

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
December 10, 2019  
10:33 a.m.

**HEARING - P-12-19**

To consider the application of Joel and Randy Sporn, for a Special Use Permit for the conversion of commercial space to allow the operation of an auxiliary automobile center for premises located at 299 Duffy Avenue, Hicksville, New York. (M.D. 11/5/19 #29).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS P. HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., Town Clerk  
JAMES STEFANICH, Receiver of Taxes

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would the Clerk  
2 please poll the Board?

3 MR. ALTADONNA: Supervisor?

4 SUPERVISOR SALADINO: Present.

5 MR. ALTADONNA: Councilman Muscarella?

6 COUNCILMAN MUSCARELLA: Here.

7 MR. ALTADONNA: Councilman Macagnone?

8 COUNCILMAN MACAGNONE: Present, Clerk.

9 MR. ALTADONNA: Councilwoman Johnson.

10 COUNCILWOMAN JOHNSON: Here.

11 MR. ALTADONNA: Councilman Imbroto?

12 COUNCILMAN IMBROTO: Present.

13 MR. ALTADONNA: Councilman Hand?

14 COUNCILMAN HAND: Here.

15 MR. ALTADONNA: Councilman Labriola?

16 COUNCILMAN LABRIOLA: Here.

17 MR. ALTADONNA: Call the first hearing?

18 SUPERVISOR SALADINO: Yes, please.

19 Would you call that first hearing?

20 MR. ALTADONNA: P-12-19 to consider the  
21 application of Joel and Randy Sporn for Special use  
22 permit for the conversion of commercial space to  
23 allow the operation of an auxiliary automobile  
24 center for the premises located at 299 Duffy  
25 Avenue, Hicksville, New York (M.D. 11/5/19 #29).

1 MR. GRAY: Good morning.

2 Garrett Gray, Weber Law Group,  
3 290 Broadhollow Road, Melville, New York, for the  
4 applicant.

5 Let me just thank the Board for  
6 squeezing us in. I know Mr. Sporn is most  
7 appreciative during this time.

8 We are attorneys for Joel and Randy  
9 Sporn, also for Duffy Co., LLC. At the time this  
10 application was filed, Joel and Randy Sporn were  
11 the contract vendees. That transaction has since  
12 closed and they assigned the contract to an LLC,  
13 Duffy Co., LLC. So, Duffy Co. is the owner of the  
14 property.

15 I will hand the Clerk a copy of the  
16 executed assignment for clarity (handing). These  
17 are also additional things.

18 Duffy Co. is the owner of a certain  
19 property located at 299 Duffy Avenue in Hicksville,  
20 more specifically identified on the Nassau County  
21 Tax Map as Section 11, Block H, Lot 52.

22 The property is a total of 1.43 acres  
23 and contains a 15,200 square foot GFA building of  
24 commercial space which part of it is presently  
25 occupied by a tenant JB Health which shall remain

1 in possession of a portion of the subject property.

2 The property is zoned LI, Light  
3 Industrial District, a public garage. That term is  
4 defined in the Town code as a special permit use in  
5 the LI, Light Industrial District.

6 This property is located on the south  
7 side of Duffy Avenue approximately 327.28 feet east  
8 of Henrietta Street.

9 Importantly, the property is surrounded  
10 on all sides by industrial properties also zoned  
11 LI, light industrial. To the immediate north of  
12 the property is Nassau Candy, a candy manufacturing  
13 company. To the immediate east of the property is  
14 First Student Bus which is a school bus depot. To  
15 the south of the property is Franco Landscaping and  
16 to the west of the property is Royale, a textile  
17 mill. Also in the immediate areas are a number of  
18 auto repair facilities, body shops, a Verizon  
19 garage and the like.

20 This petition requests a special permit  
21 to allow for the conversion of 10,230 square feet  
22 of commercial space and to an ancillary or  
23 auxiliary service center for petitioner's Westbury  
24 Jeep Chrysler Dodge Ram Truck Automobile Dealership  
25 which is located at 100 Jericho Turnpike, Jericho,

1 New York.

2 The petitioners presently own and  
3 operate Westbury Jeep, and in connection therewith,  
4 they also own and operate a service center for  
5 Westbury Jeep located at 111 Bond Street in  
6 Westbury, New York.

7 Because petitioners' service center is  
8 extremely busy, petitioner, in order to minimize  
9 customer waiting times, decided to open an  
10 additional service center location at this  
11 property.

12 At the present time, it is anticipated  
13 that this will not be a destination for customers  
14 to directly bring their cars. Rather customers  
15 will bring their cars to the other service center  
16 located at 111 Bond Street, and there will be  
17 employees that will transport those vehicles to  
18 299 Duffy for service. That's not to say some time  
19 down the road, if there's so much business, that  
20 customers have to come directly, but right now,  
21 it's not planned for that.

22 If anyone has any questions, Mr. Sporn  
23 is here. He is extremely familiar with this  
24 business and the car industry as a whole and can  
25 answer any specific questions you have.

1 COUNCILMAN IMBROTO: What kind of  
2 volume do you see right now?

3 MR. SPORN: Good morning.

4 At this location, we expect about 25  
5 trucks at any point in time working on about ten  
6 vehicles. It's strictly truck vehicles, not cars.  
7 Not semi trucks.

8 It's the vehicles that we sell which  
9 would be Ram 1500, and 2500 and 3500 pickup trucks,  
10 which is basically the average truck, the pickup  
11 truck you see on the road.

12 We sell vans which are called ProMaster  
13 vans which is similar to the Ford transit vans,  
14 Nissan vans, Mercedes vans, regular commercial  
15 vans. These are not big trucks. We don't have a  
16 facility to work it. We don't sell those or  
17 service those.

18 SUPERVISOR SALADINO: Are there any  
19 other questions?

20 COUNCILMAN LABRIOLA: With regards to  
21 the traffic flow within this shopping center, are  
22 you able speak to that?

23 MR. SPORN: Sure.

24 COUNCILMAN LABRIOLA: There are curb  
25 cuts over on Joludow -- Joludow Drive.

1 MR. SPORN: Where? I'm sorry. Repeat  
2 that. Curb cuts where?

3 COUNCILMAN LABRIOLA: Are we on?

4 (Whereupon, an inaudible discussion was  
5 held.)

6 MR. SPORN: There are two curb cuts on  
7 Duffy.

8 COUNCILMAN LABRIOLA: Forgive me. I'm  
9 looking at the wrong site plans. Forgive me. I  
10 apologize.

11 COUNCILMAN MUSCARELLA: He's looking at  
12 a different hearing.

13 (Whereupon, an inaudible discussion was  
14 held.)

15 COUNCILMAN IMBROTO: Which is the  
16 facility on Bond Street?

17 MR. SPORN: Bond Street is 111 Bond  
18 Street. On the other side of Bond Street is State  
19 Street. We have two buildings that are  
20 side-by-side. We've had them for twenty years.

21 COUNCILMAN IMBROTO: Who uses that  
22 facility?

23 MR. SPORN: Westbury Jeep Chrysler  
24 Dodge. It's the service department facility.

25 COUNCILMAN IMBROTO: And you're saying

1 people are going to bring their vehicles there  
2 first?

3 MR. SPORN: Absolutely.

4 COUNCILMAN IMBROTO: Okay. Because I  
5 go to that facility and there is an overwhelming  
6 amount of traffic at that facility. Sometimes it  
7 takes me a half hour just to drive through and get  
8 out.

9 MR. SPORN: That's why we're expanding.  
10 We just don't have the physical space. We have 45  
11 service bays at that facility. We just can't -- we  
12 can't serve the public properly and run our  
13 business at that facility.

14 COUNCILMAN IMBROTO: I definitely agree  
15 with that.

16 MR. SPORN: So, we bought this property  
17 to remove a whole bunch of vehicles that we just  
18 are backlogged with.

19 We also bought another property.

20 COUNCILMAN IMBROTO: Is there going to  
21 be an expansion to another facility as well?

22 MR. SPORN: We also bought another  
23 property in the Town of Hempstead on Merrick  
24 Avenue. We bought the old Bertucci's Restaurant  
25 which is under construction. It should be ready



1 some time in February, late February, and we're  
2 removing our Alfa Romeo service cars from that  
3 facility.

4 So, by removing Ram pickup trucks and  
5 Ram vans as far as the vehicles are physically  
6 going to be serviced there and removing Alfa Romeo  
7 vehicles, we should free up enough space so that  
8 State Street and Bond Street Westbury Jeep service  
9 facility will operate more efficiently.

10 COUNCILMAN IMBROTO: Okay.

11 So, right now everyone's going to go to  
12 Bond Street, then you're going to bring the  
13 vehicles to the other -- to Duffy?

14 MR. SPORN: Yes.

15 For this project, yes. All the  
16 vehicles --

17 COUNCILMAN IMBROTO: If we're going to  
18 create the same situation over at Bond Street on  
19 Duffy, that it could potentially be a big issue.

20 MR. SPORN: From a business person's  
21 standpoint, yes. I hope we are that busy where we  
22 could do that much business.

23 COUNCILMAN IMBROTO: Cars line up  
24 before opening for 45 minutes before the place  
25 opens and line up all along Bond Street and the

1 side streets over there.

2 MR. SPORN: We're trying to alleviate  
3 as much of that as possible by expanding to two  
4 more locations.

5 MR. GRAY: This also is very over  
6 parked. There are 25 spaces that are required. 47  
7 are provided. So, there is a lot of area for cars  
8 to remain here.

9 COUNCILMAN IMBROTO: Okay. Thank you.

10 MR. GRAY: Finally, I would just point  
11 out that all the criteria set forth in 246-9.4 for  
12 special permit are met. If anybody has any other  
13 questions, that concludes our presentation.

14 SUPERVISOR SALADINO: Just a quick  
15 question as it relates to Councilman Imbroto's  
16 question.

17 Will anything be changed on the site in  
18 terms of the flow of traffic to alleviate a little  
19 of this backup?

20 If you get -- if this is approved and  
21 you have more space, you spoke to removing  
22 vehicles, but will you also redesign the way that  
23 vehicles queue up?

24 MR. GRAY: On the Bond Street property?

25 SUPERVISOR SALADINO: Yes.

1 MR. SPORN: Unfortunately, we're unable  
2 to. There is only so much land, so much property  
3 there. It will free up because we're removing all  
4 the Alfa Romeo customers that are coming to the  
5 facility.

6 COUNCILMAN IMBROTO: And the Bond  
7 Street facility, that's not in the Town of Oyster  
8 Bay, is it?

9 MR. SPORN: The Bond Street is in the  
10 Town of North Hempstead.

11 SUPERVISOR SALADINO: I apologize. I  
12 meant in this application. As it applies to this  
13 application in the Town of Oyster Bay.

14 MR. SPORN: No.

15 This application, the vehicles that are  
16 going to be serviced at this location are going to  
17 be brought by employees who are bringing customer  
18 vehicles to this location, and when they are  
19 repaired, when they're finished, when they're  
20 serviced, we bring them back to the Bond Street  
21 location which, again, is the Town of North  
22 Hempstead.

23 COUNCILMAN IMBROTO: That sounds great.

24 What I'm concerned about is you said  
25 for now, unless it becomes an issue at Bond Street

1 where they're backed up so much that it's not  
2 feasible to bring them there, and then they'll have  
3 to bring them directly to Duffy.

4 Well, I'm telling you right now, that's  
5 already the situation. So, unless you're going to  
6 alleviate the traffic over there, how are you going  
7 to prevent the same thing from happening at Duffy  
8 now that everyone's going to have to bring their  
9 cars directly to Duffy?

10 MR. SPORN: The building is not  
11 designed or set up -- there's no physical space for  
12 customers to come to that location. We don't have  
13 any --

14 COUNCILMAN MACAGNONE: There's no  
15 waiting room, no desk to check-in, right?

16 MR. SPORN: There's no waiting room.  
17 If you visit the facility, look at the  
18 site plan. It's basically a shop and a Parts  
19 Department. I have three bathrooms there and an  
20 employee break room. The only office space is room  
21 for two desks for the two service advisors who are  
22 going to handle the vehicles that are there under  
23 the direction of all the technicians that are  
24 working there. There's no waiting room. There's  
25 no cashier. None of that is -- is not only set up

1 or planned for, there's just no room for it.

2 SUPERVISOR SALADINO: Any other  
3 questions from any of the Board members?

4 (No response.)

5 SUPERVISOR SALADINO: Thank you.

6 MR. GRAY: Thank you.

7 COUNCILMAN MACAGNONE: Excuse me, would  
8 you be adverse to putting in covenants and  
9 restrictions that it will never have a counter for  
10 people to check in on and everything else, that it  
11 would remain, as the applicant said, just a place  
12 for the employees?

13 MR. GRAY: We actually would be adverse  
14 to that only because right now the plan is for  
15 only, as he said, employees to bring cars.

16 A few years down the road, we don't  
17 know if this is going to turn into a facility -- if  
18 it had to be that way, the site plan would have to  
19 be revised.

20 COUNCILMAN IMBROTO: You would have to  
21 come back to the Board.

22 MR. GRAY: Anyway.

23 COUNCILMAN IMBROTO: We'll get  
24 confirmation from the Commissioner that they would  
25 have to come back to Board for that.

1 COUNCILMAN MACAGNONE: Thank you.

2 That alleviates my concerns.

3 Thank you.

4 MR. GRAY: Sure.

5 SUPERVISOR SALADINO: Thank you.

6 MR. GRAY: Thank you for getting me in.

7 SUPERVISOR SALADINO: We understand.

8 Our condolences.

9 Before we proceed with that, is there  
10 anyone who would like to be heard on this  
11 application?

12 Yes, please. Would you like to step  
13 forward?

14 Good morning.

15 MS. EATON: Good morning.

16 My name is Margaret Eaton, 239 Lee  
17 Avenue, Hicksville. I'm representing the  
18 Hicksville Garden Civic Association.

19 We've had some discussions, so I have a  
20 question for you.

21 The service center -- we've had  
22 discussions about the Hicksville location. The  
23 service center in Hicksville, will that be affected  
24 by this new Duffy facility?

25 MR. GRAY: Not at all.

1 Two different dealerships all together.

2 MS. EATON: So, there will be no relief  
3 then for the Hicksville facility as far as  
4 congestion?

5 MR. GRAY: Not as a result of this. It  
6 has nothing to do with this.

7 MS. EATON: Thank you very much.

8 SUPERVISOR SALADINO: Would anyone else  
9 like to be heard on this application?

10 (No response.)

11 SUPERVISOR SALADINO: Please let the  
12 record reflect that no one has indicated they would  
13 like to be heard.

14 Is there any correspondence?

15 MR. ALTADONNA: Joel and Randy Sporn,  
16 the attorney for the applicant has filed a  
17 Affidavit of Services and Disclosures.

18 The communications areas follows: We  
19 have memos from the Department of Planning and  
20 Development including review of the required  
21 off-street parking.

22 Nassau County Land and Tax Map  
23 indicates the property is Section 11, Block H, Lot  
24 352.

25 According to the Town of Oyster Bay

1 Zoning Map, the property is located within the LI,  
2 Light Industrial, zone.

3 There are no open code compliance  
4 cases; however, there is a variance Town Board  
5 resolution on file.

6 We have affidavits of postings and  
7 publications.

8 There is no further correspondence.

9 SUPERVISOR SALADINO: Thank you.

10 May I have a motion?

11 COUNCILMAN MUSCARELLA: Supervisor, I  
12 make a motion that this public hearing be closed  
13 and the decision be reserved.

14 COUNCILMAN MACAGNONE: Second.

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

17 ALL: "Aye."

18 SUPERVISOR SALADINO: Those opposed,  
19 "Nay."

20 (No response.)

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

23 Thank you again. You're in our  
24 thoughts and prayers.

25 We're going to shift gears and go back



1 to our presentation as we were asked to make an  
2 allowance for personal reasons.

3 (Whereupon, presentations were made at  
4 this time.)

5 (TIME NOTED: 10:39 A.M.)

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TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
December 10, 2019  
10:53 a.m.

**HEARING - P-13-19**

To consider the application of Massapequa Plaza Associates, Owner and Massapequa FBBC, LLC d/b/a Fit Body Boot Camp, Tenant, for a Special Use Permit to allow the operation of a fitness facility for premises located at 5117-5167 Merrick Road, Massapequa, New York. (M.D. 11/5/19 #30).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS P. HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., Town Clerk  
JAMES STEFANICH, Receiver of Taxes

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEEN  
Reporter/Notary Public

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

3 MR. ALTADONNA: Hearing P-13-19 to  
4 consider the application of Massapequa Plaza  
5 Associates, Owner and Massapequa FBBC, LLC, d/b/a  
6 Fit Body Boot Camp, Tenant, for a Special Use  
7 Permit to allow the operation of fitness facility  
8 for the premises located at 5117-5167 Merrick Road,  
9 Massapequa, New York.

10 MR. BAKER: Thank you.

11 Good morning, Mr. Supervisor, Members  
12 of the Board.

13 My name is Daniel Baker of Certilman,  
14 Balin, Adler & Hyman, 90 Merrick Avenue, East  
15 Meadow, New York 11554.

16 I'm appearing today on behalf of the  
17 petitioners Massapequa Plaza Associates, LP which  
18 is the owner of the subject premises and Massapequa  
19 FBBC, LLC which does business as Fit Body Boot Camp  
20 which is the tenant of a portion of the subject  
21 premises.

22 We're here today seeking a Special Use  
23 Permit and related site plan approval for Fit Body  
24 Boot Camp which is a personal training center.

25 I'm joined by representatives of both

1 petitioners, if there are any questions for them  
2 after my presentation or during the presentation.

3 The subject premises is a strip  
4 shopping center located at 5117 through 5167  
5 Merrick Road in, Massapequa. It's also known as on  
6 the Nassau County Land and Tax Map as Section 53,  
7 Block 172, Lot 15. It's located at the northeast  
8 corner of Merrick Road and Joludow Drive and is  
9 located in the Neighborhood Business Zoning  
10 District.

11 It is an irregularly shaped parcel of  
12 approximately 165,000 square feet or 3.8 acres,  
13 with approximately 537 feet of frontage on Merrick  
14 Road. It's improved with approximately 48,000  
15 square foot one-story strip shopping center  
16 building which includes nine separate tenants.  
17 Eight of those nine are currently filled. This is  
18 the only vacancy at the center.

19 The tenant roster includes a pharmacy,  
20 a hardware store, a meat and food market, a wine  
21 store, a pizzeria Italian restaurant, Mexican  
22 restaurant, a jewelry store and an Urgent Care  
23 center.

24 The premises is surrounded on the east,  
25 west and north by residences and to the south

1 across Merrick Road by John Burns Park.

2 The center was built in the '50s and  
3 has enjoyed a good place in the community and has  
4 continued to showcase good uses, some of which have  
5 been there for quite some time now.

6 I've been happy to represent the owners  
7 of the property for a long while and it's, you  
8 know, I guess, a good thing that I'm not here that  
9 often to see because it means the tenants are good  
10 and staying in place and so forth.

11 So, today we are seeking a Special Use  
12 Permit for the proposed use which I said is Fit  
13 Body Boot Camp. Fit Body Boot Camp would be  
14 located in 3,004 square foot open designed space to  
15 be used as a personal fitness center.

16 There are more than 800 Fit Body  
17 franchises located throughout the world, and they  
18 specialize in what is a thirty-minute workout in a  
19 small group setting.

20 The typical class is no more than ten  
21 to fifteen clients per session. Typical hours of  
22 operation run in two groupings; one in the morning;  
23 one in the early evening. So, the prime session  
24 would be 5:00 a.m. to 8:00 a.m. with three classes  
25 in that three-hour period. So, there would be one

1 at 5:30, one at 6:30, one at 7:30.

2 The second grouping of classes is also  
3 5:00 to 8:00, but that's 5:00 p.m. to 8:00 p.m.  
4 That would also work the same way. You would have  
5 three sessions. One at 5:30, one at 6:30, one at  
6 7:30 with a small intermission in between the  
7 different sessions.

8 The early morning ones would typically  
9 have ten to fifteen clients with one instructor or  
10 coach, and the second grouping in the evening would  
11 have probably somewhere between eight and twelve  
12 clients per session. Again, with one coach. There  
13 is also one administrative assistant who works  
14 during the day. Beyond that, there are no other  
15 employees or anybody else visiting. So it's a  
16 fairly low, intense use for this sized space.

17 The sessions go Monday through Friday.  
18 There is a possibility that Saturday morning  
19 sessions would be added and that would be at 7:30  
20 and 8:30 and nothing beyond that and no Sunday  
21 sessions at all.

22 The space itself is basically one open  
23 room with the only other areas being bathrooms and  
24 a little bit of storage. The equipment is very  
25 limited. It's utilized for mats, resistance bands,

1 dumbbells and things like that. There is no heavy  
2 equipment, no machinery, no treadmills, elliptical,  
3 bikes or anything like that.

4           There is a sound system which is  
5 limited to one speaker to play music. I will point  
6 out that the owner and the tenant, both who are  
7 here, at some point in the beginning when they were  
8 signing the lease, hooked the speaker up and went  
9 into the two adjoining tenancies. One is Sal's  
10 Meat Market, the other is the hardware store and  
11 blasted it as loud as they could. They couldn't  
12 hear anything in either one of the other spaces.  
13 It's not going to be any impact on the other  
14 tenants, much less any of the residences that are  
15 behind the property.

16           I will point out that while this is not  
17 necessarily triggering anymore intensity in terms  
18 of parking; i.e., a variance, we will be going to  
19 the Zoning Board next week and that's really more a  
20 cleanup related to the parking.

21           In the course of doing the site plan  
22 component of this application, a new site plan was  
23 laid out and it was found that the existing layout,  
24 which over time has changed, meaning the striping  
25 and resurfacing of the parking area has actually

1 led to there being more parking.

2 So, while the requirement isn't more  
3 intense at this point, there's actually more  
4 parking available. As a result, we're going to the  
5 Zoning Board strictly to get a new site plan  
6 approved because the way in which the Zoning Board  
7 approved variances, I think it was about ten years  
8 ago or eight years ago, they specifically cite the  
9 site plan.

10 Since there have been changes to it, we  
11 are going back to them just to just ask that they  
12 approve this new site plan which, as I pointed out,  
13 is a better parking scenario. In fact, I think  
14 there are eight more spaces available.

15 So, with that, I would suggest that  
16 this is consistent use with the area and other uses  
17 along Merrick Road. It will not have any adverse  
18 impact on the health, safety or welfare of area  
19 residents. It will provide a positive use and a  
20 desirable service. I think it fits within the  
21 criteria of Special Use Permit.

22 If there are any questions from the  
23 Board, we'd be happy to take them.

24 COUNCILWOMAN JOHNSON: How long has the  
25 space been vacant for?



1 MR. BAKER: It's about a year and a  
2 half now.

3 COUNCILMAN LABRIOLA: Counselor, this  
4 is what I wanted to actually ask you --

5 MR. BAKER: In the last hearing, yes.

6 COUNCILMAN LABRIOLA: -- on Joludow  
7 Drive. I apologize for mixing up the applications.

8 MR. BAKER: It's okay.

9 COUNCILMAN LABRIOLA: They were called  
10 out of order. I also have a lot of cough medicine  
11 in me, so forgive me.

12 My question was regarding to the  
13 traffic flow as it exits out onto Joludow Drive  
14 over there. I know there is no traffic signal over  
15 there, and it's a very difficult left turn. I know  
16 a lot of people try to attempt that turn. I don't  
17 know if you have a traffic consultant here from --  
18 what is it, Massapequa Plaza Associates, have they  
19 done any traffic analyze of the impact of that  
20 intersection.

21 COUNCILWOMAN JOHNSON: To that end have  
22 there been accidents? How many accidents in the  
23 recent years at that spot?

24 MR. BAKER: I'm going to ask one of the  
25 principals, James Ross, to speak to that.

1 SUPERVISOR SALADINO: Mr. Ross, could  
2 you step up to the podium and start of by giving us  
3 your full name and your address?

4 MR. ROSS: James B. Ross, 500 East 77th  
5 Street, New York, New York.

6 SUPERVISOR SALADINO: Thank you, sir.

7 MR. ROSS: The principal entrance into  
8 the property is at a traffic signal on Merrick  
9 Road. The nonprimary access into the property is  
10 the one large curb cut on Joludow Drive.

11 To the best of my knowledge, there have  
12 been no accidents there that -- and I've owned the  
13 property since 1985. It would be impossible to  
14 signalize that because it's 300 feet from another  
15 traffic light.

16 COUNCILMAN LABRIOLA: I agree with you  
17 on that.

18 I was just going to inquire about the  
19 traffic flow itself.

20 Now, I know you said you're going to go  
21 to the Zoning Board for site plan approval which  
22 would include the striping, et cetera, you claim  
23 you may have some additional parking.

24 MR. ROSS: There is no change in the  
25 curb cuts.

1 COUNCILMAN LABRIOLA: I'm wondering if  
2 there's any --

3 MR. BAKER: As far as the Zoning Board  
4 goes, it's not technically a site plan approval as  
5 it would be before this Board. We are just giving  
6 them what has been a restriping.

7 If you do notice on the site plan that  
8 we provided, there are arrows showing the flow  
9 going from the south to the north along Joludow  
10 Drive. I guess, as you go back to the property, it  
11 really should be only a one way going that way and  
12 then you've got the curb cut at the northern end of  
13 the property.

14 Other than that, is there --

15 COUNCILMAN LABRIOLA: But it doesn't  
16 really work that way in practice. That's what I'm  
17 trying to say.

18 MR. ROSS: There is signage concerning  
19 parking.

20 COUNCILWOMAN JOHNSON: When was the  
21 last time a traffic study was done and how long has  
22 your facility been there for?

23 How many years have you been in that  
24 building.

25 MR. BAKER: The building's been there

1 since the '50s.

2 COUNCILWOMAN JOHNSON: Shopping  
3 center --

4 MR. BAKER: It's been there since the  
5 '50s.

6 COUNCILWOMAN JOHNSON: So, when was the  
7 last time a traffic study was done?

8 MR. ROSS: I believe it was done --

9 MR. BAKER: 2011 for Gino's.

10 MR. ROSS: I believe one of the  
11 tenants, Gino's, in connection with a parking  
12 variance, they did one. I wasn't a party to that.

13 The traffic -- parking lot was laid out  
14 by a traffic engineer Mark Palatto who is not here  
15 today.

16 To the best of my knowledge, there have  
17 been no -- other than some little fender benders in  
18 the parking lot because people don't know how to  
19 drive, we've really had no problems with -- there  
20 have been no problems that have been addressed  
21 concerning traffic.

22 All of the deliveries go through a  
23 second curb cut further north on Joludow Drive for  
24 a driveway in the rear of the property.

25 MR. BAKER: Because that has been our

1 thought process through this application, and  
2 because of the way this use is set up, we don't  
3 believe there is any intensification of traffic  
4 flow or anything else. And that's mainly because  
5 of the hours of operation here.

6 So, you've got a tenancy that's going  
7 to be operating for the most part at different  
8 times than the other tenancies here, which is  
9 different than the prior use which was a dance  
10 studio which would have been more during the day  
11 because it was for children and after school.

12 COUNCILWOMAN JOHNSON: After school,  
13 Saturdays.

14 But the answer is, to your knowledge --

15 MR. BAKER: To our knowledge --

16 COUNCILWOMAN JOHNSON: Do you know when  
17 the last traffic study was?

18 MR. BAKER: It might have been in 2011.  
19 I wasn't a party to that application because the  
20 tenant brought the application and used different  
21 counsel.

22 MR. ROSS: There was a traffic study  
23 and a parking study done in 1986/1987 when the  
24 shopping center was expanded for what was then  
25 Genovese drugstores, which is now Rite Aid.

1 COUNCILWOMAN JOHNSON: So thirty-  
2 something years ago?

3 MR. ROSS: Yes. Since I've owned the  
4 property, that was the only traffic study I  
5 commissioned. It was never necessary subsequent to  
6 that.

7 COUNCILMAN LABRIOLA: My point really  
8 is and I haven't been able to make it -- get it  
9 out. In the flow itself -- by the way, I frequent  
10 this shopping center a great deal because I live on  
11 Block Boulevard. I congratulate you -- by the way,  
12 on an excellent run facility.

13 The only question I have --

14 MR. ROSS: Thank you.

15 COUNCILMAN LABRIOLA: -- is about the  
16 flow itself and the way -- the safest way to make a  
17 left turn onto Merrick Road is at your traffic  
18 light which exits the shopping center over on the  
19 eastern portion of the property on Merrick Road.

20 But those who attempt to make the left  
21 from Joludow Drive are really taking quite a bit of  
22 a risk, and I'm just wondering if in terms of  
23 striping, in terms of traffic flow, trying -- being  
24 that you're going to be restriping this lot, that  
25 you would consider trying to encourage your patrons

1 to exit from the traffic light as opposed to  
2 exiting on Joludow Drive and maybe being able to  
3 queue more vehicles over at the traffic light  
4 because what happens is they're lining up to get  
5 out and everybody who's coming out of the first  
6 travel lane here, closest to Merrick Road, is  
7 usually waiting very patiently to try to get into  
8 that traffic -- to try to get the green when it's  
9 time make left.

10 MR. ROSS: At the traffic light?

11 COUNCILMAN LABRIOLA: Yes.

12 It seems to bunch up over there and  
13 that's what I'm saying and this is an opportunity  
14 for us to ask you to take a look at it.

15 I know the application itself has very  
16 little impact upon your overall operation, but what  
17 I'm asking you to do is, look at the overall  
18 operation and the traffic flow while we have this  
19 chance and you're going to be restriping and  
20 possibly talk about increasing the queue at the  
21 traffic light being able to stripe --

22 MR. ROSS: It's already been restriped.

23 MR. BAKER: It's already been  
24 restriped. So it's not going to be restriped.  
25 It's been restriped years ago.

1 COUNCILMAN LABRIOLA: Well, then it  
2 looks like it's the same pattern that's it been and  
3 also, to consider a no left turn on Joludow Drive,  
4 left going on to Merrick Road. Perhaps we, as a  
5 Board, can consider that.

6 MR. ROSS: That's something that is  
7 beyond my control.

8 MR. BAKER: I think he means here.

9 COUNCILMAN LABRIOLA: My point is just  
10 trying to get the flow to come to this traffic  
11 light as opposed to getting out on Joludow Drive.

12 MR. BAKER: I think we certainly can do  
13 this, after this meeting, we can speak to the  
14 engineers and ask them to try to identify ways to  
15 do that, whether through signage or whatever might  
16 help to alleviate that concern.

17 COUNCILMAN LABRIOLA: This isn't going  
18 to hold up your application. You still have to go  
19 before the Zoning Board.

20 MR. ROSS: What we have done is added a  
21 number of customer parking only to prevent people  
22 from selling used cars and boats in the shopping  
23 center.

24 COUNCILMAN LABRIOLA: I've seen that.

25 MR. ROSS: We've addressed that very



1 aggressively.

2 COUNCILMAN LABRIOLA: Thank you.

3 COUNCILMAN HAND: Could we have a  
4 reopen complaint for noise and parking condition in  
5 August?

6 Could you speak to that just a little.

7 MR. BAKER: Yes, I can.

8 Of course, in the context of these  
9 applications, those complaints are made aware to  
10 us.

11 As far as I understand, there were a  
12 number of different things that have been addressed  
13 including some of the tenant's storage of outdoor  
14 products. I think it was really mainly the  
15 hardware store, as many will, they'll store things  
16 outside. They brought everything inside. They've  
17 cleaned it up. There's been a gate that's been  
18 opened.

19 To my knowledge, everything that was at  
20 issue has been taken care of I think say for one  
21 which might be new, I'm not sure, which is some  
22 graffiti which will be cleaned up. We only heard  
23 about that this morning.

24 COUNCILMAN HAND: Thank you.

25 SUPERVISOR SALADINO: Are there any

1 other questions on this application?

2 COUNCILMAN HAND: No, sir.

3 SUPERVISOR SALADINO: I live in the  
4 neighborhood.

5 I'm in and out of that parking lot all  
6 the time. We do appreciate any efforts that can be  
7 made to make it safer.

8 Councilman Labriola hit it right on the  
9 nail -- hit the nail on the head when he said that  
10 there's quite a bit of queueing up which makes it  
11 difficult if you limit the amount of cars going out  
12 on the west side.

13 MR. ROSS: The only thing that I can  
14 think of is perhaps having a left-hand turn signal  
15 as part of the traffic light opposite John J. Burns  
16 Park.

17 I'm there at least once a month, more  
18 if something requires my attention, and all  
19 different hours, and I understand what you're  
20 saying. Sometimes when that John Burns Park has  
21 something going on, it probably does, that would be  
22 great if the Town could or the County could address  
23 that.

24 SUPERVISOR SALADINO: That's a County  
25 issue, those lights, of course, you know that.

1 MR. BAKER: In any event, we will speak  
2 to the engineers and see if anything is available.

3 SUPERVISOR SALADINO: That seems to be  
4 the biggest, if not the only problem, there is the  
5 bunching up of cars on the east side at queue.

6 COUNCILMAN LABRIOLA: I'm not a traffic  
7 engineer, but if you just made this one way -- this  
8 particular travel lane closest to Merrick Road, if  
9 you made it a westbound one way, they would have to  
10 at least come out behind the queue at the traffic  
11 light.

12 MR. ROSS: That would only require some  
13 striping.

14 COUNCILMAN LABRIOLA: That's what I'm  
15 saying.

16 MR. ROSS: If that's what the Town  
17 wants, we have no problem doing it.

18 COUNCILMAN LABRIOLA: Again, I'm not a  
19 traffic engineer, but I think you should consult  
20 with them.

21 I think that would definitely enhance  
22 the ability for people to queue up properly rather  
23 than bunching out into the travel lane for the  
24 green light; especially, if they're coming from  
25 John J. Burns.

1                   Maybe just a one-way striping on that  
2 particular lane, that one travel lane north of  
3 Merrick Road. But, again, I would say consult with  
4 the traffic engineers and our Planning Department.

5                   MR. BAKER: And we will.

6                   COUNCILMAN LABRIOLA: So, that our  
7 experts can also look at it for my suggestion to  
8 increase safety. I don't want to create a problem.

9                   Thank you.

10                  MR. BAKER: Thank you very much.

11                  MR. ROSS: Thank you.

12                  SUPERVISOR SALADINO: Any other  
13 questions?

14                  COUNCILWOMAN JOHNSON: No.

15                  Thank you.

16                  SUPERVISOR SALADINO: Thank you very  
17 much. We appreciate you coming in today.

18                  Would anyone like to be heard on this  
19 application?

20                  (No response.)

21                  SUPERVISOR SALADINO: Please let the  
22 record reflect no one has indicated they'd like to  
23 be heard.

24                  Is there any correspondence?

25                  MR. ALTADONNA: Massapequa Plaza

1 Associates LP, the attorney for the applicant, has  
2 filed his affidavit of service and disclosures.

3 The communications are as follows: We  
4 have memos from the Department of Planning and  
5 Development including review of the required  
6 off-street parking.

7 Nassau County Land and Tax Map  
8 indicates the property is Section 53, Block 172,  
9 Lot 15. According to the Town of Oyster Bay Zoning  
10 Maps, the property is located with the NB,  
11 Neighborhood Business, Zone.

12 There is an open code compliance case  
13 that will be -- as well as a variance and Town  
14 Board Resolutions on file.

15 We have affidavits of postings and  
16 publications.

17 There is no further correspondence.

18 SUPERVISOR SALADINO: Thank you.

19 May I have a motion, please?

20 COUNCILMAN MUSCARELLA: Supervisor,  
21 I'll make a motion that this public hearing be  
22 closed and the decision be reserved.

23 COUNCILMAN MACAGNONE: Second.

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

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ALL: "Aye."

SUPERVISOR SALADINO: "Aye."

All opposed, "Nay."

(No response.)

SUPERVISOR SALADINO: The "Ayes" have  
it.

MR. BAKER: Thank you very much.

SUPERVISOR SALADINO: Have a wonderful  
day and Happy Holidays.

God bless.

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

TOWN BOARD  
TOWN OF OYSTER BAY  
REGULAR MEETING  
December 10, 2019  
11:14 a.m.

**HEARING - HYDRANT RENTAL**

To consider the Hydrant Rental for New York  
American Water for 2019. (M.D. 11/19/19 #27).

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS P. HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., Town Clerk  
JAMES STEFANICH, Receiver of Taxes

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Please call the  
2 next hearing.

3 MR. ALTADONNA: Hydrant rentals: To  
4 consider the hydrant rental for New York American  
5 Water for 2019.

6 MS. FAUGHNAN: Good morning,  
7 Supervisor, Members of the Town Board.

8 Elizabeth Faughnan, Deputy Town  
9 Attorney, Town Attorney's Office.

10 So, as you may recall, there are  
11 certain areas of the Town of Oyster Bay that do not  
12 have an actual fire district with elected  
13 commissioners that handle fire fighting in that  
14 geographic area. In areas such as Glen Head-Glen  
15 Wood, in areas as Oyster Bay Hamlet, East Norwich  
16 Hamlet, the Unincorporated area of Town of Oyster  
17 Bay we refer to as East Norwich.

18 The Town of Oyster Bay actually serves  
19 as -- for lack of a better term -- commissioners  
20 and the Town of Oyster Bay has what's called the  
21 fire protection area where the resident, the Town  
22 has an actual tax line for fire protection  
23 services.

24 The Town contracts with the local  
25 independent not-for-profit fire company to provide



1 fire fighting services. In the same token, the  
2 Town also has a contract with the water provider  
3 for the water provider to maintain fire hydrants  
4 that are needed for fire protection services for  
5 the residents.

6 So, with that very long preamble, I  
7 come to you today requesting Town Board authority  
8 for the Town to pay New York American Water who  
9 owns and maintains the fire hydrants in the Glen  
10 Wood-Glen Head fire protection area or district.

11 There are 224 hydrants in that area,  
12 and the amount that we are requesting, amount not  
13 to exceed is \$256,504.64 which works out to  
14 \$1,145.11 per hydrant. This request is being made  
15 for the year 2019.

16 As you may all recall, there were a lot  
17 of issues and there still are ongoing issues with  
18 New York American Water, both on the North Shore  
19 and on the South Shore.

20 That being said, the Town is obligated  
21 to pay for the rental of the hydrants so that they  
22 are there for our residents and for the firemen,  
23 God forbid there should be a fire or the need to  
24 access them.

25 The Public Service Commission actually

1 sets the rates for the hydrant rentals. The Town  
2 of Oyster Bay does not set them. We do not  
3 negotiate them with New York American Water.

4 New York American Water actually makes  
5 an application to New York State Public Service  
6 Commission in Albany and says this is what the cost  
7 is that's involved in maintaining those hydrants.  
8 The Public Service Commission actually approves the  
9 rate.

10 The Public Service Commission has also  
11 approved various surcharges. The Town Attorney's  
12 office is working with New York American Water to  
13 review every single one of those public service  
14 orders to determine if they actually apply to the  
15 Town of Oyster Bay.

16 So, we are requesting authority, we are  
17 requesting the Town to approve a Resolution  
18 authorizing payment of the \$256,000 and change, in  
19 order to meet our obligation to New York American  
20 Water.

21 That is not to say that we will  
22 actually spend all of that. We are looking -- like  
23 I said, at each and every public order to determine  
24 if each and every surcharge is applicable to the  
25 Town.

1           There have been surcharges set, then  
2           there have been issues with information that  
3           New York American Water provided to the Public  
4           Service Commission. The Public Service Commission  
5           ordered there be reductions in surcharges. There's  
6           been a lot of back and forth, and the Town  
7           Attorney's office is working with the Comptroller's  
8           Office to determine what, in fact, it is we are  
9           obligated to pay by order of the Public Service  
10          Commissioner.

11                   Any questions?

12                   SUPERVISOR SALADINO: Are there any  
13          questions?

14                   Just to reiterate two points, first of  
15          all, if this is for a Water District, then we both  
16          know the answer but to make -- bring clarity for  
17          our residents, if this is for the Water District,  
18          why are you specifically bringing this before the  
19          Oyster Bay Town Board.

20                   MS. FAUGHNAN: Because there is no  
21          elected -- there is no fire district with  
22          independently elected commissioners, separate  
23          taxing district.

24                   So, the Town Board of the Town of  
25          Oyster Bay actually stands in that role as for lack

1 of a better term commissioners of that fire  
2 protection area.

3 SUPERVISOR SALADINO: And this is  
4 mandated in New York State Law?

5 MS. FAUGHNAN: Not only is it mandated  
6 in New York State Law that you serve as  
7 commissioners in that fire protection area, but the  
8 rates have been mandated by New York Public Service  
9 Commission.

10 SUPERVISOR SALADINO: My second  
11 question is, will the Town of Oyster Bay residents  
12 at large be responsible for any of these costs?

13 MS. FAUGHNAN: These costs are all part  
14 of a separate taxing line on the tax bill to the  
15 residents of that fire protection area.

16 Just as in Oyster Bay, you will see  
17 later on in the calendar today, we are requesting  
18 permission to advertise a hearing for the 2020  
19 hydrant rental for Oyster Bay hamlet.

20 That -- when and if that is approved,  
21 that cost would be handled by the residents of the  
22 Oyster Bay fire protection area.

23 In this instance with the hearing today  
24 and with the Resolution later on in the calendar,  
25 the costs will be borne by the residents of the

1 Glen Wood-Glen Head fire protection area or  
2 district and solely those residents.

3 SUPERVISOR SALADINO: Thank you for  
4 bringing the clarity to everyone.

5 No other questions?

6 (No response.)

7 SUPERVISOR SALADINO: May I have a  
8 motion, please?

9 COUNCILMAN MUSCARELLA: There's a  
10 speaker.

11 SUPERVISOR SALADINO: You'd like to be  
12 heard on this.

13 You didn't right that down on a slip  
14 but please step forward, Arthur.

15 MS. FAUGHNAN: I have to turn the timer  
16 on you, Arthur.

17 MR. ADELMAN: Arthur Adelman,  
18 110 Dubois Avenue, Sea Cliff, New York.

19 I'm a Sea Cliff resident. I, too, am a  
20 sufferer of American Water hydrant charges as a  
21 resident in Sea Cliff.

22 SUPERVISOR SALADINO: You and I, both,  
23 sir.

24 MR. ADELMAN: And you are, too.

25 My big question -- my question as was

1 just mentioned that the sole brunt of this charge  
2 is borne by those residents in the Glen Wood-Glen  
3 Head fire protection district. However, a large  
4 portion of this charge, American Water has  
5 dictated, comes from taxes paid by American Water.  
6 The taxes they pay benefit all Town residents and  
7 the bulk of the taxes they pay provide police  
8 protection for all County residents.

9 I would like to see this group take the  
10 initiative to either contribute or void the taxes  
11 due for American Water for their fire hydrants and  
12 the pipes that go underground that they say cause  
13 the hydrants to be \$800 each plus \$200 a year in  
14 surcharges for over \$1,000 each, but to -- the Town  
15 should give up their tax income that benefits all  
16 residents and that all -- only a small group ends  
17 up paying for. It's just not the way it's supposed  
18 to be. So, that's a thought.

19 While I'm on the topic of water, we're  
20 all aware that New York American Water is  
21 attempting to sell their company to a foreign  
22 entity.

23 I know the groups on the South Shore  
24 and the North Shore are looking for a legislative  
25 body to take a lead in appearing at the Public

1 Service Commission hearings, and being that both  
2 you, Supervisor, and Councilman Labriola come out  
3 of the Assembly, and you might have a lot of  
4 relationships there, I'm hoping you can push forth  
5 some type of policy and take a lead to advise  
6 Public Service Commission not to allow the sale to  
7 go through.

8 Thank you.

9 SUPERVISOR SALADINO: Thank you,  
10 Arthur.

11 Please rest assured, I'll be travelling  
12 to Albany next month. This will be among our list  
13 of lobbying efforts.

14 MR. ADELMAN: Thank you.

15 SUPERVISOR SALADINO: You're welcome.

16 Would anyone else like to be heard on  
17 this application.

18 (No response.)

19 SUPERVISOR SALADINO: Please let the  
20 record reflect that no one has indicated -- no one  
21 else has indicated they would like to be heard.

22 Councilman, may I have a motion,  
23 please.

24 COUNCILMAN MUSCARELLA: Correspondence?

25 SUPERVISOR SALADINO: Yes.

1 Correspondence?

2 MR. ALTADONNA: We have affidavits of  
3 postings and publications.

4 There is no other correspondence.

5 SUPERVISOR SALADINO: Thank you, Town  
6 Clerk.

7 May we have a motion.

8 COUNCILMAN MUSCARELLA: Supervisor, I  
9 make a motion that this public hearing be closed  
10 and that the decision be reserved.

11 COUNCILMAN MACAGNONE: Second.

12 SUPERVISOR SALADINO: All in favor  
13 please signify by saying, "Aye."

14 ALL: "Aye."

15 SUPERVISOR SALADINO: Those opposed,  
16 "Nay."

17 (No response.)

18 SUPERVISOR SALADINO: The "Ayes" have  
19 it.

20 Thank you.

21 We will begin our regular action  
22 calendar, but first we have a need for an Executive  
23 Session.

24 COUNCILWOMAN JOHNSON: Supervisor, I  
25 vote that the Board go into Executive Session for



1 the purpose of discussions regarding proposed,  
2 pending and current litigation.

3 COUNCILMAN MUSCARELLA: I'll second the  
4 motion.

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

7 ALL: "Aye."

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

10 (No response.)

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

13 We will be going into Executive Session  
14 and we will report if any action is taken.

15 Thank you for your patience.

16 (Whereupon, the Executive Session began  
17 at 11:23 a.m. and ended at 12:34 p.m. and the  
18 proceedings resumed as follows:)

19 SUPERVISOR SALADINO: Councilman  
20 Muscarella.

21 COUNCILMAN MUSCARELLA: We're going to  
22 wait. Michelle will make the motion.

23 COUNCILWOMAN JOHNSON: I make a motion  
24 to close Executive Session.

25 No action has been made.

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COUNCILMAN MUSCARELLA: I'll second the motion.

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

ALL: "Aye."

SUPERVISOR SALADINO: Those opposed, "Nay."

(No response.)

SUPERVISOR SALADINO: The "Ayes" have it.

(TIME NOTED: 12:35 P.M.)

TOWN BOARD  
TOWN OF OYSTER BAY  
ACTION CALENDAR  
December 10, 2019  
12:36 p.m.

**JOSEPH SALADINO**  
SUPERVISOR

**JAMES ALTADONNA JR.**  
TOWN CLERK

P R E S E N T:

SUPERVISOR JOSEPH S. SALADINO  
COUNCILMAN JOSEPH D. MUSCARELLA  
COUNCILMAN ANTHONY D. MACAGNONE  
COUNCILWOMAN MICHELE M. JOHNSON  
COUNCILMAN LOUIS B. IMBROTO  
COUNCILMAN THOMAS P. HAND  
COUNCILMAN STEVEN L. LABRIOLA

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

JAMES ALTADONNA JR., Town Clerk  
JAMES STEFANICH, Receiver of Taxes

Minutes of the meeting  
taken by:

HOLLY DALOIA OSTEEN  
Reporter/Notary Public

1 SUPERVISOR SALADINO: Will Clerk  
2 Altadonna please call the regular Action Calendar?

3 MR. ALTADONNA: Thank you, Supervisor  
4 Saladino.

5 SUPERVISOR SALADINO: You're very  
6 welcome.

7 MR. ALTADONNA: I'm going to do some  
8 cleanup first.

9 May I have a motion to suspend the  
10 rules and add the following Resolution Nos.  
11 853-2019 through 866-2019?

12 On the motion?

13 COUNCILMAN MUSCARELLA: So moved.

14 COUNCILMAN MACAGNONE: Second.

15 MR. ALTADONNA: Motion was made by  
16 Councilman Muscarella; second by Councilman  
17 Macagnone.

18 Now, we're going to vote on it, too,  
19 because it's just to add it to the calendar.

20 COUNCILMAN MACAGNONE: Clerk, can I  
21 make a suggestion? Can you bring the microphone  
22 closer to your mouth for the audience?

23 MR. ALTADONNA: Do you want me to  
24 repeat that?

25 COUNCILMAN MACAGNONE: No.

1 MR. ALTADONNA: Councilman, I won't  
2 miss that. That's, for sure.

3 On the vote -- is everybody coming  
4 back?

5 Supervisor, would you like me to hold  
6 up and wait?

7 SUPERVISOR SALADINO: Yes, please.  
8 Just a moment.

9 Thank you.

10 (Whereupon, a discussion was held off  
11 the record.)

12 SUPERVISOR SALADINO: Please proceed,  
13 Mr. Altadonna.

14 MR. ALTADONNA: We have -- we're just  
15 adding to the calendar. We had a motion by  
16 Councilman Muscarella; second by Macagnone.

17 This is on the vote just to --

18 COUNCILMAN MACAGNONE: Councilman  
19 Macagnone.

20 MR. ALTADONNA: Councilman Macagnone.

21 COUNCILMAN MACAGNONE: Thank you.

22 MR. ALTADONNA: This is on the vote  
23 just to add it to the calendar.

24 Supervisor Saladino?

25 SUPERVISOR SALADINO: "Aye."

1 MR. ALTADONNA: Councilman Muscarella?

2 COUNCILMAN MUSCARELLA: "Aye."

3 MR. ALTADONNA: Councilman Macagnone?

4 COUNCILMAN MACAGNONE: "Aye," Clerk.

5 MR. ALTADONNA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: "Aye."

7 MR. ALTADONNA: Councilman Imbroto?

8 COUNCILMAN IMBROTO: "Aye."

9 MR. ALTADONNA: Councilman Hand?

10 COUNCILMAN HAND: "Aye."

11 MR. ALTADONNA: Councilman Labriola?

12 COUNCILMAN LABRIOLA: "Aye."

13 MR. ALTADONNA: Motion to add

14 Resolutions 853-2019 to 866-2019 passes with seven  
15 "Ayes."

16 We have some Walk-ons.

17 May I have a motion to resuspend the  
18 rules and add the following Walk-on Resolution Nos.  
19 867-2019 through 869-2019?

20 I'll give you the short synopsis,  
21 because I know you all love to hear how I can talk  
22 forever.

23 Resolution 867 is a Resolution  
24 authorizing the appointment of Zoning Board of  
25 Appeal Chairwoman for a five-year term from

1 January 1, 2020 to December 31, 2024.

2 Resolution 868-2019 is a Resolution  
3 authorizing the appointment of the Zoning Board of  
4 Appeal members for a five-year term from January 1,  
5 2020 through December 31, 2024.

6 And 869-2019 is Resolution pertaining  
7 to the decision on the hydrant rental for New York  
8 American Water for 2019.

9 On the motion?

10 COUNCILMAN MUSCARELLA: So moved.

11 COUNCILMAN MACAGNONE: Second.

12 MR. ALTADONNA: Motion made by  
13 Councilman Muscarella; second by Councilman  
14 Macagnone.

15 ON THE VOTE:

16 Supervisor Saladino?

17 SUPERVISOR SALADINO: "Aye."

18 MR. ALTADONNA: Councilman Muscarella?

19 COUNCILMAN MUSCARELLA: "Aye."

20 MR. ALTADONNA: Councilman Macagnone?

21 COUNCILMAN MACAGNONE: "Aye."

22 MR. ALTADONNA: Councilwoman Johnson?

23 COUNCILWOMAN JOHNSON: "Aye."

24 MR. ALTADONNA: Councilman Imbroto?

25 COUNCILMAN IMBROTO: "Aye."

1 MR. ALTADONNA: Councilman Hand?

2 COUNCILMAN HAND: "Aye."

3 MR. ALTADONNA: Councilman Labriola?

4 COUNCILMAN LABRIOLA: "Aye."

5 MR. ALTADONNA: Motion to resuspend the  
6 rules and add the following Walk-on Resolutions No.  
7 867, 868, 869 passes with seven "Ayes" and now it's  
8 added to the regular Action Calendar.

9 Now, we're going to go -- may I have a  
10 Motion to adopt Resolution Nos. P-1-19 [SIC]  
11 through 869, noting that we just added Resolutions  
12 to the calendar and you have speakers?

13 **PERSONNEL RESOLUTION NO. P-1-20,**  
14 **PA-1-20 thru PA-3-20;** Resolution pertaining to  
15 personnel of various departments within the Town of  
16 Oyster Bay.

17 **TRANSFER OF FUNDS RESOLUTION NO.**  
18 **TF-20-19;** Resolution pertaining to Transfer of  
19 Funds within various departments' accounts for the  
20 Year 2019.

21 **RESOLUTION NO. 736-2019;** Resolution  
22 granting request from D. Zaug, to donate a memorial  
23 plaque to be placed on an existing tree in  
24 Marjorie R. Post Community Park in memory of  
25 Gertrude Bruu. (M.D. 11/12/19 #5).



1                   **RESOLUTION NO. 737-2019;** Resolution  
2                   authorizing publication of a legal notice  
3                   pertaining to the 2020 General Tax. Account No. ROT  
4                   A 1330 44100 000 0000. (M.D. 11/12/19 #13).

5                   **RESOLUTION NO. 738-2019;** Resolution  
6                   authorizing the Supervisor to exercise the renewal  
7                   option with HIP Health Plan of New York for the  
8                   year 2020. Account No. TWN AMM 9060 80010 000 0000  
9                   000. (M.D. 11/12/19 #17).

10                  **RESOLUTION NO. 739-2019;** Resolution  
11                  pertaining to Quantity Decrease, Acceptance and  
12                  final payment on Contract No. H16-142PH1-2,  
13                  Construction of Highway Improvements to the Smith  
14                  Street Area, Glen Head, New York. (M.D. 11/12/19  
15                  #29).

16                  **RESOLUTION NO. 740-2019;** Resolution  
17                  pertaining to Contract No. PWC20-18, On-Call  
18                  Engineering Services Relative to Tank Management.  
19                  Account No. HWY H5197 20000 000 1903 008. (M.D.  
20                  11/12/19 #30).

21                  **RESOLUTION NO. 741-2019;** Resolution  
22                  authorizing implementation of a sponsored  
23                  non-resident night fishing parking permit and to  
24                  establish rules and regulations regarding said  
25                  permit. (M.D. 11/19/19 #8).

1                   **RESOLUTION NO. 742-2019;** Resolution  
2                   authorizing a second one-year extension of a  
3                   contract for Planning Consultant Services for the  
4                   Department of Planning and Development for the  
5                   period January 1, 2020 through December 31, 2020.  
6                   (M.D. 11/19/19 #19).

7                   **RESOLUTION NO. 743-2019;** Resolution  
8                   authorizing a first one-year extension of a  
9                   contract for Outside Legal Services for Zoning  
10                  Board of Appeals in connection with zoning and land  
11                  use litigation, for the period January 1, 2020  
12                  through December 31, 2020. Account No. PAD B 8010  
13                  44800 000 0000. (M.D. 11/19/19 #20).

14                  **RESOLUTION NO. 744-2019;** Resolution  
15                  authorizing a second one-year extension of a  
16                  contract for Stenographic Services for the Zoning  
17                  Board of Appeals for the period January 1, 2020  
18                  through December 31, 2020. Account No. PAD B 8010  
19                  44120 000 0000. (M.D. 11/19/19 #21).

20                  **RESOLUTION NO. 745-2019;** Resolution  
21                  authorizing a second one-year extension of contract  
22                  for Technical Assistance with Engineering and  
23                  Architectural Services in connection with  
24                  evaluating the structural assessment of abandoned  
25                  and damaged buildings for the period January 1,

1 2020 through December 31, 2020. Account No. PAD B  
2 3620 44800 000 0000. (M.D. 11/19/19 #22).

3 **RESOLUTION NO. 746-2019;** Resolution  
4 authorizing the 2020 Meeting Schedule for the  
5 Zoning Board of Appeals. (M.D. 11/19/19 #23).

6 **RESOLUTION NO. 747-2019;** Resolution  
7 appointing and re-appointing Marriage Officers in  
8 the Town of Oyster Bay, for the period January 1,  
9 2020 through December 31, 2021. (M.D. 11/19/19 #25).

10 **RESOLUTION NO. 748-2019;** Resolution  
11 authorizing a Senior Trip to the Crest Hollow  
12 Country Club for a Senior Valentine's Day Luncheon  
13 on February 13, 2020 and for the Department  
14 Commissioner to make any necessary adjustments or  
15 refunds. (M.D. 11/26/19 #4).

16 **RESOLUTION NO. 749-2019;** Resolution  
17 authorizing employment of the services of various  
18 performers for various dates and locations for the  
19 2020 *Children's Magical Music and More* program,  
20 co-sponsored by certain libraries, and authorizing  
21 the Supervisor or his designee or the Commissioner  
22 of Community and Youth to execute agreements for  
23 said program. Account No. CYS A 7020 47660 000  
24 0000. (M.D. 11/26/19 #5).

25 **RESOLUTION NO. 750-2019;** Resolution

1 authorizing an agreement with the Long Island  
2 Developmental Disabilities Regional Office for a  
3 Program for Children with Autism, to be  
4 administered by the Group Activities Program (GAP),  
5 from January 1, 2020 through December 31, 2020, and  
6 authorizing the Supervisor and/or his designee  
7 or the Commissioner of Community and Youth Services  
8 to execute said agreement. (M.D. 11/26/19 #6).

9 **RESOLUTION NO. 751-2019;** Resolution  
10 authorizing an agreement with the Long Island  
11 Developmental Disabilities Regional Office for  
12 Family Support Services rendered to developmentally  
13 disabled persons through the GAP program from  
14 January 1, 2020 through December 31, 2020, and  
15 authorizing the Supervisor and/or his designee or  
16 the Commissioner of Community and Youth Services to  
17 execute said agreement. (M.D. 11/26/19 #7).

18 **RESOLUTION NO. 752-2019;** Resolution  
19 authorizing the employment of the services of a  
20 performer to provide entertainment for the GAP  
21 Program on January 3, 2020 at the North Massapequa  
22 Community Center, and authorizing the Supervisor  
23 and/or his designee or the Commissioner of  
24 Community and Youth Services to execute the  
25 agreement for said services. Account No. CYS A 7020

1 47660 000 0000. (M.D. 11/26/19 #8).

2 **RESOLUTION NO. 753-2019;** Resolution  
3 authorizing an agreement with Nassau County  
4 Department of Human Services to receive grant  
5 funding for youth program services for the period  
6 January 1, 2019 through December 31, 2019 and  
7 authorizing the Supervisor and/or his designee or  
8 the Commissioner of Community and Youth Services to  
9 execute said agreement and to reimburse the  
10 Incorporated Village of Bayville for their youth  
11 program under the terms of said agreement. Account  
12 No. CYS A 7020 47620 000 0000. (M.D. 11/26/19 #9).

13 **RESOLUTION NO. 754-2019;** Resolution  
14 pertaining to site plan review and approval for  
15 Eagle Rock Apartments of Woodbury, 92 Fairhaven  
16 Blvd., Woodbury, New York. (M.D. 11/12/19 #15).

17 **RESOLUTION NO. 755-2019;** Resolution to  
18 establish fees for the 2020 Arts and Crafts for  
19 Toddlers Ages 2-4 Program. (M.D. 11/26/19 #12).

20 **RESOLUTION NO. 756-2019;** Resolution  
21 authorizing the 2020 Town of Oyster Bay Men's  
22 Softball League and to include an entry fee.  
23 Account No. TWN TA 0000 00085 472 0000. (M.D.  
24 11/26/19 #13).

25 **RESOLUTION NO. 757-2019;** Resolution

1 authorizing establishment of fees for the 2020 Town  
2 of Oyster Bay sponsored Tennis Program. (M.D.  
3 11/26/19 #14).

4 **RESOLUTION NO. 758-2019;** Resolution  
5 authorizing a second one-year extension of Contract  
6 SE004-17, Transfer, Haul and Recycling of Tires, at  
7 the same prices, conditions and terms provided for  
8 in the present contract commencing January 1, 2020  
9 through December 31, 2020. (M.D. 11/26/19 #15).

10 **RESOLUTION NO. 759-2019;** Resolution  
11 authorizing a Federal Aid Local Project Agreement  
12 with the New York State Department of  
13 Transportation in connection with the  
14 Reconstruction of Pavement and Drainage on  
15 East Lincoln Avenue, Riverdale Avenue and Pirates  
16 Cove in Massapequa, and authorizing the Supervisor  
17 and/or his designee to execute said agreement.  
18 (M.D. 11/26/19 #19).

19 **RESOLUTION NO. 760-2019;** Resolution  
20 authorizing the Supervisor or his designee to enter  
21 into a Community Development Public Service  
22 Contract Agreement with Veterans of Foreign Wars of  
23 the U.S., William M. Gouse, Jr., Post #3211, for  
24 the period January 1, 2020 through December 31,  
25 2020. Account No. IGA CD 8676 48280 749

1 CD20. (M.D. 11/26/19 #20).

2 **RESOLUTION NO. 761-2019;** Resolution  
3 authorizing the Supervisor or his designee to enter  
4 into a Community Development Public Service  
5 Contract Agreement with YES Community Counseling  
6 Center, Inc., relating to peer pressures and  
7 substance abuse, for the period January 1, 2020  
8 through December 31, 2020. Account No. IGA CD 8676  
9 48280 745 CD20. (M.D. 11/26/19 #21).

10 **RESOLUTION NO. 762-2019;** Resolution  
11 authorizing the Supervisor or his designee to enter  
12 into a Public Service Contract Agreement with YES  
13 Community Counseling Center, Inc., relating to  
14 domestic violence and/or abuse, for the period  
15 January 1, 2020 through December 31, 2020. Account  
16 No. IGA A 8686 47630 000 0000. (M.D. 11/26/19 #22).

17 **RESOLUTION NO. 763-2019;** Resolution  
18 authorizing the Supervisor or his designee to enter  
19 into a Community Development Public Service  
20 Contract Agreement with Plainedge Senior Citizens,  
21 Inc., for the period January 1, 2020 through  
22 December 31, 2020. Account No. IGA CD 8676 48280  
23 748 CD20. (M.D. 11/26/19 #23).

24 **RESOLUTION NO. 764-2019;** Resolution  
25 authorizing the Supervisor or his designee to enter

1 into a Community Development Public Service  
2 Contract Agreement with Island Harvest, LTD, for  
3 the period January 1, 2020 through December 31,  
4 2020. Account No. IGA CD 8676 48280 754 CD20. (M.D.  
5 11/26/19 #24).

6 **RESOLUTION NO. 765-2019;** Resolution  
7 authorizing the Supervisor or his designee to enter  
8 into a Community Development Public Service  
9 Contract Agreement with Hicksville Teenage Council,  
10 Inc./Hicksville Boys and Girls Club, Inc., for the  
11 period January 1, 2020 through December 31, 2020.  
12 Account No. IGA CD 8676 48280 744 CD20. (M.D.  
13 11/26/19 #25).

14 **RESOLUTION NO. 766-2019;** Resolution  
15 authorizing the Supervisor or his designee to enter  
16 into a Community Development Public Service  
17 Contract Agreement with the Grenville Baker Boys  
18 and Girls Club, Inc., for the period January 1,  
19 2020 through December 31, 2020. Account No. IGA CD  
20 8676 48280 743 CD20. (M.D. 11/26/19 #26).

21 **RESOLUTION NO. 767-2019;** Resolution  
22 authorizing the Supervisor or his designee to enter  
23 into a Community Development Public Service  
24 Contract Agreement with Greater Long Island Running  
25 Club, Inc., for the period January 1, 2020 through



1 December 31, 2020. Account No. IGA CD 8676 48280  
2 750 CD20. (M.D. 11/26/19 #27).

3 **RESOLUTION NO. 768-2019;** Resolution  
4 authorizing the Supervisor or his designee to enter  
5 into a Community Development Public Service  
6 Contract Agreement with Doubleday Babcock Senior  
7 Center, Inc., d/b/a The Life Enrichment Center, for  
8 the period January 1, 2020 through December 31,  
9 2020. Account No. IGA CD 8676 48280 740 CD20. (M.D.  
10 11/26/19 #28).

11 **RESOLUTION NO. 769-2019;** Resolution  
12 authorizing the Supervisor or his designee to enter  
13 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 2020 through December 31, 2020. Account No. IGA CD  
17 8676 48280 741 CD20. (M.D. 11/26/19 #29).

18 **RESOLUTION NO. 770-2019;** Resolution  
19 authorizing the renewal of the Department of  
20 Planning and Development's membership in the Long  
21 Island Association, Inc. (LIA), for a period of one  
22 year from September 1, 2019 through August 31,  
23 2020. Account No. PAD B 3620 47900 000 0000. (M.D.  
24 11/26/19 #31).

25 **RESOLUTION NO. 771-2019;** Resolution

1       pertaining to site plan review and approval for  
2       McDonalds, 571 Jericho Turnpike, Syosset, New York.  
3       (M.D. 11/26/19 #32).

4                   **RESOLUTION NO. 772-2019;** Resolution  
5       authorizing an agreement for Flexible Spending  
6       Third-Party Administrator commencing January 1,  
7       2020 through December 31, 2020. Account No. TWN AMM  
8       9060 80040 000 0000 000. (M.D. 11/26/19 #37).

9                   **RESOLUTION NO. 773-2019;** Resolution  
10      granting request from Oyster Bay Main Street  
11      Association, Oyster Bay East Norwich Chamber of  
12      Commerce and the Oyster Bay Railroad Museum, for  
13      Town assistance in conducting their Temporary Ice  
14      Rink and Trackless Train in conjunction with the  
15      Oyster Bay East Norwich Chamber of Commerce Annual  
16      Holiday Tree Lighting Ceremony on December 14,  
17      2019, and for use of various Town equipment for the  
18      event. (M.D. 11/26/19 #115 & 12/3/19 #10).

19                   **RESOLUTION NO. 774-2019;** Resolution  
20      authorizing authorization of payment for Vehicle  
21      Appraiser fees in connection with actions against  
22      the Town of Oyster Bay for alleged damage to  
23      vehicles. Account No. TWN AMS 1920 43020 602 0000  
24      000. (M.D.11/26/19 #90 & 12/3/19 #33).

25                   **RESOLUTION NO. 775-2019;** Resolution

1 authorizing payment for Process Server costs to  
2 satisfy all outstanding invoices for process  
3 service. Account No. OTA A 1420 44110 000 0000.  
4 (M.D. 11/26/19 #91 & 12/3/19 #35).

5 **RESOLUTION NO. 776-2019;** Resolution  
6 authorizing an agreement with a provider for the  
7 Employee Physical Examination Program,  
8 Pre-Employment/Promotional/Emergency Response  
9 Programs commencing January 1, 2020 through  
10 December 31, 2020, with an option to renew in 2021  
11 and 2022 and authorizing the Supervisor or his  
12 designee to execute said agreement. Account No. DHR  
13 A 1430 44130 000 0000. (M.D. 11/26/19 #41).

14 **RESOLUTION NO. 777-2019;** Resolution  
15 pertaining to Dog Warden Services Agreement with  
16 the Incorporated Village of Muttontown for the  
17 period January 1, 2020 through December 31, 2021.  
18 (M.D. 11/26/19 #81 & 12/3/19 #27).

19 **RESOLUTION NO. 778-2019;** Resolution  
20 authorizing a first one (1) year extension of Labor  
21 Counsel Services contract for the period January 1,  
22 2020 through December 31, 2020. Account No. TWN AMW  
23 9040 84040 000 0000 000. (M.D. 11/26/19 #43).

24 **RESOLUTION NO. 779-2019;** Resolution  
25 authorizing an option to renew a contract for

1 Workers' Compensation Third-Party Carrier for the  
2 period January 1, 2020 through December 31, 2020.  
3 Account No. TWN AMW 9040 84030 000 0000 000. (M.D.  
4 11/26/19 #44).

5 **RESOLUTION NO. 780-2019;** Resolution  
6 authorizing the second one-year extension of  
7 On-Call Technology Consulting Services to assist in  
8 data migration from the Town's IBM AS400 mainframe  
9 to Microsoft AX system for a period commencing  
10 January 1, 2020 through December 31, 2020 at the  
11 same terms and conditions in the present contract.  
12 Account Nos. CMP A 1680 46410 000 0000 and CMP H  
13 1997 26000 000 1508 001. (M.D. 11/26/19 #45).

14 **RESOLUTION NO. 781-2019;** Resolution  
15 authorizing the second one-year extension of  
16 Contract No. PWC 72-18, On-Call Technology  
17 Consulting Services from January 1, 2020 through  
18 December 31, 2020, at the same terms and conditions  
19 in the present contract. Account Nos. CMP A 1680  
20 46410 000 0000, CMP H 1997 26000 000 1508 001 and  
21 ROT H 1997 26000 000 1409 001. (M.D. 11/26/19 #46).

22 **RESOLUTION NO. 782-2019;** Resolution  
23 appropriating funds for the 2020 Capital Program -  
24 Improvements to Town Facilities. (M.D. 11/26/19  
25 #47).

1                   **RESOLUTION NO. 783-2019;** Resolution  
2                   appropriating funds for the 2020 Capital Program -  
3                   Three Year Equipment. (M.D. 11/26/19 #48).

4                   **RESOLUTION NO. 784-2019;** Resolution  
5                   appropriating funds for the 2020 Capital Program -  
6                   Fifteen Year Equipment. (M.D. 11/26/19 #49).

7                   **RESOLUTION NO. 785-2019;** Resolution  
8                   appropriating funds for the 2020 Capital Program -  
9                   Five Year Equipment. (M.D. 11/26/19 #50).

10                  **RESOLUTION NO. 786-2019;** Resolution  
11                  calling for a public hearing for Solid Waste  
12                  District Improvements in the 2020 Capital Program.  
13                  Hearing date: January 7, 2020. (M.D. 11/26/19 #51).

14                  **RESOLUTION NO. 787-2019;** Resolution  
15                  calling for a public hearing for Public Lighting  
16                  District Improvements in the 2020 Capital Program.  
17                  Hearing date: January 7, 2020. (M.D. 11/26/19 #52).

18                  **RESOLUTION NO. 788-2019;** Resolution  
19                  calling for a public hearing for Public Parking  
20                  District Improvements in the 2020 Capital Program.  
21                  Hearing date: January 7, 2020. (M.D. 11/26/19 #53).

22                  **RESOLUTION NO. 789-2019;** Resolution  
23                  appropriating funds for the 2020 Capital Program -  
24                  Highway. (M.D. 11/26/19 #54).

25                  **RESOLUTION NO. 790-2019;** Resolution

1 appropriating funds for the 2020 Capital Program -  
2 Parks General. (M.D. 11/26/19 #55).

3 **RESOLUTION NO. 791-2019;** Resolution  
4 calling for a public hearing for Special District  
5 Park Improvements in the 2020 Capital Program.  
6 Hearing date: January 7, 2020. (M.D. 11/26/19 #56).

7 **RESOLUTION NO. 792-2019;** Resolution  
8 pertaining to the decision on the application of  
9 799 Old Country Road, LLC and Dallas 79, Inc.,  
10 d/b/a The Main Event, for modification of  
11 conditions imposed by Resolution No. 244-1998 and  
12 modification of Declaration of Restrictive  
13 Covenants for premises located at 799 Old Country  
14 Road, Plainview, New York. Hearing held: August 20,  
15 2019. (M.D. 8/20/19 #5).

16 **RESOLUTION NO. 793-2019;** Resolution  
17 authorizing the 2020 and 2021 Salaries for  
18 Non-Represented Employees of the Town of Oyster  
19 Bay. (M.D. 11/26/19 #58).

20 **RESOLUTION NO. 794-2019;** Resolution  
21 authorizing the second one-year extension option  
22 for Stenographic Services - Employee Relations  
23 Matters and Disciplinary Proceedings, from  
24 January 1, 2020 through December 31, 2020. Account  
25 No. OTA A 1420 44800 000 0000. (M.D. 11/26/19 #61).

1                   **RESOLUTION NO. 795-2019;** Resolution  
2           authorizing the first extension option for Claims  
3           Investigative Services with respect to the Town's  
4           defense against certain actions from January 1,  
5           2020 through December 31, 2020. Account Nos. TWN  
6           AMS 1910 43010 602 0000 000 and TWN AMS 1910 43020  
7           602 0000 000. (M.D. 11/26/19 #62).

8                   **RESOLUTION NO. 796-2019;** Resolution  
9           authorizing the second one-year extension option  
10          for Hearing Officers with respect to the Town's  
11          Employee Relations Matters, from January 1, 2020  
12          through December 31, 2020. Account No. OTA A 1420  
13          44800 000 000. (M.D. 11/26/19 #63).

14                  **RESOLUTION NO. 797-2019;** Resolution  
15          pertaining to Outside Counsel Services of various  
16          law firms in Calendar Year 2020 as approved in the  
17          2020 Budget. Account No. OTA A 1420 44110 000 0000.  
18          (M.D. 11/26/19 #64).

19                  **RESOLUTION NO. 798-2019;** Requesting  
20          Town Board authorization for payment to Court  
21          Mandated Court Reporters for the period beginning  
22          January 1, 2020 through December 31, 2020 in order  
23          to obtain copies of official transcripts from the  
24          court. Account No. OTA A 1420 44110 604 0000. (M.D.  
25          11/26/19 #65).

1                   **RESOLUTION NO. 799-2019;** Resolution  
2           authorizing award of contract for Stenographic  
3           Services for Town Board Meetings/Hearings from  
4           January 1, 2020 through December 31, 2020, with  
5           the provision of two one-year extension options.  
6           Account No. OTC A 1410 44120 000 0000. (M.D.  
7           11/26/19 #92).

8                   **RESOLUTION NO. 800-2019;** Resolution  
9           authorizing the Supervisor, or his designee, to  
10          execute a Standard Consultant Agreement with  
11          various firms which have been awarded on-call  
12          engineering services contracts. (M.D. 11/26/19  
13          #93).

14                  **RESOLUTION NO. 801-2019;** Resolution  
15          pertaining to Contract PWC07-18, On-Call  
16          Engineering Service Request Relative to Civil  
17          Engineering in connection with construction  
18          inspection of miscellaneous concrete replacement  
19          through the Town of Oyster Bay. Account No. HWY H  
20          5197 20000 000 1903 008. (M.D. 11/26/19 #94).

21                  **RESOLUTION NO. 802-2019;** Resolution  
22          authorizing award of Contract No. PWC20-20, On-Call  
23          Engineering Services Relative to Tank Management,  
24          for a two-year term commencing January 1, 2020  
25          through December 31, 2021. (M.D. 11/26/19 #95).



1                   **RESOLUTION NO. 803-2019;** Resolution  
2           authorizing award of Contract PWC08-20, On-Call  
3           Engineering Services Relative to Mechanical  
4           Engineering for a two-year term commencing  
5           January 1, 2020 through December 31, 2021. (M.D.  
6           11/26/19 #96).

7                   **RESOLUTION NO. 804-2019;** Resolution  
8           authorizing award of Contract PWC23-20, On-Call  
9           Engineering Services Relative to Environmental  
10          Engineering, for a two-year term commencing  
11          January 1, 2020 through December 31, 2021. (M.D.  
12          11/26/19 #97).

13                  **RESOLUTION NO. 805-2019;** Resolution  
14          authorizing award of Contract PWC14-20, On-Call  
15          Engineering Services Relative to Surveying, for a  
16          two-year term commencing January 1, 2020 through  
17          December 31, 2021. (M.D. 11/26/19 #98).

18                  **RESOLUTION NO. 806-2019;** Resolution  
19          authorizing award of Contract PWC07-20, On-Call  
20          Engineering Services Relative to Civil Engineering,  
21          for a two-year term commencing January 1, 2020  
22          through December 31, 2021. (M.D. 11/26/19 #99).

23                  **RESOLUTION NO. 807-2019;** Resolution  
24          authorizing award of Contract PWC12-20, On-Call  
25          Engineering Services Relative to Environmental

1 Science, for a two-year term commencing January 1,  
2 2020 through December 31, 2021. (M.D. 11/26/19  
3 #100).

4 **RESOLUTION NO. 808-2019;** Resolution  
5 authorizing award of Contract PWC22-20, On-Call  
6 Engineering Services Relative to Architecture, for  
7 a two-year term commencing January 1, 2020 through  
8 December 31, 2021. (M.D. 11/26/19 #101).

9 **RESOLUTION NO. 809-2019;** Resolution  
10 authorizing award of Contract PWC09-20, On-Call  
11 Engineering Services Relative to Site Development,  
12 for a two-year term commencing January 1, 2020  
13 through December 31, 2021. (M.D. 11/26/19 #102).

14 **RESOLUTION NO. 810-2019;** Resolution  
15 authorizing award of Contract PWC19-20 On-Call  
16 Engineering Services Relative to Structural  
17 Engineering, for a two-year term commencing  
18 January 1, 2020 through December 31, 2021. (M.D.  
19 11/26/19 #103).

20 **RESOLUTION NO. 811-2019;** Resolution  
21 authorizing award of Contract PWC10-20, On-Call  
22 Engineering Services Relative to Construction  
23 Management, for a two-year term commencing  
24 January 1, 2020 through December 31, 2021. (M.D.  
25 11/26/19 #104).

1                   **RESOLUTION NO. 812-2019;** Resolution  
2                   authorizing award of Contract PWC18-20, On-Call  
3                   Engineering Services Relative to Electrical  
4                   Engineering, for a two-year term commencing  
5                   January 1, 2020 through December 31, 2021. (M.D.  
6                   11/26/19 #105).

7                   **RESOLUTION NO. 813-2019;** Resolution  
8                   authorizing award of Contract PWC15-20, On-Call  
9                   Engineering Services Relative to Transportation  
10                  Engineering, for a two-year term commencing  
11                  January 1, 2020 through December 31, 2021. (M.D.  
12                  11/26/19 #106).

13                  **RESOLUTION NO. 814-2019;** Resolution  
14                  authorizing use of a sub-consultant for Contract  
15                  No. PWC08-18, On-Call Engineering Services Relative  
16                  to Mechanical Engineering in connection with an  
17                  assessment of the elevator systems at the  
18                  Hicksville Parking Facility. (M.D. 11/26/19 #107).

19                  **RESOLUTION NO. 815-2019;** Resolution  
20                  authorizing acceptance of the design and request to  
21                  enter bid & construction phases of Contract No.  
22                  DP19-202, TOBAY Beach Potable Water Treatment  
23                  System Upgrade. (M.D. 11/26/19 #108).

24                  **RESOLUTION NO. 816-2019;** Resolution  
25                  authorizing award of Contract No. PWC17-20 On-Call

1 Technical Assistance Relative to Laboratory  
2 Analysis, for a two-year term commencing January 1,  
3 2020 through December 31, 2021. (M.D. 11/26/19  
4 #109).

5 **RESOLUTION NO. 817-2019;** Resolution  
6 authorizing award of Contract PWC31-20, On-Call  
7 Engineering Services Relative to Operation and  
8 Development of the Old Bethpage Solid Waste  
9 Disposal Complex, for a two-year term commencing  
10 January 1, 2020 through December 31, 2021. (M.D.  
11 11/26/19 #110).

12 **RESOLUTION NO. 818-2019;** Resolution  
13 authorizing award of Contract PWC27-20, On-Call  
14 Engineering Services Relative to Groundwater  
15 Monitoring for the Old Bethpage Landfill, for a  
16 two-year term commencing January 1, 2020 through  
17 December 31, 2021. (M.D. 11/26/19 #111).

18 **RESOLUTION NO. 819-2019;** Resolution  
19 authorizing award of Contract PWC28-20, On-Call  
20 Engineering Services Relative to Air Monitoring for  
21 the Old Bethpage Landfill, for a two-year term  
22 commencing January 1, 2020 through December 31,  
23 2021. (M.D. 11/26/19 #112).

24 **RESOLUTION NO. 820-2019;** Resolution  
25 authorizing award of Contract No. PWC29-20, On-Call

1 Engineering Services relative to Oversight of  
2 Environmental Monitoring Programs for the Old  
3 Bethpage Landfill, for a two-year period commencing  
4 January 1, 2020 through December 31, 2021. (M.D.  
5 11/26/19 #113).

6 **RESOLUTION NO. 821-2019;** Resolution  
7 pertaining to authorization in connection with  
8 Resolution No. 728-18, Engineering and  
9 Architectural Services. Account No. PAD B 3620  
10 44800 000 0000 (M.D. 11/26/19 #123 & 12/3/19 #29).

11 **RESOLUTION NO. 822-2019;** Resolution  
12 pertaining to Special Consulting Services to the  
13 Department of Environmental Resources to conduct  
14 review and project analysis as required by New York  
15 State Environmental Quality Review act (SEQRA).  
16 Account No. DER A 8090 44500 000 0000. (M.D.  
17 11/26/19 #116).

18 **RESOLUTION NO. 823-2019;** Resolution  
19 authorizing a one year extension of the contract  
20 for Special Consulting Services to the Department  
21 of Environmental Resources to conduct review and  
22 project analysis for the period January 1, 2018  
23 through December 31, 2018. Account No. DER A 8090  
24 44500 000 0000. (M.D. 11/26/19 #117).

25 **RESOLUTION NO. 824-2019;** Resolution to

1 supersede Resolution No. 106-2004 to adjust the  
2 Environmental Assessment Review Fee Schedule to  
3 accurately reflect current costs of reviewing and  
4 evaluating applications for environment reviews.  
5 (M.D. 11/26/19 #118).

6 **RESOLUTION NO. 825-2019;** Resolution  
7 pertaining to reappointment to the Board of Ethics  
8 for a five-year term ending December 31, 2024.  
9 (M.D. 11/26/19 #120).

10 **RESOLUTION NO. 826-2019;** Resolution  
11 amending Resolution No. 847-2018 in connection with  
12 legal services for the Calendar Year 2019. (M.D.  
13 11/26/19 #121).

14 **RESOLUTION NO. 827-2019;** Resolution  
15 pertaining to payment to court mandated court  
16 reporters for copies of official court transcripts.  
17 Account No. OTA A 1420 44110 604 0000. (M.D.  
18 11/26/19 #122).

19 **RESOLUTION NO. 828-2019;** Resolution  
20 amending resolution No. 341-2019 pertaining to  
21 outstanding fees and expenses in connection with  
22 Oyster Bay Harbor/Long Island Sound Boundary  
23 litigation. Account No. OTA A 1420 44110 000 0000.  
24 (M.D. 11/26/19 #124).

25 **RESOLUTION NO. 829-2019;** Resolution

1 ratifying the retention of Special Counsel to the  
2 Town Attorney in connection with the Use of Force  
3 Policy. Account No. OTA A 1420 44110 000 0000.  
4 (M.D. 11/26/19 #125).

5 **RESOLUTION NO. 830-2019;** Resolution  
6 authorizing the continuation of New York State  
7 Health Insurance Program (NYSHIP, a/k/a "Empire  
8 Plan") for an additional twelve (12) months,  
9 effective January 1, 2020 through December 31,  
10 2020. Account No. TWN AMM 9060 80000 000 0000 000.  
11 (M.D. 11/19/19 #24 & 12/3/19 #30).

12 **RESOLUTION NO. 831-2019;** Resolution  
13 authorizing the Supervisor and/or his designee, to  
14 execute an Agreement for the provision of One-Stop  
15 Operator Services under the Workforce Innovation  
16 and Opportunity Act for the period January 1, 2020  
17 through December 31, 2020. Account No. IGA CD 6293  
18 48080 000 CW19. (M.D. 11/26/19 #18 & 12/3/19 #4).

19 **RESOLUTION NO. 832-2019;** Resolution  
20 authorizing award of contract for Technical  
21 Assistance with Planning Services for Planning and  
22 Zoning Modifications to the Town of Oyster Bay's  
23 "CB" Zoning District Designation in Hicksville,  
24 commencing January 1, 2020 through December 31,  
25 2020 and to authorize the Supervisor or his

1 designee to execute said agreement. Account No. PAD  
2 B 8020 44800 000 0000. (M.D. 11/26/19 #30 & 12/3/19  
3 #5).

4 **RESOLUTION NO. 833-2019;** Resolution  
5 authorizing payments made directly to designated  
6 insurance companies to cover the cost of premiums  
7 for employees participating the various Flexible  
8 Spending Plan insurance programs for the 2020  
9 calendar year. Account No. TWN TA 0000 00020 400  
10 0000 000. (M.D. 11/26/19 #35 & 12/3/19 #36).

11 **RESOLUTION NO. 834-2019;** Resolution  
12 authorizing award of the Town's Public Employee  
13 Blanket Bond Insurance Policy for the period from  
14 December 31, 2019 through December 31, 2021.  
15 Account No. TWN AMS 1910 43010 601 0000 000. (M.D.  
16 11/26/19 #59 & 12/3/19 #46).

17 **RESOLUTION NO. 835-2019;** Resolution  
18 authorizing award of the Town's Property Insurance  
19 Policy for the period December 31, 2019 through  
20 December 31, 2020. Account No. TWN AMS 1910 43030  
21 601 0000 000. (M.D. 11/26/19 #60 & 12/3/19 #47).

22 **RESOLUTION NO. 836-2019;** Resolution  
23 authorizing award Contract for Stenographic  
24 Services to the Office of the Town Attorney, from  
25 January 1, 2020 through December 31, 2020, with two



1 (2) one (1) year extension options. Account No. OTA  
2 A 1420 44110 000 0000. (M.D. 11/26/19 #66 & 12/3/19  
3 #8).

4 **RESOLUTION NO. 837-2019;** Resolution  
5 authorizing retention of attorneys to represent the  
6 Town of Oyster Bay in negligence matters,  
7 commencing January 1, 2020 through December 31,  
8 2020, with one (1) one-year extension option.  
9 Account Nos. TWN AMS 1910 43010 602 0000 000 and  
10 TWN AMS 1910 43020 602 0000 000. (M.D. 11/26/19 #67  
11 & 12/3/19 #21).

12 **RESOLUTION NO. 838-2019;** Resolution  
13 pertaining to Dog Warden Services Agreement with  
14 the Incorporated Village of Mill Neck for the  
15 period January 1, 2020 through December 31, 2021.  
16 (M.D. 11/26/19 #69 & 12/3/19 #14).

17 **RESOLUTION NO. 839-2019;** Resolution  
18 pertaining to Dog Warden Services Agreement with  
19 the Incorporated Village of Bayville for the period  
20 January 1, 2020 through December 31, 2021. (M.D.  
21 11/26/19 #70 & 12/3/19 #15).

22 **RESOLUTION NO. 840-2019;** Resolution  
23 pertaining to Dog Warden Services Agreement with  
24 the Incorporated Village of Centre Island for the  
25 period January 1, 2020 through December 31, 2021.

1 (M.D. 11/26/19 #71 & 12/3/19 #23).

2 **RESOLUTION NO. 841-2019;** Resolution  
3 pertaining to Dog Warden Services Agreement with  
4 the Incorporated Village of Sea Cliff for the  
5 period January 1, 2020 through December 31,  
6 2021. (M.D. 11/26/19 #72 & 12/3/19 #16).

7 **RESOLUTION NO. 842-2019;** Resolution  
8 pertaining to Dog Warden Services Agreement with  
9 the Incorporated Village of Brookville for the  
10 period January 1, 2020 through December 31, 2021.  
11 (M.D. 11/26/19 #73 & 12/3/19 #17).

12 **RESOLUTION NO. 843-2019;** Resolution  
13 pertaining to Dog Warden Services Agreement with  
14 the Incorporated Village of Massapequa Park for the  
15 period January 1, 2020 through December 31, 2021.  
16 (M.D. 11/26/19 #74 & 12/3/19 #18).

17 **RESOLUTION NO. 844-2019;** Resolution  
18 pertaining to Dog Warden Services Agreement with  
19 the Incorporated Village of Farmingdale for the  
20 period January 1, 2020 through December 31, 2021.  
21 (M.D. 11/26/19 #75 & 12/3/19 #12).

22 **RESOLUTION NO. 845-2019;** Resolution  
23 pertaining to Dog Warden Services Agreement with  
24 the Incorporated Village of Old Brookville for the  
25 period January 1, 2020 through December 31, 2021

1 (M.D. 11/26/19 #76 & 12/3/19 #13).

2 **RESOLUTION NO. 846-2019;** Resolution  
3 pertaining to Dog Warden Services Agreement with  
4 the Incorporated Village of Oyster Bay Cove for the  
5 period January 1, 2020 through December 31, 2021.

6 (M.D. 11/26/19 #77 & 12/3/19 #24).

7 **RESOLUTION NO. 847-2019;** Resolution  
8 pertaining to Dog Warden Services Agreement with  
9 the Incorporated Village of Laurel Hollow for the  
10 period January 1, 2020 through December 31, 2021.

11 (M.D. 11/19/19 #78 & 11/26/19 #28).

12 **RESOLUTION NO. 848-2019;** Resolution  
13 pertaining to Dog Warden Services Agreement with  
14 the Incorporated Village of Roslyn Harbor for the  
15 period January 1, 2020 through December 31, 2021.

16 (M.D. 11/26/19 #79 & 12/3/19 #25).

17 **RESOLUTION NO. 849-2019;** Resolution  
18 pertaining to Dog Warden Services Agreement with  
19 the Incorporated Village of Lattintown for the  
20 period January 1, 2020 through December 31, 2021

21 (M.D. 11/26/19 #80 & 12/3/19 #26).

22 **RESOLUTION NO. 850-2019;** Resolution  
23 relating to a Town of Oyster Bay Use of Force  
24 Policy, authorizing the Supervisor or his designee  
25 to execute an agreement to provide psychological

1 screening and testing under this proposed policy  
2 and to authorize expenditure for the required gear  
3 to be purchased from the New York State Office of  
4 General Services list. Account No. DPS A 3010 44900  
5 000 0000. (M.D. 11/26/19 #114).

6 **RESOLUTION NO. 851-2019;** Resolution  
7 authorizing the Supervisor, or his designee, to  
8 execute the documents necessary to effectuate the  
9 Town of Oyster Bay's assumption of the sponsorship  
10 and administration of the Plainview Volunteer Fire  
11 Department, Inc. Length of Service Awards Program,  
12 effective January 1, 2020. (M.D. 11/26/19 #68 &  
13 12/3/19 #45).

14 **RESOLUTION NO. 852-2019;** Resolution  
15 pertaining to the decision on the application of  
16 Beechwood PV Retail LLC, fee owner and CR Fitness  
17 Venture, Inc., lessee, for a Special Use Permit for  
18 premises located at Old Country Road and Round  
19 Swamp Road, Plainview, New York. Hearing held:  
20 November 19, 2019. (M.D. 11/19/19 #7).

21 **RESOLUTION NO. 853-2019;** Resolution  
22 authorizing retention of attorneys to represent the  
23 Town in Multi-District Litigation for the purpose  
24 of asserting claims against manufacturers and  
25 distributors of opioids. (M.D. 12/3/19 #9).

1                   **RESOLUTION NO. 854-2019;** Resolution  
2                   authorizing a Home for the Holidays Free Cat and  
3                   Dog Adoptions for the Month of December 2019. (M.D.  
4                   12/3/19 #11).

5                   **RESOLUTION NO. 855-2019;** Resolution  
6                   authorizing an agreement with Long Island Lighting  
7                   Company d/b/a LIPA to use portions of the Town  
8                   property at the Field of Dreams, Massapequa, for  
9                   the purpose of upgrading its electric  
10                  infrastructure and to authorize the Supervisor or  
11                  his designee to execute said agreement. (M.D.  
12                  12/3/19 #22).

13                  **RESOLUTION NO. 856-2019;** Resolution  
14                  authorizing the acceptance of a monetary donation  
15                  to the Town Animal Shelter. (M.D. 12/3/19 #31).

16                  **RESOLUTION NO. 857-2019;** Resolution  
17                  directing the Town Clerk to advertise a Notice of  
18                  Hearing pertaining to Hydrant Rental for Oyster Bay  
19                  Fire Protection District and Oyster Bay Water  
20                  District for the year 2020. Hearing date:  
21                  January 7, 2020. (M.D. 12/3/19 #32).

22                  **RESOLUTION NO. 858-2019;** Resolution  
23                  amending Resolution 72-2019 in connection with  
24                  Special Counsel to the Town Attorney to represent  
25                  Town of Oyster Bay employees in connection with

1 recent litigation proceedings. Account No. OTA A  
2 1420 44110 000 0000. (M.D. 12/3/19 #34).

3 **RESOLUTION NO. 859-2019;** Resolution  
4 authorizing an Agreement with the Incorporated  
5 Village of Cove Neck for Harbormaster Services,  
6 from January 1, 2020 through December 31, 2024, and  
7 for the Supervisor, or his designee, to execute  
8 said Agreement. (M.D. 12/3/19 #37).

9 **RESOLUTION NO. 860-2019;** Resolution  
10 authorizing an Agreement with the Incorporated  
11 Village of Bayville for Harbormaster Services, from  
12 January 1, 2020 through December 31, 2024, and for  
13 the Supervisor, or his designee, to execute said  
14 Agreement. (M.D. 12/3/19 #38).

15 **RESOLUTION NO. 861-2019;** Resolution  
16 authorizing an Agreement with the Incorporated  
17 Village of Oyster Bay Cove for Harbormaster  
18 Services, from January 1, 2020 through December 31,  
19 2024, and for the Supervisor, or his designee, to  
20 execute said Agreement. (M.D. 12/3/19 #39).

21 **RESOLUTION NO. 862-2019;** Resolution  
22 authorizing an Agreement with the Incorporated  
23 Village of Laurel Hollow for Harbormaster Services,  
24 from January 1, 2020 through December 31, 2024, and  
25 for the Supervisor, or his designee, to execute

1 said Agreement. (M.D. 12/3/19 #40).

2 **RESOLUTION NO. 863-2019;** Resolution  
3 authorizing an Agreement with the Incorporated  
4 Village of Massapequa Park for Harbormaster  
5 Services, from January 1, 2020 through December 31,  
6 2024, and for the Supervisor, or his designee, to  
7 execute said Agreement. (M.D. 12/3/19# 41).

8 **RESOLUTION NO. 864-2019;** Resolution  
9 authorizing an Agreement with the Incorporated  
10 Village of Mill Neck for Harbormaster Services,  
11 from January 1, 2020 through December 31, 2024, and  
12 for the Supervisor, or his designee, to execute  
13 said Agreement. (M.D. 12/3/19 #42).

14 **RESOLUTION NO. 865-2019;** Resolution  
15 authorizing an Agreement with the Incorporated  
16 Village of Centre Island for Harbormaster Services,  
17 from January 1, 2020 through December 31, 2024, and  
18 for the Supervisor, or his designee, to execute  
19 said Agreement. (M.D. 12/3/19 #43).

20 **RESOLUTION NO. 866-2019;** Resolution  
21 pertaining to Contract No. PWC09-18, Engineering  
22 Services Relative to Site Plan Development, to make  
23 payment for the work performed. Account No. OTA A  
24 1420 44110 000 000. (M.D. 12/3/19 #44).

25 **RESOLUTION NO. 867-2019;** Resolution

1 authorizing the appointment of Zoning Board of  
2 Appeal Chairwoman for a five-year term from  
3 January 1, 2020 to December 31, 2024.

4 **RESOLUTION NO. 868-2019;** Resolution  
5 authorizing the appointment of the Zoning Board of  
6 Appeal members for a five-year term from January 1,  
7 2020 through December 31, 2024.

8 **RESOLUTION NO. 869-2019;** Resolution  
9 pertaining to the decision on the hydrant rental  
10 for New York American Water for 2019.

11 SUPERVISOR SALADINO: Our first speaker  
12 will be Brent Reipnarine.

13 Is that right, Reipnarine?

14 Is there anyone outside? In the  
15 meantime, we'll take a look to see if that  
16 gentleman is out in the parking lot.

17 Brent is the first name.

18 Would you mind seeing if there's  
19 someone outside in the parking lot?

20 Arthur Adelman?

21 Hi. How are you?

22 MR. ADELMAN: Good morning -- good  
23 afternoon, all.

24 Arthur Adelman, 110 Dubois Avenue,  
25 Sea Cliff, New York.



1 I'm here to speak on three Resolutions  
2 before the Board.

3 The first one is No. 825 regarding the  
4 reappointment of Rabbi Rang to the Ethics Board.

5 I have no objections to that; however,  
6 I would like to remind the Board that there's still  
7 one position open, and I have been previously -- I  
8 have previously met with the Review Committee that  
9 recommends to you people for the Ethics Board and  
10 I'd like you all to know I'm still available to  
11 serve, if requested.

12 My next item is Resolution 829 and 850.  
13 Both are regarding what seems to be the desire for  
14 the Town to arm certain individuals in the  
15 Department of -- I think, it's Public Safety.

16 SUPERVISOR SALADINO: It's specifically  
17 bay constables and those employees in the  
18 Department of Public Safety who are active and/or  
19 retired police officers.

20 MR. ADELMAN: Number one, Resolution  
21 829 regards to the purchasing of -- or the getting  
22 written of a Use of Force Policy, it seems that  
23 there's one available online even on the Village  
24 website under Resolution 850 that's not copyrighted  
25 or trademarked in any way.

1                   So, I don't understand why the  
2                   expenditure of \$7,500 to a law firm to supply us  
3                   with Use of Force Policy is necessary. I think  
4                   that expenditure is a little high considering  
5                   there's already one in the back-up documentation  
6                   for Resolution 850.

7                   COUNCILMAN MACAGNONE: That one online  
8                   is six pages. The one we're going to adopt today  
9                   is 13 pages. I'm being told that before we  
10                  implement it, there's going to be some changes done  
11                  to it, and the firm that we hired had the expertise  
12                  that our staff does not have.

13                  MR. ADELMAN: Well, I agree that you  
14                  need a policy from a firm that does this on a  
15                  day-to-day basis because they've done it for --  
16                  according to the notes six or seven municipalities  
17                  here on Long Island or in Nassau County, including  
18                  the County, Village of Great Neck Estates,  
19                  et cetera.

20                  I don't understand what or how ours  
21                  would differ from any other municipality's policy.  
22                  How it would be individualized to thus cost us  
23                  \$7,500. It just to me seems like additional funds.

24                  COUNCILMAN IMBROTO: Arthur, \$7,500 is  
25                  a small price to pay to make sure we get it right.

1 I'll tell you that.

2 MR. ADELMAN: As a layman, I just felt  
3 it's a lot of money.

4 SUPERVISOR SALADINO: There is no  
5 problem with you discussing this with our Town  
6 Attorney so that some of your concerns may be  
7 allayed. I know that you're not an attorney, and  
8 he is.

9 So, please feel free to speak with the  
10 Town attorney and he can go over step-by-step all  
11 the pros and cons, all the specifics, how these  
12 policies differ throughout the State, what is  
13 important and what not only meets legal muster, but  
14 makes it stronger and better than perhaps in any  
15 other municipality.

16 MR. ADELMAN: The latter part of my  
17 question was in regard to Resolution 850 and  
18 that's, I guess, the beginning of the implementation  
19 of a new agenda for the bay constables and other  
20 personnel within the Town or Town employees -- I  
21 don't know -- do bay constables currently carry  
22 weapons or guns.

23 SUPERVISOR SALADINO: After you ask  
24 your questions, I'm going to bring up our  
25 Commissioner, but I'm also going to bring up our

1 Town Attorney, so they can address the issues that  
2 you're bringing up. Because I understand, you're  
3 curious.

4 MR. ADELMAN: I'm curious, and I'm just  
5 concerned with all -- with the type of society we  
6 live in that is so litigiousness, are we putting  
7 out another place where we can -- the people, the  
8 community, can end up hurting ourselves rather than  
9 really protecting ourselves.

10 Bay constables, hopefully, are on the  
11 water and are safe in their job that they do. If  
12 there is gunfire on the water, I would think that  
13 Nassau Police or Coast Guard would be the first  
14 responders and we would not have to rely on bay  
15 constables.

16 SUPERVISOR SALADINO: Arthur, where do  
17 you live?

18 MR. ADELMAN: Sea Cliff.

19 SUPERVISOR SALADINO: Sea Cliff.

20 Where is the Coast Guard station  
21 closest to Sea Cliff?

22 MR. ADELMAN: The only one I know of is  
23 the one in Long Beach.

24 SUPERVISOR SALADINO: How long would it  
25 take a boat to get from Long Beach to Sea Cliff?

1 MR. ADELMAN: Right. I fully  
2 understand that, but I'm curious, are they have bay  
3 constables in the Town of North Hempstead as well?

4 SUPERVISOR SALADINO: There are bay  
5 constables -- when you're done with your question  
6 -- how about this, why don't you finish your  
7 question and take a seat like everyone else and  
8 we'll go through --

9 MR. ADELMAN: My question really is if  
10 they are not currently armed, what is the necessity  
11 to arm these folks now? That's -- it just seems  
12 like a lot of money and we're putting the  
13 potential, you know, for some reason someone  
14 complains about someone getting shot, God forbid,  
15 but I just don't understand the necessity.

16 COUNCILMAN IMBROTO: Those are the  
17 exact reasons why we need a proper policy and why  
18 it's so important to get it right.

19 MR. ADELMAN: Thank you.

20 COUNCILMAN MACAGNONE: And why we hired  
21 an outside law firm.

22 SUPERVISOR SALADINO: So, if you'd  
23 kindly take your seat, I'll bring up --

24 MR. ADELMAN: Okay. Before I leave, I  
25 wish you all a very healthy holiday and I'll see

1 you next year. Bye, Jim.

2 SUPERVISOR SALADINO: And to you and  
3 yours, Arthur.

4 COUNCILMAN MACAGNONE: Before you  
5 leave, thank you for everything over the years. I  
6 really appreciate you bringing up a lot of your  
7 questions.

8 Thank you for being involved in your  
9 local government.

10 MR. ADELMAN: Ethics. I'm there.

11 SUPERVISOR SALADINO: Our Town  
12 Attorney, Joe Nocella, would you please approach  
13 the podium?

14 MR. NOCELLA: Just for the record,  
15 Joseph Nocella, Town Attorney.

16 SUPERVISOR SALADINO: Mr. Nocella, we  
17 are aware that we have armed bay constables which  
18 is set out in New York State Law that they are  
19 peace officers, and this is not us, this is Albany  
20 speaking, and has given them the peace officer  
21 status.

22 We are aware that in the Town of  
23 Hempstead, the Town of Brookhaven, the Town of  
24 Islip, the Town of Smithtown, the Town of Babylon,  
25 the Town of Huntington, the Town of Riverhead, the

1 Town of Southampton, the Town of East Hampton, the  
2 Town of Shelter Island, the Town of Southold, the  
3 Cities of Glen Cove and Long Beach and many of the  
4 Villages -- all of the Villages that have bay  
5 constables, have bay constables who are armed to  
6 protect themselves and to protect the public.

7 Is this the facts?

8 MR. NOCELLA: That's exactly correct.

9 We are almost, one could argue, late to  
10 the table on this issue.

11 SUPERVISOR SALADINO: I'm aware of Town  
12 of Oyster Bay and North Hempstead as being the only  
13 municipalities or at least the only major  
14 municipality, the only municipalities that have a  
15 bay constables unit where they are not protected.

16 MR. NOCELLA: Again, that's correct.

17 Every other municipality with bay  
18 constables have armed their bay constables with the  
19 exception of Oyster Bay and North Hempstead.

20 SUPERVISOR SALADINO: We are aware  
21 every time, unfortunately, way too often, when we  
22 turn on the television or watching the news, we see  
23 horrific acts of terror. It happened just again in  
24 Texas -- I'm sorry, in Florida; Pensacola, Florida.

25 COUNCILMAN MACAGNONE: And Hawaii.

1 SUPERVISOR SALADINO: And Hawaii and  
2 the year before in Texas.

3 Unfortunately, this continues to go on  
4 throughout society in countries all across the  
5 globe.

6 Can you speak to the legal reasons why  
7 this is here today?

8 MR. NOCELLA: Certainly.

9 Supervisor, as you noted and I realize  
10 you noted it because you don't want a lengthy  
11 exposition on something that would just be  
12 repetitious.

13 The State of New York determines who a  
14 peace officer is, and they determined that bay  
15 constables are peace officers, which entitles them  
16 to bear arms in the course of their duties. It  
17 doesn't mandate it. That ultimately is up to us.

18 And as you also noted, except for North  
19 Hempstead, we're the only ones who don't do it.

20 Another example of peace officers by  
21 the way, just to explain the distinction, is fire  
22 marshals. As a general rule, public safety  
23 officers are not peace officers. They have not  
24 been afforded that status by the State of New York  
25 and that is also why in your response to one of the



1 citizens' questions, you're correct in saying that  
2 those who are retired police officers, would be the  
3 only ones of our public safety officers who would  
4 carry fire arms. They're not peace officers,  
5 they're public safety officers, but if they're  
6 retired policemen, then they are entitled to carry  
7 fire arms.

8 SUPERVISOR SALADINO: Is as the case  
9 throughout the State of New York.

10 MR. NOCELLA: Throughout the country.

11 SUPERVISOR SALADINO: And that's State  
12 law -- that's Federal and State law that allows for  
13 this?

14 MR. NOCELLA: That's exactly correct,  
15 yes.

16 Now, there are other justifications for  
17 the adoption of the policy and that includes the  
18 fact that, just by way of example, during the duck  
19 hunting season, there are people out on the bay.  
20 This is an example that we've commonly discussed in  
21 the past.

22 People out on the bay who are armed,  
23 and they are enjoying what some might regard as  
24 recreation and the bay constables have an  
25 obligation to provide a type of safety and law

1 enforcement for those who are duck hunting and  
2 those who are enjoying pleasure on the bay in other  
3 forms, but as they approach someone who is armed,  
4 because, again, for hunting purposes, they  
5 themselves are unarmed. It's a perilous situation.

6 It's one, you could argue, mandates  
7 that they have the ability to protect themselves  
8 and, perhaps most importantly, protect other people  
9 out on the bay.

10 SUPERVISOR SALADINO: Are there any  
11 other questions for Mr. Nocella?

12 COUNCILMAN IMBROTO: Do we currently  
13 have any policy in effect regarding use of force?

14 MR. NOCELLA: Although we don't have a  
15 very specific policy as that, which is currently  
16 contemplated, all of our constables are trained by  
17 either Nassau County or Suffolk County Police  
18 forces and they are -- in their training are taught  
19 the use of force and its limitations as they  
20 pertain currently in State of New York and in both  
21 counties.

22 COUNCILMAN IMBROTO: What kind of  
23 training is contemplated by the policy under our  
24 consideration right now?

25 MR. NOCELLA: The policy that's being

1 contemplated would require the exact training that  
2 they currently have.

3 Ironically --

4 SUPERVISOR SALADINO: The exact  
5 training that Nassau and Suffolk Police Officers  
6 have.

7 MR. NOCELLA: Actually, the answer to  
8 the question is both.

9 It's the same training that Nassau and  
10 Suffolk have and which our people have already  
11 undertaken and have undergone.

12 COUNCILMAN IMBROTO: Is that through  
13 the police academy?

14 MR. NOCELLA: That's through the police  
15 academy.

16 All I was going to say was that, based  
17 upon your question, I'd rephrase it and put in a  
18 different form, time wise. They're already  
19 trained. The policy requires that they be trained.  
20 The policy that you're contemplating adopting  
21 requires that they be trained, but they already  
22 are.

23 COUNCILMAN LABRIOLA: Mr. Nocella?

24 MR. NOCELLA: Yes, sir.

25 COUNCILMAN LABRIOLA: With regards to

1 adopting this policy, and in your opinion, in your  
2 legal opinion, does this provide the taxpayers a  
3 greater defense in the use of force?

4 MR. NOCELLA: That is an absolute.

5 As a matter of fact, I'd be happy to  
6 speak to Mr. Adelman. He and I speak with some  
7 frequency because he currently comes before this  
8 body and oftentimes it's best I address his  
9 questions privately. And by "privately," I don't  
10 mean confidentially but by one-on-one.

11 Apropos to the point you just made,  
12 Councilman, and the question that he raised, the  
13 reason why we hired experts in this field was to  
14 tailor the policy to the Town of Oyster Bay so that  
15 we have, in the event that there is ever an issue  
16 over what our bay constables have done or our  
17 retired police officers who may also be employed as  
18 public safety officers, so that what they may have  
19 done, if it ever becomes questioned or criticized,  
20 it will demonstrate the degree to which the Town of  
21 Oyster Bay was attentive and diligent in making  
22 sure that there were clear standards set forth.

23 COUNCILMAN IMBROTO: Would the cost of  
24 litigation arise having no policy or an improper  
25 policy far outweigh the cost of drafting and

1 implementing this policy?

2 MR. NOCELLA: Absolutely.

3 SUPERVISOR SALADINO: Joe Nocella,  
4 currently, under State law is it legal for any  
5 boater, I guess, over the age of 18 to have a  
6 loaded shotgun on their vessel in the water?

7 MR. NOCELLA: Yes.

8 Unless they lost that right -- unless  
9 they lost that right, yes. It's legal for them to  
10 possess that.

11 SUPERVISOR SALADINO: So, currently,  
12 our bay constables are approaching, perhaps  
13 boarding, checking the game bag, if you will,  
14 hunters and fishermen on boats, on vessels, where  
15 the operator may indeed have a loaded shotgun?

16 MR. NOCELLA: That's right.

17 COUNCILMAN MACAGNONE: Or knife or a  
18 chain or a flare gun.

19 MR. NOCELLA: Yes.

20 COUNCILMAN MACAGNONE: Any number of  
21 weapons?

22 MR. NOCELLA: Yes.

23 SUPERVISOR SALADINO: Deadly weapons.

24 Thank you, Mr. Nocella.

25 I'd like to ask Commissioner Justin

1 McCaffrey to please approach the podium.

2 COMMISSIONER McCAFFREY: Good  
3 afternoon, Supervisor, Town Board.

4 Justin McCaffrey Commissioner of Public  
5 Safety.

6 SUPERVISOR SALADINO: Commissioner  
7 McCaffrey, in the beginning of this portion of the  
8 Town Board meeting, I listed and I read aloud the  
9 list of townships that currently armed bay  
10 constables.

11 Are the vast majority of bay constables  
12 armed in virtually every town on Long Island?

13 COMMISSIONER McCAFFREY: Long Island as  
14 well as Upstate and Connecticut.

15 SUPERVISOR SALADINO: To my knowledge,  
16 only two municipalities that have bay constables  
17 are unarmed at this time?

18 COMMISSIONER McCAFFREY: That's  
19 correct; Oyster Bay and North Hempstead.

20 SUPERVISOR SALADINO: Could you speak  
21 -- could you please tell us about the training that  
22 our bay constables undergo as it relates to  
23 carrying weapons?

24 COMMISSIONER McCAFFREY: Sure.

25 New York State Division of Criminal

1 Justice Services sets out what training is required  
2 for a peace officer, whether it be here on Long  
3 Island, Upstate, anywhere in the State of New York,  
4 they set forth standards of both police and peace  
5 officers, what training they have to have as far as  
6 firearms, use of force, de-escalation techniques.  
7 It's all set forth by New York State.

8 Our bay constables have all been to  
9 training at the Nassau or Suffolk Police or  
10 Sheriffs Academy to become certified by the State's  
11 training I just spelled out.

12 SUPERVISOR SALADINO: Would they have  
13 to undergo this training on an annual basis?

14 COMMISSIONER McCAFFREY: Yes. They'd  
15 have to go for annual training.

16 Again, same requirements set forth by  
17 the State of New York.

18 SUPERVISOR SALADINO: You've undergone  
19 this training as a police officer?

20 COMMISSIONER McCAFFREY: Yes, I have.

21 SUPERVISOR SALADINO: Can you briefly  
22 describe to us what is meant by de-escalation  
23 training?

24 COMMISSIONER McCAFFREY: What  
25 de-escalation is, is basically trying to calm a

1 situation down. You know, as fast as a police  
2 officer or peace officer has to escalate a  
3 situation, they also have to be trained to  
4 de-escalate it. That's just as important. You  
5 know, how we can back down.

6 Perhaps someone is being violent, is  
7 there a way to contain them, is there a way to take  
8 a step back and maybe request additional resources.  
9 Maybe they're handling with an emotionally  
10 disturbed person. You know, get more help there if  
11 we can.

12 So, like I said, it's just as important  
13 to de-escalate a situation. Part of that training  
14 would also involve the use of batons, pepper spray,  
15 tasers, all, again, de-escalation techniques for  
16 less than deadly physical force which would be the  
17 highest use of force to be used. Hopefully, it can  
18 be avoided by those de-escalation tools and  
19 training.

20 SUPERVISOR SALADINO: Have you heard of  
21 a situation on Long Island in recent years where  
22 perhaps through a mistake or a heightened situation  
23 a resident was injured or killed that was not  
24 involved in a deadly situation?

25 COMMISSIONER McCAFFREY: I'm not aware



1 of any on the water as far as de-escalation.

2 SUPERVISOR SALADINO: On the water, I'm  
3 asking about.

4 COMMISSIONER McCAFFREY: No. I'm not  
5 aware of any.

6 SUPERVISOR SALADINO: You've come to us  
7 requesting this policy.

8 Can you tell us why?

9 COMMISSIONER McCAFFREY: Well, I've  
10 tasked the bay constables as with their New York  
11 State Peace Officer power. Their job is changing  
12 unfortunately. We find them responding to more  
13 violent instances. They've been involved in  
14 arrests. We ask them to make DWI arrests. We're  
15 asking them to -- they've responded to domestic  
16 violence incidents out on the water. It's much the  
17 same job as a police officer, but they're on the  
18 water.

19 One of the disadvantages they have is  
20 help is a lot longer off than it is, you know, as a  
21 police officer. Police officers, typically, when  
22 they call for help, hopefully other officers will  
23 be around, they'll be there in a few minutes.  
24 That's not always the case out on the water. Help  
25 could be a long way off.

1 SUPERVISOR SALADINO: Because of the  
2 speed of vessels it takes much, much more than  
3 distance to --

4 COMMISSIONER McCAFFREY: Sure, yes.  
5 The geographic area they have to get  
6 to.

7 COUNCILWOMAN JOHNSON: How many Nassau  
8 County Police boats are there presently on the  
9 North and South Shores of the Town?

10 COMMISSIONER McCAFFREY: I wouldn't  
11 know the exact numbers, but I can tell you that  
12 there aren't as many as they'd like to be out  
13 there.

14 My understanding is in the Wintertime,  
15 there's one boat on the North Shore and one both on  
16 the South Shore.

17 SUPERVISOR SALADINO: I can tell you in  
18 my research, I've reached out to members of the  
19 Nassau County Police Force who tell us there are  
20 not enough. I've been told that there's one vessel  
21 on the North Shore and one vessel on the South  
22 Shore is what -- the information I received.

23 We have quite a distance from one end  
24 to the other and a vessel that maybe can do 30  
25 miles an hour. It would take quite some time in

1 the event of a dangerous situation.

2 COMMISSIONER McCAFFREY: Right.

3 If that police boat is in Long Beach,  
4 it would take a while to get to Massapequa.

5 SUPERVISOR SALADINO: Does anyone have  
6 any other questions?

7 COUNCILMAN MACAGNONE: Or in Great Neck  
8 to get to Oyster Bay.

9 COUNCILMAN LABRIOLA: Commissioner, if  
10 I may, in light of the seriousness of the nature of  
11 this vote we are about to take, I want to just ask  
12 you a couple more questions with regards to the  
13 public safety -- not public safety officers, I  
14 mean, the public safety in general.

15 Now, currently, some of your officers  
16 are retired police department or active duty, some  
17 of them part time and they currently carry their  
18 weapon with them?

19 COMMISSIONER McCAFFREY: Right.

20 We do currently employ some active  
21 police officers who are working off duty as well as  
22 retired law enforcement.

23 COUNCILMAN LABRIOLA: So, this policy  
24 then, this is a policy they are accustomed to  
25 because of their prior training with the police

1 department that they are assigned to?

2 COMMISSIONER McCAFFREY: Yes, that's  
3 correct.

4 Only public safety officers that would  
5 be permitted to carry a firearm under the proposed  
6 policy would be those that are both Nassau County  
7 or Suffolk County pistol permit holders with a full  
8 carry unrestricted permit, and in addition to that,  
9 they'd have to be New York State armed guards which  
10 is, again, more regulations for the State as far as  
11 annual training and firearms training and  
12 de-escalation techniques that we discussed.

13 SUPERVISOR SALADINO: So, this is not  
14 for public safety officers; this is only carved out  
15 specifically for bay constables and those public  
16 safety officers who are retired or active duty law  
17 enforcement agents?

18 COMMISSIONER McCAFFREY: That's  
19 correct. That's spelled out right in the policy.  
20 Yes.

21 COUNCILMAN LABRIOLA: But, this policy  
22 that we're undertaking would apply to them.

23 Do you believe they are exactly the  
24 same as the policies that they are accustomed to  
25 with their police departments?

1 COMMISSIONER McCAFFREY: Yes.

2 Like I said, the policies, again,  
3 dictated from New York State Division of Criminal  
4 Justice. They're the ones that set forth here's  
5 the required training they have to take annually  
6 and initially.

7 COUNCILMAN LABRIOLA: Thank you.

8 SUPERVISOR SALADINO: There are no  
9 other questions.

10 Thank you, Commissioner.

11 COMMISSIONER McCAFFREY: Thank you.

12 SUPERVISOR SALADINO: I don't have  
13 anyone else requesting to speak.

14 So, is there any correspondence?

15 MR. ALTADONNA: No. I just have to  
16 make one correction.

17 It's P-1-20 through 869. The Personnel  
18 was for 2020, not 2019, so let the record reflect  
19 that.

20 And on the vote -- now this is from  
21 P-1-2020 through 869.

22 On the vote, Supervisor?

23 SUPERVISOR SALADINO: "Aye."

24 MR. ALTADONNA: Councilman Muscarella?

25 COUNCILMAN MUSCARELLA: "Aye" on all.

1 MR. ALTADONNA: Councilman Macagnone?

2 COUNCILMAN MACAGNONE: No, on 782

3 through 790.

4 "Aye" on the rest.

5 MR. ALTADONNA: Councilwoman Johnson?

6 COUNCILWOMAN JOHNSON: I'm recusing

7 myself on 742.

8 MR. ALTADONNA: Go ahead.

9 COUNCILWOMAN JOHNSON: 800, 801, 803,

10 805, 806, 807, 809, 811, 813, 832.

11 MR. ALTADONNA: 832?

12 COUNCILWOMAN JOHNSON: Yes.

13 "Aye" on the rest.

14 MR. ALTADONNA: Okay.

15 Councilman Imbroto.

16 COUNCILMAN IMBROTO: Jim, I'll be

17 "abstaining" on 743.

18 MR. ALTADONNA: Hold on.

19 743, "abstain," okay.

20 COUNCILMAN IMBROTO: 797.

21 MR. ALTADONNA: 797.

22 COUNCILMAN IMBROTO: 828.

23 MR. ALTADONNA: 828.

24 COUNCILMAN IMBROTO: And 837.

25 MR. ALTADONNA: 828 and 837.

1 COUNCILMAN IMBROTO: "Aye" on the  
2 others.

3 MR. ALTADONNA: Thank you.  
4 Councilman Hand?

5 COUNCILMAN HAND: "Aye" on all.

6 MR. ALTADONNA: Thank you.  
7 Councilman Labriola?

8 COUNCILMAN LABRIOLA: "Aye" on all and  
9 I'm just going to explain my vote.

10 First, I just want to compliment the  
11 Department of Planning and Development;  
12 particularly, the Commissioner with regards to 792  
13 for implementing my concern with regards to the  
14 Main Event into the modification restricted  
15 covenants, particularly with valet parking.

16 Thank you for that.

17 In terms of -- on 779, I just request  
18 that the Commissioner of Human Resources or  
19 whatever department are relevant to the Workers'  
20 Compensation policy that working more closely with  
21 our third-party carrier, we talked about Corbel  
22 before, and I just wanted to make sure that they  
23 are giving us the kinds of reports we need to  
24 investigate any abuse of that system.

25 Lastly, on 850, I vote "Aye."

1 I just wanted to emphasize that all of  
2 us up here are taking this vote extremely  
3 seriously. Myself, in particular, and I have such  
4 great faith in our Commissioner of Public Safety.  
5 I understand the seriousness of what's happening  
6 here and the undertaking.

7 In light of the world we live in today,  
8 particularly with active shooters, where we read  
9 about it multiple times a year where these  
10 situations have taken place, I think that we, as  
11 Council members, Board members, elected officials  
12 and also the public will feel better over the fact  
13 that we have implemented this policy and that our  
14 public safety officers and bay constables are  
15 adequately trained and that, God willing, we will  
16 never have to use deadly force.

17 Thank you.

18 MR. ALTADONNA: I'll read it all out.

19 P-1-20 through 741 passes with seven

20 "Ayes."

21 742 passes with six "Ayes" and one

22 "Recusal."

23 743 is six "Ayes" and one "Abstention."

24 744 through 781 passes with seven

25 "Ayes."



1                   780 through 790 passes with six "Ayes"  
2                   and one "No."  
3                   791 through 796 passes with seven  
4                   "Ayes."  
5                   797 passes with six "Ayes" and one  
6                   "Abstention."  
7                   798 through 799 is seven "Ayes."  
8                   800, 801 is six "Ayes" and one  
9                   "Recusal."  
10                  802 is seven "Ayes."  
11                  803 is six "Ayes" and one "Recusal."  
12                  804 is seven "Ayes."  
13                  805 through 807 is six "Ayes" and one  
14                  "Recusal."  
15                  808 is seven "Ayes."  
16                  809 is six "Ayes" and one "Recusal."  
17                  811 is six "Ayes" and one "Recusal."  
18                  812 is seven "Ayes."  
19                  813 is six "Ayes" and one "Recusal."  
20                  814 through 827 is seven "Ayes."  
21                  828 is six "Ayes" and one "Abstention."  
22                  829 through 831 is seven "Ayes."  
23                  832 is six "Ayes" and one "Recusal."  
24                  833 through 836 is seven "Ayes."  
25                  837 is six "Ayes" and one "Abstention."

1 838 through 869 passes with seven

2 "Ayes."

3 And the calendar is complete.

4 SUPERVISOR SALADINO: Thank you, Town  
5 Clerk Altadonna.

6 May I have a motion, please?

7 COUNCILMAN MUSCARELLA: I make a motion  
8 to close the meeting.

9 COUNCILMAN MACAGNONE: I respectfully  
10 make my last motion to close the second -- my last  
11 motion to the close meeting.

12 SUPERVISOR SALADINO: All in favor,  
13 please signify by saying, "Aye."

14 ALL: "Aye."

15 SUPERVISOR SALADINO: All against,  
16 "Nay."

17 (No response.)

18 SUPERVISOR SALADINO: The "Ayes" have  
19 it.

20 Commissioner, I see you rising.

21 Would you like to approach?

22 MR. ALTADONNA: We have a presentation  
23 left.

24 (Whereupon, a discussion was held off  
25 the record.)

1 SUPERVISOR SALADINO: Keep this on the  
2 record, please.

3 COUNCILMAN MACAGNONE: Excuse me, if  
4 this needs to be on the record, we have to reopen.

5 COUNCILMAN MUSCARELLA: Does this have  
6 to be on the record?

7 (Comment off the record: "It needs to  
8 be on the record.")

9 COUNCILMAN MUSCARELLA: I'll make a  
10 motion to reopen the meeting.

11 COUNCILMAN MACAGNONE: Second.

12 SUPERVISOR SALADINO: All in favor,  
13 please signify by saying, "Aye."

14 ALL: "Aye."

15 SUPERVISOR SALADINO: Those opposed,  
16 "Nay."

17 (No response.)

18 SUPERVISOR SALADINO: The "Ayes" have  
19 it.

20 MR. ALTADONNA: It's a presentation of  
21 the Town of Oyster Bay Solid Waste Disposal  
22 District (M.D. 11/5/19 #34).

23 SUPERVISOR SALADINO: Commissioner,  
24 would you identify yourself and please make the  
25 introduction?

1                   COMMISSIONER LENZ: My name is Richard  
2 Lenz, Commissioner of the Department of Public  
3 Works.

4                   I'd like to say hello to everybody. I  
5 know it's been a long day. This will go pretty  
6 fast, I hope.

7                   I just want to make sure that everybody  
8 understands that this is a planning document.  
9 That's what the purpose of this is for. It's for  
10 the Local Solid Waste Management Plan and what it  
11 is, is a ten-year plan that we are required to do  
12 by the New York State DEC.

13                   The document is for the management of  
14 solid waste that is generated within the Town for  
15 the purpose of a ten-year period of time, so this  
16 will be from 2019 to 2028. It's for -- to  
17 economically and soundly make sure that we're  
18 taking care of the MSW within our boundaries.

19                   We want to reduce solid waste and  
20 increase the use of recycling. I have here with us  
21 the Deputy Commissioner -- not everybody is getting  
22 up and talking, but I just want to introduce  
23 everybody - we have the Deputy Commissioner Dan  
24 Pearl from Sanitation.

25                   We have Matt Russo from Engineering

1 that is going to be doing our presentation, our  
2 quick presentation.

3 We also have John Tassone, Deputy  
4 Commissioner of Engineering and also Cashin  
5 Associates who will be taking notes for the purpose  
6 of this meeting. It's Ellen Feldman and Frank  
7 Cashin.

8 Matt, do you want to come up?

9 MR. RUSSO: Good afternoon, everyone.

10 I'll just give a brief summary of the  
11 intent and the process in developing the Local  
12 Solid Waste Management Plan and then a brief summary  
13 the Town's current and future Solid Waste  
14 Management Operations.

15 There is a full hard copy of the Local  
16 Solid Waste Management Plan, as well as a Summary  
17 documents, both here at the front table and at the  
18 back. The document is also available on the Town's  
19 website and at the office of the Town Clerk.

20 A Local Solid Waste Management Plan is  
21 required to be prepared by a regional or local  
22 governmental agency or authority under New York  
23 State Environmental Conservation Law Section  
24 27-0107 and as defined by the DEC through Parts 360  
25 and 366 of the New York Codes of Rules and

1 Regulations.

2 As stated by the DEC, a Local Solid  
3 Waste Management Plan is an instrument intended to  
4 evaluate the current solid waste management  
5 practices, evaluate the options and alternatives  
6 available for future solid waste management and to  
7 set forth the implementation steps for a ten-year  
8 planning period along with establishing projections  
9 of reduction in waste disposal over the ten-year  
10 plan.

11 The goal of the Solid Waste Management  
12 Plan is to reduce the amount of solid waste  
13 destined for disposal by preventing its generation  
14 and increasing reuse, recycling, composting and  
15 other organic materials recycling methods.

16 The Local Solid Waste Management Plan  
17 is required to:

18 Characterize the solid waste stream to  
19 be managed in the planning period;

20 Assess existing and alternate proposed  
21 solid waste management programs and facilities;

22 Address the comments and views  
23 expressed by concerned governmental, environmental,  
24 commercial and industrial interests and the public  
25 on the waste reduction, recycling, reuse and

1 disposal alternatives;

2 Identify the parties with  
3 responsibility to implement each element of the  
4 plan and steps which must be undertaken by each;

5 Set forth a timetable for implementing  
6 the plan;

7 Describe the potential and issues that  
8 would be involved with participation of neighboring  
9 jurisdictions in the municipality's plan;

10 Include and utilize data and analysis  
11 of the municipality's current practices for future  
12 projections and planning.

13 The Town of Oyster Bay has prepared the  
14 draft Local Solid Waste Management Plan for the  
15 Town of Oyster Bay Solid Waste Disposal District  
16 which has been reviewed by the New York State DEC  
17 Division of Materials Management and deemed to  
18 adequately address all required elements.

19 In accordance with the requirements of  
20 the DEC, the Town must solicit public comment on  
21 the draft Local Solid Waste Management Plan.

22 At the Town Board meeting of  
23 November 19, 2019, this Board passed Resolution No.  
24 704-2019 which set today as the public meeting to  
25 solicit comments. This meeting was advertised in

1       Newspaper on Thursday, November 21, 2019, providing  
2       the necessary 15-day prior notice, as well as  
3       posting on the Town website.

4               Today begins a 45-day period for  
5       comments to be submitted to the Town. Comments can  
6       be made at this meeting or in writing to the  
7       Department of Public Works through January 24,  
8       2020. All comments that are received will become  
9       part of a formal record that will be submitted to  
10      DEC.

11              Upon closure of the public comment  
12      period, the Local Solid Waste Management Plan will  
13      be revised as necessary in response to those  
14      comments and submitted to DEC for final approval.

15              Once the DEC approves of the Plan, the  
16      Town must formally adopt the Plan by Resolution.  
17      This plan shall serve as a planning tool for the  
18      Town through the year 2028 and must be updated  
19      every two years based upon changes to the  
20      collection and disposal programs for solid waste  
21      and recyclables.

22              Currently, Municipal Solid Waste or MSW  
23      is delivered to the Old Bethpage Solid Waste  
24      Disposal Complex by Town collection vehicles or  
25      private carters. Then disposed of by Winter



1 Brothers Recycling, LLC by long-haul trucking or  
2 combined trucking and rail transport to landfills  
3 that have been approved by the Town.

4 The Winters contract is currently in  
5 its second five-year term which is due to expire  
6 May 31, 2021. A third five-year extension is  
7 possible through mutual agreement between the Town  
8 and Winters.

9 The Town is currently preparing an RFP  
10 for MSW transfer, transport and disposal through a  
11 General Municipal Law Section 120-w process which  
12 allows the Town to select a vendor based upon  
13 factors such as qualifications and innovation in  
14 their proposal, and not solely cost.

15 It is anticipated that the RFP will  
16 request proposals for the construction and  
17 operation of a new MSW and recyclables handling  
18 facility at the Old Bethpage Solid Waste Disposal  
19 Complex which could allow for waste reduction  
20 processing and the handling of recyclables from  
21 neighboring municipalities for potential revenue  
22 generation.

23 Commingled recyclables are delivered to  
24 the Old Bethpage Complex by Town collection  
25 vehicles which are then transported for recycling

1 through an intermunicipal agreement with the Town  
2 of Hempstead Sanitary District 1, with Omni  
3 Recycling of Westbury as the operator. This  
4 contract expires December 31, 2020, with provisions  
5 for two additional two-year terms by mutual  
6 agreement.

7 Glass for recycling is delivered to the  
8 Old Bethpage Complex by Town collection vehicles  
9 from drop-off facilities that have been placed  
10 throughout the Town. The collected glass is then  
11 transported for recycling by E.W.G. Glass Recovery &  
12 Recycling Corp. This contract runs through  
13 April 30, 2020.

14 Yard waste is delivered to the Old  
15 Bethpage Complex by Town collection vehicles or  
16 private carters. The waste is then transported for  
17 recycling by Trinity Transportation Corporation or  
18 Long Island Compost. Their contracts expire  
19 December 31, 2019.

20 The Town has received bids for a new  
21 contract which are currently under review. The  
22 Town had also solicited bids for the recycling of  
23 food waste in addition to yard waste, in order to  
24 develop a full organics recycling program which  
25 would accelerate an implementation goal that is

1 detailed in the Plan. Unfortunately, no bids were  
2 received at this time.

3 The Town also maintains contracts for  
4 the recycling or disposal of materials including  
5 white metals, electronic waste, used motor oils,  
6 tires and hazardous wastes which are further  
7 detailed in the Plan.

8 The Town continually monitors the  
9 Sanitation and recycling commodities markets to  
10 determine if the valuation of certain items may  
11 result in either lower costs or increased revenue  
12 to the Town. All Town Sanitation and recycling  
13 contracts contain provisions for early termination  
14 in the event that new recycling or disposal  
15 opportunities become available.

16 The Plan further details the  
17 implementation schedule over the course of the  
18 ten-year planning period for expanded or new  
19 initiatives to further reduce the quantity of our  
20 waste streams and to expand or modify our current  
21 recycling programs.

22 So, at this time, we would invite any  
23 comments from the public on the Plan and provide a  
24 reminder that comments can be submitted in writing  
25 to the Town of Oyster Bay, Department of Public

1 Works, attention Local Solid Waste Management Plan  
2 comments, 150 Miller Place, Syosset, New York 11791  
3 through Friday, January 24, 2020.

4 COUNCILMAN MACAGNONE: Matt, how about  
5 electronically?

6 MR. RUSSO: We can work with IT to set  
7 up a specific e-mail address for comments to be  
8 submitted and we can post that on the website as  
9 well.

10 SUPERVISOR SALADINO: In the meantime,  
11 the Commissioner's e-mail address is?

12 Commissioner, would you like to share  
13 that with us?

14 COMMISSIONER LENZ: The Commissioner's  
15 address is rlenz, this is all small letters,  
16 @oysterbay-ny.gov.

17 I can -- we'll answer those questions  
18 and stuff and we'll add it part of the document. I  
19 thank you for giving us the opportunity to present  
20 this.

21 As I said, this is just a planning  
22 document. So you can see we have other homework  
23 that we need to do for the future, but this is just  
24 the planning document we need to submit to the DEC  
25 for their concurrence for moving forward.

1 Any other questions or anything?

2 SUPERVISOR SALADINO: No.

3 COUNCILMAN MACAGNONE: No, thank you.

4 Very good presentation.

5 COMMISSIONER LENZ: Have a great

6 holiday, everybody.

7 I appreciate the opportunity, and I  
8 want to thank our great exiting council people that  
9 we've had for all of these years.

10 Thank you.

11 SUPERVISOR SALADINO: Thank you,  
12 Commissioner Lenz.

13 Thank you, Matt Russo.

14 Is there anyone who would like to  
15 comment on the Plan at this time?

16 (No response.)

17 SUPERVISOR SALADINO: You heard the  
18 different ways in which you can comment on that and  
19 we will continue to hold those roles open.

20 Thank you.

21 May I have a motion to close?

22 COUNCILMAN MUSCARELLA: Yes.

23 This will be my final motion to close  
24 forever.

25 Supervisor, I make a motion to close

1 the meeting.

2 COUNCILMAN MACAGNONE: I will once  
3 again, second that.

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

6 ALL: "Aye."

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

9 (No response.)

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

12 (TIME NOTED: 1:20 P.M.)

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