS: No. We have not retained

1 a traffic engineer.

2 SUPERVISOR SALADINO: To that point for
3 me, I mean, I shopped here. I'm assuming you've
4 been the owner all this time. I've been a customer
5 of yours. I paid for my drink or bagel and
6 whatnot. It's a wonderful clean service, but I
7 think that Councilman Imbroto hit the nail on the
8 head.

9 How do you avoid the situation that we
10 are already seeing on Stewart Avenue with cars that
11 -- and I've passed by many, many times, not just
12 one or two.

13 COUNCILMAN IMBROTO: A lot, a lot of
14 cars.

15 SUPERVISOR SALADINO: Six or eight, ten
16 cars backed up along that right lane of Stewart
17 Avenue, and if that problem happens -- if you're
18 granted this application, and you have that
19 problem, how will you remedy it?

20 COUNCILMAN IMBROTO: Don't forget,
21 we're right across from King Kullen. We're right
22 across from the biggest shopping center in
23 Bethpage. And you're right next to the train
24 tracks, the train crossing.

25 So, you know, it's sort of a choke

1 point in town already without the drive-thru.

2 SUPERVISOR SALADINO: How would you
3 remedy that if you found that to be the case?

4 MR. SNIPAS: You know, first the Town
5 code requires five cars from the drive-thru. We're
6 proposing eleven.

7 Additionally, we have gone through --
8 DPW did expression concerns about cars backing up
9 onto Stewart Avenue.

10 SUPERVISOR SALADINO: DPW?

11 MR. SNIPAS: Yes, correct.

12 This has all been remedied by the fact
13 that we have reduced the size of the building
14 dramatically. We have reconfigured the parking and
15 reconfigured the drive-thru. We've gone through
16 multiple, multiple iterations of the plan as well
17 as discussing the concerns with Nassau County.

18 SUPERVISOR SALADINO: So you're trying
19 to assure us that that would not happen, but if it
20 does, what will the remedy be to provide for safety
21 for the community, for emergency services, for a
22 multitude of different scenarios that could be
23 problematic?

24 MR. SNIPAS: If I may just confer with
25 my client?

1 SUPERVISOR SALADINO: Sure, of course.

2 (Whereupon, a discussion was held off
3 the record.)

4 SUPERVISOR SALADINO: Yes, sir.

5 MR. SNIPAS: I did speak with
6 Mr. Brienza.

7 He's going to come up shortly, but,
8 basically, if he did run into that problem, he
9 would allocate one employee to come out and take
10 the orders from the vehicles that may be impacting
11 traffic, so that we can expedite it.

12 SUPERVISOR SALADINO: Before you do
13 come up, I want to be helpful here, in terms of
14 providing the answer to the public and to the
15 Board. So, appointing someone doesn't -- has not
16 solved the problem at Starbucks, because we've seen
17 many times -- I've driven by so many times that
18 location in Bethpage, and there is someone out
19 there, but there's still a long line of cars on
20 Stewart Avenue.

21 So what is -- what do you do even if
22 you tie up an employee or add an extra employee,
23 are they telling people don't come here or drive
24 around the block a few times and make your order
25 online?

1 MR. SNIPAS: What I think it is, is
2 that there's a difference between the two. I know
3 we're looking at Starbucks and Dunkin' as just
4 coffee, but like we said, Starbucks provides
5 specialty coffees which takes a little bit longer
6 to provide. Whereas these Dunkin' Donuts
7 customers, medium coffee black. It's one, two,
8 three. We've gone over this with Mr. Brienza
9 multiple times, and he's assured us the standard
10 across Dunkin' Donuts with the Dunkin' on-the-go
11 app is a one-minute wait time from the point that
12 they get into -- pull into the drive-thru to
13 getting their order at the window.

14 COUNCILMAN IMBROTO: That does make
15 some sense.

16 I would like to know how the wait times
17 at Starbucks compare and how your volume compares
18 between the two.

19 SUPERVISOR SALADINO: As well as what
20 will be done if that problem turns out to exist.

21 For instance, have any of you consulted
22 the local fire department, emergency service people
23 who know that area like the back of their hands?

24 MR. SNIPAS: We did speak with them
25 during the break. I believe there is --

1 SUPERVISOR SALADINO: But not prior to
2 this meeting?

3 MR. SNIPAS: No, correct.

4 UNKNOWN SPEAKER: I don't represent the
5 department. I represent --

6 SUPERVISOR SALADINO: I'm talking about
7 any one individual or just in general.

8 COUNCILMAN IMBROTO: Because I've
9 spoken to some people from the department and they
10 said that they were not even aware of the
11 application, so if you could meet with them and
12 resolve any concerns.

13 MR. BRIENZA: The fire department comes
14 in all the time. I tell them I'm trying to move
15 next door. So most of my customers already know
16 that we're trying to move next door and they're all
17 for it. They just want a new store, a drive-thru.
18 They want more opportunity to get it different
19 ways.

20 COUNCILMAN IMBROTO: I understand.

21 I've seen some of the comments that
22 people submitted. I'm just saying from a fire
23 safety perspective, from a traffic safety
24 perspective, I think that there are some concerns
25 that really should be addressed by professional --

1 SUPERVISOR SALADINO: Only because
2 we're seeing it occur already.

3 MR. BRIENZA: Well, you're comparing --

4 COUNCILWOMAN MAIER: If I may --

5 MR. BRIENZA: You know, I always
6 compare apples with apples.

7 Starbucks is different from Dunkin'
8 Donuts. First of all, their average sales in their
9 stores are a lot higher.

10 COUNCILWOMAN MAIER: The average speed
11 of service is over four minutes.

12 MR. BRIENZA: Excuse me?

13 COUNCILWOMAN MAIER: Starbucks is about
14 four and a half minutes. Like you said comparing
15 apples to oranges. Their speed of service is much
16 higher.

17 MR. BRIENZA: So they're waiting -- if
18 you go into a Starbucks and you order one of their
19 frappuccinos, you wait four minutes, five minutes
20 if walked into the store.

21 COUNCILMAN IMBROTO: Do you see similar
22 volume?

23 MR. BRIENZA: No, because we don't --
24 our base drink is coffee. We're still ice coffee
25 and coffee. Espresso is only 20 percent of our

1 business, where it's 80 percent of their business.

2 COUNCILMAN IMBROTO: What I'm asking
3 is, to me, Dunkin' Donuts seems to more like a
4 volume -- more of a volume business than Starbucks.

5 MR. BRIENZA: Okay. Well, right now, I
6 have I -- I believe it's 14 spots in the location
7 I'm in now. So now in the drive-thru, there's 11
8 and then 7 parking spots. I'm at 18. I haven't
9 had a problem in my location. People are still
10 coming in and now people are sitting in the store
11 more because I don't have an opportunity to just
12 get it and leave, but through the drive-thru. So
13 these people are getting it and leaving.

14 Now, I have the same amount -- I have
15 more parking spots in the new location than the old
16 location, because I've got the 11 spots for the
17 drive-thru. So people aren't -- we didn't create a
18 traffic problem in the old building. I don't think
19 we'll create traffic in the new building because
20 we're accommodating more cars.

21 Do you understand? We've got 11 spots.
22 It's not like I'm a new business. I've been there
23 for twelve years. I'm not going to be doing triple
24 the business and getting all the cars. My customer
25 base is my customer base.

1 COUNCILMAN IMBROTO: You foresee some
2 increase in business just for having a drive-thru,
3 correct?

4 MR. BRIENZA: I would think that we
5 would switch over a lot of our customers from
6 walking because we are doing a lot more on-the-go.
7 I do 30 percent on-the-go. 30 percent of my sales
8 are people doing it online, which is avoiding, you
9 know, seconds every -- they don't have to touch
10 money. We don't have exchange money. It's already
11 paid for. They come in and they take their cup.
12 If they do that same principle through the
13 drive-thru, they will already -- they don't have to
14 hand us money. It's already done. So they're just
15 going there, driving to the window and we're
16 handing them their order.

17 COUNCILMAN IMBROTO: Are you a little
18 further from the entrance to the train station?

19 MR. BRIENZA: It's one building. We're
20 adjacent -- the adjacent line -- I mean, my
21 building you still have to walk.

22 COUNCILMAN IMBROTO: I guess you don't
23 foresee some of the customers that would be
24 parking and walking into your store to get a coffee
25 opting instead to drive through, then park?

1 MR. BRIENZA: Well, I'm not 100 percent
2 sure, but what I'm going to have in my store is
3 have a camera that's just facing the railroad
4 track, so when people that do walk in, they're able
5 to see the gate go down and know that the train is
6 coming and then they can walk out. Because it's
7 from here -- you're talking from here to here
8 (indicating). This is where my building is now.

9 So if they're waiting in my building,
10 you know, it's another one minute -- you know, 50
11 steps to get to where I am now.

12 COUNCILMAN IMBROTO: But you're also a
13 little bit further from the staircase -- you know,
14 what it's like being a commuter when your -- you're
15 thinking in terms of seconds.

16 MR. BRIENZA: I understand. I
17 understand what you're saying, it's seconds.

18 That's why -- you know how long -- if
19 you're in Bethpage, how long that track seems like
20 you're there forever when, you know, when the train
21 goes down -- the tracks go down you're waiting --
22 you could walk -- you can wait for it to go down
23 and wait two minutes and still make the train.

24 COUNCILMAN IMBROTO: I'm just wondering
25 whether some of the customers that would have

1 parked for the train and then walk to your store on
2 the way might now instead choose to go through the
3 drive-thru and that wouldn't have been a car you
4 were serving. Now, it's a car, rather a
5 pedestrian.

6 MR. BRIENZA: I would think most
7 commuters are parking first. They don't want to
8 get their coffee --

9 COUNCILMAN IMBROTO: I don't know the
10 answer. I'm just asking a question.

11 MR. BRIENZA: Because if they don't
12 find a parking spot right away and they're running
13 out of time, they'll skip the coffee. If they have
14 time, then they'll walk over.

15 SUPERVISOR SALADINO: There are more
16 businesses to the north of you there and there's
17 on-street parking there on the left --

18 MR. BRIENZA: In the front, there's
19 parking -- a couple of spots right in front.

20 SUPERVISOR SALADINO: And there's
21 parking to the north of that location?

22 MR. BRIENZA: Yes.

23 SUPERVISOR SALADINO: In that parking
24 strip?

25 MR. BRIENZA: Yeah. There's parking on

1 the street and over here there's parking on the
2 street also (indicating). In front of my store,
3 there is all parking on the street.

4 SUPERVISOR SALADINO: So, as we move
5 north, there are more buildings there. There's the
6 restaurants and so forth.

7 There are cars parked in front of those
8 stores, correct, during most hours of operation?

9 MR. BRIENZA: Moving north?

10 SUPERVISOR SALADINO: Yes, yes.

11 MR. BRIENZA: What do you mean? On the
12 street?

13 SUPERVISOR SALADINO: On the street.

14 MR. BRIENZA: On Stewart Avenue?

15 SUPERVISOR SALADINO: Yes.

16 MR. BRIENZA: I think there's only like
17 either 15 or 30-minute parking. You can't park
18 there all day long in front.

19 SUPERVISOR SALADINO: But there's
20 people using those spots?

21 MR. BRIENZA: Well --

22 SUPERVISOR SALADINO: My one concern on
23 this application, as I stated earlier, I'm a big
24 fan of the product of Dunkin' Donuts. I purchase
25 it. I look forward to purchasing. Love the

1 breakfast wraps and so forth.

2 My concern is the point that my
3 colleague has brought up. If there are cars parked
4 in that parking strip, whether it's for 20 minutes
5 or all day parking, that forces queued-up cars to
6 be now in the right lane of traffic and the big
7 question that I have personally is -- we all know
8 that it's wonderful, it's convenient to have
9 drive-thru. It's something that draws people to a
10 particular fast food location because of the
11 convenience. No doubt about it, that so many
12 people like that type of service, but what happens
13 if you find that cars are beginning to queue and
14 block that right lane, that right southerly lane;
15 what can be done to remediate that after the fact?

16 MR. BRIENZA: We do have eleven --
17 eleven cars from here. That's -- if I had eleven
18 cars parked in my parking lot, that would be like
19 -- my existing parking lot, that would be like the
20 maximum customers I have, you know.

21 So, I don't know how many more cars
22 that you're anticipating I'm going to have because
23 if I'm having eleven cars that are able to stay
24 from here (indicating) without blocking, because it
25 won't be blocking. It's from here or right?

1 MR. SNIPAS: (Indicating.)

2 COUNCILWOMAN MAIER: Let me ask it in
3 maybe a different way.

4 I'm assuming that your strongest day
5 obviously is the morning.

6 MR. BRIENZA: Yes.

7 COUNCILWOMAN MAIER: Between what the
8 hours of 6:00 and 8:00, 6:00 and 9:00 a.m.?

9 MR. BRIENZA: Mine is more 7:00.

10 COUNCILWOMAN MAIER: Okay.

11 MR. BRIENZA: I only have two people on
12 at -- from 6:00 to 7:00. Then, I have the third
13 person come in at 7:00, Monday --

14 COUNCILWOMAN MAIER: How many cars --

15 MR. BRIENZA: -- Tuesday, Wednesday.

16 COUNCILWOMAN MAIER: What is your
17 throughput on an average hour say 7:00 to
18 8:00 a.m.?

19 Well, actually back up. You have -- do
20 you have one franchise, one location?

21 MR. BRIENZA: One. I'm here every day.

22 COUNCILWOMAN MAIER: I'm just -- if you
23 talk to other operators or what corporate has told
24 you, what typically -- because you're definitely
25 going to see a lift in sales because you're now

1 opening up your store to a whole new group of
2 people. Moms with kids that who don't want to get
3 out of the car are going to probably -- they'll
4 probably drive two miles to find something it's not
5 convenient, but they don't want to get out.

6 MR. BRIENZA: Right.

7 COUNCILWOMAN MAIER: So, you'll
8 definitely see a lift in sales from the drive-thru
9 which is great, but I guess my question is, what is
10 the average throughput for a typical Dunkin' Donuts
11 drive-thru in a neighborhood such -- you know, such
12 as this one, 60 cars, 70 cars?

13 What would you do normally where you
14 currently are with people walking in?

15 MR. BRIENZA: Well, we would have our
16 crew on the drive-thru and then one other person --
17 people are walking in. Everything else when it
18 gets rung up it goes to a printer that prints it up
19 what the coffee is. So, then it will say
20 drive-thru or it will say on-the-go and then we
21 know where to put it or dine in. So if someone
22 comes to dine in, we're making the coffee the same
23 way we would be making it for the drive-thru. That
24 coffee person would be making the coffee.

25 COUNCILWOMAN MAIER: One person

1 responsible for, like, say, that printer and making
2 sure --

3 MR. BRIENZA: Yes, yes. They just put
4 it to where it has to go.

5 COUNCILWOMAN MAIER: So the existing
6 location -- I'm sorry, I'm drawing a blank -- does
7 have a driveway through?

8 MR. BRIENZA: No.

9 COUNCILWOMAN MAIER: I didn't think so.
10 Now, that makes more sense.

11 Did you have line busting technology
12 like tablets? Does Dunkin' support that?

13 MR. BRIENZA: We do -- we can have a
14 tablet that has the on-the-go, you know, with the
15 app on it.

16 COUNCILWOMAN MAIER: I'm saying
17 something that stands out. I know some other
18 brands do. Not all of them support that, but I'm
19 not sure where Dunkin' stands --

20 MR. BRIENZA: I'm not sure.

21 MR. BARTLETT: Dunkin' does actually.
22 We've implemented it in a couple of locations in
23 the past and it does alleviate a big part of the
24 problem.

25 COUNCILWOMAN MAIER: I think that's

1 really the big discussion. I mean, listen, I own a
2 Dairy Queen, so I get it. Our brand doesn't
3 support that. There's been discussion whether or
4 not we implement the line busting technology with
5 tablets to have someone go out there to alleviate
6 some of the burden and the pressure on the
7 drive-thru line. I didn't know where Dunkin'
8 stands on that.

9 MR. BARTLETT: They do allow it and it
10 has been implemented at other locations.

11 COUNCILMAN IMBROTO: I don't want to
12 beat this to death. We'll continue to talk about
13 this stuff after. If you can continue with the
14 relevant community stakeholders.

15 SUPERVISOR SALADINO: Yes. That's very
16 important, too.

17 Collaborating to find something,
18 especially when people understand the safety issue
19 because they've been working in that industry.

20 MR. BRIENZA: A lot of the Nassau
21 County Police that come in, I talk to them about
22 what I'm going to do, but I guess as far as
23 accident wise --

24 COUNCILMAN IMBROTO: Sometimes it's a
25 different perspective when you're a customer.

1 MR. BRIENZA: Customer, yeah, I
2 understand.

3 MR. SNIPAS: That concludes our
4 presentation except for any rebut, any comments.

5 SUPERVISOR SALADINO: We really
6 appreciate all the information you've provided and
7 best advice you've heard is to collaborate with the
8 community, especially those experts in emergency
9 services and how do we ensure that this is safe.

10 In terms of your product and the word
11 from many has been that you've been a wonderful
12 businessman and a great part of the community and
13 that you have a product that people want. And we
14 want all businesses in our town to be successful.

15 COUNCILMAN IMBROTO: Thank you.

16 SUPERVISOR SALADINO: That's it.

17 Does anyone else have any other
18 questions?

19 (No response.)

20 COUNCILMAN IMBROTO: Is there a
21 speaker?

22 MR. LaMARCA: Is there a speaker?

23 SUPERVISOR SALADINO: Sorry.

24 Sal, do you want to be heard on this
25 application, please come up.

1 By the way, Sal Greco is the only
2 person who's identified --

3 COUNCILMAN IMBROTO: Scott Greco.

4 SUPERVISOR SALADINO: Did I say Scott?

5 There's a reason that I thought Sal
6 next to that name, and if there's anyone else who
7 would like to be heard on this application, please
8 let us know. It looks as though that's the only
9 slip that I have at this time.

10 Scott, please proceed.

11 MR. GRECO: My name is Scott Greco. I
12 live at 25 Eleanor Lane, Plainview.

13 I have the great distinction of being a
14 fourth generation in Bethpage. My kids fifth
15 generation. I understand the Town. I understand
16 the businesses. I'm a past business owner for, you
17 know, from my grandfather started an oil company
18 from my father to me. We recently sold in -- not
19 recently. We sold in 2000 to Petro Oil.

20 My biggest concern with for L&B with
21 this is not that he relocate to the next building
22 over, is that he wants to put in a drive-thru.

23 As you guys kind of beat the horse to
24 death here, we see what happens with Starbucks. We
25 just took one picture today before we came down

1 here and you can see there's cars parked in front
2 of the car wash and the driveway goes around the
3 north side of the building, wraps around the
4 building, comes around.

5 We all live in this town or driven
6 through that town in that area. You can see how
7 many cars are out there. I am a volunteer fireman
8 in Bethpage. I'm not representing the fire
9 district at this point, but I'm a 33-year member of
10 the Bethpage Fire Department, again fourth
11 generation Bethpage Fire Department.

12 And there were major concerns basically
13 just about the drive-thru, not about relocating
14 spots, how he's getting in and out of this lot.
15 Although a lot of good points were brought up
16 today. If you're going to have four employees,
17 eventually some of them are going to drive.
18 There's not enough spots.

19 One of the things that they had
20 discussed that -- in one of the pictures here, we
21 have fire hydrant located right here. So I don't
22 know that they're going to relocate that fire
23 hydrant or they going to leave that with the stops
24 that they're coming in this way. This is the first
25 time -- I just briefly saw this before, so I'm

1 trying to figure it out also.

2 Coming into this driveway, it is going
3 be a big challenge of getting the cars through --
4 on there and they're going to be backed up onto
5 Stewart Avenue. This is pictures now (indicating)
6 -- this is the north end of the bank with the
7 residents and the driveways there. You can see
8 that there's private residences right next door.
9 There's driveways right next door. There's not a
10 lot of on-site parking. If you're going to put a
11 drive-thru, you're going to eliminate spots.

12 It is going to be a hindrance for local
13 traffic because directly across the way just on the
14 diagonal is an exit for King Kullen shopping
15 center. There's only two front exits off of that,
16 there's one around the back, but they do make a
17 left turn. So they'd be making a left turn coming
18 towards the Dunkin' Donuts. Now, if you have
19 people coming out of the Dunkin' Donuts, it was
20 discussed that they were only going to allow right
21 turn only.

22 But even still, it's going to hinder
23 the traffic in that area. It's going to bottleneck
24 that area. When we have a fire call in the area,
25 you know, we slow down precautionally through the

1 town normally, but because of the railroad tracks,
2 we always slow down because we never know are the
3 gates going to come down.

4 Now, if we have traffic to deal with on
5 top of that, that puts a safety concern where
6 people can't get out of our way in order to pull
7 over so we can pass by safely.

8 We had in the past, an accident with
9 one of our rigs, with a pizza delivery man, went to
10 pull over and wound up U-turning right in front of
11 the rig. He rolled our rig, actually. Luckily,
12 nobody was hurt.

13 You know, it's a very busy road, high
14 congestion. The traffic -- the speed limits are
15 not obeyed on a regular basis. Similar to like
16 coming down from Farmingdale, coming down Route 109
17 by the airport, they still haven't figured out a
18 plan on how to slow down the traffic.

19 Bethpage, we've had multiple fatalities
20 on Stewart Avenue, and they put your speed limit
21 sign down further. We had a member of the Town of
22 Oyster Bay and Nassau County's niece was killed on
23 that road many years ago. It's kind of a dangerous
24 road down north. You get closer to town, it is
25 very congested.

1 My main concern also is just with the
2 traffic, with the traffic lining up.

3 The other thing I'm looking at now also
4 is on the side of the building, is this where
5 you're going to cut back on the building?

6 MR. SNIPAS: Correct.

7 MR. GRECO: So are you going to put a
8 new basement stairwell in, because you have a
9 stairwell over here now?

10 MR. BRIENZA: We're eliminating it.

11 MR. GRECO: You're going to eliminating
12 the stairwell? So it's going to be interior
13 stairwell only?

14 So now, again, for safety reasons, for
15 a fire department, now I don't have an exterior
16 stairwell to go down, God forbid there's ever a
17 basement fire. I don't know what the code is on
18 Town of Oyster Bay, but --

19 MR. BARTLETT: The building code only
20 one --

21 MR. GRECO: Because all the buildings
22 that we have in Bethpage --

23 THE STENOGRAPHER: I'm not hearing the
24 conversation.

25 MR. GRECO: All the buildings in

1 Bethpage --

2 COUNCILWOMAN JOHNSON: You have to
3 speak into the microphone.

4 SUPERVISOR SALADINO: It's very
5 difficult for people to hear you if you're not
6 right on the microphone.

7 MR. GRECO: In Town, will have, you
8 know, an interior stairwell at least and exterior
9 stairwell, if they don't have an interior. They'll
10 put doors. Something like that.

11 SUPERVISOR SALADINO: Thank you.

12 All this underscores the need for the
13 applicant to speak to stakeholders in the community
14 and to learn different aspects that could improve
15 the safety of this application.

16 MR. GRECO: I would love to see L&B
17 move over next door. Just the drive-thru, I don't
18 think is a viable option. I think it's going to be
19 a safety thing. I really do.

20 SUPERVISOR SALADINO: Thank you for
21 what you're bringing to the table today.

22 Thank you.

23 COUNCILMAN IMBROTO: How important to
24 your application is the drive-thru? Is it
25 essential? Do you need the drive-thru?

1 MR. BRIENZA: I need the drive-thru.

2 With the loss of business to begin
3 with, with COVID and, you know, the struggles we're
4 just trying to maintain where we can get back to
5 normal.

6 SUPERVISOR SALADINO: When you're not
7 at the podium, it makes it very difficult.

8 MR. BRIENZA: I'm sorry.

9 SUPERVISOR SALADINO: As we wrap up
10 here, what would you like us to know?

11 MR. SNIPAS: After speaking with
12 Mr. Brienza, I think what we're going to do is
13 retain a traffic engineer to analyze the site and
14 prepare a report. We'll also reach out to some of
15 the community leaders as well.

16 SUPERVISOR SALADINO: I would reverse
17 -- if I may, reverse the order of that and reach
18 out to the community experts first.

19 MR. SNIPAS: Yes, absolutely.

20 MR. BRIENZA: We'll see them tomorrow.

21 SUPERVISOR SALADINO: We just want a
22 safe situation and, obviously, we have a situation.

23 His reason for concern is, as
24 Mr. Imbroto pointed out in the beginning, I haven't
25 heard anybody say negative about your product,

1 about your service.

2 MR. BRIENZA: I've owned this store
3 twelve years and I go there every day, weekends,
4 Saturday, Sunday.

5 The only time I'm not there is if I'm
6 not in Long Island, you know. I'm there every day.
7 And I only have one store. So, I know my business.
8 I know my customers. I know which ones come in. I
9 know which ones walk. I have coffee with them all
10 the time. I mean, I'm part of the community. Not
11 one person -- this was the first oppose of my
12 drive-thru that someone said no, it's not a good
13 idea. Everybody -- I could get -- give me another
14 two weeks and I'll get you 500 signatures. I'll
15 put some on there and ask every one of my
16 customers. No one's been saying no, but I don't
17 bother my customers, you know.

18 SUPERVISOR SALADINO: No one is
19 challenging the happiness of your customer base and
20 integrity --

21 MR. BRIENZA: They want a drive-thru.

22 SUPERVISOR SALADINO: We want to make
23 sure that it's done in a safe manner. We really
24 appreciate all the information and all the time
25 you've taken to answer questions.

1 Is there anyone else?

2 COUNCILMAN IMBROTO: Sorry. You waited
3 here all day.

4 MR. BRIENZA: I've been waiting three
5 years.

6 SUPERVISOR SALADINO: I meant -- he
7 meant through the earlier application.

8 MR. BRIENZA: I understand.

9 But I've been waiting -- I'm just
10 hoping this process happens. It's a long time to
11 wait, three years, a decision with your life.

12 SUPERVISOR SALADINO: Is there anyone
13 else who would like to be heard on this
14 application?

15 (No response.)

16 SUPERVISOR SALADINO: Counselor, is
17 there anything else you'd like to add to it at this
18 juncture?

19 MR. SNIPAS: Nothing at this point.

20 SUPERVISOR SALADINO: Do we have any
21 posting -- information on postings or other
22 correspondence?

23 MR. LaMARCA: The attorney for the
24 applicant has filed the Affidavit of Service and
25 disclosure.

1 The communications are as follows: We
2 have memos from the Department of Planning and
3 Development including a review of the required
4 off-street parking.

5 The Nassau County Land and Tax Map
6 indicates that the property is Section 46, Block 1,
7 Lots 183 to 185.

8 According to the Town of Oyster Bay
9 Zoning Maps, the property is located within the
10 neighborhood business zone. There are no open or
11 prior code enforcement bureau cases. There are no
12 variances or Town Board resolutions on file.

13 There is correspondence submitted by
14 applicant's attorney which have been distributed to
15 the Town Board.

16 There is no other correspondence.

17 SUPERVISOR SALADINO: Thank you.

18 May I have a motion at this time?

19 COUNCILWOMAN JOHNSON: Supervisor, I'll
20 make a motion that the hearing be adjourned for 60
21 days.

22 COUNCILMAN IMBROTO: I second the
23 motion.

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

1 ALL: "Aye."

2 SUPERVISOR SALADINO: Those opposed,
3 "Nay."

4 (No verbal response.)

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

7 I'd like to thank you for bringing
8 forth this application and thank you for your
9 willingness to meet with the community and come up
10 with some scenarios that could provide a higher
11 level of safety, and I'd also like to thank the
12 community members who are here today and very,
13 obviously, are people who are concerned with the
14 safety and prove it with their actions, not for
15 months but many, many years, whether it's the
16 safety of our water, the safety of our community
17 and the safety for emergencies.

18 So thank you, everyone, for devoting
19 all the time especially today, since it was such a
20 lengthy hearing prior to this one.

21 We thank you all.

22 COUNCILMAN IMBROTO: We'll acknowledge
23 that Sal Greco was also here and we thank you for
24 his service.

25 SUPERVISOR SALADINO: Thank you very

1 much, everyone.

2 Happy holidays to you all.

3 At this point, before we begin our
4 Action Calendar, we'll break right now for
5 Executive Session.

6 So, may I have a motion to enter into
7 Executive Session?

8 COUNCILWOMAN JOHNSON: Supervisor, I'll
9 make a motion that we enter into Executive Session
10 for the purpose of discussing proposed and pending
11 litigations.

12 COUNCILMAN IMBROTO: Second.

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

15 ALL: "Aye."

16 SUPERVISOR SALADINO: Those opposed,
17 "Nay."

18 (No verbal response.)

19 SUPERVISOR SALADINO: The "Ayes" have
20 it.

21 Thank you. We will be returning as
22 soon as we can.

23 (Whereupon, the Executive Session began
24 at 3:41 p.m. and ended at 5:31 P.M. and the
25 proceedings resumed as follows:)

1 (Whereupon, Councilwoman Walsh left
2 earlier and was not present at this time.)

3 SUPERVISOR SALADINO: Thank you for all
4 your patience.

5 Let's start off by -- Rich -- we're out
6 of Executive Session.

7 Would you please call for a motion on
8 Executive Session?

9 COUNCILWOMAN JOHNSON: Supervisor, I
10 make a motion that Executive Session be closed.

11 No action was taken.

12 COUNCILMAN IMBROTO: I second the
13 motion.

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

16 ALL: "Aye."

17 SUPERVISOR SALADINO: Those opposed
18 "Nay."

19 (No verbal response.)

20 SUPERVISOR SALADINO: The "Ayes" have
21 it.

22 (TIME NOTED: 5:32 P.M.)

23

24

25

TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
December 7, 2021
5:33 p.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

A B S E N T:

COUNCILWOMAN VICKI WALSH

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

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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will you please
2 call the regular Action Calendar?

3 MR. LaMARCA: May I have a motion to
4 suspend the rules and add Resolution Nos. 783-2021
5 through 804-2021?

6 **RESOLUTION NO. 783-2021;** Resolution
7 authorizing the retention of Claim Investigation
8 Firms for the period January 1, 2022 through
9 December 31, 2022 with a one one-year extension
10 option; Account Nos. TWN AMS 1910 43010 602 0000
11 000 and TWN AMS 1910 43020 602 0000 000. (M.D.
12 11/30/21 #19).

13 **RESOLUTION NO. 784-2021;** Resolution
14 authorizing a Dog Warden Services Agreement with
15 the Incorporated Village of Bayville, for the
16 period January 1, 2022 through December 31, 2023
17 and for the Supervisor, or his designee, to execute
18 said Agreement. (M.D. 11/30/21 #20).

19 **RESOLUTION NO. 785-2021;** Resolution
20 authorizing a Dog Warden Services Agreement with
21 the Incorporated Village of Brookville, for the
22 period January 1, 2022 through December 31, 2023
23 and for the Supervisor, or his designee, to execute
24 said Agreement. (M.D. 11/30/21 #21).

25 **RESOLUTION NO. 786-2021;** Resolution

1 authorizing a Dog Warden Services Agreement with
2 the Incorporated Village of Centre Island, for the
3 period January 1, 2022 through December 31, 2023
4 and for the Supervisor, or his designee, to execute
5 said Agreement. (M.D. 11/30/21 #22).

6 **RESOLUTION NO. 787-2021;** Resolution
7 authorizing a Dog Warden Services Agreement with
8 the Incorporated Village of Farmingdale, for the
9 period January 1, 2022 through December 31, 2023
10 and for the Supervisor, or his designee, to execute
11 said Agreement. (M.D. 11/30/21 #23).

12 **RESOLUTION NO. 788-2021;** Resolution
13 authorizing a Dog Warden Services Agreement with
14 the Incorporated Village of Lattingtown, for the
15 period January 1, 2022 through December 31, 2023
16 and for the Supervisor, or his designee, to execute
17 said Agreement. (M.D. 11/30/21 #24).

18 **RESOLUTION NO. 789-2021;** Resolution
19 authorizing a Dog Warden Services Agreement with
20 the Incorporated Village of Laurel Hollow, for the
21 period January 1, 2022 through December 31, 2023
22 and for the Supervisor, or his designee, to execute
23 said Agreement. (M.D. 11/30/21 #25).

24 **RESOLUTION NO. 790-2021;** Resolution
25 authorizing a Dog Warden Services Agreement with

1 the Incorporated Village of Massapequa Park, for
2 the period January 1, 2022 through December 31,
3 2023 and for the Supervisor, or his designee, to
4 execute said Agreement. (M.D. 11/30/21 #26).

5 **RESOLUTION NO. 791-2021;** Resolution
6 authorizing into a Dog Warden Services Agreement
7 with the Incorporated Village of Mill Neck, for the
8 period January 1, 2022 through December 31, 2023
9 and for the Supervisor, or his designee, to execute
10 said Agreement. (M.D. 11/30/21 #27).

11 **RESOLUTION NO. 792-2021;** Resolution
12 authorizing a Dog Warden Services Agreement with
13 the Incorporated Village of Muttontown, for the
14 period January 1, 2022 through December 31, 2023
15 and for the Supervisor, or his designee, to execute
16 said Agreement. (M.D. 11/30/21 #28).

17 **RESOLUTION NO. 793-2021;** Resolution
18 authorizing a Dog Warden Services Agreement with
19 the Incorporated Village of Old Brookville, for the
20 period January 1, 2022 through December 31, 2023
21 and for the Supervisor, or his designee, to execute
22 said Agreement. (M.D. 11/30/21 #29).

23 **RESOLUTION NO. 794-2021;** Resolution
24 authorizing a Dog Warden Services Agreement with
25 the Incorporated Village of Oyster Bay Cove, for

1 the period January 1, 2022 through December 31,
2 2023 and for the Supervisor, or his designee, to
3 execute said Agreement. (M.D. 11/30/21 #30).

4 **RESOLUTION NO. 795-2021;** Resolution
5 authorizing a Dog Warden Services Agreement with
6 the Incorporated Village of Roslyn Harbor, for the
7 period January 1, 2022 through December 31, 2023
8 and for the Supervisor, or his designee, to execute
9 said Agreement. (M.D. 11/30/21 #31).

10 **RESOLUTION NO. 796-2021;** Resolution
11 authorizing a Dog Warden Services Agreement with
12 the Incorporated Village of Sea Cliff, for the
13 period January 1, 2022 through December 31, 2023
14 and for the Supervisor, or his designee, to execute
15 said Agreement. (M.D. 11/30/21 #32).

16 **RESOLUTION NO. 797-2021;** Resolution
17 authorizing the second extension for Appellate
18 Printer Services, for the period October 1, 2021
19 through September 30, 2022. Account No. OTA A 1420
20 44110 000 0000. (M.D. 11/30/21 #33).

21 **RESOLUTION NO. 798-2021;** Resolution
22 directing the Town Clerk to advertise a Notice of
23 Hearing in connection with the application of
24 Cedar-Carmans, LLC, fee owner, Treasure Island Swim
25 d/b/a Treasure Island Swim School, lessee, for a

1 Special Use Permit on premises at 900-944 Carmans
2 Road, Massapequa. Hearing date: January 11, 2022.
3 (M.D. 11/30/21 #34).

4 **RESOLUTION NO. 799-2021;** Resolution
5 authorizing re-appointment of Registrar of Vital
6 Statistics and Appointment of Deputy Registrar of
7 Vital Statistics for the Town of Oyster Bay for the
8 period January 1, 2022 through December 31, 2023.
9 (M.D. 11/30/21 #35).

10 **RESOLUTION NO. 800-2021;** Resolution
11 authorizing a property insurance settlement of
12 claim in connection with a flood at the Town Animal
13 Shelter, and for the Supervisor, or his designee,
14 to execute an agreement for receipt of final
15 payment and settlement of claims for the loss at
16 the Town Animal Shelter. (M.D. 11/30/21 #10).

17 **RESOLUTION NO. 801-2021;** Resolution
18 authorizing firms for outside counsel for legal
19 services for the calendar year 2022. Account No.
20 OTA A 1420 44110 000 0000. (M.D. 11/30/#36).

21 **RESOLUTION NO. 802-2021;** Resolution
22 authorizing the second one-year extension of
23 contract for Professional Court Reporters to the
24 Office of the Town Attorney for the period
25 January 1, 2022 through December 31, 2022. Account

1 No. OTA A 1420 44110 000 0000. (M.D. 11/30/21
2 #37).

3 **RESOLUTION NO. 803-2021;** Resolution
4 authorizing the second one-year extension of
5 contract for Independent Medical Examinations for
6 the period January 1, 2022 through December 31,
7 2022. Account Nos. TWN AMS 1910 43010 602 0000 000
8 and TWN AMS 1910 43020 602 0000 000. (M.D. 11/30/21
9 #38).

10 **RESOLUTION NO. 804-2021;** Resolution
11 pertaining to a Collective Bargaining Agreement
12 between the Town of Oyster Bay and the Civil
13 Service Employee Association, for the period from
14 January 1, 2022 through December 31, 2028. (M.D.
15 11/30/21 #39).

16 On the motion?

17 MR. LaMARCA: So moved.

18 COUNCILMAN IMBROTO: Second.

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

22 On the vote:

23 Supervisor Saladino?

24 SUPERVISOR SALADINO: "Aye."

25 MR. LaMARCA: Councilwoman Johnson?

1 COUNCILWOMAN JOHNSON: "Aye."

2 MR. LaMARCA: Councilman Imbroto?

3 COUNCILMAN IMBROTO: Yes.

4 MR. LaMARCA: Councilman Hand?

5 COUNCILMAN HAND: "Aye."

6 MR. LaMARCA: Councilman Labriola?

7 COUNCILMAN LABRIOLA: "Aye."

8 MR. LaMARCA: Councilwoman Maier?

9 COUNCILWOMAN MAIER: "Aye."

10 MR. LaMARCA: Councilwoman Walsh?

11 (Absent.)

12 MR. LaMARCA: Motion to suspend the
13 rules and add Resolution Nos. 783 through 804-21
14 passes with six "Ayes."

15 May I have a motion to resuspend the
16 rules and add on Walk-On Resolution No. 805 which
17 is a Resolution authorizing volunteer firefighters
18 benefit and insurance coverage for the period of
19 January 1, 2022 through January 1, 2023?

20 And Resolution No. 806-2021, which is a
21 Resolution authorizing the Supervisor or his
22 designee to execute a memorandum of agreement and
23 government permit provided by the US Army Corps of
24 Engineers and any additional documents related to
25 replacement of sand at the eastern end of Tobay

1 Beach.

2 May I have a motion?

3 COUNCILWOMAN JOHNSON: So moved.

4 COUNCILMAN IMBROTO: Second.

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

8 On the vote:

9 Supervisor Saladino?

10 SUPERVISOR SALADINO: "Aye."

11 MR. LaMARCA: Councilwoman Johnson?

12 COUNCILWOMAN JOHNSON: "Aye."

13 MR. LaMARCA: Councilman Imbroto?

14 COUNCILMAN IMBROTO: "Aye."

15 MR. LaMARCA: Councilman Hand?

16 COUNCILWOMAN JOHNSON: "Aye."

17 MR. LaMARCA: Councilman Labriola?

18 COUNCILMAN LABRIOLA: "Aye."

19 MR. LaMARCA: And Councilwoman Maier?

20 COUNCILWOMAN MAIER: "Aye."

21 MR. LaMARCA: Motion to resuspend the
22 rules procedure and add Walk-on Resolution No. 805
23 and 806-2021 passes with six "Ayes."

24 May I have a motion to adopt Resolution
25 No. P-1-22 through 806-2021 noting that Resolution

1 P-15-21 has been withdrawn?

2 **PERSONNEL RESOLUTION NO. P-1-22,**
3 **PA-1-22 to PA-4-22;** Resolution pertaining to
4 personnel of various departments within the Town of
5 Oyster Bay.

6 **TRANSFER OF FUNDS RESOLUTION NO.**
7 **TF-17-21;** Resolution pertaining to transfer of
8 funds within various departments' accounts for the
9 Year 2021.

10 **RESOLUTION NO. 682-2021;** Resolution
11 authorizing implementation of the Harry Tappen/
12 Theodore Roosevelt Marinas, Kayak Rental Spring,
13 Summer and Fall fee schedule for the 2022 season.
14 (M.D. 11/9/21 #4).

15 **RESOLUTION NO. 683-2021;** Resolution
16 authorizing the implementation of the Winter
17 storage operation and fee schedule for the
18 2021-2022 season. (M.D. 11/9/21 #5).

19 **RESOLUTION NO. 684-2021;** Resolution
20 authorizing a second one-year extension of an
21 agreement for the Employee Drug & Alcohol Testing
22 (non-DOT and US-DOT) for the period January 1, 2022
23 through December 31, 2022. Account No. AMS 1910
24 43020 603 0000 000. (M.D. 11/9/21 #8).

25 **RESOLUTION NO. 685-2021;** Resolution

1 authorizing the property cleanup assessment of
2 4 Vivian Place, Plainview, performed on July 17,
3 2021, be referred to the County of Nassau for
4 placement on the Nassau County Tax Assessment
5 Rolls. (M.D. 11/9/21 #21).

6 **RESOLUTION NO. 686-2021;** Resolution
7 authorizing the property cleanup assessment of
8 38 Sandy Lane, Massapequa, performed on June 21,
9 2021, be referred to the County of Nassau for
10 placement on the Nassau County Tax Assessment
11 Rolls. (M.D. 11/9/21 #22).

12 **RESOLUTION NO. 687-2021;** Resolution
13 authorizing the property cleanup assessment of
14 103 Southwood Circle, Syosset, performed on
15 August 11, 2021, be referred to the County of
16 Nassau for placement on the Nassau County Tax
17 Assessment Rolls. (M.D. 11/9/21 #23).

18 **RESOLUTION NO. 688-2021;** Resolution
19 authorizing the property cleanup assessment of
20 581 Hicksville Road, Massapequa, performed on
21 July 27, 2021, be referred to the County of Nassau
22 for placement on the Nassau County Tax Assessment
23 Rolls. (M.D. 11/9/21 #24).

24 **RESOLUTION NO. 689-2021;** Resolution
25 authorizing a second one-year extension of an

1 agreement for Stenographic Services for Town Board
2 Meetings, for the period January 1, 2022 through
3 December 31, 2022. Account No. OTC A 1410 44120
4 000 0000. (M.D. 11/9/21 #25).

5 **RESOLUTION NO. 690-2021;** Resolution
6 authorizing the renewal of a performance license
7 with the American Society of Composers, Authors and
8 Publishers (ASCAP) for all music performed at all
9 Town sponsored performances and events, to be
10 ratified and continued from January 1, 2022 through
11 December 31, 2022. Account No. CYS A 7020 47660
12 000 0000. (M.D. 11/16/21 #4).

13 **RESOLUTION NO. 691-2021;** Resolution
14 authorizing a first one-year extension to enter
15 into an agreement for professional sound equipment
16 and services for the Music Under the Stars concerts
17 and various other special events, for the period
18 January 1, 2022 through December 31, 2022 and to
19 authorize the Supervisor and/or his designee or the
20 Commissioner of Community and Youth Services to
21 execute said agreement. Account No. CYS A 7020
22 47660 000 0000. *Special Events*. (M.D. 11/16/21 #5).

23 **RESOLUTION NO. 692-2021;** Resolution
24 authorizing a first one-year extension to enter
25 into an agreement for professional lighting

1 equipment and services to be used during the Music
2 Under the Stars concerts and various other special
3 events for the period January 1, 2022 through
4 December 31, 2022 and to authorize the Supervisor
5 and/or his designee or the Commissioner of
6 Community and Youth Services to execute said
7 agreement. Account No. CYS A 7020 47660 000 0000.
8 *Special Events*. (M.D. 11/16/21 #6).

9 **RESOLUTION NO. 693-2021;** Resolution
10 authorizing publication of a legal notice
11 pertaining to the 2022 General Tax. Account No.
12 ROT 1330 44100 000 0000. (M.D. 11/16/21 #13).

13 **RESOLUTION NO. 694-2021;** Resolution
14 authorizing the property cleanup assessment of
15 4 Carmen Place, Glen Head, performed on July 1,
16 2021, be referred to the County of Nassau for
17 placement on the Nassau County Tax Assessment
18 Rolls. (M.D. 11/16/21 #14).

19 **RESOLUTION NO. 695-2021;** Resolution
20 authorizing the property cleanup assessment of
21 9 North Pershing Avenue, Bethpage, performed on
22 May 13, 2021, be referred to the County of Nassau
23 for placement on the Nassau County Tax Assessment
24 Rolls. (M.D. 11/16/21 #15).

25 **RESOLUTION NO. 696-2021;** Resolution

1 authorizing the property cleanup assessment of
2 21 Johnston Street, Locust Valley, performed on
3 August 10, 2021, be referred to the County of
4 Nassau for placement on the Nassau County Tax
5 Assessment Rolls. (M.D. 11/16/21 #16).

6 **RESOLUTION NO. 697-2021;** Resolution
7 authorizing the property cleanup assessment of
8 32 Juneau Boulevard, Woodbury, performed on
9 August 11, 2021, be referred to the County of
10 Nassau for placement on the Nassau County Tax
11 Assessment Rolls. (M.D. 11/16/21 #17).

12 **RESOLUTION NO. 698-2021;** Resolution
13 authorizing the property cleanup assessment of
14 37 West Cherry Street, Hicksville, performed on
15 July 17, 2021, be referred to the County of Nassau
16 for placement on the Nassau County Tax Assessment
17 Rolls. (M.D. 11/16/21 #18).

18 **RESOLUTION NO. 699-2021;** Resolution
19 authorizing the property cleanup assessment of
20 47 Thirteenth Street, Locust Valley, performed on
21 August 13, 2021, be referred to the County of
22 Nassau for placement on the Nassau County Tax
23 Assessment Rolls. (M.D. 11/16/21 #19).

24 **RESOLUTION NO. 700-2021;** Resolution
25 authorizing the property cleanup assessment of

1 61 Roosevelt Boulevard, Massapequa, performed on
2 July 14, 2021, be referred to the County of Nassau
3 for placement on the Nassau County Tax Assessment
4 Rolls. (M.D. 11/16/21 #20).

5 **RESOLUTION NO. 701-2021;** Resolution
6 authorizing the property cleanup assessment of
7 Newbridge Road, Hicksville, Section 45, Block 70,
8 Lot 49, performed on July 6, 2021, be referred to
9 the County of Nassau for placement on the Nassau
10 County Tax Assessment Rolls. (M.D. 11/16/21 #21).

11 **RESOLUTION NO. 702-2021;** Resolution
12 authorizing the property cleanup assessment of Old
13 Country Road, NE Corner East Avenue, Hicksville,
14 performed on July 6, 2021, be referred to the
15 County of Nassau for placement on the Nassau County
16 Tax Assessment Rolls. (M.D. 11/16/21 #22).

17 **RESOLUTION NO. 703-2021;** Resolution
18 authorizing the Re-Appointment of Marriage Officers
19 for the Town of Oyster Bay for the period
20 January 1, 2022 through December 31, 2023. (M.D.
21 11/16/21 #23).

22 **RESOLUTION NO. 704-2021;** Resolution
23 authorizing Change Order No. 1 relative to the
24 Construction Phase of Contract No. DP21-211,
25 Installation of a Bipolar Ionization System at

1 54 Audrey Avenue, Oyster Bay. (M.D. 11/16/21 #24).

2 **RESOLUTION NO. 705-2021;** Resolution
3 pertaining to Contract No. HTR17-163, Requirements
4 Contract for Tree Trimming and Tree removal at
5 various locations throughout the Town of Oyster
6 Bay. (M.D. 11/16/21 #25).

7 **RESOLUTION NO. 706-2021;** Resolution
8 granting request from the Locust Valley Chamber of
9 Commerce for Town assistance to conduct their
10 Annual Tree Lighting Ceremony to be held on
11 December 7, 2021 and for use of various Town
12 equipment for the event. (M.D. 11/16/21 #26).

13 **RESOLUTION NO. 707-2021;** Resolution
14 authorizing an Agreement to employ virtual
15 entertainment services for Gap Program participants
16 on January 21, 2022 and for the Supervisor, or his
17 designee, or the Commissioner of Community & Youth
18 Services to execute said Agreement. Account No.
19 CYS A 7020 47660 000 0000. (M.D. 11/23/21 #4).

20 **RESOLUTION NO. 708-2021;** Resolution
21 authorizing an Agreement to employ entertainment
22 services for GAP Program participants on
23 December 10, 2021 at the North Massapequa Community
24 Center, to be paid by Friends of the Community
25 Services Dept., Inc. and for the Commissioner of

1 Community & Youth Services to execute said
2 Agreement. (M.D. 11/23/21 #5).

3 **RESOLUTION NO. 709-2021;** Resolution
4 authorizing the renewal of a performance license
5 with Society of European Stage Authors & Composers,
6 Incorporated for all music performed at all Town
7 sponsored performances and events, for the period
8 January 1, 2022 through December 31, 2022. Account
9 No. CYS A 7020 47660 000 0000. (M.D. 11/23/21 #6).

10 **RESOLUTION NO. 710-2021;** Resolution
11 authorizing the renewal of a performance license
12 with Broadcast Music, Incorporated for all music
13 performed at all Town sponsored performances and
14 events, to be ratified and continued from
15 December 1, 2021 through November 30, 2022. Account
16 No. CYS A 7020 47660 000 0000. (M.D. 11/23/21 #7).

17 **RESOLUTION NO. 711-2021;** Resolution
18 authorizing an Agreement to employ the listed
19 performers for the 2021 Drive-in Holiday
20 Experience, to be held at Marjorie R. Post
21 Community Park on the listed dates, and for the
22 Supervisor, or his designee, or the Commissioner of
23 Community & Youth to execute said Agreement.
24 Account No. CYS A 7020 47660 000 0000. (M.D.
25 11/23/21 #8).

1 **RESOLUTION NO. 712-2021;** Resolution
2 authorizing the issuance of a refund for the 2021
3 Town of Oyster Bay Fall/Winter Ice Hockey Program
4 to Jill Devlin. Account No. PKS A 0001 02001 510
5 0000. (M.D. 11/23/21 #9).

6 **RESOLUTION NO. 713-2021;** Resolution
7 authorizing the issuance of a partial refund for
8 the 2021 Town of Oyster Bay Spring Ice Hockey
9 Program to Susan Yu. Account No. PKS A 0001 02001
10 510 0000. (M.D. 11/23/21 #10).

11 **RESOLUTION NO. 714-2021;** Resolution
12 authorizing the Supervisor, or his designee, to
13 enter into a Community Development Public Service
14 Contract Agreement with Boys & Girls Club of Oyster
15 Bay/East Norwich, Inc. for the period January 1,
16 2022 through December 31, 2022. Account No. IGA CD
17 8676 48280 741 CD22. (M.D. 11/23/21 #21).

18 **RESOLUTION NO. 715-2021;** Resolution
19 authorizing the Supervisor, or his designee, to
20 enter into a Community Development Public Service
21 Contract Agreement with the Grenville Baker Boys
22 and Girls Club, Inc. for the period January 1, 2022
23 through December 31, 2022. Account No. IGA CD 8676
24 48280 743 CD22. (M.D. 11/23/21 #22).

25 **RESOLUTION NO. 716-2021;** Resolution

1 authorizing the Supervisor, or his designee, to
2 enter into a Community Development Public Service
3 Contract Agreement with Hicksville Teenage Council,
4 Inc./Hicksville Boys and Girls Club, Inc., for the
5 period January 1, 2022 through December 31, 2022.
6 Account No. IGA CD 8676 48280 744 CD22. (M.D.
7 11/23/21 #23).

8 **RESOLUTION NO. 717-2021;** Resolution
9 authorizing the Supervisor, or his designee, to
10 enter into a Community Development Public Service
11 Contract Agreement with Veterans of Foreign Wars of
12 the U.S., William M. Gouse, Jr., Post #3211, for
13 the period January 1, 2022 through December 31,
14 2022. Account No. IGA CD 8676 48280 749 CD22.
15 (M.D. 11/23/21 #24).

16 **RESOLUTION NO. 718-2021;** Resolution
17 authorizing the Supervisor, or his designee, to
18 enter into a Community Development Public Service
19 Contract Agreement with Plainedge Senior Citizens,
20 Inc., for the period January 1, 2022 through
21 December 31, 2022. Account No. IGA CD 8676 48280
22 748 CD22. (M.D. 11/23/21 #25).

23 **RESOLUTION NO. 719-2021;** Resolution
24 authorizing the Supervisor, or his designee, to
25 enter into a Community Development Public Service

1 Contract Agreement with Island Harvest, LTD, for
2 the period January 1, 2022 through December 31,
3 2022. Account No. IGA CD 8676 48280 754 CD22.
4 (M.D. 11/23/21 #26).

5 **RESOLUTION NO. 720-2021;** Resolution
6 authorizing the Supervisor, or his designee, to
7 enter into a Community Development Public Service
8 Contract Agreement with Greater Long Island Running
9 Club, Inc., for the period January 1, 2022 through
10 December 31, 2022. Account No. IGA CD 8676 48280
11 750 CD22. (M.D. 11/23/21 #27).

12 **RESOLUTION NO. 721-2021;** Resolution
13 authorizing the Supervisor, or his designee, to
14 enter into a Community Development Public Service
15 Contract Agreement with Doubleday Babcock Senior
16 Center, Inc., d/b/a The Life Enrichment Center, for
17 the period January 1, 2022 through December 31,
18 2022. Account No. IGA CD 8676 48280 740 CD22.
19 (M.D. 11/23/21 #28).

20 **RESOLUTION NO. 722-2021;** Resolution
21 authorizing the Supervisor, or his designee, to
22 enter into a Public Service Contract Agreement with
23 YES Community Counseling Center, Inc., relating to
24 domestic violence and/or abuse, for the period
25 January 1, 2022 through December 31, 2022. Account

1 No. IGA A 8686 47630 000 0000. (M.D. 11/23/21 #29).

2 **RESOLUTION NO. 723-2021;** Resolution
3 authorizing the Supervisor, or his designee, to
4 enter into a Community Development Public Service
5 Contract Agreement with YES Community Counseling
6 Center, Inc., relating to addressing family and
7 peer pressures and substance abuse, for the period
8 January 1, 2022 through December 31, 2022. Account
9 No. IGA CD 8676 48280 745 CD22. (M.D. 11/23/21
10 #30).

11 **RESOLUTION NO. 724-2021;** Resolution
12 authorizing the Supervisor, or his designee, to
13 enter into a Community Development Public Service
14 Contract Agreement with Mid-Island YJCC, for the
15 period January 1, 2022 through December 31, 2022.
16 Account No. IGA CD 8676 48280 755 CD22. (M.D.
17 11/23/21 #31).

18 **RESOLUTION NO. 725-2021;** Resolution
19 authorizing re-appointment of a Zoning Board of
20 Appeals Member in Slot No. 421009, for a five-year
21 term, commencing January 1, 2022 through
22 December 31, 2026. Account No. B 8010 11000 000
23 0000. (M.D. 11/23/21 #33).

24 **RESOLUTION NO. 726-2021;** Resolution
25 authorizing re-appointment of a Zoning Board of

1 Appeals Member in Slot No. 441006 for a five-year
2 term, commencing January 1, 2021 through
3 December 31, 2026. Account No. B 8010 11000 000
4 0000. (M.D. 11/23/21 #34).

5 **RESOLUTION NO. 727-2021;** Resolution
6 authorizing the first one-year extension of
7 Contract for Consultant Service for Technical
8 Assistance with Engineering and Architectural
9 Services for the Department of Planning and
10 Development for the period January 1, 2022 through
11 December 31, 2022. Account No. PAD B 3620 44800
12 000 0000. (M.D. 11/23/21 #37).

13 **RESOLUTION NO. 728-2021;** Resolution
14 pertaining to a Site Plan Amendment for Jericho
15 Turnpike LLC (Hilltop 150), 150 Jericho Turnpike,
16 Syosset. (M.D. 11/23/21 #38).

17 **RESOLUTION NO. 729-2021;** Resolution
18 pertaining to expenditures for the Department of
19 Planning and Development's Planning Advisory Board
20 Meetings for the 2022 calendar year from January 1,
21 2022 through December 31, 2022. Account No. PAD B
22 8020 44800 000 0000. (M.D. 11/23/21 #39).

23 **RESOLUTION NO. 730-2021;** Resolution
24 authorizing the issuance of a Health Insurance
25 Premium Reimbursement to an employee who was

1 approved for disability retirement by the NYS &
2 Local Retirement System. Account No. TWN AMM 9060
3 80000 0000. (M.D. 11/23/21 #40).

4 **RESOLUTION NO. 731-2021;** Resolution
5 authorizing an agreement for On-Call Technology
6 Consulting Services commencing January 1, 2022
7 through December 31, 2022, with an option of two
8 (2) one-year extensions and for the Supervisor, or
9 his designee, to execute said Agreement. Account
10 Nos. CMP A 1680 46410 000 0000 and CMP H 1997 26000
11 1508 001. (M.D. 11/23/21 #51).

12 **RESOLUTION NO. 732-2021;** Resolution
13 authorizing membership and renewal of memberships
14 in the New York Government Finance Officers'
15 Association Inc. for 2022. Account No. CMP A 1315
16 47900 000 0000. (M.D. 11/23/21 #52).

17 **RESOLUTION NO. 733-2021;** Resolution
18 authorizing the Comptroller's Office to make any
19 necessary transfer of funds or closing entries for
20 the 2021 accounting books as of December 7, 2021,
21 so that they accurately reflect the transactions
22 conducted by the various Town Departments. (M.D.
23 11/23/21 #53).

24 **RESOLUTION NO. 734-2021;** Resolution
25 pertaining to additional legal fees for Outside

1 Counsel in connection with a civil action in the
2 State on Connecticut. Account No. OTA A 1420 44110
3 000 0000. (M.D. 11/23/21 #54).

4 **RESOLUTION NO. 735-2021;** Resolution
5 authorizing payment to Court Mandated Court
6 Reporters for the period beginning January 1, 2022
7 through December 31, 2022 in order to obtain copies
8 of official transcripts from the court in calendar
9 year 2022. Account No. OTA A 1420 44110 604 0000.
10 (M.D. 11/23/21 #56).

11 **RESOLUTION NO. 736-2021;** Resolution
12 pertaining to Contract No. PWC12-20, On-Call
13 Engineering Service request Relative to
14 Environmental Science in connection with technical
15 assistance to the Department of Environmental
16 Resources with shellfish management programs.
17 Account No. DER A 8090 44500 000 0000. (M.D.
18 11/23/21 #63).

19 **RESOLUTION NO. 737-2021;** Resolution
20 authorizing acceptance and final payment under
21 Contract DP19-199, Western Waterfront East Side
22 Dock Installation. (M.D. 11/23/21 #64).

23 **RESOLUTION NO. 738-2021;** Resolution
24 authorizing acceptance of the design and request to
25 enter Bid Phase of the relocation of existing

1 Centre Island Fireman's Arch, Bayville, under
2 Contract No. DP21-222. (M.D. 11/23/21 #65).

3 **RESOLUTION NO. 739-2021;** Resolution
4 authorizing award of Consultant Contract, On-Call
5 Engineering Services Relative to Civil Engineering,
6 Contract No. PWC07-22, for a two-year term
7 commencing January 1, 2022 through December 31,
8 2023. Solicitation No. 2021-03. (M.D. 11/23/21
9 #66).

10 **RESOLUTION NO. 740-2021;** Resolution
11 authorizing award of Consultant Contract, On-Call
12 Engineering Services Relative to Mechanical
13 Engineering, Contract No. PWC08-22, for a two-year
14 term commencing January 1, 2022 through
15 December 31, 2023. Solicitation No. 2021-07. (M.D.
16 11/23/21 #67).

17 **RESOLUTION NO. 741-2021;** Resolution
18 authorizing award of Consultant Contract, On-Call
19 Engineering Services Relative to Site Development,
20 Contract No. PWC09-22, for a two-year term
21 commencing January 1, 2022 through December 31,
22 2023. Solicitation No. 2021-11. (M.D. 11/23/21
23 #68).

24 **RESOLUTION NO. 742-2021;** Resolution
25 authorizing award of Consultant Contract, On-Call

1 Engineering Services Relative to Construction
2 Management, Contract No. PWC10-22, for a two-year
3 term commencing January 1, 2022 through
4 December 31, 2023. Solicitation No. 2021-08. (M.D.
5 11/23/21 #69).

6 **RESOLUTION NO. 743-2021;** Resolution
7 authorizing award of Consultant Contract, On-Call
8 Engineering Services Relative to Environmental
9 Science, Contract No. PWC12-22, for a two-year term
10 commencing January 1, 2022 through December 31,
11 2023. Solicitation No. 2021-09. (M.D. 11/23/21
12 #70).

13 **RESOLUTION NO. 744-2021;** Resolution
14 authorizing award of Consultant Contract, On-Call
15 Engineering Services Relative to Surveying,
16 Contract No. PWC14-22, for a two-year term
17 commencing January 1, 2022 through December 31,
18 2023. Solicitation No. 2021-04. (M.D. 11/23/21
19 #71).

20 **RESOLUTION NO. 745-2021;** Resolution
21 authorizing award of Consultant Contract, On-Call
22 Engineering Services Relative to Transportation
23 Engineering, Contract No. PWC15-22, for a two-year
24 term commencing January 1, 2022 through
25 December 31, 2023. Solicitation No. 2021-14. (M.D.

1 11/23/21 #72).

2 **RESOLUTION NO. 746-2021;** Resolution
3 authorizing award of Consultant Contract, On-Call
4 Engineering Services Relative to Electrical
5 Engineering, Contract No. PWC18-22, for a two-year
6 term commencing January 1, 2022 through
7 December 31, 2023. Solicitation No. 2021-12. (M.D.
8 11/23/21 #73).

9 **RESOLUTION NO. 747-2021;** Resolution
10 authorizing award of Consultant Contract, On-Call
11 Engineering Services Relative to Structural
12 Engineering, Contract No. PWC19-22, for a two-year
13 term commencing January 1, 2022 through
14 December 31, 2023. Solicitation No. 2021-13. (M.D.
15 11/23/21 #74).

16 **RESOLUTION NO. 748-2021;** Resolution
17 authorizing award of Consultant Contract, On-Call
18 Engineering Services Relative to Tank Management
19 Program, Contract No. PWC20-22, for a two-year term
20 commencing January 1, 2022 through December 31,
21 2023. Solicitation No. 2021-05. (M.D. 11/23/21
22 #75).

23 **RESOLUTION NO. 749-2021;** Resolution
24 authorizing award of Consultant Contract, On-Call
25 Engineering Services Relative to Architecture,

1 Contract No. PWC22-22, for a two-year term
2 commencing January 1, 2022 through December 31,
3 2023. Solicitation No. 2021-10. (M.D. 11/23/21
4 #76).

5 **RESOLUTION NO. 750-2021;** Resolution
6 authorizing award of Consultant Contract, On-Call
7 Engineering Services Relative to Environmental
8 Engineering, Contract No. PWC23-22, for a two-year
9 term commencing January 1, 2022 through
10 December 31, 2023. Solicitation No. 2021-06. (M.D.
11 11/23/21 #77).

12 **RESOLUTION NO. 751-2021;** Resolution
13 authorizing award of Consultant Contract, On-Call
14 Engineering Services Relative to Groundwater
15 Monitoring for the Old Bethpage Landfill, Contract
16 No. PWC27-22, for a two-year term commencing
17 January 1, 2022 through December 31, 2023.
18 Solicitation No. 2021-17. (M.D. 11/23/21 #78).

19 **RESOLUTION NO. 752-2021;** Resolution
20 authorizing award of Consultant Contract, On-Call
21 Engineering Services Relative to Air Monitoring for
22 the Old Bethpage Landfill, Contract No. PWC28-22,
23 for a two-year term commencing January 1, 2022
24 through December 31, 2023. Solicitation No.
25 2021-18. (M.D. 11/23/21 #79).

1 **RESOLUTION NO. 753-2021;** Resolution
2 authorizing award of Consultant Contract, On-Call
3 Engineering Services Relative to Oversight of
4 Environmental Monitoring Programs for the Old
5 Bethpage Landfill, Contract No. PWC29-22, for a
6 two-year term commencing January 1, 2022 through
7 December 31, 2023. Solicitation No. 2021-19. (M.D.
8 11/23/21 #80).

9 **RESOLUTION NO. 754-2021;** Resolution
10 authorizing award of Consultant Contract, On-Call
11 Engineering Services Relative to Operation and
12 Development of the Old Bethpage Solid Waste
13 Disposal Complex, Contract PWC31-22, for a two-year
14 term commencing January 1, 2022 through
15 December 31, 2023. Solicitation No. 2021-16. (M.D.
16 11/23/21 #81).

17 **RESOLUTION NO. 755-2021;** Resolution
18 authorizing the first one-year extension for
19 Stenographic Services for Employee Relations and
20 Disciplinary Proceedings for the period January 1,
21 2022 through December 31, 2022. Account No. OTA A
22 1420 44800 000 0000. (M.D. 11/23/21 #89).

23 **RESOLUTION NO. 756-2021;** Resolution
24 calling for a hearing to consider the issuance of
25 Bonds to pay the cost of Improvements to the Locust

1 Valley Water District. Hearing date: January 11,
2 2022. (M.D. 11/23/21 #90).

3 **RESOLUTION NO. 757-2021;** Resolution
4 pertaining to Outside Legal Services for the Zoning
5 Board of Appeals for the period January 1, 2022
6 through December 31, 2022. Account No. PAD B 8010
7 44800 000 0000. (M.D. 11/23/21 #91).

8 **RESOLUTION NO. 758-2021;** Resolution
9 amending Resolution No. 752-2020 be amended to
10 include an additional law firm. (M.D. 11/23/21 #92).

11 **RESOLUTION NO. 759-2021;** Resolution
12 pertaining to Labor Counsel Services. Account No.
13 TWN AMW 9040 84040 000 0000. (M.D. 11/23/21 #93).

14 **RESOLUTION NO. 760-2021;** Resolution
15 authorizing the first extension option for Hearing
16 Officers for Employee Relations Matters for the
17 period January 1, 2022 through December 31, 2022.
18 Account No. OTA A 1420 44800 000 0000. (M.D.
19 11/23/21 #94).

20 **RESOLUTION NO. 761-2021;** Resolution
21 authorizing a contract for Computerized Accounting
22 System Support and One-Stop Operating System
23 Support for the period January 1, 2022 through
24 December 31, 2022, with an option for two
25 additional years and authorizing the Supervisor or

1 his designee to execute said contract. (M.D.
2 11/23/21 #32).

3 **RESOLUTION NO. 762-2021;** Resolution
4 listing the schedule of changes to the Solid Waste
5 Disposal Fees. (M.D. 11/23/21 #84).

6 **RESOLUTION NO. 763-2021;** Resolution
7 authorizing a second one-year extension for
8 Professional Dog Training Services, for the period
9 January 1, 2022 through December 31, 2022. Account
10 No. DER A 3510 44900 000 0000. (M.D. 11/23/21
11 #85).

12 **RESOLUTION NO. 764-2021;** Resolution
13 pertaining to Contract No. PWC09-20, On-Call
14 Engineering Service Request Relative to
15 Environmental Engineering in connection with
16 surveying and preparation of preliminary designs
17 regarding a turf installation at Francis M. Gaynor
18 Park and for use of a sub-consultant for said
19 project. Account No. PKS H 7197 20000 000 2002
20 001. (M.D. 11/23/21 #86).

21 **RESOLUTION NO. 765-2021;** Resolution
22 pertaining to Contract No. PWC23-20, On-Call
23 Engineering Service Request Relative to
24 Environmental Engineering in connection with
25 development of a site survey, existing site plan,

1 and engineering report regarding the flooding of
2 TOBAY Beach Tunnels and for use of a sub-consultant
3 for said project. Account No. PKS H 7197 20000 000
4 2102 001. (M.D. 11/23/21 #87).

5 **RESOLUTION NO. 766-2021;** Resolution
6 granting request from Oyster Bay Main Street
7 Association for Town assistance in conducting their
8 Holiday Market and Christmas Stroll on December 11,
9 2021 and for use of various Town equipment for the
10 event. (M.D. 11/23/21 #88).

11 **RESOLUTION NO. 767-2021;** Resolution
12 authorizing agreements for On-Call Technology
13 Consulting Services under PWC 72-22 for the period
14 January 1, 2022 through December 31, 2022 with an
15 option of two one-year extensions, and for the
16 Supervisor, or his designee, to execute said
17 Agreements. Account Nos. CMP A 1680 46410 000 0000,
18 CMP H 1997 26000 000 1508 001 and ROT H 1997 26000
19 000 1409 001. (M.D. 11/23/21 #50 & 11/30/21 #9).

20 **RESOLUTION NO. 768-2021;** Resolution
21 authorizing retention of attorneys to represent the
22 Town in Negligence Matters for the period
23 January 1, 2022 through December 31, 2022 with a
24 one-year extension option. Account No. TWN AMS 1910
25 43010 602 0000 000 and TWN AMS 1910 43020 602 0000

1 000. (M.D. 11/23/21 #57 & 11/30/21 #18).

2 **RESOLUTION NO. 769-2021;** Resolution
3 authorizing an Inter-municipal Agreement between
4 the Town of Brookhaven, the Town of Smithtown and
5 the Town of Oyster Bay for a cooperative glass
6 recycling analysis and for the Supervisor, or his
7 designee, to execute said Agreement. Account No.
8 SR05 8160 44800 000 0000. (M.D. 11/23/21 #58 &
9 11/30/21 #11).

10 **RESOLUTION NO. 770-2021;** Resolution
11 pertaining to Award of Consultant Contract, On-Call
12 Technical Assistance Relative to Laboratory
13 Analysis for the Old Bethpage Landfill, Contract
14 PWC17-22. (M.D. 11/23/21 #59 & 11/30/21 #12).

15 **RESOLUTION NO. 771-2021;** Resolution for
16 an Extension of Time, Acceptance & Final Payment
17 under Contract No. DP19-202, TOBAY Beach Potable
18 Water Treatment System Upgrade. (M.D. 11/23/21 #60
19 & 11/30/21 #13).

20 **RESOLUTION NO. 772-2021;** Resolution
21 authorizing Change Order No. 1 relative to the
22 Construction Phase of Contract No. DPW19-185R, Lake
23 Avenue C.V.M. Building Extension in connection to
24 upgrades to the fire alarm system and additional
25 demolition. Account No. DPW H 1997 20000 000 1501

001. (M.D. 11/23/21 #61 & 11/30/21 #14).

RESOLUTION NO. 773-2021; Resolution pertaining to Contract No. PWC07-20, On-Call Engineering Service Request Relative to Civil Engineering in connection with surveying, soil boring and preparation of preliminary designs regarding turf installations at Borella Field and for the use of a sub-consultant. Account No. PKS H 7197 20000 000 2002 001. (M.D. 11/23/21 #62 & 11/30/21 #15).

RESOLUTION NO. 774-2021; Resolution authorizing contracts for On-Call Consultant PWC 090-20 Unmanned Aerial Vehicle and Operations Ancillary Services for the period January 1, 2022 through December 31, 2024 with two one-year extension periods, and for the Supervisor, or his designee, to execute said contracts. (M.D. 11/23/21 #82 & 11/30/21 #16).

RESOLUTION NO. 775-2021; Resolution to accept a donation of a permeable paver walkway at the Town of Oyster Bay Western Waterfront 9/11 Memorial, funded by a grant from the National Fish and Wildlife Foundation received by the Nassau Soil and Water Conservation District. (M.D. 11/23/21 #83 & 11/30/21 #17).

1 **RESOLUTION NO. 776-2021;** Resolution
2 authorizing award Flexible Spending Third-Party
3 Administrator for the period January 1, 2022
4 through December 31, 2022. Account No. TWN AMM
5 9060-80040-000-0000-000. (M.D. 11/23/21 #41 &
6 11/30/21 #5).

7 **RESOLUTION NO. 777-2021;** Resolution
8 authorizing an Agreement for Employee Online
9 Training for the period January 1, 2022 through
10 December 31, 2022 with an option for two one-year
11 extensions, and for the Supervisor, or his
12 designee, to execute said Agreement. Account No.
13 TWN-A-1989-47900-000-0000. (M.D. 11/23/21 #42 &
14 11/30/21 #6).

15 **RESOLUTION NO. 778-2021;** Resolution
16 pertaining to a Section 32 Settlement Agreement in
17 connection with an Employee's Workers' Compensation
18 Claim. Account No. AMW-9040-84010-0000. (M.D.
19 11/23/21 #43 & 11/30/21 #4).

20 **RESOLUTION NO. 779-2021;** Resolution
21 authorizing an extension for Credit Card Processing
22 Services for the period January 1, 2022 through
23 December 31 2022. Account No. OTC A 1410 46200 000
24 0000, PKS A 7110 46200 000 0000 and DER A 8090
25 46200 000 0000 and PAD B 3620 4620 000 0000. (M.D.

1 11/23/21 #49 & 11/30/21 #8).

2 **RESOLUTION NO. 780-2021;** Resolution
3 authorizing the continuation of the New York State
4 Health Insurance Program (NYSHIP, a/k/a "Empire
5 Plan") for the period January 1, 2022 through
6 December 31, 2022. Account No. TWN AMM 9060 80000
7 000 0000 000. (M.D. 11/23/21 #48 & 11/30/21 #7).

8 **RESOLUTION NO. 781-2021;** Resolution
9 pertaining to the decision on the application of
10 Our House Montessori Corporation for a Special Use
11 Permit and Site Plan Approval for development and
12 operation of a day care/nursery school on premises
13 at 192 Broadway Bethpage. Hearing held:
14 September 14, 2021. (M.D. 9/14/21 #7).

15 **RESOLUTION NO. 782-2021;** Resolution
16 pertaining to the decision on a Local Law entitled,
17 "A Local Law to Amend the Code of the Town of
18 Oyster Bay by Adding Chapter 266 Town of Oyster Bay
19 Opt-Out of Allowing Cannabis Retail Dispensaries
20 and On-Site Consumption Sites as Otherwise
21 Authorized Under Article 4 of the Cannabis Law of
22 the State of New York. "Hearing held: December 7,
23 2021. (M.D. 11/2/21 #31).

24 **RESOLUTION NO. 783-2021;** Resolution
25 authorizing the retention of Claim Investigation

1 Firms for the period January 1, 2022 through
2 December 31, 2022 with a one one-year extension
3 option; Account Nos. TWN AMS 1910 43010 602 0000
4 000 and TWN AMS 1910 43020 602 0000 000. (M.D.
5 11/30/21 #19).

6 **RESOLUTION NO. 784-2021;** Resolution
7 authorizing a Dog Warden Services Agreement with
8 the Incorporated Village of Bayville, for the
9 period January 1, 2022 through December 31, 2023
10 and for the Supervisor, or his designee, to execute
11 said Agreement. (M.D. 11/30/21 #20).

12 **RESOLUTION NO. 785-2021;** Resolution
13 authorizing a Dog Warden Services Agreement with
14 the Incorporated Village of Brookville, for the
15 period January 1, 2022 through December 31, 2023
16 and for the Supervisor, or his designee, to execute
17 said Agreement. (M.D. 11/30/21 #21).

18 **RESOLUTION NO. 786-2021;** Resolution
19 authorizing a Dog Warden Services Agreement with
20 the Incorporated Village of Centre Island, for the
21 period January 1, 2022 through December 31, 2023
22 and for the Supervisor, or his designee, to execute
23 said Agreement. (M.D. 11/30/21 #22).

24 **RESOLUTION NO. 787-2021;** Resolution
25 authorizing a Dog Warden Services Agreement with

1 the Incorporated Village of Farmingdale, for the
2 period January 1, 2022 through December 31, 2023
3 and for the Supervisor, or his designee, to execute
4 said Agreement. (M.D. 11/30/21 #23).

5 **RESOLUTION NO. 788-2021;** Resolution
6 authorizing a Dog Warden Services Agreement with
7 the Incorporated Village of Lattintown, for the
8 period January 1, 2022 through December 31, 2023
9 and for the Supervisor, or his designee, to execute
10 said Agreement. (M.D. 11/30/21 #24).

11 **RESOLUTION NO. 789-2021;** Resolution
12 authorizing a Dog Warden Services Agreement with
13 the Incorporated Village of Laurel Hollow, for the
14 period January 1, 2022 through December 31, 2023
15 and for the Supervisor, or his designee, to execute
16 said Agreement. (M.D. 11/30/21 #25).

17 **RESOLUTION NO. 790-2021;** Resolution
18 authorizing a Dog Warden Services Agreement with
19 the Incorporated Village of Massapequa Park, for
20 the period January 1, 2022 through December 31,
21 2023 and for the Supervisor, or his designee, to
22 execute said Agreement. (M.D. 11/30/21 #26).

23 **RESOLUTION NO. 791-2021;** Resolution
24 authorizing into a Dog Warden Services Agreement
25 with the Incorporated Village of Mill Neck, for the

1 period January 1, 2022 through December 31, 2023
2 and for the Supervisor, or his designee, to execute
3 said Agreement. (M.D. 11/30/21 #27).

4 **RESOLUTION NO. 792-2021;** Resolution
5 authorizing a Dog Warden Services Agreement with
6 the Incorporated Village of Muttontown, for the
7 period January 1, 2022 through December 31, 2023
8 and for the Supervisor, or his designee, to execute
9 said Agreement. (M.D. 11/30/21 #28).

10 **RESOLUTION NO. 793-2021;** Resolution
11 authorizing a Dog Warden Services Agreement with
12 the Incorporated Village of Old Brookville, for the
13 period January 1, 2022 through December 31, 2023
14 and for the Supervisor, or his designee, to execute
15 said Agreement. (M.D. 11/30/21 #29).

16 **RESOLUTION NO. 794-2021;** Resolution
17 authorizing a Dog Warden Services Agreement with
18 the Incorporated Village of Oyster Bay Cove, for
19 the period January 1, 2022 through December 31,
20 2023 and for the Supervisor, or his designee, to
21 execute said Agreement. (M.D. 11/30/21 #30).

22 **RESOLUTION NO. 795-2021;** Resolution
23 authorizing a Dog Warden Services Agreement with
24 the Incorporated Village of Roslyn Harbor, for the
25 period January 1, 2022 through December 31, 2023

1 and for the Supervisor, or his designee, to execute
2 said Agreement. (M.D. 11/30/21 #31).

3 **RESOLUTION NO. 796-2021;** Resolution
4 authorizing a Dog Warden Services Agreement with
5 the Incorporated Village of Sea Cliff, for the
6 period January 1, 2022 through December 31, 2023
7 and for the Supervisor, or his designee, to execute
8 said Agreement. (M.D. 11/30/21 #32).

9 **RESOLUTION NO. 797-2021;** Resolution
10 authorizing the second extension for Appellate
11 Printer Services, for the period October 1, 2021
12 through September 30, 2022. Account No. OTA A 1420
13 44110 000 0000. (M.D. 11/30/21 #33).

14 **RESOLUTION NO. 798-2021;** Resolution
15 directing the Town Clerk to advertise a Notice of
16 Hearing in connection with the application of
17 Cedar-Carmans, LLC, fee owner, Treasure Island Swim
18 d/b/a Treasure Island Swim School, lessee, for a
19 Special Use Permit on premises at 900-944 Carmans
20 Road, Massapequa. Hearing date: January 11, 2022.
21 (M.D. 11/30/21 #34).

22 **RESOLUTION NO. 799-2021;** Resolution
23 authorizing re-appointment of Registrar of Vital
24 Statistics and Appointment of Deputy Registrar of
25 Vital Statistics for the Town of Oyster Bay for the

1 period January 1, 2022 through December 31, 2023.
2 (M.D. 11/30/21 #35).

3 **RESOLUTION NO. 800-2021;** Resolution
4 authorizing a property insurance settlement of
5 claim in connection with a flood at the Town Animal
6 Shelter, and for the Supervisor, or his designee,
7 to execute an agreement for receipt of final
8 payment and settlement of claims for the loss at
9 the Town Animal Shelter. (M.D. 11/30/21 #10).

10 **RESOLUTION NO. 801-2021;** Resolution
11 authorizing firms for outside counsel for legal
12 services for the calendar year 2022. Account No.
13 OTA A 1420 44110 000 0000. (M.D. 11/30/#36).

14 **RESOLUTION NO. 802-2021;** Resolution
15 authorizing the second one-year extension of
16 contract for Professional Court Reporters to the
17 Office of the Town Attorney for the period
18 January 1, 2022 through December 31, 2022. Account
19 No. OTA A 1420 44110 000 0000. (M.D. 11/30/21
20 #37).

21 **RESOLUTION NO. 803-2021;** Resolution
22 authorizing the second one-year extension of
23 contract for Independent Medical Examinations for
24 the period January 1, 2022 through December 31,
25 2022. Account Nos. TWN AMS 1910 43010 602 0000 000

1 and TWN AMS 1910 43020 602 0000 000. (M.D. 11/30/21
2 #38).

3 **RESOLUTION NO. 804-2021;** Resolution
4 pertaining to a Collective Bargaining Agreement
5 between the Town of Oyster Bay and the Civil
6 Service Employee Association, for the period from
7 January 1, 2022 through December 31, 2028. (M.D.
8 11/30/21 #39).

9 **RESOLUTION NO. 805-2021;** Resolution
10 which is a Resolution authorizing volunteer
11 firefighters benefit and insurance coverage for the
12 period of January 1, 2022 through January 1, 2023?

13 **RESOLUTION NO. 806-2021;** Resolution
14 which is a Resolution authorizing the Supervisor or
15 his designee to execute a memorandum of agreement
16 and government permit provided by the US Army Corps
17 of Engineers and any additional documents related
18 to replacement of sand at the eastern end of Tobay
19 Beach.

20 On the motion?

21 COUNCILWOMAN JOHNSON: So moved.

22 COUNCILMAN IMBROTO: Second.

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

1 Any speakers?

2 SUPERVISOR SALADINO: I do not see any
3 speakers in the room.

4 Is there anyone who would like to be
5 heard on any of these Resolutions?

6 (No response.)

7 SUPERVISOR SALADINO: Please let the
8 record reflect that no one has shown an interest in
9 being heard on these Resolutions.

10 MR. LaMARCA: Let's go to the vote.

11 SUPERVISOR SALADINO: Excuse me?

12 MR. LaMARCA: Let's go to the vote.

13 SUPERVISOR SALADINO: Let's go to the
14 vote.

15 MR. LaMARCA: Supervisor Saladino?

16 SUPERVISOR SALADINO: "Aye."

17 MR. LaMARCA: Councilwoman Johnson?

18 COUNCILWOMAN JOHNSON: I vote, "Aye."

19 MR. LaMARCA: Councilman Imbroto?

20 COUNCILMAN IMBROTO: I vote, "Aye."

21 MR. LaMARCA: Councilman Hand?

22 COUNCILMAN HAND: "Aye."

23 MR. LaMARCA: Councilman Labriola?

24 COUNCILMAN LABRIOLA: I vote "Aye."

25 MR. LaMARCA: Councilwoman Maier?

1 COUNCILWOMAN MAIER: "Aye."

2 MR. LaMARCA: Resolution P-15-21 has
3 been tabled -- excuse me -- has been withdrawn.

4 Motion to adopt Resolution P-1-22
5 through 806-2021 passes with six "Ayes" and Zero
6 "Nays."

7 The calendar is complete.

8 SUPERVISOR SALADINO: Thank you very
9 much.

10 Let's have a motion to close the
11 meeting.

12 May I please have one?

13 COUNCILWOMAN JOHNSON: Supervisor, I
14 make a motion that the meeting be closed.

15 SUPERVISOR SALADINO: Second.

16 COUNCILMAN IMBROTO: I second that
17 motion.

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

20 ALL: "Aye."

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

23 (No verbal response.)

24 SUPERVISOR SALADINO: The "Ayes" have it.

25 (TIME NOTED: 5:36 P.M.)