

TOWN BOARD
TOWN OF OYSTER BAY
SPECIAL PRESENTATION
September 15, 2020
10:16 a.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Ladies and
2 gentlemen, good morning, and welcome to the Town of
3 Oyster Bay Town Board meeting for September 15,
4 2020.

5 As always, we are joined this morning
6 by our members of our Town Board as well as our
7 Town Clerk Rich LaMarca and our Receiver Jeff
8 Pravato. Thank you for joining us.

9 And also, as always, we lead this
10 meeting as always as we do lead all of our
11 meetings, beginning with prayer. So to lead us in
12 prayer is Rabbi Deborah Bravo of Makom New York,
13 NY, a Jewish worship center in Bethpage.

14 Dynamic, accessible, visionary, deeply
15 knowledgeable, Rabbi Bravo believes in
16 collaborative partnerships between the clergy in
17 the community. Over the last twenty years, she has
18 successfully brought together the many facets of
19 Jewish life and welcoming a wider community.

20 Rabbi, the floor is yours.

21 (Whereupon, a prayer was recited; the
22 Pledge of Allegiance was then recited, followed by
23 a moment of silence.)

24 SUPERVISOR SALADINO: We will continue
25 to remember all of those serving in the United

1 States Armed Forces here on American soil and
2 abroad. We will continue to remember all first
3 responders, our firefighters, our police, and all
4 of those associated with healthcare, who we like to
5 call our healthcare heroes. They continue to work
6 very hard, diligently, and sacrifice for our safety
7 and our health.

8 This Friday is National POW/MIA
9 Recognition Day. In honor of that, we are joined
10 today by some exceptional representatives of our
11 local Veteran organizations, and it's a privilege
12 to honor all of you and to honor all Veterans with
13 what we're doing today.

14 So as I call out your name, I ask you
15 to please rise. Let's hold our applause until the
16 end, and then let's give them the applause they so
17 deserve.

18 Starting with Commander George Hudak
19 from VFW Post 4987 in Bethpage.

20 George, are you here with us? Please
21 stand. There you are. God bless.

22 Commander Richard DeJesus from AmVets
23 Post 21 in Oyster Bay.

24 Please rise, Commander.

25 Quarter Master Art Krumm from VFW Post

1 7763 in Massapequa Park.

2 Hi, Art. Thank you for joining us. A
3 friend of mine for, oh goodness, thirty years.

4 Commander Jack Stein from VFW Post 5942
5 in Plainview, also from the New York State Veterans
6 Volunteer for the VA Northport Hospital.

7 Thank you for all you do there.

8 Commander Joe Clark from American
9 Legion Post 1066 in Massapequa.

10 Thank you, brother, for joining us.

11 Commander Kris Kilgour from VFW Post
12 6394 in Syosset.

13 Thank you, Kris.

14 And Edward Altman representing American
15 Legion Post 175 in Syosset.

16 Ladies and gentlemen, our United States
17 Veterans.

18 (Applause.)

19 SUPERVISOR SALADINO: With all of you
20 here today and those who we honor who are not able
21 to be here today, some who could never be here
22 because they have given the ultimate sacrifice for
23 America, for all of us and, obviously, the freedoms
24 of every American and every resident of the Town of
25 Oyster Bay.

1 So with that in mind, the Town of
2 Oyster Bay is proud to observe National POW/MIA
3 Recognition Day.

4 National POW/MIA Recognition Day was
5 established to keep the promise of remembrance for
6 the safe return of American prisoners of war and
7 those still missing in action, thus the POW and the
8 MIA.

9 We gather here today to dedicate an
10 unoccupied chair, which you see to your right and
11 to our left. This honors those who are not with
12 us. This honors those who did not come home. This
13 honors those who we still do not know their
14 whereabouts.

15 Together we will remember unaccounted
16 service members from each of the wars, including
17 World War II, the Korean War, the Vietnam War, the
18 Gulf War, and the War on Terror.

19 Even though many of their fates are
20 still unknown, most of their fates are still
21 unknown, they're no less our heroes. We salute
22 their service to our nation while protecting our
23 precious freedoms.

24 This chair that you see is a very
25 important chair. It symbolizes something

1 critically important to our American way of life
2 and to your sacrifice and their sacrifice.

3 The chair symbolizes there will always
4 be a place in the Town of Oyster Bay waiting their
5 return. It symbolizes we will never forget them.
6 It reminds us of the sacrifice and the risks taken
7 by every single member of the armed services,
8 whether they served here in our nation or they
9 served abroad, they all have made a tremendous
10 sacrifice to our freedom.

11 We thank you, and, obviously, we will
12 continue to remember and thank all of those who are
13 not here with this Chair of Honor.

14 It's a very special item to have here,
15 perhaps one of the most important that we have in
16 this boardroom. The Hussy Seating Company has
17 generously donated this chair in memory of POWs and
18 those who remain missing in action, and we thank
19 that company for making and donating this chair.

20 As we mark National POW/MIA Recognition
21 Day, we renew our commitment to all soldiers and
22 their families. Our debt of gratitude can never be
23 fully repaid, but when we gather in ceremonies such
24 as this, we will demonstrate our never ending
25 respect and appreciation, and that will continue on

1 and on.

2 We have a division here in the Town of
3 Oyster Bay that is specifically dedicated to
4 Veteran services. Just one of the many, many steps
5 we take to show you our appreciation, to show you
6 our respect and our love for all you have done and
7 our great respect for those who will not return
8 back to these United States.

9 The brave men and women of the United
10 States Armed Forces put themselves in harm's way
11 day after day to protect our nation, our families,
12 and the rights we hold so dear, and for that, this
13 Town Board will also be grateful.

14 So it is our honor on behalf of all of
15 my colleagues on the Town Board, our Clerk, our
16 Receiver, to join with you all today to dedicate
17 this seat as America's POW/MIA service men and
18 women who we will continue to remember and honor.

19 I ask that all Veterans join with us at
20 the chair as we bring it into the Town family
21 officially.

22 So, if you would please all join me,
23 and let's hear it again for our Veterans.

24 (Applause.)

25 SUPERVISOR SALADINO: Our Town Board,

1 our elected officials, the entire Town of Oyster
2 Bay family, and, most importantly, our Veterans,
3 commanders, and representatives of our Veterans'
4 organizations, with you here as witnesses, with you
5 here arm in arm, as we dedicate this POW/MIA chair
6 officially, where it will become a permanent
7 fixture of the Town of Oyster Bay to honor and
8 remember every Prisoner of War and those Missing in
9 Action, and we will continue to remember and honor
10 every Veteran in the Town of Oyster Bay.

11 Thank you and God bless you all.

12 (Applause.)

13 SUPERVISOR SALADINO: In the upper
14 right-hand corner of the chair, there is the Number
15 1, when you go to a show, you might see your ticket
16 reflects a number, but in this case, it says that
17 you are Number 1 in our hearts and minds and you
18 will always be.

19 (Whereupon, National POW/MIA
20 Recognition Day presentation was made.)

21 SUPERVISOR SALADINO: While everyone is
22 returning to their seat, I just would like to read
23 this plaque on the wall because I believe it's very
24 touching, and it expresses what all of us, and I
25 mean all of us from Town residents to every

1 American, the way we feel about our Veterans and
2 especially our POW/MIA.

3 Chair of Honor for Prisoners of War and
4 Missing in Action. This unoccupied chair is in
5 honor of those who are still Prisoners of War or
6 still Missing in Action and symbolizes there will
7 always be a place in the Town of Oyster Bay
8 awaiting their return. You will not be forgotten.
9 Dedicated this day September 15, 2020.

10 (Applause.)

11 (TIME NOTED: 10:32 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 15, 2020
10:33 a.m.

HEARING - HYDRANT RENTAL

To consider Hydrant Rental Agreements for the Glenwood-Glen Head Fire Protection District and New York American Water Company, Inc. For the period January 1, 2020 through December 31, 2020. (M.D. 8/11/20 #23).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

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taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Before we start
2 this morning's meeting, I'd like to take this
3 opportunity to remind residents that the Town of
4 Oyster Bay will host a public hearing on Thursday,
5 September 17th at 7:00 p.m. at Town Hall right here
6 in the Oyster Bay.

7 To ensure social distancing and
8 accommodate all of our residents, the Hicksville
9 Athletic Center, the Hicksville Community Center,
10 and the Town of Oyster Bay Ice Skating Center will
11 also provide citizens an ability to view the
12 presentation through videoconferencing, which will
13 allow for questions to be asked in realtime. This
14 way we're inclusive of all of our residents and
15 still continuing to protect everyone and follow the
16 guidelines for safety from COVID-19.

17 The meeting will also be live streamed
18 on our website in realtime. Space is limited at
19 these facilities because of social distancing, and
20 Hicksville residents will be given a priority. The
21 committee and our legal team determined that this
22 was the appropriate approach.

23 At the meeting, the developer will
24 present an overview of the planned project, the
25 project which is planned for the former Sears site

1 in Hicksville and the Town Board will listen to
2 comments from the public. To ensure all residents
3 have had the opportunity to make remarks, three
4 minutes will be afforded to each speaker.

5 Residents and members of the public are
6 also invited to submit their comments by e-mail to
7 publiccomments@oysterbayny.gov. That again, one
8 word, publiccomments@oysterbayny.gov.

9 Any other questions, please feel free
10 to call our Office of Public Information to provide
11 you more of this information or to repeat this
12 information or to guide you if you would like to
13 make a comment.

14 We will also accept comments by mail,
15 written comments, and all of that information can
16 be gained by calling our Office of Public
17 Information, 624-6200, 516 area code. All of these
18 comments will form part of the public record and
19 will be considered before any decisions are made.

20 In regard to today's meeting, we remind
21 residents that they have the opportunity to be
22 heard on matters brought before the Town Board and
23 during public comment for a period of ten days
24 following a meeting by e-mailing, again,
25 publiccomment, one word, @oysterbayny -- hyphen

1 ny.gov. I must correct that for my previous
2 statement as well. Publiccomment, one word, at
3 oysterbay-ny.gov.

4 With respect to today's hearings, the
5 public will have until the end of the business day
6 on September 25, 2020, to submit comments on the
7 subject of any hearing by mailing or delivering
8 comments to the office of the Town Attorney. And
9 that office -- and that's how you address it,
10 Office of the Town Attorney, Town of Oyster Bay,
11 54 Audrey Avenue, Oyster Bay, New York 11771.

12 These comments will form part of the
13 public record and will be considered before any
14 decisions are rendered.

15 (TIME NOTED: 10:36 A.M.)

16 SUPERVISOR SALADINO: At this time, we
17 ask our Clerk, Clerk LaMarca to please poll the
18 Board.

19 MR. LaMARCA: Supervisor Saladino?

20 SUPERVISOR SALADINO: Present.

21 MR. LaMARCA: Councilwoman Johnson?

22 COUNCILWOMAN JOHNSON: Here.

23 MR. LaMARCA: Councilman Imbroto?

24 COUNCILMAN IMBROTO: Present by
25 videoconference -- by telephone.

1 SUPERVISOR SALADINO: Can everyone hear
2 him or do we have to adjust the microphone?

3 Is there one of our staff members who
4 could please adjust that microphone so Lou Imbroto
5 -- Lou, we love what you have to say, so we want to
6 be able to hear every word clearly.

7 COUNCILMAN IMBROTO: I'm sure everyone
8 agrees.

9 SUPERVISOR SALADINO: Thank you,
10 Councilman.

11 Lou, would you mind speaking again just
12 so we make sure we get it right?

13 COUNCILMAN IMBROTO: Yes.

14 Councilman Imbroto present.

15 SUPERVISOR SALADINO: Okay.

16 We'll adjust it as the meeting goes to
17 make sure you're heard with all the clarity.

18 Thank you.

19 MR. LaMARCA: Councilman Hand?

20 COUNCILMAN HAND: Here.

21 MR. LaMARCA: Councilman Labriola?

22 COUNCILMAN LABRIOLA: Here.

23 MR. LaMARCA: Councilwoman Maier?

24 COUNCILWOMAN MAIER: Here.

25 MR. LaMARCA: Councilwoman Walsh?

1 COUNCILWOMAN WALSH: Here.

2 SUPERVISOR SALADINO: Please call the
3 first hearing.

4 MR. LaMARCA: Supervisor, the first
5 hearing today is to consider hydrant rental
6 agreements for the Glenwood-Glen Head Fire
7 Protection District and the New York American Water
8 Company, Inc. For the period of January 1, 2020,
9 through December 31, 2020.

10 MS. FAUGHNAN: Good morning,
11 Supervisor, Members of the Town Board.

12 Elizabeth Faughnan, Deputy Town
13 Attorney, Office of the Town Attorney.

14 So, if I may just remind you the reason
15 why this hydrant hearing comes to the Town Board is
16 that for many residents we have actual fire
17 districts where there are elected commissioners.

18 In certain areas of the Town of Oyster
19 Bay, there's actually a private not-for-profit fire
20 company that provides firefighting services that
21 the Town contracts with.

22 In addition, in this instance, whereas
23 in Oyster Bay, we have private not-for-profit fire
24 companies, we actually have an Incorporated Water
25 District with whom the Town has a contract to rent

1 hydrants.

2 Here, the Town has a contract with
3 New York American Water, which is the only water
4 provider in the Glenwood-Glen Head Fire Protection
5 area.

6 So, the New York State Law, under the
7 New York State Town Law, the Town Board sits as the
8 fire commissioners for purposes of this fire
9 protection area, and, therefore, it's the Town
10 Board's responsibility to contract with water
11 provider so that the hydrants are available when
12 the firemen need to fight -- and firewomen, of
13 course, need to fight fires.

14 So having said all of that, I come to
15 you this morning to request Town Board
16 authorization for the Town to enter into an
17 agreement with New York American Water for the
18 rental of 224 hydrants in that fire protection area
19 in the unincorporated Town of Oyster Bay, and the
20 hydrant rental fee for the year would be an amount
21 not to exceed \$896.31 for an annual total of not to
22 exceed \$200,773.44.

23 Now, I'm stressing the amount "not to
24 exceed" because the last time we were here to
25 consider the 2019 contract, the Town Board adopted

1 Resolution 869 of 2019 in December 2019, and in
2 order to, for lack of a better term, clear out or
3 to adjust for all the arrearages, the various taxes
4 and whatnot, last year we had requested and the
5 Town Board gave us authority for an amount not to
6 exceed \$256,504. But we actually spent -- once we
7 went through all the bills with New York American
8 Water, we did not spend that amount of money.

9 Just so the Board is aware, the Town of
10 Oyster Bay spent roughly \$247,000 last year for the
11 hydrant rental. So whereas we come to you today to
12 ask for Town Board's authorization to enter into
13 the agreement for approximately \$200,000, we do not
14 expect that to be the actual amount spent for the
15 hydrant rentals.

16 If I may remind you, in this instance,
17 because New York American Water is a private
18 company, their rates are set by the New York State
19 Public Service Commission. They make an
20 application to this Board up to the New York State
21 Public Service Commission up in Albany, the
22 New York State Public Service Commission grants
23 their rates, any surcharges, any recaptures of
24 local taxes, and that's the rate.

25 And, quite frankly, they are the only

1 game in town, so if we want to rent hydrants, which
2 we are required by law to do, we have to rent them
3 from New York American Water. We have to pay the
4 rate that is set by New York State Public Service
5 Commission. So that is why the rate is what it is.

6 Any questions?

7 SUPERVISOR SALADINO: Are there any
8 questions from the Board?

9 (No verbal response.)

10 SUPERVISOR SALADINO: Thank you.

11 Just if you, could just bring clarity
12 to one thing you mentioned?

13 MS. FAUGHNAN: Sure, Supervisor.

14 SUPERVISOR SALADINO: To make
15 adjustments as they relate to taxes, could you
16 explain that further?

17 MS. FAUGHNAN: What had happened was
18 over the years the Town had approved the hydrant
19 rental fee, which is what the State Public Service
20 Commission had approved. The State had apparently
21 also approved surcharges to go on every water
22 account or every account.

23 The Town had declined to pay those
24 charges saying no, no, we only pay a hydrant rental
25 fee. So the Town Attorneys' office and the

1 Comptroller's office met with representatives from
2 New York American Water. We reviewed the Public
3 Service Commission orders that set the rates, and
4 the surcharges determined that, in fact, some of
5 them were appropriately charged, and so those had
6 been accumulating as an amount due.

7 So last year after this meeting, we sat
8 down, we went through all of the orders, determined
9 the appropriate amount that should be paid, and
10 that is what the Town paid, which is why we had
11 requested more in a worst-case scenario, but that
12 amount was not, in fact, what the Town owed, and we
13 did pay everything that was due and owing.

14 SUPERVISOR SALADINO: How long has the
15 Town been involved in providing water to the
16 firefighters?

17 MS. FAUGHNAN: Since the New York State
18 Comptroller's opinion of -- I can't even tell you
19 when -- it precedes both of us, Supervisor.
20 Probably everybody in this room.

21 SUPERVISOR SALADINO: Decades and
22 decades?

23 MS. FAUGHNAN: Decades and decades.

24 SUPERVISOR SALADINO: Long before
25 New York American Water had control of this?

1 MS. FAUGHNAN: Oh, absolutely.

2 Absolutely.

3 It's a matter of Water Districts do not
4 need fire hydrants to provide water service to
5 businesses and residences in their -- in the area
6 of which they provide water.

7 Fire hydrants are needed for
8 firefighting services and so, therefore, the rule
9 is that the fire district or the, in this case, the
10 fire protection area must rent those hydrants, pay
11 for the rental and the maintenance of those
12 hydrants so they are available to the residents,
13 businesses, or even those who travel into the area
14 unless they have -- you know, are involved in an
15 incident where water is needed.

16 SUPERVISOR SALADINO: We're voting on
17 this to be for a multitude of reasons, safety, but
18 also to be in compliance with New York State Law?

19 MS. FAUGHNAN: Absolutely, Supervisor.
20 Absolutely.

21 I would like to point out that when we
22 advertised this hearing, we advertised that the
23 hearing -- that this particular record would remain
24 open until September 30th to give those residents
25 that are hearing this today, the opportunity up

1 until September 30th to make their opinions known
2 to Town Board.

3 SUPERVISOR SALADINO: Thank you.

4 Are there any other questions from the
5 Board?

6 (No verbal response.)

7 SUPERVISOR SALADINO: Has anyone
8 demonstrated that they are interested on speaking
9 on this issue?

10 Has anyone put in a slip?

11 MR. ADELMAN: Yes, I did.

12 MR. LaMARCA: I see you put something
13 in, Mr. Adelman, for Resolution of the 499?

14 MR. ADELMAN: Right. And hydrant
15 rentals.

16 MR. LaMARCA: I don't see it but...

17 SUPERVISOR SALADINO: Mr. Adelman,
18 please step forward for this hearing.

19 MR. ADELMAN: Greetings.

20 Arthur Adelman. 110 Dubois Avenue, Sea
21 Cliff, New York.

22 I'm here to chat about the hydrant
23 rental. As we say in my tribe, a real shonda.

24 I want to reiterate something that the
25 Elizabeth went over just briefly that while the

1 fire department, fire companies, are
2 not-for-profit, the hydrant rental company, New
3 York American Water, is part of American Water
4 Works, a for-profit company paying out dividends of
5 close to 5 percent. And, hey, when I got my water
6 bill eight years ago from them, I did buy the stock
7 and I've done very well so, but most of my
8 neighbors haven't.

9 Another item Elizabeth missed is that
10 part of the fire district is supplied by Glenwood
11 Water. That would be in the area of -- I know
12 Roslyn Harbor is part of the Glenwood Fire
13 District, but the homeowners in Roslyn Harbor are
14 supplied by Glenwood Water. If Glenwood charges the
15 same rate that Roslyn does to their fire companies,
16 a hydrant rental fee would be zero.

17 As it states in the hearing Resolution,
18 this is a contract for 2020. I'm pretty sure the
19 new contract for 2021 is out, and if my memory is
20 correct, the fees have gone up to over \$900 a
21 hydrant.

22 One of things I'd like to know is a
23 detailed explanation from New York American Water
24 regarding their responsibilities as part of the
25 rental contract. It's never stated anywhere.

1 Are they responsible for snow removal
2 around the hydrants?

3 Are they responsible to flush the
4 hydrants once a year?

5 Are they responsible for checking every
6 hydrant in the district once a year?

7 There is no -- there is a rental
8 agreement. All it talks about is what it costs
9 them, what they want to get, but there is no
10 mention of what their contractual responsibilities
11 are in the rental agreement and I think that should
12 be examined.

13 I think it's a shame that the residents
14 have to pay this because this fee is just added to
15 the cost to run the fire department, and, of
16 course, that is reflected on additional taxes to
17 everybody, including New York American Water.

18 So it's one of those ratcheting
19 expenses that as they charge more money, the taxes
20 go up, and then they charge more money, and it's
21 got to stop.

22 So I'm looking forward to the day when
23 we'll have public water in the Water District, just
24 as the people in Massapequa are seeking the same,
25 and I would really like to see the Board consider

1 going back to New York American Water and saying,
2 hey, \$800 a hydrant is a little exorbitant and it
3 can't all be taxes because how could the taxes on
4 the North Shore be exactly the same as they are
5 Massapequa, in Merrick, in Upstate New York?

6 Thank you.

7 SUPERVISOR SALADINO: Thank you,
8 Mr. Adelman.

9 Has anyone expressed an interest in
10 speaking on this issue?

11 MR. LaMARCA: I have no other
12 correspondence.

13 SUPERVISOR SALADINO: We have no other
14 correspondence. No one else has expressed an
15 interest on this.

16 Is there any additional correspondence?

17 MR. LaMARCA: We have affidavits of
18 postings and publications.

19 There is no other correspondence,
20 Supervisor.

21 SUPERVISOR SALADINO: May I have a
22 motion, please?

23 COUNCILWOMAN JOHNSON: Supervisor, I'll
24 make a motion that this public hearing be closed
25 and decision be reserved.

1 COUNCILMAN HAND: Second.

2 MS. FAUGHNAN: Before you make that
3 motion, may I just remind you we advertised that
4 people can make comment until September 30th. So
5 if you can close the hearing, but leave the record
6 open until September 30th, Counsel, please.

7 COUNCILWOMAN JOHNSON: Supervisor, I
8 make a motion that this public hearing be closed.

9 The record be open for public comment
10 until September 30th and decision be reserved.

11 COUNCILMAN HAND: Second.

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

14 ALL: "Aye."

15 SUPERVISOR SALADINO: Those opposed
16 "Nay."

17 (No verbal response.)

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

20 Thank you for your assistance today.

21 (TIME NOTED: 10:49 A.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 15, 2020
10:50 a.m.

HEARING - P-5-20

To consider the application of Halm Industries Co., Inc., fee owner and JSF Management, LLC, contract vendee, for a Modification of Restrictive Covenants on premises located at 180 Glen Head Road, Glen Head, New York. (M.D. 8/4/20 #26).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

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Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Please call the
2 next hearing.

3 MR. LaMARCA: The second hearing today
4 is to consider the application of Halm Industries
5 Co., Inc., fee owner and JSF Management, LLC,
6 contract vendee, for a modification of restricted
7 covenants on premises located at 180 Glen Head
8 Road, Glen Head, New York.

9 SUPERVISOR SALADINO: Good morning.
10 Good morning, Mr. Supervisor, Members
11 of the Board.

12 My name is Greg Alvarez from Amato Law
13 Group, 666 Old Country Road, Garden City, New York,
14 here behalf of the applicants, Halm Industries and
15 JSF Management, LLC.

16 We are here today seeking approval for
17 the construction of a new self-service storage
18 facility at 180 Glen Head Road, Glen Head. That's
19 Nassau County Tax Map designation Section 21, Block
20 Q, Lots 446, 494 and 1829.

21 What we're seeking here today is
22 approval of the site plan that's proposed and we
23 present to you today, as well as an amendment to
24 previous existing covenants and restrictions that
25 were adopted by this Board for this property back

1 in 1957.

2 Finally, we are seeking a negative
3 declaration under the State Environmental Quality
4 Review Act.

5 To give you little background on this
6 application, back on July 1st of 2019, last year,
7 we filed this application with the Board.

8 In the intervening time, we have been
9 working with both the Department of Planning and
10 Development and the Department of Environmental
11 Resources in connection with site plan review as
12 well as review under your Town's Environmental
13 Quality Review Act.

14 In addition, in that time, and actually
15 just prior to filing the application, JSF
16 themselves have conducted extensive outreach with
17 the local community; specifically, the Glen
18 Head-Glenwood Civic Council, which represents eight
19 local civic associations.

20 We submitted to this Board last week a
21 copy of a letter of consent that confirms that the
22 council is still in agreement and support of this
23 application, and that letter was dated August 28,
24 2020.

25 Just to give you a little background of

1 the property, it's located in a commercial
2 corridor, a narrow commercial corridor, along Glen
3 Head Road. It has approximately 250 feet of
4 frontage along the road. It's on the north side of
5 the road and opposite that is a three-way
6 intersection that includes Glen Head Road, North
7 Street and Sheppard Street.

8 The property itself is approximately --
9 in whole, is approximately 2.65 acres in a split
10 zone. So the front of the property is zoned light
11 industrial -- light industry, excuse me, then the
12 rear portion is zoned R17. I'll explain the
13 historical nature of that in just moment.

14 Right now, it's occupied by a vacant
15 factory use that formally was operated by Halm
16 Industries. JSF is, again, the contract vendee
17 here is seeking to redevelop the property.

18 The surrounding area is -- it's sort of
19 a mix of both commercial and residential. So, to
20 the immediate north there is a Town recharge basin,
21 and then further on beyond that are single-family
22 residences. To the immediate east is the local
23 American Legion Post, Glenwood Landing Post,
24 followed by the Glen Head Community Center, the
25 fire station and a strip center that includes the

1 post office and some other commercial operations.

2 Immediately across the street to the
3 south is another commercial building with a few
4 commercial businesses there as well and then
5 further onto the south are single-family.

6 To the immediate west is a current
7 vacant lot followed by single-family.

8 So, the build summary itself, as you
9 can see in the illustration we have provided for
10 you this morning, it would be a new self-service
11 storage facility that would consist of three
12 stories, 102,000 square feet, and is depicted here
13 where it would be located on the southerly portion
14 of the property.

15 The footprint itself is actually only
16 34,000 square feet, which means that the building
17 coverage requirement is more than met. The
18 building itself would cover approximately 29.5
19 percent of the property when 50 percent is
20 permitted.

21 Again, with the rendering itself, you
22 can see that we're seeking a modern look to the
23 building and a vast architectural improvement to
24 what's out there today, which amounts to a factory
25 building that was built back in the '50s

1 originally.

2 The impervious coverage will also be
3 reduced, and that will primarily be accomplished
4 because in the back of building, it will be
5 returned to native vegetation.

6 Right now, it's actually covered by
7 asphalt. That was the product of the need of Halm
8 Industries when they needed additional parking, so
9 they had actually obtained a special permit for
10 that back in the '60s, and so since that time, it's
11 been paved.

12 The proposal here, again, is to return
13 it all to native vegetation using native species as
14 we worked with the Department of Environmental
15 Resources on, and some other features that we can
16 talk about in a little bit more detail.

17 Parking will be met as well. We have
18 26 spaces accounted for, which is what is required
19 under your code. Eight spaces will be land banked
20 initially because, again, we want to provide as
21 much green space as possible.

22 Those additional eight spaces would be
23 located right in the front of the building, but
24 right now because of -- as our traffic expert will
25 explain, we believe that that additional parking is

1 not needed just by nature of how many cars will be
2 generated to this site.

3 Another feature will be that the curb
4 cuts will be reduced. Right now there are two.
5 We'll be reducing it to one just on the southeast
6 corner there where it will be located.

7 As I said, landscaping will be
8 substantial and will be increased, particularly in
9 the back, but also in the front as you can see.
10 We're looking to landscape the front to make sure
11 that it looks as attractive as possible up front.

12 There will be a trash enclosure, but
13 that will be located on the eastern side. And
14 signage will be -- will just consist of two wall
15 signs as are depicted on the building in this
16 rendering, as well as a small free-standing sign.

17 So based on this and based on our work
18 with both the Department of Planning and
19 Development, as well as the Department of
20 Environmental Resources, we believe that we can
21 comply with your site plan standards, which are
22 found in your code at 246-6.10.1, those are the
23 general standards. 246-6.10.2 which relates to
24 more environmental concerns, and then you get more
25 general -- or more specific, in fact, under 246-7

1 and 246-10, which, again, in working extensively
2 with your Planning Department, we believe that we
3 have complied with those standards.

4 Now, the other component of this, which
5 I mentioned earlier, is the lifting of prior
6 covenants. So, again, just a little history, so
7 Halm Industries originally located at this site
8 back in 1952.

9 In 1956, they came before this Board
10 seeking an expansion of their operations. So to do
11 that they sought a rezoning. At the time, the
12 property was actually split zoned residents and
13 Business G, which was your Business G at the time,
14 and they sought to rezone it to industrial in the
15 front.

16 At that time, there was a request from
17 the community and the Board to put in place certain
18 protections when Halm Industries were ever to leave
19 the site, which is the situation here. So they
20 adopted three covenants and restrictions from a
21 declaration that was recorded on March 4, 1957, and
22 there were three of them.

23 Actually, in fact, we meet two of them
24 for sure. The third one we just want to make sure
25 that we are in compliance. So, the first one had

1 to do with making sure that any new use that would
2 be instituted on the site, post Halm, would not
3 involve any sort of industrial processing.

4 Now, because we're proposing a
5 self-storage facility here, no industrial -- no
6 industrial operations are proposed. It's a rather
7 passive use, just for storage for people who are
8 looking for space for that. So, therefore, we
9 believe that we do meet that covenant regardless.

10 The second covenant that was put in
11 place was to make sure that any building that would
12 be built would not be any closer than the adjacent
13 American Legion Post, Glenwood Landing Post
14 Number 356.

15 As you can see on this rendering -- and
16 it's probably clearer on site plans, which we'll
17 talk about in just a moment, we actually are
18 behind -- we will be further back from the road
19 than the existing post. So, again, we meet that
20 covenant as well.

21 The third one is the one that's a
22 little gray. So the provision there says that any
23 building or any addition to the building must be
24 quote/unquote, "in keeping with the present
25 building."

1 So over time at Halm, the building
2 actually had been amended further on, so they
3 expanded after 1956, and I guess it was interpreted
4 at those times that they were more or less in
5 keeping -- those additions were in keeping with the
6 existing building.

7 Now, since we are replacing the
8 building, we feel that -- although, we feel we are
9 in keeping with the building, more or less, we want
10 to make sure that we can proceed regardless of this
11 covenant. So that's the one we're seeking to amend
12 to, basically, lift from the property, and that
13 would be at the direction of this Board.

14 Now, as I mentioned, there were some
15 other approvals in the meantime. We will be
16 seeking -- we will be seeking additional approvals
17 from the ZBA. For one, while we are revegetating
18 most of the rear portion and removing all the
19 asphalt, there will be small portion, as I said,
20 there's a split zone -- there's a split zone
21 property, so a portion of that drive aisle, not the
22 building, just the drive aisle, will slightly
23 impinge on the residential portion of property, so
24 we'll be seeking that relief from the ZBA.

25 Also, the ZBA had imposed restrictions

1 related to that parking that they had granted way
2 back when, so we just want to make sure we remove
3 those as well.

4 So with that, I just would like to
5 bring forward -- actually, I'd just like to mention
6 one more thing. As I said, we've been working with
7 the Department of Environmental Resources so we
8 were provided a memo from them on June 3, 2020,
9 which recommended a negative declaration on this
10 project. So, again, we're seeking that as part of
11 our application.

12 We're also seeking from the ZBA just
13 two variances. So the one variance I mentioned
14 about the extension into the residential, and then
15 there's a minor one related to the parking design
16 as well. So with that, I would like to just bring
17 up the folks I have brought up to just get into
18 just a little bit more detail.

19 I have Dan Peveraro who I'll ask to
20 come forward first from the Laurel Group who can
21 talk just real briefly about the benefits of the
22 site design.

23 Then I will have Ethan Schukoske from
24 Atlantic Traffic briefly, again, to talk about the
25 traffic aspects of the application.

1 And then, finally, we do have a
2 representative from JSF, Bailey Gaffney, Director
3 of Entitlements, who can talk briefly about sort of
4 the nature of JSF's operation to ensure that, you
5 know, they're seeking an application here in a
6 project that will fit into the community.

7 So, let me ask Mr. Peveraro to come
8 forward, introduce himself, and then just briefly
9 describe the site plan.

10 Thank you.

11 MR. PEVERARO: Good morning.

12 Dan Peveraro, 1601 Veterans Memorial
13 Highway, Islandia, New York. I'm the Civil
14 Engineer and Consultant on the project.

15 I think Mr. Alvarez did a very good job
16 going through most of the details here, so I will
17 try keep it short and reduce any kind of
18 repetitiveness here.

19 As Mr. Alvarez stated, the site is
20 split zoned between light industrial and a smaller
21 portion in the rear that is R17 residential. The
22 portion that's R17 is back over here (indicating).

23 The application proposes to demolish
24 the existing Halm Industries building and site
25 improvements and replace it with a new three-story

1 self-storage facility of approximately
2 34,000-square-foot footprint.

3 It should be noted that the existing
4 buildings that are to be removed are approximately
5 30,000 square feet in footprint, so not that much
6 of a difference.

7 The proposed layout is very similar to
8 what's existing there today. The biggest
9 difference is in the rear of the site where -- you
10 probably see it most clearly in this exhibit here
11 where you can see back here is all a one-story
12 garage and asphalt, and we're replacing it with
13 about a quarter acre of additional landscaping,
14 increasing the landscape buffer by just about 90
15 feet.

16 The self-storage facilities are a
17 unique use, as I'm sure you know. They're very low
18 impact. You might have somebody come on the site,
19 drop off their belongings and not show up again for
20 a few months before they come back to pick it up.

21 As with most self-storage facilities,
22 this one is split into two distinct portions. The
23 front portion of the property is the public access
24 portion, and the rear is the -- for customers and
25 staff.

1 The rear section of the property is
2 delineated by gates and a fence that go around the
3 entire perimeter that keep anyone except for staff
4 and customers out of there. You would enter the
5 site via the one curb cut along Glen Head Road that
6 is in almost the same location as one of the two
7 existing curb cuts.

8 The existing curb cut along the west
9 side of the property is to be filled in with
10 landscaping, and the one on the east side of the
11 property is to be modified slightly to accommodate
12 the new proposal.

13 You'd enter the site from that curb
14 cut, come into the public access portion of the
15 property, go into the office and that's where you
16 would rent your unit and be given a pin or a card.

17 From that point, you'd be able to enter
18 the rear section of the property via either of the
19 two gates on either side of building, and from that
20 point access either the exterior roll-up units or
21 go into -- there's two loading doors on either side
22 of the building where you can go in and enter the
23 interior of the building to bring your belongings
24 inside.

25 The mask is hard to breathe.

1 COUNCILWOMAN MAIER: You can take it
2 down.

3 MR. PEVERARO: Oh, that is a game
4 changer. Thank you.

5 As Mr. Alvarez mentioned, we worked
6 extensively with the planning staff and Department
7 of Environmental Resources on several items. Most
8 notably is the landscaping. We added a lot of more
9 showy vegetation and additional species of
10 vegetation along the street frontage for an
11 attractive corridor as you drive by.

12 Additionally, we have an evergreen row
13 around the entire perimeter of the sides and the
14 rear, which in addition with a privacy fence, will
15 screen the property, and those species of
16 vegetation were increased -- we increased the
17 number of species and decreased the amount of the
18 species in any given row, so there's three
19 different species of three kinds each as you go
20 around whole perimeter, and that was -- came up
21 with working with DER to ensure more biodiversity.

22 Additionally, we added a rain garden in
23 the back of the property over here (indicating)
24 where some of the rainwater will flow off of the
25 pavement and into that rain garden, which is a

1 little bit more of a green treatment of storm water
2 disposal that we were able to accommodate.

3 The lighting plan was designed with the
4 use of 14-foot-high LED lights. The pole-mounted
5 lights have back-like control, which is a fancy way
6 of saying, like, house side shields, you might be
7 more familiar with that term, that prevents the
8 spill of lights going backwards off the property
9 trying to keep as much of the light as possible on
10 the site.

11 At this point, I think the traffic
12 engineer is going to come up and go through some of
13 the traffic.

14 MR. ALVAREZ: Yes. We'll have
15 Mr. Schukoske come up just to briefly discuss the
16 minimal impact that's expected from a traffic
17 perspective.

18 Thank you.

19 MR. SCHUKOSKE: Good morning.

20 I'm going to take this off, if that's
21 all right. As Dan said, game changer there.

22 My name is Ethan Schukoske. I'm with
23 Atlantic Traffic and Design Engineering at
24 2929 Expressway Drive North in Hauppauge, New York.

25 I have a Bachelor's degree in civil

1 engineering from the University of Delaware, and
2 I'm a licensed professional engineer in New York as
3 well as two other states. I've testified as a
4 traffic expert within Nassau and Suffolk County.
5 Our office prepared a Traffic Impact Statement
6 dated March 23, 2020.

7 The report evaluated potential traffic
8 effects associated with the operations of the
9 proposed self-storage facility and the proposed
10 site access along westbound Glen Head Road.

11 In the existing condition located along
12 Glen Head Road crossing the intersection of
13 Sheppard Street and North Street in Glen Head,
14 currently, there's a vacant building with two curb
15 cuts provided along westbound Glen Head Road.

16 In the proposed condition, they would
17 remove the existing vacant building, construct a
18 three-story 102,000-square-foot self-storage
19 facility with approximately 36,000-square-foot
20 footprint as described by the site engineer and
21 Mr. Alvarez.

22 In the proposal that we would remove
23 the western site driveway and reduce the total site
24 accesses to one, this will be -- result in a
25 reduction of conflict points along Glen Head Road,

1 and the site access was favorably received by
2 Nassau County DPW. The proposed driveway would
3 also be reconstructed and ADA improvements
4 including new curb ramps would be installed.

5 For the proposed building, we
6 calculated the potential increase in site traffic
7 using data published by the Institute of
8 Transportation Engineers. They evaluate sites
9 throughout the country, including self-storage
10 units, and come up with trip generation rates using
11 that data.

12 Based on the size of this facility, we
13 expect to generate a maximum of 19 additional
14 one-way trips to the site, and that would be at the
15 highest peak hour during the Saturday midday.

16 Through our coordination with the site
17 engineer and the Department of Environmental
18 Resources, we also looked at the number of truck
19 trips on Glen Head Road. Sort of different phases
20 of construction. The first phase is demolition
21 phase of construction. We expect about two to
22 three trucks entering and exiting per day spread
23 throughout the workday.

24 During the actual building
25 construction, we expect three delivery trucks to

1 enter and exit the site per day and one material
2 Dumpster to be retrieved once a month. It's pretty
3 low impact as far as trips to the site.

4 In the final condition, when the
5 self-storage facility opens, an average of four
6 single-unit box trucks for, you know, personal
7 delivery to be -- you know, to each individual
8 storage unit, they can expect on an average
9 weekday, per data from ITE, and then going up one
10 commercial Dumpster retrieved from the site once a
11 month.

12 We also evaluated the parking on site.
13 The Town requires one space per 4,000 square feet
14 of gross floor area or 26 stalls. We are meeting
15 that. That stall count in our proposed site plan
16 inclusive of 288 stalls and 8 land bank stalls. So
17 we're satisfying the Town requirement.

18 In addition, we also evaluated the
19 parking demand for self-storage facilities using
20 ITE and our own in-site research conducted by ATD
21 Traffic and Design Engineering. We found that the
22 14-vehicle maximum parking supply was calculated
23 using our research at ten different self-storage
24 facilities, so we are more than exceeding that
25 expected demand.

1 The site -- so, in conclusion, the site
2 access will be improved along the major roadway
3 with the number of curb cuts will be reduced from
4 two to one and moved away from adjacent Sheppard
5 Street, North Street intersection.

6 The proposed parking design meets Town
7 of Oyster Bay requirements, and the parking supply
8 meets the Town requirement and is consistent with
9 other modern self-storage facilities. A maximum of
10 only 32 trips are expected during the Saturday peak
11 hour in both directions, which are not significant
12 as defined by ITE or New York State DOT.

13 In my professional opinion, the
14 proposed project would not have significant adverse
15 impact on traffic.

16 I'm available for questions, but I
17 think we're going to turn it over to Bailey.

18 MR. ALVAREZ: Now, we have Bailey
19 Gaffney from JSF, who will just describe briefly
20 who they are and their excitement to operate this
21 project.

22 Thank you.

23 MS. GAFFNEY: Good morning.

24 As Mr. Alvarez mentioned, my name is
25 Bailey Gaffney and I'm the Director of Entitlements

1 for Johnson Development. I will be representing
2 the applicant here, JSF Management LLC. They are a
3 subsidiary of the company I work for.

4 Johnson Development is a family-owned
5 self-storage developer. Since 1985 we have owned,
6 operated and developed over 100 facilities across
7 the country. Within the last eight years, we've
8 moved towards a climate-controlled self-storage
9 product, which is what we plan to build here.

10 This facility will be 102,000 square
11 feet. We have full confidence this facility is
12 going to do really well. Not only have we had the
13 support of the civics and the neighbors and the
14 community, but the market itself is largely
15 underserved.

16 Of the four facilities that are our
17 closest competitors, they're all operating at 95 to
18 98 percent occupancy with wait lists for customers.

19 Johnson Development here will be
20 partnering with Life Storage, they are a -- the
21 third largest publicly traded self-storage REIT.
22 We will maintain ownership of the building, but
23 they will help operate and provide a brand
24 marketing platform for our customers.

25 So, we will take care of all of the

1 maintenance and building ownership, paying the
2 taxes, all of that, but they will be responsible
3 for the revenue management system, customer service
4 and sales experience.

5 I am available to answer any questions
6 about how the facility operates, if there are any
7 questions.

8 COUNCILWOMAN MAIER: I do have a couple
9 of quick questions, Ms. Gaffney.

10 Thank you for your presentation.

11 You answered most of them.

12 Hours of operation?

13 MS. GAFFNEY: So, hours of operation
14 are split between office hours and access hours.

15 Our office hours are seven days a week,
16 anywhere from 9:00 a.m. to 5:00 p.m., and Sunday
17 it's usually 11:00 to 3:00 p.m. We will have a
18 manager on-site.

19 Then for customers that have made an
20 in-person reservation and been given an access
21 code, they will be 10 -- I'm sorry, 6:00 a.m. to
22 10:00 p.m.

23 COUNCILWOMAN MAIER: That's seven days
24 a week?

25 MS. GAFFNEY: Seven days a week.

1 COUNCILWOMAN MAIER: You said they have
2 an access code or is there a key fob or a card?

3 MS. GAFFNEY: So it will be an access
4 code. So, that will be used to access the building
5 when the office hours are closed, but also if you
6 get in the elevator and you're going to the second
7 floor, you'll have to punch in your code. So you
8 can't just go up to any floor.

9 COUNCILWOMAN MAIER: And you'll have
10 security present?

11 MS. GAFFNEY: So we don't have on-site
12 security, but we have a 24/7 security company.

13 COUNCILWOMAN MAIER: Okay. So
14 surrounded cameras.

15 MS. GAFFNEY: For surveillance.

16 COUNCILWOMAN MAIER: You had mentioned
17 it's 102,000 square feet.

18 How many temperature-controlled units
19 will you have?

20 MS. GAFFNEY: We will have
21 approximately 900 units. Self-storage facilities
22 lease up over the course of three to four years, so
23 we are hoping for leasing 18 units a month, which
24 is on average with the rest of our Northeast
25 portfolio.

1 COUNCILWOMAN MAIER: Will they be in
2 different sizes, different uses?

3 MS. GAFFNEY: Yes. So we'll have a
4 variety of sizes. Offhand, we'll have -- 10 by 10
5 is our most popular unit size, but we'll have 5 by
6 5, 10 by 30, 10 by 15.

7 COUNCILWOMAN MAIER: Last question.
8 The four facilities that you had
9 referenced that you looked at that were at 95
10 percent occupancy, where are those located?

11 MS. GAFFNEY: We have an Extra Space on
12 Bayles Avenue in Port Washington. That was built
13 in 1999 and it's 97 percent occupied. Then we have
14 within the three-mile trade area, we have Storage
15 Post and a Public Storage built in 1968 and 2000,
16 95 percent occupied.

17 I apologize, there were three.

18 COUNCILWOMAN MAIER: And those are all
19 your facilities?

20 MS. GAFFNEY: No. They're not our
21 facilities. Those are climate-controlled
22 competitors.

23 The closest facility we have to the
24 site will actually be opening next month. That's
25 in the Town of Babylon on Deer Park Avenue.

1 COUNCILWOMAN MAIER: Thank you very
2 much.

3 SUPERVISOR SALADINO: Council Labriola?

4 COUNCILMAN LABRIOLA: Ms. Gaffney, in
5 terms of your security, you said you don't have any
6 on-site security, but you'll have cameras and a
7 security monitoring system.

8 Is that 24-hour monitoring?

9 MS. GAFFNEY: Yes, that's correct. So
10 -- I'm sorry.

11 COUNCILMAN LABRIOLA: Go ahead.

12 MS. GAFFNEY: So it will be like an
13 ADT-type system. It's 24/7. Our managers live in
14 market and so they'll have access if, we'll say the
15 security alarm goes off, they'll be contacted along
16 with the local official.

17 In addition, each customer is given the
18 access code and also they'll have individual locks
19 on each unit. The purpose of the on-site manager
20 is to walk the building throughout the day, every
21 day to make sure all locks are secured.

22 COUNCILMAN LABRIOLA: But your employee
23 leaves -- your last employee leaves at 5:00 p.m.
24 and your customers are permitted to access the
25 building up until 10:00 p.m.

1 How do you ensure that the building is
2 vacant at 10:00 p.m.? How do you ensure that the
3 people are actually leaving the building and the
4 premises at that point?

5 MS. GAFFNEY: That's a good point.

6 So we've never had an issue with this,
7 but if they are there, let's say 10:01 p.m., I have
8 a construction manager with me, but from what I
9 understand, they won't be able get into the
10 building past 10:00 p.m. with their access code,
11 but to get out of the building, they'll be able to
12 egress safely, but they can't walk around on any
13 other floor --

14 COUNCILMAN LABRIOLA: No.

15 The reason I ask, Ms. Gaffney, is not
16 to trip you up or anything. It's really because
17 you're renting climate-controlled units, so,
18 technically, somebody could sleep there and then we
19 wouldn't know about that.

20 My concern is, of course, you're
21 adjacent to a residential community, and I just
22 want be sure you're taking the adequate protections
23 necessary to ensure their safety and ensure exactly
24 what's going on in your building, you know, during
25 the wee hours of the morning.

1 MS. GAFFNEY: No, I completely
2 understand. I'll have Peter come up in just a
3 moment, but that's why our facilities are not 24
4 hours, 7 days a week, like, open all the time. We
5 have business hours and access hours for that
6 reason, and we have yet to have that problem in,
7 you know, our over 30-year history with these
8 partners.

9 But to answer that specific question, I
10 will have Peter...

11 MR. MICHALSKI: Good morning.

12 My name is Peter Michalski. I've
13 worked with Johnson Development located at
14 86 Summit Avenue, worked with the company for a
15 little bit over a year.

16 The facilities that we do operate that
17 I've been exposed to have been in Lodi, New Jersey,
18 East Hanover, New Jersey, in the Bronx, New York,
19 and we all have the same concerns as well.

20 Our intention is not to -- is to ensure
21 the security that we're not going to have anybody
22 staying overnight, so we do train our staff to look
23 for any signs of people that would be living there.

24 We do also do a lock check. Now,
25 typically in our facilities, I believe the access

1 they will have will be to the exterior drive-up
2 units, not into the building itself. It does vary
3 building to building, but that's how we operate all
4 our facilities to date at this point.

5 We do share those types of concerns as
6 well, and our goal is to keep it free of any
7 residential tenants.

8 SUPERVISOR SALADINO: To Councilman
9 Labriola's point, if someone is -- can someone be
10 accidentally locked in a unit?

11 MR. MICHALSKI: No.

12 So the purpose of our managers is at
13 the end of the day, they will go in and check every
14 single unit. They lock with a regular key pad --
15 with a regular lock and key that we sell or some
16 with a combo lock, so you can't actually lock it
17 from the inside. You can only lock it from the
18 outside.

19 COUNCILWOMAN MAIER: I have a quick
20 question.

21 So, the manager leaves at 5:00 p.m.

22 At that point is the interior of the
23 building, is that alarmed because if you're
24 saying --

25 MR. MICHALSKI: Yes.

1 COUNCILWOMAN MAIER: -- if something
2 happens and the authorities are notified, how are
3 they notified?

4 Is there an alarm system?

5 MR. MICHALSKI: So we have a company.
6 It's called Protection One. It is a commercial
7 component of ADT. Protection One will intercept
8 every fire alarm and every burglary alarm first
9 before it goes to a fire department or police
10 department to check, and then at that point it is
11 then dispatched.

12 COUNCILWOMAN MAIER: So the manager
13 does set the alarm when they leave the premises?

14 MR. MICHALSKI: Yes, every day.

15 COUNCILWOMAN MAIER: So the exterior
16 units though, those are still able to be accessed?

17 MR. MICHALSKI: Correct.

18 COUNCILWOMAN MAIER: Is there a door
19 from the exterior -- I guess, once you go into a
20 unit, is there access to the inside of the building
21 from that --

22 MR. MICHALSKI: No.

23 COUNCILWOMAN MAIER: -- or it's just
24 the box?

25 MR. MICHALSKI: Just the box.

1 COUNCILMAN LABRIOLA: Are there motion
2 detectors that will actually be activated at
3 10:00 p.m. so that, you know, in the hallways it
4 would pick up whether or not somebody is still
5 roaming around the building after 10:00?

6 MR. MICHALSKI: It's every entrance
7 that we would have. Every entrance has security.
8 We'll have cameras at every entrance. We'll have
9 detection at every entrance. You can only access
10 the second floor from the exterior, so we take
11 precautions to check every possible blind spot in
12 the facility to ensure that there will be nobody.

13 COUNCILMAN LABRIOLA: I'm simply
14 saying, if somebody hasn't left building --

15 MR. MICHALSKI: Right.

16 COUNCILMAN LABRIOLA: -- and put
17 themselves, you know, hidden in the unit, and then
18 at 10:00 p.m., they start moving through the
19 building, would you be able to detect that motion?

20 MR. MICHALSKI: We should be able to,
21 yes.

22 COUNCILMAN LABRIOLA: Well, I think
23 that's something you should consider and maybe
24 consider that in your application for us to look
25 favorably upon this.

1 I think that would help me feel a
2 little better about the security aspects of it.

3 MR. MICHALSKI: Yes. So we're still
4 early on in the design process, but that is
5 something that's easy enough to do. We can just
6 change the orientation of the sensor, that will be
7 able to detect motion both in the lobby and into
8 the facility itself. We do have glass doors, so it
9 is easy enough to see through.

10 COUNCILMAN LABRIOLA: Thank you.

11 MR. MICHALSKI: Thank you.

12 COUNCILMAN LABRIOLA: I just -- I don't
13 know if Ms. Gaffney is coming back, I was just
14 going to ask her a quick question.

15 MR. ALVAREZ: Sure.

16 COUNCILMAN LABRIOLA: In terms of job
17 creation, hiring, is this something that you've
18 calculated yet, how many jobs would be created as a
19 result of -- after the construction, your permanent
20 job creation?

21 MS. GAFFNEY: Our permanent job
22 creation is anywhere from two to four employees.
23 It's relatively light.

24 COUNCILMAN LABRIOLA: Thank you.

25 SUPERVISOR SALADINO: Are there any

1 other questions for the applicant?

2 COUNCILMAN HAND: Just one question.

3 You talked about the shields for
4 lighting in a residential area and I'm just
5 questioning whether that is dark-sky compliant.

6 MR. PEVERARO: Yes. The lights are
7 dark-sky compliant. So there's no up lighting.
8 They're LED and they have the back light control.

9 COUNCILMAN HAND: Thank you.

10 SUPERVISOR SALADINO: Any other
11 questions?

12 COUNCILMAN LABRIOLA: Okay. I've got
13 one last question, then I'll be finished.

14 SUPERVISOR SALADINO: Council, no
15 problem.

16 COUNCILMAN LABRIOLA: Just another
17 question, Supervisor.

18 I'm not sure if you can answer this,
19 Mr. Alvarez. In terms of what the customers can
20 actually store in the units and for the amount of
21 time and -- is there -- are there restrictions as
22 far as hazardous waste, whatever, I'm just bringing
23 up any possible thing that could be stored there.
24 There must be some guidelines, right?

25 MS. GAFFNEY: Right.

1 Every renter is given, like, a rental
2 agreement, so it's actually an at-will agreement.
3 So we outline exactly what they can and cannot
4 store, that they cannot stay overnight, this not a
5 residential place and --

6 COUNCILMAN LABRIOLA: You know in
7 New York they sleep anywhere, right? I know your
8 principals are from South Carolina. I just want
9 them to understand our concerns here.

10 MS. GAFFNEY: No, no, no. That's true.

11 One of the things we'll do if a manager
12 like -- you just go through. If for some reason a
13 manager smells, let's say, fertilizer in a unit.
14 Fertilizer is a prohibited substance because it's
15 flammable. That tenant can be evicted for any
16 reason at any time.

17 So what they'll do is they'll ask the
18 tenant to raise the locker. If there's fertilizer,
19 they'll be asked to remove it. So that's an extra
20 security measure.

21 Something else I wanted to mention is
22 none of the units are equipped with electrical
23 plugs or outlets, which is I feel, like, helpful in
24 discouraging overnight guests.

25 COUNCILMAN LABRIOLA: Has anyone

1 inspected contents randomly?

2 Are the customers subject to inspection
3 by your employees?

4 MS. GAFFNEY: No.

5 Only if for any reason they smell or
6 suspect something via video surveillance.

7 Something else that's really common, people will
8 store their snowblowers, but because they're an
9 engine, those are prohibited as well.

10 So if we see it on camera or suspect
11 it's being loaded in, we'll ask for a visual
12 inspection of the unit and ask for it to be
13 removed, but only in that event.

14 COUNCILMAN LABRIOLA: And if you'd just
15 provide a list of all of the restrictions to the
16 Town Attorney's Office, so we can review that also.

17 MS. GAFFNEY: Absolutely. I'll provide
18 a copy of the agreement.

19 COUNCILMAN LABRIOLA: Thank you.

20 COUNCILWOMAN WALSH: Also, it may help
21 because there's no one there at 10:00 that works
22 there, maybe the fob has to -- when they leave, it
23 has to register that they've left that space,
24 anybody who's gone in until 10:00. Because if you
25 don't have a person working there, there is no way

1 to track if left the space and people could --

2 MS. GAFFNEY: Right. An entry time and
3 an exit time.

4 COUNCILWOMAN WALSH: Exactly. Maybe on
5 the fob or a code.

6 MS. GAFFNEY: That could be a system in
7 place, and I just wasn't well equipped to answer
8 that question yet.

9 I'll also provide that information in
10 the supplemental materials.

11 COUNCILWOMAN WALSH: Thank you.

12 SUPERVISOR SALADINO: Are there any
13 other questions from the Board?

14 (No verbal response.)

15 MS. GAFFNEY: Thank you very much.

16 MR. ALVAREZ: Thank you.

17 Just in conclusion, I'd just like to
18 say, I think with our presentation, we have
19 demonstrated that this project would be an asset to
20 the community to revitalize a property that has
21 been vacant for quite some time and will produce a
22 use that, again, won't -- will be aesthetically
23 pleasing, in addition, will produce very limited
24 impacts on the community.

25 Also, the benefits of the community,

1 not only in terms of job creation, but also in
2 terms of tax generation as well. Certainly, this
3 will put the property back into a more productive
4 use from that perspective as well.

5 So, I appreciate that and we look for a
6 favorable decision from this Board, but I know that
7 at this point, public comment will open it up to
8 that as well.

9 Thank you very much for your time.

10 SUPERVISOR SALADINO: Thank you for
11 your presentation.

12 Mr. Adelman, I don't have a slip from
13 you.

14 Have you demonstrated interest? Would
15 you please fill out a slip?

16 MR. ADELMAN: Not on this.

17 I didn't know what was going to be
18 said, so now I have a comment after hearing the
19 presentation.

20 SUPERVISOR SALADINO: Would you like to
21 comment on this hearing?

22 MR. ADELMAN: Yes.

23 SUPERVISOR SALADINO: Would you fill
24 out a slip, please, sir?

25 COUNCILMAN LABRIOLA: While we're

1 waiting, Supervisor, I just wanted to comment and
2 actually commend the applicant on the amount of
3 outreach you've done on this application. It
4 really sets a standard that I think a lot of
5 developers and other applicants who come before us
6 should make that effort to reach out.

7 I see that you've had multiple
8 meetings, you have a letter here representing eight
9 civic associations that are in favor of your
10 application, so I just want to say thank you for
11 that and congratulate you on that effort. I think
12 it helps us in deliberating.

13 SUPERVISOR SALADINO: Thank you.

14 MR. ADELMAN: Arthur Adelman,
15 110 Dubois Avenue, Sea Cliff, New York.

16 I'm a neighbor of this property. I'm
17 aware of this property. Just I know that the civic
18 associations are supporting it, haven't spoken to
19 George Halmar.

20 My only question regarding the benefits
21 to the community, the gentleman mentioned that he
22 will be generating taxes especially the important
23 school tax contributions.

24 So my question is: Will the applicant,
25 after hopefully they get their approval, will they

1 be seeking IDA relief to avoid paying the full tax
2 burden or will they be looking to get involved with
3 a pilot program?

4 I would like to hear from the applicant
5 now because I think it's a very important aspect of
6 any project going up today. If they're going to
7 ignore the IDA and they're going to spend their own
8 money on this, I think it's great, it's a double
9 benefit. If they're going to be seeking IDA aid, I
10 would -- I question the whole validity of the
11 thing.

12 The applicant should also know that
13 there is another storage facility that is just
14 being completed in Glen Cove on Sea Cliff Avenue
15 and Cedar Swamp Road. So there is another facility
16 nearby.

17 I'm just curious about if they are
18 going to be going in front of the IDA for tax
19 relief.

20 Thank you.

21 SUPERVISOR SALADINO: Counselor, as you
22 heard, the question came up about seeking --

23 MR. ALVAREZ: We did.

24 Mr. Supervisor, in consultation with my
25 client, no, they are not going to be seeking any

1 IDA funding on this.

2 SUPERVISOR SALADINO: We have no other
3 slips.

4 I'm going to assume no one else would
5 like to be heard on this application.

6 Would you like to conclude?

7 MR. ALVAREZ: Yes. I think just
8 similarly to what I've already said, we appreciate
9 your time in hearing us today, and we hope that
10 what we presented today provides a picture, which,
11 you know, hearing the comments, we hope we have.

12 Again, this project will be a good part
13 -- a good addition to the Glen Head community, and,
14 obviously, they look toward forward to getting
15 started straight away. We appreciate your time and
16 we look forward to your decision.

17 Thank you very much.

18 SUPERVISOR SALADINO: Counsel, we
19 appreciate the very thoroughness of your
20 application and your outreach to the residents in
21 the nearby surrounding communities.

22 Very much appreciated.

23 MR. ALVAREZ: Thank you.

24 SUPERVISOR SALADINO: As stated
25 earlier, we will be keeping the record open.

1 To that -- is there any correspondence?

2 MR. LaMARCA: The attorney for the
3 applicant has filed the Affidavit of Service and
4 Disclosure.

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

9 The Nassau County Land and Tax Map
10 indicates the property is Section 21, Block Q, Lot
11 446, 494 and 1829.

12 According to the Town of Oyster Bay
13 zoning maps, the property is located within a light
14 industry zone and an R17 residential zone.

15 There are no open or prior code
16 enforcement bureau cases; however, there are
17 variances in the Town Board Resolution on file.

18 There is no further correspondence.

19 SUPERVISOR SALADINO: May I have a
20 motion?

21 COUNCILWOMAN JOHNSON: Supervisor, I'll
22 make a motion that this hearing be closed.

23 The record be left open until
24 October 15th, thirty days, for public comment and
25 decision be reserved.

1 SUPERVISOR SALADINO: May I have a
2 second?

3 COUNCILMAN HAND: Second.

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

6 ALL: "Aye."

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

9 (No verbal response.)

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

12 MR. ALVAREZ: Thank you very much.

13 Have a good day.

14 SUPERVISOR SALADINO: Thank you very
15 much.

16 Would you kindly call the next hearing?

17 MR. LaMARCA: Take a break?

18 SUPERVISOR SALADINO: Do you need a
19 break?

20 (TIME NOTED: 11:34 A.M.)

21

22

23

24

25

TOWN BOARD
TOWN OF OYSTER BAY
REGULAR MEETING
September 15, 2020
12:07 p.m.

HEARING - P-6-20

To consider the application of Nassau Steel, LLC
d/b/a Gold Coast Studios, for a Special Use Permit
on premises located at 999 S. Oyster Bay Road,
Bethpage, New York. (M.D. 8/11/20 #24).

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEEN
Reporter/Notary Public

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

3 MR. LaMARCA: The last hearing today is
4 to consider the application of Nassau Steel, LLC,
5 doing business as Gold Coast Studios for a Special
6 Use Permit on the premises located at 999 South
7 Oyster Bay Road, Bethpage, New York.

8 MS. SIMONCIC: Good morning,
9 Mr. Supervisor and Members of the Town Board.

10 My name is Judy Simoncic. I'm an
11 attorney with the firm Forchelli Deegan Terrana
12 with offices at 333 Earle Ovington Boulevard in
13 Uniondale. I'm appearing on behalf of the
14 applicant this morning.

15 With me today is also Rob Eschbacher,
16 the applicant's traffic engineer with VHB
17 Engineering, Rich Muesch and Ray Caliendo with
18 Art-of-Form Architects. They are the architects of
19 record on this project, and Glenn Lostritto and
20 Lyndsey Lostritto, they are principals of Nassau
21 Steel, LLC. And also here today is Kevin Lumpe,
22 Director of Construction, also with Nassau Steel,
23 LLC.

24 The premises is known as 999 South
25 Oyster Bay Road in Bethpage, in the Bethpage

1 Business Park. It is designated on the Nassau
2 County Land and Tax Map as Section 46, Block G,
3 part of Lot 98. It has a total lot area of 9.479
4 acres.

5 As you can see on the site plan before
6 you, this is a smaller portion of the overall
7 Bethpage Business Park, which contains 84 acres.
8 The entire Bethpage Business Park is zoned light
9 industry under the Town Zoning District. The
10 premises is in an area that is zoned predominantly
11 light industry and surrounded by light industry
12 uses and properties, except for the Cambridge Court
13 Senior Housing Development located across South
14 Oyster Bay Road that is zoned RSC25.

15 The applicant, Gold Coast Studios,
16 occupies approximately 90,000 square feet of
17 existing space within the Bethpage Business Park
18 and is shown on the site plan before you on the
19 easel. We've highlighted the various area for ease
20 of reference.

21 As you can see on the plan, the areas
22 in green, those are the two studios that are used
23 for television and movie productions. These two
24 studios are the areas that are the subject of this
25 application this morning.

1 Studio 3, which is the larger
2 rectangular highlighted green on the map is --
3 contains a total area of 38,134 square feet.
4 That's designated Studio 3 on the plan. Studio 5,
5 which is the other area highlighted green shaped
6 like a square, contains a total area of 18,365
7 square feet. The area in peach, sort of neutral
8 color, is office area. That's approximately 15,225
9 square feet, and, finally, the area in yellow is
10 warehouse space, which contains approximately
11 17,385 square feet.

12 Now, all of these uses within these
13 buildings that are depicted on the plan are
14 permitted uses within the Light Industry District
15 As-of-Right. They legally exist today. We have
16 COs for all of the buildings that are on the plan
17 and on the property.

18 Gold Coast Studios has been using these
19 buildings for television and movie production since
20 2015. Some of the most acclaimed TV shows and
21 productions have taken place at this location such
22 as Kevin Can Wait, Ocean's 8, The Amazing Spiderman
23 2, Clifford the Big Red Dog. We all love Clifford.
24 The Defenders, produced by Marvel. I now love it
25 having a four and a half year old. And major

1 production companies are operating at this
2 facility, such as Columbia Pictures, Paramount,
3 Warner Brothers.

4 Now, turning to our request today, as I
5 indicated, all these uses are permitted
6 As-of-Right. However, once you incorporate live
7 audiences to a television or movie production,
8 under the Town code, you are deemed a theater as
9 that term is defined in the code.

10 The term is defined as "Any premises
11 normally used for spectator presentation, such
12 cinema, playhouse or a concert hall."

13 So, therefore, under the schedule of
14 uses, we, therefore, require a special permit from
15 this Board to have live audiences in Studios 3 and
16 4, which are, again, highlighted in green.

17 What we're asking for today is
18 permission to have up to 700 seats in Studio 3, and
19 up to 200 seats in Studio 5.

20 Now, in terms of the way these studios
21 operate, generally production companies come --
22 they first enter into a license agreement or a
23 lease for each of these studios. The license or
24 lease could be for a couple of months or it could
25 extend to a year or more. During that time,

1 productions are set up. Studio -- I'm sorry, the
2 sets are fabricated and assembled actually on site.

3 I don't know if any of you have ever
4 visited Gold Coast Studios, it's an unbelievable
5 facility and what they do there and what these
6 production companies build is truly incredible.
7 The detail and how they are -- they reproduce
8 live -- whatever they are producing at the moment,
9 they're producing there and it's really amazing.

10 So after the facilities are -- sets are
11 built, actors come in and they film. The length of
12 time of the filming obviously depends on the
13 production. So what Gold Coast is seeking to do is
14 have live audiences to come in during filming of TV
15 productions.

16 Generally, the live audiences only
17 attend TV productions, not movie productions. They
18 will typically be present one or two times a week,
19 depending upon the production. At other times
20 during the week, they're rehearsing and filming,
21 but live audiences are expected to be present
22 approximately one to two times a week.

23 They would generally be invited to the
24 attend the shootings. This is not open to the
25 public as is -- so we don't have spectators. There

1 are no fixed seats. The seating changes with each
2 production, so it's a very fluid situation. Again,
3 what we also expect is that live audiences would be
4 in the building approximately two to three hours at
5 any given time to watch a show being filmed.

6 Now, currently, right now Studio 3 is
7 leased to HBO and they're filming The Gilded Age in
8 that studio. Studio 5, the other stage where we're
9 seeking to have live audience is currently being
10 leased to Netflix. They're filming a new show
11 called The Crew, which is a take on life of a pit
12 crew on a race track. It's a comedy starring Kevin
13 James.

14 Currently, Netflix also leases Studios
15 4 and 6, which are the other two areas on the plan.

16 Again, in terms of the request today,
17 obviously, due to COVID, we can't have live
18 audiences there today, but we're looking to have
19 that ability hopefully very soon in the future when
20 it is safe to have live audiences on the premises.

21 With respect to the property itself,
22 we're not proposing any changes to the buildings or
23 to the site. We did go through a site plan review
24 with the Department of Planning and Development.
25 They have made some minor recommendations, some

1 minor striping, and we're going to be adding two
2 refuse containers to the site, but there are no
3 major physical changes to this property.

4 If anyone's visited the site, it's
5 beautifully landscaped, everything fully complies
6 with the Town code. It is well-maintained. We did
7 go through DER. This proposed project is deemed a
8 Type 2 action, which means it's automatically
9 deemed to not to have any adverse impact on the
10 environment. That determination, recommendation,
11 was made to this Board by DER.

12 At this point, if the Board doesn't
13 have any questions of me, I'd like to have
14 Mr. Eschbacher address the Board with respect to
15 parking and traffic and his observations of what we
16 determined with respect to the proposed
17 application.

18 Bob?

19 MR. ESCHBACHER: Good afternoon,
20 Supervisor Saladino and Members of the Town Board.

21 My name is Robert Eschbacher with VHB
22 Engineering. My office is located at 100 Motor
23 Parkway in Hauppauge.

24 I've been retained by the applicant to
25 review traffic and parking aspects relating to the

1 request for Special Use Permit and site plan
2 approval for the Gold Coast Studios in Bethpage.

3 First, with respect to traffic as
4 you've heard from Ms. Simoncic, on weekdays the
5 studios would generally have their audiences during
6 the evening. This is when the associated arrivals
7 of audiences would be in the opposite direction of
8 employees leaving from other buildings in the
9 business park. The departing audience traffic flow
10 would occur much later when the general traffic
11 volumes in the area are much, much lower.

12 If there are any filming with audiences
13 on weekends, these would occur when the nearby
14 buildings are either closed or operating at a much
15 reduced manner. It is important to note that, by
16 contrast, if the live audience base were instead
17 used for As-of-Right office or industrial uses, the
18 resulting traffic volumes, including truck traffic,
19 would overlap with the regular commuting periods.

20 And also, these other permitted uses
21 would operate in multiple daily shifts around the
22 clock, seven days a week. With the live audiences,
23 it is a much lower activity level, much less
24 frequent, and occurs in the off-peak hours.

25 With respect to parking, the studios

1 and the overall site provide an excess of parking
2 over the Town code requirements. There are 2,325
3 parking spaces are provided, well in excess of the
4 2,196 required by the code. As a result, a parking
5 variance will not be required.

6 In summary, based upon the results of
7 my study and analysis, it is my professional
8 opinion that permitting live audiences for the
9 studios will not result in any significant impact
10 on traffic or parking conditions, and I recommend
11 that the Special Use Permit and site plan be
12 approved.

13 I'd be happy to answer any questions
14 the Board may have.

15 Thank you.

16 MS. SIMONCIC: I would just reiterate
17 that everything that's occurring on site is
18 indoors. It's all contained within the existing
19 buildings.

20 I guess just to sum up, Gold Coast
21 Studios has become a valuable asset to the Town,
22 not only bringing it notoriety to the Town of
23 Oyster Bay for all of these amazing productions
24 that are taking place at this facility, but it's
25 bringing jobs to the Town as well as people to come

1 to shop, to dine. This will further enhance that
2 ability.

3 People that want to go to a live show
4 will come see it as a night out. They come early,
5 they'll go to a local restaurant or what have you,
6 and then come and see the show and then leave.
7 It's a good thing for everybody.

8 Essentially, in conclusion, as Bob
9 Eschbacher testified, there's more than sufficient
10 parking for this live audiences, and we believe
11 that it will not have any adverse impact on
12 surrounding properties, and respectfully request
13 that the Board approve the application.

14 I'm happy to answer any questions. We
15 have representatives here. If you have any
16 questions, we're happy to answer those.

17 SUPERVISOR SALADINO: Council?

18 COUNCILMAN LABRIOLA: I just wanted to,
19 first of all, make a comment and have a question.

20 I'm very excited to hear the kind of
21 activity that's taking place in our Town and right
22 in Bethpage, and that they've really turned this
23 warehouse community, I should say, what it was,
24 into something really bustling, very exciting. So
25 that much, I think I can speak for all of us when I

1 say that I think we're all very excited about that.

2 But I'm looking at Studio Number 3 and
3 I'm very curious because I see you have a
4 contestant stage, you have a judge's platform, and,
5 of course, there's an audience there.

6 Are you at liberty to tell us which
7 talent show is coming to Bethpage?

8 MS. SIMONCIC: I'm going to have Kevin
9 Lumpe address the Board on that.

10 MR. LUMPE: Good morning, guys.

11 Kevin Lumpe, 999 South Oyster Bay Road,
12 Nassau Steel, LLC, as Judy mentioned earlier.

13 This is just an example of what we
14 would have. We don't have any particular shows
15 that we're even talking to right now. I wish we
16 did, but we don't. You know, this is a funny time.

17 The Gilded Age is in there until a
18 period in the future. Hopefully, they stay in
19 there a number of years as they get picked up and
20 keep running. As Judy mentioned, The Crew's in the
21 other stage now as well.

22 So we're fully occupied now, and the
23 crews are in there doing their thing, getting
24 ready, and shooting, actually, but we don't have
25 any live shows that we're speaking to, and what you

1 see in there is just a depiction of what may be
2 there. That would be a set for maybe America's Got
3 Talent, for instance, or something like that. So
4 we use it as an example. The number of seats is
5 what we're really seeking the Special Use Permit
6 for.

7 COUNCILMAN LABRIOLA: Okay. So it
8 could be any of those talent shows that we're
9 familiar with at this point? You're actually
10 trying to -- I guess you would try to lease with
11 the companies that host these talent shows?

12 MR. LUMPE: Yes. If someone came to us
13 and they had the need and it fits into the schedule
14 of what's going on with other productions, we'd
15 entertain almost anything within reason, yes.

16 COUNCILMAN LABRIOLA: I'm happy to hear
17 that. I know we have a lot of talent in the Town
18 of Oyster Bay. I know we have a drummer amongst
19 us. I think we should put in the restrictive
20 covenants, actually, that maybe that you cannot
21 compete in this.

22 All kidding aside. I don't see him
23 smiling. I can't tell, but he is laughing.

24 SUPERVISOR SALADINO: Councilman, this
25 is for a tremendously high level of talent, not for

1 someone who just enjoys it as an avocation.

2 COUNCILMAN LABRIOLA: I get it. But I
3 know we have our own talent show in the Town of
4 Oyster Bay that we host every year, and I know how
5 exciting it would be for our residents to be able
6 to participate in something so local.

7 SUPERVISOR SALADINO: Are there any
8 other questions of the Board?

9 COUNCILWOMAN WALSH: Actually, for the
10 exterior area, as I mentioned to you before, thank
11 you so much. I'm very familiar with the area and
12 it's depressed right now, and I told you -- thank
13 you very much. There was a lot of garbage, and we
14 called you up and within hours the whole outside
15 was done to the studios that are there now.

16 I'm sure you'll continue with this new
17 space to, especially on the outside, maybe make it
18 easy for the employees to get something to eat
19 across the street and come back with it and, you
20 know, have enough garbage cans and cleaning,
21 maintenance in area to keep it like that.

22 Continue.

23 MR. LUMPE: Absolutely. We're a
24 stakeholder in the area, as you may or may not
25 know, and the owners are here, the principals are

1 here, two of them anyway, and they take a lot of
2 pride in this.

3 This is something -- and I'm with the
4 company 21 years, and they take pride in making
5 sure it's presentable and it's where people want to
6 be. It is something that we, you know, we take
7 true to heart, and it shows. If you come to
8 property -- we welcome that, by the way, come see
9 what is going on.

10 COUNCILWOMAN WALSH: That wasn't even
11 your property all the way down to Bethpage Park.

12 MR. LUMPE: You're right. It wasn't.

13 COUNCILWOMAN WALSH: I noticed that you
14 went all the way around by the other company. So
15 we appreciate that. Thank you.

16 MR. LUMPE: Thank you.

17 SUPERVISOR SALADINO: Counselor, one
18 question that I have just for clarity purposes.

19 You've been asking for a number of
20 seats. 700 seats in Studio 3.

21 How many in Studio 5?

22 MS. SIMONCIC: 200.

23 SUPERVISOR SALADINO: 200. But these
24 seats would not be utilized until the State tells
25 us all it's safe --

1 MS. SIMONCIC: That is correct.

2 SUPERVISOR SALADINO: -- for people to
3 be this close to one other and social distancing?

4 MS. SIMONCIC: Absolutely, Supervisor.

5 SUPERVISOR SALADINO: Thank you,
6 Counselor.

7 MS. SIMONCIC: Just for the record, we
8 would also require public assembly permit from the
9 Town as well in order to occupy.

10 But, yes, it will not occur until the
11 Governor lifts the order and we're safe to do that.

12 SUPERVISOR SALADINO: Thank you,
13 Counselor.

14 MS. SIMONCIC: I have nothing further.

15 SUPERVISOR SALADINO: Are there any
16 other questions?

17 (No verbal response.)

18 SUPERVISOR SALADINO: Okay. I am
19 checking the slips. I don't believe anyone has
20 filled out a slip to be heard on this. So that
21 leads me to believe no one from the public would
22 like to be heard on this application.

23 Town Clerk, can you give us some
24 information on postings and correspondence?

25 MR. LaMARCA: The attorney for the

1 applicant has filed the Affidavit of Service and
2 Disclosure.

3 The communications are as follows: We
4 have memos from the Department of Planning and
5 Development, including a review of the required
6 off-street parking. The Nassau County Land and Tax
7 Map indicates the property is Section 46, Block G,
8 Lot 98.

9 According to the Town of Oyster Bay
10 zoning maps, the property is located within a Light
11 Industry Zone. There is an open code compliance
12 case as well as a variance on file. There is no
13 further correspondence.

14 SUPERVISOR SALADINO: May I have a
15 motion?

16 COUNCILWOMAN JOHNSON: Supervisor, I
17 make a motion that this public hearing be closed.

18 The record stay open for 30 days until
19 October 15th for public comment and decision be
20 reserved.

21 COUNCILMAN HAND: Second.

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

24 ALL: "Aye."

25 SUPERVISOR SALADINO: Those opposed,

1 "Nay."

2 (No verbal response.)

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

5 Thank you.

6 Do you need a break?

7 THE STENOGRAPHER: No, thank you.

8 SUPERVISOR SALADINO: Thank you to the
9 applicants and their representatives. We
10 appreciate your time today.

11 (TIME NOTED: 12:26 P.M.)

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TOWN BOARD
TOWN OF OYSTER BAY
ACTION CALENDAR
September 15, 2020
12:27 p.m.

JOSEPH SALADINO
SUPERVISOR

RICHARD LaMARCA
TOWN CLERK

P R E S E N T:

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

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

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

Minutes of the meeting
taken by:

HOLLY DALOIA OSTEEN
Reporter/Notary Public

1 SUPERVISOR SALADINO: Would you please
2 proceed with our regular Action Calendar?

3 MR. LaMARCA: Yes, Supervisor.

4 We have one Resolution that we're going
5 to -- we're going to remove one Resolution from the
6 calendar, Supervisor.

7 So may I have a motion to table
8 Resolution No. 471-2020, please?

9 COUNCILWOMAN JOHNSON: So moved.

10 COUNCILMAN HAND: Second.

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

13 Seconded by Councilman Hand.

14 On the vote, Supervisor Saladino?

15 SUPERVISOR SALADINO: "Aye."

16 MR. LaMARCA: Councilwoman Johnson?

17 COUNCILWOMAN JOHNSON: "Aye."

18 MR. LaMARCA: Councilman Imbroto?

19 COUNCILMAN IMBROTO: "Aye."

20 MR. LaMARCA: Councilman Hand?

21 COUNCILMAN HAND: "Aye."

22 MR. LaMARCA: Councilman Labriola?

23 COUNCILMAN LABRIOLA: "Aye."

24 MR. LaMARCA: Councilwoman Maier?

25 COUNCILWOMAN MAIER: "Aye."

1 MR. LaMARCA: Councilwoman Walsh?

2 COUNCILWOMAN WALSH: "Aye."

3 MR. LaMARCA: Motion to table

4 Resolution No. 471-2020 passes with seven "Ayes."

5 We have some Resolutions that have been
6 added to the calendar.

7 May I have a motion, please, to suspend
8 the rules and add Resolution Nos. 504, 505,
9 506-2020?

10 COUNCILWOMAN JOHNSON: So moved.

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

13 COUNCILMAN HAND: Second.

14 MR. LaMARCA: Seconded by Councilman
15 Hand.

16 On the vote, Supervisor Saldino?

17 SUPERVISOR SALADINO: "Aye."

18 MR. LaMARCA: Councilwoman Johnson?

19 COUNCILWOMAN JOHNSON: "Aye."

20 MR. LaMARCA: Councilman Imbroto?

21 COUNCILMAN IMBROTO: "Aye."

22 MR. LaMARCA: Councilman Hand?

23 COUNCILMAN HAND: "Aye."

24 MR. LaMARCA: Councilman Labriola?

25 COUNCILMAN LABRIOLA: "Aye."

1 MR. LaMARCA: Councilwoman Maier?

2 COUNCILWOMAN MAIER: "Aye."

3 MR. LaMARCA: Councilwoman Walsh?

4 COUNCILWOMAN WALSH: "Aye."

5 MR. LaMARCA: Motion to suspend the
6 rules and add Resolution Nos. 504, 505 and 506-2020
7 passes with seven "Ayes."

8 We have a couple Walk-on Resolutions.

9 May I have a motion to resuspend the
10 rules and add the following Walked-on Resolutions
11 Nos. 507 and 508-2020?

12 Let me just state before we go to that
13 motion that 507 is a Resolution authorizing payment
14 for professional services pertaining to COVID
15 testing, and Resolution No. 508 is a Resolution
16 directing that, me, the Town Clerk, to advertise a
17 notice of in connection with proposed local law
18 entitled a Local Law to Amend Chapter 184, Public
19 Nuisance of the Code of the Town Oyster Bay,
20 New York with a hearing date October 6, 2020.

21 On the motion, please?

22 COUNCILWOMAN JOHNSON: So moved.

23 COUNCILMAN HAND: Second.

24 MR. LaMARCA: Motion made by
25 Councilwoman Johnson.

1 Seconded by Councilman Hand.
2 On the vote? On the vote?
3 SUPERVISOR SALADINO: Will you call us
4 by name?
5 MR. LaMARCA: Supervisor Saldino?
6 SUPERVISOR SALADINO: "Aye."
7 MR. LaMARCA: Councilwoman Johnson?
8 COUNCILWOMAN JOHNSON: "Aye."
9 MR. LaMARCA: Councilman Imbroto?
10 COUNCILMAN IMBROTO: "Aye."
11 MR. LaMARCA: Councilman Hand?
12 COUNCILMAN HAND: "Aye."
13 MR. LaMARCA: Councilman Labriola?
14 COUNCILMAN LABRIOLA: "Aye."
15 MR. LaMARCA: Councilwoman Maier?
16 COUNCILWOMAN MAIER: "Aye."
17 MR. LaMARCA: Councilwoman Walsh?
18 COUNCILWOMAN WALSH: "Aye."
19 MR. LaMARCA: Motion to resuspend the
20 rules of procedure and add Walk-on Resolutions 507
21 and 508-2020 passes with seven "Ayes."
22 May I have a motion, please, to adopt
23 Resolutions Nos. P-14-20 through 508-2020 noting
24 that Resolution No. 471-2020 has been removed from
25 the calendar.

1 **PERSONNEL RESOLUTION NO. P-14-20 and**
2 **PA-9-20;** Resolution pertaining to personnel of
3 various departments within the Town of Oyster Bay.

4 **TRANSFER OF FUNDS RESOLUTION NO.**
5 **TF-13-20;** Resolution pertaining to transfer of
6 funds within various departments' accounts for the
7 Year 2020.

8 **RESOLUTION NO. 451-2020;** Resolution
9 pertaining to Contract No. PWC 022-20, On-Call
10 Engineering Services relative to contract
11 administration and construction inspection for
12 masonry repointing and window replacement at Town
13 Hall North, 54 Audrey Avenue, Oyster Bay. Account
14 No. DGS H 1997 20000 000 2010 002. (M.D. 8/11/20
15 #15).

16 **RESOLUTION NO. 452-2020;** Resolution
17 authorizing issuance of a refund to the Alzheimer's
18 Disease Resource Center for the cancellation of
19 their Walk for Alzheimer's event due to the
20 COVID-19 pandemic. Account No. PKS A 0001 02410 000
21 0000. (M.D. 8/18/20 #5).

22 **RESOLUTION NO. 453-2020;** Resolution
23 authorizing issuance of a refund to J. Dunbar for a
24 Summer Recreation Camp registration fee. Account
25 No. PKS A 0001 02001 510 0000. (M.D. 8/18/20 #6).

1 **RESOLUTION NO. 454-2020;** Resolution
2 authorizing issuance of a refund to K. Halleran for
3 a Summer Recreation Camp registration fee. Account
4 No. PKS A 0001 02001 510 0000. (M.D. 8/18/20 #7).

5 **RESOLUTION NO. 455-2020;** Resolution
6 authorizing issuance of a refund to Holy Family
7 Parish, Hicksville, for a Showmobile fee for an
8 event that was cancelled due to the COVID-19
9 pandemic. Account No. PKS A 0001 02414 000 0000.
10 (M.D. 8/18/20 #8).

11 **RESOLUTION NO. 456-2020;** Resolution
12 authorizing issuance of a refund to M. Ferencz for
13 a Syosset pool membership. Account No. PKS SP11
14 0001 02025 528 0000. (M.D. 8/18/20 #9).

15 **RESOLUTION NO. 457-2020;** Resolution
16 authorizing issuance of a refund to S. Navaretta
17 for the Summer Recreation Camp registration fee for
18 two children. Account No. PKS A 0001 02001 510
19 0000. (M.D. 8/18/20 #10).

20 **RESOLUTION NO. 458-2020;** Resolution
21 authorizing issuance of a refund to the American
22 Parkinson Disease Association for the cancellation
23 of their APDA Long Island Optimism Walk due to the
24 COVID-19 pandemic. Account No. PKS A 0001 02410
25 000 0000. (M.D. 8/18/20 #11).

1 **RESOLUTION NO. 459-2020;** Resolution
2 authorizing issuance of a refund to E. Raia for the
3 Summer Recreation Camp registration fee. Account
4 No. PKS A 0001 02001 510 0000. (M.D. 8/18/20 #12).

5 **RESOLUTION NO. 460-2020;** Resolution
6 authorizing acceptance of a memorial plaque and
7 bench from C. McEvoy, to be placed in Theodore
8 Roosevelt Memorial Park in memory of Robert P.
9 McEvoy. (M.D. 8/18/20 #13).

10 **RESOLUTION NO. 461-2020;** Resolution
11 authorizing the option to renew the agreement for
12 Electronic Security Assessment Services for the
13 period August 20, 2020 through August 19, 2021.
14 Account No. DIG A 1345 44900 000 0000. (M.D.
15 8/18/20 #19).

16 **RESOLUTION NO. 462-2020;** Resolution
17 authorizing issuance of a refund to M. Guardado for
18 a Building Permit fee. Account No. PAD B 0001
19 02555 000 0000. (M.D. 8/18/20 #20).

20 **RESOLUTION NO. 463-2020;** Resolution
21 pertaining to Requirements Contract for Fence
22 Replacement at Various Locations throughout the
23 Town of Oyster Bay, under Contract No. HFR 18-172.
24 (M.D. 8/18/20 #21).

25 **RESOLUTION NO. 464-2020;** Resolution

1 pertaining to Contract No. PWC 22-20, On-Call
2 Engineering Services relative to Architecture and
3 to authorize use of sub-consultants for Civil
4 Engineering Services for the Town of Oyster Bay
5 Golf Course Storage Building relative to Contract
6 No. DP19-201. Account No. PKS H 7197 20000 000
7 1902 001. (M.D. 8/18/20 #22).

8 **RESOLUTION NO. 465-2020;** Resolution
9 authorizing the issuance of refunds to various
10 participants of the In-House Spring Hockey League,
11 due to COVID-19. Account No. PKS A 0001 02001 510
12 0000. (M.D. 8/25/20 #4).

13 **RESOLUTION NO. 466-2020;** Resolution
14 pertaining to a site plan review and approval for
15 McDonalds, 5500 Sunrise Highway, Massapequa,
16 New York. (M.D. 8/25/20 #8).

17 **RESOLUTION NO. 467-2020;** Resolution
18 pertaining a site plan review and approval for
19 Nassau Candy, 300 Duffy Avenue, Hicksville,
20 New York. (M.D. 8/25/20 #9).

21 **RESOLUTION NO. 468-2020;** Resolution
22 pertaining to the New York State Department of
23 Environmental Conservation for the payment of
24 Brownfield Cleanup Program Fees relative to the
25 Bethpage Community Park. Account No. PKS H 7197

1 2000 000 0606 001. (M.D. 8/25/20 #11).

2 **RESOLUTION NO. 469-2020;** Resolution
3 authorizing a second one-year extension of Contract
4 No. HRR17-154, Road Restoration throughout the Town
5 of Oyster Bay, at the same prices, conditions and
6 terms provided for in the present contract,
7 commencing October 3, 2020 through October 2, 2021.
8 (M.D. 8/25/20 #12).

9 **RESOLUTION NO. 470-2020;** Resolution
10 authorizing renewal of the agreement for Automated
11 Vendor Monitoring Services for the period August
12 20, 2020 through August 19, 2021; Account No. DIG A
13 1345 44900 000 0000. (M.D. 8/25/20 #13).

14 **RESOLUTION NO. 472-2020;** Resolution
15 authorizing the 2020 Halloween Movies by Moonlight
16 Drive-in Edition at on various dates and locations;
17 Account No. CYS A 7020 41800 000 0000 and CYS A
18 7020 45100 000 0000. (M.D. 9/1/20 #4).

19 **RESOLUTION NO. 473-2020;** Resolution
20 authorizing a new schedule and fee for the
21 Pre-School Programs and for the Commissioner to
22 process refunds for activities that do not
23 materialize. Account No. CYS A 0001 02001 511
24 0000. (M.D. 9/1/20 #5).

25 **RESOLUTION NO. 474-2020;** Resolution

1 authorizing acceptance of a memorial plaque and
2 bench to be placed in Marjorie R. Post Community
3 Park, from N. Foehrenbach, in memory of Edwin Wulf.
4 (M.D. 9/1/20 #6).

5 **RESOLUTION NO. 475-2020;** Resolution
6 authorizing acceptance of two memorial plaques and
7 a bench to be placed in Philip B. Healy Beach at
8 Florence Avenue, from D. Ragusa, in memory of Nancy
9 Bernheim. (M.D. 9/1/20 #8).

10 **RESOLUTION NO. 476-2020;** Resolution
11 authorizing the Department of General Services to
12 advertise surplus equipment for competitive bid
13 sale or public auction as required by the Town
14 Surplus Policy, Resolution No. 415-2018. (M.D.
15 9/1/20 #9).

16 **RESOLUTION NO. 477-2020;** Resolution
17 authorizing the Supervisor, or his designee, to
18 enter into an Agreement for Community Development
19 Block Grant CV funding with YES Community
20 Counseling Center, Inc., in connection with
21 additional Social Workers to meet the demand caused
22 by the pandemic, for the period March 13, 2020
23 through August 31, 2022. Account No. IGA CD 8676
24 48280 745 CV20. (M.D. 9/1/20 #12).

25 **RESOLUTION NO. 478-2020;** Resolution

1 authorizing the Supervisor, or his designee, to
2 enter into an Agreement for Community Development
3 Block Grant CV funding with the Boys & Girls Club
4 of Oyster Bay/East Norwich, Inc., in connection
5 with Sanitizing/ Disinfecting Cleaners Staff,
6 Building Maintenance Staff and extra staff to
7 enforce social distancing, for the period March 13,
8 2020 through August 31, 2022. Account No. IGA CD
9 8676 48280 741 CV20. (M.D. 9/1/20 #13).

10 **RESOLUTION NO. 479-2020;** Resolution
11 authorizing for the Supervisor, or his designee, to
12 enter into an Agreement for Community Development
13 Block Grant CV funding with Grenville Baker Boys &
14 Girls Club, Inc., in connection with Social Workers
15 and Supplies for Cleaning and Sanitation, for the
16 period March 13, 2020 through August 31, 2022.
17 Account No. IGA CD 8676 48280 743 CV20. (M.D.
18 9/1/20 #14).

19 **RESOLUTION NO. 480-2020;** Resolution
20 authorizing the Supervisor, or his designee, to
21 enter into an Agreement for Community Development
22 Block Grant CV funding with Doubleday Babcock
23 Senior Center, Inc. d/b/a The Life Enrichment
24 Center, in connection with Personal Protective
25 Equipment, Health Assessment and Monitoring and

1 Social Distancing related expenses, for the period
2 March 13, 2020 through August 31, 2022. Account
3 No. IGA CD 8676 48280 740 CV 20. (M.D. 9/1/20 #15).

4 **RESOLUTION NO. 481-2020;** Resolution
5 authorizing issuance of a refund of a building
6 permit fee to Luxury Custom Properties. Account
7 No. PAD B 0001 02555 000 0000. (M.D. 9/1/20 #16).

8 **RESOLUTION NO. 482-2020;** Resolution
9 pertaining to an amended site plan approval for PJA
10 250 Crossways Park, LLC, 250 Crossways Park Drive,
11 Woodbury, New York. (M.D. 9/1/20 #17).

12 **RESOLUTION NO. 483-2020;** Resolution
13 authorizing payment of costs incurred in connection
14 with the 2020 BAN/Bond Sale Expenses. (M.D. 9/1/20
15 #18).

16 **RESOLUTION NO. 484-2020;** Resolution
17 directing the Town Clerk to publish a Notice of
18 Hearing in connection with the application of
19 Stavan Center L.P., fee owner, and Kang Lu USA
20 Corp. D/b/a MoCA Asian Bistro, tenant, for a
21 Special Use Permit to allow an increase in the
22 permitted occupancy at premises located at the
23 Northeast corner of Jericho Turnpike and Southwoods
24 Road, Woodbury, New York. Hearing Date: October 6,
25 2020. (M.D. 9/1/20 #19).

1 **RESOLUTION NO. 485-2020;** Resolution
2 ratifying the actions of the Town Clerk in
3 publishing a revised Notice of Hearing to add a
4 third remote location for the simulcasting of the
5 hearing, in connection with the application of
6 Seritage SRC Finance LLC, for a Special Use Permit
7 and Site Plan Approval for premises located at
8 195 N. Broadway, Hicksville, New York. Hearing
9 Date: September 17, 2020. (M.D. 9/1/20 #20).

10 **RESOLUTION NO. 486-2020;** Resolution
11 directing the Town Clerk to publish a Notice of
12 Hearing in connection with the application of Engel
13 Burman at Bethpage, LLC, contract vendee, for a
14 Site Plan Approval and Modification of Restrictive
15 Covenants to allow for the construction and
16 operation of an assisted living facility at
17 premises located at 1055 Stewart Avenue, Bethpage,
18 New York. Hearing Date: October 6, 2020. (M.D.
19 9/1/20 #21).

20 **RESOLUTION NO. 487-2020;** Resolution
21 directing the Town Clerk to publish a Notice of
22 Hearing in connection with the application of
23 Nakanant Realty Corp., fee owner and Ted Ned, Inc.,
24 d/b/a Cotillion, tenant, for a Special Use Permit
25 to allow catering use at premises located at

1 440 Jericho Turnpike, Jericho, New York. Hearing
2 Date: October 6, 2020. (M.D. 9/1/20 #22).

3 **RESOLUTION NO. 488-2020;** Resolution
4 authorizing the property cleanup assessment of
5 35 Gardner Avenue, Hicksville, New York, performed
6 on June 19, 2020, be referred to the County of
7 Nassau for placement on the Nassau County Tax
8 Assessment Rolls. (M.D. 9/1/20 #23).

9 **RESOLUTION NO. 489-2020;** Resolution
10 authorizing the property cleanup assessment of
11 7 Quail Run, Old Westbury, New York, which was
12 demolished on December 7, 2019, be referred to the
13 County of Nassau for placement on the Nassau County
14 Tax Assessment Rolls. (M.D. 9/1/20 #24).

15 **RESOLUTION NO. 490-2020;** Resolution
16 authorizing the property cleanup assessment of
17 45 Ninth Street, Hicksville, New York, performed on
18 June 12, 2020, be referred to the County of Nassau
19 for placement on the Nassau County Tax Assessment
20 Rolls. (M.D. 9/1/20 #25).

21 **RESOLUTION NO. 491-2020;** Resolution
22 authorizing the property cleanup assessment of
23 434 Briarwood Road, Massapequa, New York, performed
24 on July 7, 2020, be referred to the County of
25 Nassau for placement on the Nassau County Tax

1 Assessment Rolls. (M.D. 9/1/20 #26).

2 **RESOLUTION NO. 492-2020;** Resolution
3 authorizing the property cleanup assessment of
4 101 Grohmans Lane, Plainview, New York, performed
5 on June 22, 2020, be referred to the County of
6 Nassau for placement on the Nassau County Tax
7 Assessment Rolls. (M.D. 9/1/20 #27).

8 **RESOLUTION NO. 493-2020;** Resolution
9 authorizing the property cleanup assessment of
10 28 Pickwick Drive, Old Bethpage, New York,
11 performed on June 22, 2020, be referred to the
12 County of Nassau for placement on the Nassau County
13 Tax Assessment Rolls. (M.D. 9/1/20 #28).

14 **RESOLUTION NO. 494-2020;** Resolution
15 authorizing award of Construction Contract No.
16 H18-171-P2, Massapequa Flood Diversion and Control
17 Project #2 Outfall 109 (Seneca Place). Account No.
18 IGA CD 8689 27000 553 CN17. (M.D. 9/1/20 #31).

19 **RESOLUTION NO. 495-2020;** Resolution
20 pertaining to Contract No. PWC07-20, On-Call
21 Engineering relative to Civil Engineering, in
22 connection with boundary topography and utility
23 survey and drainage design for Parking Field O-3,
24 and for the use of sub-consultants for surveying
25 and soil borings. Account No. DPW H 5197 20000 000

1 2003 008. (M.D. 9/1/20 #33).

2 **RESOLUTION NO. 496-2020;** Resolution
3 pertaining to Contract No. PWC07-20, On-Call
4 Consultant relative to Civil Engineering, in
5 connection with design, bid and construction
6 inspection regarding the replacement of the
7 synthetic turf field at John A. Walker Memorial
8 Park. Account No. PKS H 7197 20000 000 2002 001.
9 (M.D. 9/1/20 #34).

10 **RESOLUTION NO. 497-2020;** Resolution
11 pertaining to Contract No. PWC15-20, On-Call
12 Engineering Services relative to Transportation
13 Engineering, in connection with Pavement Assessment
14 and Management Update. Account No. HWY H 5197
15 20000 000 2003 008. (M.D. 9/1/20 #35).

16 **RESOLUTION NO. 498-2020;** Resolution
17 granting request of Locust Valley Chamber of
18 Commerce, for Town assistance in conducting their
19 15th Annual Harvest Festival on October 17, 2020,
20 for use of Municipal Parking Lot LV-2 and for the
21 use of various Town equipment. (M.D. 9/1/20 #40).

22 **RESOLUTION NO. 499-2020;** Resolution
23 pertaining to settlement of negligence claim.
24 Claimant GEICO a/s/o Silke Ulryke Klausing Schade.
25 Matter ID. No. 2020-7537. Account No. TWN AMS

1 1910 43020 602 0000 000. (M.D. 9/1/20 #42).

2 **RESOLUTION NO. 500-2020;** Resolution
3 ratifying payment of a Public Employee Safety &
4 Health Assessment. Account No. OTA A 1420 44110
5 000 0000. (M.D. 9/1/20 #43).

6 **RESOLUTION NO. 501-2020;** Resolution
7 authorizing an extension of the Inter-Municipal
8 Agreement with the Incorporated Village of Laurel
9 Hollow for highway cleaning services, for the
10 period July 1, 2020 through June 30, 2021, and for
11 the Supervisor, or his designee to execute said
12 Agreement. (M.D. 9/1/20 #44).

13 **RESOLUTION NO. 502-2020;** Resolution
14 pertaining to Contract No. PWC31-20, On-Call
15 Engineering relative to Operation and Development
16 of the Old Bethpage Solid Waste Disposal Complex.
17 Account No. DER H 8797 20000 000 1906 015. (M.D.
18 9/1/20 #32 & 9/8/20 #8).

19 **RESOLUTION NO. 503-2020;** Resolution to
20 secure flood insurance from the National Flood
21 Insurance Program on thirty-eight Town buildings,
22 for a one-year period from September 18, 2020
23 through September 18, 2021. Account No. TWN AMS
24 1910 43010 602 0000 000. (M.D. 9/1/20 #41 & 9/8/20
25 #15).

1 **RESOLUTION NO. 504-2020;** Resolution
2 authorizing an increase for Independent Medical
3 Examinations and directing the Comptroller to make
4 payment to satisfy outstanding invoices. Account
5 Nos. TWN AMS 1910 43010 602 0000 000 and TWN AMS
6 1910 43020 602 0000 000. (M.D. 9/8/20 #6).

7 **RESOLUTION NO. 505-2020;** Resolution
8 authorizing the Department of General Services to
9 advertise the items for competitive bid or public
10 auction. (M.D. 9/8/20 #13).

11 **RESOLUTION NO. 506-2020;** Resolution
12 authorizing renovations to the Earle-Wightman
13 House, Oyster Bay, which will be funded by Nassau
14 County. (M.D. 9/8/20 #14).

15 COUNCILWOMAN JOHNSON: So moved.

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

18 COUNCILMAN HAND: Second.

19 MR. LaMARCA: Seconded by Councilman
20 Hand.

21 We have several speakers, I believe.

22 SUPERVISOR SALADINO: First speaker
23 will be Mr. Joe Sackman.

24 MS. FAUGHNAN: Supervisor, how many
25 Resolutions?

1 SUPERVISOR SALADINO: One.

2 THE STENOGRAPHER: Can I just ask --
3 it's distracting when he's talking.

4 MR. LaMARCA: It's distracting when
5 he's talking.

6 SUPERVISOR SALADINO: Mr. McKenna, I've
7 been told that your speaking out loud has been
8 distracting to our stenographer whose record is
9 extremely important that she hears it accurately,
10 so I'll ask you to not distract her, please.

11 Mr. Sackman, how are you today?

12 MR. SACKMAN: Good.

13 How are you?

14 SUPERVISOR SALADINO: Fine, sir.

15 MR. SACKMAN: Just a quick couple of
16 questions and comments on the Brown Field cleanup.

17 Is this the baseball field in Community
18 Park? Is that the field? Okay.

19 Did the Town ever look to seek to
20 create -- to speak with the DEC to make that a
21 Super Fun site?

22 SUPERVISOR SALADINO: We have been
23 working with DEC for some time.

24 Did we have a representative from
25 Public Works here with us? We have been continuing

1 to work with DEC on this site.

2 MR. SACKMAN: I think it's a good idea
3 if we do move it to a Super Fun site. That's my
4 opinion.

5 And as for the fees, how is the efforts
6 been to collect, I guess, compensation from Grumman
7 and the Navy for what they've done with the plume?
8 I think they should be flipping the bill for this,
9 not us, not the taxpayers. The Town shouldn't be
10 responsible --

11 SUPERVISOR SALADINO: Excuse me,
12 Mr. Sackman. I don't mean to interrupt you, but I
13 don't know if you've been keeping up with this
14 story for the many years --

15 MR. SACKMAN: Yes.

16 SUPERVISOR SALADINO: -- that this has
17 been going on, but Grumman has been paying for this
18 action at this site. This specific action that's
19 taking place.

20 MR. SACKMAN: Yeah. But are they
21 paying it entirely or are we paying?

22 SUPERVISOR SALADINO: We have to get --
23 we've asked them time and time again. You know
24 that I've been -- this has been one of the four
25 pillars of my work as an elected official for

1 sixteen years.

2 You probably also know that I passed a
3 law to have a study done, which proved that
4 containment of the plume is both feasible and
5 scientifically workable, which shifted the paradigm
6 direction that the State went.

7 I worked with the DEC under its new
8 leadership, the executive, and others in both the
9 Senate and the Assembly as a member of the Assembly
10 Environmental Conservation Committee to begin that
11 process. And I thank my colleagues in Albany who
12 I've worked with in order to get that done and to
13 build up momentum on this.

14 We still have a lot more to do, still
15 continue to make this my highest priority
16 personally, but I also want to thank our Town Board
17 and the officials in this town for being one on
18 this issue. We have strengthened our engineering
19 team. We have strengthened our access agreements.
20 We have provided for the insistence on results,
21 test results and so forth, and we've done overlays
22 to show what was taking place decades ago, where
23 they're located, to help us to better model where
24 the contaminations are located and what the best
25 approach is.

1 So this is something that we've taken
2 very seriously. We've been working on this,
3 personally, now for myself, upwards of two decades,
4 and we will continue to go full speed ahead to push
5 the responsible parties to pay for this. We've
6 held press events where we have made it very clear
7 to the public, my colleagues in government from Lou
8 Imbroto, Tom Hand, Michelle, you were there, at
9 quite frankly, the site very close to the last
10 application.

11 MR. SACKMAN: Yes.

12 SUPERVISOR SALADINO: Assemblymen, some
13 of the assembly members, I think Assemblyman
14 Montesano has joined us, Rose Walker joined us.
15 These folks are very committed, as we are, to the
16 cleanup.

17 We thank Rose Walker, Assemblyman
18 Montesano, our Town Board members for all they've
19 done to help the further this, and, obviously, to
20 continue to push this and make sure this stays on
21 the front burner in Albany because it's been with
22 the State's help that we have engaged and forced
23 the hand of the responsible parties. We will
24 continue to do that.

25 We are making tremendous progress, and

1 this ball field and this park and the Bethpage
2 Community is exceptionally important to us and
3 providing for clean water in these areas, as well
4 as throughout the Town, is and continue to be a
5 high priority.

6 COUNCILWOMAN JOHNSON: Supervisor,
7 Laura Schaefer.

8 SUPERVISOR SALADINO: Laura Schaefer
9 was with us as well, Nassau County Legislature
10 Laura Schaefer was with us on this and many
11 occasions. We've held public meetings to keep the
12 public vetted on the updates on this. We've
13 invited members of DEC who have shown up to those
14 meetings, including someone I would call the second
15 in charge, the Deputy Commissioner of the State
16 Department of Environmental Conservation who agrees
17 with us, who continues to work with us as we
18 continue to push the responsible parties to provide
19 for the funding to pay for these remediations in
20 the past, currently, and moving forward.

21 MR. SACKMAN: I agree with you.

22 I think the plan that is coming through
23 to do this, to do the cleanup I think is great. I
24 looked at that plan, the remediation. My biggest
25 concern is that Grumman and the Navy, the

1 responsible parties, as you say, are paying for it
2 and it really doesn't come onto the backs of
3 taxpayers.

4 SUPERVISOR SALADINO: So you're in
5 tremendous support --

6 MR. SACKMAN: Oh, yeah.

7 SUPERVISOR SALADINO: -- of the legal
8 costs involved to bring in the best of the best,
9 the outside counsel has helped us along the way.

10 MR. SACKMAN: If it requires to go that
11 route, then if that's what we need to do and then
12 we get compensated back as the taxpayers from those
13 parties that have -- I consider an environmental
14 crime because it is a catastrophe --

15 SUPERVISOR SALADINO: Environmental
16 crime under the category of law?

17 MR. SACKMAN: Well --

18 SUPERVISOR SALADINO: The definition of
19 law?

20 MR. SACKMAN: Well, I'm not a lawyer,
21 so maybe you might know better, but I think it is a
22 crime, and maybe that's a metaphor for it. They --
23 as we all know, it's created a toxic plume. The
24 dimensions are huge. It's a toxic lake under
25 250,000 homes.

1 So I applaud the efforts of everyone,
2 you know, that have tried to create a situation
3 where we can clean this up and get it done. I just
4 think that, you know, Grumman and the Navy have --
5 what they've done, they should pay for it. If
6 anything, they should pay for it all, not the
7 taxpayers.

8 SUPERVISOR SALADINO: Thank you for
9 siding with the position that we have taken for
10 years and years. Thank you for siding with our
11 colleagues in the Assembly and others who have
12 helped us over time.

13 As a matter of fact, Assemblyman
14 Englebright just spoke out from the Assembly floor
15 this year to speak to the work that I accomplished
16 there in terms of keeping this issue alive, making
17 sure it's on the front burner, so I thank you for
18 that compliment, sir.

19 MR. SACKMAN: Thank you for your
20 efforts. I guess my time is up.

21 SUPERVISOR SALADINO: Yes.

22 Our next speaker will be Donna Trippe.

23 Come on up, Donna.

24 MS. TRIPPE: Is this regarding

25 Resolutions?

1 SUPERVISOR SALADINO: Yes.

2 COUNCILMAN LABRIOLA: Which Resolution?

3 SUPERVISOR SALADINO: She listed it as
4 469.

5 MS. TRIPPE: Good afternoon.

6 SUPERVISOR SALADINO: Thank you for
7 joining us today.

8 MS. TRIPPE: I think everybody can
9 agree, our roads, whether they be Town, County or
10 State, are in a terrible state. We are redoing
11 them.

12 SUPERVISOR SALADINO: The ones that
13 have not yet been repaved. The ones --

14 MS. TRIPPE: They are being repaved,
15 but I feel that --

16 SUPERVISOR SALADINO: -- that we have
17 repaved these last three years.

18 MS. TRIPPE: -- what should be changed
19 in your contract, if you look at many of the roads,
20 perfect example is the Expressway, that a lot of
21 the damage to the road is where one strip of
22 asphalt meets the other, the seam. They should do
23 what we used to do many, many years ago.

24 I can remember as kids seeing a guy
25 with an oil can walking up and down every time

1 there was a crack in the road. That seam is never
2 perfectly sealed. So in your contract when you
3 make a bid, I feel that should be part of it. That
4 at every seam, they put a two-inch wide oil slick.
5 That would stop the water getting in there then
6 freezing, expanding, defrosting, and then it lifts
7 all the asphalt up.

8 So I think that's the requirement that
9 you should put in your contracts. That's the first
10 place that the roads deteriorate. Not that I'm a
11 fan of asphalt. I prefer a concrete road like
12 Newbridge Road, but it is what it is. I know it is
13 cheaper than concrete, but it is something that
14 really you ought to consider because it's the first
15 place that you wind up with problems with roads,
16 all of them.

17 I can already see it on the Expressway,
18 what is it, Seaford-Oyster Bay Expressway. They
19 only did that road last year. I drove down it last
20 week. I actually looked at that and you could
21 actually see the seam is already separating
22 slightly, and we're coming to Winter. Next year
23 you're going to have all these things lifted up.
24 It's something to really consider at these seams,
25 to add that oil slick.

1 Thank you.

2 SUPERVISOR SALADINO: Thank you for
3 coming here today.

4 It's important for the public to know
5 that both the Long Island Expressway and Route 135
6 are not Town of Oyster Bay roads, but when we came
7 here and this administration began a little over
8 three years ago, we realized that it was going to
9 be an expensive but important priority to continue
10 to repave roads.

11 To date -- we have someone in room who
12 knows -- I believe 44 miles so far to date of
13 roads, Town roads have been repaved, and we're very
14 proud of that work. We will continue to repave our
15 roads. We will continue to make the capital
16 improvement needed because it is essential, it is
17 responding to the requests of our residents, and we
18 all know it needs to get done.

19 So we have, as part of our five-year
20 plan and our capital planning, we continue to make
21 a priority of those roads, and we have also
22 embraced outside independent review of their work
23 to ensure from a liability standpoint and from a
24 work product that we're getting a quality job.

25 So, we thank you for coming here and

1 agreeing with us, in essence, that we should
2 continue to expend these resources to get our Town
3 roads repaved.

4 I thank you very, very much.

5 COUNCILMAN LABRIOLA: Supervisor, if I
6 can just add some clarity to it.

7 This is a requirements contract that
8 we're voting on today, which continues using the
9 contractor that had won the bid the prior year. It
10 allocates up to \$11 million in capital costs to
11 sometimes reconstruct and sometimes to just do
12 repairs and what's also known as mill and fill
13 where they're not doing a complete reconstruction
14 of the road.

15 But I want to assure you that we have
16 on site at every single job, we have not just our
17 Town employees who are qualified civil engineers,
18 but we also have outside consultants who are
19 monitoring the work of these contractors and
20 signing off on each and every job that they do
21 before the contractor is paid.

22 It isn't perfect, sometimes there's
23 mistakes that are made, but they're supposed to be
24 doing, you know, those kinds of inspections to
25 ensure something as simple as sealing where two

1 joints meet, I think that engineers should know
2 that this is something that has to be done.

3 Now, if you ever see a problem that you
4 witness personally, you should definitely draw it
5 to our attention. You should call our Supervisor
6 or any of the council members.

7 You can call the Department of Public
8 Works, and we can maybe prevent a problem that you
9 might see. But that kind of thing should be done
10 just as matter of course. I mean, I'm not an
11 engineer, but we do have engineers that can speak
12 to this to you.

13 I just want to make that for the record
14 very clear that we don't allow something -- we
15 don't want -- we don't permit or tolerate shoddy
16 workmanship, and if it happens, we're going to hold
17 the contractor accountable.

18 MS. TRIPPE: As you said, they should
19 be following their inspections and whatever, that
20 doesn't mean that they do every damn inspection.

21 COUNCILMAN LABRIOLA: As I said to you,
22 there's always going to be human error. In any
23 particular job there can be errors that are missed,
24 but if you see something, you should let us know.
25 We are to be assured that each and every job that

1 the Town is paying for, that those jobs are done
2 properly and has engineers inspecting and
3 certifying that the job is done properly before
4 payment is made.

5 SUPERVISOR SALADINO: Our next speaker
6 is Sean McCaffrey.

7 Good afternoon, Mr. McCaffrey.

8 Would you begin by stating for the
9 record your full name and address?

10 MR. McCAFFREY: Sean McCaffrey, P.O.
11 Box 366, Medford, New York.

12 SUPERVISOR SALADINO: Would you like to
13 share with us a residential address?

14 MR. McCAFFREY: No.

15 Thank you.

16 SUPERVISOR SALADINO: Please proceed.

17 MR. McCAFFREY: I have a few things to
18 touch on.

19 Most importantly to me, and I last
20 spoke with you a little over a year ago at the
21 dedication opposite the Syosset firehouse about the
22 issues at both the former landfill and the Cerro
23 site.

24 The list I have has now gotten well
25 over 600 people that have been afflicted. The last

1 thing was done in May of 2018, which was a meeting
2 at the high school, which I believe you were
3 present at. That room held about 800 people. So
4 -- it's okay. I'll wait.

5 COUNCILWOMAN WALSH: Which Resolution?

6 MR. McCAFFREY: No resolution.

7 SUPERVISOR SALADINO: Are you speaking
8 on a specific resolution?

9 MR. McCAFFREY: I was called up on
10 both. It wasn't specified. So what am I speaking
11 on? You tell me. 496?

12 SUPERVISOR SALADINO: Right now we are
13 asking residents and speakers to come up to speak
14 about specific Resolutions that we're voting on.

15 MR. McCAFFREY: Very well then.

16 SUPERVISOR SALADINO: After the meeting
17 is over, we ask residents if they would like to
18 speak during the public comment portion.

19 So I'm not sure which one you're
20 speaking on, but this is the time where it's
21 appropriate to speak on -- to provide us facts,
22 information, on a Resolution on the calendar that
23 we're planning on -- that we are considering.

24 MR. McCAFFREY: Understood.

25 I put in both. It was not specified.

1 So it would be Resolution 496.

2 SUPERVISOR SALADINO: Okay.

3 MR. McCAFFREY: And that's relative to
4 the synthetic field at Walk Memorial Park.

5 I've been involved in the professional
6 sports industry since 1982. Unfortunately, a lot
7 of it has been with artificial surfaces. The
8 concerns on them are many.

9 Firstly, the infill, which would be
10 what takes up the space between the grass and the
11 floor. Some weave back the grass. Previously,
12 they used sand. Currently what is used is ground
13 up tires believed to be a carcinogen. Very young,
14 not even teenage-year, goalkeepers for soccer who
15 are constantly diving on the floor have been
16 ingesting them and getting cancers. I would have
17 thought they'd have to eat it similar to cornflakes
18 to get sick that young. That's not the case.

19 They're tires. They've been
20 vulcanized. They contain lead. I've spoken to
21 both professional, amateur, former professional
22 goalkeepers, and they tell me that, yes, when they
23 hit, the stuff flies up. They're blowing their
24 nose, it comes out. If they cough, this stuff
25 comes out, so that may very well be what's getting

1 them sick. I would like to make sure that
2 everyone, not just youth players, are protected
3 from that.

4 Secondly, with it both being rubber,
5 which holds the heat and being black, which absorbs
6 the heat, it would be 10 to 15 degrees hotter on a
7 hot day. If 90, it's going to push 100 on that
8 same surface, not that good of a thing.

9 When they play, you will see the stuff
10 kicks up. They use it in NFL fields and every
11 other sport that you notice, those black things
12 kicking up are just that, the chrome tire [sic].

13 That is also a hazard because of
14 runoff. The fields are not meant to drain, but
15 they're crowned so it would go off the sides and it
16 does, in fact, take that with it. If it's held in
17 a tray along tracks, which typically is the case,
18 it's not that big of a deal, it's contained,
19 otherwise, if it runs off and the track drains to
20 somewhere, not into a self-contained thing going
21 around it, it then becomes a hazard to the animals.

22 It is not green so it does nothing as
23 far as the grass does relative to cleaning air and
24 everything else. It is not as soft to impact and
25 whatnot. The cost of it will be roughly \$1

1 million. To put down sod, which is the rolled up
2 strips of grass, that would be about \$80,000,
3 certainly less than \$100,000.

4 I have a half acre backyard. It takes
5 me one hour with a push mower to cut it. So the
6 maintenance is not really the answer either because
7 with a tractor, that's probably 10 to 15 feet wide
8 at the back with the cutters behind it, that
9 wouldn't be anywhere near an hour.

10 So I would definitely recommend that
11 you look into what surface it is, not particularly
12 to the brand name, but for the fill and whether or
13 not it will be expected to receive the limit -- the
14 upward limit would be 40 hours of use a week. If
15 so, yes, you would probably need to look into an
16 article surface, but, please, I implore you to stay
17 away from the one with the black fill.

18 Thank you.

19 SUPERVISOR SALADINO: Thank you,
20 Mr. McCaffrey.

21 You'll be very happy to know that this
22 Resolution today is not a Resolution to build that
23 field. This is a Resolution for the portion of
24 preparation, research, and the work that has to go
25 into making the decisions of how it's built and so

1 forth, so there is time for us to employ experts,
2 to ask these questions of them.

3 And one last question of you, could you
4 direct us to a website we can do some research as
5 it relates to athletes' health -- health,
6 especially youth athletes health and these fields?

7 MR. McCAFFREY: I can get it to you.
8 There was research done with someone from
9 Washington and someone else in Houston. I can
10 certainly get it for you. I did not see this until
11 I got here.

12 SUPERVISOR SALADINO: We look forward
13 to that, please. I'd greatly appreciate if you
14 would forward that.

15 MR. McCAFFREY: I have your card.
16 Thank you.

17 SUPERVISOR SALADINO: Arthur Adelman,
18 496.

19 MR. ADELMAN: No, 499.

20 Arthur Adelman, 110 Dubois Avenue, Sea
21 Cliff, New York.

22 One Resolution, 499.

23 I see the Town settled a negligence
24 claim in the amount of approximately \$10,300. It
25 involved a car accident. I don't know understand

1 why the Town is considered negligent unless we were
2 negligent in supplying an automobile to an employee
3 that maybe shouldn't have been driving a Town
4 vehicle.

5 And I'm curious to know if the Town is
6 in any way going to try to -- I don't know what the
7 legal term is, subrogate -- the claim to the driver
8 of the vehicle if it's disclosed that he was not
9 acting in -- on Town business when operating the
10 vehicle.

11 The accident happened about 1:15 in the
12 afternoon just around the corner from here. And
13 I'm just curious if the Town actually looked into
14 the circumstances of the involvement. We are very
15 lucky there was no personal injury, so thank God
16 for that.

17 We did lose one Town vehicle, it was
18 totalled, and the people that were hit got their
19 car fixed locally for -- their total expenses were
20 reimbursed, but I don't understand where the Town
21 is negligent in this type of situation unless we
22 were, like I said, wrong in allowing someone to
23 operate a motor vehicle that really doesn't need
24 one as part of his employment with the Town.

25 I remember a couple of years ago the

1 Board talking about how we retired so many vehicles
2 to be used by public employees, and this is one of
3 the reasons why is because of the liability factor
4 it allows us to happen.

5 I mean, it's just a shame that this
6 individual rear-ended another car on a local
7 street. There was nothing in the police report
8 about extenuating circumstances. No mention of
9 road conditions on the police report, and it just
10 seems very suspect to me that why the Town is
11 considered the negligent party.

12 Thank you.

13 SUPERVISOR SALADINO: Thank you,
14 Mr. Adelman.

15 Just to address your issue, first of
16 all, in America and in New York State, anyone can
17 sue anyone. You know, that that's the reality of
18 the situation. This is a settlement that stops a
19 lawsuit.

20 Your other question was in terms of
21 investigating the situation, and I've been informed
22 that that did take place and this was the situation
23 of an ice storm where there was not traction on the
24 roads because of ice. So we looked into that
25 situation in terms of the use of the term

1 "negligence," I can bring our Town Attorney up who
2 can inform you on legal terms and so forth, but I
3 don't want to bore you or take up everyone's time.

4 MR. ADELMAN: I'm more interested in
5 knowing why this individual is allowed a Town car.

6 SUPERVISOR SALADINO: So, we have a
7 number of employees who are driving cars. We have
8 reduced the number of Town employees who drive Town
9 vehicles. We have a variety of programs that
10 protect the taxpayers on this, but with everyone in
11 life, accidents do happen and road conditions, in
12 this case, I am informed contributed greatly to
13 this. It was a situation of an ice road during the
14 storm. I believe it was in the first week of
15 December.

16 MR. ADELMAN: Yes. Monday, December 2nd.

17 SUPERVISOR SALADINO: Monday,
18 December 2nd.

19 MR. ADELMAN: That evening we had ice.
20 That afternoon was rainy.

21 SUPERVISOR SALADINO: In which
22 location? Did you check locations throughout the
23 whole town?

24 MR. ADELMAN: I'm just curious about
25 the use of the vehicle, who is allowed to use --

1 SUPERVISOR SALADINO: Mr. Adelman,
2 anyone can sue anyone.

3 MR. ADELMAN: What?

4 SUPERVISOR SALADINO: Anyone can sue
5 anyone, right?

6 MR. ADELMAN: No, I'm not -- I'm
7 curious why --

8 SUPERVISOR SALADINO: So, the point is
9 by settling --

10 MR. ADELMAN: I'm curious why Ryan
11 Evans is allowed --

12 SUPERVISOR SALADINO: Sir, I'm
13 answering your question. Okay. You're up at the
14 -- by settling this case, like all the other cases
15 we settle, we keep it out of court, we save money
16 on attorney fees, and we continue to move the Town
17 forward.

18 Most importantly, no -- thank goodness
19 no one was injured in this case, and we are very
20 happy about that. So, I thank you.

21 We will continue to look into this and
22 every case. We will pursue very carefully, and I
23 thank you for coming up to provide that
24 information.

25 That's the slips that I have on that.

1 Checking to see.

2 I have a very brief e-mail from Anita
3 Greenhouse.

4 MR. McKENNA: I submitted a slip.

5 SUPERVISOR SALADINO: Is Anita
6 Greenhouse here?

7 MR. McKENNA: Mr. Supervisor, I
8 submitted a slip.

9 SUPERVISOR SALADINO: I don't know what
10 Anita Greenhouse came to speak on. It's not
11 signified and there's no slip on that. I don't see
12 that she's here. She's not raising her hand.

13 Michael Margolas did say public
14 comment. Okay. There are no other speakers.

15 MR. McKENNA: Mr. Supervisor, I
16 submitted a slip.

17 SUPERVISOR SALADINO: Mr. Margolas,
18 your slip clearly says "public comment" on it and
19 we'll be calling you up.

20 (From the audience: Go on the record.)

21 SUPERVISOR SALADINO: Your slip clearly
22 says "public comment" on it. We will be calling
23 you up for public comment.

24 What's that?

25 (Speaking from the audience.)

1 SUPERVISOR SALADINO: Oh, you have
2 something on a Resolution that wasn't signified on
3 your slip.

4 If you do, please step forward. I
5 don't see, but that's okay. Come forward.

6 MR. MARGOLIS: 469, 499 and 451.

7 THE STENOGRAPHER: I'm sorry. Your
8 name and address for me.

9 MR. MARGOLIS: Good morning, everyone
10 or good afternoon.

11 Michael Margolis, 97 Northern Parkway
12 West, Plainview, New York.

13 I know before I get started on this, I
14 just wanted -- while there's still people here,
15 thank you guys, all of you, for the work that you
16 did during the Summer during COVID for getting
17 families out of the house. I don't think anyone
18 said that at the last meeting or anything like
19 that. There was a lot of activities for people to
20 do during the Summer, and in that respect,
21 everybody should be very proud of themselves for
22 getting families to the beaches. I know there was
23 a lot of live events down by the beach and other
24 stuff. So in that respect, you guys should be very
25 -- the community should be thanking you for all

1 that you did.

2 SUPERVISOR SALADINO: Thank you very
3 much.

4 (Applause.)

5 MR. MARGOLIS: 451 talks about redoing
6 some windows and stuff. I believe the building
7 next door, one of these building down here. I was
8 reviewing this yesterday, and this is about
9 spending \$140,000 to have someone basically oversee
10 this project that's going to go on for two years.

11 I was just wondering why we're spending
12 140-something thousand dollars to have someone
13 oversee -- like an architecture firm watch this
14 project? Don't we have -- like, when we do --
15 like, someone comes here and doing this project
16 today, wouldn't we send someone to inspect that
17 already works for the Town?

18 I'm not sure why we have to spend the
19 extra \$140,000 to have someone oversee that
20 project. That's on 451. That doesn't really make
21 much sense. Just seems like we should have people
22 that work for Department of Building that can
23 oversee the project while it's being done.

24 SUPERVISOR SALADINO: Mr. Margolis, I
25 believe this is both. I believe it's both.

1 MR. MARGOLIS: I'm sorry. I don't know
2 what that means.

3 SUPERVISOR SALADINO: Please continue.

4 MR. MARGOLIS: The other two I wanted
5 to talk on was 469, which was already discussed
6 with the roads.

7 This here says that the contract is
8 going to remain the same basically and everything
9 is just being renewed, but inside the paperwork, it
10 says the renewal was supposed to be for \$5 million
11 worth of expenses, and now, as Councilman Labriola
12 said, they're going to spend up to \$11 million.

13 So I know when I do things for my
14 company or, you know, if I'm buying one thing or
15 was supposed to buy two things, you're spending 5
16 million versus 11 million, we should be getting
17 something more for our money.

18 Maybe somebody will give us -- if
19 you're putting in a bid for \$5 million versus \$11
20 million, you should get, you know, something extra
21 for your money.

22 SUPERVISOR SALADINO: Mr. Margolis,
23 just for purpose of clarity, the price per mile
24 remains the same. The contract allows us to lock
25 into that price. This isn't getting more money to

1 do less work. That's not what this is.

2 MR. MARGOLIS: I understand that.

3 But the extension agreement, okay,
4 called for it could be extended for \$5 million.
5 We're now seeking to spend \$11 million.

6 SUPERVISOR SALADINO: Mr. Margolis, are
7 you suggesting that road work isn't necessary here
8 in the Town of Oyster Bay?

9 MR. MARGOLIS: Not at all.

10 SUPERVISOR SALADINO: We just had a
11 resident who agrees with us --

12 MR. MARGOLIS: Not at all.

13 I'm just suggesting that if you're
14 going spend -- you know, \$5 million might get ten
15 roads, right? \$11 million should get you 13 roads.
16 You should get more --

17 SUPERVISOR SALADINO: But we are. This
18 contract locks us in to a price. I believe it's a
19 price per mile. The more work they do, the more
20 they are paid. They are not being paid more for
21 the same work.

22 MR. MARGOLIS: That's exactly what I'm
23 suggesting.

24 SUPERVISOR SALADINO: But that's what's
25 happening here.

1 MR. MARGOLIS: It's easier with 10,000,
2 right? If you got 10 for 5,000, right, you should
3 get 20 for 10 million, right? But no. You should
4 really get more. You should get 21 or 22 for 10
5 million because you're doing more. As you do more,
6 the price usually goes down.

7 For instance, when you buy supplies for
8 the road, the price goes down, it doesn't stay the
9 same, right? If I'm selling more, right, if I do
10 100 appearances, I charge less per appearance than
11 I charge for one appearance. It's called a bulk
12 rate.

13 SUPERVISOR SALADINO: There is a bid
14 process by law. We follow the law to the letter of
15 the law on the bid process and extending the
16 contract means we continue to follow the law as per
17 their bid on this job.

18 The public continues to get more paving
19 done at the best price out there because they won a
20 competitive bid, and we, by law, have to continue
21 to adhere to that bid and the contract that was
22 signed based on the bid.

23 MR. MARGOLIS: But the contract that
24 was signed, with all due respect, was for \$5
25 million worth of roadwork. If you're now going to

1 do \$11 million worth of roadwork, maybe someone
2 will pave -- say, for instance, \$11 million gets
3 you 100 miles, maybe someone will want to do, for
4 \$11 million, will do 110 miles just as good as
5 other company. That's all I'm suggesting.

6 COUNCILMAN LABRIOLA: It's not based
7 upon the job. It's based upon a unit cost. That's
8 how a requirements contract works.

9 In other words, we have several of them
10 in the Town. We don't have specific jobs that are
11 in the contract, per se. They're bidding on a unit
12 cost, so the price per asphalt.

13 Let's just say they're putting down 100
14 yards of asphalt. They're bidding on that price,
15 that unit cost. So when the Department of
16 Engineering comes up and says we want you to do
17 this job, we're going to hold them to those unit
18 costs for whatever is required to be done on the
19 job. So, that's how it works.

20 It's not a per job. This is not a
21 contract that for a particular road. It's for --
22 it could be any road. It's the roads that are
23 designated by the Department of Public Works, and
24 then each job is, of course, has its own costs
25 associated to it, and our engineers are supposed to

1 work with the contractor and hold them to the cost.

2 So the \$11 million that I spoke of is
3 what they can spend up to without coming back to
4 the Town Board for more allocation. We don't know
5 how many roads that's going to include right now,
6 but it's the unit cost that we're paying for.

7 SUPERVISOR SALADINO: That we have
8 locked them into.

9 COUNCILMAN LABRIOLA: Right. It's last
10 year's prices.

11 SUPERVISOR SALADINO: And we're saving
12 money because it's last year's prices.

13 COUNCILMAN LABRIOLA: Hope that helps
14 you.

15 MR. MARGOLIS: Okay.

16 SUPERVISOR SALADINO: So we're getting
17 more done for our taxpayers at a lower cost.

18 MR. MARGOLIS: The last one I was going
19 to speak on was what Mr. Adelman had already spoke
20 on.

21 I guess I can -- you know, the answer
22 back was really not answered. Who determines who
23 is allowed drive a car in this Town and when
24 they're allowed to drive a car?

25 Clearly, I think I was at a meeting

1 maybe last year or the year before, not really sure
2 how long I've been coming to these things anymore,
3 but -- anyway, I think, like, a snow -- a snowplow
4 took out a car. Clearly, the Town should be
5 responsible for that.

6 However, if you decide you want to go
7 for lunch and you just take the keys and jump in a
8 Town car and you crash into somebody, well, you
9 acted outside the scope of your employment. You
10 should be then responsible for that.

11 So I think, you know, clearly, the Town
12 has to set some guidelines and rules as to who is
13 allowed to use the car and who gets a Town car.

14 I mean -- and if there's ice outside,
15 maybe no one should be driving that day or going
16 around --

17 SUPERVISOR SALADINO: You know that's
18 not realistic, because we have Highway vehicles, we
19 respond to emergencies --

20 MR. MARGOLIS: I'm saying that this
21 was --

22 SUPERVISOR SALADINO: Our employees
23 continue -- we have cut down -- you know what?
24 I'll tell you what we'll do, we'll bring our Town
25 Attorney up because you're not clear on this issue,

1 and we want to bring clarity to you and to our
2 residents. We do have a policy in place.
3 Employees do use cars at times for business
4 purposes and our Town Attorney is right behind you
5 and will be happy to come up and bring clarity to
6 your question.

7 MR. MARGOLIS: Okay.

8 SUPERVISOR SALADINO: Thank you, sir.

9 MR. SCALERA: Good afternoon.

10 Frank Scalera, Town Attorney.

11 You mentioned that the Town of Oyster
12 Bay has a motor vehicle policy. The motor vehicle
13 policy sets forth the rules, regulations for all
14 town employees that use Town vehicles. That policy
15 has been amended over time, has been in place, it's
16 given to employees in the orientation packet when
17 they first come in their first day of work. It's
18 part of the packet amongst all the other policies.
19 And, of course, that policy, which is very, very
20 similar to other policies you see in other
21 municipalities and even corporate America, that the
22 employee is to use the car within the scope of his
23 or her employment.

24 In this particular case, the
25 settlement, was icy roads. Mr. Nevin was, as

1 indicated, Mr. Adelman was right down the block
2 from Town Hall. Clearly, he was by his workplace.
3 Whether he was going to an appointment with the
4 Town or whether he was going to lunch with the
5 Town, that's all part of within the scope of
6 employment.

7 There is a whole body of case law for
8 you nonlawyers. I'll bore you to death.

9 Obviously, if you took the car and you
10 drove it to Vegas, that would be outside the scope
11 of your employment.

12 Obviously, if you use the car within
13 the Town limits back and forth for appointments, to
14 go to elected officials, to go to other buildings
15 within the Town, because we have many, that's
16 within the scope of employment. There's a whole
17 body of case law out there for that.

18 As far as the assignment of vehicles,
19 there is the internal policy of which employees are
20 assigned vehicles. I can tell you from being here
21 17 years, this is the least amount of assigned
22 vehicles I've seen in all the tenure that I've been
23 here.

24 Of course, the assignment of vehicle is
25 commensurate with the person's job. Just like if a

1 Highway Maintenance Supervisor has to drive around
2 and supervise work of laborers filling potholes,
3 that person gets a pickup truck, an so on and so
4 forth. There's all different reasons that
5 somebody's assigned a vehicle.

6 But this particular Resolution is about
7 settlement of a case. It was -- you say, it's
8 negligence. That's what they call an accident. An
9 accident is exactly what it means. In the regular
10 language, it's an accident. Things happen. You
11 put some ice on the road and when it comes to, you
12 know, car accidents where there's a hit in the
13 rear, the case law and the law in New York is
14 pretty strict on that, even if the person stops
15 short in front of you.

16 Unfortunately, there's certain case law
17 on that. That's it. It's an accident. That's why
18 they call it an accident.

19 SUPERVISOR SALADINO: Thank you.

20 Please proceed.

21 MR. LaMARCA: A motion has been made
22 and seconded to adopt Resolutions P-14-20 through
23 508-2020, knowing that 471-2020 has been tabled.

24 On the vote:

25 Supervisor Saldino?

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SUPERVISOR SALADINO: "Aye."
MR. LaMARCA: Councilwoman Johnson?
COUNCILWOMAN JOHNSON: "Aye."
MR. LaMARCA: Councilman Imbroto?
COUNCILMAN IMBROTO: Is this to vote on
the Resolutions?
MR. LaMARCA: Yes.
COUNCILMAN IMBROTO: Yes.
I'm "Aye" on all except 451, which I --
MR. LaMARCA: 451 you said?
COUNCILMAN IMBROTO: Yes.
MR. LaMARCA: 451, "Nay."
Councilman Hand?
COUNCILMAN HAND: "Aye."
MR. LaMARCA: Councilman Labriola?
COUNCILMAN LABRIOLA: "Aye" on all.
I just want to point out that
Resolutions 477, 78, 79 and 480, I just inquired
about these because I noticed these contracts take
us into August of 2022, and I questioned about why,
in fact, the County requires us to maintain these
contracts up until 2022, and really not too
satisfied as to the answer except that this is
something that they want us to do.
I'm wondering from the Town Attorney's

1 Office if there is a provision for us to terminate
2 the contract sooner than that before I vote on
3 these.

4 MR. McKENNA: Supervisor, I want to
5 tell you once again, you did not call me on the
6 Resolutions. You're amending my freedom of speech.

7 MR. SCALERA: Mr. -- you're out of
8 order, Mr. McKenna.

9 Councilman Labriola, those are --

10 MR. McKENNA: Mr. Scalera, are you
11 going to allow them to prevent me to not be able to
12 speak?

13 MR. SCALERA: Mr. McKenna, I'm
14 speaking. Let me just answer the Councilman's
15 question.

16 Councilman Labriola, those are blocked
17 -- those are blocked grant contracts. The one
18 thing I can say, the way they're worded, it's not
19 necessarily a termination type of clause in there,
20 although you could put one in there.

21 This is money from a grant fund that
22 it's no cost to the Town taxpayer and it's passed
23 on for certain events and for certain services.

24 I know Colin Bell, I don't know if he's
25 here, he can tell you -- he can you what they're

1 exactly for, but is there a termination in this
2 particular contract? I'll double-check it. I
3 don't think so.

4 Somebody in my office reviewed them
5 before they went on here. It could be and if not,
6 if you choose, we'll put it forward, but these are
7 the kind of things that are more like a pass
8 through from the County to the Town of Oyster Bay.
9 I'm sure you're aware these block grants, they
10 serve a lot of good purposes.

11 COUNCILMAN LABRIOLA: I'm aware that
12 it's -- what's it called CBDG grant money.

13 MR. SCALERA: Correct.

14 COUNCILMAN LABRIOLA: I understand the
15 Deputy Supervisor gave me a thorough explanation.

16 I was just concerned about whether or
17 not if we wanted to terminate them early. Because
18 it's unusual, in my view, to be awarding a contract
19 into 2022 for a virus that may, obviously, not be
20 here after, you know, in that time. I mean, that's
21 what this is all about, right? It's all about
22 COVID-19, right?

23 MR. SCALERA: We have Colin Bell behind
24 me. Maybe he can help out here.

25 DEPUTY COMMISSIONER BELL: Hi,

1 Councilman. Thank you for your question. I'd like
2 to point out that this is --

3 SUPERVISOR SALADINO: Excuse me,
4 Mr. Bell, would you please identify yourself for
5 the record.

6 DEPUTY COMMISSIONER BELL: Yes,
7 Supervisor.

8 Colin Bell, Deputy Commissioner of
9 Department of Intergovernmental Affairs.

10 I'd like to point out that that date
11 represents the end date for which the funds must be
12 used by. We have until that date to use those
13 funds. We anticipate using those funds far in
14 advance of the date and closing out the contract
15 prior to. So that's an end date for which the funds
16 must be exhausted by.

17 Does that -- am I explaining that clear
18 enough.

19 COUNCILMAN LABRIOLA: Yes, it does.

20 Thank you very much. That's exactly
21 what I was looking for.

22 I would just say to the Clerk, then
23 that I vote "Aye" on all.

24 MR. LaMARCA: Thank you.

25 MR. BELL: This is a pass through to

1 some nonprofit entities in our community. They're
2 all looking for assistance. Okay. Thank you.

3 COUNCILMAN LABRIOLA: I'm aware.

4 SUPERVISOR SALADINO: And it does not
5 come from Town of Oyster Bay taxpayer funds?

6 SPEAKER: No. This is Federal Cares
7 Act funding, yes.

8 SUPERVISOR SALADINO: Thank you.

9 MR. LaMARCA: Councilwoman Maier?

10 COUNCILWOMAN MAIER: "Aye" on all.

11 MR. LaMARCA: Councilwoman Walsh?

12 COUNCILWOMAN WALSH: "Aye" on all, but
13 "no" on item P-14-20.

14 MR. LaMARCA: Resolution P-14-20 passes
15 with six "Ayes" and one "Nay."

16 Resolution PA-9-20 and TF-13-20 passes
17 with seven "Ayes."

18 Resolution 451 passes with six "Ayes"
19 and one "Nay."

20 Resolutions 452 through 470 passes with
21 seven "Ayes."

22 Resolutions 471 has been tabled.

23 Resolutions 472 through 508-2020 passes
24 with seven "Ayes."

25 The calendar is complete, Supervisor.

1 SUPERVISOR SALADINO: Thank you.

2 May I have a motion?

3 COUNCILWOMAN JOHNSON: Supervisor, I'll
4 make a motion that the meeting be closed.

5 SUPERVISOR SALADINO: Yes.

6 COUNCILMAN HAND: Second.

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

9 ALL: "Aye."

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

12 (No verbal response.)

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

15 Thank you. Thank you very much.

16 (TIME NOTED: 1:15 P.M.)

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