Meeting of April 12, 2022 RESOLUTION P-7-2022

WHEREAS, The 2022 Budget, adopted October 26, 2021 established the titles and salaries of officers and employees of the Town of Oyster Bay pursuant to Section 27 of Town Law, and other Local Laws relating to the establishment of Town Departments, and Rules and Regulations governing appointments, etc., of employees; and

WHEREAS, The adoption of said 2022 Budget, on October 26, 2021, was by a Resolution of the Town Board; and

WHEREAS, Resolution #P1063, dated December 12, 1972, provides a procedure for the amendment of the Resolution establishing grades, salaries and titles as required and requested by Department Heads,

NOW, THEREFORE, BE IT RESOLVED, That the Budget as adopted be and hereby is amended to reflect the approved additions and deletions as indicated by the attached.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

APPROVED

Joan Cannizzaro by Violie Spinelli, Deputy Commissioner

COMMISSIONER OF HUMAN RESOURCES

Meeting of April 12, 2022 Resolution No. TF-6-2022

RESOLVED, That the Comptroller be and he hereby is directed to Transfer Funds within the various Departments Accounts as indicated:

ITEM NO.	DEPT.	AMOUNT	
015-22	IGA	$190,000.00	INCREASE IGA CD 0001 04791 000 CW20
		$190,000.00	INCREASE IGA CD 6293 48010 000 CW20
		$ 5,000.00	INCREASE IGA CD 0001 04791 000 CW20
		$ 5,000.00	IGA CD 6293 48220 780 CW20
		$ 1,000.00	INCREASE IGA CD 0001 04791 000 CW20
		$ 1,000.00	INCREASE IGA CD 6293 48220 782 CW20
		$ 30,000.00	INCREASE IGA CD 0001 04791 000 CW20
		$ 30,000.00	INCREASE IGA CD 6293 11000 000 CW20
		$ 453,000.00	INCREASE IGA CD 0001 04791 000 CW21
		$ 453,000.00	INCREASE IGA CD 6293 48010 000 CW21
		$ 5,000.00	INCREASE IGA CD 0001 04791 000 CW21
		$ 5,000.00	INCREASE IGA CD 6293 48220 780 CW21
		$ 2,000.00	INCREASE IGA CD 0001 04791 000 CW21
		$ 2,000.00	INCREASE IGA CD 6293 48220 782 CW21
		$ 65,000.00	INCREASE IGA CD 0001 04791 000 CW21
		$ 65,000.00	INCREASE IGA CD 6293 11000 000 CW21
		$ 30,000.00	INCREASE IGA CD 0001 04791 000 CW21
		$ 30,000.00	INCREASE IGA CD 6293 12020 000 CW21
		$ 3,000.00	INCREASE IGA CD 0001 04791 000 CW21
		$ 3,000.00	INCREASE IGA CD 6293 43000 000 CW21
		$ 20,000.00	INCREASE IGA CD 0001 04791 000 CW21
		$ 20,000.00	INCREASE IGA CD 6293 22000 000 CW21
		$ 23,000.00	INCREASE IGA CD 0001 04791 000 CW21

Reviewed By
Office of Town Attorney

			INCREASE
		$ 23,000.00	IGA CD 6293 41330 000 CW21
			INCREASE
		$ 15,000.00	IGA CD 0001 04791 000 CW21
			INCREASE
		$ 15,000.00	IGA CD 6293 48240 000 CW21
			FROM
016-22	PKS	$ 1,000.00	PKS SP11 7180 41400 000 0000
			TO
		$ 1,000.00	PKS SP11 7180 42000 000 0000
			FROM
		$ 1,000.00	PKS SP11 7180 46310 000 0000
			TO
		$ 1,000.00	PKS SP11 7180 42000 000 0000
			FROM
		$ 1,500.00	PKS SP11 7180 25000 000 0000
			TO
		$ 1,500.00	PKS SP11 7180 42000 000 0000
			FROM
		$ 3,500.00	PKS SP11 7180 46300 000 0000
			TO
		$ 3,500.00	PKS SP11 7180 42000 000 0000
			FROM
017-22	DGS	$ 50,000.00	DGS A 1620 41310 000 0000
			TO
		$ 50,000.00	DGS A 1620 46300 000 0000

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

2A

TOWN OF OYSTER BAY

Inter-Departmental Memo

MARCH 22, 2022

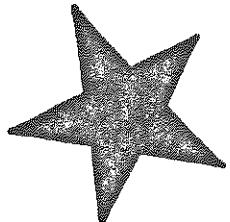
TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

SUBJECT: TRANSFER OF FUNDS

AMOUNT: $ 842,000.00

INCREASE:	IGA CD 0001 04791 000 CW20 (Federal Aid-Workforce Investment Act)	$ 226,000.00
INCREASE:	IGA CD 0001 04791 000 CW21 (Federal Aid-Workforce Investment Act)	$ 616,000.00
INCREASE:	IGA-CD-6293 48010 000 CW20 (Classroom Training)	$ 190,000.00
INCREASE:	IGA-CD-6293 48010 000 CW21 (Classroom Training)	$ 453,000.00
INCREASE:	IGA-CD-6293 48220 780 CW20 (Supportive Services-Books and Supplies)	$ 5,000.00
INCREASE:	IGA-CD-6293 48220 780 CW21 (Supportive Services-Books and Supplies)	$ 5,000.00
INCREASE:	IGA-CD-6293 48220 782 CW20 (Supportive Services-Testing/Certify)	$ 1,000.00
INCREASE:	IGA-CD-6293 48220 782 CW21 (Supportive Services-Testing/Certify)	$ 2,000.00
INCREASE:	IGA-CD-6293 11000 000 CW20 (Salaries-Regular)	$ 30,000.00
INCREASE:	IGA-CD-6293 11000 000 CW21 (Salaries-Regular)	$ 65,000.00
INCREASE:	IGA-CD-6293 12020 000 CW21 (Salaries-Internships)	$ 30,000.00



INCREASE:	IGA-CD-6293 43000 000 CW21 (Unallocated Insurance)	$ 3,000.00
INCREASE:	IGA-CD-6293 22000 000 CW21 (Office Equipment)	$ 20,000.00
INCREASE:	IGA-CD-6293 41330 000 CW21 (Postage)	$ 23,000.00
INCREASE:	IGA-CD-6293 48240 000 CW21 (Publicity)	$ 15,000.00

The above listed increase of funds is required to accommodate the Department of Intergovernmental Affairs (IGA), Division of Employment and Training's (DET) Workforce Innovation and Opportunity Act (WIOA) program revenue and expenses. All of the above referenced WIOA program funding is provided to the Town through a federal grant passed through the New York State Department of Labor.

As IGA DET is informed by NYS DOL of its annual appropriation of WIOA funding, IGA DET makes projections as to how that funding will be utilized on program expenses over the course of the fiscal year. As the fiscal year advances and actual expenditures vary from preliminary projections, transfers of WIOA funds are required to accommodate present day WIOA program needs. We therefore respectfully request a Town Board resolution authorizing the Comptroller's office to complete the above listed transfers of funds.

Frank V. Sammartano
Commissioner

FVS:dp

2A

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: Memorandum Docket

FROM: Joseph G. Pinto, Commissioner
Department of Parks

DATE: March 31, 2022

SUBJECT: 2022 Transfer of Funds

Town Board authorization is hereby requesting that the Comptroller transfer the following:

FROM:

PKS-SP11-7180-41400-000-0000	Uniforms	$1,000.00
PKS-SP11-7180-46310-000-0000	Pool Start-Up and Shut Down	$1,000.00
PKS-SP11-7180-25000-000-0000	General Equipment	$1,500.00
PKS-SP11-7180-46300-000-0000	Building, Property Maintenance	$3,500.00

TO:

PKS-SP11-7180-42000-000-0000	Heating Fuel	$7,000.00

This transfer request is to provide funds necessary for heating fuel at Syosset Park.

Joseph G. Pinto
Commissioner

JGP:dim

2B

TOWN OF OYSTER BAY

INTER – DEPARTMENTAL MEMO

Date: April 4, 2022

To: MEMORANDUM DOCKET

From: RALPH J. RAYMOND, DEPUTY COMMISSIONER OF GENERAL SERVICES

Subject: **OPERATING ACCOUNTS – TRANSFER OF FUNDS**

The following transfer is respectfully requested:

FROM: DGS A 1620 41310 000 0000 PRINTING SUPPLIES $50,000.00

TOTAL $50,000.00

TO: DGS A 1620 46300 000 0000 BUILDING PROPERTY MAINTENANCE $50,000.00

TOTAL $50,000.00

JUSTIFICATION: TRANSFER OF FUNDS NEEDED TO COVER THE COST OF REPAIRS AND SERVCE CALLS FOR VARIOUS BUILDINGS AND FACILITIES

Town Board approval is respectfully requested.

Ralph J. Raymond
Deputy Commissioner of General Services

RJR/nl

Reviewed By
Office of Town Attorney

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services, by memorandum dated March 16, 2022, requested Town Board authorization to present the "Art in the Park", to be held at Theodore Roosevelt Memorial Park & Beach, Oyster Bay, from 11:00 a.m. to 4:00 p.m., on Saturday, May 21, 2022, with a rain date of Sunday, May 22, 2022, free of charge to the public, and featuring local artists and artisans who will provide hand-crafted goods for display and sale, including ceramics, jewelry, paintings, photography, as well as featuring attractions including live music, food trucks and children's activities as follows:

1. A $25.00 artist participant fee will be collected to guarantee each vendor a spot;

2. The funds collected shall be deposited in Account No. CYS A 001 02001 511 0000;

3. The Town's responsibility for the cost of the event shall not exceed $5,000.00;

4. Purchase or service orders related to this event shall be procured through the Purchasing Division of the Department of General Services, pursuant to the Town of Oyster Bay Procurement Policy, and charged to an appropriate Account.

5. Carnival Equipment will be provided by "Dynamic Events", via a service or charged through the Purchasing Division of the Department of General Services.

6. Any and all other additional costs for said event will be supplemented by the *Friends of the Community Service Department, Inc.;*

7. Funds for said payment shall be drawn from Account No. CYS A 7020 418 000 0000, Recreational Supplies, and Account No. CYS A 7020 451 000 0000, Equipment Rental;

8. The Town of Oyster Bay and the Department of Community and Youth Services both reserve the right to refuse any vendor, exhibitor and/or media-based organization, for any reason, that they deem does not properly serve said event and/or the public in attendance;

9. Food and beverage shall be available to the public for purchase. The Department of Community and Youth Services reserves the right to utilize the current Town concessionaire(s); and be it further

WHEREAS, Commissioner Fitzgerald, by said memorandum, further requested that the Town Board waive the provisions of Oyster Bay Town Code Chapter 168, "Parks and Recreation", Section 168-22, "Alcoholic Beverages", and Chapter 82, "Alcoholic Beverages", Section 82-3, "Prohibitions" in the location and for the duration of said event; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further requested that the Town Board authorize the Supervisor, or his designee, or, the Commissioner of the Department of Community and Youth Services, or her designee, to enter into an agreement with Mr. Joseph Salucci, 6 River Lane Brookhaven, New York 11719, to provide a performance entitled "the Fast Lane", for an amount not to exceed $3,000.00, with the funds for said payment to be drawn from Account No. CYS A 720 47660 000 0000, Special Events; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, advised, that the proposed vendor has been vetted through the Town's Exiger System, and that that the Office of the Inspector General is satisfied that the Town of Oyster Bay Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Department of Community and Youth Services is hereby authorized to present the "Art in the Park", to be held at Theodore Roosevelt Memorial Park & Beach, Oyster Bay, from 11:00 a.m. to 4:00 p.m., on Saturday, May 21, 2022, with a rain date of Sunday, May 22, 2022, free of charge to the public; subject to the following terms and conditions:

1. A $25.00 artist participant fee will be collected to guarantee each vendor a spot;

2. The funds collected shall be deposited in Account No. CYS A 001 02001 511 0000;

3. The Town's responsibility for the cost of the event shall not exceed $5,000.00;

4. Purchase or service orders related to this event shall be procured through the Purchasing Division of the Department of General Services, pursuant to the Town of Oyster Bay Procurement Policy, and charged to an appropriate Account.

5. Carnival Equipment will be provided by "Dynamic Events", via a service or charged through the Purchasing Division of the Department of General Services.

6. Any and all other additional costs for said event will be supplemented by the *Friends of the Community Service Department, Inc.;*

7. Funds for said payment shall be drawn from Account No. CYS A 7020 418 000 0000, Recreational Supplies, and Account No. CYS A 7020 451 000 0000, Equipment Rental;

8. The Town of Oyster Bay and the Department of Community and Youth Services both reserve the right to refuse any vendor, exhibitor and/or media-based organization, for any reason, that they deem does not properly serve said event and/or the public in attendance;

9. Food and beverage shall be available to the public for purchase. The Department of Community and Youth Services reserves the right to utilize the current Town concessionaire(s); and be it further

RESOLVED, That the Town Board hereby waives the provisions of Oyster Bay Town Code Chapter 168, "Parks and Recreation", Chapter 168-22, "Alcoholic Beverages", and Chapter 82, "Alcoholic Beverages", Section 82-3, "Prohibitions", in the location and for the duration of said event; and be it further

RESOLVED, That the Supervisor, or his designee, or, the Commissioner of the Department of Community and Youth Services, or her designee, is hereby authorized to enter into an agreement, with Mr. Joseph Salucci, to provide a performance entitled "the Fast Lane", for an amount not to exceed $3,000.00; and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. CYS A 720 47660 000 0000, Special Events; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon the submission of a duly certified claim therefor, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

5

260

TOWN OF OYSTER BAY

Inter-Departmental Memorandum

March 16, 2022

RECEIVED
LEGISLATIVE AFFAIRS
2022 APR -4 P 1:58
TOWN OF OYSTER BAY

TO: Memorandum Docket

FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: 2022 Art in the Park

The Department of Community and Youth Services is requesting Town Board authorization to present the first Art in the Park. Art In the Park is scheduled to be held on Saturday, May 21, 2022 (rain date: Sunday, May 22, 2022) from 11:00 AM to 4:00 PM at Theodore Roosevelt Memorial Park & Beach in Oyster Bay. If approved, this event will be free to the public and will feature local artists and artisans who will provide hand-crafted goods on display and for sale. These items include ceramics, jewelry, paintings, photography and more. This family-friendly event will also include live music, food trucks and activities for kids.

A $25.00 artist participant fee will be collected to guarantee each vendor a spot. The funds collected shall be deposited in Account CYS A 001 02001 511 0000. The Town of Oyster Bay and the Department of Community and Youth Services reserves the right to refuse any vendor, exhibitor and/or media based organization, for any reason, that it deems does not properly serve said event and/or the public in attendance.

Food and beverage shall be available to the public for purchase. The Department of Community and Youth Services reserves the right to utilize the current Town concessionaire(s). In furtherance of such event, the Codes of the Town of Oyster Bay, *§168-22 Alcoholic Beverages; No person shall bring beer, ale or any other alcoholic beverage into any park or beach*, shall be waived and *Section 82-3, Alcoholic Beverages in public* shall be waived for the event.

Additionally, the Department of Community and Youth Services requests Town Board authorization to sign a contract with Joe Salucci located at 6 River Lane, Brookhaven, NY 11719 who will provide The Fast Lane. This vendor has been vetted through the Exiger System and the Inspector General is satisfied that the Town's procurement policy requirements have been met. The fee for this performance is $3,000 and the funds are available in Account CYS A 7020 47660 000 0000, *Special Events*.

The Town's responsibility for the cost of this event will not exceed $5,000. Funding is available in account CYS A 7020 41800 000 0000, Recreational Supplies and CYS A 7020 45100 000 0000, Equipment Rental. Purchase or service orders related to this event shall be procured through the Purchasing Division pursuant to the Town's Procurement Policy and charged to an appropriate account. Carnival equipment will be provided by Dynamic Events via a service order through the Purchasing Division. Any additional costs will be supplemented by *Friends of the Community Service Department, Inc.*

Therefore, it is respectfully requested that the Town Board authorize the Department to present the 2022 Art in the Park and permit the Town to enter into an agreement, as negotiated and approved by the Town Attorney's Office. It is further requested that the Town Board authorize the Supervisor and/or his designee or the Commissioner of Community and Youth Services to execute said agreement

Maureen A. Fitzgerald
Commissioner

MAF:kf

Reviewed By
Office of Town Attorney
Vanessa Walsh

Meeting of April 12, 2022 Resolution No 261-2022

WHEREAS, Sandi Ferrugia has requested to donate a memorial plaque and bench to be placed in Bayfront Park, Massapequa, in memory of Ellen Gail Meany; and

WHEREAS, the value of the plaque and bench is estimated to be $1,350.00, and the monies donated will be deposited into Account No. PKS A 0001 02705 000 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 18, 2022 recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of $1,350.00 from Sandi Ferrugia to be deposited into Account No. PKS A 0001 02705 000 0000, to purchase a plaque and bench to be placed in Bayfront Park, Massapequa, in memory of Ellen Gail Meany.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

261

Town of Oyster Bay
Inter-Departmental Memo

TO: **Memorandum Docket**

FROM: **Joseph G. Pinto, Commissioner of Parks**

SUBJECT: **Memorial Plaque and Bench**

DATE: **March 18, 2022**

The Department of Parks has received a request from Sandi Ferrugia (letter attached) requesting to donate a memorial plaque and a new bench to be placed in Bayfront Park in memory of Ellen Gail Meany.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque and bench will be purchased by Sandi Ferrugia and donated to the Parks Department. The value of the plaque and bench is estimated to be $1350.00. Town Board approval is requested on behalf of Sandi Ferrugia. The monies will be collected in account PKS A 0001 02705 000 0000.

for Joseph G. Pinto
COMMISIONER OF PARKS

JGP/dc

Diann Codispodo

From: Sandi Ferrugia <sfcarlyalliematt@aol.com>
Sent: Tuesday, March 1, 2022 3:53 PM
To: Diann Codispodo
Subject: Re: Memorial Prices and Guidelines
Attachments: full letter prices guidelines 2022.docx

CAUTION: This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Hi Dianne
I met with Chris today and I'd like to move forward.
Here is the wording I would like on the bench;

Ellen Gail Meany
August 31, 1966-March 12,2012
Mother, Wife, Daughter and my best friend
I miss you every
second of every day
Sandi

Please let me know when to bring down the check
Thanks
Sandi Ferrugia
[redacted]

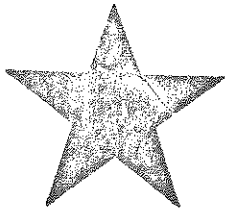
Sent from my iPhone

On Feb 22, 2022, at 10:51 AM, Diann Codispodo <dcodispodo@oysterbay-ny.gov> wrote:

Hi Sandi attached are the prices and guidelines for the plaques and benches. I will pass your name and number along to Chris. After you meet with him just get back in touch with me so we can discuss next steps.

Have a great day,
Diann☺

This message (including any attachments) may contain confidential information and is intended only for the individual or individuals named. If you are not the intended recipient, you should delete this message immediately. If you received this message in error, please notify the sender immediately.



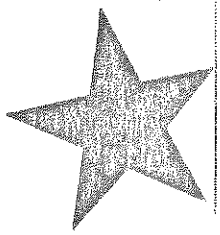
Diann Codispodo

From: Sandi Ferrugia <sfcarlyalliematt@aol.com>
Sent: Saturday, March 12, 2022 6:17 AM
To: Diann Codispodo
Subject: Bench

CAUTION: This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Hi Dianne
I spoke to Chris today and he said I would be able to get the bench in the location that I wanted right next to Joes bench. So please change the paperwork so that I am purchasing a bench with a plaque.
Thank you Sandi

Sent from my iPhone



Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 262-2022

WHEREAS, Patricia Reynolds has requested to donate a memorial plaque and bench to be placed in TOBAY Beach, Massapequa, in memory of Ruth Ryan; and

WHEREAS, the value of the plaque and bench is estimated to be $1,225.00, and the monies donated will be deposited into Account No. PKS A 0001 02705 000 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 14, 2022 recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of $1,225.00 from Patricia Reynolds to be deposited into Account No. PKS A 0001 02705 000 0000, to purchase a plaque and bench to be placed in TOBAY Beach, Massapequa, in memory of Ruth Ryan.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

262

Town of Oyster Bay
Inter-Departmental Memo

TO: **Memorandum Docket**

FROM: **Joseph G. Pinto, Commissioner of Parks**

SUBJECT: **Memorial Plaque and Bench**

DATE: **March 14, 2022**

The Department of Parks has received a request from Patricia Reynolds (letter attached) requesting to donate a memorial plaque and bench to be placed at Tobay Beach in memory of Ruth Ryan.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque and bench will be purchased by Patricia Ryan and donated to the Parks Department. The value of the plaque and bench is estimated to be $1225.00. Town Board approval is requested on behalf of Patricia Reynolds. The monies will be collected in account PKS A 0001 02705 000 0000.

Joseph G. Pinto
COMMISIONER OF PARKS

JGP/dc

Diann Codispodo

From: Patricia Reynolds
Sent: Tuesday, March 1, 2022 8:26 AM
To: Diann Codispodo
Subject: 8x4 Bench

Diane
I would like to request a
8x4 with bench on the road outside the Maintenance Shop at Tobay Beach as per my conversation with Travis.
We would like the plaque to read:

Dedicated in Loving Memory by the Family of
Ruth Ryan
Employee & Proud Resident of Town of Oyster Bay
May Your Smile Shine in our Hearts Forever

Let me know what else you need
Thanks
Pat

Patricia Reynolds
Town of Oyster Bay
Aquatics Division
516 797-4131

Meeting of April 12, 2022 Resolution No 263-2022

WHEREAS, Joseph Doran has requested to donate two (2) memorial plaques on two (2) existing benches to be placed in Ellsworth W. Allen Park, Farmingdale, in memory of Joseph Doran, Sr.; and

WHEREAS, the value of the plaques and existing benches is estimated to be $1,700.00, and the monies donated will be deposited into Account No. PKS A 0001 02705 000 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 17, 2022 recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of $1,700.00 from Joseph Doran to be deposited into Account No. PKS A 0001 02705 000 0000, to purchase a plaque and bench to be placed in Ellsworth W. Allen Park, Farmingdale, in memory of Joseph Doran, Sr.

-#-

Reviewed By
Office of Town Attorney
Domenica Walsh

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

Town of Oyster Bay
Inter-Departmental Memo

TO: **Memorandum Docket**

FROM: **Joseph G. Pinto, Commissioner of Parks**

SUBJECT: **Memorial Plaques**

DATE: **March 17, 2022**

The Department of Parks has received a request from Joseph Doran (letter attached) requesting to donate two (2) memorial plaques on (2) existing benches to be placed in Ellsworth W. Allen Park in memory of Joseph Doran Sr.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaques and existing benches will be purchased by Joseph Doran and donated to the Parks Department. The value of the plaques and existing benches is estimated to be $1,700.00. Town Board approval is requested on behalf of Joseph Doran. The monies will be collected in account PKS A 0001 02705 000 0000.

Joseph G. Pinto
COMMISIONER OF PARKS

JGP/dc

Diann Codispodo

From: Joseph Doran <joseph.j.doran@gmail.com>
Sent: Tuesday, March 15, 2022 1:49 PM
To: Diann Codispodo
Subject: Re: Memorial Prices and guidelines

CAUTION: This email originated from outside of our organization! Do not click links, open attachments or reply, unless you recognize the sender's email address and know the content is safe!

Hi Diann,

This is Joseph Doran and I'd like to donate two 8x6 plaques on existing benches at Allen Park in honor of my father, Joseph Doran. According to the pricing file you sent two 8x6 plaques on existing benches would be $1,700.00. I've met with the park manager, Jim, who is aware of the benches chosen and has taken pictures of them. Please let me know the next steps.

Thanks,
Joe

On Fri, Feb 11, 2022 at 2:10 PM Diann Codispodo <dcodispodo@oysterbay-ny.gov> wrote:

> Hi Joe, attached are the prices and guidelines we spoke about. I will pass your name along to Jimmy and he will reach out to you. After you meet with him you can email me a request letter.
>
> If you have any other questions you can call me at 797-7943
>
> Have a great weekend,
>
> Diann☺

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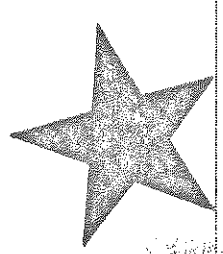


Meeting of April 12, 2022 Resolution No 264-2022

WHEREAS, Denise Fierro has requested to donate a memorial plaque and bench to be placed in TOBAY Marina, Massapequa, in memory of Orlando Farchione; and

WHEREAS, the value of the plaque and bench is estimated to be $1,225.00, and the monies donated will be deposited into Account No. PKS A 0001 02705 000 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 2, 2022 recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of $1,225.00 from Denise Fierro to be deposited into Account No. PKS A 0001 02705 000 0000, to purchase a plaque and bench to be placed in TOBAY Marina, Massapequa, in memory of Orlando Farchione.

-#-

Reviewed By
Office of Town Attorney

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

264

Town of Oyster Bay
Inter-Departmental Memo

TO: **Memorandum Docket**

FROM: **Joseph G. Pinto, Commissioner of Parks**

SUBJECT: **Memorial Plaque and Bench**

DATE: **March 2, 2022**

The Department of Parks has received a request from Denise Fierro (letter attached) requesting to donate a memorial plaque and a bench at Tobay Marina in memory of Orlando Farchione.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque and bench will be purchased by Denise Fierro and donated to the Parks Department. The value of the plaque and bench is estimated to be $1225.00. Town Board approval is requested on behalf of Denise Fierro. The monies will be collected in account PKS A 0001 02705 000 0000.

Joseph G. Pinto
COMMISIONER OF PARKS

JGP/dc

3/1/2022

To: Town of Oyster Bay
From Denise Fierro

My name is Denise Fierro
I would like to donate a New
Memorial Bench + plaque in honor
of one of my friends who past
away Suddenly
I would like the bench placed
at Tobay Marina since he
was a boater and tobay was
his home away from home
for over 30 years.
My friends name was
Orlando Farchione

Thank you for this consideration

Denise Fierro
Denise Fierro

Reviewed By
Office of Town Attorney

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 16, 2022, requested Town Board authorization for the Department of Parks to conduct the Town of Oyster Bay "Special Olympics Spring Games", in cooperation with Special Olympics NY, an IRS Sec. 501c3 charitable organization, as well as the Farmingdale Union Free School District, at the Farmingdale Athletic Complex at Weldon E. Howitt Middle School, Farmingdale, on Saturday, May 21, 2022; with the condition that the dates and times may be changed at the discretion of the Commissioner or his designee; and

WHEREAS, Commissioner Pinto, by said memorandum, advised that the Special Olympics Spring Games, is a day-long event with over 500 athlete-participants from the Long Island area, who compete in a variety of track & field events, supported by over 300 coaches and hundreds of volunteers and fans; and

WHEREAS, Commissioner Pinto, by said memorandum, further advised that the games represent months of training and Olympic style competition by individuals with intellectual disabilities, with Special Olympics providing the year-round sports training and athletic competition in a variety of sports for children and adults, providing them with continuing opportunities to develop physical fitness, demonstrate courage, experience joy, and participate in a sharing of gifts, skills, and friendship with their families and others; and;

WHEREAS, Commissioner Pinto, by said memorandum, further advised that the use of DJ and/or audio services may be incorporated into the event, and further requested approval to utilize the services of EKO Productions, Inc., pursuant to Resolution No.691-2021, the total cost for which shall not exceed $1,000.00, with funds for said costs to be paid from Account No. PKS A 7110 47670 000 0000; and

WHEREAS, Commissioner Pinto, by said memorandum, further advised and requested that event-related expenses, including, but not limited to, signage, branded merchandise, trophies, clothing, and promotional advertising (such as print, radio, television, internet, and computerized pre-recorded messaging), shall not exceed a total amount of $4,000.00, and shall be paid with funds drawn from Account No. PKS A 7110 47670 000 0000, through the Town Purchasing Division; and

WHEREAS, Commissioner Pinto, by said memorandum, further advised and requested that in accordance with the Town of Oyster Bay Procurement Policy, any further event-related expenses not detailed herein that are deemed appropriate by the Commissioner of the Department of Parks, or his designee, and which shall not exceed a total amount of $1,000.00, shall be paid with funds drawn from Account No. PKS A 7110 47670 000 0000, and shall be subject to the Town of Oyster Bay Procurement Policy and purchased through the Department of General Services, Purchasing Division,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Department of Parks is hereby authorized to conduct the Town of Oyster Bay "Special Olympics Spring Games", in cooperation with Special Olympics NY and the Farmingdale Union Free School District, at the Farmingdale Athletic Complex at Weldon E. Howitt Middle School, Farmingdale, on Saturday, May 21, 2022, subject to the aforementioned terms and conditions, and be it further

RESOLVED, That the Town Comptroller is hereby authorized and directed to make payment, for said event-related expenses, upon submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

12

265

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMORANDUM

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: MARCH 16, 2022

SUBJECT: TOWN OF OYSTER BAY SPECIAL OLYMPICS SPRING GAMES

The Department of Parks is requesting Town Board approval to conduct the Town of Oyster Bay Special Olympics Spring Games in cooperation with Special Olympics NY (501c3) and Farmingdale Public Schools (UFSD 22). The Event will take place at the Farmingdale Athletic Complex at Howitt Middle School, Farmingdale, Saturday, May 21st, 2022. Dates and times of the event may be changed at the discretion of the Commissioner of Parks or his designee.

The Special Olympic Spring games is a day-long event comprised of over 500 athletes from the Long Island area who compete in a variety of track & field events. The Athletes are supported by over 300 coaches and hundreds of volunteers and fans.

The games represent months of training and Olympic style competition by individuals with intellectual disabilities with Special Olympics providing the year-round sports training and athletic competition in a variety of sports for children and adults, giving them a continuing opportunities to develop physical fitness, demonstrate courage, experience joy and participate in a sharing of gifts, skills and friendship with their families.

The use of DJ and/or audio services may be incorporated into the event. The Department of Parks requests Town Board approval to utilize the services of EKO Productions Inc. per Town Board Resolution No. 691-2021 (attached). The total cost for DJ and /or audio services shall not exceed $1,000.00. Funds for the fees shall be paid from account PKS A 7110 47670 000 0000, through the Town General Services, Purchasing Division.

Event related expenses including but not limited to signage, branded merchandise, trophies, clothing, promotional advertising, such as print, radio, television, internet and computerized pre-recorded messaging shall not exceed $4,000.00 and shall be paid from account No. PKS A 7110 47670 000 0000, through the Town Department of General Services, Purchasing Division.

Any further event expenses not listed that are deemed appropriate by the Commissioner of Parks or his designee shall not exceed the total amount of $1,000.00 and are to be paid from account PKS A 7110 47670 000 0000 through the Town General Services Purchasing Division.

The Department of Parks recommends Town Board approval.

Joseph G. Pinto
Commissioner of Parks

JGP: EW

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 266-2022

WHEREAS, by Resolution No. 231-2021, adopted on April 20, 2021, the Town Board authorized entering into an agreement with ProPhase Diagnostics NY, Inc., 711 Stewart Avenue, Garden City, NY 11530 for the period April 20, 2021 through April 20, 2022, with renewal options. The License Agreement dated April 26, 2021, authorized by said resolution provided for four (4) one-year extensions at the Town's option; and

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memorandum dated March 21, 2022, recommended that the Town extend the contract with Prophase Diagnostics NY, Inc. for the first-one (1) year extension of the Agreement, for the period April 20, 2022 through April 24, 2023,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved and the Town is authorized to extend the contract with Prophase Diagnostics NY, Inc. for the first-one (1) year extension of the Agreement, for the period April 20, 2022 through April 24, 2023.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

466

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: ERIC TUMAN, COMMISSIONER
GENERAL SERVICES DEPARTMENT

DATE: MARCH 21, 2022

SUBJECT: RENEWAL OF AGREEMENT BETWEEN TOWN OF OYSTER BAY AND PROPHASE DIAGNOSTICS NY, INC. FOR 2022-2023
Memorandum Docket dated 04/06/21, Item and 04/13/21, Item 8

By Resolution No. 231-2021 adopted on April 20, 2021, the Town Board authorized entering into an agreement with ProPhase Diagnostics NY, Inc. for the period April 20, 2021 through April 20, 2022. Said Resolution provides for renewal options. The License Agreement dated April 26, 2021 authorized by said Resolution provides for four (4) one (1) year extensions at the Towns option.

It is the recommendation of the General Services Department that the Town extend the contract with ProPhase Diagnostics NY, Inc. for the first (1) year extension. The Office of the Inspector General has reviewed the vendor's Disclosure Questionnaire and is satisfied that the Procurement Policy standards have been met.

Therefore, it is requested that the Town Board exercise the option to renew the agreement between the Town and ProPhase Diagnostics NY, Inc., 711 Stewart Avenue Garden City, New York 11530 to provide COVID-19 testing, as requested by the Town, without fee or cost to employees and families for the period April 20, 2022 through April 20, 2023.

Respectfully,

Eric Tuman by: Ralph J. Raymond
Eric Tuman, Commissioner
General Services Department

ET/sc
Attachments

Meeting of April 20, 2021

Resolution No. 231-2021

WHEREAS, Eric Tuman, Commissioner, Department of General Services, by memoranda dated April 5, 2021 and April 12, 2021, requested that the Town Board, authorize the Town to enter into a license agreement with ProPhase Diagnostics NY, Inc., 711 Stewart Avenue, New York 11530, to utilize a portion of the TOWN's William P. Bennett Hicksville Community Center, to conduct COVID-19 testing, as requested by the TOWN, without fee or cost, to TOWN employees and their family members, and with no license fee charged to ProPhase Diagnostics NY, Inc. in consideration thereof, for a year term from April 20, 2021 through and including April 20, 2022, with four (4) two (2) year renewals, at the Town's sole option,

Reviewed By
Office of Town Attorney

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Town is authorized to enter into a license agreement to be signed by the Supervisor, or his designee, with Prophase Diagnostics NY, Inc., located at 711 Stewart Avenue, New York 11530, for the use of a portion of the TOWN's William P. Bennett Hicksville Community Center, to conduct COVID-19 testing, as requested by the TOWN, without fee or cost, to TOWN employees and their family members, and with no license fee charged to ProPhase Diagnostics NY, Inc. in consideration thereof, for the one year term from April 20, 2021 through and including April 20, 2022, with four (4) two (2) year renewals, at the Town's sole option.

#

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

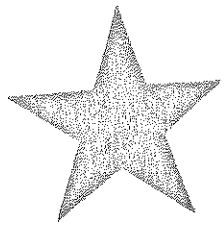
TOWN OF OYSTER BAY

and

PROPHASE DIAGNOSTICS NY, INC.

LICENSE AGREEMENT

OFFICE OF THE TOWN ATTORNEY
TOWN OF OYSTER BAY
Town Hall - Audrey Avenue
Oyster Bay, N.Y. 11771
(516) 624-6150



LICENSE AGREEMENT

DATED: April 26, 2021

PARTIES: TOWN OF OYSTER BAY, a municipal corporation of the State of New York, having its principal office at Town Hall, 54 Audrey Avenue, Oyster Bay, New York 11771, and hereinafter referred to as the "TOWN", acting for and on behalf of the DEPARTMENT OF GENERAL SERVICES, and hereinafter referred to as the "DEPARTMENT";

PROPHASE DIAGNOSTICS NY, INC, a New York corporation, located at 711 Stewart Avenue, Garden City, New York 11530, and hereinafter referred to as the "PROPHASE".

WITNESSETH:

WHEREAS, it is the general intent and purpose of this Agreement for PROPHASE to utilize a portion of the TOWN's William P. Bennett Hicksville Community Center (the "FACILITY"), to conduct COVID-19 testing, as requested by the TOWN, without fee or cost, to TOWN employees and their family members, and

WHEREAS, the Town Board deems it in the best interest of the TOWN to enter into an agreement with PROPHASE, with no license fee charged to PROPHASE in consideration of the above,

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

1. The TOWN hereby grants a license to PROPHASE to occupy and use the premises allocated to it on the main floor of the FACILITY, located at 26 Carl Street, Hicksville, New York 11801, for no other purposes than intended, hereinafter referred to as the "AREA."

PURPOSE

2. The space allocated to PROPHASE pursuant to this Agreement shall be used as a COVID-19 testing center for TOWN employees and their family members, and for no purpose other than this stated purpose. PROPHASE may operate its COVID-19 testing at the FACILITY, generally April 20, 2021 through April 20, 2022. Under no circumstances shall PROPHASE's testing work interfere with any scheduled events or other functions of the TOWN at the FACILITY. PROPHASE shall coordinate all testing work with the TOWN to avoid such interference.

MAINTENANCE AND IMPROVEMENTS

3. a. Any improvements or alterations to the building will require written approval of the TOWN and will become the property of the TOWN once constructed or implemented.

b. Improvements, alterations, use and occupancy must comply with all state, federal and local laws and regulations and are subject to review by the DEPARTMENT.

c. The TOWN shall be responsible for repairs and replacement of major mechanical systems to include HVAC, water heaters, electrical systems, plumbing systems, and structural elements of the building as required.

d. PROPHASE shall be responsible for the cleaning of the AREA.

e. The TOWN shall be responsible for all utility charges at the FACILITY, except for telephone, cable and internet service.

f. PROPHASE shall pay for its own telephone, cable and internet service used in the conduct of its business.

SCHEDULING

4. PROPHASE may use the main floor community room located at the FACILITY the days and hours (the "Operating Hours") determined by the Commissioner of the DEPARTMENT. Additional use of the community room(s) is subject to availability. All requests for said use shall be made to the Commissioner of the DEPARTMENT.

LICENSES AND PERMITS

5. PROPHASE agrees to procure, at its own cost and expense, all permits or licenses necessary for the operation of any of its programs described above pursuant to this Agreement.

6. PROPHASE assumes all risk in the operation of any of its programs described above and agrees to comply with all federal, state and local regulations, and all rules, regulations and ordinances of the TOWN, as well as rules and regulations of the DEPARTMENT.

POSSESSION

7. It is expressly understood and agreed that no building space or equipment is leased to PROPHASE. During the term of this Agreement, PROPHASE shall have use of the AREA as described hereinabove as designated by the DEPARTMENT.

TITLE TO EQUIPMENT

8. Title to all equipment provided by PROPHASE shall remain with, and such equipment shall be removed by PROPHASE at the termination of this Agreement. Should any property remain in the premises after such expiration or termination, the TOWN shall notify PROPHASE to remove such property with ten (10) days from the date

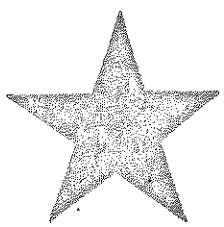
of such writing, and if PROPHASE should fail to remove such property, the TOWN may deal with such as though same had been abandoned, and charge all cost and expenses incurred in the removal thereof to PROPHASE. PROPHASE's obligation to observe and perform all the terms, covenants, and conditions of this Agreement shall survive the expiration or other termination thereof. If PROPHASE's equipment is removed, PROPHASE shall return all premises to their original condition to the satisfaction of the TOWN.

BAILMENT

9. PROPHASE shall agree to be responsible for loss or damage to property turned over to it by its patrons, if damage or loss occurs by reason of the fault or negligence of PROPHASE, its patrons, employees or agents.

WAIVER OF CLAIMS

10. PROPHASE waives any and all claims for compensation for any and all loss or damage sustained by reason of any defect, deficiency or impairment of the water supply systems, drainage systems, gas mains, electrical apparatus or wires furnished for the premises, except to the extent such loss or damage was caused in whole or in part by the negligence of the TOWN, or by reason of any loss of any gas supplies, water supplies, heat or current which may occur from time to time from any cause, or for any loss or damage resulting from fire, water, tornado, civil commotion or riot, or any other reasons whatsoever. PROPHASE releases and discharges the TOWN and its agents from any and all demands, claims, actions and causes of action arising from any of the causes aforesaid, except to whatever extent such loss or damage was caused in whole or in part by the TOWN's own negligence. PROPHASE further waives any and all claims for



compensation, refund of its investment, if any, or any other payments whatsoever in the event this Agreement is terminated by the TOWN sooner than the fixed term, except to the extent set forth below.

INSURANCE AND WORKER'S COMPENSATION

11. a. PROPHASE agrees to obtain from an insurance company, authorized to do business in the State of New York and keep in force during the term of this contract, a policy of comprehensive general liability and products liability insurance on which PROPHASE and the TOWN are each named insured, including, but not limited to, the torts and negligence of PROPHASE's personnel, with a policy providing $1,000,000.00 per occurrence/ $2,000,000.00 in the aggregate; and

b. PROPHASE shall comply with all provisions of the Workers' Compensation Law, and shall furnish a certificate showing evidence of current coverage upon request; and

c. All insurance coverage as stipulated herein shall be subject to the approval of the Town Attorney of the TOWN; and

d. Such policies shall be issued in the name PROPHASE, with the TOWN being named as an additional insured. Copies of the aforementioned insurance, and an endorsement from the insurance company evidencing the TOWN's additional insured status, must be filed with the TOWN. No such insurance policy shall be cancelled without thirty (30) days prior written notice to the TOWN. The failure of PROPHASE to maintain such insurance policies, and to furnish such policies and/or certificates, may automatically terminate this Agreement. All such insurance shall be kept in full force and effect during the term of this Agreement and any renewals or extensions thereof.

INDEMNIFICATION

12. a. PROPHASE shall be responsible for and shall indemnify and hold harmless the TOWN, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorney's fees and disbursement) and damages, arising out of or in connection with any of PROPHASE's negligent acts or omissions.

b. The TOWN shall be responsible for and shall indemnify and hold harmless PROPHASE, its officers, employees and agents from and against any and all liabilities, losses, costs, expenses (including, without limitation, attorney's fees and disbursement) and damages, arising out of or in connection with any of the TOWN's negligent acts or omissions.

c. The indemnity and hold harmless provisions herein shall survive the termination of this Agreement and be of full force and effect notwithstanding any lapse in insurance coverage required herein.

TERMINATION OF AGREEMENT

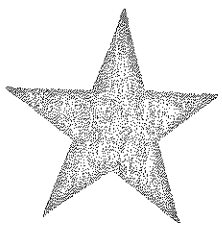
13. a. Termination Without Cause.

This Agreement may be cancelled at any time by either party giving to the other not less than ninety (90) days written notice that on or after a date certain, the Agreement shall be deemed terminated and cancelled.

b. Termination With Cause.

Subject to the dispute resolution procedures set forth below, the TOWN has the right to terminate the Agreement if:

i. PROPHASE, after written notice from the Commissioner of the DEPARTMENT, does not furnish adequate skilled personnel or proper materials;



ii. PROPHASE fails to fulfill its obligations, or any part thereof, with diligence;

iii. PROPHASE does not comply with all laws, ordinances, rules, or provisions governing this Agreement, or the instructions of the Commissioner of the DEPARTMENT, or is otherwise in violation of any provisions of the Agreement; or

iv. PROPHASE is in violation of any law, rule, regulation or judicial Order, which unreasonably affects the faithful performance of this Agreement;

v The AREA is sublet by PROPHASE except as otherwise permitted herein;

vi. The Agreement or any claim under it is assigned by PROPHASE without the approval of the TOWN.

In the event PROPHASE breaches this Agreement for any of the reasons set forth in "i" through "vi" above, the TOWN shall give written notice of said breach to PROPHASE at the address first written above. PROPHASE shall then have thirty (30) days within which to cure said breach, in which case the Agreement shall continue to remain in effect. If, after such period, PROPHASE has failed to cure or has not commenced to cure said breach with reasonable diligence, the TOWN may seek to terminate this Agreement and remove PROPHASE from the FACILITY through an action brought in a court of competent jurisdiction. The respective rights and obligations of the parties shall be determined in accordance with the ruling of the court, and/or any appeals therefrom.

NOTICES

14. Notices required under this Agreement shall be made in writing and sent to the following addresses:

To PROPHASE:	Prophase Diagnostics NY Inc. 711 Stewart Avenue Garden City, New York 11530
To the TOWN:	Commissioner of General Services, Town of Oyster Bay Town Hall North 74 Audrey Avenue Oyster Bay, New York 11771
With Copies to:	Oyster Bay Town Clerk 54 Audrey Avenue Oyster Bay, New York 11771
And:	Oyster Bay Town Attorney 54 Audrey Avenue Oyster Bay, New York 11771

MODIFICATION

15. This Agreement may be modified from time to time by agreement, in writing, duly executed by the TOWN and PROPHASE, but no modification of this Agreement shall be effected until the same has been agreed to in writing, and duly executed by the TOWN supervisor or his designee, and approved by the Town Board

TRANSFER OR ASSIGNMENT

16. PROPHASE shall not sell, mortgage, or parcel out this Agreement, or any interest herein, or consent, allow or permit any other person or party to use any part of the premises, buildings, or space except as provided by this Agreement, nor shall this Agreement be transferred by operation of law; it being the purpose and spirit of the instrument to be issued to grant the Agreement and privilege solely to PROPHASE

LICENSEE

17. PROPHASE agrees that it is, and shall at all times be deemed to be, a licensee, and it shall not, in any manner whatsoever, by its actions or deeds, commit the TOWN

to any obligation irrespective of the nature thereof, and it shall not, at any time or for any purpose, be deemed an employee of the TOWN. It is further understood and agreed that no agent, servant or employee of PROPHASE shall, at any time, or under any circumstances, be deemed to be an agent, servant or employee of TOWN.

LOSS OF BUSINESS

18. No damages, compensation or claim shall be payable by the TOWN for inconvenience, loss of business or annoyance arising from any repair or restoration of any portion of the FACILITY. The TOWN shall use reasonable efforts to effect such repair or restoration promptly and in such manner as not reasonable to interfere with PROPHASE's use and occupancy.

TERM

19. Unless sooner terminated or extended as herein provided, the terms of this Agreement shall consist of one (1) one-year period, from April 20, 2021 through and including April 20, 2022, with four (4) separate one-year renewals, at the sole option of the TOWN.

PAYMENT

20. There shall be no license fee to be paid by PROPHASE, in consideration of the above administration of COVID-19 testing to TOWN employees and their family members.

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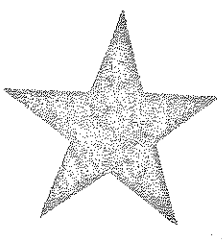

IN WITNESS WHEREOF, the parties have executed this Agreement by their duly authorized officers or signatories on the dates opposite their signatures below.

TOWN OF OYSTER BAY

Date: 4/26/2021

By: _____
Deputy Supervisor

Witnessed by: _____

PROPHASE DIAGNOSTICS NY INC.

Date: 4/22/21

By: _____
TED KARKUS, CEO

Witnessed by: _____
SUSAN COWLEY

Reviewed by:

_____
DEPUTY TOWN ATTORNEY

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Prophase Diagnostics NY, Inc.

Accepted by System User on 4/16/2021 View History

Accepted	Low

Summary DDIQ Risk Model Tasks Monitoring 1

Initiate Diligence

AT A GLANCE

Show Hidden Values Edit History

Company Name
Prophase Diagnostics NY, Inc.

Alternate Company Name(s)
–

Corporate Registration Number
–

Type of Organization
–

Address
711 Stewart Ave. Suite 200

Country
United States

State/Province
New York

City
Garden City

Zip/Postal Code
11530

Country(ies) of Doing Business
United States

Website
–

Country of Incorporation
United States

Requestor
Brad Panetta

Date Created
4/7/2021

Client Account
Oyster Bay - General Services

Tax Id
****

Project Number
–

FEIN

Individual Equipment Leases
N/A

Public Work and Service Contracts
> $15,001 - Require an RFP

Purchase of Supplies
N/A

Will change orders exceed 5% of the originally approved contract?
No

Will the automatic renewal of a contract need to be issued an RFP?
No

Concerning	Prophase Diagnostics NY, Inc.	Completed on	Apr 8, 2021 5:12 PM UTC
Requested by	Brad Panetta	Completed by	Steve Kamalic
Requested on	Apr 7, 2021 1:26 PM UTC		

General Information

Section 1: General Information

1. Business name (legal name)

PropPhase Diagnostics NJ, Inc

2. Federal Employer ID No. (FEIN)

13-3934292

3. d/b/a - doing business as (if applicable)

ProPhase Diagnostics, FKA Confucius Medical Plaza

3a. County filed

Middlesex County

4. Website address (if applicable)

www.prophaselabs.com

5. Business e-mail address

steve.kamalic@prophasedx.com

6. Principal place of business address

42 Throckmorton Ln Old Bridge NJ 08857

7a. Telephone number

866 752 2837

7b. Fax number

516 464 6132

8. Does the business use, or has it used in the past five (5) years, any other business name, FEIN, or d/b/a other than what is listed in questions 1-3 above?

No

9. Authorized Contact

Name	Steven Kamalic
Title	Chief Operating Officer
Telephone Number	718 755 7534
Fax Number	516 464 6132
E-mail	steve.kamalic@prophasedx.com

10. How many years has this entity been in business?

1

11. The proposer is a (select one)

Corporation

Principal Information

Section 2: Principal Information

List all principals that own 10% or more of the company. To add another individual, please select the "+ Add" button below.

1. Principal Information

Principal First Name	Ted
Principal Last Name	Karkus
Date of Birth	5/27/1959
% Equity Interest in Company	22%
Home Address	188 Hewlett Neck Rd
City	Woodmere
State	New York
Zip	11598
Country	United States
Telephone	215 850 8825
Positions held in submitting business	Chief Executive Officer
Within the past five years, have you been a principal owner or officer of any business or not-for-profit organization other than the one submitting the questionnaire?	No
Has any governmental entity awarded any contracts to a business or organization listed in question 3 above in the past five (5) years while you were a principal owner or officer?	No

Due Diligence Questions

Section 3: Due Diligence Questions

1. Does the business possess all certifications, licenses, permits, approvals, insurance, bonds or other authorizations issued by any local, state, or federal governmental entity in connection with the proposal/project, business services, operations, business, or ability to conduct its activities? Please note this does not include construction related activities such as building permits and certificates of occupancy.

Yes

2. Does this business have one or more affiliates, and/or is it a subsidiary of, or controlled by, any other business?

Yes

Business Information

Company Name	ProPhase Labs, Inc
Address	711 Stewart Avenue South
City	Garden City
State	New York
Zip	11530
Country	United States
Contact Person Name	Steven Kamalic
Contact Person E-mail	steve.kamalic@prophasedx.com

3. Do you have any contracts controlled by a third party?

No

4. Has the proposer ever had a bond or surety cancelled or forfeited, or a contract with any entity terminated?

No

5. Have you conducted business with any municipality(ies) in the past three (3) years?

No

6. Has the proposer, during the past five (5) years, been declared bankrupt?

No

7. In the past five years, has this business and/or any of its owners and/or officers and/or any affiliated business, been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency?

No

8. In the past 5 years, have any owner and/or officer of any affiliated business been the subject of a criminal investigation and/or a civil anti-trust investigation by any federal, state or local prosecuting or investigative agency, where such investigation was related to activities performed at, for, or on behalf of an affiliated business.

No

9. In the past 5 years, has this business and/or any of its owners and/or officers and/or any affiliated business been the subject of an investigation by any government agency, including but not limited to federal, state and local regulatory agencies?

No

10. In the past 5 years, has any owner and/or officer of an affiliated business been the subject of an investigation by any government agency, including but not limited to federal, state and local regulatory agencies, for matters pertaining to that individual's position at or relationship to an affiliated business.

No

11. . Has any current or former director, owner or officer or managerial employee of this business had, either before or during such person's employment, or since such employment (if the conduct pertained to events that allegedly occurred during the time of employment)

a. Any felony charge pending?

No

b. Any misdemeanor charge pending?

No

c. Any violations of administrative, statutory or regulatory provisions pending?

No

d. In the past ten (10) years, you been convicted, after trial or by plea, of any felony and/or any other crime, an element of which relates to truthfulness?

No

e. In the past ten (10) years, been convicted, after trial or by plea, of a misdemeanor?

No

f. In the past ten (10) years, been found in violation of any administrative, statutory, or regulatory provisions?

No

11. In the past five (5) years, has this business or any of its owners or officers, or any other affiliated business had any sanction imposed as a result of judicial or administrative proceedings with respect to any professional license held?

No

12. For the past five (5) tax years, has this business failed to file any required tax returns or failed to pay any applicable federal, state or local taxes or other assessed charges?

No

Conflict of Interest

Section 4: Conflict of Interest

Please disclose any conflicts of interest as outlined below.

1. Are there any material financial relationships that your firm or any firm employee has that may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay?

No

2. Are there any family relationships that any employee of your firm has with any public servant that may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay?

No

3. Are there any other matters that your firm believes may create a conflict of interest or the appearance of a conflict of interest in being awarded this contract with the Town of Oyster Bay.

No

Certification

Section 5: Certification

A MATERIALLY FALSE STATEMENT WILLFULLY OR FRAUDULENTLY MADE IN CONNECTION WITH THIS QUESTIONNAIRE MAY RESULT IN RENDERING THE

SUBMITTING BUSINESS ENTITY NOT RESPONSIBLE WITH RESPECT TO THE PRESENT PROPOSAL OR FUTURE PROPOSALS, AND, IN ADDITION, MAY SUBJECT THE PERSON MAKING THE FALSE STATEMENT TO CRIMINAL CHARGES.

I, being duly sworn, state that I have read and understand all the items contained in the foregoing pages of this questionnaire and the following pages of attachments; that I supplied full and complete answers to each item therein to the best of my knowledge, information and belief. The undersigned also certifies that s/he has not altered the content of the questions in the questionnaire in any manner; has read and understands all of the items contained in the questionnaire and any attached pages; has supplied full and complete responses to each item therein to the best of his/her knowledge, information and belief; is knowledgeable about the submitting business's business and operations; understands that the Town of Oyster Bay will rely on the information supplied in this questionnaire when entering into a contract or agreement with the business; and is under duty to notify the Town of Oyster Bay of any material changes to the business's responses herein

Name of Submitting Business	ProPhase Diagnostics NJ, Inc
Print Name	Ted Karkus
Signature	Ted Karkus 4/8/2021
Title	Chief Executive Officer
Date	4/8/2021

Reviewed By
Office of Town Attorney

WHEREAS, pursuant to the Code of the Town of Oyster Bay ("Code"), Chapter 241, "Waterways", Section 241-9, "Applications", Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated March 17, 2022, directed ROBERT ERICSON, Applicant, to provide an Affidavit of Mailing Notice, pursuant to Section 241-9(E)(3) of the Code, of the application to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 1 Berkeley Place, Massapequa, New York 11758, known and designated as Section 65, Block 4, Lots 94-97, on the Nassau County Land and Tax Map; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Commissioner Maccarone, by said memorandum, stated that Chapter 241 of the Code requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and has requested a calendar date of April 12, 2022, for Town Board action, in connection with the aforementioned application; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated February 1, 2022, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review Law, the Town Environmental Quality Review Division ("Division") has reviewed the dock building permit application referenced above, and has reviewed the relevant environmental factors affected by the uses proposed in the subject application; and has determined that said application is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c)(12), Type II Actions List, relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, Section B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances," and as such does not require completion of an Environmental Impact Statement or other environmental consideration; and

WHEREAS, actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board declares that the aforementioned dock application is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c) (12) Type II Actions List; and be it further

RESOLVED, That the application of ROBERT ERICSON, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 1 Berkeley Place, Massapequa, New York 11758, known and designated as Section 65, Block 4, Lots 94-97 on the Nassau County Land and Tax Map, is hereby APPROVED.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

DATE: **MARCH 17, 2022**

SUBJECT: **WATERWAYS REVIEW**
ROBERT ERICSON
1 BERKELEY PLACE
MASSAPEQUA, NY 11758
SECTION 65, BLOCK 4, LOT(S) 94-97
DOCK BUILDING PERMIT APPLICATION # 21080370

We have received a request from Robert Ericson to "remove and replace bulkhead within 18 inches of existing bulkhead; construct a 4' x 6' cantilever platform leading to a ramp and float; dredge 10' x 100' rectangular area adjacent to bulkhead to -4 ALW and use dredge material as backfill landward of the bulkhead." All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-03403/00001 dated April 9, 2021 and the Department of the Army, New York District, Corps of Engineers Nationwide Permit No. NAN-2021-00223 dated July 23, 2021. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No. 21080370; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-03403/00001 dated April 9, 2021; Department of the Army, New York District Corps of Engineers Permit No. NAN-2021-00223 dated July 23, 2021, and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated February 5, 2021. Also attached is a memo from George Baptista Jr., Deputy Commissioner Department of Environmental Resources dated February 1, 2022, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC and the Department of the Army Corps of Engineers Permit approvals.

The proposed work at the subject premises would, in our opinion, be compatible with the surrounding area.

Pursuant to Section §241-9(E)(3) of the Code of the Town of Oyster Bay, all persons, local governments, other agencies or corporations having any property or operating any

facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the April 12, 2022 Town Board calendar to provide the applicant ample time to comply with this requirement.

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/gl
Encls.

cc: Legislative Affairs (2 copies w/ attachments)
cc: Town Attorney's Office, Attn: Dennis Sheehan

0100047565S 8/19/21

SECTION 65 BLOCK 4 LOT(S) 94-97

21080370

TOWN OF OYSTER BAY
DEPARTMENT OF PLANNING & DEVELOPMENT
DIVISON OF BUILDING
Town Hall
Oyster Bay, New York 11771

APPLICATION FOR PERMIT TO BUILD OR INSTALL

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

	Name	Street Address	Post Office	Zip	Phone #
PROPERTY OWNER / LESSEE	Robert Ericson	1 Berkeley Pl	Massapequa NY	11758	[redacted]
TENANT:					
APPLICANT:	Bulkhead Permits by Gary (Janet Moses)	2 Whaleneck Dr	Merrick NY	11566	516 546 3477
ARCHITECT:	John Lueburg	4046 Hudson Ave.	Seaford NY	11783	516 603 5770
CONTRACTOR:	Kovel Marine Contractors	100 Cedar Shore Dr	Massapequa	11758	516 541 8819

PLUMBER: _____

ELECTRICIAN: _____

ADDRESS OF CONSTRUCTION: _____
IF DIFFERENT FROM ABOVE — NO. & STREET — POST OFFICE — ZIP CODE

LOCATION OF PROPERTY: N.E.S.W. SIDE OF _____ _____ FEET
N.E.S.W. OF _____ (STREET) _____ (POST OFFICE)
OR
N.E.S.W. OF _____ corner of _____ (STREET) and _____ (STREET) _____ (POST OFFICE)

TYPE OF BUILDING

A. TYPE OF IMPROVEMENT	EXISTING	PROPOSED	B. PROPOSED USE	EXISTING	PROPOSED
1. NEW BUILDING/STRUCTURE			1. ONE FAMILY		
2. ADDITION/EXTENSION			2. TWO FAMILY		
3. ALTERATION (i.e. Garage Conv.)			3. PARENT/CHILD		
4. DECK			4. GARAGE		
5. AWNING/ROOF-OVER			5. BUSINESS		
6. CELLAR ENTRANCE			6. INDUSTRIAL		
7. REISSUE #			7. RESTAURANT		
8. OTHER	✓		8. PUBLIC ASSEMBLY		
			9. OTHER		

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s)) Remove & replace bulkhead within 18" of existing 4'X 6' cantilever leading to RAMP & FLOAT

PREFAB INC

A Disclosure Affidavit needs to be filed with the Application to demonstrate that there is no potential conflict of interest between a property owner, applicant, contractor or other involved party to an Application and any employees or other relationships to the Town of Oyster Bay.

HAVE BOTH AFFIDAVITS NOTARIZED

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

APPLICANT

STATE OF NEW YORK
COUNTY OF NASSAU ss.

Janet Moses being duly sworn, deposes and says: That he/she resides at 2 Whaleneck DR In the hamlet of Merrick in the State of New York and that he/she is authorized by the Owner Robert Ericson who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponents own knowledge.

Address: 2 Whaleneck DR Merrick NY 11566
Phone: 516 546 3477

(Sign here) Janet Moses

OWNER

STATE OF NEW YORK
COUNTY OF NASSAU ss:

Robert Ericson being duly sworn, deposes and says: That he/she resides at 1 Berkeley PLACE in the hamlet of Massapequa in the State of New York and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes Janet Moses (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.

(Sign here) Robert _____ (owner)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790
P: (631) 444-0365 I F: (631) 444-0360
www.dec.ny.gov

April 9, 2021

Robert Ericson
1 Berkeley Place
Massapequa, NY 11758

Re: Application #1-2824-03403/00001
Ericson Property – 1 Berkeley Place
NCTM# 65-4-94:97

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,

2 1 0 8 0 4 7 0

Kim Lamiroult
Environmental Analyst

cc: Bulkhead Permits by Gary
BMHP
File

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
ROBERT ERICSON
1 BERKELEY PL
MASSAPEQUA, NY 11758

Facility:
ERICSON PROPERTY
1 BERKELEY PL|65-4-94-97
MASSAPEQUA, NY 11758

Facility Application Contact:
BULKHEAD PERMITS BY GARY INC
1456 66TH ST
BROOKLYN, NY 11219
(516) 546-3479

Facility Location: in OYSTER BAY in NASSAU COUNTY
Facility Principal Reference Point: NYTM-E: 628.32 NYTM-N: 4502.757
Latitude: 40°39'56.6" Longitude: 73°28'54.8"
Project Location: Veritys River Basin
Authorized Activity: Remove and replace bulkhead within 18" of existing bulkhead; construct 4' x 6' cantilever platform leading to a ramp and float; dredge 10' x 100' rectangular area adjacent to bulkhead to -4 ALW and use dredge material as backfill landward of the bulkhead. All work shall be done in accordance with the plans prepared by Bulkhead Permits by Gary Inc., dated 01/11/2021, and stamped 'NYSDEC Approved' on 04/09/2021. KLL

Permit Authorizations

Tidal Wetlands - Under Article 25
Permit ID 1-2824-03403/00001
New Permit Effective Date: 4/9/2021 Expiration Date: 4/8/2026
Excavation & Fill in Navigable Waters - Under Article 15, Title 5
Permit ID 1-2824-03403/00002
New Permit Effective Date: 4/9/2021 Expiration Date: 4/8/2026
Water Quality Certification - Under Section 401 - Clean Water Act
Permit ID 1-2824-03403/00003
New Permit Effective Date: 4/9/2021 Expiration Date: 4/8/2026

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: LAURA F STAR, Deputy Permit Administrator
Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: Laura F Star Date 4/9/21

Distribution List

BULKHEAD PERMITS BY GARY INC
Bureau of Marine Habitat Protection
File

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

WATER QUALITY CERTIFICATION SPECIFIC CONDITION

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS; EXCAVATION & FILL IN NAVIGABLE WATERS; WATER QUALITY CERTIFICATION

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Bulkhead Permits by Gary, dated 01/11/2021.

2. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

3. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

4. **Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

5. **No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

6. **No Floats, Ramps in Vegetated Tidal Wetlands** Floats and ramps may not rest on or be stored in any vegetated tidal wetland.

7. **Maintain Erosion Controls** All erosion control devices shall be maintained in good and functional condition until the project has been completed and the area has been stabilized.

8. **Filter Fabric Curtain Around Dredging Area** A filter fabric (turbidity) curtain weighted across the bottom and suspended at the top by floats shall be positioned to enclose the work site before commencing dredging. The curtain shall remain in place and in functional condition during all phases of the dredging operations and remain in place for two hours after dredging termination and turbidity inside the curtain no longer exceeds ambient levels.

9. **Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

10. **Bulkhead Replacement** The new bulkhead shall be constructed within a maximum of 18" seaward of the existing structure, measured from the seaward face of the existing sheathing to the outermost seaward face of the new sheathing (as shown on the approved cross-section).

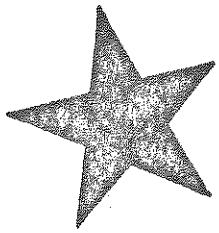
11. **Excavation for Bulkhead/Structure** Prior to any construction or removal of bulkheads and other shoreline stabilization structures all backfill shall be excavated landward of the structure and retained so as not to enter the waterway, tidal wetland or protected buffer area.

12. **No Runoff Over or Through Bulkhead or into Wetland** There shall be no discharge of runoff or other effluent over or through any bulkhead or shoreline stabilization structure or into any tidal wetland or protected buffer area.

13. **Replacement Bulkhead Maximum Height** The top elevation of the replacement bulkhead shall be no more than 18 inches higher than the existing bulkhead.

14. **Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.

15. **No Structures on Bulkhead** No permanent structures shall be installed on the authorized bulkhead without first obtaining written department approval (permit, modification, amendment).



16. **Bulkhead Decking** No portion of the decking or boardwalk shall extend seaward of the bulkhead sheathing.

17. **Grade to Match That Adjacent to Bulkhead** All fill must be graded to match the elevation of the land immediately adjacent to the bulkhead.

18. **Dredge Bucket Operations** The bucket shall be lifted in a continuous motion through the water column and into the barge, disposal site or conveyance vehicle.

19. **No Overflow from Barges** There shall be no overflow of material from the holding barges during dredging or during transport of dredged material.

20. **No Prop Dredging** Prop dredging, or the act of utilizing and/or directing the propeller or propulsion system of a motorized vessel and/or the water-borne forces created by said propeller or propulsion system, to excavate or displace existing bottom sediment and benthic habitat for the direct or indirect purpose of establishing or increasing water depth, is a regulated activity and is not authorized by this permit. Prop dredging is strictly prohibited without further written authorization (permit, modification or amendment) from the department.

21. **Restrict Spillage, Use Closed Bucket** During the dredging operation, the permittee and his contractor shall prevent spillage of sediment during excavation and haulage. Dredging shall be accomplished with a clam shell or other closed bucket equipment or hydraulic dredge equipment.

22. **No Side-casting or Temporary Storage** Excavated sediments shall be placed directly into the approved disposal site/dewatering site or conveyance vehicle. No side-casting (double-dipping) or temporary storage of excavated sediments is authorized.

23. **Leave a Uniform Bottom Elevation** All dredging shall be conducted so as to leave a uniform bottom elevation free of mounds or holes.

24. **Dredged Materials above AHW** All material shall be placed landward of apparent high water.

25. **Dredgings to Remain On-Site/Within Wetland** Dredge material approved to remain on-site and/or within the NYSDEC Tidal Wetlands jurisdiction shall be retained so as not to enter any water body, tidal wetlands, or protected buffer areas. Off-site, upland disposal of dredged material beyond NYSDEC Tidal Wetland jurisdiction requires the additional guidance of the Division of Materials Management (631) 444-0375 and is not covered by this permit.

26. **Disposal Locations** All excavated material shall be appropriately disposed of as per the project plan with minimal disturbance and/or impact to vegetated marsh areas. Disposal of excess material beyond the approved project site will require further written approval from the Department (permit, modification, amendment).

27. **Backfilling** All peripheral berms, cofferdams, rock revetments, seawalls, gabions, bulkheads or other approved shoreline stabilization structures shall be completed prior to placement of any fill material behind such structures.

28. **Clean Fill Only** All fill shall consist of clean sand, gravel, or soil (not asphalt, slag, flyash, broken concrete or demolition debris).

29. **Pilings at Property Lines** Pilings shall not:

a. extend laterally beyond property lines,

b. interfere with navigation, or

c. interfere with other landowners riparian rights.

30. **No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

31. **Docks at Property Lines** Docks/catwalks/floats must not:

a. extend laterally beyond property lines,

b. interfere with navigation, or

c. interfere with other landowners riparian rights.

32. **No Permanent Structures on Dock** No permanent structures shall be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).

33. **Float Installation** The float shall be installed only at the approved location with a minimum water depth of 2½ feet, measured at apparent low tide.

34. **Repairs to Structures** All repairs to existing structures shall be confined to replacement of existing elements with no change in design, dimension or materials, unless specifically authorized by this permit.

35. **Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of in an authorized solid waste management facility. These materials shall be suitably stabilized as not to re-enter any water body, wetland or wetland adjacent area.

36. **No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

37. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

38. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

39. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

40. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

41. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

WATER QUALITY CERTIFICATION SPECIFIC CONDITIONS

1. **Water Quality Certification** The authorized project, as conditioned pursuant to the Certificate, complies with Section 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act, as amended and as implemented by the limitations, standards, and criteria of state statutory and regulatory requirements set forth in 6 NYCRR Section 608.9(a). The authorized project, as conditioned, will also comply with applicable New York State water quality standards, including but not limited to effluent limitations, best usages and thermal discharge criteria, as applicable, as set forth in 6 NYCRR Parts 701, 702, 703, and 704.

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. **Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

NEW YORK
STATE OF
OPPORTUNITY.

Department of
Environmental
Conservation

NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Advisor

SUSAN ACKERMAN

Permit Number 1-2824-03403/00001

Expiration Date 04/08/2026

NYSDEC - ENV. PERMITS
SUNY@STONY BROOK
50 CIRCLE ROAD
STONY BROOK, NY 11790-3409

NOTE: This notice is **NOT** a permit

RETURN THIS FORM TO: COMPLIANCE
Marine Habitat Protection
NYSDEC
50 Circle Road SUNY@ Stony Brook
Stony Brook, NY 11790-3409

OR FAX TO: 631-444-0272
E-Mail: dec.sm.R1MHP_BEH@dec.ny.gov

PERMIT NUMBER:_____ EXPIRATION DATE:_____

PERMITTEE NAME & PROJECT ADDRESS: _____

_____

CONTRACTOR NAME & ADDRESS:_____

_____TELEPHONE: _____

Dear Sir:
Pursuant to **special conditions** of the referenced permit, you are hereby notified that the authorized activity shall commence on _____. We certify that we have read the referenced permit and approved plans and fully understand the authorized project and all permit conditions. We have inspected the project site and can complete the project as described in the permit and as depicted on the approved plans. We can do so in full compliance with all plan notes and permit conditions. The permit, permit sign, and approved plans will be available at the site for inspection in accordance with general Condition No. 1. **(Both signatures required)**

PERMITEE: _____ DATE _____

CONTRACTOR:_____ DATE _____

*THIS NOTICE MUST BE SENT TO THE ABOVE ADDRESS **AT LEAST TWO DAYS PRIOR TO COMMENCEMENT OF THE PROJECT** AND /OR ANY ASSOCIATED REGULATED ACTIVITIES. FAILURE TO RETURN THIS NOTICE, POST THE PERMIT SIGN, OR HAVE THE PERMIT AND APPROVED PLANS AVAILABLE AT THE WORK SITE FOR THE DURATION OF THE PROJECT MAY SUBJECT THE PERMITTEE AND/OR CONTRACTOR TO APPLICABLE SANCTIONS AND PENALTIES FOR NON-COMPLIANCE WITH PERMIT CONDITIONS.*

Cut along this line X X X X X X X

NOTICE OF COMPLETION OF CONSTRUCTION

RETURN THIS FORM TO: COMPLIANCE
Marine Habitat Protection
NYSDEC
50 Circle Road SUNY@ Stony Brook
Stony Brook, NY 11790-3409

OR FAX TO: 631-444-0272
E-Mail: dec.sm.R1MHP_BEH@dec.ny.gov

PERMIT NUMBER: _____ EXPIRATION DATE: _____

PERMITTEE NAME & PROJECT ADDRESS: _____

_____

CONTRACTOR NAME & ADDRESS: _____

_____TELEPHONE:_____

Pursuant to **special conditions** of the referenced permit, you are hereby notified that the authorized activity was completed on _____. We have fully complied with the terms and conditions of the permit and approved plans. **(Both signatures required)**

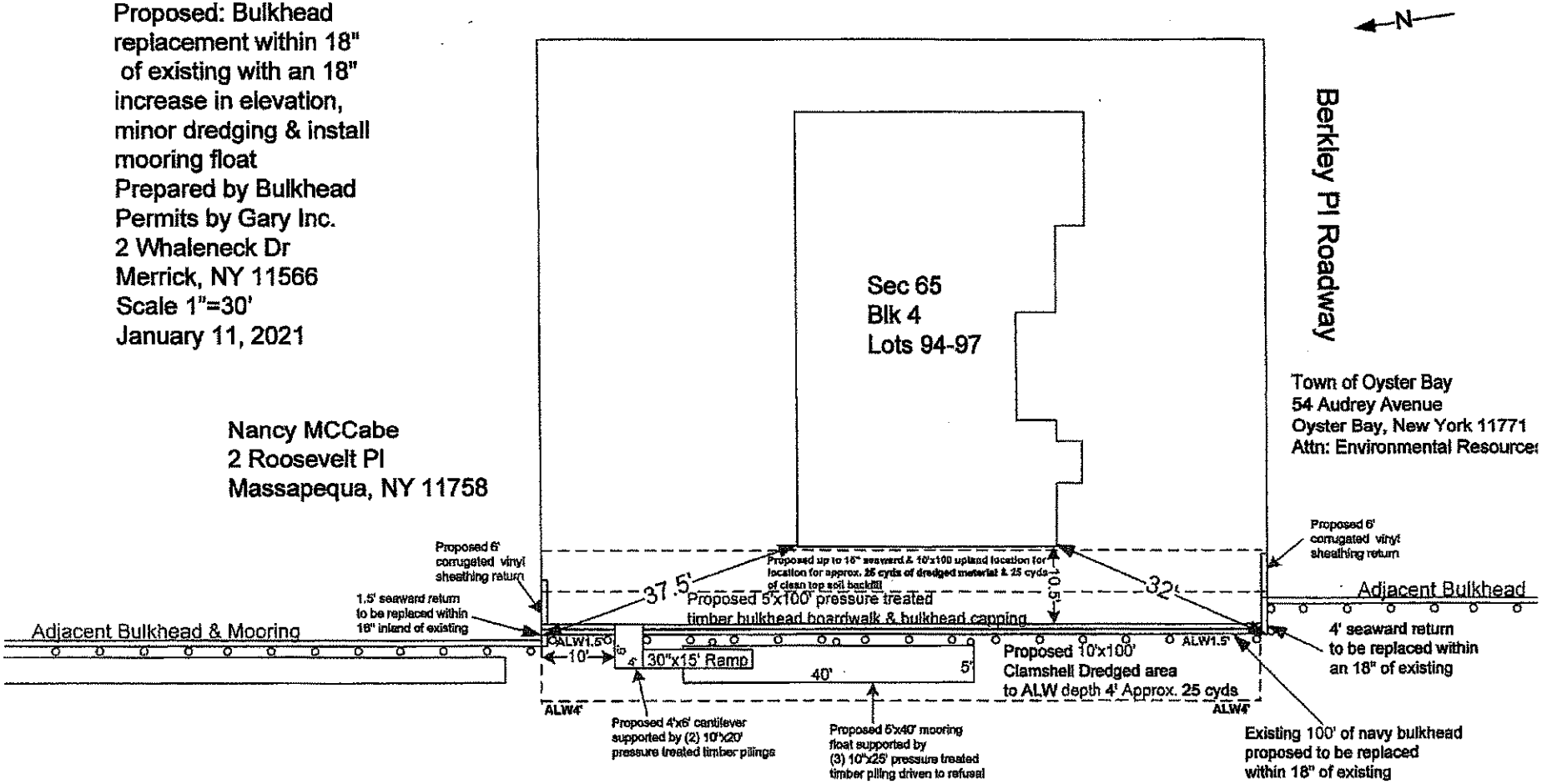
PERMITEE: _____ DATE:_____

CONTRACTOR:_____ DATE:_____

*THIS NOTICE, WITH PHOTOGRAPHS OF THE COMPLETED WORK AND/OR A COMPLETED SURVEY, AS APPROPRIATE, **MUST BE SENT TO THE ABOVE ADDRESS WITHIN 30 DAYS OF COMPLETION OF THE PROJECT.***

Project Plan

Applicant: Robert Ericson
Project Site: 1 Berkeley Pl
Massapequa NY 11758
Proposed: Bulkhead replacement within 18" of existing with an 18" increase in elevation, minor dredging & install mooring float
Prepared by Bulkhead Permits by Gary Inc.
2 Whaleneck Dr
Merrick, NY 11566
Scale 1"=30'
January 11, 2021



Veritys River Basin
Flood
Ebb
Width 75'

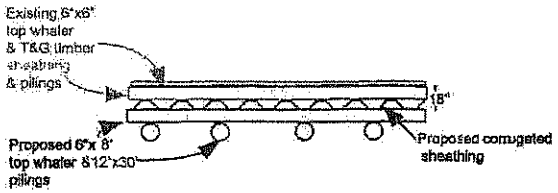
NYSDEC
APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO. 1-2824-03403/00001
DATE 04/09/2021

p. 1 of 2

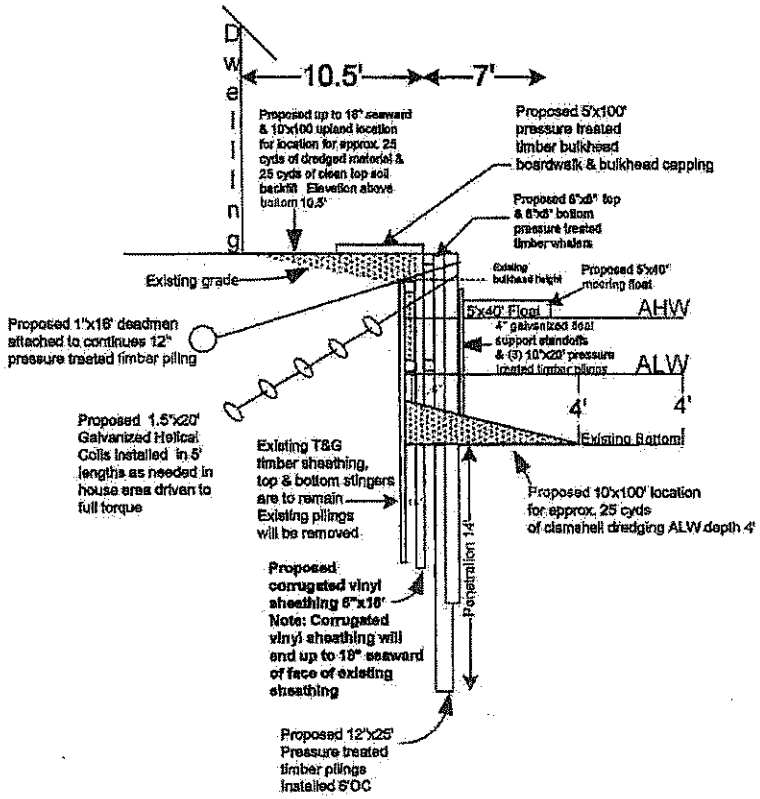
Applicant: Robert Ericson
Project Site: 1 Berkeley Pl
Massapequa NY 11758
Proposed Navy Bulkhead replacement within 18" of existing bulkhead with an 18" increase in elevation,
& mooring float
dredging approx. 25 cyds
Scale 1"=10'
Prepared by Bulkhead Permits by Gary Inc.
2 Whaleneck Dr,
Merrick NY 11566
January 12, 2021

All hardware, nails and bolts shall be hot dip galvanized, all bolt heads and nuts will be used with cut waters. All timber will be pressure treated marine grade.

Top View



Cross View



NYSDEC
APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO. 1-2824-03403/00001
DATE 04/09/2021 KO
p. 2 of 2

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH July 23, 2021

SUBJECT: Letter of Coordination for Department of the Army Permit Application Number NAN-2021-00223 by Robert Ericson

The New York District, U.S. Army Corps of Engineers has received a request for Department of the Army authorization for the following activity:

APPLICANT: Robert Ericson
1 Berkeley Place
Massapequa, New York 11758

ACTIVITY: Install an approximately four-foot-wide by six-foot-long fixed platform, leading to an approximately 2.5-foot-wide by 15-foot-long ramp and an approximately five-foot-wide by 40-foot-long float along the bulkhead.

Under the Authority of Nationwide Permit Number 3 – MAINTENANCE: Remove and replace approximately 100 linear feet of existing bulkhead within 18-inches seaward of existing and up to 18-inches higher than existing with two (2) six-foot-long returns. Place approximately two cubic yards of dredged material below the Plane of Spring High Water over an area of approximately 150 square feet behind the bulkhead as backfill

Under the Authority of Nationwide Permit Number 19 – MINOR DREDGING: Dredge approximately 25 cubic yards of material to a depth of four feet below the plane of Mean Low Water over an area of approximately 1,000 square feet. Material will be placed behind the bulkhead as backfill with no return flow to the waterway.

2 1 0 8 0 4 7 0

The proposed pier structure will extend approximately 8 linear feet into the waterway from the plane of Mean Low Water.

The purpose of this project is to provide safe recreational access to the waterway.

WATERWAY: Veritys River Basin, Tributary of South Oyster Bay

THIS IS NOT A PERMIT

PLEASE INCLUDE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE WITH THIS OFFICE

REGULATORY BRANCH July 23, 2021

SUBJECT: Letter of Coordination for Department of the Army Permit Application Number NAN-2021-00223 by Robert Ericson

LOCATION: 1 Berkeley Place, Massapequa, Town of Oyster Bay, Nassau County, New York

As this is minor in nature, authorization may be by Letter of Permission. This is in accordance with current Federal Regulations governing work in navigable waters of the United States. To accomplish the coordination required, prior to the issuance of a Letter of Permission, your review of the enclosed drawings is requested.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended (16 U.S.C. 1465 (c)(3)(A)), the applicant has certified that the activity complies with and will be conducted in a manner that is consistent with the approved state coastal zone management program.

In order for us to better serve you, please complete our Customer Service Survey located at http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

To allow for the timely processing of the subject application, your comments are requested within 20 days of the date of this letter. If you have any questions, please contact Reegan A. McCaulley, of my staff, at reegan.a.mccaulley@usace.army.mil .

Sincerely,

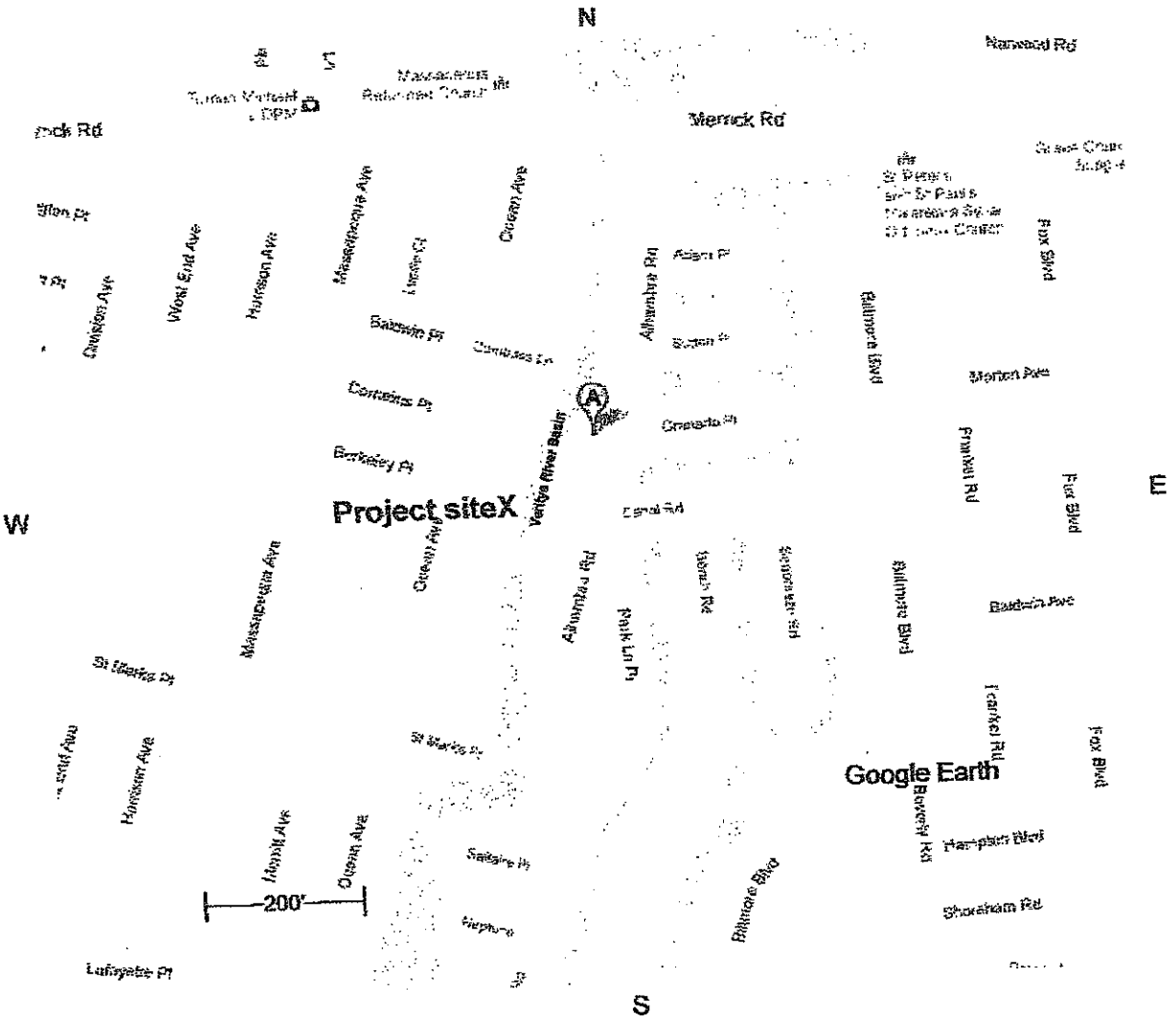
2021.07.23
Christopher Munck 11:35:51
-04'00'

FOR AND IN BEHALF OF
Ronald R. Pinzon
Chief, Eastern Section

Encls

PLEASE INCLUDE 18-CHARACTER FILE NUMBER ON ALL CORRESPONDENCE

USACE FILE: NAN-2021-00223-EMC



Applicant: Robert Ericson
Project Site: 1 Berkeley Pl
Massapequa NY 11758
Proposed: Bulkhead replacement within 18" of existing with an 18" increase in elevation, minor dredging & install mooring float
Prepared by Bulkhead Permits by Gary Inc.
2 Whaleneck Dr
Merrick, NY 11566
January 11, 2021

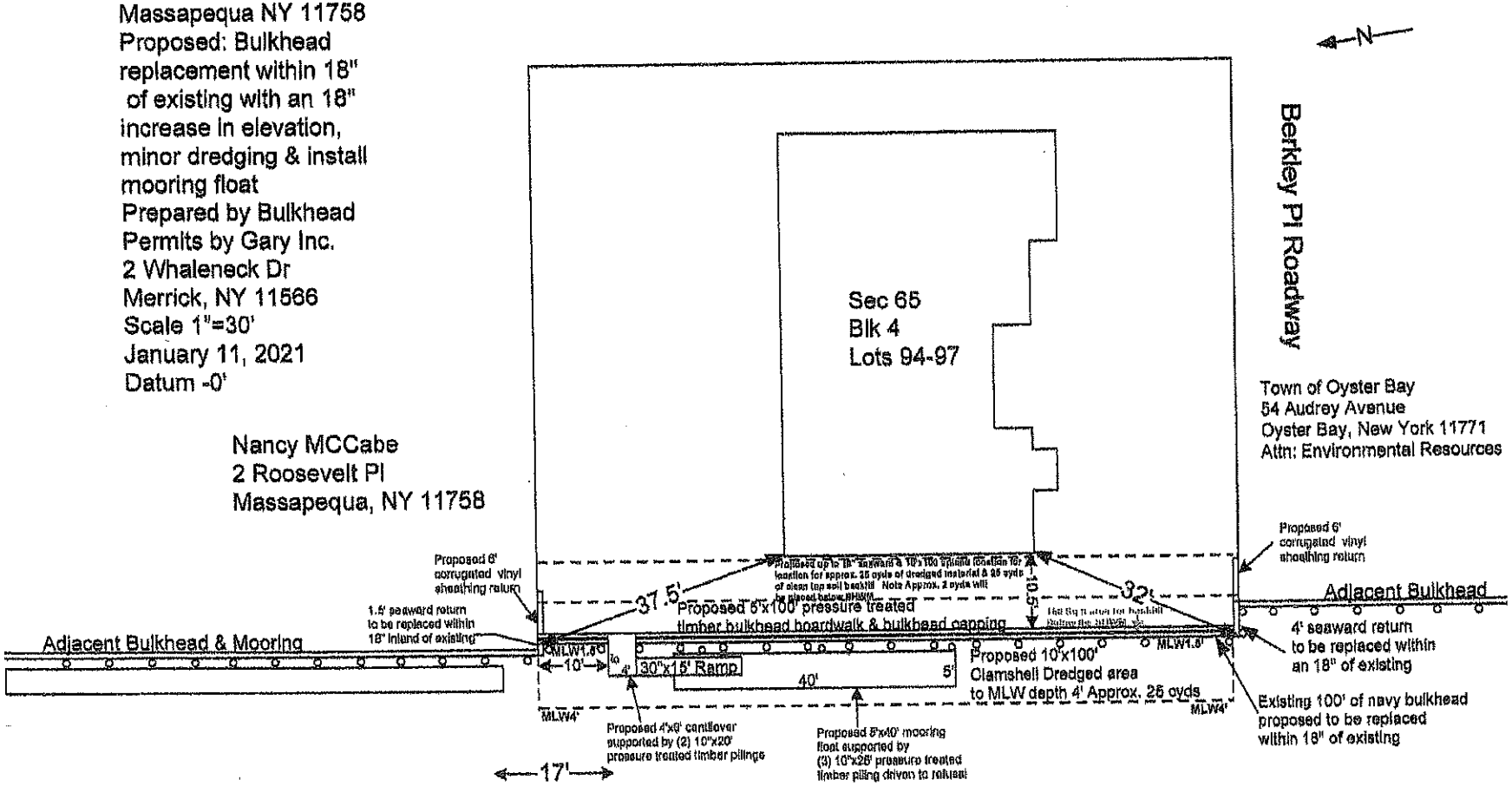
Latitude	Longitude
40°39'56.82"N	73°28'55.33"W

USACE FILE: NAN-2021-00223-EMC

Project Plan

Applicant: Robert Ericson
Project Site: 1 Berkeley Pl
Massapequa NY 11758
Proposed: Bulkhead replacement within 18" of existing with an 18" increase in elevation, minor dredging & install mooring float
Prepared by Bulkhead Permits by Gary Inc.
2 Whaleneck Dr
Merrick, NY 11566
Scale 1"=30'
January 11, 2021
Datum -0'

Nancy MCCabe
2 Roosevelt Pl
Massapequa, NY 11758

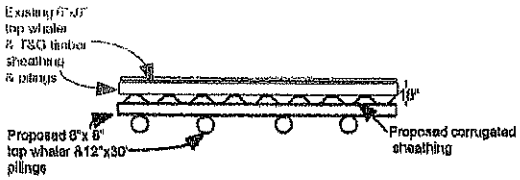


USACE FILE: NAN-2021-00223-EMC

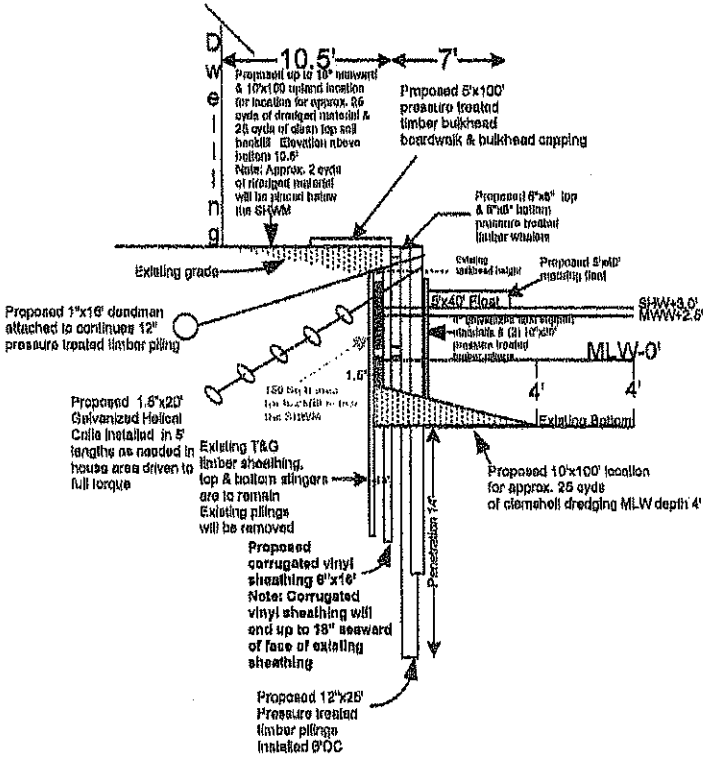
Applicant: Robert Ericson
Project Site: 1 Berkeley Pl
Massapequa NY 11758
Proposed Navy Bulkhead replacement within 18" of existing bulkhead with an 18" increase in elevation,
& mooring float
dredging approx. 25 cyds
Scale 1"=10'
Prepared by Bulkhead Permits by Gary Inc.
2 Whaleneck Dr,
Merrick NY 11566
January 12, 2021

All hardware, nails and bolts shall be hot dip galvanized, all bolt heads and nuts will be used with cut waters. All timber will be pressure treated marine grade.

Top View



Cross View



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

February 5, 2021

Vial email: bulkheadpermits@aol.com
Janet Moses
Bulkhead Permits by Gary Inc.
2 Whaleneck Drive
Merrick, New York 11566

Re: **F-2021-0060**
U.S. Army Corps of Engineers/New York District
Permit Application – Robert Ericson
Remove and replace all the existing navy bulkhead and replace within 18" of existing and a 18" in elevation and minor dredging and backfill after bulkhead installation.
Verity's River, Town of Oyster Bay, Nassau County
General Concurrence

Dear Ms. Moses:

The Department of State received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on 1/19/2021.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State, and the Department's concurrence with an individual consistency certification for the proposed activity, are not required.

This General concurrence is without prejudice to and does not obviate the need to obtain all other applicable license, permits, other forms of authorizations or approvals that may be required pursuant to existing New York State statutes. Specifically, it appears that you may require authorization from the New York State Department of Environmental Conservation (DEC). Please contact the DEC region 1 office to determine if their authorization is required.

hen communicating with us regarding this matter, please contact us at dosCstlCR@dos.ny.gov and refer to our file #F-2021-0060.

Sincerely,

Jennifer L. Street
Supervisor, Consistency Review Unit
Office of Planning, Development and
Community Infrastructure

JLS/dc
cc: COE/New York District – Steve Ryba (Arlene.Tirado@usace.army.mil)
DEC Region 1 – Susan Ackerman (dep.r1@dec.ny.gov)

NEW YORK STATE OF OPPORTUNITY. Department of State

Planning

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

February 1, 2022

TO: ELIZABETH L. MACCARONE, COMMISSIONER,
DEPARTMENT OF PLANNING & DEVELOPMENT

FROM: GEORGE BAPTISTA, JR., DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

SUBJECT: DOCKS, PIERS & FLOATS PERMIT:
Robert Ericson
Application # 21080370
1 Berkeley Place, Massapequa, New York
Section: 65 Block: 4 Lot(s): 94-97

Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQR, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

Based on our review, the Department has classified the subject proposed project as a **TYPE II ACTION**, under the SEQR Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

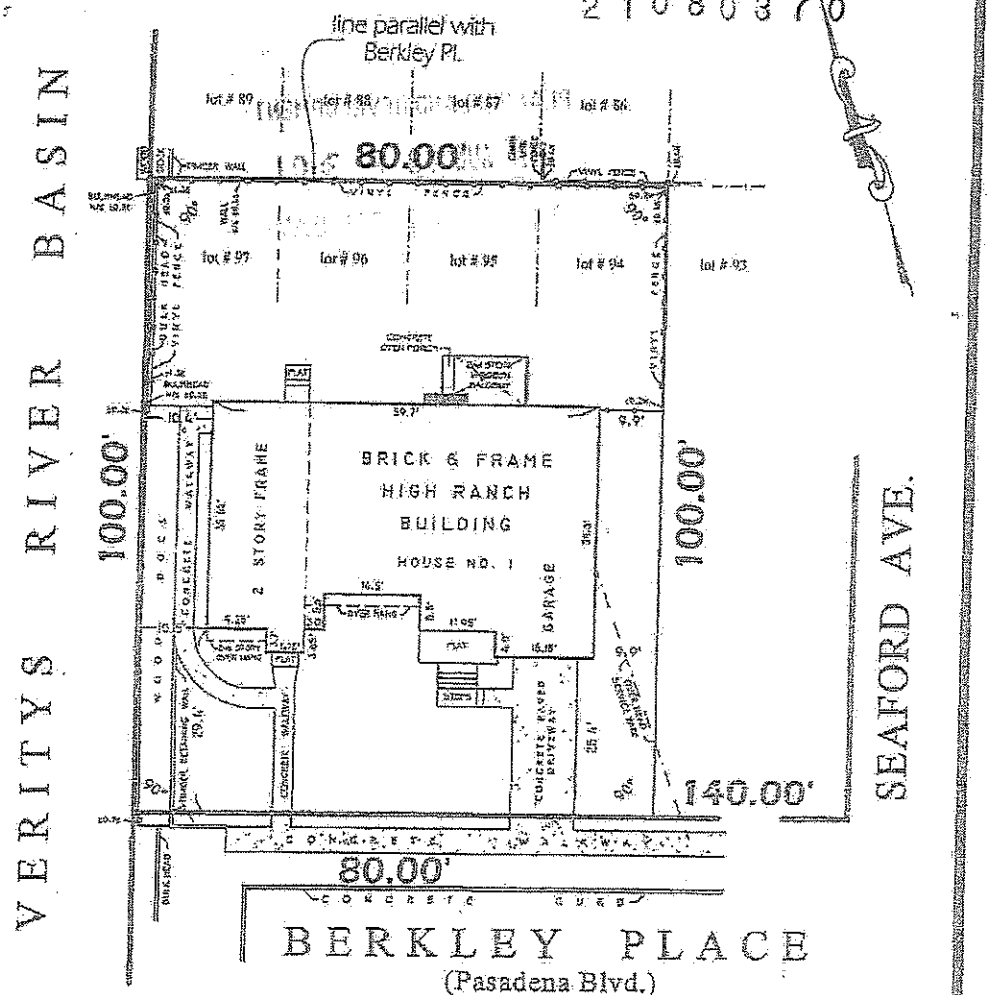
Inasmuch as the proposed action is on SEQR's pre-determined Type II Actions list and the TEQR Law Type II Actions List, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require any further review under SEQR/TEQR.

GEORGE BAPTISTA, JR.
DEPUTY COMMISSIONER

Filepath: DER Dept. Files/TEQR/TYPE II/Docks/1 Berkeley Place, Massapequa_2.1.22

REF. NO. N-65-4-94 TITLE NO. 14-101

2108370



1300053

CERTIFIED TO:
CHICAGO TITLE INSURANCE COMPANY

MAP OF PROPERTY AT
MASSAPEQUA
NASSAU COUNTY, NEW YORK

SURVEYED: JUNE 20, 2013

TAX SECTION: 65 TAX BLOCK: 4
TAX LOT(S): 94, 95, 96 & 97

LOTS 94, 95, 96,97 IN BLOCK 4 ON "MAP OF SHOREVILLE PARK, AMENDED MAP OF QUEENS LAND & TITLE COMPANY, SECTION B", FILED ON OCTOBER 21, 1932, MAP NO. 786, CASE NO. 869.

LICENSED LAND SURVEYOR

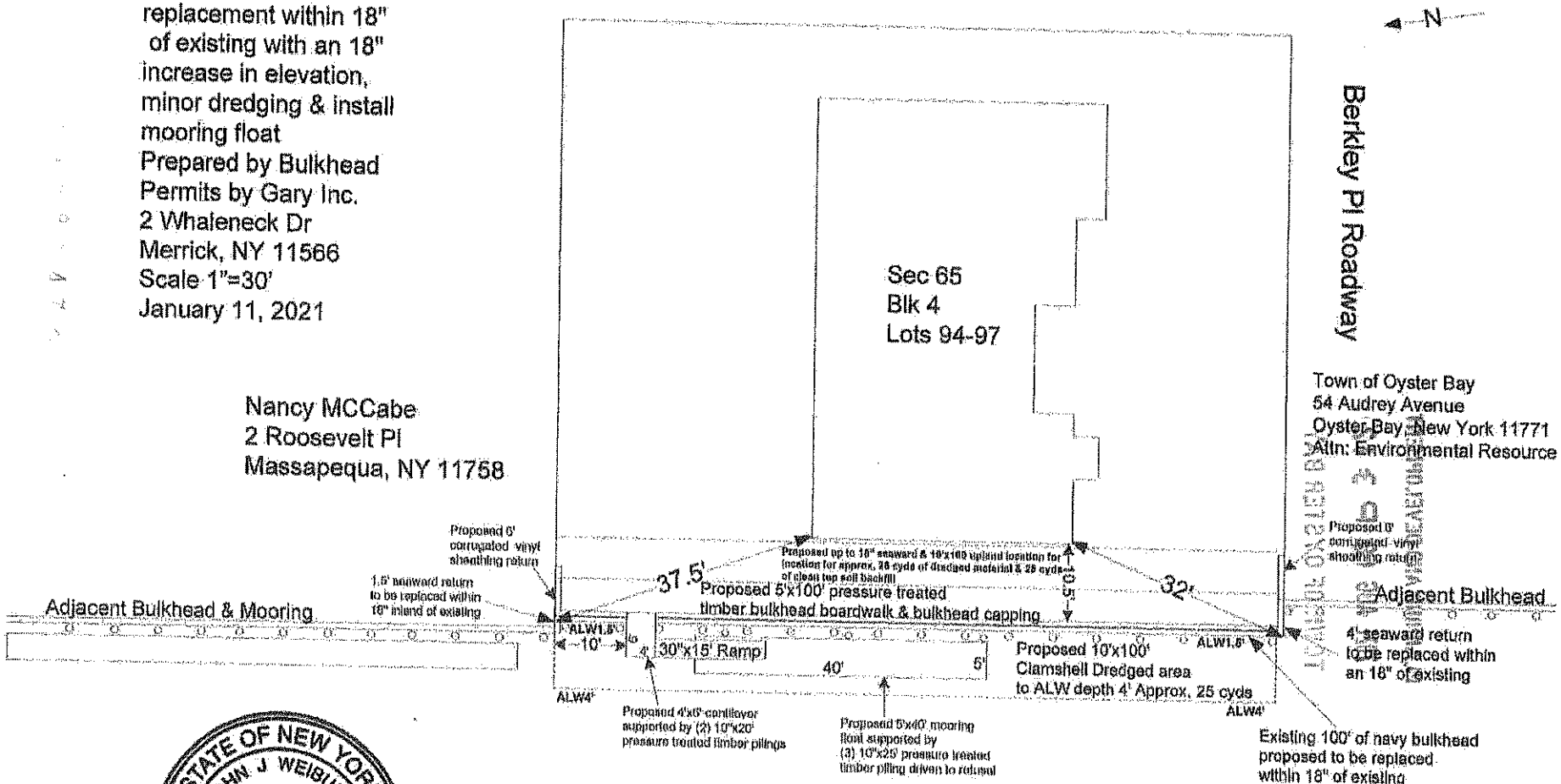
A. Aguijo Surveying, Inc.
PROFESSIONAL LAND SURVEYORS
762 SALISBURY PARK DRIVE
WESTBURY, NEW YORK 11590
TEL. (516)333-6790
FAX (516)333-6740

THE CERTIFICATION HEREON DOES NOT EXTEND TO ANY UNSEEN OR UNDISCLOSED MATTERS AS TO TITLE, PLOTTING OR ZONING. THIS SURVEY MAP IS PREPARED FOR THE EXCLUSIVE USE OF THE PARTIES NAMED HEREON AND THE CERTIFICATION DOES NOT EXTEND TO ANY OTHER PARTY. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MAP MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INK SIGNATURE AND EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID AND TRUE COPIES. ALL CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. NO ALTERATIONS OF PRELIMINARY SURVEY MAPS BY ANYONE OTHER THAN THE ORIGINAL PREPARER IS PERMITTED, EXPRESSED, OR IMPLIED, BY THE GENERAL WELFARE AND SAFETY OF THE PUBLIC. LICENSED LAND SURVEYORS SHALL NOT ALTER FINAL SURVEY PLANS, OR SURVEY PLATS PREPARED BY OTHERS. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. ONLY THOSE SURVEYS BEARING THE INKED ORIGINAL SEAL AND/OR SIGNATURE OF THE LICENSED LAND SURVEYOR SHALL BE CONSIDERED TO BE VALID AND TRUE COPIES. ANY COPIES THAT MAY CONTAIN UNAUTHORIZED AND UNDISCLOSABLE ALTERATIONS, ADDITIONS, AND/OR DELETIONS. A COPY OF THIS DOCUMENT WITHOUT A PRINTED EMBOSSED SEAL OF THE SURVEYOR'S EMBOSSED SEAL SHOULD BE ASSUMED TO BE AN UNAUTHORIZED COPY. REPRODUCTION OR COPYING OF THIS DOCUMENT MAY BE A VIOLATION OF COPYRIGHT LAW UNLESS PERMISSION OF THE AUTHOR AND/OR COPYRIGHT HOLDER IS OBTAINED. (C) 2008-2013 A. AGUIJO SURVEYING, INC. ALL RIGHTS RESERVED. SURVEY MAP COMPLETED: JULY 23, 2013

Applicant: Robert Ericson
Project Site: 1 Berkeley Pl
Massapequa NY 11758
Proposed: Bulkhead replacement within 18" of existing with an 18" increase in elevation, minor dredging & install mooring float
Prepared by Bulkhead Permits by Gary Inc.
2 Whaleneck Dr
Merrick, NY 11566
Scale 1"=30'
January 11, 2021

Project Plan

Nancy MCCabe
2 Roosevelt Pl
Massapequa, NY 11758



STATE OF NEW YORK
JOHN J WEIBURG
LICENSED PROFESSIONAL ENGINEER
071117

Applicant: Robert Ericson
Project Site: 1 Berkley Pl
Massapequa NY 11758
Proposed Navy Bulkhead replacement within 18" of existing bulkhead with an 18" increase in elevation, & mooring float
dredging approx. 25 cyds
Scale 1"=10'
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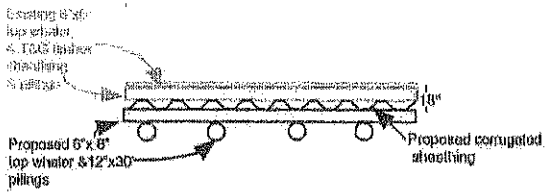
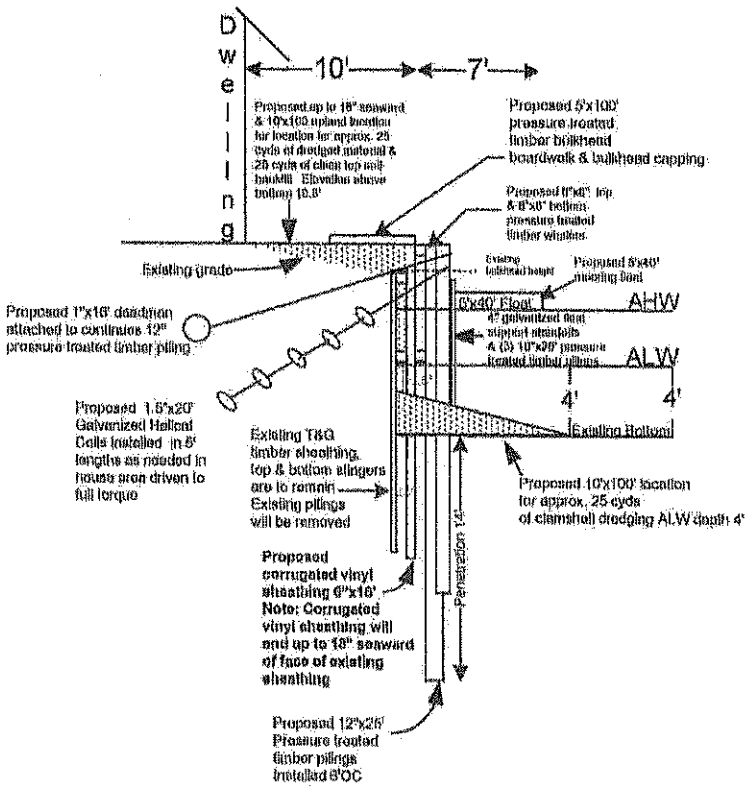
2 Whaleneck Dr,
Merrick NY 11566
January 12, 2021

galvanized, all bolt heads and nuts will be used with cut waters. All timber will be pressure treated marine grade.

Top View



Cross View



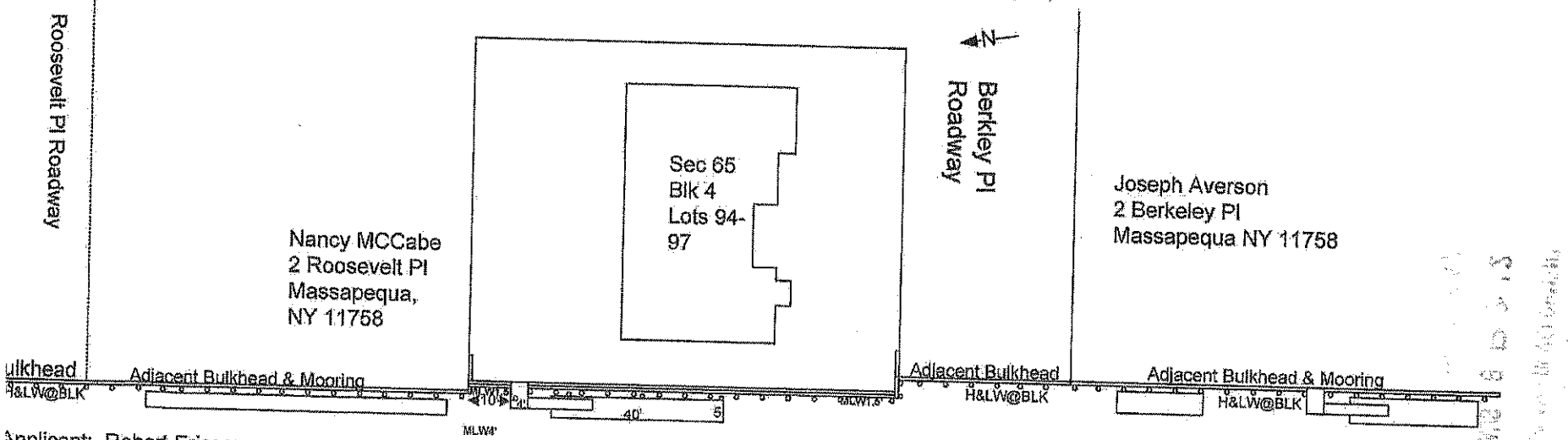
STATE OF NEW YORK
JOHN J WEIBURG
071117
LICENSED PROFESSIONAL ENGINEER

Area Map

n of Oyster Bay
udrey Avenue
er Bay, New York 11771
Building Dept

Project Plan

Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, New York 11771
Attn: Building Dept



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minor dredging & install mooring float
Prepared by Bulkhead
Permits by Gary Inc.
Whaleneck Dr
Merrick, NY 11566
Scale 1"=30'
anuary 11, 2021
Datum -0'

Veritys River Basin
Flood
Ebb
Width 75'

WHEREAS, pursuant to the Code of the Town of Oyster Bay ("Code"), Chapter 241, "Waterways", Section 241-9, "Applications", Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated March 17, 2022, directed PAUL FALBO, Applicant, to provide an Affidavit of Mailing Notice, pursuant to Section 241-9(E)(3) of the Code, of the application to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 7 Bayview Place East, Massapequa, New York 11758, known and designated as Section 66, Block 134, Lots 175 & 276, on the Nassau County Land and Tax Map; and

Reviewed By Office of Town Attorney

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Commissioner Maccarone, by said memorandum, stated that Chapter 241 of the Code requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and has requested a calendar date of April 12, 2022, for Town Board action, in connection with the aforementioned application; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated February 17, 2022, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review Law, the Town Environmental Quality Review Division ("Division") has reviewed the dock building permit application referenced above, and has reviewed the relevant environmental factors affected by the uses proposed in the subject application; and has determined that said application is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c)(12), Type II Actions List, relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, Section B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances," and as such does not require completion of an Environmental Impact Statement or other environmental consideration; and

WHEREAS, actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board declares that the aforementioned dock application is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c) (12) Type II Actions List; and be it further

Resolution No.268-2022

RESOLVED, That the application of PAUL FALBO, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 7 Bayview Place East, Massapequa, New York 11758, known and designated as Section 66, Block 134, Lots 175 & 276 on the Nassau County Land and Tax Map, is hereby APPROVED.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

19

268

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

DATE: MARCH 17, 2022

SUBJECT: WATERWAYS REVIEW
PAUL FALBO
7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
SECTION 66, BLOCK 134, LOT(S) 175 + 276
DOCK BUILDING PERMIT APPLICATION # 22020027

We have received a request from Paul Falbo to "install an approximately four-foot-wide by 60-foot-long open-grate fixed pier with two safety ladders, an approximately six-foot-wide by six-foot-long jet-ski lift on the west side of the fixed pier, and an approximately 14-foot-wide by 14-foot-long four pile boat lift on the southwest side of the fixed pier. Additionally, along the existing bulkhead, install an approximately six-foot-long davit east of the fixed pier." All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-03366/0002 dated September 22, 2021 and the Department of the Army, New York District, Corps of Engineers Nationwide Permit No. NAN-2021-01228 dated January 13, 2022. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No. 22020027; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-03366/0002 dated September 22, 2021; Department of the Army, New York District Corps of Engineers Permit No. NAN-2021-01228 dated January 13, 2022, and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated October 18, 2021. Also attached is a memo from George Baptista Jr., Deputy Commissioner Department of Environmental Resources dated February 17, 2022, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC and the Department of the Army Corps of Engineers Permit approvals.

The proposed work at the subject premises would, in our opinion, be compatible with the surrounding area.

Pursuant to Section §241-9(E)(3) of the Code of the Town of Oyster Bay, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the April 12, 2022 Town Board calendar to provide the applicant ample time to comply with this requirement.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/gl
Encls.

cc: Legislative Affairs (2 copies w/ attachments)
cc: Town Attorney's Office, Attn: Dennis Sheehan

22000027

SECTION 66 BLOCK 134 LOT(S) 175 & 276

TOWN OF OYSTER BAY
DEPARTMENT OF PLANNING & DEVELOPMENT
DIVISON OF BUILDING
Town Hall
Oyster Bay, New York 11771

APPLICATION FOR PERMIT TO BUILD OR INSTALL

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

	Name	Street Address	Post Office	Zip	Phone #
PROPERTY OWNER:	Paul P. Falbo	7 Bayview Place East	Massapequa, NY	11758	[redacted]
LESSEE TENANT:					
APPLICANT:	Shore Solutions Inc.- Donna Myers	32 Lincoln Ave	Massapequa NY	11758	516-816-4163
ARCHITECT:	PR Consulting Engineers PC – Paul Barroca	147 Glen St. 2nd Floor	Glen Cove NY		516-790-4583
CONTRACTOR:	Kevel Marine Contractors Inc/Michael Johnson	100 Cedar Shore Dr.	Massapequa. NY	11758	516-541-8819
PLUMBER:	NA				
ELECTRICIAN:	NA				

ADDRESS OF CONSTRUCTION: _____
IF DIFFERENT FROM ABOVE — NO. & STREET — POST OFFICE — ZIP CODE

LOCATION OF PROPERTY: N.E.S.W. SIDE OF Bayview Place East (STREET) 60 FEET N.E.S.W. OF Clocks Blvd (STREET) Massapequa (POST OFFICE)
OR
N.E.S.W. OF _____ corner of _____ (STREET) and _____ (STREET) _____ (POST OFFICE)

_____ CHECK HERE IF REQUESTING A WAIVER OF THE RECENT SURVEY REQUIREMENT (SEE INSTRUCTIONS FOR FURTHER INFO).

TYPE OF BUILDING

A. TYPE OF IMPROVEMENT	EXISTING	PROPOSED	B. PROPOSED USE	EXISTING	PROPOSED
1. NEW BUILDING/STRUCTURE			1. ONE FAMILY		
2. ADDITION/EXTENSION			2. TWO FAMILY		
3. ALTERATION (i.e. Garage Conv.)			3. PARENT CHILD		
4. DECK			4. GARAGE		
5. AWNING/ROOF-OVER			5. BUSINESS		
6. CELLAR ENTRANCE			6. INDUSTRIAL		
7. REISSUE #			7. RESTAURANT		
8. OTHER		X	8. PUBLIC ASSEMBLY		
			9. OTHER		X

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s) Construct 4' x 60' open pile pier with two 8" x 2' x 9' safety ladders, 14' x 14' four pile boat lift and 6' davit on existing bulkhead. Relocate existing jet ski lift to West side of proposed pier.

_____ CHECK HERE IF TREES ARE BEING REMOVED ON THE PROPERTY. IF SO, A *TREE PERMIT* MUST BE OBTAINED FROM THE DEPARTMENT OF PARKS. PLEASE CALL (516) 797-7956 FOR FURTHER INFORMATION.

HAVE BOTH AFFIDAVITS NOTARIZED

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

APPLICANT

STATE OF NEW YORK
COUNTY OF NASSAU ss:

Donna Myers- Shore Solutions Inc being duly sworn, deposes and says: That he/she resides at 32 Lincoln Ave In the hamlet of Massapequa in the State of NY and that he/she is authorized by the Owner Paul P. Falbo who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponents own knowledge.

Address: 32 Lincoln Ave. Massapequa NY 11758
Phone: 516-816-4163

(Sign here) D Myers

Sworn to before me this 2 day of January 2022

NOTARY PUBLIC

OWNER

STATE OF NEW YORK
COUNTY OF NASSAU ss:

Paul P. Falbo being duly sworn, deposes and says: That he/she resides at 7 Bayview Place East in the hamlet of Massapequa in the State of NY and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes Donna Myers – Shore Solutions Inc. (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.

(Sign here) _____ (owner)

Sworn to before me this 6th day of January 20 22

NOTARY PUBLIC
CHANEL BOYLAN
NOTARY PUBLIC, STATE OF NEW YORK
Registration No. 01BO6417126
Qualified in Suffolk County
My Commission Expires 12/27/2024

(Rev. 03/13/2012)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Fish, Wildlife & Marine Resources, Bureau of Marine Habitat Protection, Region 1
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790
P: (631) 444-0295 | F: (631) 444-0297
www.dec.ny.gov

WARNING LETTER

September 21, 2021

Paul Falbo
7 Bayview Place E
Massapequa, NY 11758

Re: 7 Bayview Place E, Massapequa (Nassau)
Nassau Tax Map ID: 66 - 134 - 175

Dear Sir/Madam.

During a recent inspection, Department staff noted a potential violation at 7 Bayview Place E, Massapequa (Nassau County). Specifically, **1) Construction of a 6'x6' jet ski lift in a regulated tidal wetland without NYSDEC permits.** These are regulated activities within the Department's Tidal Wetland jurisdiction and therefore, require a permit from the Department.

Conducting regulated activities without the required NYSDEC permits is a violation of Article 25 of the State's Environmental Conservation Law. Such violations may be subject to a maximum penalty of $10,000 per day per violation.

At this time, the Department is issuing this warning letter in lieu of further enforcement action against you. We now consider this violation resolved. You are reminded, however, that any future regulated activity will require the appropriate permits.

Thank you for your cooperation in this matter.

Sincerely,

Andrew Walker
Regional Manager
Bureau of Marine Habitat Protection
Region One- Stony Brook

cc: **W21KD11**

NEW YORK STATE OF OPPORTUNITY | Department of Environmental Conservation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
SUNY at Stony Brook, 50 Circle Road, Stony Brook, NY 11790
P: (631) 444-0365 | F: (631) 444-0360
www.dec.ny.gov

September 22nd, 2021

Paul P. Falbo
Falbo Property
7 Bayview Place East
Massapequa, NY 11758

Re: NYSDEC # 1-2824-03366/00002
Falbo Property: 7 Bayview Place East, Massapequa, NY 11758
Construct new pier, boat lift, relocate jet ski lift

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit.

Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address. This permit must always be kept available on the premises of the facility.

Also enclosed please find a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,

Torey K. Kouril
Environmental Analyst

Enclosures
TKK/file
cc: NYSDEC BMHP
Shore Solutions Inc.

PERMIT
Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
PAUL FALBO
7 BAYVIEW PL E
MASSAPEQUA, NY 11758
[redacted]

Facility:
FALBO PROPERTY
7 BAYVIEW PL E 66-134-175 & 276
MASSAPEQUA, NY 11758

Facility Location: in OYSTER BAY in NASSAU COUNTY **Village:** Oyster Bay
Facility Principal Reference Point: NYTM-E: 633.0599982562151 NYTM-N: 4501.81136100002
Latitude: 40°39'23.2" Longitude: 73°25'33.7"
Project Location: 7 Bayview Place East, Massapequa, NY 11758
Authorized Activity: Construct a new 4 foot by 60 foot pier with two 2 foot by 9 foot safety ladders, a 14 foot by 14 foot four pile boat lift, and a 6 foot davit on the existing bulkhead. Relocate existing 6 foot jet ski lift to the west side of the newly constructed pier.

All work shall be done in strict conformance with the attached plans prepared by Shore Solutions Inc, dated 8/5/2021, and stamped "NYSDEC Approved" on 09/22/2021.

SP-1-09-011, SP-1-09-006

Permit Authorizations

Tidal Wetlands - Under Article 25
Permit ID 1-2824-03366/00002
New Permit Effective Date: 9/22/2021 Expiration Date: 9/21/2026

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KEVIN A KISPERT, Deputy Permit Administrator
Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: _____ Date 9/22/2021

Distribution List

Bureau of Marine Habitat Protection
Torey K. Kouril

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Site Plan 8/5/2021

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Shore Solutions Inc, dated 8/5/2021, and stamped "NYSDEC Approved" on 09/22/2021.

2. **Regulated Activities Authorized By This Permit** This permit authorizes only those regulated activities / structures identified under the section Description of Authorized Activity. NYSDEC does not issue after-the-fact or as-built permits. This permit does not authorize activities, or legitimize the existence of structures, which would have required a permit but for which no permit or other authorization has been granted NYSDEC.

3. **Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

4. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

5. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

6. **Open-Grate Decking** Any catwalks reconstructed in vegetated tidal wetland areas must be built with open-grate decking material. The open-grate decking material used must have a minimum open space specification of 60 percent. Any such open-grate catwalks must be constructed at least 2 feet above the grade of the marsh.

7. **Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.

8. **Jet Ski and Boat Lifts in Unvegetated Area Only** Jet ski and boat lift installations are authorized in unvegetated areas only.

9. **Surveyor Must Determine Water Depths in Jet Ski and Boat Lift Installation Areas** Jet ski and boat lift installations are authorized only in areas with water depths of 2.5 feet at mean low low water (-2.5 MLLW) or deeper as depicted on a signed, sealed survey with depth contours.

10. **Piers at Property Lines** Piers must not:

a. extend laterally beyond property lines,

b. interfere with navigation, or

c. interfere with other landowners riparian rights.

11. **No Permanent Structures on Pier** No permanent structures shall be installed on pier without first obtaining written Department approval (permit, modification, or amendment).

12. **Pilings at Property Lines** Pilings shall not:

a. extend laterally beyond property lines,

b. interfere with navigation, or

c. interfere with other landowners riparian rights.

13. **No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

14. **No Jet Ski and or Boat Lifts at Property Lines** The jet ski and boat lifts must be installed so that all components of the structures are located a minimum of 5 feet from any property line and so that docked vessels do not:

A. Extend laterally over property lines.

B. Interfere with navigation.

C. Interfere with other landowners riparian rights.

15. **Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

16. **Disturbance to Vegetated Tidal Wetlands Prohibited** There must be no disturbance to vegetated tidal wetlands, tidal wetlands adjacent areas and protected buffer areas as a result of the permitted activity beyond that approved herein.

17. **No Dredging or Excavation** No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.

18. **No Prop Dredging** Prop dredging, or the act of utilizing and/or directing the propeller or propulsion system of a motorized vessel and/or the water-borne forces created by said propeller or propulsion system, to excavate or displace existing bottom sediment and benthic habitat for the direct or indirect purpose of establishing or increasing water depth, is a regulated activity and is not authorized by this permit. Prop dredging is strictly prohibited without further written authorization (permit, modification or amendment) from the department.

19. **No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

20. **Debris Removal** Should any demolition or construction debris fall into the waterway or enter the protected buffer area and/or tidal wetlands, it will be removed immediately.

21. **Debris Disposal** All demolition and construction debris will be properly disposed of at a licensed facility.

22. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

23. **No Interference With Navigation** There shall be no unreasonable interference with navigation by the work herein authorized.

24. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

25. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

26. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY|1790 -3409

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands.

5. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. **Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

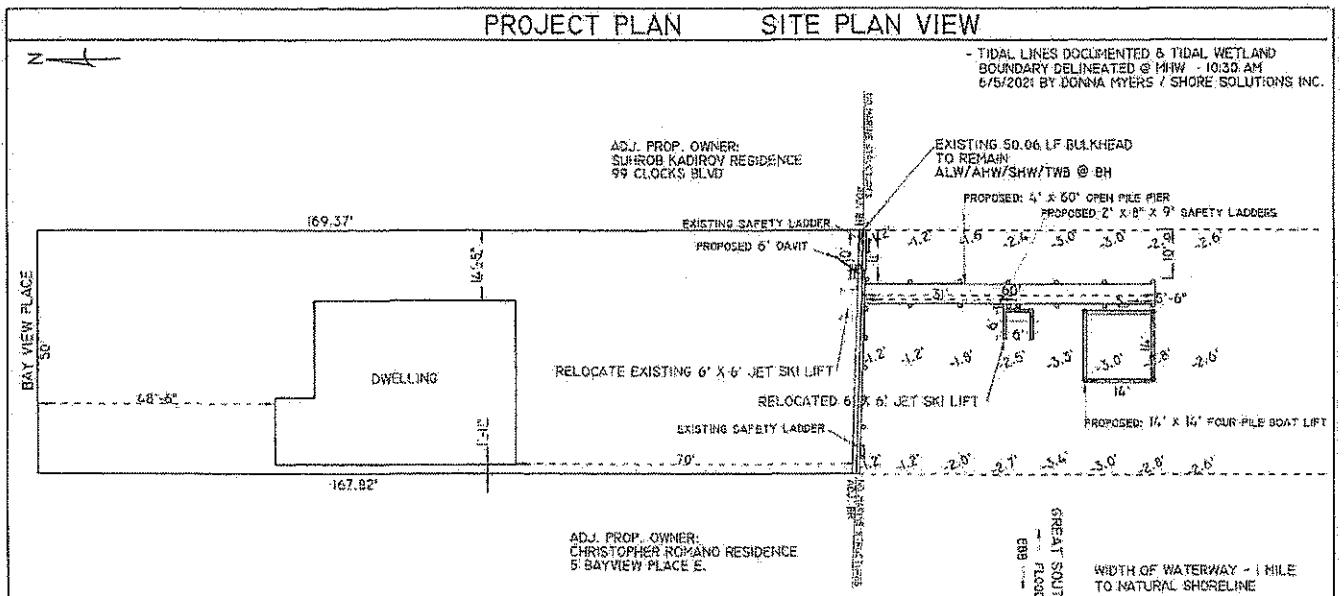
Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

PROJECT PLAN SITE PLAN VIEW



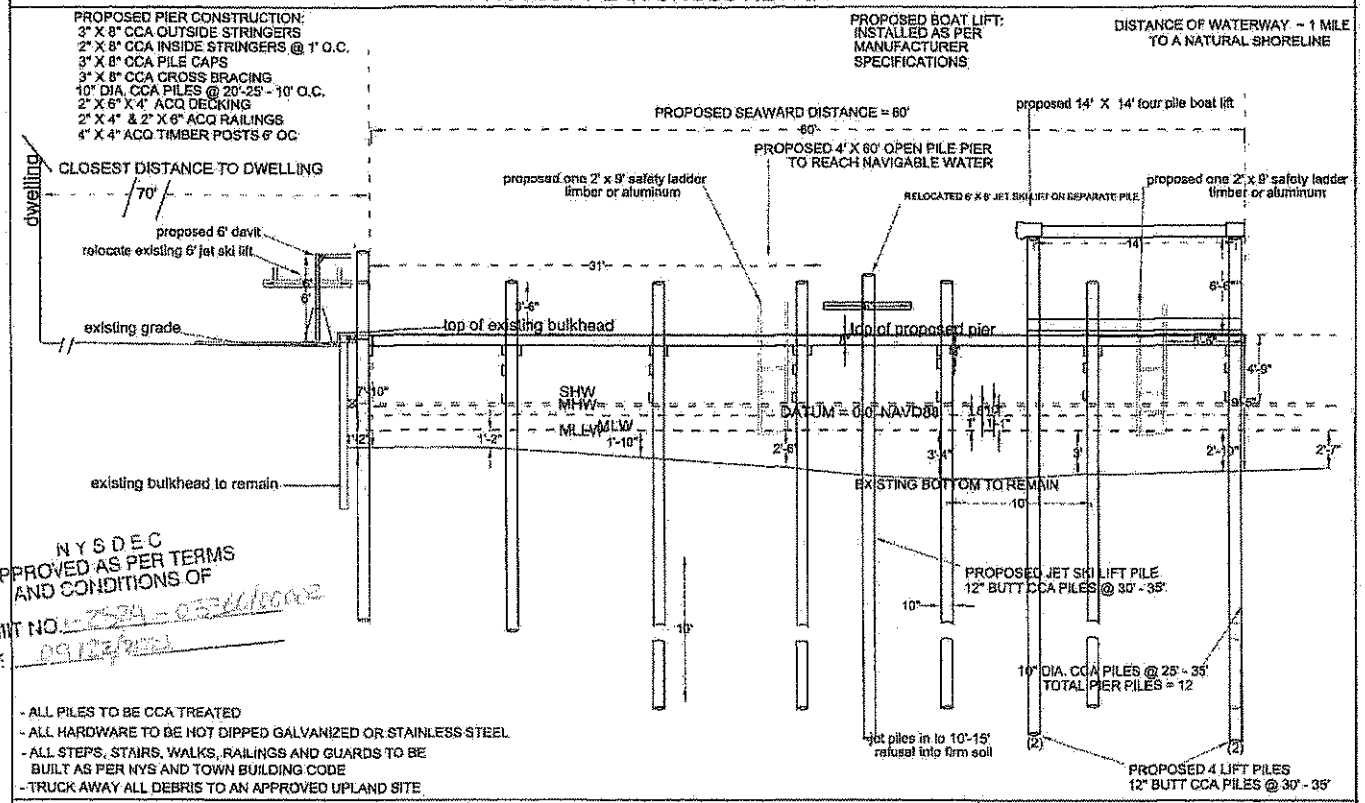
PURPOSE: PROVIDE A SAFE PRIVATE MOORING FACILITY

PROPOSED: INSTALL 4' X 60' OPEN PILE PIER, TWO SAFETY LADDERS, 14' X 14' FOUR PILE BOAT LIFT & 6' DAVIT ON EXISTING BULKHEAD
RELOCATE EXISTING 6' X 6' JET SKI LIFT TO WEST SIDE OF PROPOSED PIER

SHW = SPRING HIGH WATER = 0.85' MHW = 0.66' DATUM NAVD 88 = 0.00' MLW = -1.00' MLLW = -1.08' TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2	SCALE 1" = 30' PAGE 1 OF 3	PREPARED 8/5/2021 BY SHORE SOLUTIONS INC LAT 40.656720 LONG -73.425620	NETM#'S SD 23/ SEC 66 / BLK 134 LOTS 175 & 276 AT: 7 BAYVIEW PLACE EAST MASSAPEQUA, NY 11758 TOWN OF OYSTER BAY NASSAU COUNTY ON: GREAT SOUTH BAY FOR: PAUL P. PALBO

NYSDEC
APPROVED AS PER TERMS AND CONDITIONS OF
PERMIT NO. 1-2624-03246/00002
DATE 01/22/2021

PROJECT PLAN CROSSVIEW #1



NYSDEC
APPROVED AS PER TERMS AND CONDITIONS OF
PERMIT NO. [illegible]
DATE [illegible]

- ALL PILES TO BE CCA TREATED
- ALL HARDWARE TO BE NOT DIPPED GALVANIZED OR STAINLESS STEEL
- ALL STEPS, STAIRS, WALKS, RAILINGS AND GUARDS TO BE BUILT AS PER NYS AND TOWN BUILDING CODE
- TRUCK AWAY ALL DEBRIS TO AN APPROVED UPLAND SITE

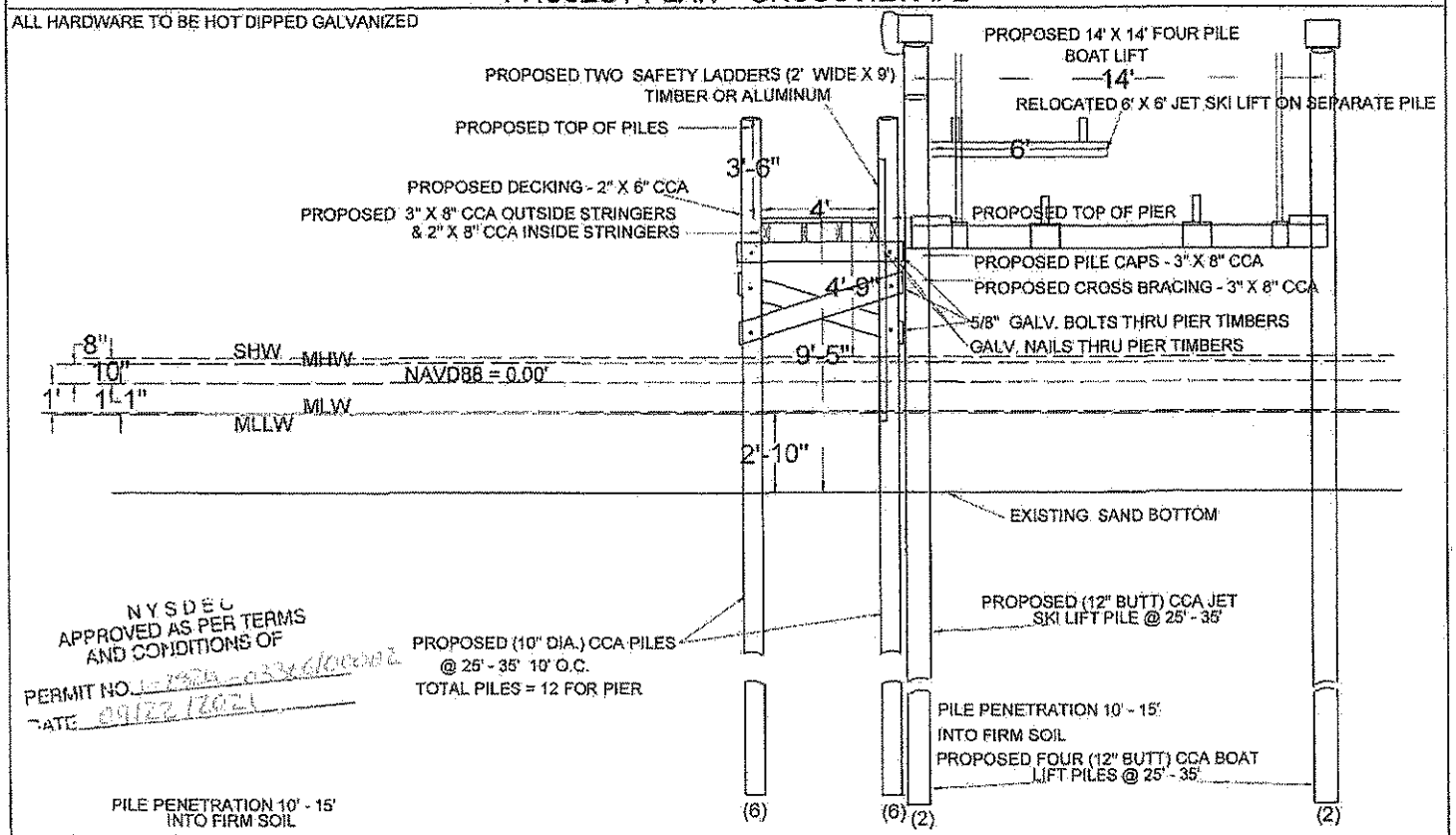
PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED: CONSTRUCT 4' X 60' OPEN PILE PIER WITH TWO SAFETY LADDERS, 14' X 14' FOUR PILE BOAT LIFT & 6' DAVIT ON EXISTING BULKHEAD / RELOCATE EXISTING 6' JET SKI LIFT TO WEST SIDE OF PROPOSED PIER

SHW = spring high water = 0.85' MHW = 0.66' DATUM NAVD 88 = 0.00' MLW = -1.00' MLLW = -1.08' TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2	LAT 40.656720 LONG -73.425620	SCALE 1" = 10' PAGE 2 OF 3	PREPARED 8/5/2021 BY SHORE SOLUTIONS INC	NCTM#'S SD 23 / SEC 66 / BLK 134 / LOTS 175-276 AT: 7 BAYVIEW PLACE EAST MASSAPEQUA, NY 11758 TOWN OF OYSTER BAY NASSAU COUNTY ON: GREAT SOUTH BAY FOR: PAUL P. FALBO

PROJECT PLAN CROSSVIEW # 2

ALL HARDWARE TO BE HOT DIPPED GALVANIZED



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED:
CONSTRUCT 4' X 60' PIER WITH TWO 2' X 9' SAFETY LADDERS, 14' X 14' FOUR PILE BOAT LIFT & 6' DAVIT ON EXISTING BULKHEAD / RELOCATE EXISTING 6' X 6' JET SKI LIFT TO WEST SIDE OF PROPOSED PIER

SHW = spring high water = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2

LAT 40.656720
LONG -73.425620

SCALE 1" = 5'

PAGE 3 OF 3

PREPARED 8/5/2021 BY SHORE SOLUTIONS INC.

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 175 & 276
AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

2020027

REGULATORY BRANCH

January 13, 2022

SUBJECT: Department of the Army Permit Number NAN-2021-01228
Issued to Paul P. Falbo

Paul P. Falbo
7 Bayview Place East
Massapequa, NY 11701

Dear Mr. Falbo:

We have completed our review of Application Number NAN-2021-01228-EMC.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

APPLICANT: Paul F. Falbo
7 Bayview Place East
Massapequa, NY 11758

ACTIVITY: Install an approximately four-foot-wide by 60-foot-long open-grate fixed pier with two (2) safety ladders, an approximately six-foot-wide by six-foot-long jet-ski lift on the west of the fixed pier, and an approximately 14-foot-wide by 14-foot-long four (4) pile boat lift on the southwest side of the fixed pier. Additionally, along the existing bulkhead, install an approximately six-foot-long davit east of the fixed pier.

All work shall be done in accordance with the attached plans, subject to Special Conditions A through B, which are hereby made part of this permit.

WATERWAY: Great South Bay

LOCATION: 7 Bayview Place East, Massapequa, Town of Oyster Bay, Nassau County, New York

The activity authorized herein by Letter of Permission must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the

permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Stephan A. Ryba
Chief, Regulatory Branch
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, NY 10278

In order for a RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by _____. It is not necessary to submit a RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

This authorization is conditional on the applicant's receipt of the required coastal zone management concurrence or waiver from the New York State Department of State (NYSDOS). No work may be accomplished until the required approval from NYSDOS has been obtained.

In order for us to better serve you, please complete our Customer Service Survey located at http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

If any questions should arise concerning this matter, please contact Reegan A. McCaulley, of my staff, at (917) 790-8523.

Sincerely,

Date: 2022.01.13 14:00:24 -05'00'

FOR AND IN BEHALF OF
Matthew W. Luzzatto
Colonel, U.S. Army
Commander and District Engineer

Encls

PERMIT CONDITIONS:

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee shall utilize best management practices to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

Further Information:

1. Limits of authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of the permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).

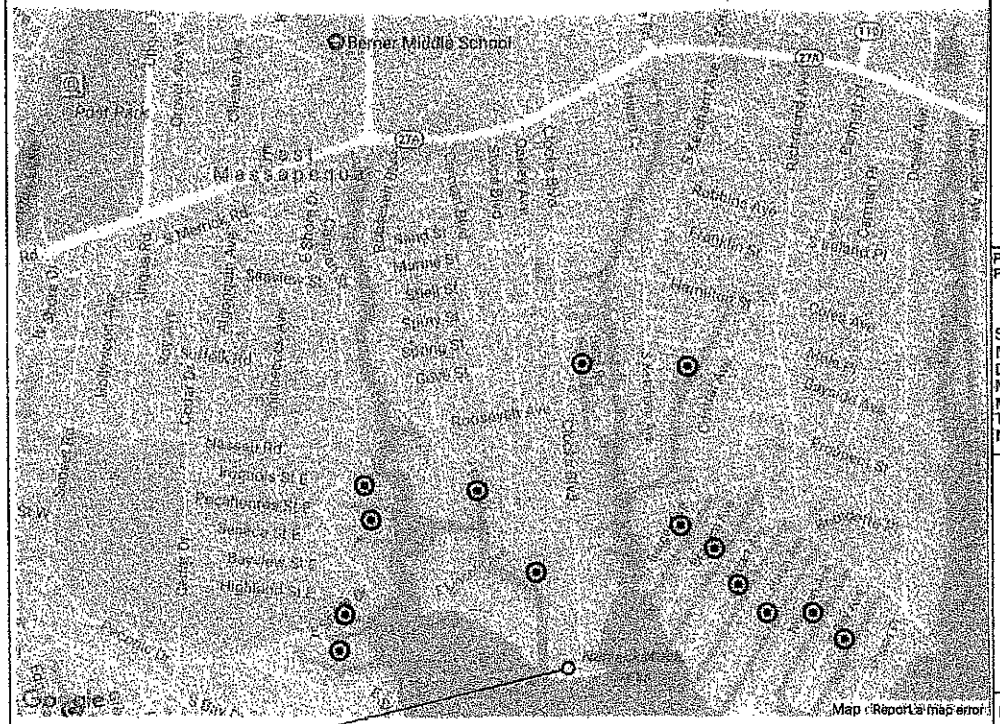
c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

USACE FILE: NAN-2021-01228-EMC

VICINITY MAP



LAT 40.656720

LONG -73.425620

N

NYS COASTAL BOUNDARY MAP

PURPOSE:
PROVIDE A SAFE PRIVATE MOORING FACILITY

SHW = spring high water = 1.100'
MHW = 0.8966'
DATUM NAVD 88 = 0.00'
MLW = -1.0690'
MLLW = -1.1510'
TIDE RANGE 2.2510' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 3.4

PREPARED BY
SHORE SOLUTIONS INC - DM
32 LINCOLN AVE
MASSAPEQUA, NY 11758

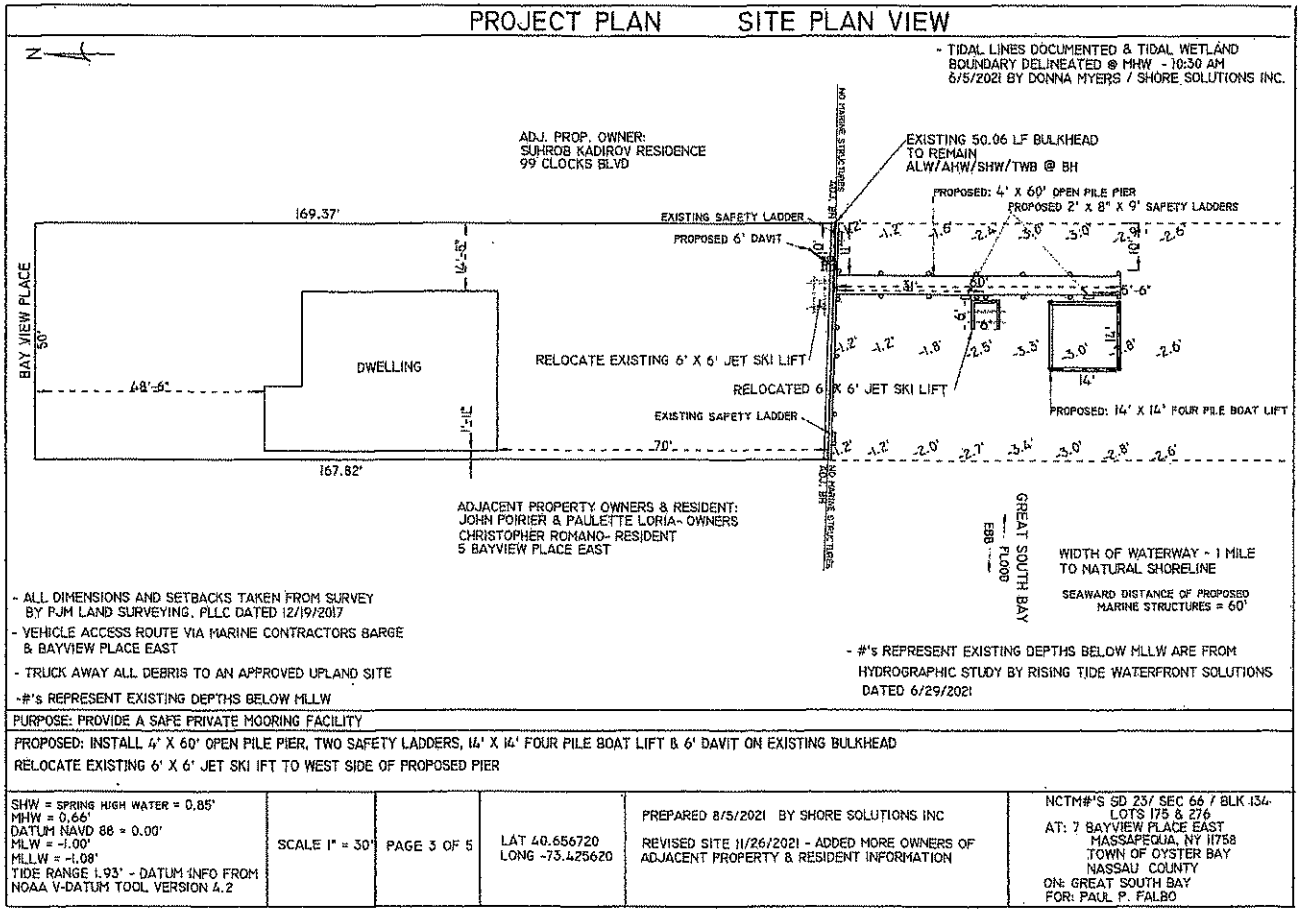
NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 175 & 276

AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

PAGE 1 OF 5

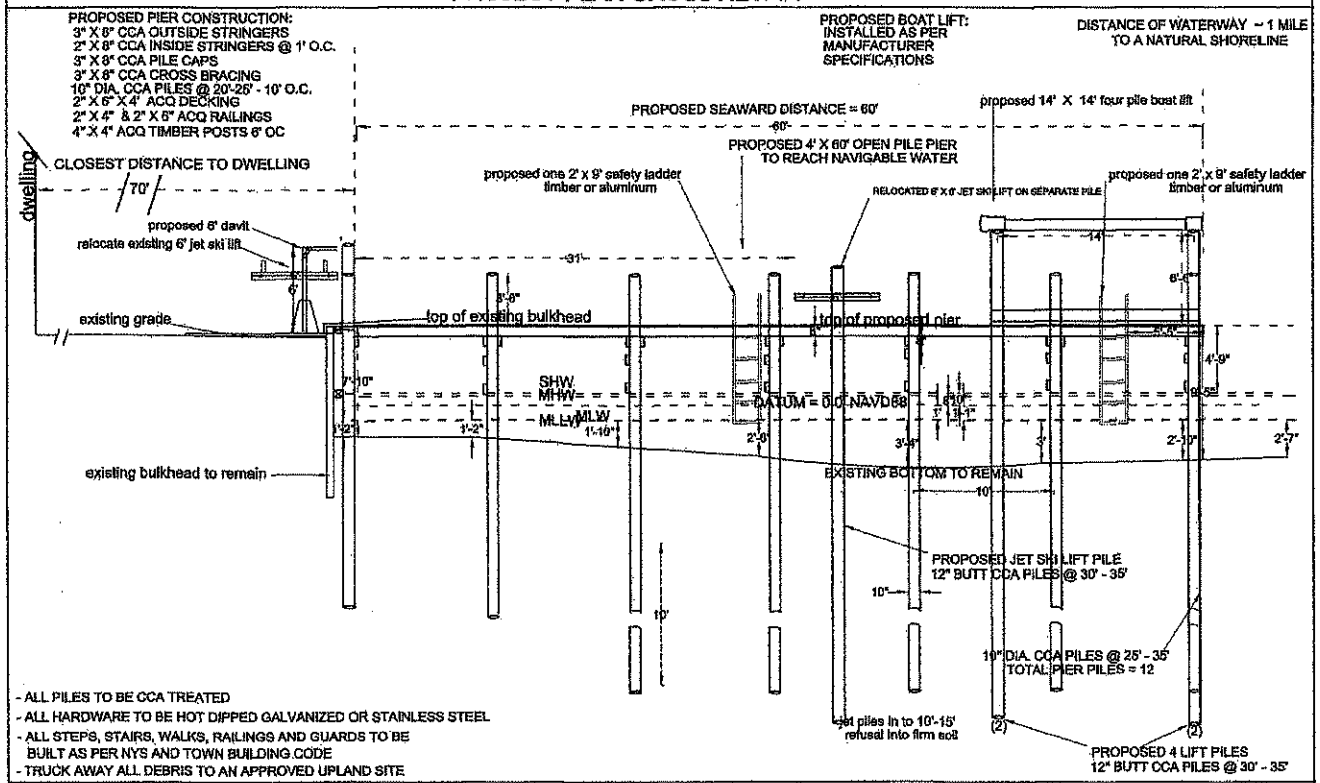
January 13, 2022

USACE FILE: NAN-2021-01228-EMC



USACE FILE: NAN-2021-01228-EMC

PROJECT PLAN CROSSVIEW #1



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED: CONSTRUCT 4' X 60' OPEN PILE PIER WITH TWO SAFETY LADDERS, 14' X 14' FOUR PILE BOAT LIFT & 6' DAVIT ON EXISTING BULKHEAD / RELOCATE EXISTING 6' JET SKI LIFT TO WEST SIDE OF PROPOSED PIER

SHW = spring high water = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2

LAT 40.656720
LONG -73.425620

SCALE 1" = 10'

PAGE 4 OF 5

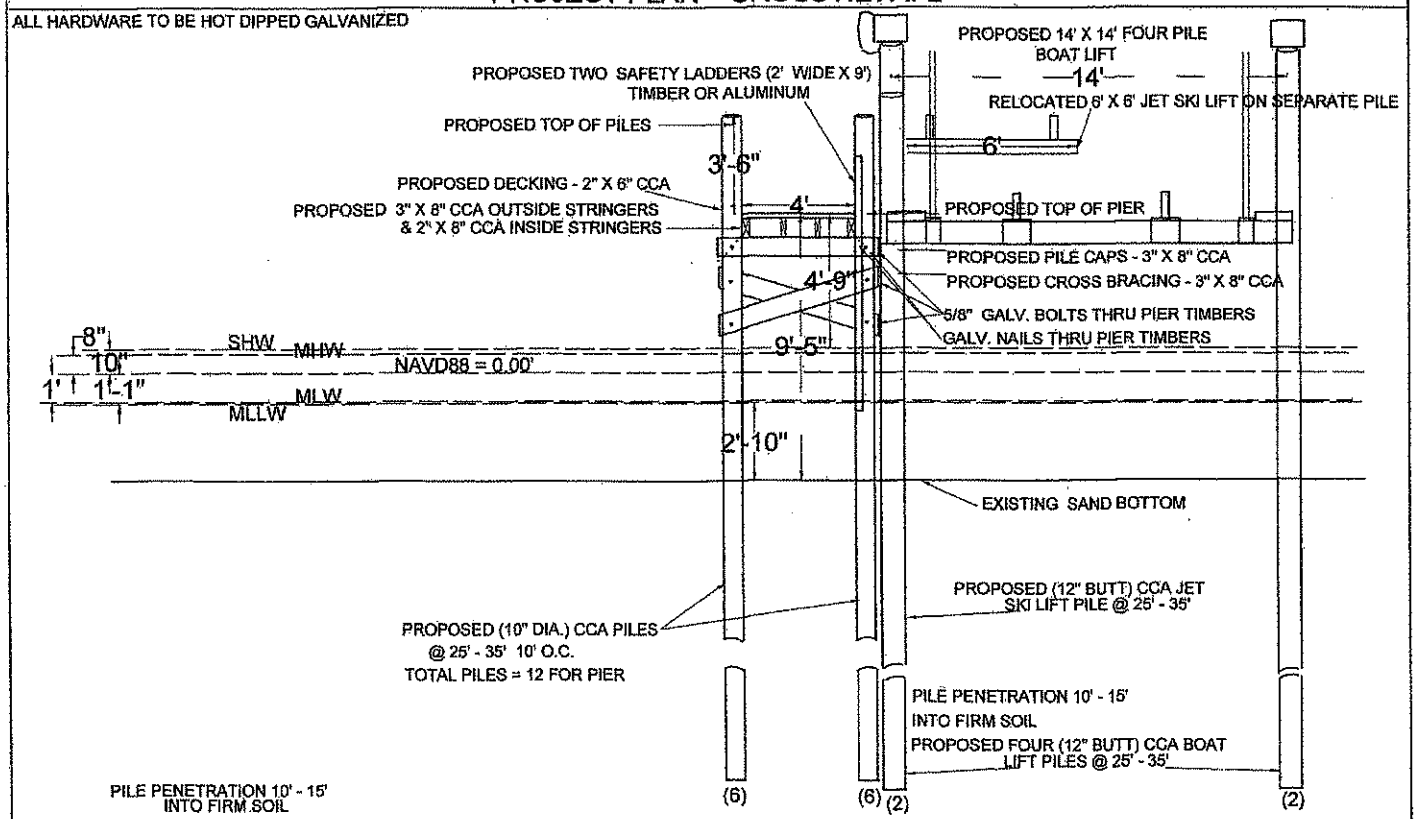
PREPARED 8/5/2021 BY SHORE SOLUTIONS INC

NCTM#'S SD 23 / SEC 66 / BLK 134 / LOTS 175-276
AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

Janu.

USACE FILE: NAN-2021-01228-EMC

PROJECT PLAN CROSSVIEW # 2



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED:
CONSTRUCT 4' X 60' PIER WITH TWO 2' X 9' SAFETY LADDERS, 14' X 14' FOUR PILE BOAT LIFT & 6' DAVIT ON EXISTING BULKHEAD / RELOCATE EXISTING 6' X 6' JET SKI LIFT TO WEST SIDE OF PROPOSED PIER

SHW = spring high water = 0.65' MHW = 0.66' DATUM NAVD 88 = 0.00' MLW = -1.00' MLLW = -1.08' TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2	LAT 40.656720 LONG -73.425620	SCALE 1" = 5' PAGE 5 0F 5	PREPARED 8/5/2021 BY SHORE SOLUTIONS INC.

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 175 & 276
AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

Janu.

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

2021002?

October 18, 2021

Paul Falbo
7 Bayview Place East
Massapequa, NY 11758

Re: F-2021-0777
U.S. Army Corps of Engineers/New York District Permit Application- **Falbo Property** docking structure: Construct a 4'x60' open pile pier with two 2'x9' safety ladders, install a 14'x14' pile supported boat lift and 6' davit and relocated and maintain an existing 6'x6' personal watercraft lift to the new pier
7 Bayview Place East (South Oyster Bay/Great South Bay), Town of Oyster Bay, Nassau County
Concurrence with Consistency Certification

Dear Paul Falbo:

The Department of State has completed its review of your consistency certification regarding the consistency of the above-referenced activity with the New York Coastal Management Program.

Pursuant to 15 CFR § 930.62, and based upon the project information submitted, the Department of State concurs with your consistency certification for this activity. This concurrence is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, or other forms of authorization or approval that may be required pursuant to existing State statutes.

When communicating with us regarding this matter, please refer to our file #F-2021-0777.

Sincerely,

Matthew P. Maraglio
Office of Planning, Development and Community Infrastructure

MM/dn

ecc: COE/New York District –
DEC Region 1 – Torey Kouril (1-2824-03366/00002)
Shore Solutions Inc. – Donna Myers

NEW YORK STATE OF OPPORTUNITY. Department of State

Planning

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

February 17, 2022

TO: ELIZABETH L. MACCARONE, COMMISSIONER,
DEPARTMENT OF PLANNING & DEVELOPMENT

FROM: GEORGE BAPTISTA, JR., DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

SUBJECT: DOCKS, PIERS & FLOATS PERMIT:
Paul Falbo
Application # 22020027
7 Bayview Place, Massapequa, New York
Section: 66 Block: 134 Lot(s): 175 & 276

Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQR, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

Based on our review, the Department has classified the subject proposed project as a **TYPE II ACTION**, under the SEQR Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

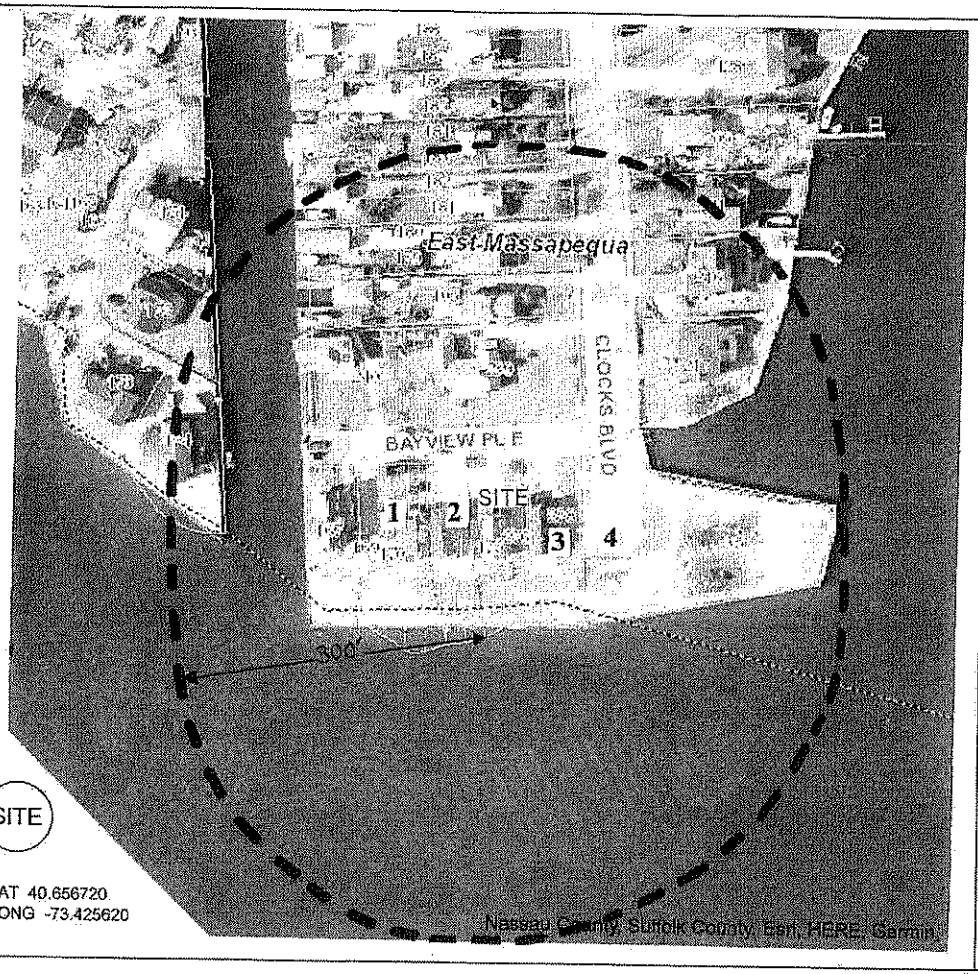
Inasmuch as the proposed action is on SEQR's pre-determined Type II Actions list and the TEQR Law Type II Actions List, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require any further review under SEQR/TEQR.

George Baptista Jr.
GEORGE BAPTISTA, JR.
DEPUTY COMMISSIONER

Filepath: DER Dept. Files/TEQR/TYPE II/Docks/7 Bayview Place, Massapequa_2.17.22

300 FOOT RADIUS MAP

SHOWING MLW AT BULKHEAD WITH EXISTING MARINE STRUCTURES IN THE VICINITY



AERIAL IMAGING FROM
NASSAU COUNTY
ASSESSORS WEBSITE

N

SHW = spring high water = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM
NOAA V-DATUM TOOL VERSION 4.2

PURPOSE: PROVIDE A SAFE
PRIVATE MOORING FACILITY

PREPARED BY
SHORE SOLUTIONS INC - DM
32 LINCOLN AVE
MASSAPEQUA, NY 11758

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 175 & 276

AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

PAGE 1 OF 2

230202

300' Radius map for: NCTM# section 66 / block 134 / lot 175 & 276
Prepared By: Donna Myers / Shore Solutions Inc. 32 Lincoln Ave
Massapequa, NY 11758

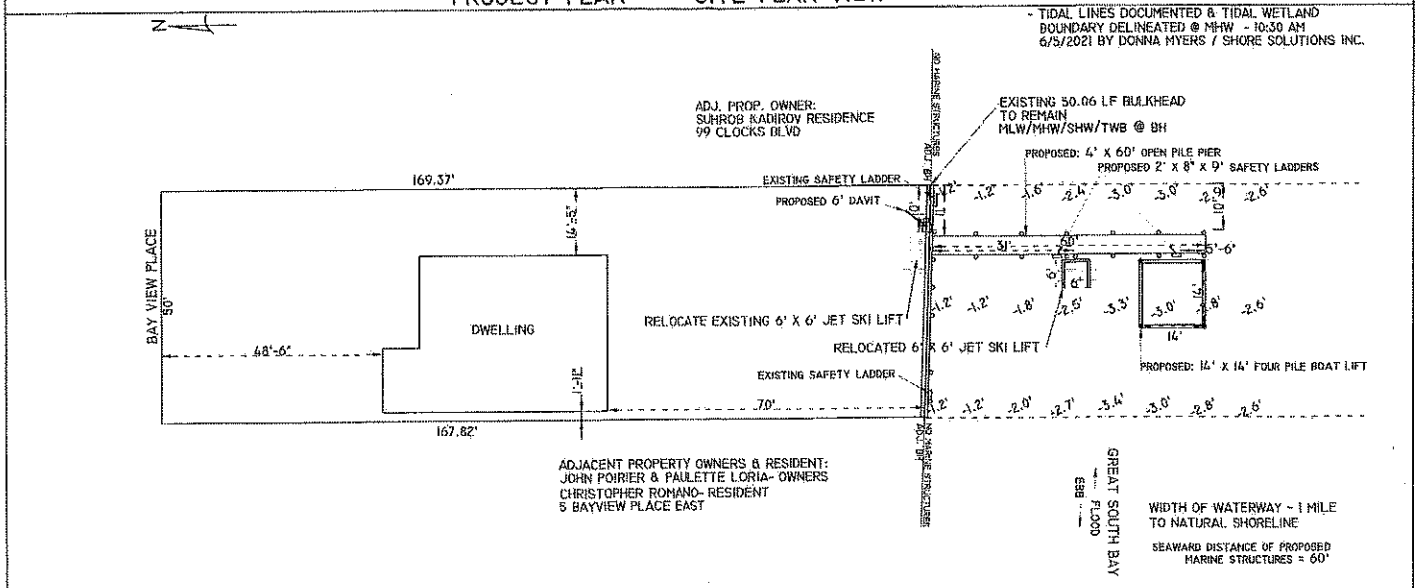
For: Paul P. Falbo
7 Bayview Place East
Massapequa, NY 11758

Section 66 / Block 134

	Lot	
1	169-172	Peter & Carla Smith 3 Bayview Place East Massapequa, NY 11758
2	173-174	John Poirer & Paulette Loria 5 Bayview Place East Massapequa, NY 11758
3	278	Suhrob Kadirov 99 Clocks Blvd Massapequa, NY 11758
4		End of Clocks Blvd DPW / Highway Department Town of Oyster Bay 150 Miller Place Syosset, NY 11791

22020027

PROJECT PLAN SITE PLAN VIEW



- ALL PILES TO BE CCA TREATED
- ALL HARDWARE TO BE HOT DIPPED GALVANIZED OR STAINLESS STEEL
- ALL STEPS, STAIRS, WALKS, RAILINGS AND GUARDS TO BE BUILT AS PER NYS AND TOWN BUILDING CODE

- #'S REPRESENT EXISTING DEPTHS BELOW MLLW ARE FROM HYDROGRAPHIC STUDY BY RISING TIDE WATERFRONT SOLUTIONS DATED 6/29/2021

PURPOSE: PROVIDE A SAFE PRIVATE MOORING FACILITY

PROPOSED: INSTALL 4' X 60' OPEN PILE PIER, TWO SAFETY LADDERS, 14' X 14' FOUR PILE BOAT LIFT & 6' DAVIT ON EXISTING BULKHEAD RELOCATE EXISTING 6' X 6' JET SKI IFT TO WEST SIDE OF PROPOSED PIER

SHW = SPRING HIGH WATER = 1.100'
MHW = 0.8966'
DATUM NAVD 88 = 0.00'
MLW = -1.0690'
MLLW = -1.1510'
TIDE RANGE 2.2510' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 3.4

SCALE 1" = 20'

PAGE 1 OF 3

LAT 40.656720
LONG -73.425620

PREPARED 8/5/2021
BY SHORE SOLUTIONS INC

NCTM#'S SD 237 SEC 66 / BLK 134 LOTS 175 & 276
AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

PLANS REVIEWED BY

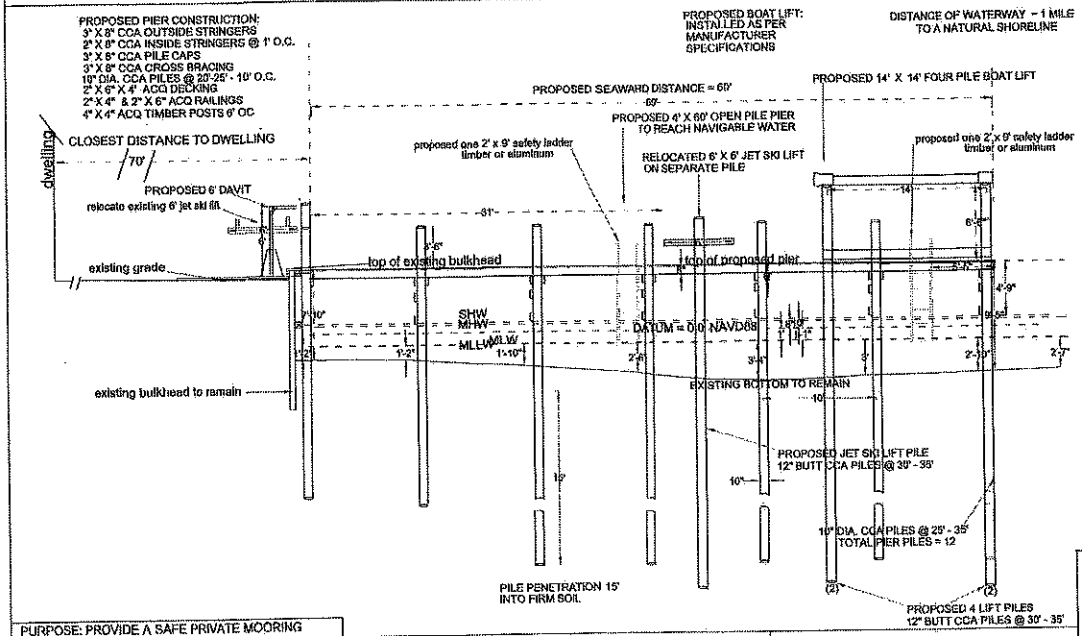
PAUL D. BARROCA, P.E.

N.Y. LIC. NO. 71430

P. R. CONSULTING ENGINEERING, P.C.
ENGINEERING CONSULTANTS
147 GLEN STREET 2ND FLR., GLEN COVE N.Y. 11542

TELE. 516 - 790 - 4583

PROJECT PLAN CROSSVIEW #1



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED: CONSTRUCT 4' X 60' OPEN PILE PIER WITH TWO SAFETY LADDERS, 14' X 14' FOUR PILE BOAT LIFT & 6' DAVIT ON EXISTING BULKHEAD / RELOCATE EXISTING 6' JET SKI LIFT TO WEST SIDE OF PROPOSED PIER

SHW = SPRING HIGH WATER = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2

LAT 40.659720
LONG -73.425820

PREPARED 8/5/2021 BY
SHORE SOLUTIONS INC

SCALE 1" = 8'

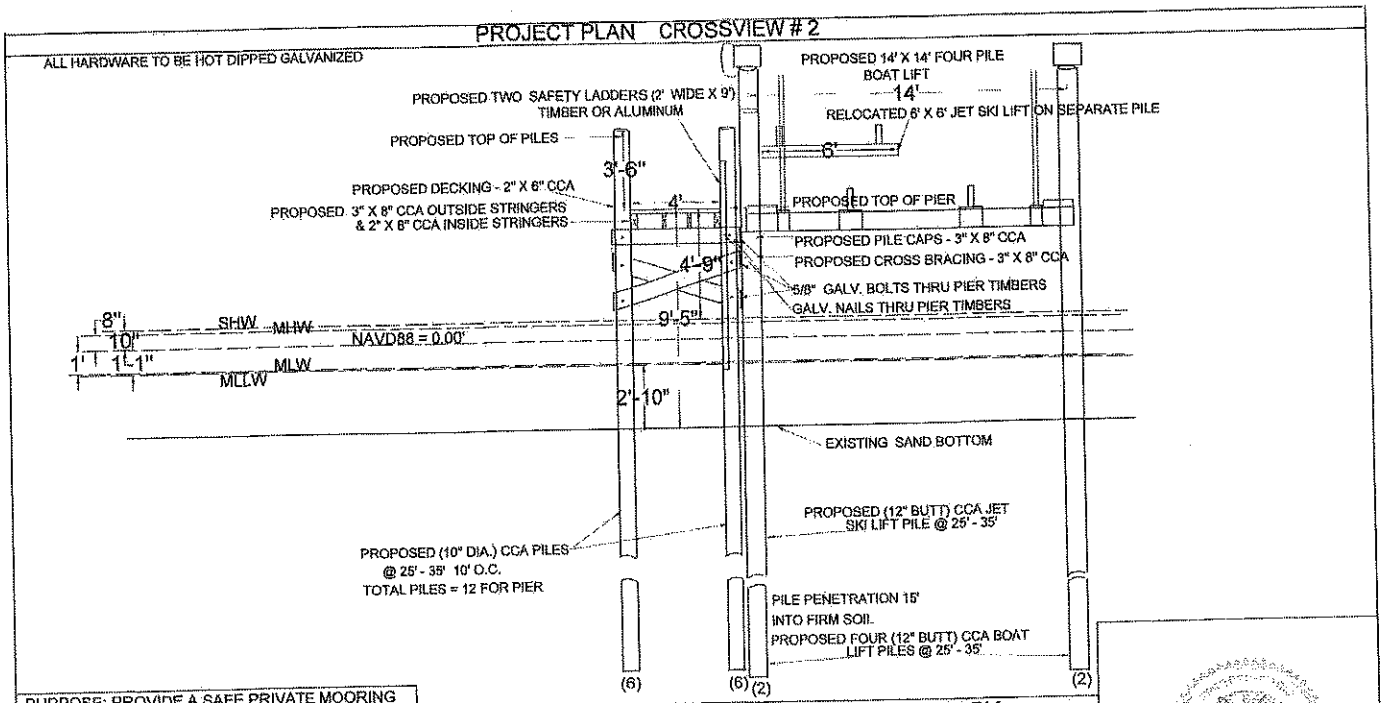
PAGE 2 OF 3

NCTM/S SD 23 / SEC 66 / BLK 134 / LOTS 175-276
AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

PLANS REVIEWED BY
BY PAUL D. BARROCA, P.E.
N.Y. LIC. NO. 71430

P. R. CONSULTING ENGINEERING, P.C.
ENGINEERING CONSULTANTS
147 GLEN STREET 2ND FLR., GLEN COVE N.Y. 11542
TELE. 516 - 790 - 4583

PROJECT PLAN CROSSVIEW # 2



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

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SHW = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93'
DATUM INFO FROM
NOAA V-DATUM TOOL
VERSION 4.2

LAT 40.656720
LONG -73.425620

PREPARED 8/5/2021 BY
SHORE SOLUTIONS INC.

SCALE 1" = 4'

PAGE 3 OF 3

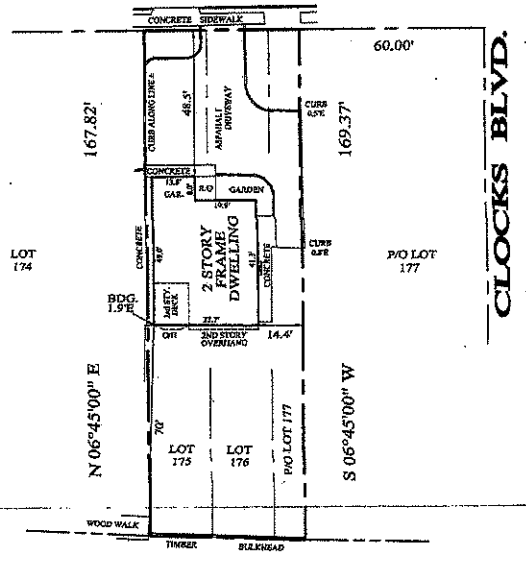
NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 175 & 276
AT: 7 BAYVIEW PLACE EAST
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: PAUL P. FALBO

PLANS REVIEWED BY
BY PAUL D. BARROCA, P.E.
N.Y. LIC. NO. 71430
P. R. CONSULTING ENGINEERING, P.C.
ENGINEERING CONSULTANTS
147 GLEN STREET 2ND FLR., GLEN COVE N.Y. 11542
TELE. 516 - 790 - 4583

CERTIFICATIONS HEREON SHOWN THAT THIS PLAT OF PROPERTY IS A TRUE AND CORRECT REPRESENTATION OF A RECENT SURVEY MADE UNDER MY DIRECTION IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THE PERSON WHOM THE SURVEY WAS PREPARED AND ON THEIR BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY AND LENDING INSTITUTION LISTED HEREON. THIS CERTIFICATION IS ONLY FOR THE LANDS DESCRIBED HEREON, ITS NOT A CERTIFICATION OF TITLE, ZONING, OR FREEDOM FROM ENCUMBRANCES. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL OR SUBSEQUENT OWNERS.

BAYVIEW PLACE EAST

S 83°15'00" E 50.00'



N 81°28'57" W 50.06'
(TIE LINE ALONG BULKHEAD)

GREAT SOUTH BAY

THE OFFSETS OR DIMENSIONS SHOWN FROM THE IMPROVEMENTS TO THE PROPERTY LINES ARE FOR A SPECIFIC PURPOSE AND USE, AND THEREFORE ARE NOT INTENDED TO BE USED AS A GUIDE IN THE ERECTION OF FENCES, WALLS, POOLS, PATIOS, BUILDINGS, ADDITIONS TO BUILDINGS OR ANY OTHER IMPROVEMENTS. SUBSURFACE AND ENVIRONMENTAL CONDITIONS NOT SHOWN. PROPERTY CORNER MARKERS MAY OR MAY NOT BE AS A PART OF THIS SURVEY. EASEMENTS AND OR RIGHTS-OF-WAY OF RECORD, IF ANY, NOT SHOWN.

PJM LAND SURVEYING, PLLC
132 CLYDE STREET / SUITE 16
WEST SAYVILLE, NY 11796
PHONE 631-563-5400
FAX 631-563-5808
PJMSURVEYING@AOL.COM

UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF NEW YORK STATE EDUCATION LAW.

LOT: 175, 176 & P/O LOT 177

MAP OF: AMENDED MAP OF BREEZY POINT

FILED: APRIL 1, 1921 NO: 121 COUNTY: NASSAU

SITUATE: MASSAPEQUA, TOWN OF OYSTER BAY

CERTIFIED TO: TITLE NO.: ----

REVISIONS

2nd STY. DECK 05/23/18
ADD. OFFSETS 12/07/18

COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S EMBOSSED SEAL AND SIGNATURE SHALL NOT BE CONSIDERED A TRUE AND VALID COPY

PROJECT NO.: 2017-523

DATE: 12/19/17

DRAWN: CM CHECKED BY: PM SCALE: 1" = 30' DISTRICT: --- SECTION: 66 BLOCK: 134 LOT(S): 175 & 276

Reviewed By
Office of Town Attorney

WHEREAS, pursuant to the Code of the Town of Oyster Bay ("Code"), Chapter 241, "Waterways", Section 241-9, "Applications", Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated March 17, 2022, directed SAL IANNUZZI, Applicant, to provide an Affidavit of Mailing Notice, pursuant to Section 241-9(E)(3) of the Code, of the application to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 336 Bay Drive, Massapequa, New York 11758, known and designated as Section 65, Block 215, Lot 49, on the Nassau County Land and Tax Map; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Commissioner Maccarone, by said memorandum, stated that Chapter 241 of the Code requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and has requested a calendar date of April 12, 2022, for Town Board action, in connection with the aforementioned application; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated August 24, 2021, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review Law, the Town Environmental Quality Review Division ("Division") has reviewed the dock building permit application referenced above, and has reviewed the relevant environmental factors affected by the uses proposed in the subject application; and has determined that said application is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c)(12), Type II Actions List, relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, Section B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances," and as such does not require completion of an Environmental Impact Statement or other environmental consideration; and

WHEREAS, actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board declares that the aforementioned dock application is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c) (12) Type II Actions List; and be it further

RESOLVED, That the application of SAL IANNUZZI, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 336 Bay Drive, Massapequa, New York 11758, known and designated as Section 65, Block 215, Lot 49 on the Nassau County Land and Tax Map, is hereby APPROVED.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: **MEMORANDUM DOCKET**

FROM: **ELIZABETH L. MACCARONE, COMMISSIONER**
DEPARTMENT OF PLANNING AND DEVELOPMENT

DATE: **MARCH 17, 2022**

SUBJECT: **WATERWAYS REVIEW**
SAL IANNUZZI
336 BAY DR.
MASSAPEQUA, NY 11758
SECTION 65, BLOCK 215, LOT(S) 49
DOCK BUILDING PERMIT APPLICATION # 21040054

We have received a request from Sal Iannuzzi to "install a new 12.5-foot-wide by 12-foot-long 4-pile dual personal watercraft lift on the southeastern side of an existing previously authorized approximately 6-foot-wide by 24-foot-long fixed pier." All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-00626/00007 dated December 30, 2020 and the Department of the Army, New York District, Corps of Engineers Nationwide Permit No. NAN-2021-00111 dated February 9, 2022. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No. 21040054; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-00626/00007 dated December 30, 2020; Department of the Army, New York District Corps of Engineers Permit No. NAN-2021-00111 dated February 9, 2022, and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated March 19, 2021. Also attached is a memo from George Baptista Jr., Deputy Commissioner Department of Environmental Resources dated August 24, 2021, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC and the Department of the Army Corps of Engineers Permit approvals.

The proposed work at the subject premises would, in our opinion, be compatible with the surrounding area.

Pursuant to Section §241-9(E)(3) of the Code of the Town of Oyster Bay, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is

sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the April 12, 2022 Town Board calendar to provide the applicant ample time to comply with this requirement.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/gl
Encls.

cc: Legislative Affairs (2 copies w/ attachments)
cc: Town Attorney's Office, Attn: Dennis Sheehan

21040054

SECTION 65 BLOCK 215 LOT(S) 49

TOWN OF OYSTER BAY
DEPARTMENT OF PLANNING & DEVELOPMENT
DIVISON OF BUILDING
Town Hall
Oyster Bay, New York 11771

APPLICATION FOR PERMIT TO BUILD OR INSTALL

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

	Name	Street Address	Post Office	Zip	Phone #
PROPERTY OWNER:	MR. SAL IANNUZZI	336 BAY DRIVE	MASSAPEQUA, NY	11758	[redacted]
LESSEE TENANT:					
APPLICANT:	MR. ADON M AUSTIN, PE | RISING TIDE	80 KILLIANS ROAD, # 280	MASSAPEQUA	11758	(516) 595-3483
ARCHITECT:					
CONTRACTOR:	RC WISH CONSTRUCTION LLC	24 WEST HARRISON AVENUE	BABYLON, NY	11702	(631) 278-7146
PLUMBER:					
ELECTRICIAN:					

ADDRESS OF CONSTRUCTION: _____
IF DIFFERENT FROM ABOVE — NO & STREET — POST OFFICE — ZIP CODE

LOCATION OF PROPERTY: N.E.S.W. SIDE OF BAY DRIVE 845 FEET
N.E.S.W. OF SUNSET BOULEVARD (STREET) MASSAPEQUA (POST OFFICE)
OR
N.E.S.W. OF _____ corner of _____ (STREET) and _____ (STREET) _____ (POST OFFICE)

_____ **CHECK HERE IF REQUESTING A WAIVER OF THE RECENT SURVEY REQUIREMENT (SEE INSTRUCTIONS FOR FURTHER INFO).**

TYPE OF BUILDING

A. TYPE OF IMPROVEMENT	EXISTING	PROPOSED	B. PROPOSED USE	EXISTING	PROPOSED
1. NEW BUILDING/STRUCTURE			1. ONE FAMILY		
2. ADDITION/EXTENSION			2. TWO FAMILY		
3. ALTERATION (i.e. Garage Conv.)			3. PARENT CHILD		
4. DECK			4. GARAGE		
5. AWNING/ROOF-OVER			5. BUSINESS		
6. CELLAR ENTRANCE			6. INDUSTRIAL		
7. REISSUE #			7. RESTAURANT		
8. OTHER		X	8. PUBLIC ASSEMBLY		
			9. OTHER		X

DESCRIBE THE WORK IN DETAIL (Size and Dimensions) of Structure(s)

CONSTRUCT/INSTALL A 12.5X12-FT (150 SF) 2-PILE PERSONAL WATERCRAFT LIFT.

_____ **CHECK HERE IF TREES ARE BEING REMOVED ON THE PROPERTY. IF SO, A *TREE PERMIT* MUST BE OBTAINED FROM THE DEPARTMENT OF PARKS. PLEASE CALL (516) 797-7956 FOR FURTHER INFORMATION.**

HAVE BOTH AFFIDAVITS NOTARIZED

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

APPLICANT

STATE OF NEW YORK
COUNTY OF NASSAU ss:

MR. ADON M AUSTIN, PE being duly sworn, deposes and says. That he/she resides at RISING TIDE | 80 KILLIANS ROAD, # 280 In the hamlet of MASSAPEQUA in the State of NEW YORK and that he/she is authorized by the Owner MR. SAL IANNUZZI who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponents own knowledge.
Address: 80 KILLIANS ROAD, SUITE 280, MASSAPEQUA, NY 11758
Phone: (516) 595-3486

(Sign here) _____

Sworn to before me this 2nd day of April 20 21

_____
NOTARY PUBLIC

DONALD BAILEY
Notary Public, State of New York
No 01BA6379839
Qualified in Queens County
Commission Expires August 27, 2022

OWNER

STATE OF NEW YORK
COUNTY OF NASSAU ss:

MR. SAL IANNUZZI being duly sworn, deposes and says That he/she resides at 336 BAY DRIVE in the hamlet of MASSAPEQUA in the State of NEW YORK and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes MR. ADON M AUSTIN, PE (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge

(Sign here) _____ (owner)

Sworn to before me this 22nd day of April 20 21

_____
NOTARY PUBLIC

MICHAEL M. IANNUZZI (Rev. 03/13/2012)
NOTARY PUBLIC, STATE OF NEW YORK
NO. 02IA6222946
QUALIFIED IN NASSAU COUNTY
COMMISSION EXPIRES 07/29/2018

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790
P: (631) 444-0365 I F: (631) 444-0360
www.dec.ny.gov

December 30, 2020

Sal Iannuzzi
336 Bay Drive
Massapequa, NY 11758

Re: Permit # 1-2824-00626/00007

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit for the referenced activity. Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed is a permit sign which is to be conspicuously posted at the project site and protected from the weather, and a Notice of Commencement/Completion of Construction. Please note, the permit sign and Notice of Commencement/Completion of Construction form are sent to either the permittee or the facility application contact, not both.

Sincerely,

Eugene R. Zamojcin
Environmental Analyst II

Enclosure

PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SALVATORE IANNUZZI
336 BAY DR
MASSAPEQUA, NY 11758-8144

Facility:
IANNUZZI PROPERTY
336 BAY DR|NCTM# 65-215-71
MASSAPEQUA, NY 11758

Facility Application Contact:
RISING TIDE WATERFRONT SOLUTIONS -
AN ENGINEERING COMPANY PLLC
80 KILLIANS RD STE 280
MASSAPEQUA, NY 11758

Facility Location: in OYSTER BAY in NASSAU COUNTY **Village:** Massapequa
Facility Principal Reference Point: NYTM-E: 630.546 NYTM-N: 4501.109
Latitude: 40°39'01.9" Longitude: 73°27'21.3"
Project Location: 336 Bay Drive Watercourse: Great South Bay
Authorized Activity: Installation of a four-pile dual PWC lift at a residential docking facility. The lift must be located in unvegetated areas with a minimum water depth of 2.5 feet at mean low water (-2.5 MLW). All work shall be in strict conformance with the attached plans stamped "NYSDEC Approved" on 12/30/2020. (GRZ) **SAP-1-09-06**

Permit Authorizations

Tidal Wetlands - Under Article 25
Permit ID 1-2824-00626/00007
New Permit Effective Date: 12/30/2020 Expiration Date: 12/29/2025

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: SUSAN ACKERMAN, Regional Permit Administrator
Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: _____ Date 12/30/20

Distribution List

RISING TIDE WATERFRONT SOLUTIONS - AN ENGINEERING COMPANY PLLC
Bureau of Marine Habitat Protection
Environmental Permits

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS

1. **Regulated Activities Authorized By This Permit** This permit authorizes only those regulated activities / structures identified under the section Description of Authorized Activity. NYSDEC does not issue after-the-fact or as-built permits. This permit does not authorize activities, or legitimize the existence of structures, which would have required a permit but for which no permit or other authorization has been granted by NYSDEC.

2. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

3. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

4. **Failure to Meet Permit Conditions** Failure of the permittee to meet all the conditions of this permit is a violation of this permit and grounds for an order to immediately cease the permitted activity at the project site.

5. **PWC Lift in Unvegetated Area Only** PWC lift installation is authorized in unvegetated areas only.

6. **PWC Lift Installation** The PWC lift shall be installed only at the approved location with a minimum water depth of 2½ feet, measured at apparent low tide.

7. **No PWC Lifts at Property Lines** The PWC lift must be installed so that all components of the structure are located a minimum of 5 feet from any property line and so that docked vessels **do not**:

A. Extend laterally over property lines.

B. Interfere with navigation.

C. Interfere with other landowners riparian rights.

8. **No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

9. **Dredging Prohibited** This permit does not authorize any dredging.

10. **Disturbance to Vegetated Tidal Wetlands Prohibited** There must be no disturbance to vegetated tidal wetlands, tidal wetlands adjacent areas and protected buffer areas as a result of the permitted activity beyond that approved herein.

11. **Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead.

12. **No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

13. **Debris Removal** Should any demolition or construction debris fall into the waterway or enter the protected buffer area and/or tidal wetlands, it will be removed immediately.

14. **Debris Disposal** All demolition and construction debris will be properly disposed of at a licensed facility.

15. **Minimize Adverse Impacts to Wetlands, Wildlife, Water** All work must be performed in a manner which minimizes adverse impacts to wetlands, wildlife, water quality and natural resources.

16. **Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.

17. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Rising Tide Waterfront Solutions (three sheets), last revised 12/18/2020.

18. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

19. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

20. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

21. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY11790 -3409

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands.

5. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. **Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

RETURN THIS FORM TO: COMPLIANCE Or Fax to: 631-444-0297
Bureau of Marine Habitat Protection - NYSDEC
50 Circle Road
Stony Brook, NY 11790-3409

PERMIT NUMBER: _____ EXPIRATION DATE: _____

PERMITTEE NAME & PROJECT ADDRESS: _____

_____

CONTRACTOR NAME & ADDRESS: _____

_____TELEPHONE:_____

Dear Sir: _____

Pursuant to the special conditions of the referenced permit, you are hereby notified that the authorized activity shall commence on _____ . We certify that we have read the referenced permit and approved plans and fully understand the authorized project and all permit conditions. We have inspected the project site and can complete the project as described in the permit and as depicted on the approved plans. We can do so in full compliance with all plan notes and permit conditions. The permit, permit sign, and approved plans will be available at the site for inspection in accordance with General Condition No. 1. (Both signatures required)

PERMITEE: _____ DATE_____

CONTRACTOR: _____ DATE_____

*THIS NOTICE MUST BE SENT TO THE ABOVE ADDRESS **AT LEAST TWO DAYS PRIOR TO COMMENCEMENT OF THE PROJECT** AND /OR ANY ASSOCIATED ACTIVITIES. FAILURE TO RETURN THIS NOTICE, POST THE PERMIT SIGN, OR HAVE THE PERMIT AND APPROVED PLANS AVAILABLE AT THE WORK SITE FOR THE DURATION OF THE PROJECT MAY SUBJECT THE PERMITTEE AND/OR CONTRACTOR TO APPLICABLE SANCTIONS AND PENALTIES FOR NON-COMPLIANCE WITH PERMIT CONDITIONS.*

Cut along this line X X X X X X X

NOTICE OF COMPLETION OF CONSTRUCTION

RETURN THIS FORM TO: COMPLIANCE Or Fax to: 631-444-0297
Bureau of Marine Habitat Protection - NYSDEC
50 Circle Rd.
Stony Brook, NY 11790-3409

PERMIT NUMBER: _____ EXPIRATION DATE: _____

PERMITTEE NAME & PROJECT ADDRESS: _____

_____

CONTRACTOR NAME & ADDRESS:

_____

_____TELEPHONE:_____

Pursuant to special conditions of the referenced permit, you are hereby notified that the authorized activity was completed on _____ . We have fully complied with the terms and conditions of the permit and approved plans. (Both signatures required)

PERMITEE: _____ DATE_____

CONTRACTOR: _____ DATE_____

*THIS NOTICE, WITH PHOTOGRAPHS OF THE COMPLETED WORK AND/OR A COMPLETED SURVEY, AS APPROPRIATE, **MUST BE SENT TO THE ABOVE ADDRESS WITHIN 30 DAYS OF COMPLETION OF THE PROJECT.***

95-20-1 (8/87)—9d

New York State
Department of Environmental Conservation

NOTICE

The Department of Environmental Conservation (DEC) has issued permit(s) pursuant to the Environmental Conservation Law for work being conducted at this site. For further information regarding the nature and extent of work approved and any Departmental conditions on it, contact the Regional Permit Administrator listed below. Please refer to the permit number shown when contacting the DEC.

Regional Permit Administrator

Permit Number 1-2824-00626/00007

Susan Ackerman

Expiration Date 12/29/2025

NOTE: This notice is **NOT** a permit

WATERFRONT DEVELOPMENT

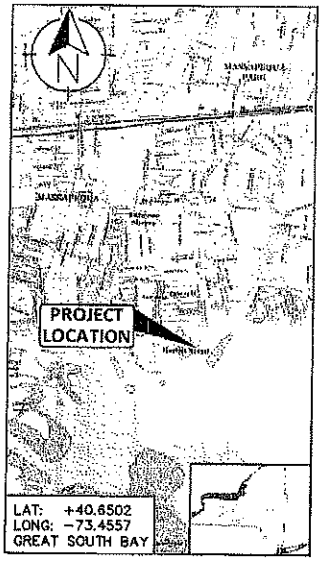
336 BAY DRIVE

MASSAPEQUA, NY 11758

18 DECEMBER 2020

DRAWINGS ISSUED FOR:
REGULATORY PERMITTING

LOCATION MAP



REF: AMITYVILLE QUADRANGLE NY 7.5−MIN SERIES

TIDAL CHART ELEVATION(S)			
POSITION	MLW	NAVD88	DESCRIPTION
SHW	+2.2	+1.1	SPRING HIGH WATER
MHHW	+2.0	+0.9	MEAN HIGHER HIGH WATER
MHW	+1.8	+0.7	MEAN HIGH WATER
MSL	+0.9	−0.2	MEAN SEA LEVEL
MLW	±0.0	−1.1	MEAN LOW WATER
MLLW	−0.1	−1.2	MEAN LOWER LOW WATER

NOTE: SHW IS SYNONYMOUS WITH MEAN HIGH WATER SPRING (NOAA NOS CO−OPS1)

PROJECT INFORMATION

LOCATION

PRIVATE RESIDENCE OF MR. SAL IANUZZI, 336 BAY DRIVE, IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK ALONG GREAT SOUTH BAY.

PROJECT NOTIFICATION

COMMENCEMENT NOTIFICATION TO REGULATORY AGENCY SHALL BE SUBMITTED, AS REQUIRED, BY SELECTED CONTRACTOR PRIOR TO THE START OF WORK.

GENERAL CONTACT INFORMATION

RISING TIDE WATERFRONT SOLUTIONS, PLLC
80 KILLIANS ROAD, #280
MASSAPEQUA, NY 11758
PHONE: 516−595−3463
EMAIL: PERMITS@RT−WS.COM

DEFINITION(S)

AUTHORITY: MR . SAL IANUZZI
ENGINEER: RISING TIDE WATERFRONT SOLUTIONS, PLLC
CONTRACTOR: TO BE DETERMINED

REVISION(S)

A: REGULATORY PERMIT 11−20−202(
B: REGULATORY PERMIT RESPONSE 12−18−202(

SKETCH INDEX

SK−1.0 TITLE SHEET & LOCATION MAP
SK−2.0 VICINITY MAP
SK−3.0 FACILITY PLAN
SK−3.1 DOCK/LIFT PROFILE

1/7

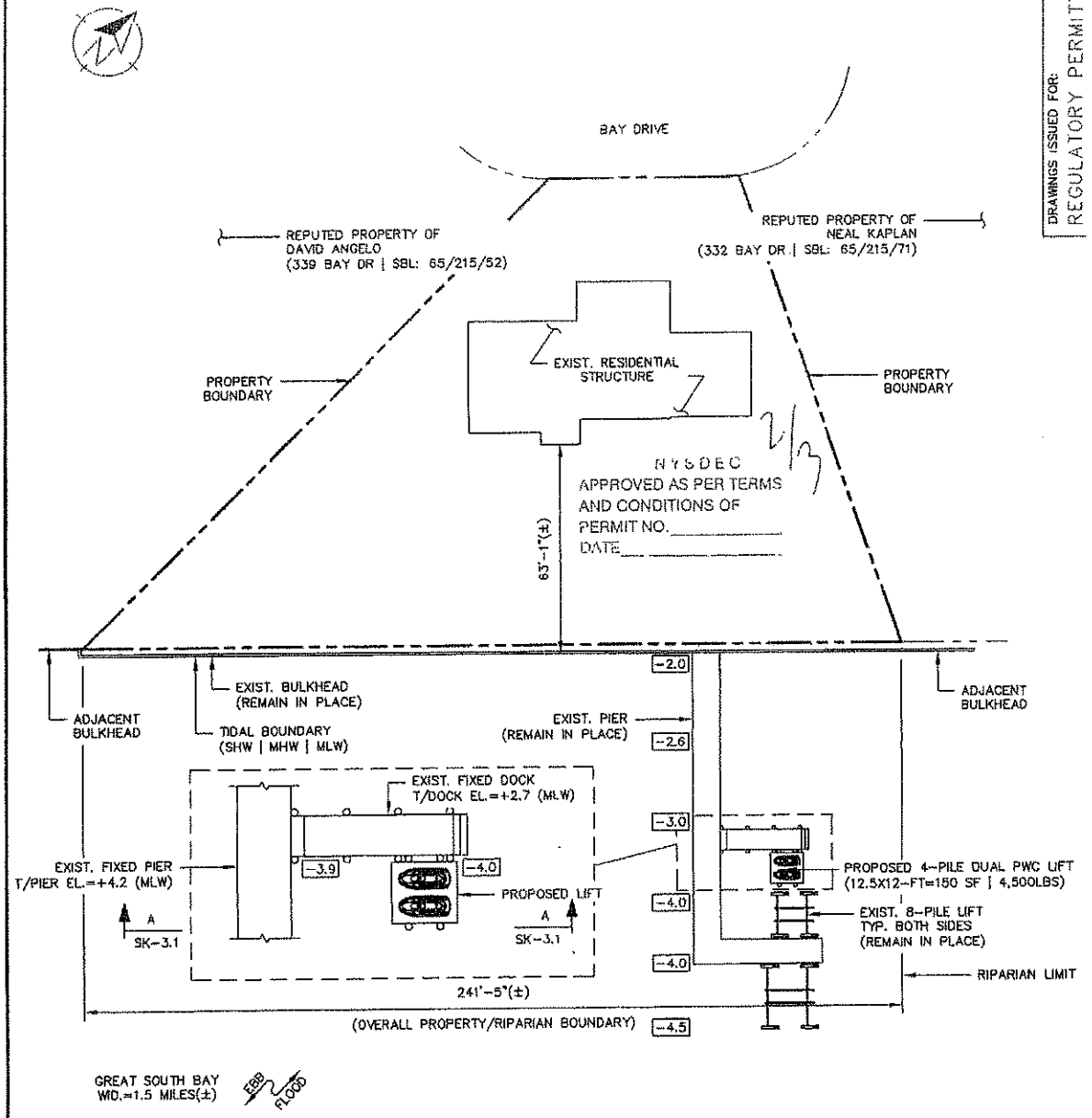
NYSDEC
APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO. 1-2324-00626/00007
DATE 12/30/2020 SRE

PROJECT DESCRIPTION

CONSTRUCT/INSTALL A 12.5X12−FT (150 SF) 4−PILE PERSONAL WATERCRAFT LIFT.

SHEET NO. SK-1.0 (1 OF 4 SHEET(S))	PROJECT NO. P201111.00	PROJECT: WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE N/A	Rising Tide | Waterfront Solutions
	DRAWN BY JMK		DATE 12-18-2020	80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	CHECKED BY AMA		REVISION NO. B	SHEET TITLE SHEET & LOCATION MAP

DRAWINGS ISSUED FOR:
REGULATORY PERMITTING



FACILITY PLAN

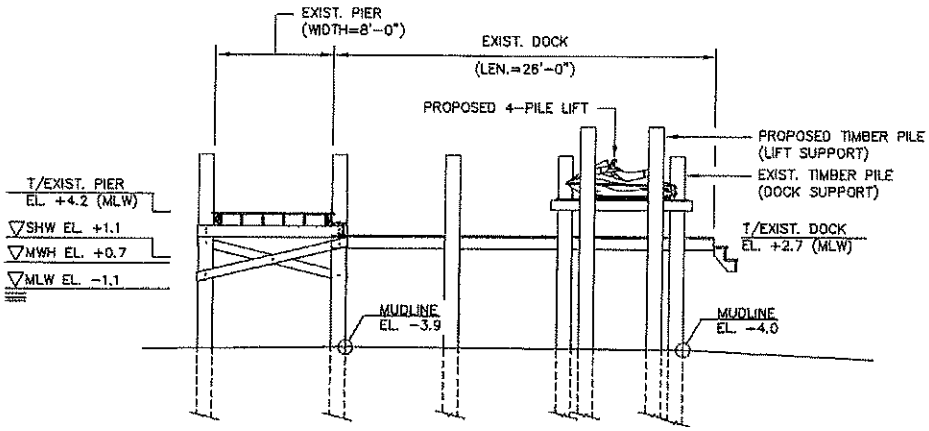
X.X WATER DEPTH (MLW)

SCALE: 1"=40'-0"

0 40' 80

SHEET NO. SK-3.0 (3 of 4 sheet(s))	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE 1"=40'-0"	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	DRAWN BY JMK		DATE 12-18-2020	SHEET FACILITY PLAN
	CHECKED BY AMA		REVISION NO. 8	

DRAWINGS ISSUED FOR:
REGULATORY PERMITTING



A
SK-3.0

PROFILE
EXIST. DOCK W/ PROPOSED LIFT

SCALE: 1"=10'-0"

3/3

APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO._____
DATE_____

0 10' 10

SHEET NO. SK-3.1 4 OF 4 SHEET(S)	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE	SCALE 1"=10'-0"	Rising Tide | Waterfront Solutions
	DRAWN BY JWK		DATE 12-18-2020	80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	CHECKED BY AMA	MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	REVISION NO. B	SHEET DOCK/LIFT PROFILE

NEW YORK STATE | Department of Environmental Conservation | Office of General Services | Department of State

RECEIVED
DEC
NYS-OGS
Bureau of Land Management

US Army Corps of Engineers

JOINT APPLICATION FORM

For Permits for activities activities affecting streams, waterways, waterbodies, wetlands, coastal areas, sources of water, and endangered and threatened species.

You must separately apply for and obtain Permits from each involved agency before starting work. Please read all instructions.

1. Applications To:

>NYS Department of Environmental Conservation ☑ Check here to confirm you sent this form to NYSDEC.

Check all permits that apply:
- ☐ Stream Disturbance
- ☐ Excavation and Fill in Navigable Waters
- ☑ Docks, Moorings or Platforms
- ☐ Dams and Impoundment Structures
- ☑ 401 Water Quality Certification
- ☐ Freshwater Wetlands
- ☑ Tidal Wetlands
- ☐ Wild, Scenic and Recreational Rivers
- ☐ Coastal Erosion Management
- ☐ Water Withdrawal
- ☐ Long Island Well
- ☐ Incidental Take of Endangered / Threatened Species

>US Army Corps of Engineers ☑ Check here to confirm you sent this form to USACE.

Check all permits that apply: ☑ Section 404 Clean Water Act ☑ Section 10 Rivers and Harbors Act

Is the project Federally funded? ☐ Yes ☑ No

If yes, name of Federal Agency:

General Permit Type(s), if known:

Preconstruction Notification: ☑ Yes ☐ No

>NYS Office of General Services ☑ Check here to confirm you sent this form to NYSOGS.

Check all permits that apply:
- ☑ State Owned Lands Under Water
- ☐ Utility Easement (pipelines, conduits, cables, etc.)
- ☑ Docks, Moorings or Platforms

>NYS Department of State ☑ Check here to confirm you sent this form to NYSDOS.

Check if this applies: ☑ Coastal Consistency Concurrence

2. Name of Applicant: MR. SAL IANNUZZI

Taxpayer ID (if applicant is NOT an individual):

Mailing Address: 336 BAY DRIVE

Post Office / City: MASSAPEQUA

State: NY

Zip: 11758

Telephone: (917) 991-6222

Email: SALIANNUZZI@PIVOTALSCG.COM

Applicant Must be (check all that apply): ☑ Owner ☐ Operator ☐ Lessee

3. Name of Property Owner (if different than Applicant)

Mailing Address:

Post Office / City:

State:

Zip:

Telephone:

Email:

For Agency Use Only	Agency Application Number:

4. Name of Contact / Agent

MR. ADON AUSTIN

Mailing Address: RISING TIDE WATERFRONT SOLUTIONS, 80 KILLIANS ROAD, SUITE 280 | Post Office / City: MASSAPEQUA | State: NY | Zip: 11758

Telephone: (516) 595-3483 | Email: PERMITS@RT-WS.COM

5. Project / Facility Name

WATERFRONT DEVELOPMENT | IANUZZI PROPERTY | Property Tax Map Section / Block / Lot Number: SECTION 65 | BLOCK 215 | LOT 49

Project Street Address, if applicable: 336 BAY DRIVE | Post Office / City: MASSAPEQUA | State: NY | Zip: 11758

Provide directions and distances to roads, intersections, bridges and bodies of water:
PROJECT IS LOCATED IN THE TOWN OF OYSTER BAY IN NASSAU COUNTY. THE PROJECT SITE IS 1.86 MILES SOUTH OF SUNRISE HIGHWAY AND 2.82 MILES EAST OF JONES BEACH CAUSEWAY.

☑ Town ☐ Village ☐ City | County: NASSAU COUNTY | Stream/Waterbody Name: GREAT SOUTH BAY

OYSTER BAY

Project Location Coordinates: Enter Latitude and Longitude in degrees, minutes, seconds:

Latitude: 40 ° 39 ' 01.74 " Longitude: -73 ° 27 ' 21.61 "

6. Project Description: Provide the following information about your project. Continue each response and provide any additional information on other pages. **Attach plans on separate pages.**

a. Purpose of the proposed project:
CONSTRUCT WATERFRONT STRUCTURE TO PROVIDE SAFE DOCKAGE AND ACCESS FOR WATER DEPENDENT USES INCLUDING RECREATIONAL BOATING.

b. Description of current site conditions:
PROPERTY CURRENTLY INCLUDES AN EXISTING BULKHEAD, PIER, TWO (2) 8-PILE LIFT

c. Proposed site changes:
CONSTRUCT/INSTALL A 12.5X12-FT (150 SF) 2-PILE PERSONAL WATERCRAFT LIFT.

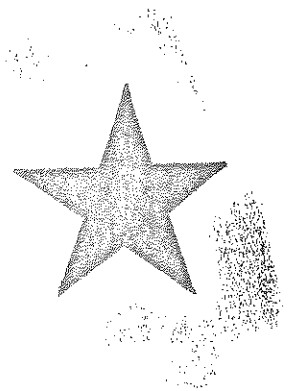
d. Type of structures and fill materials to be installed, and quantity of materials to be used (e.g., square feet of coverage, cubic yards of fill material, structures below ordinary/mean high water, etc.):
NET INCREASE OF COVERAGE AND FILL: 2-PILE LIFT (150 SF | 0.0 CY)

e. Area of excavation or dredging, volume of material to be removed, location of dredged material placement:
PROJECT DOES NOT INCLUDES MAINTENANCE DREDGING OR EXCAVATION.

f. Is tree cutting or clearing proposed? ☐ Yes If Yes, explain below. ☑ No

Timing of the proposed cutting or clearing (month/year): N/A

Number of trees to be cut: N/A Acreage of trees to be cleared: N/A



g. Work methods and type of equipment to be used:
ALL CONSTRUCTION WILL BE BE STAGED FROM THE ADJACENT SHORELINE OR FROM A WORK BARGE TEMPORARILY MOORED ON-SITE. ANTICIPATED EQUIPMENT INCLUDES CRANE(S), EXCAVATOR AND/OR LOADER.

h. Describe the planned sequence of activities:
(1) CONSTRUCT A 2-PILE PERSONAL WATERCRAFT LIFT.

i. Pollution control methods and other actions proposed to mitigate environmental impacts:
CONTRACTOR SHALL APPLY WHERE APPLICABLE: (A) INSTALL HAYBALES FOR SILT CONTROL; (B) UTILIZE BARGES THAT REMAIN 3 FT FROM MUDLINE AT ALL TIMES; (C) STORE MATERIALS AND EQUIPMENT LANDWARD OF THE MHWS ELEVATION; (D) UTILIZE DIESEL EQUIPMENT WILL USE ULSD AND DIESEL PARTICULATE FILTERS (DPF) WHENEVER AVAILABLE; (E) TAKE CARE TO MINIMIZE IDLING OF MACHINERY ON SITE.

j. Erosion and silt control methods that will be used to prevent water quality impacts:
PROPER EROSION CONTROL METHODS SUCH AS STAKED HAY BALES AND DEBRIS BOOMS SHALL BE IN PLACE DURING CONSTRUCTION WHERE APPLICABLE.

k. Alternatives considered to avoid regulated areas. If no feasible alternatives exist, explain how the project will minimize impacts:
NO FEASIBLE ALTERNATIVE EXISTS. WATERFRONT FACILITIES MUST BE INSTALLED TO PROVIDE APPLICANT ACCESS TO THEIR RIPARIAN RIGHTS.

l. Proposed use: ☑ Private ☐ Public ☐ Commercial

m. Proposed Start Date: SUMMER 2021 Estimated Completion Date: SUMMER 2021

n. Has work begun on project? ☐ Yes If Yes, explain below. ☑ No

o. Will project occupy Federal, State, or Municipal Land? ☐ Yes If Yes, explain below. ☑ No

p. List any previous DEC, USACE, OGS or DOS Permit / Application numbers for activities at this location:
NYS DEC: 1-2824-00626/00005
USACE: NAN-2008-780-EET
NYS DOS: F-2007-0417

q. Will this project require additional Federal, State, or Local authorizations, including zoning changes?
☐ Yes If Yes, list below. ☑ No

7. **Signatures.**
Applicant and Owner (if different) must sign the application.
Append additional pages of this Signature section if there are multiple Applicants, Owners or Contact/Agents.

I hereby affirm that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief.

Permission to Inspect - I hereby consent to Agency inspection of the project site and adjacent property areas. Agency staff may enter the property without notice between 7:00 am and 7:00 pm, Monday - Friday. Inspection may occur without the owner, applicant or agent present. If the property is posted with "keep out" signs or fenced with an unlocked gate, Agency staff may still enter the property. Agency staff may take measurements, analyze site physical characteristics, take soil and vegetation samples, sketch and photograph the site. I understand that failure to give this consent may result in denial of the permit(s) sought by this application.

False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of the NYS Penal Law. Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomever suffered, arising out of the project described herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal Law, 18 U.S.C., Section 1001 provides for a fine of not more than $10,000 or imprisonment for not more than 5 years, or both where an applicant knowingly and willingly falsifies, conceals, or covers up a material fact; or knowingly makes or uses a false, fictitious or fraudulent statement.

Signature of Applicant | Date: 20 NOVEMBER 2020

Applicant Must be (check all that apply): ☑ Owner ☐ Operator ☐ Lessee

Printed Name: MR. SAL IANNUZZI | Title: APPLICANT

Signature of Owner (if different than Applicant) | Date:

Printed Name: | Title:

Signature of Contact / Agent | Date: 20 NOVEMBER 2020

Printed Name: MR. ADON AUSTIN | Title: PRINCIPAL DIRECTOR

For Agency Use Only **DETERMINATION OF NO PERMIT REQUIRED**

Agency Application Number: I-4433

NYS OGS (Agency Name) has determined that No Permit is required from this Agency for the project described in this application.

Agency Representative:

Printed Name: Ralph Hill | Title: Real Estate Officer I

Signature: Ralph Hill | Date: 12/10/2020

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

REGULATORY BRANCH

February 9, 2022

SUBJECT: Department of the Army Permit Number NAN-2021-00111
By Sal Iannuzzi

Sal Iannuzzi
336 Bay Drive
Massapequa, NY 11758
917-991-6222

Dear Mr. Iannuzzi:

We have completed our review of Application Number NAN-2021-00111-EKO.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

APPLICANT: Sal Iannuzzi
336 Bay Drive
Massapequa, NY 11758

ACTIVITY: By Letter of Permission: Install a new 12.5-foot-wide by 12-foot-long 4-pile dual personal watercraft lift on the southeastern side of an existing previously authorized approximately 6-foot-wide by 24-foot-long fixed pier.

All work shall be done in accordance with the attached plans, subject to Special Conditions A through B, which are hereby made part of this permit.

WATERWAY: Great South Bay

LOCATION: 336 Bay Drive, Massapequa, Town of Oyster Bay, Suffolk County, New York

The activity authorized by this Letter of Permission must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

This authorization is conditional on the permittee's receipt of the required coastal zone management concurrence or waiver from the New York State Department of State (NYSDOS). No work may be accomplished until the required approval from NYSDOS has been obtained.

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Stephan A. Ryba
Chief, Regulatory Branch
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, NY 10278

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by April 9, 2022. Additionally, send an electronic copy of the RFA form to Zachary.J.Kocsik@usace.army.mil. It is not necessary to submit an RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to insure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

REGULATORY BRANCH

February 9, 2022

SUBJECT: Department of the Army Permit Number NAN-2021-00111
By Sal Iannuzzi

In order for us to better serve you, please complete our Customer Service Survey located at: http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

If any questions should arise concerning this matter, please contact Zachary Kocsik, of my staff, at Zachary.J.Kocsik@usace.army.mil.

Sincerely,

Date: 2022.02.09 15:21:02 -05'00'

FOR AND IN BEHALF OF
Matthew W. Luzzatto
Colonel, U.S. Army
Commander and District Engineer

Encls

PERMIT CONDITIONS:

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

(B) The permittee shall utilize best management practices to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

Further Information:

1. Limits of authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of the permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

February 9, 2022

USACE FILE: NAN-2021-00111-EKO

WATERFRONT DEVELOPMENT

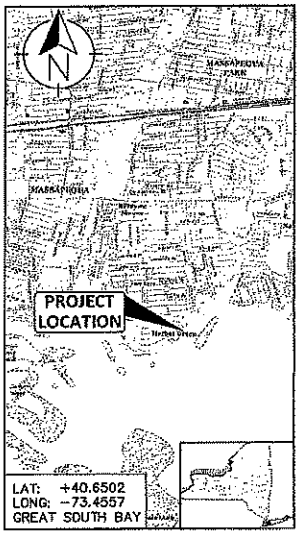
336 BAY DRIVE

MASSAPEQUA, NY 11758

18 DECEMBER 2020

DRAWINGS ISSUED FOR: REGULATORY PERMITTING

LOCATION MAP



REF: AMITYVILLE QUADRANGLE NY 7.5-MIN SERIES

TIDAL CHART ELEVATION(S)			
POSITION	MLW	NAVD88	DESCRIPTION
SHW	+2.2	+1.1	SPRING HIGH WATER
MHHW	+2.0	+0.9	MEAN HIGHER HIGH WATER
MHW	+1.8	+0.7	MEAN HIGH WATER
MSL	+0.9	-0.2	MEAN SEA LEVEL
MLW	±0.0	-1.1	MEAN LOW WATER
MLLW	-0.1	-1.2	MEAN LOWER LOW WATER

NOTE: SHW IS SYNONYMOUS WITH MEAN HIGH WATER SPRING (NOAA NOS CO-OPS1)

PROJECT INFORMATION

LOCATION

PRIVATE RESIDENCE OF MR. SAL IANUZZI, 336 BAY DRIVE, IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK ALONG GREAT SOUTH BAY.

PROJECT NOTIFICATION

COMMENCEMENT NOTIFICATION TO REGULATORY AGENCY SHALL BE SUBMITTED, AS REQUIRED, BY SELECTED CONTRACTOR PRIOR TO THE START OF WORK.

GENERAL CONTACT INFORMATION

RISING TIDE WATERFRONT SOLUTIONS, PLLC
80 KILLIANS ROAD, #280
MASSAPEQUA, NY 11758
PHONE: 516-595-3483
EMAIL: PERMITS@RT-WS.COM

DEFINITION(S)

AUTHORITY: MR . SAL IANUZZI
ENGINEER: RISING TIDE WATERFRONT SOLUTIONS, PLLC
CONTRACTOR: TO BE DETERMINED

REVISION(S)

A: REGULATORY PERMIT 11-20-2020
B: REGULATORY PERMIT RESPONSE 12-18-2020

SKETCH INDEX

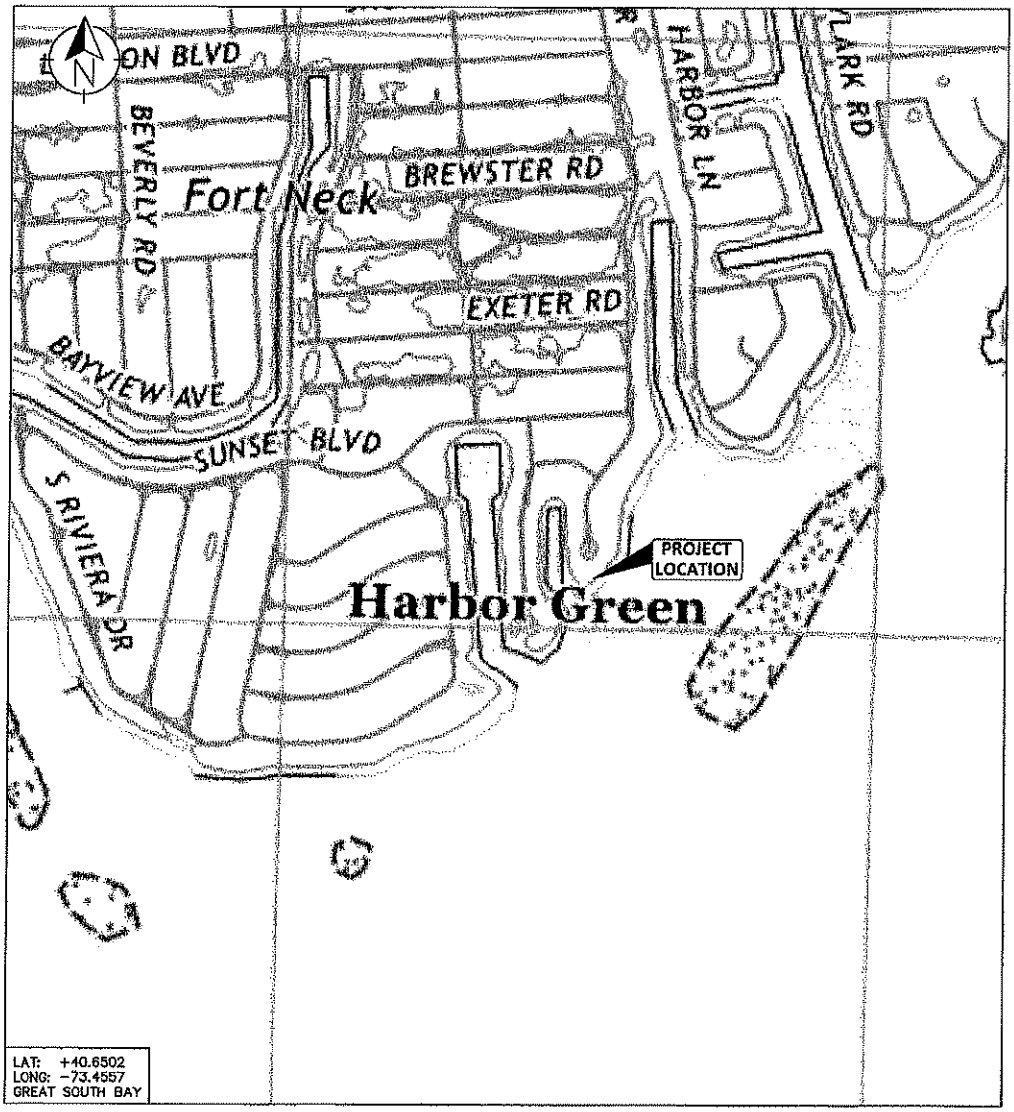
SK-1.0 TITLE SHEET & LOCATION MAP
SK-2.0 VICINITY MAP
SK-3.0 FACILITY PLAN
SK-3.1 DOCK/LIFT PROFILE

PROJECT DESCRIPTION

CONSTRUCT/INSTALL A 12.5X12-FT (150 SF) 4-PILE PERSONAL WATERCRAFT LIFT.

SHEET NO. SK-1.0 (1 OF 4 SHEET(S))	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE N/A	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	DRAWN BY JWK		DATE 12-18-2020	
	CHECKED BY AMA		REVISION NO. B	SHEET TITLE SHEET & LOCATION MAP

USACE FILE: NAN-2021-00111-EKO



REF: AMITYVILLE QUADRANGLE NY 7.5-MIN SERIES

DRAWINGS ISSUED FOR: REGULATORY PERMITTING

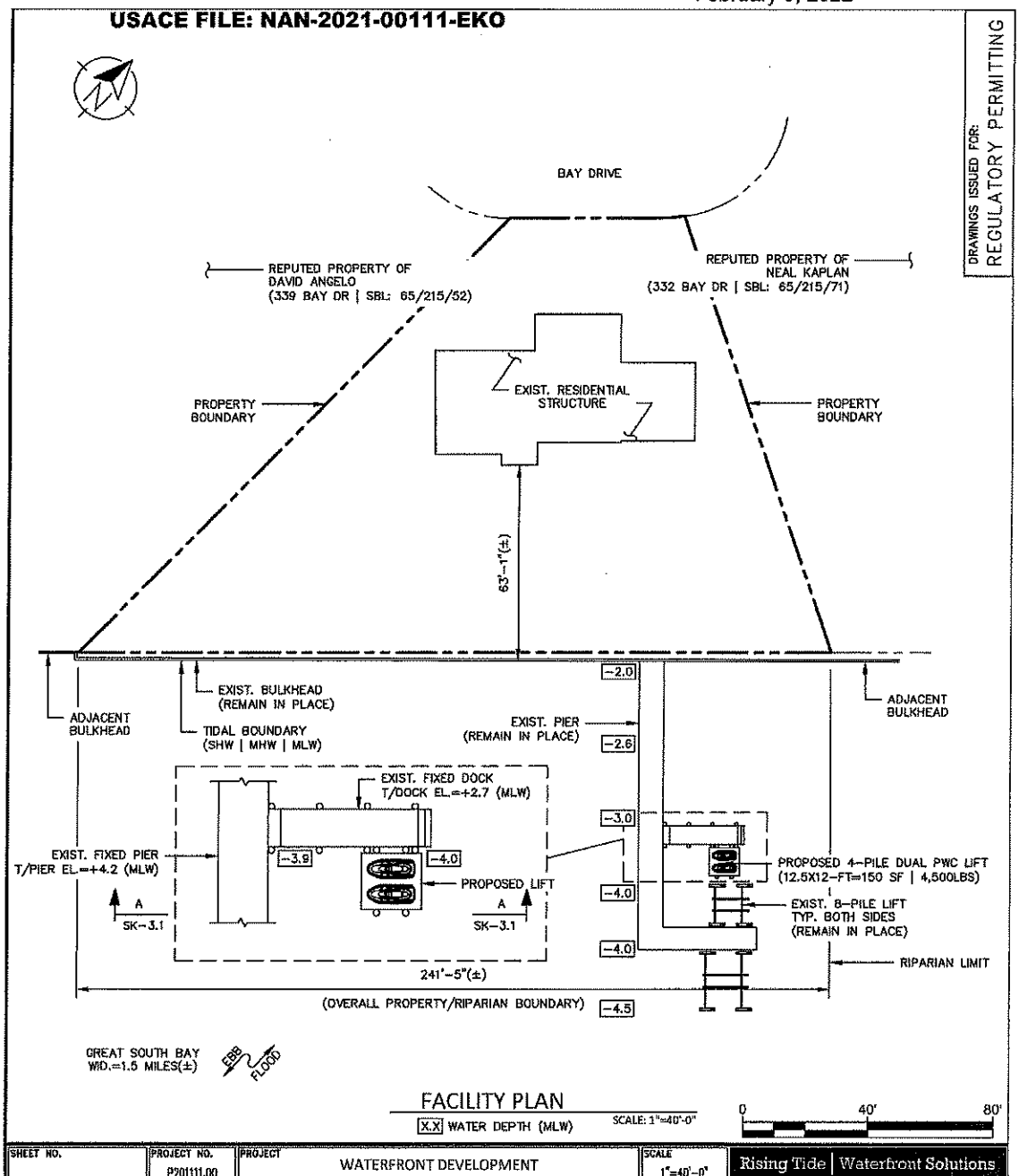
VICINITY MAP

SCALE: 1"=800'-0"

0 800' 1600'

SHEET NO. SK-2.0 (2 of 4 SHEET(S))	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT	SCALE 1"=800'-0"	Rising Tide | Waterfront Solutions
	DRAWN BY JWK	PREPARED FOR MR. SAL IANUZZI	DATE 12-18-2020	80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	CHECKED BY AMA	LOCATED AT 336 BAY DRIVE	REVISION NO. B	SHEET VICINITY MAP
		MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY		

USACE FILE: NAN-2021-00111-EKO



FACILITY PLAN

X.X WATER DEPTH (MLW)

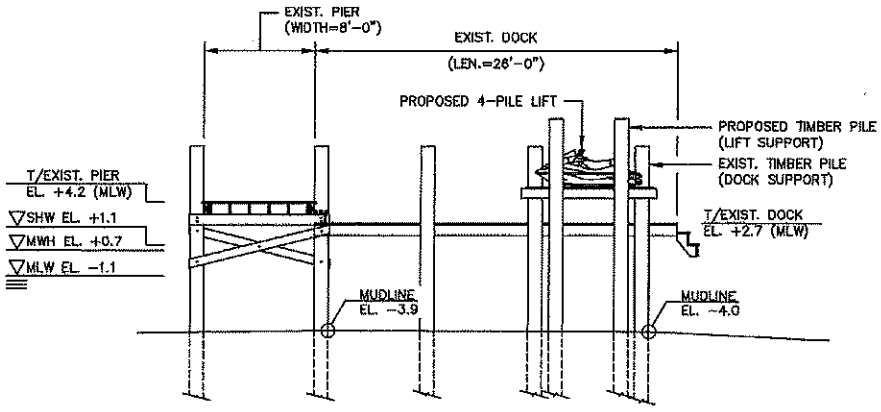
SCALE: 1"=40'-0"

0 40' 80'

SHEET NO. SK-3.0 3 OF 4 SHEET(S)	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE	SCALE 1"=40'-0"	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	DRAWN BY JWK		DATE 12-18-2020	
	CHECKED BY AWA	MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	REVISION NO. B	SHEET FACILITY PLAN

USACE FILE: NAN-2021-00111-EKO

DRAWINGS ISSUED FOR: REGULATORY PERMITTING



A / SK-3.0 PROFILE
EXIST. DOCK W/ PROPOSED LIFT
SCALE: 1"=10'-0"

0 10' 10'

SHEET NO. SK-3.1 (4 OF 4 SHEET(S))	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE 1"=10'-0"	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	DRAWN BY JMK		DATE 12-18-2020	
	CHECKED BY AMA		REVISION NO. B	SHEET DOCK/LIFT PROFILE

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address prior to commencement of any work authorized under the permit.

Permittee: Sal Iannuzzi Permit No. NAN-2021-00111-EKO

Date Permit Issued: February 9, 2022 Expiration Date: February 9, 2025

Waterway: Great South Bay

Project Location: 336 Bay Drive, Massapequa, Town of Oyster Bay, Suffolk County, New York

Work will commence on or about: _____

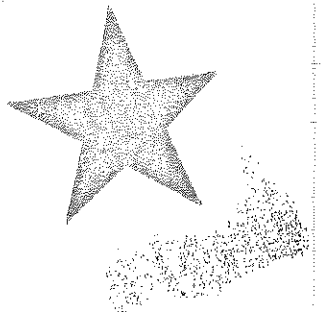
Name, Address & Telephone Number of Contractor:

_____ February 9, 2022
Signature of Permittee Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp
Here

USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

CENAN-OP-R

IMPORTANT

This letter must be completed and mailed to the Regulatory Branch at the above address following completion or cancellation of work authorized under the permit.

Permittee: Sal Iannuzzi Permit No. NAN-2021-00111-EKO

Date Permit Issued: February 9, 2022 Expiration Date: February 9, 2025

Waterway: Great South Bay

Project Location: 336 Bay Drive, Massapequa, Town of Oyster Bay, Suffolk County, New York

Check and complete applicable item(s) listed below:

☐ Work was completed on _____
☐ Work will not be performed on the project.
☐ Deviation from work authorized in permit is explained below.
☐ Other (explain) _____

☐ For dredging projects, list the volume of material dredged, and the amount placed at each disposal location (if more than one).
_____ cubic yards placed at _____
_____ cubic yards placed at _____
_____ cubic yards placed at _____

_____ February 9, 2022
Signature of Permittee Date

Fold this form into thirds, with the bottom third facing outward. Tape it together and mail to the address below **or FAX to (212) 264-4260.**

Place Stamp Here

USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Sal Iannuzzi	File Number: NAN-2021-00111-EKO	Date: February 9, 2022
Attached is:		See Section below
✓	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

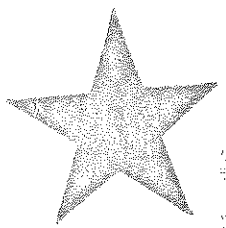
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

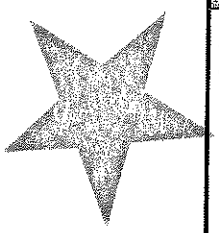
C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.





SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:
Mr. Stephan A. Ryba
Chief, Regulatory Branch (CENAN-OP-R)
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, New York 10278

If you only have questions regarding the appeal process you may also contact:
Naomi Handell, Regulatory Program Manager
North Atlantic Division, U.S. Army Engineer Division
Fort Hamilton Military Community
General Lee Avenue, Building 301
Brooklyn, NY 11252-6700
Telephone number: (917)-789-4841

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

	Date:	Telephone number:
_____ Signature of appellant or agent.		

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

Adon Austin, Rising Tide Waterfront
permits@RT-WS.com

March 19, 2021

Re: **F-2020-1114**
U.S. Army Corps of Engineers/ New York District
Permit Application –**Sal Iannuzzi**-proposes to install a 12.5' x 12' 2-pile personal watercraft lift.

Town of Oyster Bay, Nassau County, Oyster Bay
General Concurrence

Dear Mr. Austin:

The Department of State (DOS) received your Federal Consistency Assessment Form and consistency certification and supporting information for this proposal on December 7, 2020.

The Department of State has determined that this proposal meets the Department's general consistency concurrence criteria. Therefore, further review of the proposed activity by the Department of State and the Department's concurrence with an individual consistency certification for the proposed activity are not required.

This determination is without prejudice to and does not obviate the need to obtain all other applicable licenses, permits, and other forms of authorizations or approvals which may be required pursuant to existing New York State statutes.

When communicating with us regarding this matter, please contact us at (518) 474-6000 and refer to our file **#F-2020-1114.**

Sincerely,

Jennifer L. Street
Supervisor, Consistency Review Unit
Office of Planning, Development and
Community Infrastructure

JS/dm
cc: COE/ New York District–Ronald Pinzon
DEC-Region 1- Eugene Zamojcin-1-2824-00626/00007

NEW YORK STATE OF OPPORTUNITY. | Department of State

planning

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

August 24, 2021

TO: ELIZABETH L. MACCARONE, COMMISSIONER,
DEPARTMENT OF PLANNING & DEVELOPMENT

FROM: GEORGE BAPTISTA, JR., DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

SUBJECT: **DOCKS, PIERS & FLOATS PERMIT:**
Sal Iannuzzi
Application # 21040054
336 Bay Drive, Massapequa, New York
Section: 65 Block: 215 Lot(s): 49

Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQR, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

Based on our review, the Department has classified the subject proposed project as a **TYPE II ACTION**, under the SEQR Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

Inasmuch as the proposed action is on SEQR's pre-determined Type II Actions list and the TEQR Law Type II Actions List, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require any further review under SEQR/TEQR.

GEORGE BAPTISTA, JR.
DEPUTY COMMISSIONER

Filepath: DER Dept. Files/TEQR/TYPE II/Docks/336 Bay Drive_Massapequa_8.24.21

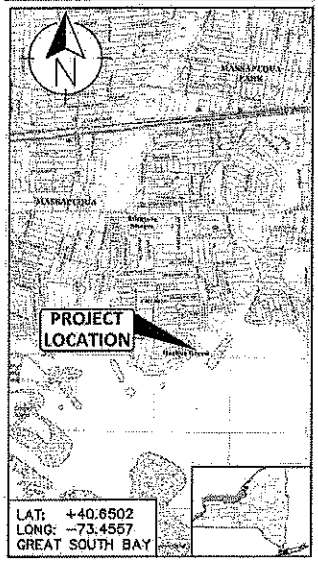
WATERFRONT DEVELOPMENT

336 BAY DRIVE

MASSAPEQUA, NY 11758

DRAWINGS ISSUED FOR: BUILDING PERMITTING

LOCATION MAP



REF: AMITYVILLE QUADRANGLE NY 7.5-MIN SERIES

TIDAL CHART ELEVATION(S)			
POSITION	MLW	NAVD88	DESCRIPTION
SHW	+2.2	+1.1	SPRING HIGH WATER
MHHW	+2.0	+0.9	MEAN HIGHER HIGH WATER
MHW	+1.8	+0.7	MEAN HIGH WATER
MSL	+0.9	-0.2	MEAN SEA LEVEL
MLW	±0.0	-1.1	MEAN LOW WATER
MLLW	-0.1	-1.2	MEAN LOWER LOW WATER

NOTE: SHW IS SYNONYMOUS WITH MEAN HIGH WATER SPRING (NOAA NOS CO-OPS1)

PROJECT INFORMATION

LOCATION

PRIVATE RESIDENCE OF MR. SAL IANUZZI, 336 BAY DRIVE, IN THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK ALONG GREAT SOUTH BAY.

PROJECT NOTIFICATION

COMMENCEMENT NOTIFICATION TO REGULATORY AGENCY SHALL BE SUBMITTED, AS REQUIRED, BY SELECTED CONTRACTOR PRIOR TO THE START OF WORK.

GENERAL CONTACT INFORMATION

RISING TIDE WATERFRONT SOLUTIONS, PLLC
80 KILLIANS ROAD, #280
MASSAPEQUA, NY 11758
PHONE: 516-595-3483
EMAIL: PERMITS@RT-WS.COM

DEFINITION(S)

AUTHORITY: MR. SAL IANUZZI
ENGINEER: RISING TIDE WATERFRONT SOLUTIONS, PLLC
CONTRACTOR: TO BE DETERMINED

REVISION(S)

0: BUILDING PERMIT 03-19-2020

SKETCH INDEX

SK-1.0 TITLE SHEET & LOCATION MAP
SK-1.1 GENERAL NOTES
SK-2.0 VICINITY MAP
SK-3.0 FACILITY PLAN
SK-3.1 DOCK/LIFT PROFILE

ATTACHMENTS:

A-1 IMM SUPERLIFT 4 PILE BOAT LIFT
A-2 IMM ELEVATOR 2 PILE PWC LIFT
IL-1 RADIUS MAP

STATE OF NEW YORK · ADON M. AUSTIN · 085255 · LICENSED PROFESSIONAL ENGINEER

PROJECT DESCRIPTION

CONSTRUCT/INSTALL A 12.5X12-FT (150 SF) 4-PILE PERSONAL WATERCRAFT LIFT.

SHEET NO. SK-1.0 (1 OF 5 SHEET(S))	PROJECT NO. P201111.00	PROJECT: WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY · GREAT SOUTH BAY · NASSAU COUNTY	SCALE N/A	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	DRAWN BY JMK		DATE 03-19-2020	SHEET TITLE SHEET & LOCATION MAP
	CHECKED BY AMA		REVISION NO. 0	

DRAWINGS ISSUED FOR: BUILDING PERMITTING

GENERAL NOTE(S):
1. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR MEANS, METHODS, AND SAFETY OF WORK.
2. ALL WORK SHALL CONFORM TO ALL FEDERAL, STATE, COUNTY, OR LOCAL CODES HAVING JURISDICTION OVER THE PROJECT LOCATION.
3. ALL PROJECT WORK SHALL BE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS OR AS DIRECTED BY THE AUTHORITY OR THE ENGINEER. CONTRACTOR SHALL BECOME FAMILIAR WITH THE ACTUAL SITE CONDITIONS AND SHALL BE RESPONSIBLE FOR FURNISHING A COMPLETED PROJECT AS REPRESENTED IN THE CONTRACT DOCUMENTS.
4. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFICATION OF EXISTING CONDITIONS. THE CONTRACTOR SHALL PERFORM FIELD MEASUREMENTS PRIOR TO CONSTRUCTION, FABRICATION, AND/OR PURCHASE OF ANY MATERIAL. DISCOVERY OF INCONSISTENT SITE INFORMATION OR CONDITIONS SHALL BE IMMEDIATELY CONVEYED TO THE AUTHORITY AND THE ENGINEER PRIOR TO COMMENCING OR CONTINUING CONSTRUCTION. CONFLICTS ARISING DUE TO THE LACK OF COORDINATION SHALL BE THE RESPONSIBILITY AND AT THE SOLE EXPENSE OF THE CONTRACTOR.

PERMIT(S):
1. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL REQUIRED REGULATORY, CONSTRUCTION AND/OR BUILDING PERMITS AND/OR CLEARANCES ARE SECURED PRIOR TO COMMENCING CONSTRUCTION.

SITE ACCESS AND STAGING AREA(S):
1. THE CONTRACTOR IS RESPONSIBLE FOR ALL SITE SECURITY AND JOB SAFETY. ALL CONSTRUCTION ACTIVITY SHALL BE IN ACCORDANCE WITH OSHA STANDARDS AND LOCAL & STATE REGULATIONS.
2. THE PROJECT AREA SHALL BE KEPT, AT ALL TIMES, FREE OF DEBRIS AND EXCESS MATERIAL TO THE SATISFACTION OF THE AUTHORITY AND THE ENGINEER.

ENVIRONMENTAL CONTROLS:
1. CONTRACTOR SHALL PERFORM ALL WORK IN CONFORMANCE WITH THE CONDITIONS DEFINED WITHIN LISTED REGULATORY PERMITS.
2. CLEAN FILL ONLY – ALL FILL SHALL CONSIST OF CLEAN SAND, GRAVEL OR SOIL. ASPHALT, SLAG, FLY ASH, BROKEN CONCRETE OR DEMOLITION DEBRIS IS PROHIBITED.
3. CONTRACTOR SHALL NOT DISTURB PROTECTED BUFFER AREA OR AREAS PREVIOUSLY DESIGNATED TO REMAIN IN A NATURAL AND/OR UNDISTURBED STATE BY ANY ENVIRONMENTAL AGENCY.
4. BULKHEAD / STRUCTURE EXCAVATION – NOT USED.
5. BULKHEAD / STRUCTURE BACKFILL – NOT USED.
6. DREDGING – NOT USED.

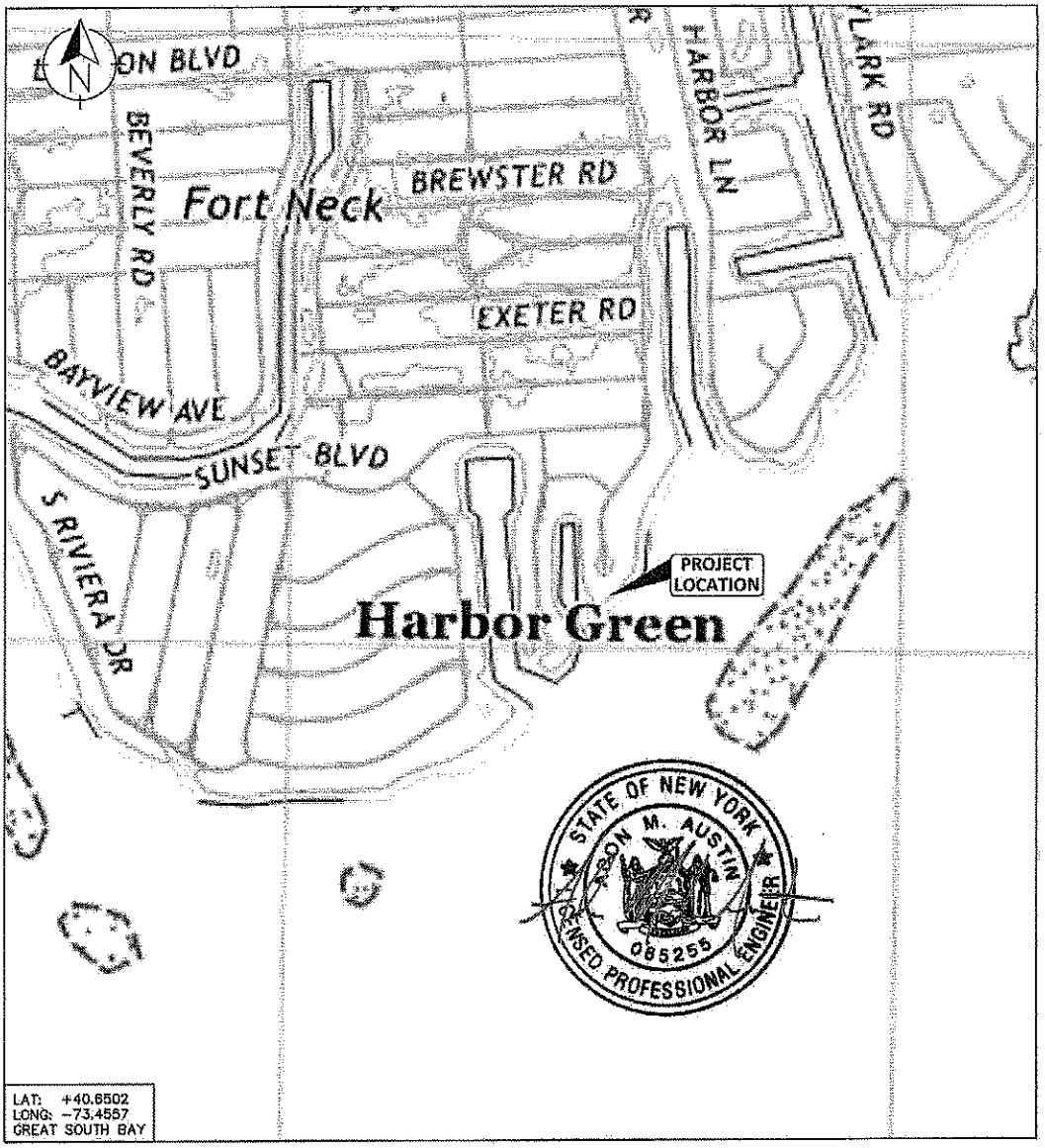
MATERIAL(S):
1. MATERIALS THAT ARE STORED ON SITE SHALL BE STORED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS AND LOCATED IN AN AREA THAT IS PROTECTED TO PREVENT ACCIDENTS, DAMAGE, AND ANY ADVERSE ENVIRONMENTAL EFFECTS. DAMAGED MATERIALS SHALL BE PROMPTLY REPORTED TO THE AUTHORITY AND THE ENGINEER. DAMAGED MATERIALS SHALL BE REMEDIED BY THE CONTRACTOR AT THE CONTRACTORS SOLE EXPENSE AND IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATIONS.
2. TIMBER – TIMBER EXPOSED TO SEAWATER, SALTWATER SPRAY OR IN CONTACT WITH THE GROUND SHALL RECEIVE CCA TREATMENT IN ACCORDANCE WITH THE LATEST AWPA STANDARDS, COMMODITY SPECIFICATION A,P, 3,0,
   A. PILES – PILES SHALL BE CLASS B SOUTHERN YELLOW PINE SUITABLE FOR A DESIGN STRESS OF 1200–PSI IN ACCORDANCE WITH ASTM D2899–70 T. PILES SHALL BE CCA TREATED PER AWPA–P5 AT A RETENTION RATE OF 2.5–PCF. MAXIMUM ALLOWABLE HORIZONTAL INSTALLATION DEVIATIONS SHALL BE 3–INCH AND VERTICAL INSTALLATION DEVIATION SHALL BE 1–INCH IN 10–FEET.
   B. FRAMING AND POSTS – FRAMING AND POSTS SHALL BE CLASSIFIED AS USE CATEGORY UC4B AND RECEIVE A MINIMUM TREATMENT CONSISTING OF 0.6–PCF OF CCA.
   C. DECKING AND RAILS – TIMBER FOR DECKING OR RAILS SHALL BE CLASSIFIED AS USE CATEGORY UC4B AND RECEIVE TREATMENT CONSISTING OF 0.6–PCF OF ACQ–B.
3. VINYL SHEET PILES – NOT USED.

STATE OF NEW YORK
AARON M. AUSTIN
085255
LICENSED PROFESSIONAL ENGINEER

ABBREVIATIONS	
CL	CENTER LINE
ø	DIAMETER
EL.	ELEVATION
EMBED.	EMBEDMENT
EXIST.	EXISTING
FND	FOUNDATION
HDG.	HOT DIPPED GALVANIZED
MHHW	MEAN HIGHER HIGH WATER
MIN.	MINIMUM
MLLW	MEAN LOWER LOW WATER
MLW	MEAN LOW WATER
MSL	MEAN SEA LEVEL
N/A	NOT APPLICABLE
N.T.S.	NOT TO SCALE
PL	PLATE
PLA.	PLACE(S)
SHW	SPRING HIGH WATER
T/	TOP OF
TREAT.	TREATMENT
TYP.	TYPICAL

SHEET NO. SK-1.1 2 OF 5 SHEET(S)	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SALIANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE N/A	Rising Tide | Waterfront Solutions
	DRAWN BY JWK		DATE 03-19-2020	80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	CHECKED BY AMA		REVISION NO. 0	SHEET GENERAL NOTES

DRAWINGS ISSUED FOR:
BUILDING PERMITTING



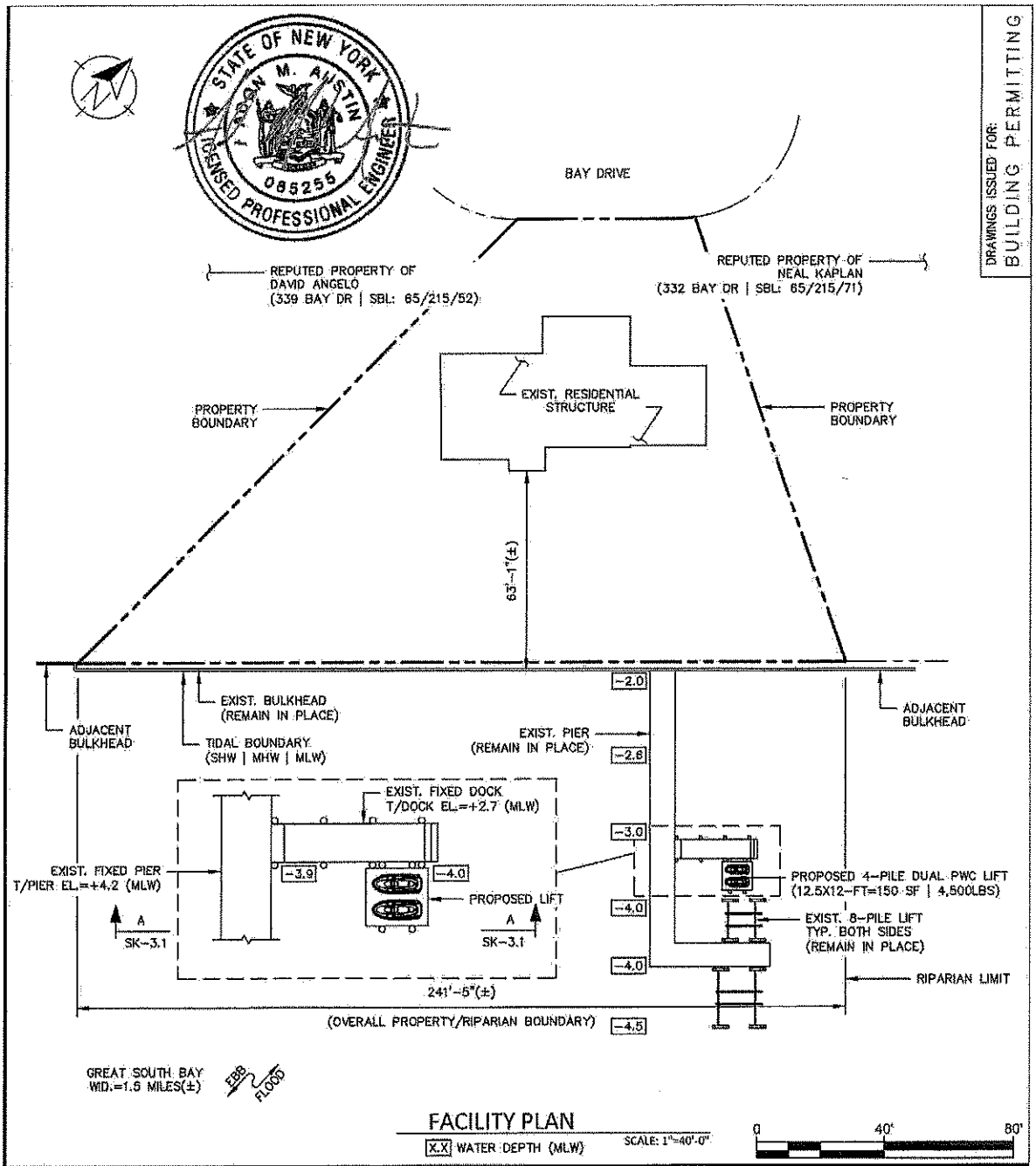
REF: AMITYVILLE QUADRANGLE NY 7.5-MIN. SERIES

VICINITY MAP

SCALE: 1"=800'-0"

0 800' 1600'

SHEET NO. SK-2.0 3 OF 5 SHEET(S)	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SALIANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE 1"=600'-0"	Rising Tide | Waterfront Solutions	
	DRAWN BY JMK		DATE 03-19-2020	80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758	
	CHECKED BY AMA		REVISION NO. 0	SHEET VICINITY MAP	



FACILITY PLAN

X.X WATER DEPTH (MLW)

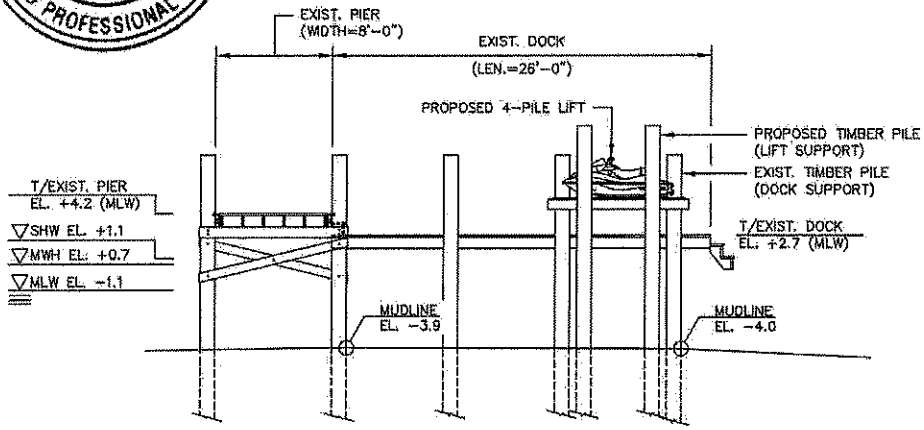
SCALE: 1"=40'-0"

0 40' 80'

SHEET NO. SK-3.0 4 OF 5 SHEET(S)	PROJECT NO. P201111.00 DRAWN BY JMK CHECKED BY AMA	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE 1"=40'-0" DATE 03-19-2020 REVISION NO. 0	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758 SHEET FACILITY PLAN

DRAWINGS ISSUED FOR:
BUILDING PERMITTING

STATE OF NEW YORK
ROGER M. AUSTIN
085255
LICENSED PROFESSIONAL ENGINEER



A / SK-3.0 PROFILE
EXIST. DOCK W/ PROPOSED LIFT

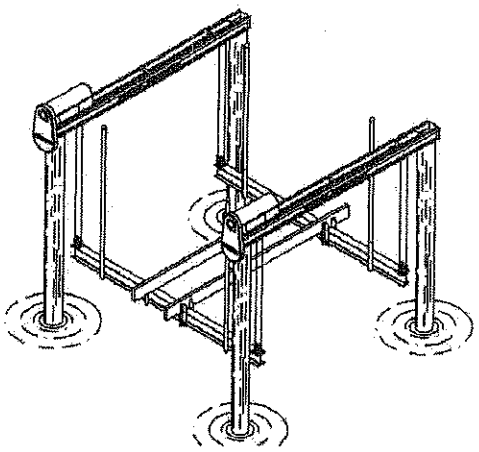
SCALE: 1"=10'-0"

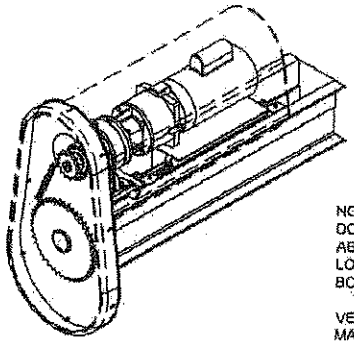
0 10' 10'

SHEET NO. SK-3.1 (5 OF 5 SHEET(S))	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY GREAT SOUTH BAY NASSAU COUNTY	SCALE 1"=10'-0"	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	DRAWN BY JWK		DATE 03-19-2020	
	CHECKED BY AMA		REVISION NO. 0	SHEET DOCK/LIFT PROFILE

IMM Quality Boat Lifts

SUPERLIFT BOAT LIFT SPECIFICATIONS
4 POST BOAT LIFTS WITH 2 CRADLE BEAMS AND 4 CABLES





IMM BOAT LIFTS, INC. IS NOT RESPONSIBLE FOR THE DOCK STRUCTURE, OR ITS ABILITY RESIST THE APPLIED LOADS OF THE SUPERLIFT BOAT LIFT.
THE SITE SHOULD BE VERIFIED BY A LICENSED MARINE CONTRACTOR.
APPLIED LOADS WILL BE PROVIDED UPON REQUEST.

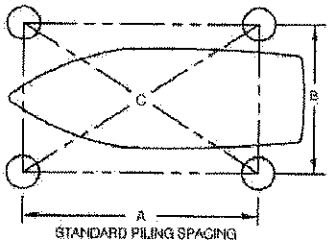
LIFT CAPACITY	CABLE BEAM SIZE CUSTOM CHANNEL INCHES	GROOVED CABLE WINDER SIZE INCHES	DRIVE SHAFT SIZE INCHES	DRIVE SHAFT SPROCKET	CHAIN SIZE	GEAR DRIVE SPROCKET	GEAR DRIVE RATIO	NO. OF MOTORS # H.P.	MOTOR BRAKE TORQUE	NO. OF CABLES AND SIZE INCHES	CABLE SPREAD INCHES	INCHES OF LIFT PER MINUTE	GUIDE POST HEIGHT	BOAT RUNNERS ALUM. INCHES	CRADLE BEAM SIZE T.B.M. - INCHES
5,000	6 x .220 H 2 x .160 W	8.5" DIA 11" LG LIFTS 22 FT.	2.875 TUBE	40 TOOTH	#80	22 TOOTH	67:1	(2) 1 H.P. 3/4SW117A	6 FT-LBS	5/16 SSAC 7x19 304 SP 56	107	11F	7	144"	6 x .190 H 4 x .250 W 144 L
7,000	6 x .230 H 2 x .160 W	8.5" DIA 11" LG LIFTS 22 FT.	2.875 TUBE	40 TOOTH	#80	12 TOOTH	67:1	(2) 1 H.P. 3/4SW117A	6 FT-LBS	5/16 SSAC 7x19 304 SP 56	159	98	7	144	6 x .190 H 4 x .250 W 144 L
10,000	7 x .230 H 2 x .160 W	8.5" DIA 13" LG LIFTS 22 FT.	2.875 TUBE	40 TOOTH	#80	12 TOOTH	67:1	(2) 1 H.P. 3/4SW117A	6 FT-LBS	5/16 SSAC 7x19 304 SP 56	111	97	7	144	8 x .230 H 5 x .350 W 150 L
14,000	8 x .230 H 2 x .160 W	8.5" DIA 13" LG LIFTS 22 FT.	2.875 TUBE	40 TOOTH	#80	11 TOOTH	67:1	(2) 1 H.P. 3/4SW117A	6 FT-LBS	5/16 SSAC 7x19 304 SP 56	111	93	7	144	10 x .250 H 6 x .410 W 150 L
18,000	11 x .220 H 2 x .160 W	8.5" DIA 13" LG LIFTS 18 FT.	2.875 TUBE	30 TOOTH	#80	12 TOOTH	67:1	(2) 1-1/2 H.P. 3/4SW223A	6 FT-LBS	3/8 SSAC 6x36 304 SP 56	135	43	10	192"	10 x .250 H 6 x .410 W 195 L
22,000	12 x .206 H 2 x .172 W	8.5" DIA 13" LG LIFTS 18 FT.	2.875 TUBE	30 TOOTH	#80	10 TOOTH	67:1	(2) 1-1/2 H.P. 3/4SW223A	6 FT-LBS	3/8 SSAC 6x36 304 SP 56	135	36	10	192	12 x .280 H 7 x .470 W 192 L
27,000	14 x .313 H 2 x .313 W	8.5" DIA 13" LG LIFTS 18 FT.	2.875 TUBE	30 TOOTH	#80	12 TOOTH	67:1	(2) 1-1/2 H.P. 3/4SW223A	6 FT-LBS	3/8 SSAC 6x36 304 SP 75	142	30	10	192	12 x .280 H 7 x .470 W 192 L
33,000	14 x .313 H 3 x .313 W	8.5" DIA 13" LG LIFTS 18 FT.	2.875 TUBE	30 TOOTH	#80	10 TOOTH	67:1	(2) 1-1/2 H.P. 3/4SW223A	6 FT-LBS	3/8 SSAC 6x36 304 SP 75	168	25	10	240	12 x .310 H 7 x .620 W 216 L

HI-SPEED OPTION

GEAR DRIVE RATIO	NO. OF MOTORS # H.P.	MOTOR BRAKE TORQUE	INCHES OF LIFT PER MINUTE
43:1	(2) 2 H.P. 2HSW226A	6 FT-LBS	237
43:1	(3) 2 H.P. 2HSW226A	9 FT-LBS	160
43:1	(4) 2 H.P. 2HSW226A	6 FT-LBS	118
43:1	(2) 3 H.P. 3HSW236A	6 FT-LBS	80
43:1	(3) 3 H.P. 2HSW236A	9 FT-LBS	53
43:1	(2) 5 H.P. 2HSW336A	9 FT-LBS	72
43:1	(3) 5 H.P. 2HSW336A	9 FT-LBS	40
43:1	(2) 5 H.P. 2HSW336A	9 FT-LBS	53

ALL SPACING TO CENTER OF PILING

LIFT CAPACITY	A	B	C	RECOMMENDED PILING SIZES
5,000 LB	132"	120"	178.975"	8" DIA.
7,000 LB	144"	144"	203.625"	8" DIA.
10,000 LB	144"	150"	208"	8" DIA.
14,000 LB	144"	150"	208"	8" DIA.
18,000 LB	168"	168"	237.50"	10" DIA.
22,000 LB	168"	192"	255.125"	10" DIA.
27,000 LB	192"	192"	271.50"	10" DIA.
33,000 LB	216"	216"	305.50"	10" DIA.



STANDARD PILING SPACING

STRUCTURAL ENGINEERING REVIEW

THIS CONSTRUCTION HAS BEEN DESIGNED AS A MAIN WIND FORCE RESISTING SYSTEM, WITH CALCULATED GRAVITY AND WIND LOADS IN COMPLIANCE WITH THE FLORIDA BUILDING CODE 2014, SECTIONS 16 & 20, ASM 2010, ASCE/SEI 7-10, AND "MINIMUM DESIGN LOADS FOR BUILDINGS AND OTHER STRUCTURES" TO WITHSTAND THE WIND LOADS ASSOCIATED WITH AN ULTIMATE WIND SPEED OF 160 MPH, EXPOSURE "B", RISK CATEGORY "1". ARNOLD/SANDERS CONSULTING ENGINEERS HAS NO CONTROL OF THE MANUFACTURING, FOR ORDINANCE, OR INSTALLATION OF THIS PRODUCT. THESE GENERIC PLANS WERE ENGINEERED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES AND DATA PROVIDED BY THE MANUFACTURER.

3-7-16

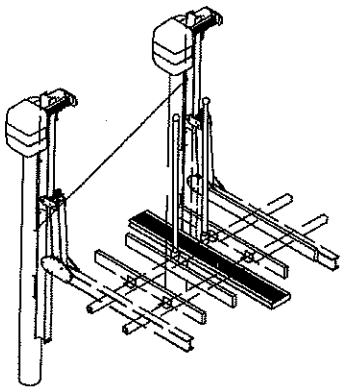
Arnold/Sanders Consulting Engineers, Inc.
Certificate of Authorization 9-651
19251 McGregor Blvd. Suite 103
Ft. Myers, FL 33913
239-267-3668

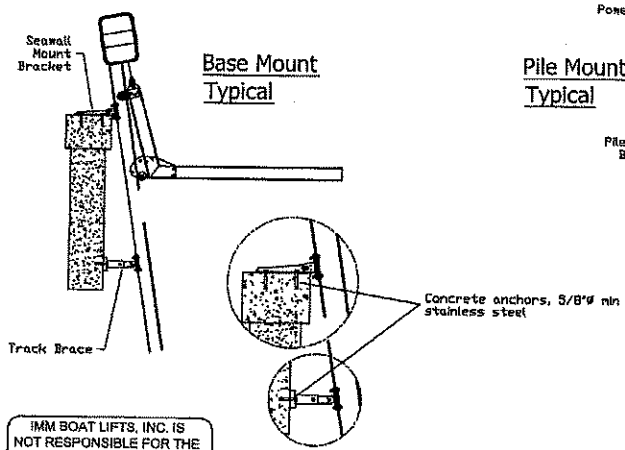
J.J. Sanders
Reg. Florida No. 66361 Date

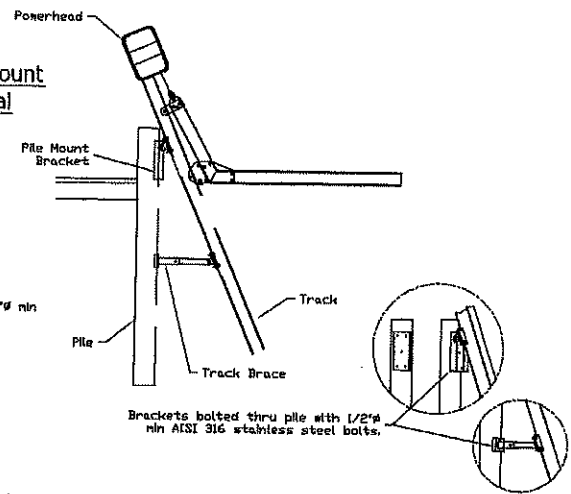
SIGNATURE NOT VALID WITHOUT RAISED SEAL

IMM QUALITY
– BOAT LIFTS –

IMM QUALITY BOAT LIFTS - ELEVATOR SPECIFICATIONS
4,500# Dual PWC







IMM BOAT LIFTS, INC. IS NOT RESPONSIBLE FOR THE DOCK STRUCTURE OR ITS ABILITY RESIST THE APPLIED LOADS OF THE BOAT LIFT. THE SITE SHOULD BE VERIFIED BY A LICENSED MARINE CONTRACTOR. APPLIED LOADS WILL BE PROVIDED UPON REQUEST.

Notes:
1. Structure designed for loads associated with an ultimate wind speed of 170 MPH, exposure "D", risk category 1, calculated for Florida Building Code 2010, ASCE 7-10 and ADM-2005.
2. Boats shall not be stored on lifts during high wind events.
3. All primary structural members to be 6061-T6 aluminum.
4. Tracks are to be driven to firm bearing material.
5. Wood piles shall comply with ASTM D25 and be southern pine, 2.5 cca marine grade pressure treated.
6. Lateral support for piles and attachment to piles shall be engineered by others for site specific conditions.

PLATINUM

LIFT CAPACITY	CRADLE I-BEAM	TRACK I-BEAM	TRACK ANGLE OPTIONS	CABLE STD TRAVEL	CABLE EXT TRAVEL	TRACK SPREAD TYP.	GUIDE POST HEIGHT	BUNK BOARD LENGTH	DRIVE SHAFT	WINDER	DRIVE RATIO	MOTOR HP/VOLTAGE	SPEED in/min	STANDARD TRAVEL	EXTENDED TRAVEL
4,500#	6 H x .21 4 W x .35	6 H x .21 4 W x .35 x 25'	0, 10, 23	5/16 SSAC 7x19 304 2-PART 34'	5/16 SSAC 7x19 304 2-PART 49'	108"	80"	6' Alum	2.875" O.D. 8 Gauge	3" SCH 80 Pipe	375:1 Platinum	(2) 3/4 HP 115V/230V 22/11 A	26	12'	20'

ALUMAVATOR

LIFT CAPACITY	CRADLE I-BEAM	TRACK I-BEAM	TRACK ANGLE OPTIONS	CABLE STD TRAVEL	CABLE EXT TRAVEL	TRACK SPREAD	GUIDE POST HEIGHT	BUNK BOARD LENGTH	DRIVE SHAFT	WINDER DIA	SPROCKET Vator/Select	Standard Speed			High Speed			STD TRAVEL	EXT TRAVEL
												DRIVE RATIO	MOTOR HP/VOLTAGE	SPEED in/min	DRIVE RATIO	MOTOR HP/VOLTAGE	SPEED in/min		
4,500#	6 H x .21 4 W x .35	6 H x .21 4 W x .35 x 25'	0, 10, 23	5/16 SSAC 7x19 304 2-PART 34'	5/16 SSAC 7x19 304 2-PART 49'	108"	80"	6' Wood	2.875" O.D. 8 Gauge	3" SCH 80 Pipe	#50 Chain 60/11 T	327:1	(2) 3/4 HP 115V/230V 22/11 A	30	18/11 Vator	(2) 1-1/2 HP 230V 22 A	60	12'	20'

DRAWINGS ISSUED FOR:
BUILDING PERMITTING

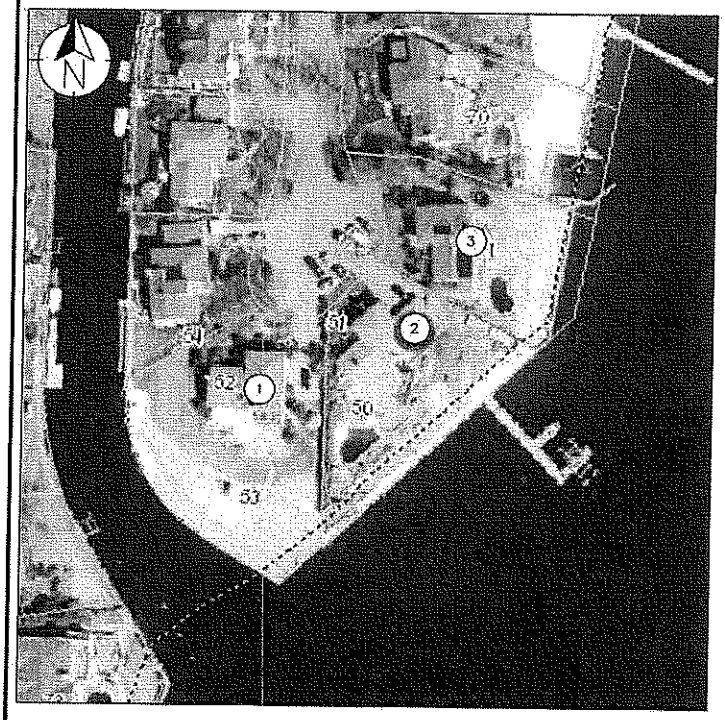


TABLE OF PROPERTIES		
ID	OWNER	ADDRESS
1	DAVID ANGELO	339 BAY DR
2	SAL IANUZZI	LOCATION OF WORK
3	NEAL KAPLAN	332 BAY DR

RADIUS MAP
SCALE: 1"=120'-0"

0 120' 240'

SHEET NO. IL-1 — OF — SHEET(S)	PROJECT NO. P201111.00	PROJECT WATERFRONT DEVELOPMENT PREPARED FOR MR. SAL IANUZZI LOCATED AT 336 BAY DRIVE MASSAPEQUA, NY — GREAT SOUTH BAY — NASSAU COUNTY	SCALE 1"=120'-0"	Rising Tide | Waterfront Solutions 80 KILLIANS ROAD, #280 MASSAPEQUA, NY 11758
	DRAWN BY JWK		DATE 03-19-2020	
	CHECKED BY AMA		REVISION NO. 0	SHEET RADIUS MAP

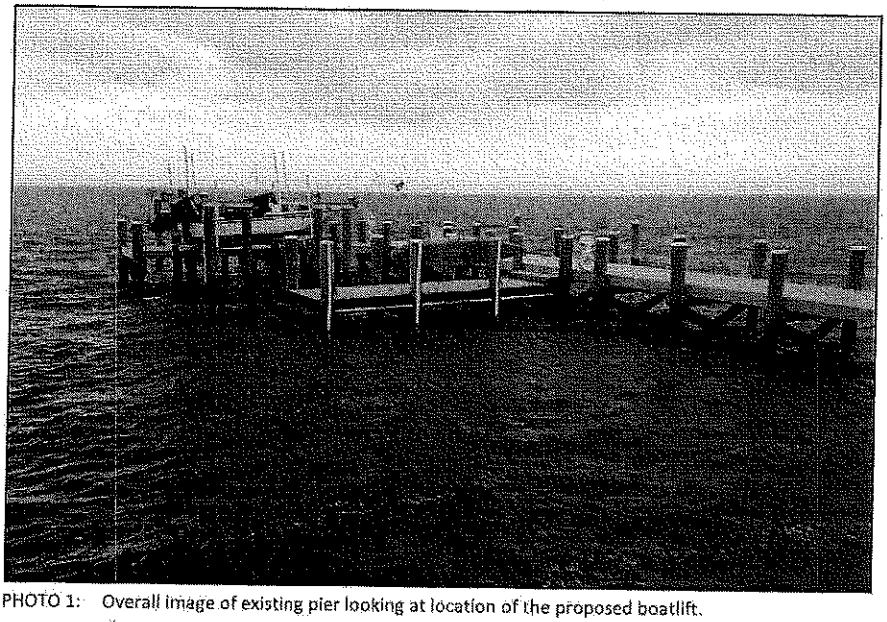


PHOTO 1: Overall image of existing pier looking at location of the proposed boatlift.
Photo Date: 11 November 2020

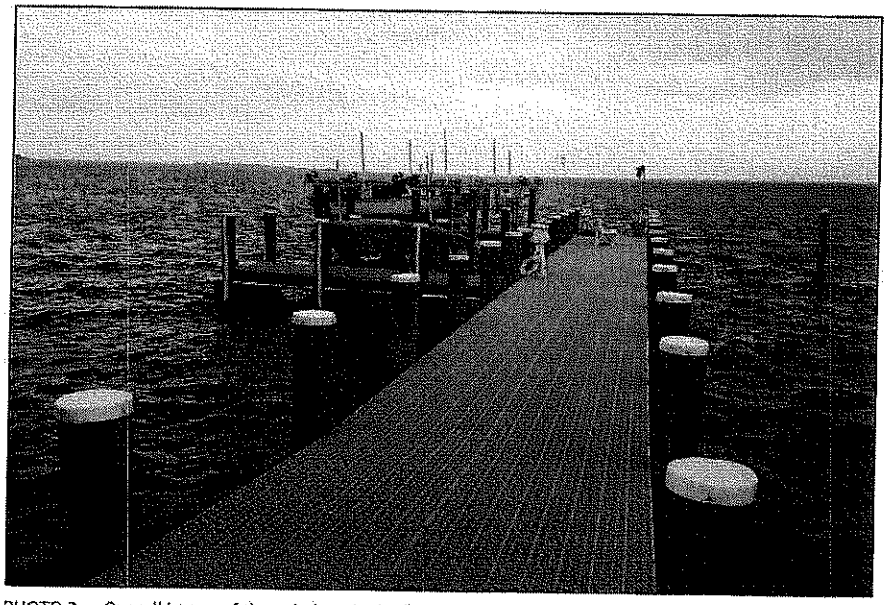


PHOTO 2: Overall image of the existing pier looking seaward.
Photo Date: 11 November 2020

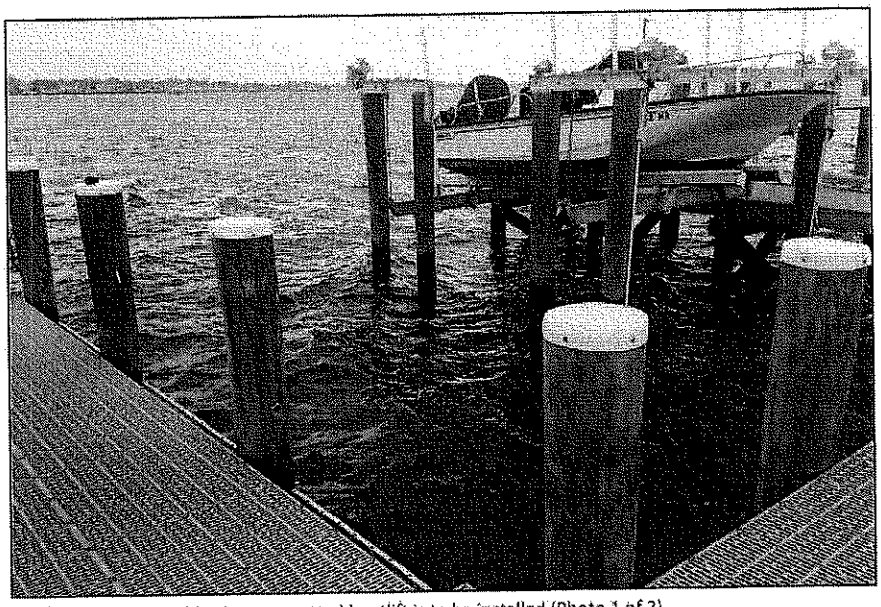


PHOTO 3: Existing slip where proposed boatlift is to be installed (Photo 1 of 2).
Photo Date: 11 November 2020

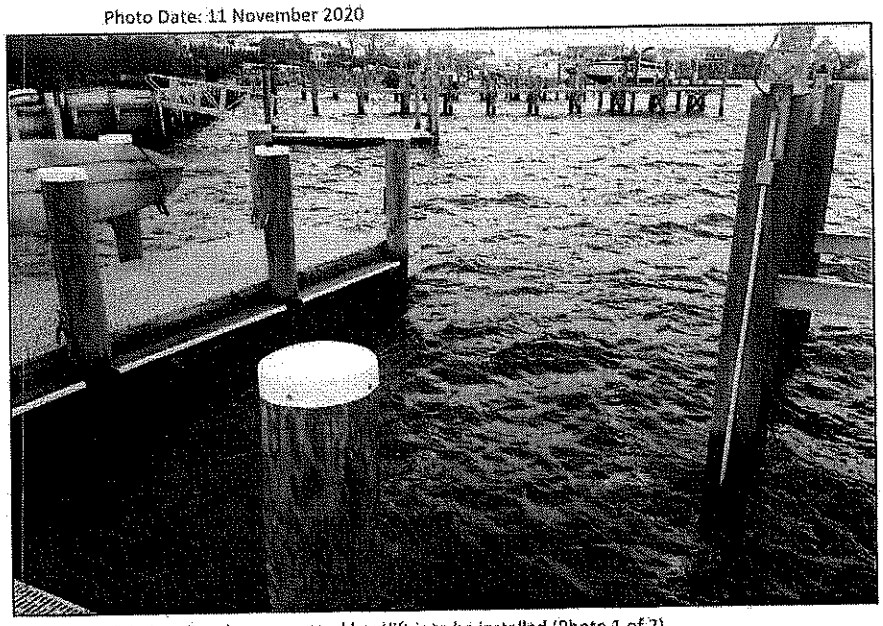
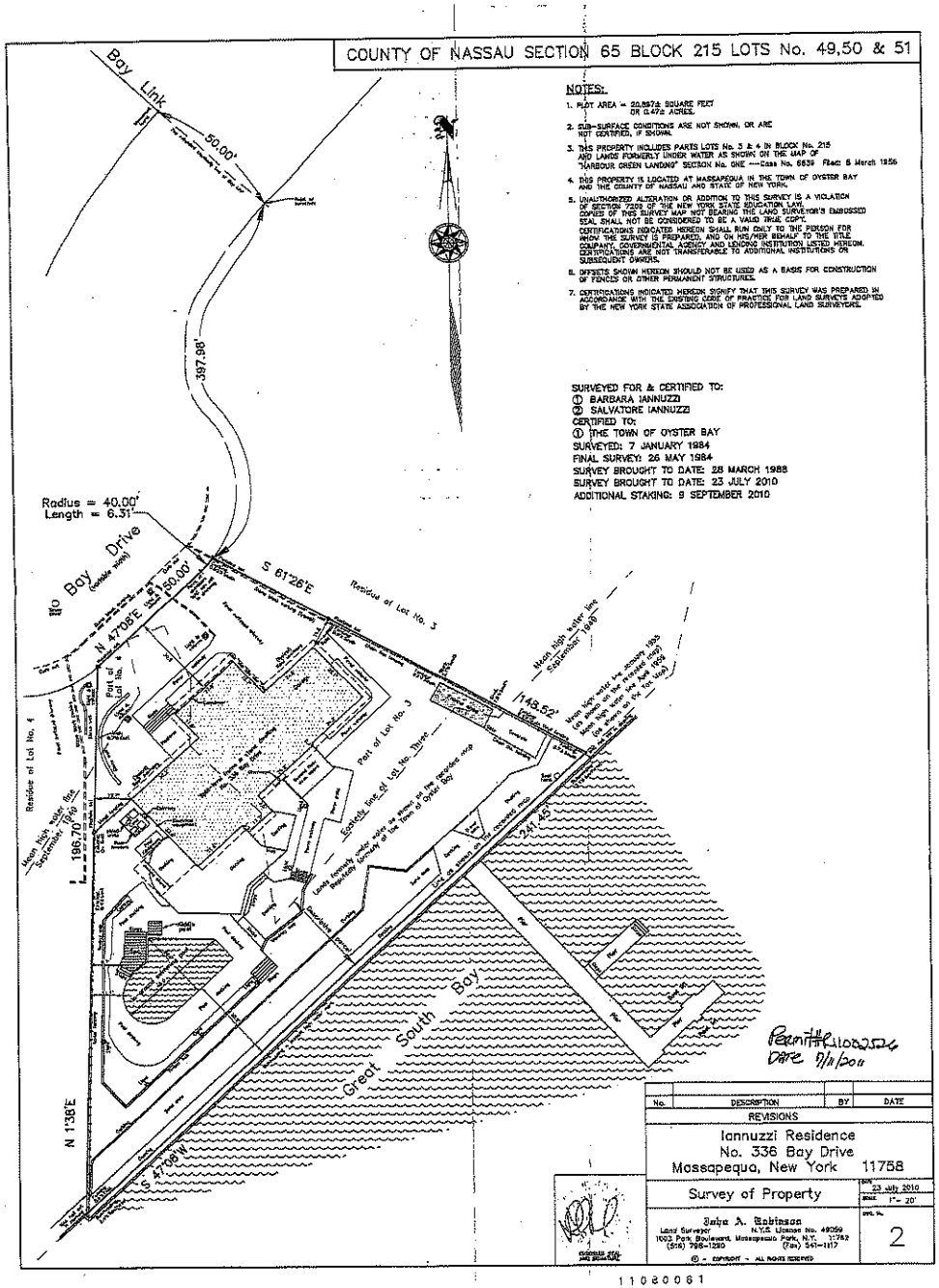


PHOTO 4: Existing slip where proposed boatlift is to be installed (Photo 1 of 2).
Photo Date: 11 November 2020


COUNTY OF NASSAU SECTION 65 BLOCK 215 LOTS No. 49,50 & 51
NOTES:
1. PLOT AREA = 20,597± SQUARE FEET OR 0.47± ACRES.
2. SUB-SURFACE CONDITIONS ARE NOT SHOWN, OR ARE NOT CERTIFIED, IF SHOWN.
3. THIS PROPERTY INCLUDES PARTS LOTS No. 3 & 4 IN BLOCK No. 215 AND LANDS FORMERLY UNDER WATER AS SHOWN ON THE MAP OF "HARBOUR GREEN LANDING" SECTION No. ONE ---Case No. 6639 Filed: 6 March 1956
4. THIS PROPERTY IS LOCATED AT MASSAPEQUA IN THE TOWN OF OYSTER BAY AND THE COUNTY OF NASSAU AND STATE OF NEW YORK.
5. UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7209 OF THE NEW YORK STATE EDUCATION LAW. COPIES OF THIS SURVEY MAP NOT BEARING THE LAND SURVEYOR'S EMBOSSED SEAL SHALL NOT BE CONSIDERED TO BE A VALID TRUE COPY. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THE SURVEY IS PREPARED, AND ON HIS/HER BEHALF TO THE TITLE COMPANY, GOVERNMENTAL AGENCY, AND LENDING INSTITUTION LISTED HEREON. CERTIFICATIONS ARE NOT TRANSFERRABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
6. OFFSETS SHOWN HEREON SHOULD NOT BE USED AS A BASIS FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.
7. CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS.
SURVEYED FOR & CERTIFIED TO:
① BARBARA IANNUZZI
② SALVATORE IANNUZZI
CERTIFIED TO:
① THE TOWN OF OYSTER BAY
SURVEYED: 7 JANUARY 1984
FINAL SURVEY: 26 MAY 1984
SURVEY BROUGHT TO DATE: 28 MARCH 1988
SURVEY BROUGHT TO DATE: 23 JULY 2010
ADDITIONAL STAKING: 9 SEPTEMBER 2010
Bay Link
50.00'
397.98'
Radius = 40.00'
Length = 6.31'
to Bay Drive
S 61°26'E
N 47°08'E
150.00'
Residue of Lot No. 3
Mean high water line September 1984
Mean high water line September 1988
Mean high water line September 1988 as shown on the transfer map (as shown on Sht. No. 2)
Mean high water line January 1904 as shown on the transfer map (as shown on Sht. No. 2)
148.52'
241.45'
Part of Lot No. 4
Part of Lot No. 3
Residue of Lot No. 4
196.70'
Lands formerly under water as shown on the riparian map formerly property of the Town of Oyster Bay
Lands formerly under water as shown on the riparian map formerly property of the Town of Oyster Bay
Pier
Great South Bay
N 13°36'E
S 47°08'W
Permit# 11080574
Date 9/1/2011
No. DESCRIPTION BY DATE
REVISIONS
Iannuzzi Residence
No. 336 Bay Drive
Massapequa, New York 11758
Survey of Property
SCALE 1" = 20'
DATE 23 July 2010
John A. Robinson
Land Surveyor
N.Y.S. License No. 49059
1003 Park Boulevard, Massapequa Park, N.Y. 11762
(516) 798-1230 (Fax) 541-1117
© - COPYRIGHT - ALL RIGHTS RESERVED
SHEET No. 2
11080061

Reviewed By
Office of Town Attorney

WHEREAS, pursuant to the Code of the Town of Oyster Bay ("Code"), Chapter 241, "Waterways", Section 241-9, "Applications", Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated March 17, 2022, directed SUHROB KADIROV, Applicant, to provide an Affidavit of Mailing Notice, pursuant to Section 241-9(E)(3) of the Code, of the application to erect, maintain, alter or improve a dock, pier, float, bulkhead or similar structure at 99 Clocks Boulevard, Massapequa, New York 11758, known and designated as Section 66, Block 134, Lot 278, on the Nassau County Land and Tax Map; and

WHEREAS, more than 14 days have elapsed since said Affidavit of Mailing Notice was provided; and

WHEREAS, Commissioner Maccarone, by said memorandum, stated that Chapter 241 of the Code requires Town Board approval for structures projecting into the Town waterways, which the proposed structure does, and has requested a calendar date of April 12, 2022, for Town Board action, in connection with the aforementioned application; and

WHEREAS, George Baptista, Jr., Deputy Commissioner, Department of Environmental Resources, by memorandum dated March 7, 2022, advised that pursuant to the provisions of the Town of Oyster Bay Environmental Quality Review Law, the Town Environmental Quality Review Division ("Division") has reviewed the dock building permit application referenced above, and has reviewed the relevant environmental factors affected by the uses proposed in the subject application; and has determined that said application is deemed to fall under the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c)(12), Type II Actions List, relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, Section B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances," and as such does not require completion of an Environmental Impact Statement or other environmental consideration; and

WHEREAS, actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8,

NOW, THEREFORE, BE IT RESOLVED, That the Town Board declares that the aforementioned dock application is a Type II Action pursuant to the New York State Environmental Quality Review Act, 6 NYCRR, Part 617, Section 617.5(c) (12) Type II Actions List; and be it further

Resolution No.270-2022

RESOLVED, That the application of SUHROB KADIROV, to erect, maintain, alter or improve a dock, float, pier, bulkhead or similar structure, at 99 Clocks Boulevard, Massapequa, New York 11758, known and designated as Section 66, Block 134, Lot 278 on the Nassau County Land and Tax Map, is hereby APPROVED.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

21

270

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: ELIZABETH L. MACCARONE, COMMISSIONER
DEPARTMENT OF PLANNING AND DEVELOPMENT

DATE: MARCH 17, 2022

SUBJECT: WATERWAYS REVIEW
SUHROB KADIROV
99 CLOCKS BLVD.
MASSAPEQUA, NY 11758
SECTION 66, BLOCK 134, LOT(S) 278
DOCK BUILDING PERMIT APPLICATION # 22030057

We have received a request from Suhrob Kadirov to "install a 4-foot-wide by 60-foot-long fixed pier leading to an approximately 1.5-foot-wide by 4-foot-wide fixed access platform and a 14-foot-wide by 14-foot-long boat lift off the east side of the fixed pier. The work includes the installation of a total of four (4) timber pilings, of which two (2) will be installed immediately west of the fixed timber pier approximately 14 feet apart and two (2) will be installed vertically aligned and approximately 12-feet west of the fixed pier." All work is to be done according to the attached plans stamped "NYSDEC Approved" Permit No. 1-2824-03263/00004 dated November 9, 2021 and the Department of the Army, New York District, Corps of Engineers Nationwide Permit No. NAN-2021-01278 dated December 27, 2021. Chapter 241 of the Code of the Town of Oyster Bay entitled "Waterways" requires Town Board approval for structures projecting into the waterways.

Copies of the following documents are attached: Town of Oyster Bay Mooring, Dock, Pier, Float and Bulkhead Permit Application No. 22030057; New York State Department of Environmental Conservation (NYSDEC) Permit No. 1-2824-03263/00004 dated November 9, 2021; Department of the Army, New York District Corps of Engineers Permit No. NAN-2021-01278 dated December 27, 2021, and a letter of General Concurrence with the Federal Consistency Assessment Form from the New York State Department of State dated December 20, 2021. Also attached is a memo from George Baptista Jr., Deputy Commissioner Department of Environmental Resources dated March 7, 2022, classifying the project as a TYPE II ACTION under SEQRA. Please note that plans for the proposed work can be found attached to the DEC permit.

The relevant documents are attached for your review. Please note the proposed plans can be located in the NYSDEC and the Department of the Army Corps of Engineers Permit approvals.

The proposed work at the subject premises would, in our opinion, be compatible with the surrounding area.

Pursuant to Section §241-9(E)(3) of the Code of the Town of Oyster Bay, all persons, local governments, other agencies or corporations having any property or operating any facilities on the two properties on both sides of the premises for which the permit is sought (four properties in total), and any properties which have any frontage on a waterway and are directly opposite from the subject premises shall be notified at least 14 days in advance, in writing, of the appearance of such matter for Town Board action. It is the responsibility of the applicant to issue said notices and the applicant shall bear the cost of same. Therefore, I respectfully request that this application be put on the agenda for the April 12, 2022 Town Board calendar to provide the applicant ample time to comply with this requirement.

Elizabeth L. Maccarone

ELIZABETH L. MACCARONE
COMMISSIONER

ELM/gl
Encls.

cc: Legislative Affairs (2 copies w/ attachments)
cc: Town Attorney's Office, Attn: Dennis Sheehan

SECTION 66 BLOCK 134 LOT(S) 278

TOWN OF OYSTER BAY
DEPARTMENT OF PLANNING & DEVELOPMENT
DIVISON OF BUILDING
Town Hall
Oyster Bay, New York 11771

22030057

APPLICATION FOR PERMIT TO BUILD OR INSTALL

APPLICATION MUST BE TYPEWRITTEN OR PRINTED IN INK LEGIBLY.

	Name	Street Address	Post Office	Zip	Phone #
PROPERTY OWNER:	Suhrob Kadirov	99 CLocks Blvd	Massapequa, NY	11758	[redacted]
LESSEE TENANT:					
APPLICANT:	Shore Solutions Inc.- Donna Myers	32 Lincoln Ave	Massapequa NY	11758	516-816-4163
ARCHITECT:	PR Consulting Engineers PC – Paul Barroca	147 Glen St. 2nd Floor	Glen Cove NY		516-790-4583
CONTRACTOR:	Kevel Marine Contractors Inc./Michael Johnson	100 Cedar Shore Dr.	Massapequa, NY 11758		516-541-8819
PLUMBER:	NA				
ELECTRICIAN:	NA				

ADDRESS OF CONSTRUCTION: _____
IF DIFFERENT FROM ABOVE — NO. & STREET — POST OFFICE — ZIP CODE

LOCATION OF PROPERTY: N.E.S.W. SIDE OF _____ FEET
N.E.S.W. OF _____
OR
N.E.(S)W. OF _____ corner of CLocks Blvd (STREET) and Bayview Place East (STREET) Massapequa (POST OFFICE)

_____ CHECK HERE IF REQUESTING A WAIVER OF THE RECENT SURVEY REQUIREMENT (SEE INSTRUCTIONS FOR FURTHER INFO).

TYPE OF BUILDING

A. TYPE OF IMPROVEMENT	EXISTING	PROPOSED	B. PROPOSED USE	EXISTING	PROPOSED
1. NEW BUILDING/STRUCTURE			1. ONE FAMILY		
2. ADDITION/EXTENSION			2. TWO FAMILY		
3. ALTERATION (i.e. Garage Conv.)			3. PARENT CHILD		
4. DECK			4. GARAGE		
5. AWNING/ROOF-OVER			5. BUSINESS		
6. CELLAR ENTRANCE			6. INDUSTRIAL		
7. REISSUE # _____			7. RESTAURANT		
8. OTHER		✓	8. PUBLIC ASSEMBLY		
			9. OTHER		✓

DESCRIBE THE WORK IN DETAIL (Size and Dimension(s) of Structure(s) Construct 4' x 60' open pile pier with a 1.5' x 4' access platform, 14' x 14' four pile boat lift, four mooring piles & two safety ladders .

_____ CHECK HERE IF TREES ARE BEING REMOVED ON THE PROPERTY. IF SO, A *TREE PERMIT* MUST BE OBTAINED FROM THE DEPARTMENT OF PARKS. PLEASE CALL (516) 797-7956 FOR FURTHER INFORMATION.

HAVE BOTH AFFIDAVITS NOTARIZED

THE OWNER OF THE BUILDING & THE UNDERSIGNED AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE TOWN OF OYSTER BAY, COUNTY OF NASSAU & STATE OF NEW YORK

APPLICANT

STATE OF NEW YORK
COUNTY OF NASSAU ss:

Donna Myers- Shore Solutions Inc being duly sworn, deposes and says: That he/she resides at 32 Lincoln Ave
In the hamlet of Massapequa in the State of NY
and that he/she is authorized by the Owner Subrob Kadirov
who is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements contained herein are true to deponents own knowledge.
Address: 32 Lincoln Ave. Massapequa NY 11758
Phone: 516-816-4163

(Sign here) _____

Sworn to before me this 3 day of January 2022

_____
NOTARY PUBLIC

STEPHANIE MILANO
Notary Public - State of New York
NO. 01MI6373075
Qualified in Nassau County
My Commission Expires Apr 2, 2022

OWNER

STATE OF NEW YORK
COUNTY OF NASSAU ss:

Suhrob Kadirov being duly sworn, deposes and says: That he/she resides at 99 Clocks Blvd
in the hamlet of Massapequa in the State of NY
and that he/she is the owner in fee of all that certain lot, piece or parcel of land shown on the attached survey, situated, lying and being within the unincorporated area of the Town of Oyster Bay, that the work proposed to be done upon the said premises, will be done in accordance with the approved application and accompanying plans, and hereby authorizes Donna Myers – Shore Solutions Inc. (applicant) to make application for a permit to perform said work in the foregoing application and accompanying plans, and all the statements herein contained are true to deponent's own knowledge.

(Sign here) _____ (owner)

Sworn to before me this 12/29/21 day of 12 2021

_____
NOTARY PUBLIC

PATRICK T MARBURY
Notary Public - State of New York
NO. 01MA6410904
Qualified in Suffolk County
My Commission Expires Nov 9, 2024

(Rev. 05/13/2012)

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Permits, Region 1
SUNY @ Stony Brook, 50 Circle Road, Stony Brook, NY 11790
P: (631) 444-0365 | F: (631) 444-0360
www.dec.ny.gov

2203057

November 9, 2021

Via email only:

Suhrob Kadirov
99 Clocks Blvd
Massapequa, NY 11758

Re: NYSDEC # 1-2824-03263/00004
Kadirov Property, 99 Clocks Blvd
Install Pier, Platform, Boat Lift, Mooring Piles

Dear Permittee:

In conformance with the requirements of the State Uniform Procedures Act (Article 70, ECL) and its implementing regulations (6NYCRR, Part 621) we are enclosing your permit.

Please carefully read all permit conditions and special permit conditions contained in the permit to ensure compliance during the term of the permit. If you are unable to comply with any conditions, please contact us at the above address.

Also enclosed please find a permit sign which is to be conspicuously posted at the project site and protected from the weather.

Sincerely,

Kevin Kispert
Environmental Analyst II

Enclosures
KAK/file
cc: NYSDEC MHP
Shore solutions Inc.

PERMIT

Under the Environmental Conservation Law (ECL)

Permittee and Facility Information

Permit Issued To:
SUHROB KADIROV
99 CLOCKS BLVD
MASSAPEQUA, NY 11758

Facility:
KADIROV PROPERTY
99 CLOCKS BLVD|NCTM# 66-134-278
MASSAPEQUA, NY 11758

Facility Application Contact:
SHORE SOLUTIONS INC
32 LINCOLN AVE
MASSAPEQUA, NY 11758
(516) 816-4163

Facility Location: in OYSTER BAY in NASSAU COUNTY **Village:** MASSAPEQUA
Facility Principal Reference Point: NYTM-E: 633.075 NYTM-N: 4501.813
Latitude: 40°39'23.3" Longitude: 73°25'33.1"

Authorized Activity: Install 40' by 60' pier, 1.5' by 4' platform, 14' by 14' four-pile boat lift, and 4 mooring piles all as shown on the attached plans prepared by Shore Solutions Inc., dated 8/18/2021, pages 1 - 3, all stamped "NYSDEC Approved" on 11/9/2021.

Permit Authorizations

Tidal Wetlands - Under Article 25
Permit ID 1-2824-03263/00004
New Permit Effective Date: 11/9/2021 Expiration Date: 11/8/2026

NYSDEC Approval

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, and all conditions included as part of this permit.

Permit Administrator: KEVIN A KISPERT, Deputy Permit Administrator
Address: NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY 11790 -3409

Authorized Signature: _____ Date 11/9/2021

Distribution List

SHORE SOLUTIONS INC
Marine Habitat Protection
KEVIN A KISPERT

Permit Components

NATURAL RESOURCE PERMIT CONDITIONS

GENERAL CONDITIONS, APPLY TO ALL AUTHORIZED PERMITS

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

Permit Attachments

Site Plan 8/18/2021

NATURAL RESOURCE PERMIT CONDITIONS - Apply to the Following Permits: TIDAL WETLANDS

1. **Conformance With Plans** All activities authorized by this permit must be in strict conformance with the approved plans submitted by the applicant or applicant's agent as part of the permit application. Such approved plans were prepared by Shore Solutions Inc., dated 8/18/2021, pages 1 - 3, all stamped "NYSDEC Approved" on 11/9/2021.

2. **Notice of Commencement** At least 48 hours prior to commencement of the project, the permittee and contractor shall sign and return the top portion of the enclosed notification form certifying that they are fully aware of and understand all terms and conditions of this permit. Within 30 days of completion of project, the bottom portion of the form must also be signed and returned, along with photographs of the completed work.

3. **Post Permit Sign** The permit sign enclosed with this permit shall be posted in a conspicuous location on the worksite and adequately protected from the weather.

4. **No Construction Debris in Wetland or Adjacent Area** Any debris or excess material from construction of this project shall be completely removed from the adjacent area (upland) and removed to an approved upland area for disposal. No debris is permitted in wetlands and/or protected buffer areas.

5. **Materials Disposed at Upland Site** Any demolition debris, excess construction materials, and/or excess excavated materials shall be immediately and completely disposed of in an authorized solid waste management facility. These materials shall be suitably stabilized as not to re-enter any water body, wetland or wetland adjacent area.

6. **No Disturbance to Vegetated Tidal Wetlands** There shall be no disturbance to vegetated tidal wetlands or protected buffer areas as a result of the permitted activities.

7. **Storage of Equipment, Materials** The storage of construction equipment and materials shall be confined to the upland area landward of the bulkhead or on a barge.

8. **No Unauthorized Fill** No fill or backfill is authorized by this permit without further written approval from the department (permit, modification, amendment).

9. **Dock, Catwalk Size** Dock or catwalk shall not exceed 4 feet in width and shall be a minimum of 4 feet above grade (as measured from ground to bottom of dock/catwalk decking) over tidal wetland areas.

10. **Use of Treated Wood** The use of wood treated with Pentachlorophenol or other wood treatment not specifically approved by the Department for use in wetlands and/or marine waters, is strictly prohibited in the construction of structures that will be in contact with tidal waters.

11. **Catwalk Decking.** The decking of the catwalk shall be constructed of NYSDEC-approved fiberglass grating to reduce shading impacts from the approved structure.

12. **No Floats.** This permit does not authorize the installation of floats.

13. **No Prop Dredging** Prop dredging, or the act of utilizing and/or directing the propeller or propulsion system of a motorized vessel and/or the water-borne forces created by said propeller or propulsion system, to excavate or displace existing bottom sediment and benthic habitat for the direct or indirect purpose of establishing or increasing water depth, is a regulated activity and is not authorized by this permit. Prop dredging is strictly prohibited without further written authorization (permit, modification or amendment) from the department.

14. **No Dredging or Excavation** No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.

15. **No Dredging or Excavation** No dredging, excavating or other alteration of shoreline or underwater areas is authorized by this permit, nor shall issuance of this permit be construed to suggest that the Department will issue a permit for such activities in the future.

16. **No Permanent Structures on Dock** No permanent structures shall be installed on dock/catwalk/float without first obtaining written Department approval (permit, modification, or amendment).

17. **Docks at Property Lines** Docks/catwalks/floats must not:

a. extend laterally beyond property lines,

b. interfere with navigation, or

c. interfere with other landowners riparian rights.

18. **Pilings at Property Lines** Pilings shall not:

a. extend laterally beyond property lines,

b. interfere with navigation, or

c. interfere with other landowners riparian rights.

19. **Boat Lifts at Property Lines** Boat lift/davit shall not:

a. extend laterally beyond property lines,

b. interfere with navigation, or

c. interfere with other landowners riparian rights.

20. **No Structures on Pilings** No structures, other than structures specifically authorized by this permit, shall be constructed on pilings without further authorization from the department (permit, modification or amendment).

21. **Activities Consistent with Approved Plans** All activities and marsh alterations must be consistent with the approved plan. Activities or alterations beyond the scope of the approved project and/or not explicitly authorized by the permit will require further written approval of the Regional Habitat - TW office prior to commencement.

22. **Contain Exposed, Stockpiled Soils** All disturbed areas where soil will be temporarily exposed or stockpiled for longer than 48 hours shall be contained by a continuous line of staked haybales / silt curtains (or other NYSDEC approved devices) placed on the seaward side between the fill and the wetland or protected buffer area. Tarps are authorized to supplement these approved methods.

23. **Maintain Erosion Controls** All erosion control devices shall be maintained in good and functional condition until the project has been completed and the area has been stabilized.

24. **State Not Liable for Damage** The State of New York shall in no case be liable for any damage or injury to the structure or work herein authorized which may be caused by or result from future operations undertaken by the State for the conservation or improvement of navigation, or for other purposes, and no claim or right to compensation shall accrue from any such damage.

25. **State May Order Removal or Alteration of Work** If future operations by the State of New York require an alteration in the position of the structure or work herein authorized, or if, in the opinion of the Department of Environmental Conservation it shall cause unreasonable obstruction to the free navigation of said waters or flood flows or endanger the health, safety or welfare of the people of the State, or cause loss or destruction of the natural resources of the State, the owner may be ordered by the Department to remove or alter the structural work, obstructions, or hazards caused thereby without expense to the State, and if, upon the expiration or revocation of this permit, the structure, fill, excavation, or other modification of the watercourse hereby authorized shall not be completed, the owners, shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may require, remove all or any portion of the uncompleted structure or fill and restore to its former condition the navigable and flood capacity of the watercourse. No claim shall be made against the State of New York on account of any such removal or alteration.

26. **State May Require Site Restoration** If upon the expiration or revocation of this permit, the project hereby authorized has not been completed, the applicant shall, without expense to the State, and to such extent and in such time and manner as the Department of Environmental Conservation may lawfully require, remove all or any portion of the uncompleted structure or fill and restore the site to its former condition. No claim shall be made against the State of New York on account of any such removal or alteration.

27. **Precautions Against Contamination of Waters** All necessary precautions shall be taken to preclude contamination of any wetland or waterway by suspended solids, sediments, fuels, solvents, lubricants, epoxy coatings, paints, concrete, leachate or any other environmentally deleterious materials associated with the project.

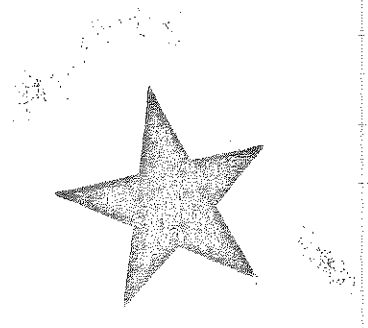
GENERAL CONDITIONS - Apply to ALL Authorized Permits:

1. **Facility Inspection by The Department** The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71- 0301 and SAPA 401(3).

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

2. **Relationship of this Permit to Other Department Orders and Determinations** Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.



3. **Applications For Permit Renewals, Modifications or Transfers** The permittee must submit a separate written application to the Department for permit renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing. Submission of applications for permit renewal, modification or transfer are to be submitted to:

Regional Permit Administrator
NYSDEC Region 1 Headquarters
SUNY @ Stony Brook|50 Circle Rd
Stony Brook, NY11790 -3409

4. **Submission of Renewal Application** The permittee must submit a renewal application at least 30 days before permit expiration for the following permit authorizations: Tidal Wetlands.

5. **Permit Modifications, Suspensions and Revocations by the Department** The Department reserves the right to exercise all available authority to modify, suspend or revoke this permit. The grounds for modification, suspension or revocation include:

a. materially false or inaccurate statements in the permit application or supporting papers;

b. failure by the permittee to comply with any terms or conditions of the permit;

c. exceeding the scope of the project as described in the permit application;

d. newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;

e. noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

6. **Permit Transfer** Permits are transferrable unless specifically prohibited by statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

NOTIFICATION OF OTHER PERMITTEE OBLIGATIONS

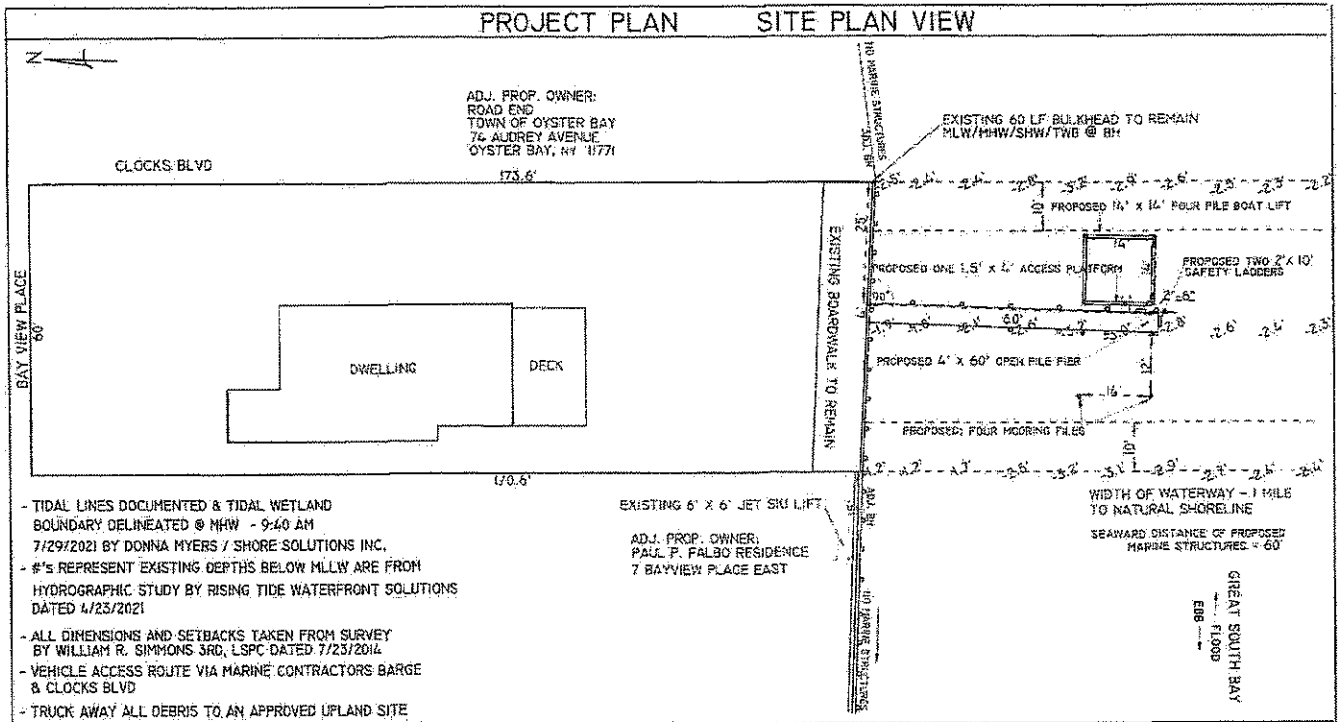
Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification
The permittee, excepting state or federal agencies, expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under Article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit
The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits
The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights
This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

PROJECT PLAN SITE PLAN VIEW



- TIDAL LINES DOCUMENTED & TIDAL WETLAND BOUNDARY DELINEATED @ MHW - 9:40 AM 7/29/2021 BY DONNA MYERS / SHORE SOLUTIONS INC.
- #'s REPRESENT EXISTING DEPTHS BELOW MLLW ARE FROM HYDROGRAPHIC STUDY BY RISING TIDE WATERFRONT SOLUTIONS DATED 4/23/2021
- ALL DIMENSIONS AND SETBACKS TAKEN FROM SURVEY BY WILLIAM R. SIMMONS 3RD, LSPC DATED 7/23/2014
- VEHICLE ACCESS ROUTE VIA MARINE CONTRACTORS BARGE & CLOCKS BLVD
- TRUCK AWAY ALL DEBRIS TO AN APPROVED UPLAND SITE

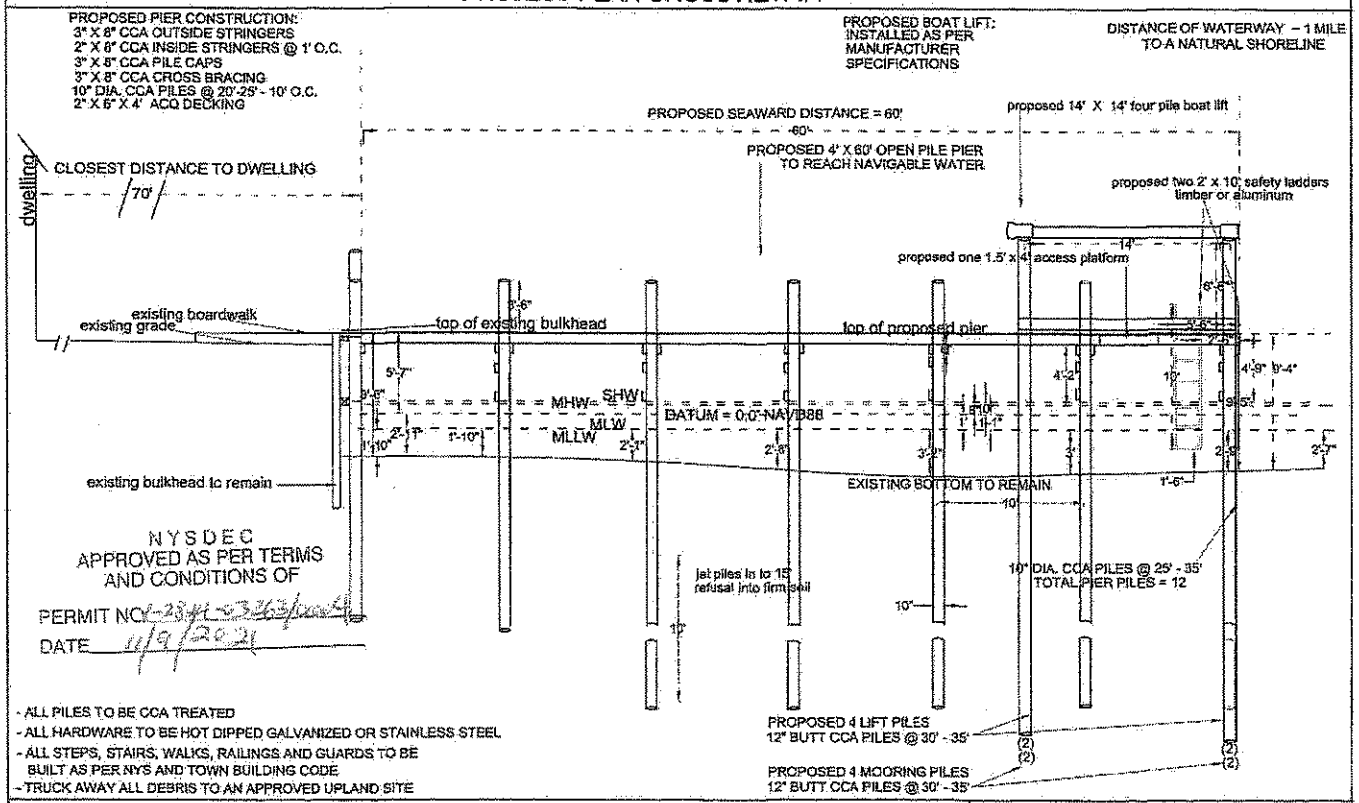
PURPOSE: PROVIDE A SAFE PRIVATE MOORING FACILITY

PROPOSED: INSTALL 4' X 60' OPEN PILE PIER, ONE 1.5' X 4' ACCESS PLATFORM, 14' X 14' FOUR PILE BOAT LIFT, FOUR MOORING PILES & TWO SAFETY LADDERS

SHW = SPRING HIGH WATER = 0.85' MHW = 0.66' DATUM NAVD 88 = 0.00' MLW = -1.00' MLLW = -1.08' NOAA V-DATUM TOOL VERSION 4.2	SCALE 1" = 30' PAGE 1 OF 3	PREPARED 8/18/2021 BY SHORE SOLUTIONS INC LAT 40° 39' 23.3676" N LONG -73° 25' 32.8398" W	NCTM#'S SD 23 / SEC 66 BLK 134 / LOT 278 AT: 99 CLOCKS BLVD. MASSAPEQUA, NY 11758 TOWN OF OYSTER BAY NASSAU COUNTY ON: GREAT SOUTH BAY FOR: SUHROB KADIROV

NYSDEC
APPROVED AS PER TERMS
AND CONDITIONS OF
PERMIT NO: 1-2444-03263/00004
DATE 4/8/2021

PROJECT PLAN CROSSVIEW #1



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

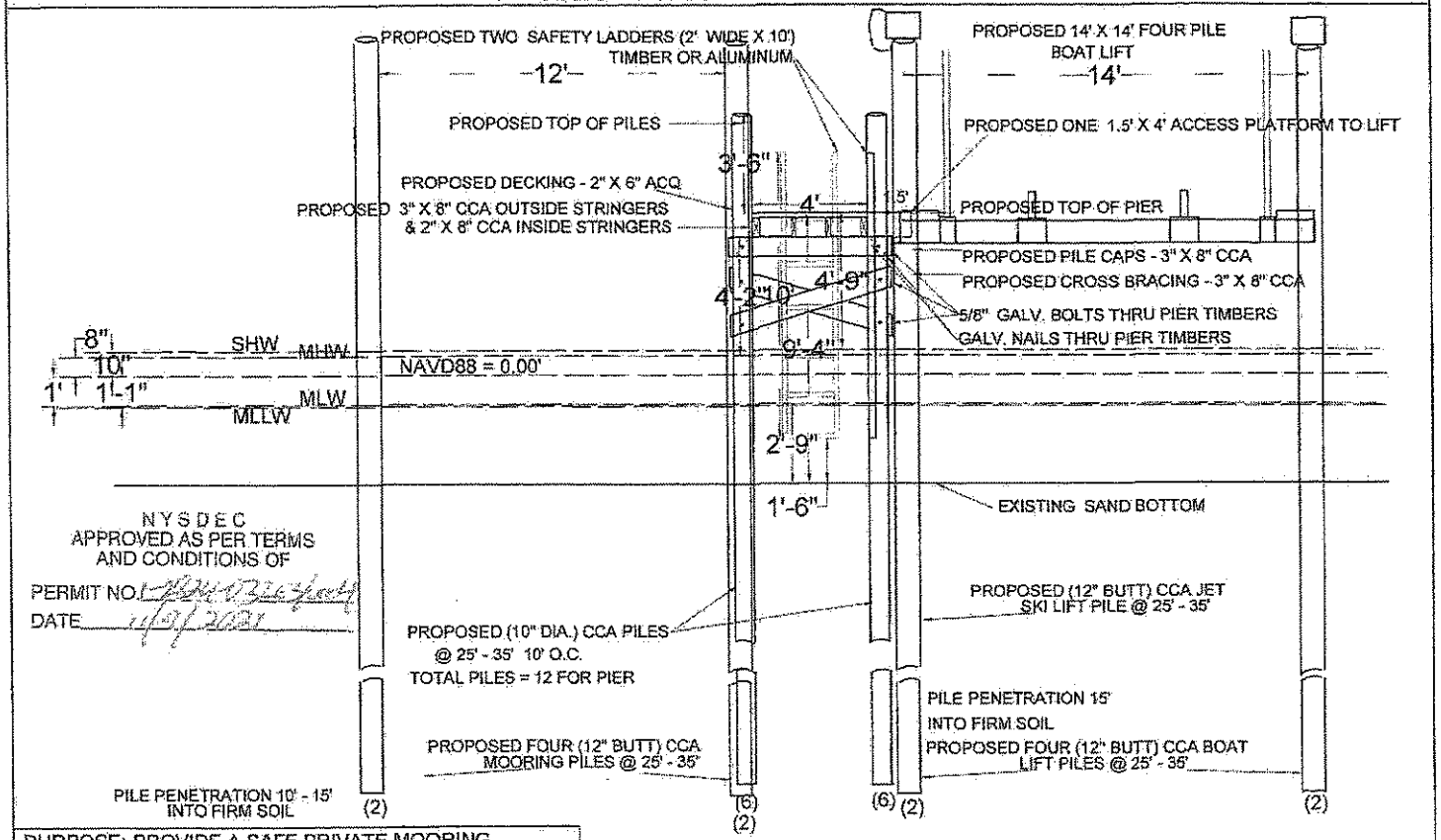
PROPOSED: INSTALL 4' X 60' OPEN PILE PIER, ONE 1.5' X 4' ACCESS PLATFORM, 14' X 14' FOUR PILE BOAT LIFT, FOUR MOORING PILES & TWO SAFETY LADDERS

SHW = spring high water = 0.85' MHW = 0.66' DATUM NAVD 88 = 0.00' MLW = -1.00' MLLW = -1.08' TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2	LAT 40° 39' 23.3676" N LONG -73° 25' 32.8398" W	SCALE 1" = 10' PAGE 2 OF 3	PREPARED 8/18/2021 BY SHORE SOLUTIONS INC

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 278

AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

PROJECT PLAN CROSSVIEW # 2



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED:
CONSTRUCT 4' X 60' PIER WITH ONE 1.5' X 4' ACCESS PLATFORM, 14' X 14' FOUR PILE BOAT LIFT,
FOUR MOORING PILES ON THE WEST SIDE OF PROPOSED PIER & TWO 2' X 10' SAFETY LADDERS

SHW = spring high water = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM
NOAA V-DATUM TOOL VERSION 4.2

LAT 40° 39 ' 23.3675 " N
LONG -73° 25 ' 32.8398" W

SCALE 1" = 5'

PAGE 3 OF 3

PREPARED 8/18/2021 BY
SHORE SOLUTIONS INC.

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 278
AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, NEW YORK DISTRICT
JACOB K. JAVITS FEDERAL BUILDING
26 FEDERAL PLAZA
NEW YORK NEW YORK 10278-0090

22030057

REGULATORY BRANCH

December 27, 2021

SUBJECT: Department of the Army Permit Number NAN-2021-01278
Issued to Suhrob Kadirov

Suhrob Kadirov
99 Clocks Boulevard
Massapequa, NY 11758

Dear Mr. Kudirov:

We have completed our review of Application Number NAN-2021-01278-EMC.

Pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403), you are hereby authorized by the Secretary of the Army:

APPLICANT: Suhrob Kadirov
99 Clocks Boulevard
Massapequa, NY 11758

ACTIVITY: Install a 4-foot-wide by 60-foot-long fixed pier leading to an approximately 1.5-foot-wide by 4-foot-wide fixed access platform and a 14-foot-wide by 14-foot-long boat lift off the east side of the fixed pier. The work includes the installation of a total of four (4) timber pilings, of which two (2) will be installed immediately west of the fixed timber pier approximately 14 feet apart and two (2) will be installed vertically aligned and approximately 12-feet west of the fixed pier.

All work shall be done in accordance with the attached plans, subject to Special Conditions A through B, which are hereby made part of this permit.

WATERWAY: Great South Bay

LOCATION: 99 Clocks Boulevard, Massapequa, Town of Oyster Bay, Nassau County, New York

The activity authorized herein by Letter of Permission must be completed within three years of the date of this permit. This authorization is subject to the enclosed conditions. Please find enclosed two forms to be used to submit to this office, as required, the dates of commencement and completion for the authorized activity.

This letter contains an initial proffered permit for your activity. If you object to this permit decision because of certain terms and conditions therein, you may request that the permit be modified accordingly under Corps regulations at 33 CFR 331. Enclosed you will find a combined Notification of Appeal Process (NAP) and Request for Appeal (RFA) form. If you object to this permit decision you must submit a completed RFA form to the New York District Office at:

Stephan A. Ryba
Chief, Regulatory Branch
USACE Operations/Regulatory 16-406
c/o PSC Mail Center
26 Federal Plaza
New York, NY 10278

In order for a RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the District Office within 60 days of the date of the NAP. Should you decide to submit a RFA form, it must be received at the above address by December 27, 2021. It is not necessary to submit a RFA form to the District Office if you do not object to the permit decision in this letter.

The authorized activity must be performed in accordance with the enclosed plans. If any material changes in the location or plans of the subject work are found necessary, revised plans should be submitted to the District Engineer. These plans must receive the approval required by law before work begins.

Notice is hereby given that the permittee should recognize that a possibility exists that the structures permitted herein may be subject to wavewash from passing vessels. The issuance of this permit does not relieve the permittee from taking all proper steps to ensure the integrity of the structures permitted herein and the safety of boats moored thereto from damage by wavewash and the permittee shall not hold the United States liable for any such damage.

This authorization is conditional on the applicant's receipt of the required coastal zone management concurrence or waiver from the New York State Department of State (NYSDOS). No work may be accomplished until the required approval from NYSDOS has been obtained.

In order for us to better serve you, please complete our Customer Service Survey located at http://www.nan.usace.army.mil/Missions/Regulatory/CustomerSurvey.aspx.

If any questions should arise concerning this matter, please contact Reegan A. McCaulley, of my staff, at (917) 790-8523.

Sincerely,

Christopher Mink 2021.12.27 16:16:22 -05'00'

FOR AND IN BEHALF OF
Matthew W. Luzzatto
Colonel, U.S. Army
Commander and District Engineer

Encls

PERMITTEE: Suhrob Kadirov
PERMIT NO.: NAN-2021-01278

PERMIT CONDITIONS:

NOTE: The term "you" and its derivatives, as used in this permit means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or appropriate official of that office acting under the authority of the commanding officer.

GENERAL CONDITIONS:

1. The time limit for completing the work authorized ends within three years of the date of this permit. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least four months before the date is reached.

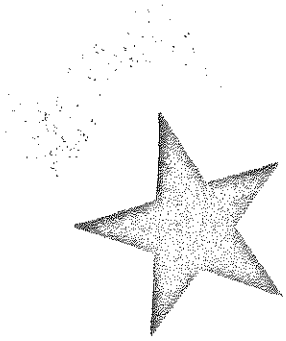
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party upon written notification to this office. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

(A) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.



(B) The permittee shall utilize best management practices to minimize turbidity during all in-water work activities as well as prevent construction materials, including debris, from entering any waterway to become drift or pollution hazards.

Further Information:

1. Limits of authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal project.

2. Limits to Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

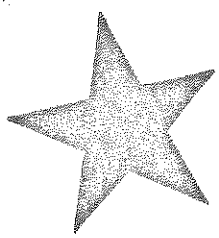
a. You fail to comply with the terms and conditions of the permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 3 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

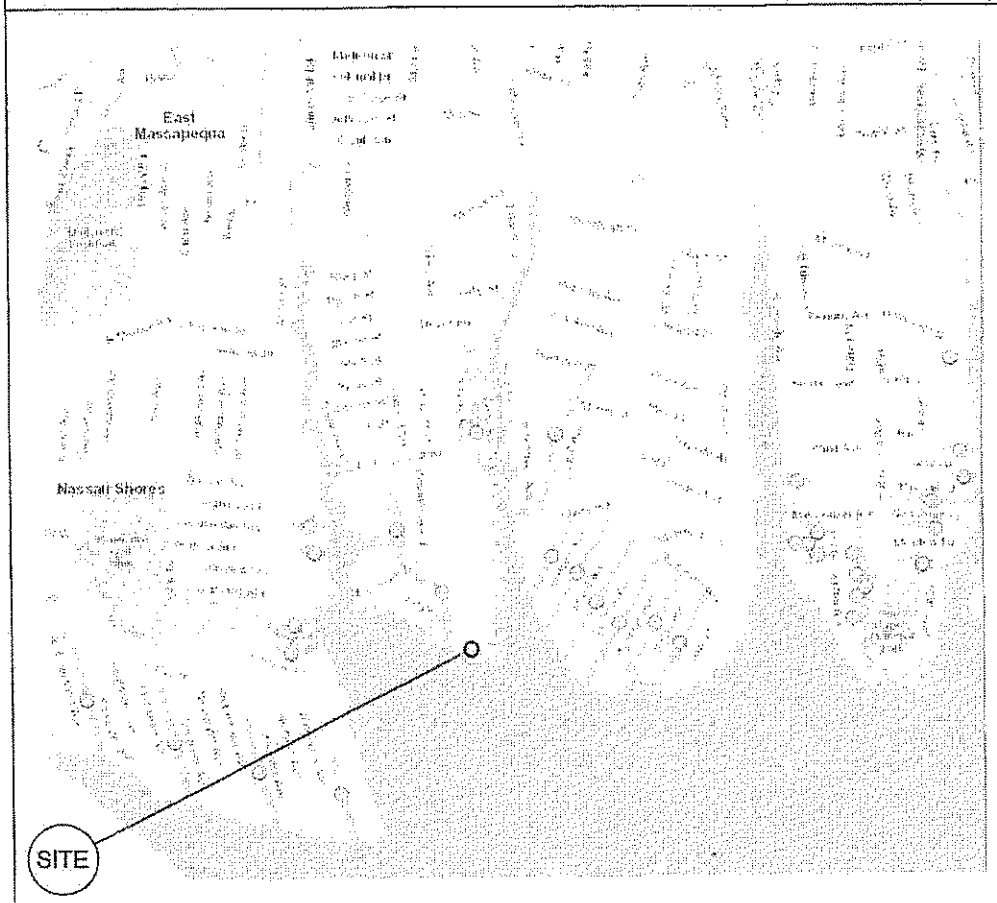
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

5. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.



USACE FILE: NAN-2021-01278-EMC

VICINITY MAP



LAT 40 39 ' 23.3676 " N
LONG -73 25 ' 32.8398 " W

N

NYSDOS COASTAL BOUNDARY MAP

PURPOSE:
PROVIDE A SAFE PRIVATE MOORING FACILITY

SHW = spring high water = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM
NOAA V-DATUM TOOL VERSION 4.2

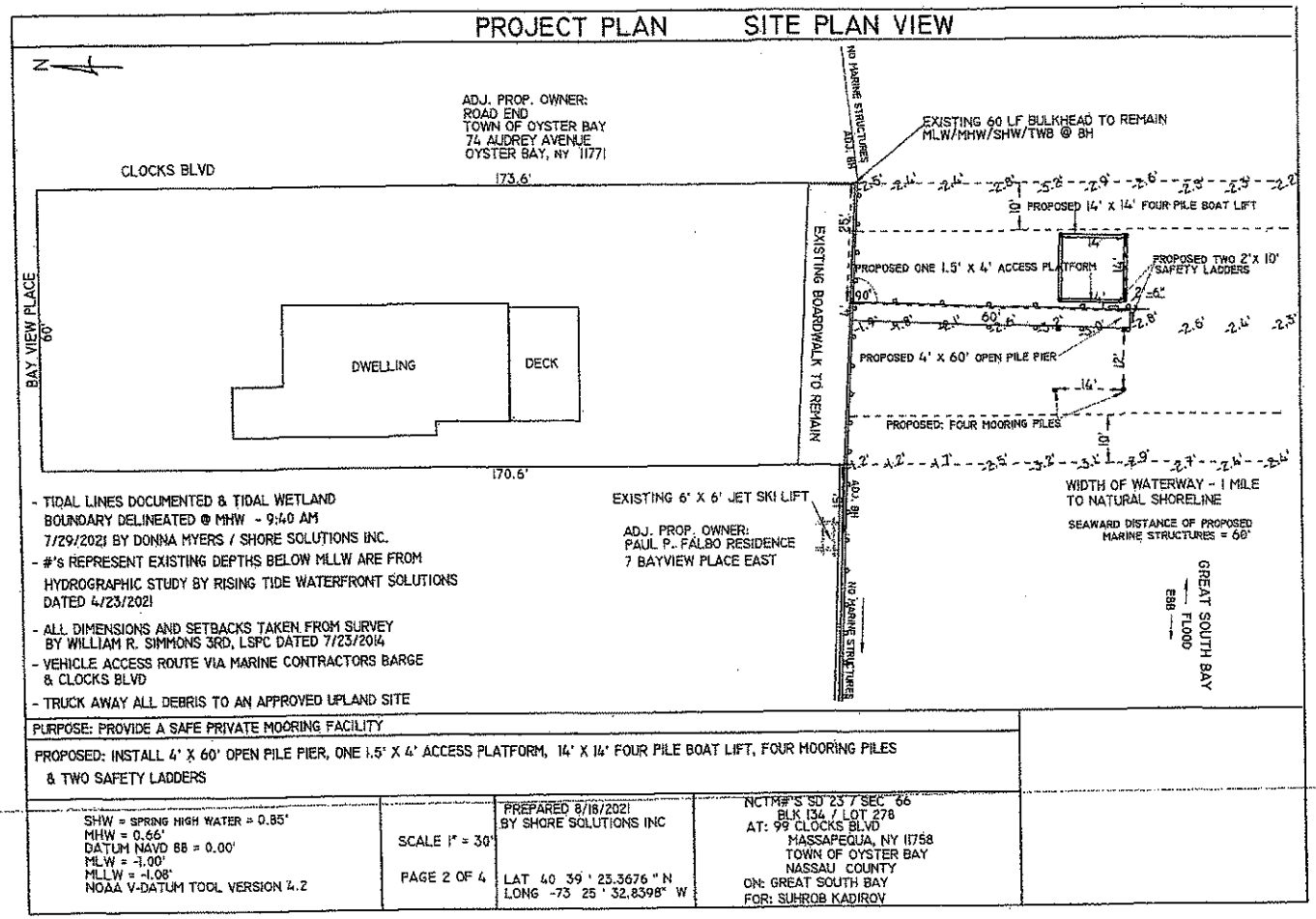
PREPARED BY
SHORE SOLUTIONS INC - DM
32 LINCOLN AVE
MASSAPEQUA, NY 11758

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 278

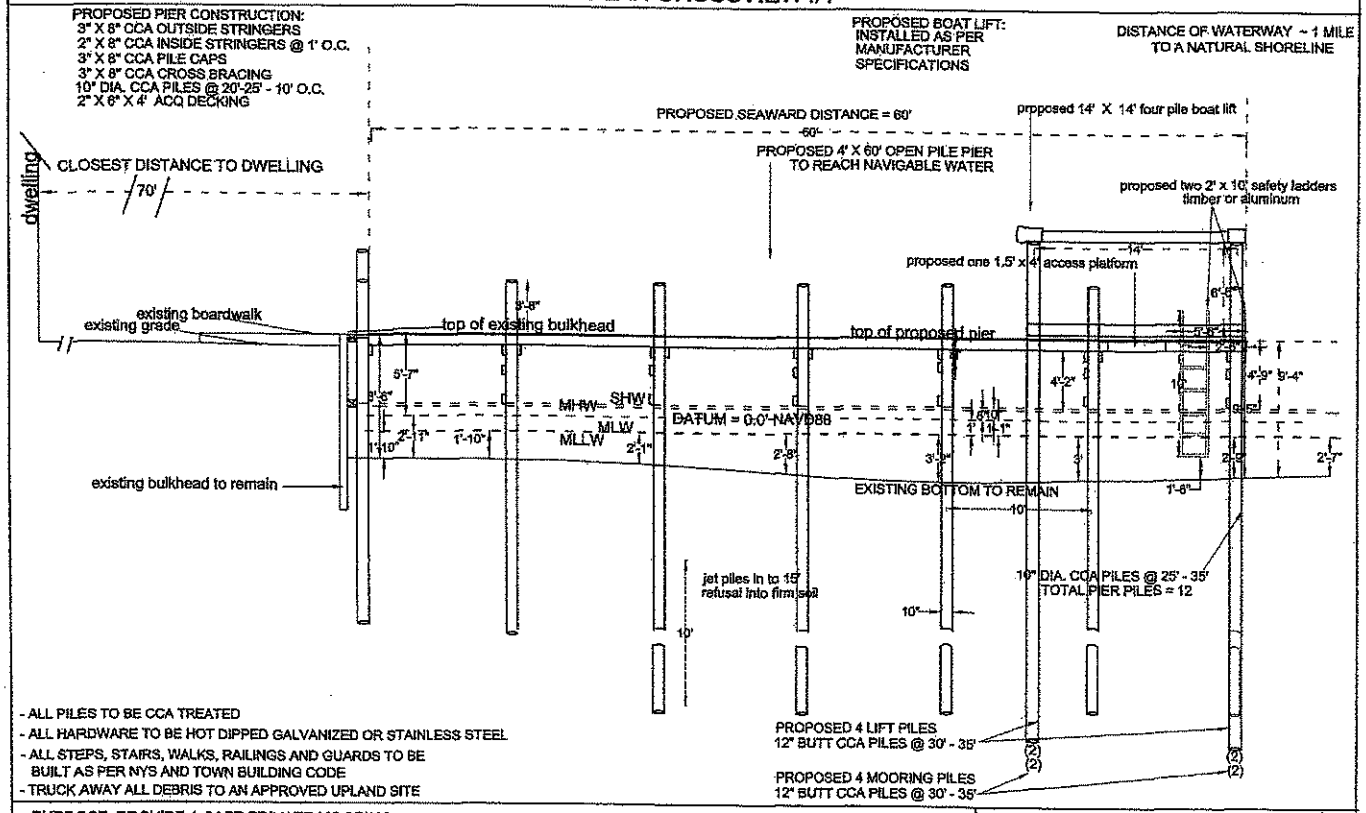
AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

PAGE 1 OF 4

December 27, 2021


PROJECT PLAN SITE PLAN VIEW
N
ADJ. PROP. OWNER:
ROAD END
TOWN OF OYSTER BAY
74 AUDREY AVENUE
OYSTER BAY, NY 11771
CLOCKS BLVD
173.6'
BAY VIEW PLACE
60'
DWELLING
DECK
170.6'
EXISTING BOARDWALK TO REMAIN
NO MARINE STRUCTURES ADJ. PROP.
EXISTING 60 LF BULKHEAD TO REMAIN
MLW/MHW/SHW/TWB @ BH
PROPOSED 14' X 14' FOUR PILE BOAT LIFT
PROPOSED ONE 1.5' X 4' ACCESS PLATFORM
PROPOSED TWO 2'X 10' SAFETY LADDERS
PROPOSED 4' X 60' OPEN PILE PIER
PROPOSED: FOUR MOORING PILES
EXISTING 6' X 6' JET SKI LIFT
ADJ. PROP. OWNER:
PAUL P.. FALBO RESIDENCE
7 BAYVIEW PLACE EAST
ADJ. BH
NO MARINE STRUCTURES
WIDTH OF WATERWAY - 1 MILE
TO NATURAL SHORELINE
SEAWARD DISTANCE OF PROPOSED
MARINE STRUCTURES = 60'
GREAT SOUTH BAY
FLOOD
ESB
- TIDAL LINES DOCUMENTED & TIDAL WETLAND BOUNDARY DELINEATED @ MHW - 9:40 AM 7/29/2021 BY DONNA MYERS / SHORE SOLUTIONS INC.
- #'S REPRESENT EXISTING DEPTHS BELOW MLLW ARE FROM HYDROGRAPHIC STUDY BY RISING TIDE WATERFRONT SOLUTIONS DATED 4/23/2021
- ALL DIMENSIONS AND SETBACKS TAKEN FROM SURVEY BY WILLIAM R. SIMMONS 3RD, LSPC DATED 7/23/2014
- VEHICLE ACCESS ROUTE VIA MARINE CONTRACTORS BARGE & CLOCKS BLVD
- TRUCK AWAY ALL DEBRIS TO AN APPROVED UPLAND SITE
PURPOSE: PROVIDE A SAFE PRIVATE MOORING FACILITY
PROPOSED: INSTALL 4' X 60' OPEN PILE PIER, ONE 1.5' X 4' ACCESS PLATFORM, 14' X 14' FOUR PILE BOAT LIFT, FOUR MOORING PILES & TWO SAFETY LADDERS
SHW = SPRING HIGH WATER = 0.85'
MHW = 0.56'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
NOAA V-DATUM TOOL VERSION 4.2
SCALE 1" = 30'
PAGE 2 OF 4
PREPARED 8/18/2021
BY SHORE SOLUTIONS INC
LAT 40 39 ' 25.3676 " N
LONG -73 25 ' 32.8398" W
NCTM#'S SD 23 / SEC 66
BLK 134 / LOT 278
AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

PROJECT PLAN CROSSVIEW #1



- ALL PILES TO BE CCA TREATED
- ALL HARDWARE TO BE HOT DIPPED GALVANIZED OR STAINLESS STEEL
- ALL STEPS, STAIRS, WALKS, RAILINGS AND GUARDS TO BE BUILT AS PER NYS AND TOWN BUILDING CODE
- TRUCK AWAY ALL DEBRIS TO AN APPROVED UPLAND SITE

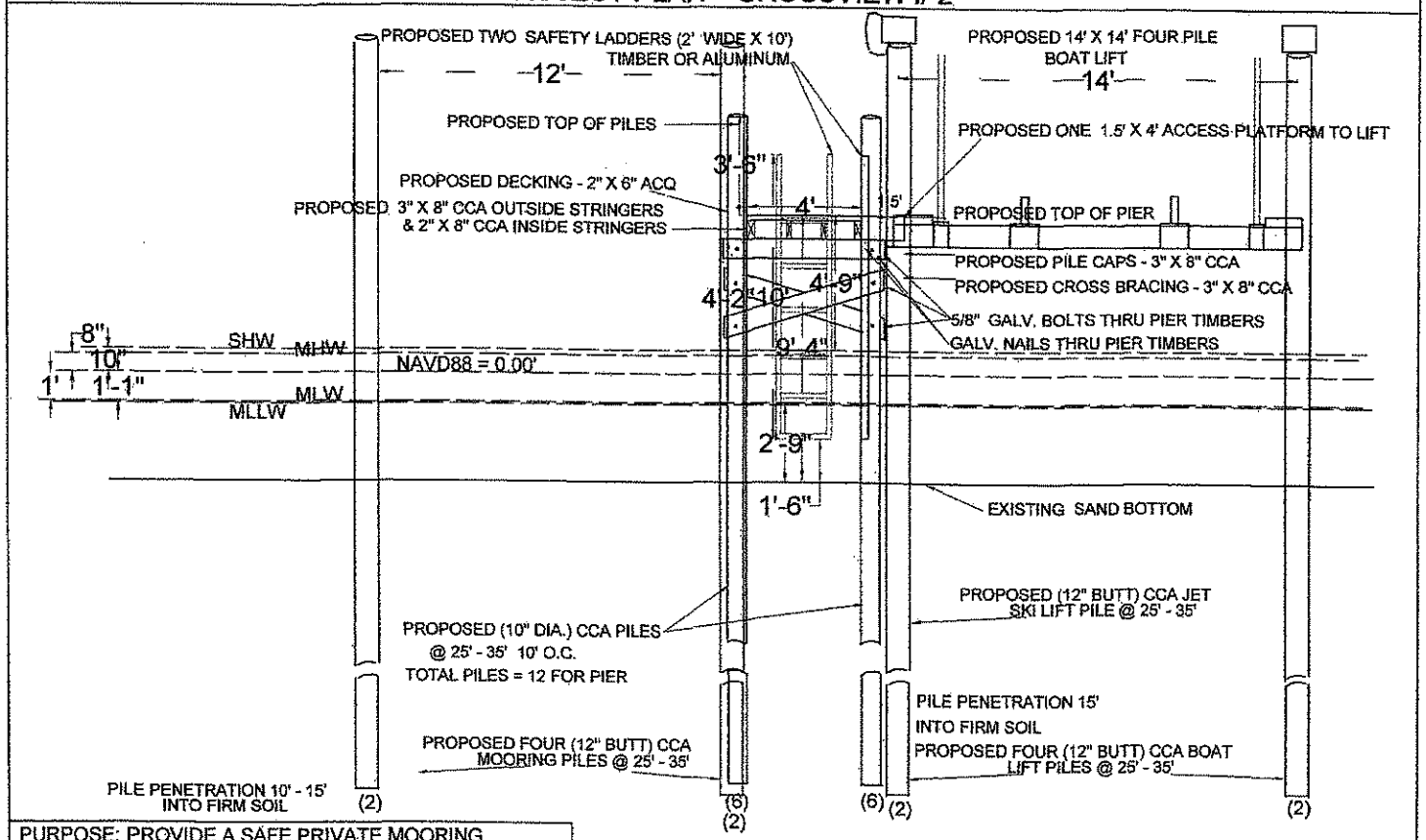
PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED: INSTALL 4' X 60' OPEN PILE PIER, ONE 1.5' X 4' ACCESS PLATFORM, 14' X 14' FOUR PILE BOAT LIFT , FOUR MOORING PILES & TWO SAFETY LADDERS

SHW = spring high water = 0.85' MHW = 0.66' DATUM NAVD 88 = 0.00' MLW = -1.00' MLLW = -1.08' TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2	LAT 40 39 ' 23.3676 " N LONG -73 25 ' 32.8398" W	SCALE 1" = 10' PAGE 3 OF 4	PREPARED 8/18/2021 BY SHORE SOLUTIONS INC	NCTM#'S SD 23/ SEC 66 / BLK 134 LOTS 278 AT: 99 CLOCKS BLVD MASSAPEQUA, NY 11758 TOWN OF OYSTER BAY NASSAU COUNTY ON: GREAT SOUTH BAY FOR: SUHROB KADIROV

USACE FILE: NAN-2021-01278-EMC

PROJECT PLAN CROSSVIEW # 2



PURPOSE: PROVIDE A SAFE PRIVATE MOORING

PROPOSED:
CONSTRUCT 4' X 60' PIER WITH ONE 1.5' X 4' ACCESS PLATFORM, 14' X 14' FOUR PILE BOAT LIFT,
FOUR MOORING PILES ON THE WEST SIDE OF PROPOSED PIER & TWO 2' X 10' SAFETY LADDERS

SHW = spring high water = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM
NOAA V-DATUM TOOL VERSION 4.2

LAT 40° 39 ' 23.3676 " N
LONG -73° 25 ' 32.8398" W

SCALE 1" = 5'

PAGE 4 0F 4

PREPARED 8/18/2021 BY
SHORE SOLUTIONS INC.

NCTM#S SD 23/ SEC 66 / BLK 134
LOTS 278
AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

22030057

KATHY C. HOCHUL
GOVERNOR

BRENDAN C. HUGHES
ACTING SECRETARY OF STATE

December 20, 2021

Army Corps
Reegan McCaulley
reegan.a.mccaulley@usace.army.mil

Shore Solutions Inc.
Donna Myers
Shoresolutions@aol.com

Re: **F- 2021-0901**
U.S. Army Corps of Engineers/New York District Permit Application – NAN-2021-01278 -**Suhrob Kadirov** proposes to Install a 4-foot-long fixed by 60-foot-longfixed pier leading to an approximately 1.5-foot-wide by 4-foot-wide fixed access platform and a 14-foot-wide by 14-foot-long boat lift off the east side of the fixed pier. The work includes the installation of a total of four (4) timber pilings, of which two (2) will be installed immediately east of the fixed pier approximately 14 feet apart and two (2) will be installed vertically aligned and approximately 12-feet east of the fixed pier.
The proposed work will extend approximately 60 feet into the waterway from the plane of Mean Low Water.

99 Clocks Boulevard, Massapequa (Great South Bay)
Town of Oyster Bay, Nassau

Letter of Permission

Dear Reegan McCaulley:

The Department of State received and reviewed your letter dated November 26, 2021, regarding the eligibility of the above-referenced proposal for authorization by a Corps of Engineers Letter of Permission.

Based upon the submitted information, the Department of State has no objection to the authorization of this proposal by Letter of Permission. Further review of this proposal and concurrence with the applicant's consistency certification by the Department of State is not required.

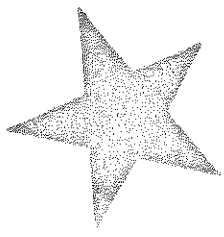
Sincerely,

Donna Morelli

NEW YORK STATE OF OPPORTUNITY. Department of State

Donna Morelli
Coastal Resources Specialist
Office of Planning, Development and
Community Infrastructure

ecc: DEC/Region 1-Kevin Kispert-1-2824-03263/00004



Planning

TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

March 7, 2022

TO: ELIZABETH L. MACCARONE, COMMISSIONER,
DEPARTMENT OF PLANNING & DEVELOPMENT

FROM: GEORGE BAPTISTA, JR., DEPUTY COMMISSIONER,
DEPARTMENT OF ENVIRONMENTAL RESOURCES

SUBJECT: CLASSIFICATION PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR): TYPE II: DOCKS, PIERS & FLOATS PERMIT: REVIEW OF WATERWAY APPLICATION NUMBER 22030057; SUHROB KADIROV

LOCATION: 99 CLOCKS BLVD., MASSAPEQUA, NY 11758
SECTION 66, BLOCK 134, LOT(S) 278

Pursuant to the provisions of the New York State Environmental Quality Review Act (Article 8 of the Environmental Conservation Law, SEQR, as promulgated in the regulations contained in 6 NYCRR Part 617) and the Town of Oyster Bay Environmental Quality Review (TEQR) Law (Chapter 110 of the Oyster Bay Town Code), the Department of Environmental Resources has reviewed the above-captioned application.

Based on our review, the Department has classified the subject proposed project as a **TYPE II ACTION**, under the SEQR Type II Actions List, at §617.5(c)(12), relative to "construction, expansion or placement of minor accessory/appurtenant residential structures, including garages, carports, patios, decks, swimming pools, tennis courts, satellite dishes, fences, barns, storage sheds or other buildings not changing land use or density;" and under Appendix B, §B(2), of the TEQR Law, relative to "The installation of minor accessory facilities such as lawn sprinkler systems, swimming pool heaters and fire sprinkler systems, provided that such systems comply with all applicable codes and ordinances."

Actions or classes of actions identified in the above-referenced sections of SEQR/TEQR have been pre-determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the Environmental Conservation Law, Article 8.

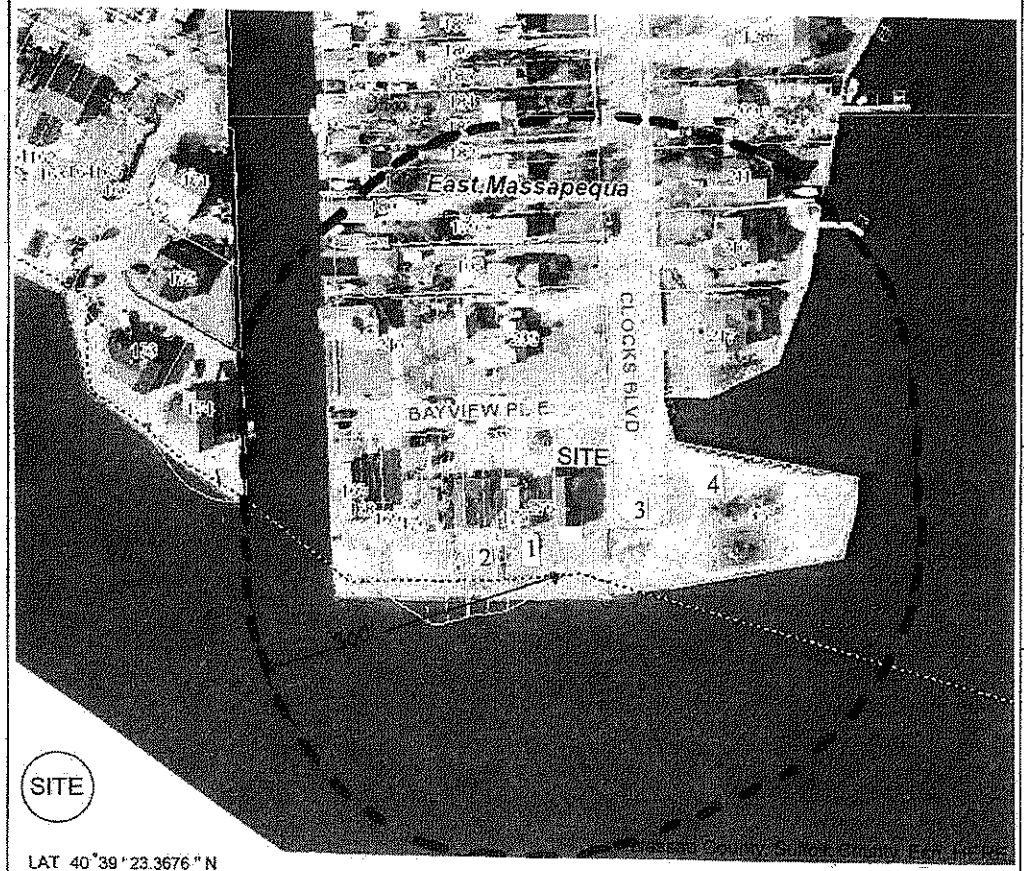
Inasmuch as the proposed action is on SEQR's pre-determined Type II Actions list and the TEQR Law Type II Actions List, as described above, the Department of Environmental Resources has applied the law and finds that the subject application does not require any further review under SEQR/TEQR.

GEORGE BAPTISTA, JR.
DEPUTY COMMISSIONER

Filepath: DER Dept. Files/TEQR/TYPE II/Docks/99 Clocks Blvd, Massapequa_3.7.22REVISED

300 FOOT RADIUS MAP

SHOWING MLW AT BULKHEAD WITH EXISTING MARINE STRUCTURES IN THE VICINITY



LAT 40°39'23.3676" N
LONG -73°25'32.8398" W

AERIAL IMAGING FROM
NASSAU COUNTY
ASSESSORS WEBSITE

N

SHW = spring high water = 0.85'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM
NOAA V-DATUM TOOL VERSION 4.2

PURPOSE: PROVIDE A SAFE
PRIVATE MOORING FACILITY

PREPARED BY
SHORE SOLUTIONS INC - DM
32 LINCOLN AVE
MASSAPEQUA, NY 11758

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 278

AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

300' Radius map for: NCTM# section 66 / block 134 / lot 278
Prepared By: Donna Myers / Shore Solutions Inc. 32 Lincoln Ave
Massapequa, NY 11758

For: Suhrob Kadirov
99 Clocks Blvd
Massapequa, NY 11758

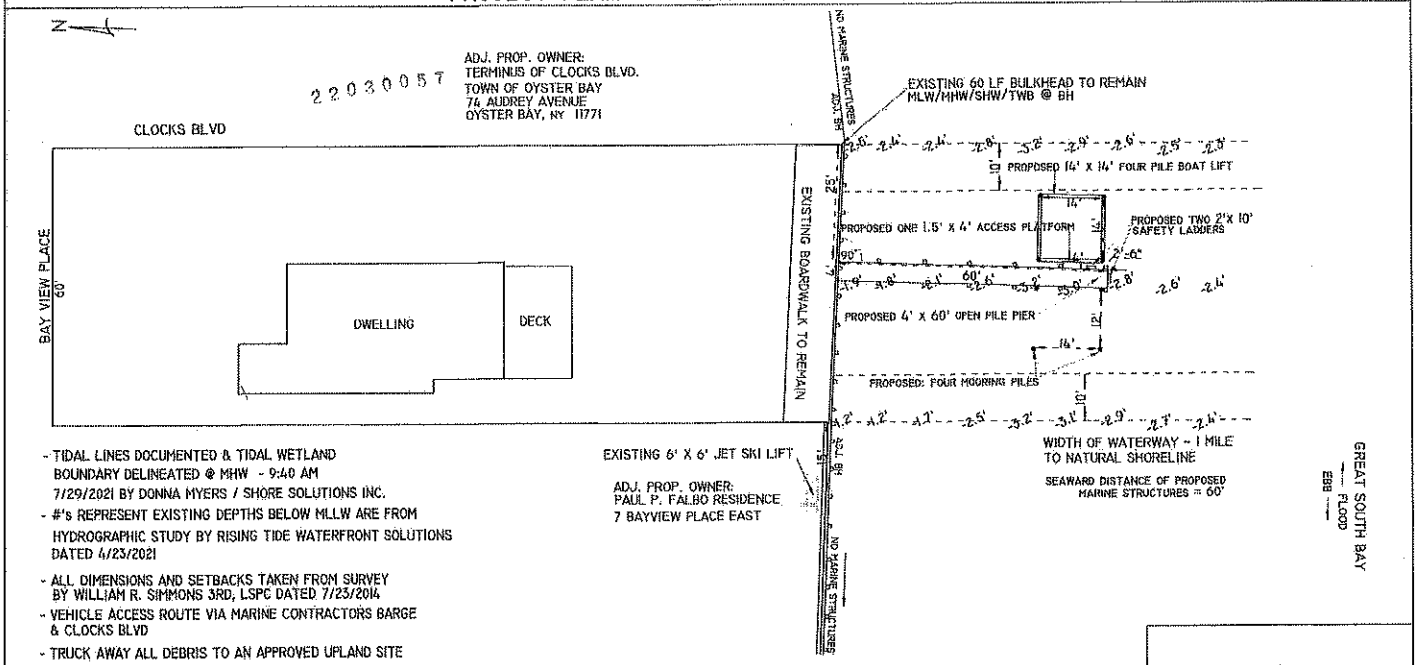
Section 66 / Block 134

	Lot	
1	175	Paul P. Falbo 7 Bayview Place East Massapequa, NY 11758
2	173	John Poirer & Paulette Loria 5 Bayview Place East Massapequa, NY 11758
3		End of Clocks Blvd DPW / Highway Department Town of Oyster Bay 150 Miller Place Syosset, NY 11791

Section 66 / Block 098

	Lot	
4	35	Department of Parks Town Hall South 977 Hicksville Road Massapequa, NY 11758

PROJECT PLAN SITE PLAN VIEW



- TIDAL LINES DOCUMENTED & TIDAL WETLAND BOUNDARY DELINEATED @ MHW ~ 9:40 AM 7/29/2021 BY DONNA MYERS / SHORE SOLUTIONS INC.
- #'s REPRESENT EXISTING DEPTHS BELOW MLLW ARE FROM HYDROGRAPHIC STUDY BY RISING TIDE WATERFRONT SOLUTIONS DATED 4/23/2021
- ALL DIMENSIONS AND SETBACKS TAKEN FROM SURVEY BY WILLIAM R. SIMMONS 3RD, LSPC DATED 7/23/2014
- VEHICLE ACCESS ROUTE VIA MARINE CONTRACTORS BARGE & CLOCKS BLVD
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SHW = SPRING HIGH WATER = 1.100'
MHW = 0.8966'
DATUM NAVD 88 = 0.00'
MLW = -1.0690'
MLLW = -1.1510'
TIDE RANGE 2.2510' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 3.4

SCALE 1" = 20'

PAGE 1 OF 3

LAT 40° 39 ' 23.3676 " N
LONG -73 °25 ' 32.8398" W

PREPARED 8/5/2021
BY SHORE SOLUTIONS INC

NCTM#'S SD 237 SEC 66 / BLK 134 BLK 134 / LOT 278
AT: 99 CLOCKS BLVD.
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

PLANS REVIEWED BY

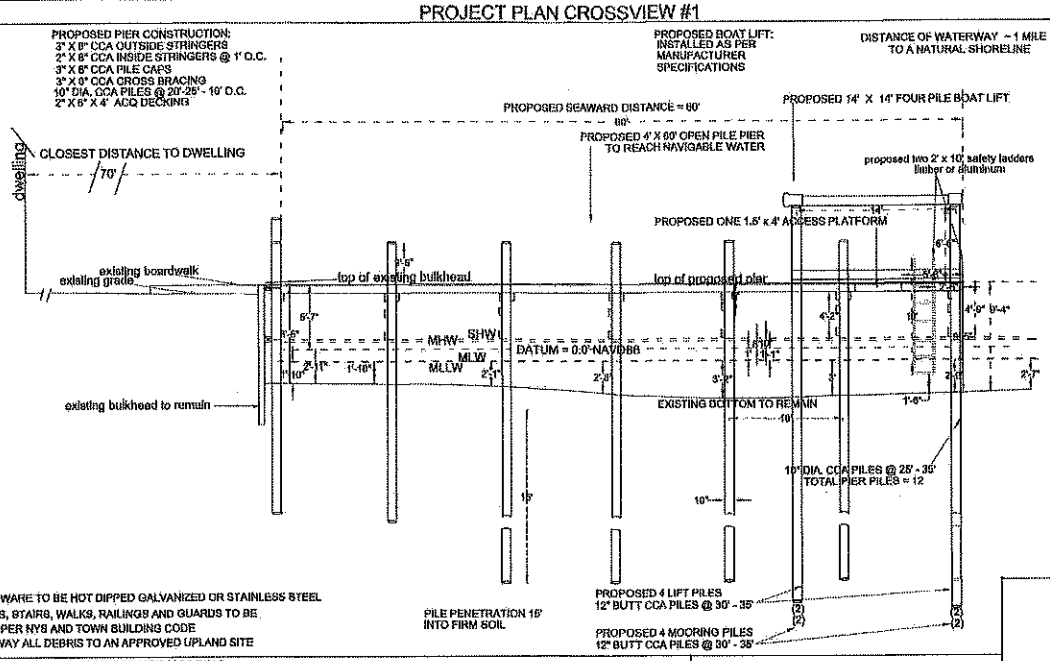
PAUL D. BARROCA, P.E.

N.Y. LIC. NO. 71430

P. R. CONSULTING ENGINEERING, P.C.
ENGINEERING CONSULTANTS
147 GLEN STREET 2ND FLR., GLEN COVE N.Y. 11542

TELE. 516 - 790 - 4583

PROJECT PLAN CROSSVIEW #1



- ALL HARDWARE TO BE HOT DIPPED GALVANIZED OR STAINLESS STEEL
- ALL STEPS, STAIRS, WALKS, RAILINGS AND GUARDS TO BE BUILT AS PER NYS AND TOWN BUILDING CODE
- TRUCK AWAY ALL DEBRIS TO AN APPROVED UPLAND SITE

PURPOSE: PROVIDE A SAFE PRIVATE MOORING

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SHW = SPRING HIGH WATER = 0.65'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93' - DATUM INFO FROM NOAA V-DATUM TOOL VERSION 4.2

LAT 40° 39 ' 23.3676 " N
LONG -73° 25 ' 32.8398" W

PREPARED 8/5/2021 BY
SHORE SOLUTIONS INC

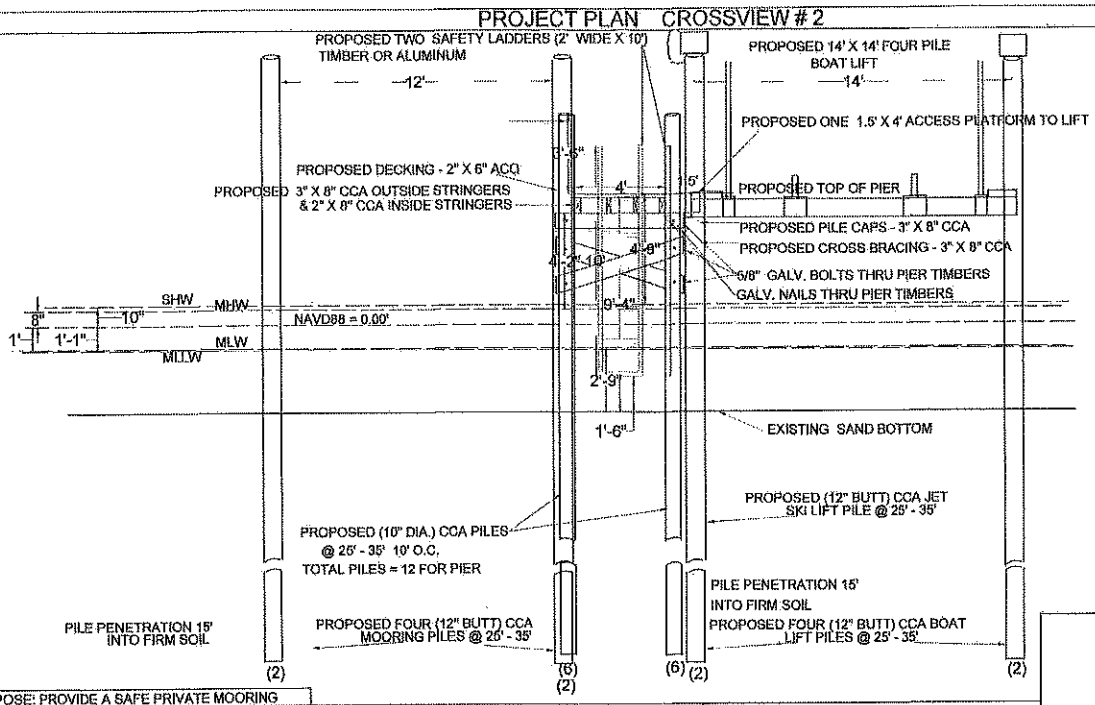
SCALE 1" = 8'

PAGE 2 OF 3

NOTMP'S SD 23/ SEC 66 / BLK 134
LOTS 278
AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

PLANS REVIEWED BY
BY PAUL D. BARROCA, P.E.
N.Y. LIC. NO. 71430
P. R. CONSULTING ENGINEERING, P.C.
ENGINEERING CONSULTANTS
147 GLEN STREET 2ND FLR., GLEN COVE N.Y. 11542
TELE. 516 - 790 - 4583

PROJECT PLAN CROSSVIEW # 2



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SHW = 0.95'
MHW = 0.66'
DATUM NAVD 88 = 0.00'
MLW = -1.00'
MLLW = -1.08'
TIDE RANGE 1.93'
DATUM INFO FROM
NOAA V-DATUM TOOL
VERSION 4.2

LAT 40° 39 ' 23.3676 " N
LONG -73° 25 ' 32.8398" W

SCALE 1" = 4'

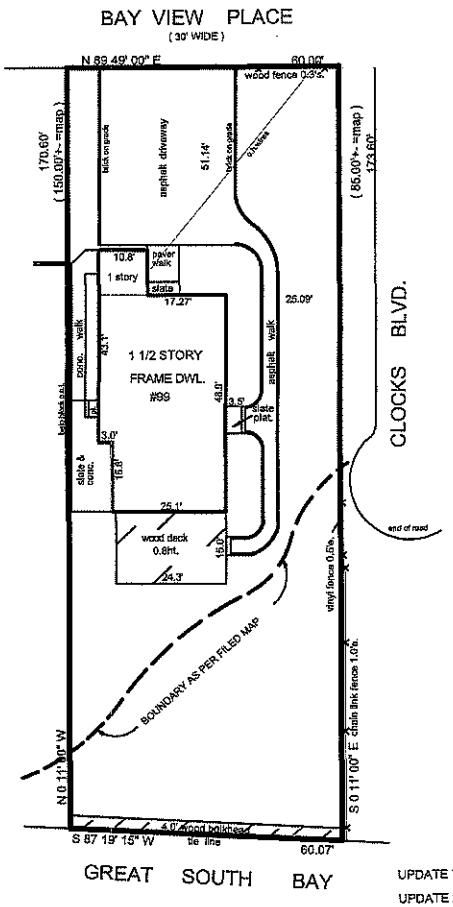
PREPARED 8/5/2021 BY
SHORE SOLUTIONS INC.

PAGE 3 OF 3

NCTM#'S SD 23/ SEC 66 / BLK 134
LOTS 278
AT: 99 CLOCKS BLVD
MASSAPEQUA, NY 11758
TOWN OF OYSTER BAY
NASSAU COUNTY
ON: GREAT SOUTH BAY
FOR: SUHROB KADIROV

PLANS REVIEWED BY
BY PAUL D. BARROCA, P.E.
N.Y. LIC. NO. 71430
P. R. CONSULTING ENGINEERING, P.C.
ENGINEERING CONSULTANTS
147 GLEN STREET 2ND FLR., GLEN COVE N.Y. 11542
TELE. 516 - 790 - 4583

SURVEYED FOR:IAN R. WESTERN, ANTHONY WESTERN
& MARGARET T. WESTERN
LOCATED AT: MASSAPEQUA,T/O OYSTER BAY,
NASSAU CO.NY.
LOT: 178 & P/O 177
MAP OF: "AMENDED MAP OF BREEZY POINT"
N.C.T.M.#
SCALE: 1"=20'



UPDATE 7/23/2014
UPDATE 2/13/2014
FILE# 47038

CERTIFY TO:

IAN R. WESTERN, ANTHONY WESTERN
&MARGARET T. WESTERN
FIDELITY NATIONAL TITLE INSURANCE,LLC
CORRIDOR MORTGAGE GROUP

WILLIAM R.SIMMONS 3RD.L.S.P.C.
128 CARLETON AVE. EAST ISLIP,NY,11730
PH 631-581-1688 FX 631-581-1691

DATE: 12/1/2019	SCALE: 1" = 20'	DRAWN BY: E.S.

2203005 7

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 747-2021, adopted on December 7, 2021, the Town Board authorized the Department of Public Works to enter into Contract No. PWC19-22 with Lockwood, Kessler & Bartlett, Inc. to provide On-Call Engineering Services relative to Structural Engineering for a two (2) year term, commencing January 1, 2022 through December 31, 2023; and

WHEREAS, Brian Ednie, P.E., Vice President, Lockwood, Kessler & Bartlett, Inc., by letter dated February 17, 2022, set forth the scope of work to be performed under Contract No. PWC19-22, in an amount not to exceed $410,000.00, in connection with On-Call Services relative to structural engineering regarding the Bulkhead Replacement at John J. Burns Park, Massapequa; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated March 21, 2022, requested Town Board authorization for Lockwood, Kessler & Bartlett, Inc. to provide On-Call Services relative to structural engineering regarding the Bulkhead Replacement at John J. Burns Park, Massapequa, under Contract No. PWC19-22, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed $410,000.00 for this purpose, with funds to satisfy said engineering costs available in Account No. PKS H 7197 20000 000 2002 001; and

WHEREAS, Commissioner Lenz, by said memorandum, further advised that the Office of the Inspector General has reviewed the Contract, and the proposed vendor's disclosure questionnaire and is satisfied that the Town's Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are approved, and Lockwood, Kessler & Bartlett, Inc. is hereby authorized to provide the aforementioned engineering services in connection with Contract No. PWC19-22, relative to the Bulkhead Replacement at John J. Burns Park, Massapequa; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $410,000.00, with funds to be drawn from Account No. PKS H 7197 20000 000 2002 001; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon the submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 21, 2022

TO : MEMORANDUM DOCKET

FROM : RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT : ON-CALL CONSULTANT SERVICE REQUEST
CONTRACT NO. PWC19-22
STRUCTURAL ENGINEERING
ACCOUNT NO.: PKS H 7197 20000 000 2002 001
PROJECT ID NO. 2002PKSA-04

The consultant, Lockwood, Kessler & Bartlett, Inc., has been approved by the Commissioner of Public Works to provide technical services under On-Call Contract No. PWC19-22 by Resolution No. 747-2021 for the subject project.

Attached is a letter dated February 17, 2022 from Lockwood, Kessler & Bartlett, Inc., regarding the scope of work to be performed in an amount not to exceed $410,000.00. Services to be provided include Engineering Design, Final Plans, Specifications, Estimates and Environmental Permitting regarding the Bulkhead Replacement at John J. Burns Park.

Attached is an availability of funds in the amount of $410,000.00 to satisfy said engineering costs from the Office of the Director of Finance indicating that funds are available in Account No. PKS H 7197 20000 000 2002 001.

The Office of the Inspector General has reviewed the contract and the proposed consultants' disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

It is hereby requested that the Town Board authorize, by Resolution Lockwood, Kessler & Bartlett, Inc., under Contract No. PWC19-22, On-Call Services Relative to Structural Engineering and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JGP/MR/TLS/nm

Attachment

cc: Steven Ballas, Comptroller
Joseph G. Pinto, Commissioner/Parks

PWC19-22 Docket 410000 LKB

ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department PARKS

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number PWC19-22

Contract Period JANUARY 01, 2022 TO DECEMBER 31, 2023

Consultant/Contractor LOCKWOOD, KESSLER & BARTLETT, INC.

Discipline STRUCTURAL ENGINEERING

Total Authorization $ 410,000.00

Resolution No. 747-2021 Date 12/7/2021

Funded To Date $ 0

Amount Requested $410,000.00

Account To Be Used PKS-H-7197-20000-000-2002-001 2002 PKSA-04

If Capital Account, State The Related Contract Number: N/A

Description Of Work

If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.

ON-CALL SERVICES RELATIVE TO STRUCTURAL ENGINEERING

BULKHEAD REPLACEMENT AT JOHN J. BURNS PARK

Work To Be Completed In Contract Period: Yes [X] No [ ]

A "No" response will require Town Board authorization to extend the contract period.

Required Insurances Are In Effect: Yes [X] No [ ]

A "No" response will prevent further processing of this form.

Required 50% Performance Bond For This Request In Effect: Yes [ ] No [ ] N/A [X]

Amount of Bond $ n/a

Requesting Division/Department	**DPW Approval**
	Only To Be Executed By The Commissioner
Signature [signature]	Signature [signature]
Title Commissioner of Parks	Title **Commissioner of Public Works**
Date 3/15/22	Date 3/17/22

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 410,000.00

Unencumbered Balance 1,000,000.00

Is The Account To Be Used Consistant With The Nature Of Work Listed Above? Yes [X] No [ ]

Signature [signature] Date 3/18/22

TOWN OF OYSTER BAY

WORK ORDER

This Section To Be Completed By The Department Of Public Works

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2022

Contract No. PWC19-22 Contract End 12/31/2023

Commencement Date _____

No claim shall be paid for work performed prior to the Commencement Date

Vendor Name and Address

LOCKWOOD, KESSLER & BARTLETT, INC.

ONE AERIAL WAY

SYOSSET, NEW YORK 11791

Requesting Town Department PARKS

Contact _____ Phone _____

Description of Work to be Performed (Attach Detail If Necessary)

ENGINEERING DESIGN SERVICES

BULKHEAD REPLACEMENT AT JOHN J. BURNS PARK

This work order shall not exceed $ $410,000.00

Please notify the above mentioned contact person 48 hours prior to commencing any work.

Requesting Division/Department

Signature _____

Title COMMISSIONER/PARKS

Date 3/15/22

Department Of Public Works Approval

Only To Be Executed By The Commissioner

Signature _____

Commissioner of Public Works

Date 3/17/22

LKB CONSULTING ENGINEERS

Lockwood, Kessler & Bartlett, Inc.
One Aerial Way · Syosset, NY 11791
516.938.0600 www.lkbinc.com

February 17, 2022

Richard W. Lenz, P.E., Commissioner
Town of Oyster Bay Dept. of Public Works
150 Miller Place
Syosset, NY 11791
Attn: John Tassone, P.E.

Re: John J. Burns Park Contract Documents and Construction Management
Structural Engineering On-Call PWC19-2022

Dear Mr. Tassone

As a continuation of our on-going design of the John J. Burns Bulkhead we are pleased to provide our proposal to complete the Contract Documents and provide Construction Management during construction of the 2200 foot long bulkhead located along the west and south sides of John J. Burns Park. The proposed funding will be through Structural Engineering On-Call PWC19-2022 and work will include Preliminary and Final Plans and Specifications, Engineers Estimate, Bid Assistance, Construction Support, and Construction Administration.

Scope of Work

Field Visits / Meetings – LKB engineers will visit the site as needed during the design phase to obtain additional field measurements and other information as required for design to supplement the topographic survey and initial field inspection already performed. LKB will also meet with the Town as needed to discuss plan submissions.

Environmental Permitting - LKB has already assisted the Town in submitting a Joint Application Environmental Permit to NYSDEC, US Army Corps of Engineers, and NYS Department of State. The NYSDEC has already issued the required permits for the work. LKB will follow up with the US Army Corps of Engineers, and NYS Department of State Coastal Zone Consistency to obtain their approvals of the work and will provide additional data to them if required. In addition LKB will prepare a SPEDES plan for the NYSDEC prior to construction.

Preliminary Plans – LKB will complete and submit Preliminary Plans to the Town for review. The plans will include: plan and elevation of the sheeting, soil erosion control plans and details, removal plans and details, bulkhead details, tie-back details, drainage details, and boat ramp repair plans. A

preliminary cost estimate will also be prepared. The plans and estimates will be submitted to the Town for review.

Final Plans, Specifications and Estimates – LKB will prepare Final Plans, Specifications and Estimates for use in Bidding. The plans will be advanced to a Pre-Final stage and submitted for review and finalized after receipt of the Towns review comments. The specifications will consist of Nassau County Specifications along with required Special Specifications. LKB will utilize the Towns boiler plate to assemble a Bid Book which will be submitted along with the Final Plans. The Engineers Cost Estimate will be update and submitted with each plan submission.

It is anticipated that the plans will consist of approximately 60 drawings and will include the following: Notes, Overall Plan Views, MPT Plans, Staging Plans, Survey Layout, Removal Plans and Details, Soil Erosion Control Plans and Details, Bulkhead Plans and Elevations, Bulkhead Details, Tie-Back Details, Civil Design Details, Drainage Details, Boat Ramp Plan and Details, Lighting and Electrical Plans and Details, Landscape Plans and Details, and Fencing Details.

Bid Assistance – LKB will attend a pre-bid meeting and, if requested, will provide answers to bidders in a written format to the Town. LKB will attend the bid opening and will assist the Town in reviewing the qualifications of the apparent low bidder, check references, and determine if the bid is within acceptable range of the engineers' estimated construction cost.

Construction Support – LKB will provide Engineering support throughout the construction phase by attending Kick-Off and Progress meetings, making site visits, reviewing shop drawings and material certifications, will provide interpretation of the plans, will respond to RFI's, keep logs of all submittals, and will prepare As-Built Drawings.

Construction Administration – LKB will provide a full time on-site Resident Engineer to review the progress and quality of the work and to monitor that the contractor is adhering to the contractual, Town, County, State and Federal requirements for health and human safety, including site safety and maintenance and protection of traffic. LKB's Resident Engineer will be assisted during busy periods by an additional LKB inspector. Work by the inspection team will include; inspecting the contractor's work to assure that it is performed in accordance with the contract documents, measuring quantities of the completed work and reviewing the contractor's applications for payment, Maintaining standard field records, attending regular job meetings, ensuring compliance with Contract Closeout Procedures, and maintaining at the site a complete project file of all contract documents and correspondence.

We propose to perform the work for a fee of $980,000.

A breakdown of the fees are as follows:

Engineering Design	$410,000
Construction Support	$90,000
Construction Administration	$480,000

It is our pleasure to offer these services to the Town of Oyster Bay. Should you have any questions or comments on this request, please contact me.

Very truly yours,
LOCKWOOD KESSLER AND BARTLETT, INC.

Brian Ednie, PE
Vice President

Lockwood, Kessler & Bartlett, Inc.
One Aerial Way, Syosset, NY 11791
Phone: 516.938.0600 Fax: 516.931.6344

Meeting of December 7, 2021 Resolution No. 747-2021

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated November 22, 2021, advised that a Request for Proposals for On-Call Engineering Services relative to Structural Engineering, was issued in accordance with the specifications contained in Contract No. PWC19-22 for a two (2) year contract term commencing January 1, 2022 through December 31, 2023; and

WHEREAS, in response to that Request for Proposals, twelve (12) responses were received by the Division of Engineering, and

WHEREAS, Commissioner Lenz, by said memorandum, stated that after review of the Division of Engineering's preliminary recommendations, performed in compliance with the requirements of the Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy, and in conjunction with the current workload, the Department has selected LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., D & B Engineers and Architects, DPC, Cameron Engineering & Associates, LLP, H2M Engineers & Architects, and Hirani Engineering & Land Surveying, P.C.; and

WHEREAS, Commissioner Lenz, by Highway memorandum requested Town Board authorization for the Department of Public Works/Highway to enter into Contract No. PWC19-22, On-Call Engineering Services Relative to Structural Engineering with LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., D & B Engineers and Architects, DPC, Cameron Engineering & Associates, LLP, H2M Engineers & Architects, and Hirani Engineering & Land Surveying, P.C., or a two (2) year term, commencing on January 1, 2022 through December 31, 2023, and

WHEREAS, the Inspector General has reviewed the Request for Proposals on the proposed vendors' disclosures, and is satisfied that the Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Public Works/Highway is hereby authorized to enter into Contract No. PWC19-22, On-Call Engineering Services Relative to Structural Engineering with LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., D & B Engineers and Architects, DPC, Cameron Engineering & Associates, LLP, H2M Engineers & Architects, and Hirani Engineering & Land Surveying, P.C. for a two (2) year term, commencing on January 1, 2022 through December 31, 2023.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 739-2021, adopted on December 7, 2021, the Town Board authorized and directed LiRo Engineers, Inc. to provide On-Call Engineering Services relative to Civil Engineering in connection with Contract No. PWC07-22, for a two-year term, from January 1, 2022 through December 31, 2023; and

WHEREAS, Peter Koklanos, P.E., SE, LEED, AL BD+C, Senior Vice President, LiRo Engineers, Inc., by letter dated March 7, 2022, set forth the scope of work to be performed under Contract No. PWC07-22, in an amount not to exceed $62,869.00, in connection with On-Call Engineering Services relative to bid and construction inspection, regarding the replacement of the synthetic turf field at Field of Dreams Park, Massapequa; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated March 17, 2022, requested Town Board authorization for LiRo Engineers, Inc. to provide On-Call Engineering Services relative to bid and construction inspection, regarding the replacement of the synthetic turf field at Field of Dreams Park, Massapequa under Contract No. PWC07-22, and further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed $62,869.00 for this purpose, and advised that funds in the amount of $62,869.00, to satisfy said engineering costs, are available in Account No. PKS H 7197 20000 000 2002 001; and

WHEREAS, Commissioner Lenz, by said memorandum, further advised that the Office of the Inspector General has reviewed the Contract, and the proposed vendor's disclosure questionnaire and is satisfied that the Town's Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are approved, and LiRo Engineers, Inc. is hereby authorized to provide the aforementioned services in connection with Contract No. PWC07-22, relative to the replacement of the synthetic turf field at Field of Dreams Park, Massapequa, and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $62,869.00, with funds to be drawn from Account No. PKS H 7197 20000 000 2002 001.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 17, 2022

TO : MEMORANDUM DOCKET

FROM : RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT : ON-CALL CONSULTANT SERVICE REQUEST
CONTRACT NO. PWC07-22
CIVIL ENGINEERING
ACCOUNT NO.: PKS H 7197 20000 000 2002 001
PROJECT ID NO. 2002PKSA-03

The consultant, LiRo Engineers Inc., has been approved by the Commissioner of Public Works to provide technical services under On-Call Contract No. PWC07-22 by Resolution No. 739-2021 for the subject project. Funds have been made available by the Director of Finance.

Attached is a letter dated March 7, 2022 from LiRo Engineers, Inc., regarding the scope of work to be performed in an amount not to exceed $62,869.00. Services to be provided include bid and construction inspection regarding the replacement of the synthetic turf field at Field of Dreams Park in Massapequa.

Attached is an availability of funds in the amount of $62,869.00 to satisfy said engineering costs from the Office of the Director of Finance indicating that funds are available in Account No. PKS H 7197 20000 000 2002 001.

The Office of the Inspector General has reviewed the contract and the proposed vendors' disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

It is hereby requested that the Town Board authorize, by Resolution LiRo Engineers, Inc. under Contract No. PWC07-22, On-Call Technical Assistance Relative to Civil Engineering and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JG/MR/BK/nm

Attachment

cc: Steven Ballas, Comptroller
Joseph G. Pinto, Commissioner/Parks

PWC07-22 Docket Funding 62869 LiRo FOD

ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department: Parks

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number: PWC07-22

Contract Period: January 1, 2022 through December 31, 2023

Consultant/Contractor: LiRo Engineers, Inc.

Discipline: Civil Engineering

Total Authorization: $513,344.00

Resolution No.: 739-2021 Date: 12/7/2021

Funded To Date: $450,475.00

Amount Requested: $62,869.00

Account To Be Used: PKS-H-7197-20000-000-2002-001 2002PKSA-03

If Capital Account, State The Related Contract Number:

Description Of Work

If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.

Funds are required for bid and construction inspection services regarding the replacement of the two western synthetic turf fields at Field of Dreams Park.

Work To Be Completed In Contract Period: Yes [x] No [ ]

A "No" response will require Town Board authorization to extend the contract period.

Required Insurances Are In Effect: Yes [x] No [ ]

A "No" response will prevent further processing of this form.

Required 50% Performance Bond For This Request In Effect: Yes [ ] No [ ] N/A [x]

Amount of Bond $

Requesting Division/Department	DPW Approval
	Only To Be Executed By The Commissioner
Signature:	Signature:
Title: Deputy Commissioner of Parks	Title: Commissioner of Public Works
Date: 3/15/22	Date: 3/17/22

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested: 62,869.00

Unencumbered Balance: 1,714,003.99

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? Yes [x] No [ ]

Signature: Date: 3/17/22

TOWN OF OYSTER BAY

WORK ORDER

This Section To Be Completed By The Department Of Public Works

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2022

Contract No. PWC07-22 Contract End 12/31/2023

Commencement Date _____

No claim shall be paid for work performed prior to the Commencement Date

Vendor Name and Address

LiRo Engineers, Inc.

3 Aerial Way

Syosset, NY 11791

Requesting Town Department Parks

Contact Brian Kunzig Phone 677-5741

Description of Work to be Performed (Attach Detail If Necessary)

Funds are required for bid and construction inspection services

regarding the replacement of the two western synthetic turf fields at Field of Dreams Park.

This work order shall not exceed $ 62,869.00

Please notify the above mentioned contact person 48 hours prior to commencing any work.

Requesting Division/Department

Signature _____

Title Dept Commissioner of Parks

Date 3/15/22

Department Of Public Works Approval

Only To Be Executed By The Commissioner

Signature _____

Commissioner of Public Works

Date 3/17/22

LiRo Engineers, Inc.
A LiRo Group Company
235 East Jericho Tpke, Mineola, NY 11501 Telephone 516.746.2350 Facsimile 516.747.1396 www.liro.com

March 7, 2022

Mr. Richard W. Lenz, P.E.
Commissioner
Town of Oyster Bay Department of Public Works
150 Miller Place
Syosset, NY 11791

Re: Contract No. PWC07-22, On-Call Engineering Services Relative to Civil Engineering
Field of Dreams Synthetic Turf
Field 1 (Practice Field) and Field 2 (Middle Field)
Bid and Construction Services Funding Proposal

Dear Commissioner Lenz,

LiRo Engineers, Inc. (LiRo) is pleased to submit to the Town of Oyster Bay Department of Public Works (TOBDPW) this funding proposal for bid and construction services related to Field of Dreams Synthetic Turf in Massapequa, NY for Field 1 (Practice Field) and Field 2 (Middle Field).

1) **Bid, Construction Administration and Observations**
   - Respond to questions and issue addenda during bidding period.
   - Attend pre-bid site walkthrough as needed.
   - Attend bid opening as needed.
   - Bid review and evaluation.
   - Recommendation of award to lowest, responsive, and responsible bidder.
   - Prepare 15 bid packages and 6 conformed contract documents (additional plans and specifications to be furnished as needed).
   - Prepare agenda and lead pre-construction meeting.
   - Issue meeting minutes for the pre-construction meeting.
   - RFI and submittal review.
   - Review Contractor's payment requisitions.
   - Site visits and observations during construction (5 week estimated duration).
   - Develop punch list and closeout documentation.

Proposed Fees for Services

1) Bid, Construction Administration and Observations $ 62,869.00 (Hourly/NTE)

We are requesting authorization **in the amount of $62,869.00** on an hourly/not to exceed (NTE) basis for performance of the services outlined above.

Please review and feel free to contact me at koklanosp@liro.com or (516) 636-3725 with any questions or comments. We look forward to supporting the Town and appreciate your consideration of LiRo for this opportunity.

Very truly yours,

Peter Koklanos, PE, SE, LEED AP BD+C
Senior Vice President

cc: John Tassone
Brian Kunzig
Michael Smith, PE, LiRo
Jason Tse, PE, LiRo
Carlos Romero, EIT, LiRo

Meeting of December 7, 2021 Resolution No. 739-2021

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated November 22, 2021, advised that a Request for Proposals for On-Call Engineering Services Relative to Civil Engineering was issued in accordance with the specifications contained in Contract No. PWC07-22, for a two (2) year contract term, commencing January 1, 2022 through December 31, 2023; and

WHEREAS, in response to the aforementioned Request for Proposals, eighteen (18) responses were received by the Division of Engineering; and

WHEREAS, Commissioner Lenz, by said memorandum, stated that after review of the Division of Engineering's preliminary recommendations performed in compliance with the requirements of Guideline 6 and 9 of the Town of Oyster Bay Procurement Policy and in conjunction with the current workload, the Department has selected N & P Engineering, Architecture & Land Surveying, PLLC, LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., D & B Engineers and Architects, DPC, Nassau Suffolk Engineering & Architecture, PLLC, Hirani Engineering & Land Surveying, P.C., AECOM USA, Inc., de Bruin Engineering, P.C. and H2M Engineers & Architects; and

WHEREAS, Commissioner Lenz, by said memorandum, requested Town Board authorization for the Department of Public Works to enter into Contract No. PWC07-22, On-Call Engineering Services Relative to Civil Engineering, with N & P Engineering, Architecture & Land Surveying, PLLC, LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., D & B Engineers and Architects, DPC, Nassau Suffolk Engineering & Architecture, PLLC, Hirani Engineering & Land Surveying, P.C., AECOM USA, Inc., de Bruin Engineering, P.C. and H2M Engineers & Architects, for a two (2) year term, commencing on January 1, 2022 through December 31, 2023; and

WHEREAS, the Office of the Inspector General has reviewed the Request for Proposals and the proposed vendors' disclosure questionnaires and is satisfied that the Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved and the Department of Public Works is hereby authorized to enter into Contract No. PWC07-22, On-Call Engineering Services Relative to Civil Engineering, with N & P Engineering, Architecture & Land Surveying, PLLC, LiRo Engineers, Inc., Lockwood, Kessler & Bartlett, Inc., D & B Engineers and Architects, DPC, Nassau Suffolk Engineering & Architecture, PLLC, Hirani Engineering & Land Surveying, P.C., AECOM USA, Inc., de Bruin Engineering, P.C. and H2M Engineers & Architects, for a two (2) year term, commencing on January 1, 2022 through December 31, 2023.

#

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 273-2022

WHEREAS, Spencer Casseus, Administrative Officer, Black Legacy Partners, LLC, 2920 Avenue R, #258, Brooklyn, New York 11229, by letter dated February 16, 2022, requested the use of Municipal Parking Fields H-16 and H-17, Hicksville, the posting of temporary "No Parking" signs upon said fields, twenty (20) traffic cones and twenty-five (25) complete traffic barricades, for the Organization's 2nd Annual Juneteenth Festival, to be held from 12:00 p.m. to 5:00 p.m., on Sunday, June 19, 2022; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated March 14, 2022, advised that the abovementioned property and equipment will not be required for use at that time, and that the Department has no objection to providing Black Legacy Partners, LLC, with the use of Municipal Parking Fields H-16 and H-17, Hicksville, the posting of temporary "No Parking" signs upon said fields, twenty (20) traffic cones and twenty-five (25) complete traffic barricades, for the Organization's 2nd Annual Juneteenth Festival, to be held from 12:00 p.m. to 5:00 p.m., on Sunday, June 19, 2022; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted and approved, and the Highway Department is hereby authorized to provide Black Legacy Partners, LLC, with the use of Municipal Parking Fields H-16 and H-17, Hicksville, the posting of temporary "No Parking" signs upon said fields, twenty (20) traffic cones and twenty-five (25) complete traffic barricades, for the Organization's 2nd Annual Juneteenth Festival, to be held from 12:00 p.m. to 5:00 p.m., on Sunday, June 19, 2022, subject to the following terms and conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Highway Department, or his duly designated representative;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of Town property and equipment, and in the conduct of the aforesaid activity; and

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance in the amount of $2,000,000 bodily injury and $1,000,000 property damage, and naming the Town of Oyster Bay as an additional insured, in connection with the afore-described activity.

4. The said organization shall follow all New York State Guidelines with respect to social distancing, and the afore-described activity may be cancelled by the Town of Oyster Bay at any time, to prevent harm to the population from the COVID-19 Virus, or any other threat to public health and/or safety.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY
Inter-Departmental Memo

March 14, 2022

TO: MEMORANDUM DOCKET

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: BLACK LEGACY PARTNERS, LLC
2ND ANNUAL JUNETEENTH FESTIVAL
TO BE HELD ON JUNE 19TH 2022

Enclosed please find a copy of the letter from Spencer Casseus, Administrative Officer, requesting our assistance on behalf of Black Legacy Partners, LLC, in conducting their 2nd Annual Juneteenth Festival on June 19th 2022.

The Highway Department has no objection to the Organization utilizing Municipal Parking Fields H-16 and H-17 on Sunday, June 19th 2022 from 9:30 am until 7:00 pm for the fair. The Black Legacy Partners, LLC would appreciate the posting of temporary "No Parking" signs in these lots for the above mentioned date as well. In addition, the Highway Department can readily supply twenty five (25) complete barricades and twenty (20) cones for this event.

Further, the Parks Department and Sanitation Department will be providing various equipment for this event as well.

Black Legacy Partners, LLC is aware that they must follow New York State Guidelines for social distancing and are also aware that the event can be cancelled at any time due to Covid-19.

Also attached are a Certificate of Insurance, Endorsement Sheet, Hold Harmless Agreement and Covid-19 Addendum Agreement to cover the event. Therefore, Town Board approval is requested.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kaz

C: Richard Lenz, P.E., Commissioner DPW/HWY
Peter Brown, General Foreman 002
Steve Kelly, Sign Bureau Supervisor
Justin McCaffrey, Commissioner, Dept. of Public Safety
Grace SantaMaria, Highway Administration
Cathy McWilliams, Department of Parks
Cathy Walsh, Department of Sanitation

BLACK LEGACY PARTNERS, LLC

Feb. 16th, 2022

Kimberly-Zervos-O'Malley
Town of Oyster Bay
Email: kzervos@oysterbay-ny.gov

Hello Kimberly,

I am writing on behalf of Black Legacy Partners, LLC. Black Legacy Partners is a Black-owned and operated venture on Long Island dedicated to curating inspiring entertainment experiences for communities of color while creating a platform that puts the talents of Black entrepreneurs, small business owners, artists, and creators on full display.

We are also the official producers of the Annual Juneteenth Festival on Long Island, one of the largest cultural festivals celebrating the freedom, accomplishments and contributions of African-Americans. Our 2nd annual Juneteenth Festival will take place in Hicksville on Sunday, June 19th, 2022, 12PM - 5PM. Set up will be at 9:30AM, and breakdown will take approximately 2 hours beginning at 5PM.

Since declaring Juneteenth as an official federal holiday by President Biden last year, our 2021 inaugural Juneteenth festival celebration was a huge success in Cow Meadow Park in Freeport with over 250+ guests, vendors, and performers throughout Long Island celebrating the historic recognition of Juneteenth as a federal holiday. Last year's festival had an amazing turnout due to the support of the County Executive, the Town of Hempstead, and the community a large: https://issuu.com/richnercomm/docs/hfre_06-10-2021/1?ff

We are kindly requesting the use of the Hicksville LIRR parking lot for this year's monumental Juneteenth occasion, and want to ensure this is on your events calendar. The parking lots we are requesting are lots H16 & H17. Both will be used for the festival and guest parking, respectively. We anticipate close to 500+ guests at this year's festivities traveling from the five boroughs. We are requesting barricades and 20 cones to create entrances and exits, for safety purposes, where applicable. Our set up arrival and set up time will be 9:30AM, and we will begin breakdown at 5PM. We have also put in a request for the show mobile and completing the necessary documents to include in our insurance. We are also requesting the roll-off container (dumpster) to be dropped off on Friday and taken away on Monday, June 20th, 2022.

We hope that you would consider our requests to be a special Juneteenth supporter. If you need any further information regarding the festival, please feel free to reach out to me directly at 347 682 9325 or via email.

Thank you, Kimberly, I look forward to hearing from you soon.

Sincerely,
Spencer Casseus
Administrative Officer
Black Legacy Partners LLC
347-682-9325
hello@blacklegacypartnersllc.com

Executive Committee

Kestie Bess
Founder and President

Denise 'Kenike" Gibbs
Director of Finance

Shiela George
Director of Operations

Keiva Miller
Assistant Director of Operations

Angela Stanley
Director of Marketing

Patrice Pamphile
Art Director

Jacqueline Foy
Logistics Manager

Rhonda Brown-Moore
Accounting Manager

Spencer Casseus
Administrative Officer

Black Legacy Partners LLC
2920 Avenue R, #258
Brooklyn, NY 11229
hello@blacklegacypartnersllc.com
www.blacklegacypartnersllc.com

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Facebook:
@Blacklegacypartners

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@blacklegacypartners

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 02/24/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
R.V. Nuccio & Associates Insurance Brokers, Inc.
10148 Riverside Drive
Toluca Lake, CA 91602

CONTACT NAME: Robert V. Nuccio
PHONE (A/C, No, Ext): (800) 364-2433 **FAX (A/C, No):** (818) 980-1595
E-MAIL ADDRESS: support@rvnuccio.com

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: The American Insurance Company	21857
INSURER B:	
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
Black Legacy Partners LLC
2920 Avenue R
Brooklyn , NY 11229

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	✓ COMMERCIAL GENERAL LIABILITY	✓		XXC80514929	6/19/2022	06/20/2022	EACH OCCURRENCE	$ 1,000,000
	☐ CLAIMS-MADE ☑ OCCUR			NAEP098901			DAMAGE TO RENTED PREMISES	$ 50,000
	✓ Host Liquor Liability						MEDICAL EXPENSE	$ 0
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	✓ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMP/OP AGG	$ 1,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT	$
	☐ ANY AUTO						BODILY INJURY (Per person)	$
	☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	☐ UMBRELLA LIAB ☐ OCCUR						EACH OCCURRENCE	$
	☐ EXCESS LIAB ☐ CLAIMS-MADE						AGGREGATE	$
	☐ DED ☐ RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY Y/N						☐ PER STATUTE ☐ OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? ☐ (Mandatory in NH)	N/A					E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Additional Insured: Town of Oyster Bay - Highway Department

CERTIFICATE HOLDER
Town of Oyster Bay - Highway Department
150 Miller PLace
Syosset , NY 11791

Reviewed By
Office of Town Attorney

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
Robert V. Nuccio

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Certificate Number: NAEP098901 Policy Number: XXC80514929
Effective Dates: 6/19/2022 12:01am to 06/20/2022 12:01am

Additional Insured - Person, Organization or other Entity - 600002STEP 09 12

Policy Amendment(s) Commercial General Liability

This endorsement modifies insurance provided under the following:

Commercial General Liability Coverage Part

Schedule

Name of Additional Insured Person(s) or Organization(s) or other Entity(ies)
Hicksville Long Island Railroad Parking Lot

Information required to complete this Schedule, if not shown above, will be shown in the Declarations

Section II - Who Is An Insured is amended to include as an insured the person, organization or other entity shown in the Schedule above but only to the extent that bodily injury, property damage or personal and advertising injury is caused by the sole negligence of the Memorandum of Insurance holder.

Any Additional Insured Person(s) or Organization(s) or other Entity(ies) covered under this policy is subject to the policy forms, terms, conditions, exclusions, limitations and provisions.

This Endorsement is otherwise subject to all the terms, conditions, exclusions, limitations, and provisions of the policy to which it is attached.

This Form must be attached to Change Endorsement when issued after the policy is written
One of the Fireman's Fund Insurance Companies as named in the policy

Secretary

President

600002STEP0-12
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Reviewed By
Office of Town Attorney

Certificate Number: NAEP098901 Policy Number: XXC80514929

Effective Dates: 6/19/2022 12:01am to 06/20/2022 12:01am

Additional Insured - Person, Organization or other Entity - 600002STEP 09 12

Policy Amendment(s) Commercial General Liability

This endorsement modifies insurance provided under the following:

Commercial General Liability Coverage Part

Schedule

Name of Additional Insured Person(s) or Organization(s) or other Entity(ies)
TD Bank, N.A.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

Section II - Who Is An Insured is amended to include as an insured the person, organization or other entity shown in the Schedule above but only to the extent that bodily injury, property damage or personal and advertising injury is caused by the sole negligence of the Memorandum of Insurance holder.

Any Additional Insured Person(s) or Organization(s) or other Entity(ies) covered under this policy is subject to the policy forms, terms, conditions, exclusions, limitations and provisions.

This Endorsement is otherwise subject to all the terms, conditions, exclusions, limitations, and provisions of the policy to which it is attached.

This Form must be attached to Change Endorsement when issued after the policy is written
One of the Fireman's Fund Insurance Companies as named in the policy

Secretary

President

600002STEP9-12
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Reviewed By
Office of Town Attorney

Certificate Number: NAEP098901 Policy Number: XXC80514929

Effective Dates: 6/19/2022 12:01am to 06/20/2022 12:01am

Additional Insured - Person, Organization or other Entity - 600002STEP 09 12

Policy Amendment(s) Commercial General Liability

This endorsement modifies insurance provided under the following:

Commercial General Liability Coverage Part

Schedule

Name of Additional Insured Person(s) or Organization(s) or other Entity(ies)

Town of Oyster Bay - Highway Department

Information required to complete this Schedule, if not shown above, will be shown in the Declarations

Section II - Who Is An Insured is amended to include as an insured the person, organization or other entity shown in the Schedule above but only to the extent that bodily injury, property damage or personal and advertising injury is caused by the sole negligence of the Memorandum of Insurance holder.

Any Additional Insured Person(s) or Organization(s) or other Entity(ies) covered under this policy is subject to the policy forms, terms, conditions, exclusions, limitations and provisions.

This Endorsement is otherwise subject to all the terms, conditions, exclusions, limitations, and provisions of the policy to which it is attached.

This Form must be attached to Change Endorsement when issued after the policy is written

One of the Fireman's Fund Insurance Companies as named in the policy

Secretary

President

600002STEP9-12

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Reviewed By
Office of Town Attorney

RVNA
R.V. NUCCIO & ASSOCIATES, INC.

ALLIANCE OF EVENT PLANNERS & VENDORS, INC.

Commercial General Liability Insurance Master Policy
GENERAL CHANGE ENDORSEMENT

Master Policy Number: XXC80514929
Endorsement Date:

Memorandum Number: NAEP098901
Endorsement Sequential Number: 1

Issuing Company:
The American Insurance Company
1465 N. McDowell Blvd, Petaluma, CA 94954
Nationwide Claims: 1-888-347-3428

National Program Administrator:
R.V. Nuccio & Associates Insurance Brokers, Inc.
10148 Riverside Drive, Toluca Lake, CA 91602
Nationwide: 1-800-384-2493

01. MEMORANDUM HOLDER NAME AND ADDRESS (Memorandum holder means Named Insured)
A. Memorandum Holder: Black Legacy Partners LLC
B. Street Address: 2920 Avenue R
C. City: Brooklyn D. State: NY E. Zip Code: 11229

02. COVERAGE PERIOD
Inception Date: 6/19/2022 12:01 AM to Expiration Date 06/20/2022 12:01 AM Standard Time at Named Insured's address stated above

03. EVENT TYPE AND LOCATION
Event Type: Festival No Camping
Event Facility Name: Hicksville Long Island Railroad Parking Lot
Event Facility Address: 99 Railroad Station Plz Ste. 100

04. TYPE OF ENDORSEMENT
☐ Addition ☐ Deletion ☑ Change

05. **TOTAL AMOUNT DUE OR PAYABLE**
$ $0.00 ☐ Additional Amount Due ☐ Return Amount Due

New/Changed Coverages and Premiums

Total Premium	$0.00

Reviewed By
Office of Town Attorney

Detailed Policy changes are listed on the following page.

Date Issued: 02/24/2022

By _____
Authorized Representative

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RVNA
R.V. NUCCIO & ASSOCIATES, INC.

GENERAL CHANGE ENDORSEMENT

Continued from Previous Page

Changes to Policy (Endorsements)

Street	2920 Avenue R
Number of Certificate Holders/Additional Insureds	3
Additional Insured Name	TD Bank, N.A.
Additional Insured Street	12000 Horizon Way
Additional Insured City	Mount Laurel
Additional Insured State	NJ
Additional Insured Zip	08054
Additional Insured Email	
Additional Insured Phone	
Additional Insured Wording	
Admin Options:100%	
Applicable AI Form	
Additional Insured Endorsement Wording	
Additional Insured Name	Town of Oyster Bay - Highway Department
Additional Insured Street	150 Miller PLace
Additional Insured City	Syosset
Additional Insured State	NY
Additional Insured Zip	11791
Additional Insured Email	
Additional Insured Phone	
Additional Insured Wording	
Admin Options:100%	
Applicable AI Form	
Additional Insured Endorsement Wording	

Reviewed By
Office of Town Attorney

RVNA
R.V. NUCCIO & ASSOCIATES, INC

SPECIAL EVENT INSURANCE

SPECIAL EVENT INSURANCE QUOTE

Date: 02/24/2022 **Client ID #:** 1783508

Applicant & Event Information
Applicant Name: Black Legacy Partners LLC

Event Type: Festival No Camping Proposed Coverage Date: 6/19/2022

Selected Coverage	Limit	Cost
1. COMMERCIAL GENERAL LIABILITY *(Host Liquor Liability Included)*	$1,000,000/$2,000,000	$0.00
Underwritten by The American Insurance Company, a company of Allianz®		
a. Care/Custody/Control Liability	Not Covered	$0.00
b. Damage to Premises Limit	$50,000	$0.00
c. Medical Payments	Not Covered	$0.00
d. Collapse of Temporary Structure	Not Covered	$0.00
e. Contractual Liability	Not Covered	$0.00
f. Hired and Non-Owned Auto Liability	Not Covered	$0.00
g. Liquor Liability	Not Covered	$0.00
h. Waiver of Subrogation	Not Covered	$0.00
i. Terrorism	Covered	$0.00
State Surcharge/State Guarantee Fund		$0.00
CGL RVNA, Inc. Unlimited Additional Insured(s) Charge		$0.00
CGL RVNA, Inc. Primary Endorsement Charge		$0.00
CGL RVNA, Inc. Corporate Charge		$0.00
AEPV, Inc. Purchasing Group Membership Charge		$0.00
Subtotal Commercial General Liability (CGL)		$0.00
2. ACCIDENT MEDICAL EXPENSE	Not Covered	$0.00
Accident Medical underwritten by Nationwide Life Insurance Company		
State Guarantee Fund		$0.00
AD&D/AME RVNA, Inc. Corporate Charge		$0.00
AD&D/AME NASEP, Inc. Assocation Membership Fee		$0.00
Subtotal Accident Medical Expense (AD&D/AME)		$0.00
3. EVENT CANCELLATION	Not Covered	$0.00
Event Cancellation underwritten by HCC Insurance Company		
Surplus Lines Tax/Stamping Fee		$0.00
EC RVNA, Inc. Corporate Charge		$0.00
EC NASEP, Inc. Assocation Membership Fee		$0.00
Subtotal Event Cancellation (EC)		$0.00
TOTAL		**$0.00**

How Do I Buy & Print this Policy Online in 3 Minutes?
Just visit specialeventinsurance.com, and sign in to complete your application and print documents instantly.

PLEASE REVIEW THE SECOND PAGE FOR SPECIAL NOTES AND NOTABLE EXCLUSIONS

R.V. Nuccio & Associates Insurance Brokers, Inc. 10148 Riverside Drive Toluca Lake, CA 91602
Tel. (818) 980-1413 Email support@rvnuccio.com rvnuccio.com
Licensed in all 50 states

Reviewed By
Office of Town Attorney

Harmless Agreement for Use of Town Property and/or Equipment

This Agreement is made this 18 day of Feb, 2022, by Black Legacy Partners, LLC (hereinafter "CONCESSIONAIRE"). Whereas, the CONCESSIONAIRE has entered into a contract to provide certain services and products at various Town locations, as designated in the contract between the TOWN and the CONCESSIONAIRE for the contract period June 19 2022 through June 19 2022

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for the loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate, $500,000 for property damage and, where appropriate, $1,000,000 products, naming the Town as additional insured. All certificates of insurance must be accompanied by an endorsement.

I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.

Name of Organization:
Black Legacy Partners, LLC

Address of Organization:
2920 Avenue R
Brooklyn, NY 11229

By: Shuda George
Authorized Representative

Title: Director of Operations

Telephone Number: 914 282 7806

Reviewed By
Office of Town Attorney

TOWN OF OYSTER BAY
ADDENDUM TO PERMIT APPLICATION

Applicant Name: Shiela George Black Legacy Partners

Event Description: Juneteenth Food truck festival

Event Date: June 19, 2022

The permit holder agrees that while conducting the activity allowed under this permit, it shall follow all applicable New York State Guidelines and Executive Orders with respect to COVID-19 and shall ensure that all participants follow such Guidelines and Orders. By accepting this permit, the permit holder agrees that it is the sole "Responsible Party," as such term is defined by the New York State Guidelines. The permit holder further recognizes and understands that the activity is subject to cancellation at any time to prevent harm to the population from COVID-19, or any other threat to public health and/or safety.

For your convenience, New York State Guidelines are available at https://forward.ny.gov/.

Shiela George
Applicant Signature

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On the 8 day of February, 2022 before me, the undersigned, personally appeared Shiela Lindsay George personally know to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument

Notary Public

CLAIRE BUNCH
Notary Public, State of New York
Qualified in Nassau County
No. 01BU6092940
My Commission Expires 05/27/2023

Reviewed By
Office of Town Attorney

Last Revised: May 5, 2021

DATE: 3/14/2022

TO: **HIGHWAY OPERATIONS**

SUBJECT: Black Legacy Partners, LLC 2nd Annual Juneteenth Festival

PLEASE DELIVER TO:
Lot H-16 or H-17

Hicksville

CONTACT: Spencer Casseus
347-682-9325

DATE OF EVENT:	6/19/22
SNOW FENCE:	
BARRICADES:	**25**
CONES:	**20**
SORT PAILS:	
PORTABLE LIGHTS:	
GENERATOR:	
PACKER:	
DELIVER ON:	**6/17/22**
PICKUP ON:	**6/21/22**

SWEEPING BEFORE AFFAIR IS NEEDED: XX (**YES** / **NO**)

Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kaz

CC: Peter Brown, General Foreman 002
Dan Kornfeld
Greg Marchese, Area Foreman 012
Public Safety Division

Meeting of April 12, 2022 Resolution No. 274-2022

Reviewed By
Office of Town Attorney

WHEREAS, Anthony Ventiera, Event Chairman, The Chamber of Commerce of the Massapequas, Inc. ("the Chamber"), 675 Broadway, Massapequa, New York 11758-2372, by letter dated January 21, 2022, requested the closure of Broadway, Massapequa, between Clark Avenue and Veterans Boulevard, and Sunrise Highway (under the train trestle), the closure of all sidewalks on the east and west sides of Broadway up to Ohio Avenue and the closure of Municipal Parking Field M-6, Massapequa, from 6:00 a.m. to 8:00 p.m., the use of eighty-five (85) complete barricades, one hundred (100) temporary "No Parking" signs and one (1) street sweeper, for the Chamber of Commerce's Annual Community Street Festival, to be held on Sunday June 5, 2022, from 11:30 a.m. to 6:30 p.m., with a rain date of Sunday, June 12, 2022; and

WHEREAS, Mr. Ventiera, by said letter, further requested, that the Town Board waive the Town Ordinance pertaining to the consumption of alcoholic beverages in public, Chapter 82-3, of the Code of the Town of Oyster Bay, for the Chamber of Commerce's Annual Community Street Festival; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated March 14, 2022, advised that the abovementioned property and equipment will not be required for use at that time, and that the Department has no objection to the closure of Broadway, Massapequa, between Clark Avenue and Veterans Boulevard, and Sunrise Highway (under the train trestle), the closure of all sidewalks on the east and west sides of Broadway up to Ohio Avenue and the closure of Municipal Parking Field M-6, Massapequa, from 6:00 a.m. to 8:00 p.m., the use of eighty-five (85) complete barricades, one hundred (100) temporary "No Parking" signs and one (1) street sweeper, for the Chamber's Annual Community Street Festival, to be held on Sunday June 5, 2022, from 11:30 a.m. to 6:30 p.m., with a rain date of Sunday, June 12, 2022; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby accepted and approved, and the Department of Highways is hereby authorized to provide the Chamber of Commerce of the Massapequas, Inc., with the closure of Broadway, Massapequa, between Clark Avenue and Veterans Boulevard, and Sunrise Highway (under the train trestle), the closure of all sidewalks on the east and west sides of Broadway up to Ohio Avenue and the closure of Municipal Parking Field M-6, Massapequa, from 6:00 a.m. to 8:00 p.m., the use of eighty-five (85) complete barricades, one hundred (100) temporary "No Parking" signs and one (1) street sweeper, for the Chamber's Annual Community Street Festival, to be held on Sunday June 5, 2022, from 11:30 a.m. to 6:30 p.m., with a rain date of Sunday, June 12, 2022; and be it further

RESOLVED, That the requirements of Code of the Town of Oyster Bay, Chapter 82, "Alcoholic Beverages" are hereby waived for the duration of the Chamber of Commerce's Community Street Festival; and be it further

RESOLVED, That the foregoing is subject to the following terms and conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Highway Department, or his duly designated representative;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of Town property and equipment, and in the conduct of the aforesaid activity; and

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance in the amount of $2,000,000 bodily injury and $1,000,000 property damage, and naming the Town of Oyster Bay as an additional insured, in connection with the afore-described activity.

4. The said organization shall follow all New York State Guidelines with respect to social distancing, and the afore-described activity may be cancelled by the Town of Oyster Bay at any time, to prevent harm to the population from the COVID-19 Virus, or any other threat to public health and/or safety.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

Inter-Departmental Memo

March 14, 2022

TO: MEMORANDUM DOCKET

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: THE CHAMBER OF COMMERCE OF THE MASSAPEQUAS, INC.
ANNUAL COMMUNITY STREET FESTIVAL
TO BE HELD JUNE 5, 2022 (RAIN DATE: JUNE 12, 2022)

Enclosed please find letter from Anthony Ventiera, Event Chairman, requesting our assistance on behalf of the Chamber of Commerce of the Massapequas, Inc. in conducting their Annual Community Street Festival on Sunday, June 5th 2022 with a rain date of June 12th 2022.

The Highway Department has no objection to the Chamber of Commerce of the Massapequas, Inc. conducting their Annual Community Street Festival being held on Broadway between Clark Avenue, Veterans Boulevard, and Sunrise Highway (under the train trestle) in Massapequa.

For this event the Highway Department can readily supply Eighty Five (85) complete barricades, One Hundred (100) No Parking signs, and (1) street sweeper as requested.

The Parks Department will be providing various equipment for the event as well.

The organization is also requesting the waiver of the Town Ordinance pertaining to the consumption of alcoholic beverages in public (Chapter 82-3 of the Town of Oyster Bay Town Code) on Sunday, June 5th 2022 and also on the rain date of Sunday, June 12th 2022.

The Chamber of Commerce of the Massapequas, Inc. is aware that they must follow New York State Guidelines for social distancing and are also aware that the event can be cancelled at any time due to Covid-19.

Also attached are the Certificate of Insurance, Endorsement Sheet, Hold Harmless Agreement, and the Covid-19 Addendum Agreement to cover this event. Therefore, Town Board approval is requested.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kaz

C: Richard Lenz P.E. Commissioner of DPW
Peter Brown, General Foreman 002
Steve Kelly, Sign Bureau Supervisor
Cathy McWilliams, Department of Parks
Justin McCaffrey, Department of Public Safety.
Grace SantaMaria, Highway Administration

The Chamber of Commerce of the Massapequas, Inc.

675 Broadway, Massapequa, NY 11758-2318
Phone: (516) 541-1443 / E-mail: masscoc@aol.com / Website: www.massapequachamber.org

Officers 2021-2022

President
Keith Wilson
Better Homes&Gardens Realty

First Vice President
Robert Zabbia
AllState/Zabbia Agency

Second Vice President
Karen Gawrych
Mary Kay Representative

Third Vice President
Robin Hepworth
Robin Joy Photography

Treasurer
Gary Slavin *
MassMutual

Recording Secretary
Linda Rowse
First National Bank of LI

General Counsel
Michael Venditto, Esq

Board of Directors

Robert R. Barrett *
Nappa Realty

Phyllis Doria*
Avon-Ind. Sales Rep

Lucrezia Falacara
Apple Bank

Chris Merz
CenterPoint Church

Denis Monette*
Top Shelf Property

Patricia Orzano *
P.R.O. Consultants

Stephen Parmiter
Morgan Stanley

Salvatore Polito
Better Homes&Gardens Realty

Isabelle Rapacciuolo
The Tiny Artist Studio

Howard Ritzer
Long Island Media

Tim Ryan
Transfiguration Project

Janice Talento
Drug Free Long Island

Anthony C. Ventiera*
Tony V Productions

Honorary Members

Joseph Saladino
Supervisor, T.O.B.

Dr. Edward Salina
Superintendent of Schools
Plainedge

Chaplains
Fr Anthony Heinlein
Diocese of Rockville Centre

Pastor Chris Merz
CenterPoint Church

Office Staff
Shelley Siemsen
Office Manager

January 21, 2022

Town Supervisor Joseph Saladino
54 Audrey Ave.
Oyster Bay, NY 11771

RE: Massapequa Chamber of Commerce
Annual Massapequa Community Street Festival

Dear Supervisor Saladino,

On behalf of the Massapequa Chamber of Commerce, we are respectfully requesting permission to hold our Annual Massapequa Community Street Festival. We ask that you please approve the following date and location for our 2022 event:

Sunday, June 5, 2022 from 11:00 AM – 6:30 PM
Broadway in Massapequa from Veterans Blvd. to Clark Ave.
(Rain date: Sunday, June 12, 2022)

We respectfully ask that you please provide confirmation of this date, time, and location as soon as possible. With this letter, we accept that the Town of Oyster Bay reserves the right to cancel the reserved date in the event that COVID cases rise and the event cannot be held safely.

Our equipment requests and other necessities are listed on the next page.

Please feel free to call our office at (516) 541 – 1443, or you can call me directly at (516) 851 – 8531 with any questions. Your assistance and support are deeply appreciated. We thank you very much.

Sincerely,

Anthony Ventiera
Event Chairman, Massapequa Chamber of Commerce

cc: Mr. Ron Scaglia; Ms. Kimberly Zervos OMalley; Deputy Commissioner John Bishop, Commissioner Joseph Pinto; Ms. Lenore Booth; Ms. Kim Melworm; and Ms. Cathy McWilliams

The Chamber of Commerce of the Massapequas, Inc.

675 Broadway, Massapequa, NY 11758-2318
Phone: (516) 541-1443 / E-mail: masscoc@aol.com / Website: www.massapequachamber.org

2022 Massapequa Community Street Fair Requests

Street Closures:

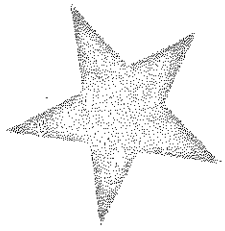
- Please close Broadway in Massapequa (between Clark Ave. and Veterans Blvd.) beginning at 6:00 a.m.
- Please close all sidewalks on the east and west sides of Broadway up to Ohio Avenue beginning at 6:00 a.m.

Waivers Needed:

- Please waive the **Open Container Law** (for both the anticipated date and the rain date.) We would appreciate if you would please ***include the written waiver at the same time as the Resolution / Confirmation Letter is issued.***

Town Equipment:

- 2 Large Showmobiles with PA System (*At Veterans Blvd., we request Showmobile #005 which has the trellis needed to display our sponsor banners.)
- 1 Roll-Off Container
- 175 Chairs
- 85 Barricades
- 1 Street Sweeper
- 8 Hand-Held Radios
- 100 "No Parking" Signs



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 01/25/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Hubbinette Cowell Associates Inc. 1003 Park Blvd, Ste 3 Massapequa Park, NY 11762	CONTACT NAME: Angela Melillo PHONE (A/C, No, Ext): (516)795-1330 FAX (A/C, No): (516)795-6101 E-MAIL ADDRESS: angela@hubbinette-cowell.com
INSURED CHAMBER OF COMMERCE OF THE MASSAPEQUAS, INC 675 BROADWAY MASSAPEQUA, NY 11758-2318	INSURER(S) AFFORDING COVERAGE — NAIC # INSURER A: SENTINEL INSURANCE CO. LTD — 15580 INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: 00000022-76996 REVISION NUMBER: 18

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE [X] OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY PRO-JECT LOC OTHER:	Y		12SBAUL1281	11/04/2021	11/04/2022	EACH OCCURRENCE DAMAGE TO RENTED PREMISES (Ea occurrence) MED EXP (Any one person) PERSONAL & ADV INJURY GENERAL AGGREGATE PRODUCTS - COMP/OP AGG	$ 1,000,000 $ 1,000,000 $ 10,000 $ 1,000,000 $ 2,000,000 $ 2,000,000
	AUTOMOBILE LIABILITY ANY AUTO OWNED AUTOS ONLY HIRED AUTOS ONLY SCHEDULED AUTOS NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)	$ $ $ $
	UMBRELLA LIAB EXCESS LIAB DED RETENTION $						EACH OCCURRENCE AGGREGATE	$ $
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	N/A					PER STATUTE OTH-ER E.L. EACH ACCIDENT E.L. DISEASE - EA EMPLOYEE E.L. DISEASE - POLICY LIMIT	$ $ $

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Proof of Insurance for use of town equip (2 large Showmobiles w/ PA System;1 Roll-Off Container;175 Chairs;85 Barricades;1 Street Sweeper;8 Handheld Radios;100(No Parking Signs) for annual Massapequa Community Street Festival.Street closures beginning at 6:00 AM(Broadway in Massapequa between Veterans Blvd and Clark Ave;all sidewalks on the east and west sides of Broadway up to Ohio Ave) Additional request, the waiving of the open container law. Event held on Sunday June 5, 2022 on lower Broadway in Massapequa between Veterans Blvd and Clark Ave. Rain date Sunday June 12, 2022. TOB additional insured as per form CG2026

CERTIFICATE HOLDER

TOWN OF OYSTER BAY
54 AUDREY AVENUE
OYSTER BAY, NY 11771

Reviewed By
Office of Town Attorney

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE Paul A. Cowell Jr.

(AMM)

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POLICY NUMBER: 12SBAUL1261
Chamber of Commerce of the Massapequas

COMMERCIAL GENERAL LIABILITY CG 2026 0413

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name Of Additional Insured Person(s) Or Organization(s):

Proof of Insurance for use of town equipment (2 large Showmobiles with PA System; 1 Roll-Off Container; 175 Chairs; 85 Barricades; 1 Street Sweeper; 8 Hand Held Radios; and 100 (No Parking Signs) for annual Massapequa Community Street Festival. Request for street closures beginning at 6:00 AM (Broadway in Massapequa between Veterans Blvd and Clark Ave; All sidewalks on the east and west sides of Broadway up to Ohio Ave) Additional request includes the waiving of the open container law. Event to be held on Sunday June 5,2022 on lower Broadway in Massapequa between Veterans Blvd and Clark Ave. Rain date Sunday June 12, 2022

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II - Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.

Reviewed By
Office of Town Attorney

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Harmless Agreement for Use of Town Property and/or Equipment

This Agreement is made this 21 day of January 2022, by Chamber of Commerce of the Massapequas, Inc. (hereinafter "CONCESSIONAIRE"). Whereas, the CONCESSIONAIRE has entered into a contract to provide certain services and products at various Town locations, as designated in the contract between the TOWN and the CONCESSIONAIRE for the contract period Sunday, June 5, 2022 ~~through~~ Rain Date: Sunday, June 12, 2022.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for the loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate, $500,000 for property damage and, where appropriate, $1,000,000 products, naming the Town as additional insured. All certificates of insurance must be accompanied by an endorsement.

I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.

Name of Organization:
Chamber of Commerce of the Massapequas, Inc.

Address of Organization:
675 Broadway, Massapequa, NY 11758

By:

Authorized Representative

Title: Anthony Ventiera, Event Chairman
Telephone Number: Office: (516) 541 – 1443
Cell: [redacted]

Reviewed By
Office of Town Attorney

TOWN OF OYSTER BAY
ADDENDUM TO PERMIT APPLICATION

Applicant Name: Massapequa Chamber of Commerce
Anthony Ventiera, Event Chairman
Event Description: Annual Massapequa Community Street Festival

Event Date: Sunday, June 5, 2022
(Rain Date: Sunday, June 12, 2022)

The permit holder agrees that while conducting the activity allowed under this permit, it shall follow all applicable New York State Guidelines and Executive Orders with respect to COVID-19 and shall ensure that all participants follow such Guidelines and Orders. By accepting this permit, the permit holder agrees that it is the sole "Responsible Party," as such term is defined by the New York State Guidelines. The permit holder further recognizes and understands that the activity is subject to cancellation at any time to prevent harm to the population from COVID-19, or any other threat to public health and/or safety.

For your convenience, New York State Guidelines are available at https://forward.ny.gov/.

Anthony C Ventiera
Applicant Signature

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On the 17th day of February, 2022, before me, the undersigned, personally appeared Anthony Ventiera personally know to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument

ROBERT R. BARRETT
Notary Public, State of New York
Reg #01BA6040405
Qualified in Nassau County
Commission Expires Sept. 18, 2023

Robert R. Barrett
Notary Public

Reviewed By
Office of Town Attorney

Last Revised: May 5, 2021

DATE: 3/14/2022

TO: **HIGHWAY OPERATIONS**

SUBJECT: Massapequa CC Annual Street Fair (Rain Date 6/12/22)

PLEASE DELIVER TO:
Broadway in Massapequa
From Veterans Blvd to Clark Ave
Massapequa

CONTACT: Shelly Siemsen
516-541-1443

DATE OF EVENT:	6/5/22
CARD STOCK SIGNS:	**100**
BARRICADES:	**85**
CONES:	
SORT PAILS:	
PORTABLE LIGHTS:	
STREET SWEEPER:	**1**
PACKER:	
DELIVER ON:	**6/3/22**
PICKUP ON:	**6/6/22**

SWEEPING BEFORE AFFAIR IS NEEDED: XX (**YES** / **NO**)

Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kaz

CC: Peter Brown, General Foreman 002
Sal Cecere, Area Foreman 007
Area Foreman, 019
Public Safety Division

Dam Kornfeld

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 275-2022

WHEREAS, Louis G. Savinetti, Commissioner, Department of Environmental Resources, by memorandum dated March 16, 2022, requested that the Town Board authorize the Department to sponsor the Annual Spring Oyster Bay Harbor and Beach Cleanup, and the New Marine Education Expo, on Saturday, April 16, 2022, from 9:00 a.m. to 1:00 p.m., at Theodore Roosevelt Memorial Park, Beekman Beach, Centre Island Beach and Stehli Beach, in conjunction with event sponsor Friends of the Bay, with the approval of the Department of Parks, and with the assistance of the public; and

WHEREAS, the Town Board deems this event to be an appropriate and worthwhile endeavor, and one which will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby approved, and the Town Board hereby authorizes the Department of Environmental Resources to sponsor the Annual Spring Oyster Bay Harbor and Beach Cleanup, and the New Marine Education Expo, on Saturday, April 16, 2022, from 9:00 a.m. to 1:00 p.m., at Theodore Roosevelt Memorial Park, Beekman Beach, Centre Island Beach and Stehli Beach, in conjunction with event sponsor Friends of the Bay, with the approval of the Department of Parks, and with the assistance of the public.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

Inter-Departmental Memo

TO: Memorandum Docket

FROM: Louis G. Savinetti, Commissioner
Department of Environmental Resources

DATE: March 16, 2022

SUBJECT: Annual Spring Oyster Bay Harbor and Beach Cleanup and The New Marine Expo

---

The Department of Environmental Resources requests Town Board authorization to conduct the 2022 Annual Spring Oyster Bay Harbor and Beach Cleanup, and the New Marine Education Expo, together with our sponsor, Friends of the Bay, on Saturday, April 16, 2022 from 9:00 a.m. to 1:00 p.m. This event will remove accumulated litter and rubbish that would otherwise pollute our waterways and diminish the natural beauty and water quality of Oyster Bay Harbor. Additionally, new this year, we will feature local community groups and educational institutions who will present exhibitions and family fun activities to learn about marine life and ways to help our environment.

The Department of Environmental Resources with approval by the Department of Parks will utilize Theodore Roosevelt Memorial Park, Beekman Beach, Centre Island Beach and Stehli Beach to conduct the harbor and beach cleanup. Volunteers will walk the Oyster Bay Harbor shoreline while other volunteers will use boats to collect debris found on the shore and in the harbor. The rubbish will be brought to a central point near the Theodore Roosevelt Memorial Park boat launching ramps and the collected trash will be placed in dumpsters then brought to the Old Bethpage Solid Waste Disposal Complex (OBSWDC) by Environmental Resources OBSWDC personnel.

Louis G. Savinetti
Commissioner

LGS:KS:ca
cc: Joseph G. Pinto, Commissioner, Department of Parks

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 276-2022

WHEREAS, Maureen A. Fitzgerald, Commissioner, Department of Community and Youth Services by memorandum dated March 24, 2022, requested Town Board authorization to employ the services of the following musicians and entertainers at a total cost of $1,185.00, for the Senior Summer Program at the William E. Bennett Community Center in Hicksville on the dates, and at the fees below noted:

Jokesercise, Inc. Howard Newman 20417 Hillside Ave., Ste. 324 Hollis, NY 11423	Thurs., July 7, 2022 Thurs., Aug. 4, 2022	$100.00 $100.00	Jokes & Light Exercise Cher Show
John Walters Walter Lazauskas d/b/a John Walters 3983 Darby Lane Seaford, N.Y. 11783	Thurs., July 14, 2022 Thurs., July 28, 2022 Thurs., Aug. 11, 2022	$165.00 $165.00 $165.00	Musical Variety Musical Variety Musical Variety
Banjo Rascals Jim Rheel 34 Florence Ave. Massapequa, NY 11758	Thurs., July 21, 2022	$390.00	Dixieland Music

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised that in accordance with Guideline 5, Section b of the Town Procurement Policy, the entertainers are exempt from the solicitation, written proposal or requirements of the policy; and

WHEREAS, Commissioner Fitzgerald, by said memorandum, further advised that the Office of the Inspector General has reviewed the proposed vendor's disclosure questionnaire and is satisfied that the Town's Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby accepted, for the musicians and entertainers for the Senior Summer Program at the William E. Bennett Community Center in Hicksville on the dates, and at the fees as above noted; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same, upon presentation of a duly certified claim, after audit, with the funds for said payment to be drawn from Account No. CYS A 7020 47660 000 0000, *Special Events*.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

Inter-Departmental Memorandum

March 24, 2022

TO: Memorandum Docket

FROM: Maureen A. Fitzgerald, Commissioner
Department of Community and Youth Services

SUBJECT: Entertainment Services for the Six Week Senior Summer Program

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The Department of Community & Youth Services is requesting Town Board authorization to employ the services of various entertainers and musicians for the Senior Summer Program. Please see the attachment for dates and performers. All activities will take place at the William E. Bennett Community Center in Hicksville.

The total cost for all performances will be $1,185.00. Funds for the performer's fees are available in Account CYS A 7020 47660 000 0000, Special Events. In accordance with Guideline 5, Section b of the Town Procurement Policy, the entertainers are exempt from the solicitation, written proposal or requirements of the policy.

The Office of the Inspector General has reviewed all of the Vendor's Disclosure Questionnaires and is satisfied that the Procurement Policy has been fulfilled.

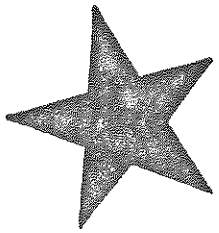
Therefore, it is respectfully requested that the Town Board authorize the Town to enter into agreements, as negotiated and attached, and further authorize the Supervisor and/or his designee or the Commissioner of Community and Youth Services to execute said agreements.

Maureen A. Fitzgerald
Commissioner

MAF:sab
Attachments

Senior Summer Program 2022

PERFORMER	***DATE***	***COST***	***SHOW***
"Jokesercise, Inc." Check payable to: Jokesercise, Inc. Howard Newman 20417 Hillside Ave. Ste. 324 Hollis, NY 11423	Thurs. July 7, 2022	$100	Jokes and Light Exercise
"John Walters" Check payable to: Walter Lazauskas DBA John Walters 3983 Darby Lane Seaford, NY 11783	Thurs. July 14, 2022	$165	Musical Variety
"Banjo Rascals" Check payable to: "Banjo Rascals" Jim Rheel 34 Florence Ave. Massapequa, NY 11758	Thurs. July 21, 2022	$390	Dixieland Music
"John Walters" Check payable to: Walter Lazauskas DBA John Walters 3983 Darby Lane Seaford, NY 11783	Thurs. July 28, 2022	$165	Musical Variety

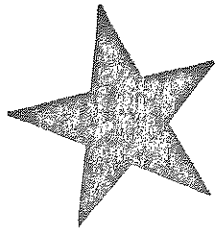


"Jokesercise, Inc."	Thurs. Aug. 4, 2022	$200	Cher Show

Check payable to:
Jokesercise, Inc.
Howard Newman
20417 Hillside Ave.
Ste. 324
Hollis, NY 11423

"John Walters"	Thurs. Aug. 11, 2022	$165	Musical Variety

Check payable to:
Walter Lazauskas
DBA John Walters
3983 Darby Lane
Seaford, NY 11783



Contract number: xx-xxxx

Contract

This Contract, made by and between the Town of Oyster Bay's Department of Community and Youth Services, located at 977 Hicksville Road, Massapequa, New York 11758 (hereinafter referred to as "TOWN") and XXX, located at XXXX, XXX, (hereinafter referred to as "CONTRACTOR") in consideration of mutual interests provided for hereby, the parties herein agree as follows:

Performance by:	XXXX
Date:	XXXX
Time:	XXX
Location:	XXX
Contact:	XXX
Amount:	xxxx

In consideration of these services, the TOWN agrees to pay CONTRACTOR the sum of xxxxxxxxxxxxxxxxxxxxx dollars. If CONTRACTOR fails to appear, or is incapacitated from rendering a performance through sickness or otherwise, CONTRACTOR shall not receive any compensation. Payment for the above services shall be made upon submission of CONTRACTOR's invoice and the claim form provided by TOWN.

XXX

_____
CONTRACTOR

DATE: _____,

TOWN OF OYSTER BAY

_____
COMMISSIONER

DATE: _____,

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 277-2022

WHEREAS, Nicole Leroux has requested to donate a memorial plaque and bench to be placed in TOBAY Beach, Massapequa, in memory of Ronnie Weinstein; and

WHEREAS, the value of the plaque and bench is estimated to be $1,350.00, and the monies donated will be deposited into Account No. PKS A 0001 02705 000 0000; and

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 22, 2022 recommended that the Town accept said donation,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted, and the Town hereby accepts the donation of $1,350.00 from Nicole Leroux to be deposited into Account No. PKS A 0001 02705 000 0000, to purchase a plaque and bench to be placed in TOBAY Beach, Massapequa, in memory of Ronnie Weinstein.

-#-

Reviewed By
Office of Town Attorney
Annmarie Walker

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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Town of Oyster Bay
Inter-Departmental Memo

TO: **Memorandum Docket**

FROM: **Joseph G. Pinto, Commissioner of Parks**

SUBJECT: **Memorial Plaque and Bench**

DATE: **March 22, 2022**

The Department of Parks has received a request from Nicole Leroux (letter attached) requesting to donate a memorial plaque and a new bench to be placed in TOBAY Beach in memory of Ronnie Weinstein.

The Department of Parks has reviewed this request and concurs this will be a fitting tribute.

The plaque and bench will be purchased by Nicole Leroux and donated to the Parks Department. The value of the plaque and bench is estimated to be $1350.00. Town Board approval is requested on behalf of Nicole Leroux. The monies will be collected in account PKS A 0001 02705 000 0000.

Joseph G. Pinto
COMMISIONER OF PARKS

JGP/dc

Diann Codispodo

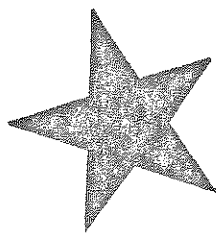
From: Nicole Leroux
Sent: Tuesday, March 22, 2022 12:56 PM
To: Diann Codispodo
Subject: Bench and Plaque donation - TOBAY BEACH

Diann,

I am looking to donate a new bench with a 8 x 6 plaque at TOBAY BEACH in honor and memory of my late husband Ronnie Weinstein. I will finalize the details once I go to the location and see what area is available.

Thank you,
Nicole Leroux

Nicole Leroux
Town of Oyster Bay
Secretary to the Commissioner
Department of General Services
74 Audrey Avenue
Oyster Bay, NY 11771
Office 516-624-6103
Cell 516-384-9253
Fax 516-624-6383
nleroux@oysterbay-ny.gov



Reviewed By
Office of Town Attorney
Domenica Walsh

Meeting of April 12, 2022 Resolution No 278-2022

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 25, 2022, recommended that Town Board authorize partial refunds, totaling $4,555.00, to the slip holders who paid a higher rate for their slips prior to a rate correction being issued for the 2022 Summer Season at Town of Oyster Bay North Shore Marinas, in the amounts set forth opposite the individuals' names:

Payee	Amount
Richard Carrara, 16 15th Avenue, Sea Cliff, N.Y. 11579	$ 252.00
Lawrence Cassano, 11 Seawall Lane, Bayville, N.Y. 11709	$ 252.00
Michael Wehr, 16 Pal Way, Plainview, N.Y. 11803	$ 270.00
Thomas Dillman, 506A Centre Island Road, Oyster Bay, N.Y. 11771	$ 279.00
Kathryn Zoller, 100 Cove Neck Road, Oyster Bay, N.Y. 11771	$ 288.00
Robert J. Chaputian, 19 Arlington Place, Sea Cliff, N.Y. 11579	$ 297.00
Richard D'Antonio, 91 Midway Avenue, Locust Valley, N.Y. 11560	$ 306.00
Anthony Perullo, 19 7th Street, Bayville, N.Y. 11709	$ 306.00
Roz Khan, 88 School Street, Oyster Bay, N.Y. 11771	$ 315.00
Matthew Walsh, 77 Plymouth Drive North, Glen Head, N.Y. 11545	$ 315.00
Edward Minicozzi, 11 Oak Point Drive West, Bayville, N.Y. 11709	$ 323.00
William Snyder, 10 Calendar View Drive, Bayville, N.Y. 11709	$ 324.00
James Cowley, 139 6th Street, Hicksville, N.Y. 11801	$ 324.00
John Sheerin, 57 Todd Drive, Glen Head, N.Y. 11545	$ 324.00
Michael Sussman, 8 Woodridge Lane, Sea Cliff, N.Y. 11579	$ 380.00

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Parks is hereby authorized to issue the refunds as set forth above from Account No. PKS A 0001 02025 526 0000 and payment of said refunds is to be made upon presentation of duly certified claims, after audit by the Comptroller.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY
Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: JOSEPH G. PINTO, COMMISSIONER OF PARKS

DATE: March 25, 2022

SUBJECT: North Shore Marina Overcharge REFUNDS – 2022 Summer Season

The Department of Parks is requesting a partial refund to be issued to each of the slip holders listed below in the amounts indicated who paid a higher rate for their slips prior to a rate correction being issued for the 2022 Summer Season at Town of Oyster Bay North Shore Marinas.

Attached you will find pertinent information regarding this refund request.

First	Last	Street Address	City	State	Zip	Refund Amount	Vendor #
Richard	Carrara	16 15th Avenue	Sea Cliff	NY	11579	$252.00	
Lawrence	Cassano	11 Seawall Lane	Bayville	NY	11709	$252.00	
Michael	Wehr	16 Pal Way	Plainview	NY	11803	$270.00	
Thomas	Dillman	506A Centre Island Road	Oyster Bay	NY	11771	$279.00	
Kathryn	Zoller	100 Cove Neck Road	Oyster Bay	NY	11771	$288.00	
Robert J.	Chaputian	19 Arlington Place	Sea Cliff	NY	11579	$297.00	
Richard	D'Antonio	91 Midway Avenue	Locust Valley	NY	11560	$306.00	
Anthony	Perullo	19 7th Street	Bayville	NY	11709	$306.00	
Roz	Khan	88 School Street	Oyster Bay	NY	11771	$315.00	
Matthew	Walsh	77 Plymouth Drive North	Glen Head	NY	11545	$315.00	
Edward	Minicozzi	11 Oak Point Drive West	Bayville	NY	11709	$323.00	
William	Snyder	10 Calendar View Drive	Bayville	NY	11709	$324.00	
James	Cowley	139 6th Street	Hicksville	NY	11801	$324.00	
John	Sheerin	57 Todd Drive	Glen Head	NY	11545	$324.00	
Michael	Sussman	8 Woodridge Lane	Sea Cliff	NY	11579	$380.00	

Kindly debit the following account: **PKS A 0001 02025 526 0000**

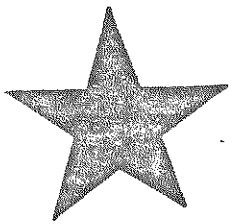
It is the recommendation of the undersigned that this refund be approved.

Thank you,

Joseph G. Pinto
Commissioner of Parks

JGP/sc

Rsv No.	Reservee	Slip Size	Slip	Reg No	Receipt No.	Payment Type	Length	Billed Rate	Fee Before Disc	Senior Dsct	Fee Paid	New Rate	Refund
3977	Carrara, Richard	26'-29'	TAP-S22	1092316	223673	Check	28.00	$ 90.00	$ 2,520.00	Y	$2,268.00	$80.00	$ 252.00
4031	CASSANO, LAWRENCE	26'-31'	TR-039	NY6018GR	226062	Credit Card	28.00	$ 110.00	$ 3,080.00	Y	$2,772.00	$100.00	$ 252.00
3984	WEHR, MICHAEL	14'-21'	TAP-M09	NY8988UV	223697	Credit Card	18.00	$ 80.00	$ 1,440.00		$1,440.00	$65.00	$ 270.00
4030	DILLMAN, THOMAS	26'-31'	TR-041	NY6274GV	226061	Credit Card	31.00	$ 110.00	$ 3,410.00	Y	$3,069.00	$100.00	$ 279.00
3991	ZOLLER, KATHRYN	32'-35'	TR-014	1246057	223721	Credit Card	32.00	$ 110.00	$ 3,520.00	Y	$3,168.00	$100.00	$ 288.00
3989	CHAPUTIAN, ROBERT J.	22'-25'	TAP-D11	NY7953JW	223716	Credit Card	22.00	$ 90.00	$ 1,980.00	Y	$1,584.00	$80.00	$ 297.00
3985	D'ANTONIO, RICHARD	34'-37'	TAP-K17	NY8662PJ	223700	Credit Card	34.00	$ 90.00	$ 3,060.00	Y	$2,754.00	$80.00	$ 306.00
4010	PERULLO, ANTHONY	30'-33'	TAP-K04	NY6800HD	225421	Credit Card	34.00	$ 90.00	$ 3,060.00	Y	$2,754.00	$80.00	$ 306.00
4016	KHAN, ROZ	14'-21'	TAP-D04	NY4719MK	225550	Credit Card	21.00	$ 80.00	$ 1,680.00		$1,680.00	$65.00	$ 315.00
4022	WALSH, MATTHEW	14'-21'	TAP-L18	NY1753KF	225775	Credit Card	21.00	$ 80.00	$ 1,680.00		$1,680.00	$65.00	$ 315.00
3988	MINICOZZI, EDWARD	32'-35'	TR-023	1170581	223713	Credit Card	32.30	$ 110.00	$ 3,553.00		$3,553.00	$100.00	$ 323.00
3978	SNYDER, WILLIAM	36'-44'	TR-003	NY9907UM	223680	Check	36.00	$ 110.00	$ 3,960.00	Y	$3,564.00	$100.00	$ 324.00
4020	COWLEY, JAMES	22'-25'	TAP-E07	NY9116PD	225627	Credit Card	24.00	$ 90.00	$ 2,160.00	Y	$1,728.00	$80.00	$ 324.00
4050	SHEERIN, JOHN	34'-37'	TAP-K15	1225726	226531	Credit Card	36.00	$ 90.00	$ 3,240.00	Y	$2,916.00	$80.00	$ 324.00
4059	SUSSMAN, MICHAEL	34'-37'	TAP-K10	1174370	226664	Credit Card	38.00	$ 90.00	$ 3,420.00		$3,420.00	$80.00	$ 380.00
													$ 4,555.00



RENTAL SALES RECEIPT

Receipt # 223673
Payment Date: 02/17/22
Household: 18030

own of Oyster Bay Parks
77 Hicksville Road
lassapequa NY 11758
hone: (516)797-4128
ww.oysterbaytown.com

Richard Carrara
16 15TH AVE
SEA CLIFF NY 11579
proskirichard@aol.com

ental Reservation Details: TAP-S22 (Tappen Slip S22)

		New Fees	Total Fees	New Paid	Total Paid	Amount Due
Reserv. Number:	**3977**					
Rental Days:	216	2,268.00	2,268.00	2,268.00	2,268.00	0.00
Rental Status:	Future					
Quantity:	1					
Member Name:	Richard Carrara					
Rental Period:	Mon 04/11/2022 @ 1:47pm to Sun 11/13/2022 @ 1:47pm					

Fee Details:	Fee Description	Amount	Count	Discount	Sales Tax	Total Fee
	Resident Over 25' Foot	90.00	28.00	252.00	0.00	2,268.00

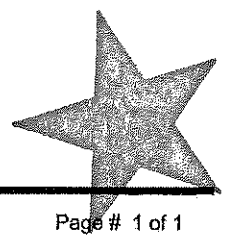
Special Questions: Vessel Registration No.: 1092316
Name on Vessel: West Bay

Processed on 02/17/22 @ 1:53pm by DBALLATO

Total New Fees	2,520.00
Discount Applied	252.00
Total Due	**2,268.00**
Total Fees Paid	2,268.00
Total Paid	**2,268.00**

Payment of: 2,268.00 Made By: Check With Reference: 149

$252 refund
approved by
Commissioner Finto



ENTAL SALES RECEIPT

eceipt # 226267
ayment Date: 02/24/2022
ousehold: 18609

LAWRENCE CASSANO
11 SEAWALL LN
BAYVILLE NY 11709

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TR-039 (Roosevelt Slip 039)

Reserv. Number:	**4031**
Rental Days:	216
Discounts:	**$308.00**
Rental Status:	Future
Quantity:	1
Member Name:	LAWRENCE CASSANO
Rental Period:	Mon 04/11/2022 @ 11:22 am to Sun 11/13/2022 @ 11:22 am
Special Questions:	Vessel Registration No.: NY6018GR Name on Vessel: n/a

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	2,772.00	2,772.00	2,772.00	0.00

Processed on 02/24/22 @ 2:29 pm by WWW

Total New Fees	0.00
Old Balances Included	2,772.00
Total Due	**2,772.00**
Total Fees Paid	2,772.00
Total Paid	**2,772.00**

Payment of: 2,772.00 Made By:VISA/MC Auth: 08135C Card#: xxxxxxxxxxxx7332 With Reference:

$252 Refund
Approved by Commissioner Pinto

ENTAL SALES RECEIPT

eceipt # 225196
ayment Date: 02/22/2022
ousehold: 18672

MICHAEL WEHR
16 PAL WAY
PLAINVIEW NY 11803

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-M09 (Tappen Slip M09)

Reserv. Number:	**3984**
Rental Days:	217
Rental Status:	Future
Quantity:	1
Member Name:	MICHAEL WEHR
Rental Period:	Mon 04/11/2022 @ 12:01 am to Sun 11/13/2022 @ 11:59 pm
Special Questions:	Vessel Registration No.: NY8988UV Name on Vessel: n/a

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	1,440.00	1,440.00	1,440.00	0.00

Processed on 02/22/22 @ 12:46 pm by WWW

Total New Fees	0.00
Old Balances Included	1,440.00
Total Due	**1,440.00**
Total Fees Paid	1,440.00
Total Paid	**1,440.00**

Payment of: 1,440.00 Made By:VISA/MC Auth: 09379C Card#: xxxxxxxxxxxx9197 With Reference:

$270.00 Refund
Approved by Commissioner Pinto

ENTAL SALES RECEIPT

eceipt # 226459
ayment Date: 02/24/2022
ousehold: 18610

THOMAS DILLMAN
506A CENTRE ISLAND RD
OYSTER BAY NY 11771

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TR-041 (Roosevelt Slip 041)

		New Fees	Total Fees	New Paid	Total Paid	Amount Due
Reserv. Number:	**4030**	0.00	3,069.00	3,069.00	3,069.00	0.00
Rental Days:	216					
Discounts:	**$341.00**					
Rental Status:	Future					
Quantity:	1					
Member Name:	THOMAS DILLMAN					
Rental Period:	Mon 04/11/2022 @ 11:18 am to Sun 11/13/2022 @ 11:18 am					
Special Questions:	Vessel Registration No.: NY6274GV Name on Vessel: n/a					

Processed on 02/24/22 @ 6:58 pm by WWW

Total New Fees	0.00
Old Balances Included	3,069.00
Total Due	**3,069.00**
Total Fees Paid	3,069.00
Total Paid	**3,069.00**

Payment of: 3,069.00 Made By:VISA/MC Auth: 07721D Card#: xxxxxxxxxxxx0724 With Reference:

$279 Refund
Approved by Commissioner Pinto:

ENTAL SALES RECEIPT

eceipt # 225694
ayment Date: 02/23/2022
ousehold: 18548

KATHRYN ZOLLER
100 COVE NECK ROAD
OYSTER BAY NY 11771

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TR-014 (Roosevelt Slip 014)

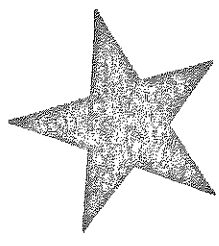
		New Fees	Total Fees	New Paid	Total Paid	Amount Due
Reserv. Number:	**3991**					
Rental Days:	216	0.00	3,168.00	3,168.00	3,168.00	0.00
Discounts:	**$352.00**					
Rental Status:	Future					
Quantity:	1					
Member Name:	KATHRYN ZOLLER					
Rental Period:	Mon 04/11/2022 @ 2:49 pm to Sun 11/13/2022 @ 2:49 pm					
Special Questions:	Vessel Registration No.: 1246057 Name on Vessel: n/a					

Processed on 02/23/22 @ 1:29 pm by WWW

Total New Fees	0.00
Old Balances Included	3,168.00
Total Due	**3,168.00**
Total Fees Paid	3,168.00
Total Paid	**3,168.00**

Payment of: 3,168.00 Made By:VISA/MC Auth: 152797 Card#: xxxxxxxxxxxx1299 With Reference:

$288 Refund
Approved by Commissioner Pinto JP



ENTAL SALES RECEIPT

eceipt # 223725
ayment Date: 02/18/2022
ousehold: 18687

ROBERT J. CHAPUTIAN
19 ARLINGTON PLACE
SEA CLIFF NY 11579

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-D11 (Tappen Slip D11)

Reserv. Number:	**3989**
Rental Days:	216
Discounts:	**$176.00**
Rental Status:	Future
Quantity:	1
Member Name:	ROBERT J. CHAPUTIAN
Rental Period:	Mon 04/11/2022 @ 1:57 pm to Sun 11/13/2022 @ 1:57 pm
Special Questions:	Vessel Registration No.: NY7953JW Name on Vessel: n/a

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	1,584.00	1,584.00	1,584.00	0.00

Processed on 02/18/22 @ 3:29 pm by WWW

Total New Fees	0.00
Old Balances Included	1,584.00
Total Due	**1,584.00**
Total Fees Paid	1,584.00
Total Paid	**1,584.00**

Payment of: 1,584.00 Made By:VISA/MC Auth: 10957D Card#: xxxxxxxxxxxx5540 With Reference:

$297.00 Refund
approved by Commissioner Pinto: JP

ENTAL SALES RECEIPT

eceipt # **223894**
ayment Date: 02/18/2022
ousehold: 18801

RICHARD D'ANTONIO
91 MIDWAY AVENUE
LOCUST VALLEY NY 11560

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-K17 (Tappen Slip K17)

Reserv. Number:	**3985**
Rental Days:	216
Discounts:	**$306.00**
Rental Status:	Future
Quantity:	1
Member Name:	RICHARD D'ANTONIO
Rental Period:	Mon 04/11/2022 @ 11:30 am to Sun 11/13/2022 @ 11:30 am
Special Questions:	Vessel Registration No.: NY8662PJ Name on Vessel: n/a

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	2,754.00	2,754.00	2,754.00	0.00

Processed on 02/18/22 @ 7:11 pm by WWW

Total New Fees	0.00
Old Balances Included	2,754.00
Total Due	**2,754.00**
Total Fees Paid	2,754.00
Total Paid	**2,754.00**

Payment of: 2,754.00 Made By:VISA/MC Auth: 74681B Card#: xxxxxxxxxxxx7919 With Reference:

$306.00 Refund
approved by
Commissioner Pinto: JW

ENTAL SALES RECEIPT

eceipt # **225894**
ayment Date: 02/23/2022
ousehold: 18686

ANTHONY PERULLO
19 7TH STREET
BAYVILLE NY 11709

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-K04 (Tappen Slip K04)

Reserv. Number:	**4010**
Rental Days:	216
Discounts:	**$306.00**
Rental Status:	Future
Quantity:	1
Member Name:	ANTHONY PERULLO
Rental Period:	Mon 04/11/2022 @ 4:27 pm to Sun 11/13/2022 @ 4:27 pm
Special Questions:	Vessel Registration No.: NY6800HD Name on Vessel: Reel Pleasure

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	2,754.00	2,754.00	2,754.00	0.00

Processed on 02/23/22 @ 3:58 pm by WWW

Total New Fees	0.00
Old Balances Included	2,754.00
Total Due	**2,754.00**
Total Fees Paid	2,754.00
Total Paid	**2,754.00**

Payment of: 2,754.00 Made By:VISA/MC Auth: 05237D Card#: xxxxxxxxxxxx9167 With Reference:

$306.00
Refund approved by
Commissioner Pirro: JP

ENTAL SALES RECEIPT

eceipt # 225556
ayment Date: 02/23/2022
ousehold: 18797

ROZ KHAN
88 SCHOOL ST
OYSTER BAY NY 11771

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-D04 (Tappen Slip D04)

		New Fees	Total Fees	New Paid	Total Paid	Amount Due
Reserv. Number:	**4016**					
Rental Days:	217	0.00	1,680.00	1,680.00	1,680.00	0.00
Rental Status:	Future					
Quantity:	1					
Member Name:	ROZ KHAN					
Rental Period:	Mon 04/11/2022 @ 12:01 am to Sun 11/13/2022 @ 11:59 pm					
Special Questions:	Vessel Registration No.: NY4719MK Name on Vessel: N/a					

Processed on 02/23/22 @ 11:57 am by WWW

Total New Fees	0.00
Old Balances Included	1,680.00
Total Due	**1,680.00**
Total Fees Paid	1,680.00
Total Paid	**1,680.00**

Payment of: 1,680.00 Made By:VISA/MC Auth: 02516T Card#: xxxxxxxxxxxx2401 With Reference:

$315.00 Refund
approved by
Commissioner Pinto:

ENTAL SALES RECEIPT

eceipt # 225993
ayment Date: 02/23/2022
ousehold: 18786

MATTHEW WALSH
77 PLYMOUTH DRIVE NORTH
GLEN HEAD NY 11545

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-L18 (Tappen Slip L18)

Reserv. Number:	**4022**
Rental Days:	217
Rental Status:	Future
Quantity:	1
Member Name:	MATTHEW WALSH
Rental Period:	Mon 04/11/2022 @ 12:01 am to Sun 11/13/2022 @ 11:59 pm
Special Questions:	Vessel Registration No.: NY1753KF Name on Vessel: n/a

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	1,680.00	1,680.00	1,680.00	0.00

Processed on 02/23/22 @ 5:42 pm by WWW

Total New Fees	0.00
Old Balances Included	1,680.00
Total Due	**1,680.00**
Total Fees Paid	1,680.00
Total Paid	**1,680.00**

Payment of: 1,680.00 Made By:VISA/MC Auth: 06719D Card#: xxxxxxxxxxxx8011 With Reference:

$315.00 Refund
approved by
Commissioner Pinto

ENTAL SALES RECEIPT

eceipt # **225130**
ayment Date: 02/22/2022
ousehold: 18552

EDWARD MINICOZZI
11 OAK POINT DRIVE WEST
BAYVILLE NY 11709

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TR-023 (Roosevelt Slip 023)

Reserv. Number:	**3988**
Rental Days:	216
Rental Status:	Future
Quantity:	1
Member Name:	EDWARD MINICOZZI
Rental Period:	Mon 04/11/2022 @ 12:54 pm to Sun 11/13/2022 @ 12:54 pm
Special Questions:	Vessel Registration No.: 1170581 Name on Vessel: Sundancer

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	3,553.00	3,553.00	3,553.00	0.00

Processed on 02/22/22 @ 7:02 am by WWW

Total New Fees	0.00
Old Balances Included	3,553.00
Total Due	**3,553.00**
Total Fees Paid	3,553.00
Total Paid	**3,553.00**

Payment of: 3,553.00 Made By:VISA/MC Auth: 070022 Card#: xxxxxxxxxxxx8987 With Reference:

$323.00 Refund
Approved by
Commissioner Pinto:

RENTAL SALES RECEIPT

Receipt # **223680**
Payment Date: 02/17/22
Household: 18596

own of Oyster Bay Parks
77 Hicksville Road
lassapequa NY 11758
hone: (516)797-4128
ww.oysterbaytown.com

WILLIAM SNYDER
10 CALENDAR VIEW DR
BAYVILLE NY 11709
Bsnyder123@hotmail.com

ental Reservation Details: TR-003 (Roosevelt Slip 003)

		New Fees	Total Fees	New Paid	Total Paid	Amount Due
Reserv. Number:	**3978**					
Rental Days:	216	3,564.00	3,564.00	3,564.00	3,564.00	0.00
Rental Status:	Future					
Quantity:	1					
Member Name:	WILLIAM SNYDER					
Rental Period:	Mon 04/11/2022 @ 3:44pm to Sun 11/13/2022 @ 3:44pm					

Fee Details:	Fee Description	Amount	Count	Discount	Sales Tax	Total Fee
	Resident 20'+ Boat	110.00	36.00	396.00	0.00	3,564.00

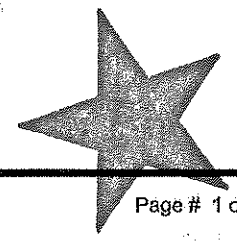
Special Questions: Vessel Registration No.: NY9907UM
Name on Vessel: Second Wind

Processed on 02/17/22 @ 3:52pm by DBALLATO

Total New Fees	3,960.00
Discount Applied	396.00
Total Due	**3,564.00**
Total Fees Paid	3,564.00
Total Paid	**3,564.00**

Payment of: 3,564.00 Made By: Check With Reference: 161

$ 324 Refund
Approved by Commissioner Arato



ENTAL SALES RECEIPT

eceipt # **225758**
ayment Date: 02/23/2022
ousehold: 18656

JAMES COWLEY
139 6TH STREET
HICKSVILLE NY 11801

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-E07 (Tappen Slip E07)

Reserv. Number:	**4020**
Rental Days:	216
Discounts:	**$192.00**
Rental Status:	Future
Quantity:	1
Member Name:	JAMES COWLEY
Rental Period:	Mon 04/11/2022 @ 1:03 pm to Sun 11/13/2022 @ 1:03 pm
Special Questions:	Vessel Registration No.: NY9116PD Name on Vessel: n/a

New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	1,728.00	1,728.00	1,728.00	0.00

Processed on 02/23/22 @ 2:23 pm by WWW

Total New Fees	0.00
Old Balances Included	1,728.00
Total Due	**1,728.00**
Total Fees Paid	1,728.00
Total Paid	**1,728.00**

Payment of: 1,728.00 Made By:VISA/MC Auth: 09761C Card#: xxxxxxxxxxxx2002 With Reference:

$324.00 Refund
approved by
Commissioner Pinto

ENTAL SALES RECEIPT

eceipt # 226543
ayment Date: 02/25/2022
ousehold: 18768

JOHN SHEERIN
57 TODD DRIVE
GLEN HEAD NY 11545

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

ental Reservation Updated: TAP-K15 (Tappen Slip K15)

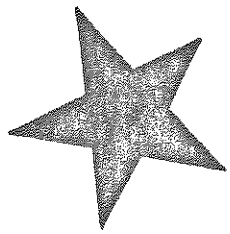
		New Fees	Total Fees	New Paid	Total Paid	Amount Due
Reserv. Number:	**4050**	0.00	2,916.00	2,916.00	2,916.00	0.00
Rental Days:	216					
Discounts:	**$324.00**					
Rental Status:	Future					
Quantity:	1					
Member Name:	JOHN SHEERIN					
Rental Period:	Mon 04/11/2022 @ 9:44 am to Sun 11/13/2022 @ 9:44 am					
Special Questions:	Vessel Registration No.: 1225726 Name on Vessel: Trinity II					

Processed on 02/25/22 @ 10:55 am by WWW

Total New Fees	0.00
Old Balances Included	2,916.00
Total Due	**2,916.00**
Total Fees Paid	2,916.00
Total Paid	**2,916.00**

Payment of: 2,916.00 Made By:VISA/MC Auth: 905245 Card#: xxxxxxxxxxxx5441 With Reference:

$324.00 Refund
approved by Commissioner Pinto.



!ENTAL SALES RECEIPT

eceipt # **226787**
ayment Date: 02/25/2022
ousehold: 18795

MICHAEL SUSSMAN
8 WOODRIDGE LN
SEA CLIFF NY 11579

Town of Oyster Bay Parks
977 Hicksville Road
Massapequa NY 11758
Phone: (516)797-4128
https://oysterbaytown.com

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ental Reservation Updated: TAP-K10 (Tappen Slip K10)

Reserv. Number:	**4059**
Rental Days:	216
Rental Status:	Future
Quantity:	1
Member Name:	MICHAEL SUSSMAN
Rental Period:	Mon 04/11/2022 @ 1:51 pm to Sun 11/13/2022 @ 1:51 pm
Special Questions:	Vessel Registration No.: 1174370 Name on Vessel: n/a

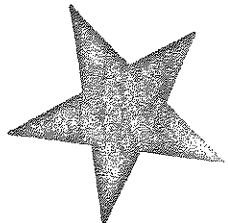
New Fees	Total Fees	New Paid	Total Paid	Amount Due
0.00	3,420.00	3,420.00	3,420.00	0.00

Processed on 02/25/22 @ 4:27 pm by WWW

Total New Fees	0.00
Old Balances Included	3,420.00
Total Due	**3,420.00**
Total Fees Paid	3,420.00
Total Paid	**3,420.00**

Payment of: 3,420.00 Made By:VISA/MC Auth: 044236 Card#: xxxxxxxxxxxx5745 With Reference:

$380.00 Refund
approved by
commissioner Pinto:



Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 279-2022

WHEREAS, Joseph G. Pinto, Commissioner, Department of Parks, by memorandum dated March 22, 2022, requested and recommended that the Town Board authorize a $350.00 refund of registration fee be paid to Gorden Madden, 218 Cartwright Boulevard, Massapequa Park, NY, 11762, from Account No. PKS A 0001 02001 510 0000, because of his child's inability to participate in the 2021 Town of Oyster Bay Summer Ice Hockey Program due to a scheduling conflict,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are approved and accepted, and the Department of Parks is hereby authorized to issue a $350.00 refund to Gorden Madden, 218 Cartwright Boulevard, Massapequa Park, NY, 11762, from Account No. PKS A 0001 02001 510 0000, and payment of said refund is to be made by the Comptroller upon presentation of duly certified claims, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

Inter-Departmental Memorandum

TO: MEMORANDUM DOCKET

FROM: Joseph G. Pinto, Commissioner of Parks

DATE: March 22, 2022

SUBJECT: Gorden Madden Refund for 2021 Town of Oyster Bay Summer Ice Hockey Program

The Department of Parks respectfully requests Town Board approval for a refund in the amount of Three Hundred Fifty Dollars and 00/100 Cents ($350.00) to Gorden Madden for the payment he made for his son to participate in the 2021 Town of Oyster Bay Summer Ice Hockey program in which he could not participate due to a scheduling conflict. As you will see in the backup information attached, he originally requested the refund via e-mail on June 22, 2021. After it was approved, in lieu of a refund, Mr. Madden chose to keep that amount on file as a 'credit' to use towards a future program. However, as he recently tried to register for the 2022 Spring Ice Hockey Program via the new RecTrac system, he was unable to use his credit on the new system. He would now like to receive his outstanding refund in the form of a check since he had to pay separately for the upcoming session. Attached you will find pertinent information related to this refund request.

Please make the check payable to "Gorden Madden" and mail to the following:

Gorden Madden
218 Cartwright Boulevard
Massapequa Park, NY 11762

Kindly debit the following account: **PKS A 0001 02001 510 0000.**

It is the recommendation of the undersigned that this refund be approved.

Thank you,

Joseph G. Pinto
COMMISSIONER OF PARKS

JGP/sc

Sarah Cimino

From: Patricia Woodstock
Sent: Wednesday, March 16, 2022 11:15 AM
To: Sarah Cimino; Gino Lunghi
Cc: Joseph Pinto; Jonathan Wing
Subject: Hockey Refund

Good morning all. As you can see from below correspondence, last summer the Commissioner approved a refund to Mr. Madden for $350. At the time, I believe he chose to keep a credit on account or never submitted his claim form. As he tried to register for the 2022 Spring Hockey session and take the outstanding credit, it was not approved. Please begin the refund process for Mr. Gordon Madden. (Daniel Madden paid $350 by check 6/17/21).

Thank you.

From: Patricia Woodstock
Sent: Wednesday, March 16, 2022 10:32 AM
To: Jonathan Wing <jwing@oysterbay-ny.gov>
Subject: FW: Summer hockey

Spoke to Mr. Madden this morning. I found this letter for approval of last year's reimbursement, but it has no dollar amount. What is the amount that Mr. Madden should be refunded?

Thank you.
Trish

Patricia A. Woodstock
Town of Oyster Bay Parks Department
977 Hicksville Road
Massapequa, NY 11758
516-797-4105

From: Joseph Pinto <jpinto@oysterbay-ny.gov>
Sent: Tuesday, June 22, 2021 1:30 PM
To: Jonathan Wing <jwing@oysterbay-ny.gov>

Cc: oldhckypro@aol.com; LPKOFNOFO@OUTLOOK.COM; John Look <look9@optonline.net>; Patricia Woodstock <pwoodstock@oysterbay-ny.gov>; Gino Lunghi <glunghi@oysterbay-ny.gov>; madden730 <madden730@optonline.net>
Subject: RE: Summer hockey

approved

From: Jonathan Wing <jwing@oysterbay-ny.gov>
Sent: Tuesday, June 22, 2021 12:04 PM
To: Joseph Pinto <jpinto@oysterbay-ny.gov>
Cc: oldhckypro@aol.com; LPKOFNOFO@OUTLOOK.COM; John Look <look9@optonline.net>; Patricia Woodstock <pwoodstock@oysterbay-ny.gov>; Gino Lunghi <glunghi@oysterbay-ny.gov>; madden730 <madden730@optonline.net>
Subject: FW: Summer hockey

Good morning Mr. Pinto

Please see below a request for a refund (I deposited the checks yesterday) from Mr. Madden... Please approve for Gino process refund request.

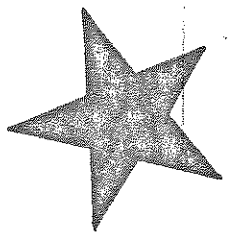
Thanks

From: madden730 <madden730@optonline.net>
Sent: Tuesday, June 22, 2021 9:08 AM
To: Jonathan Wing <jwing@oysterbay-ny.gov>
Subject: Summer hockey

Hi Jonathan. I was checking to see if we could withdraw from summer hockey. We have overextended ourselves this summer. Thanks.

Gorden Madden

Sent from my T-Mobile 4G LTE Device



TOWN OF OYSTER BAY

SUMMARY OF BANK DEPOSIT REPORT

DEPARTMENT: TOB Hockey		LOCATION: Bethpage	
DESCRIPTION OF RECEIPTS: TOB Summer Hockey 2021		CODE #:	
DATE OF RECEIPTS 6/17/21	DATE OF DEPOSITS 6/21/21	AMOUNT 4250.00 ~~3700~~	
[redacted]	(PART CC) CK CASH	200	00
[redacted]	CASH	450	00
[redacted]	CASH	350	00
[redacted]	98	450	00
[redacted]	3149	350	00
[redacted]	941	350	00
[redacted]	417	950	00
[redacted]	1841	850	00

TOTAL AMOUNT OF DEPOSITS	Contd	
LAST REPORT YEAR TO DATE		
ADJUSTMENTS		
TOTAL DEPOSITS YEAR TO DATE		

NAME OF BANK: Chase

DO NOT WRITE IN SPACE BELOW.
FOR USE BY DIRECTOR OF FINANCE.

CASH RECEIPT NO.

SIGNATURE OF AUTHORIZED EMPLOYEE

PKS211284

CHASE

Deposit cash or checks
at most Chase ATMs.
An image of your check can
be printed on your receipt.

My Transaction Summary
****

Transaction #134
Account Number Ending In: 0206
Checking Deposit $4,250.00

Cash In $1,000.00

Further review may result in delayed
availability of this deposit

JPMorgan Chase Bank, N.A.
Bethpage, Branch 003853
1-800-935-9935
Your satisfaction matters. Share your
feedback at: chase.com/sendusfeedback

Member FDIC, Equal Housing Lender
Please keep your receipt
06/21/2021 09:13

Business Date 06/21/2021
Session #54

Thank you - Jose
Cashbox #04

PRODUCT 100050 BD100 (COPY) Deluxe Corporation 1-800-328-0304

DEPOSIT RECORD COPY 1-2/210

TOWN OF OYSTER BAY

CHASE
JPMorgan Chase Bank, N.A.
www.Chase.com

DATE 6/17/21

DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

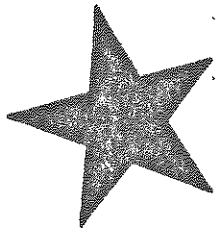
LIST CHECKS SINGLY OR ATTACH LIST

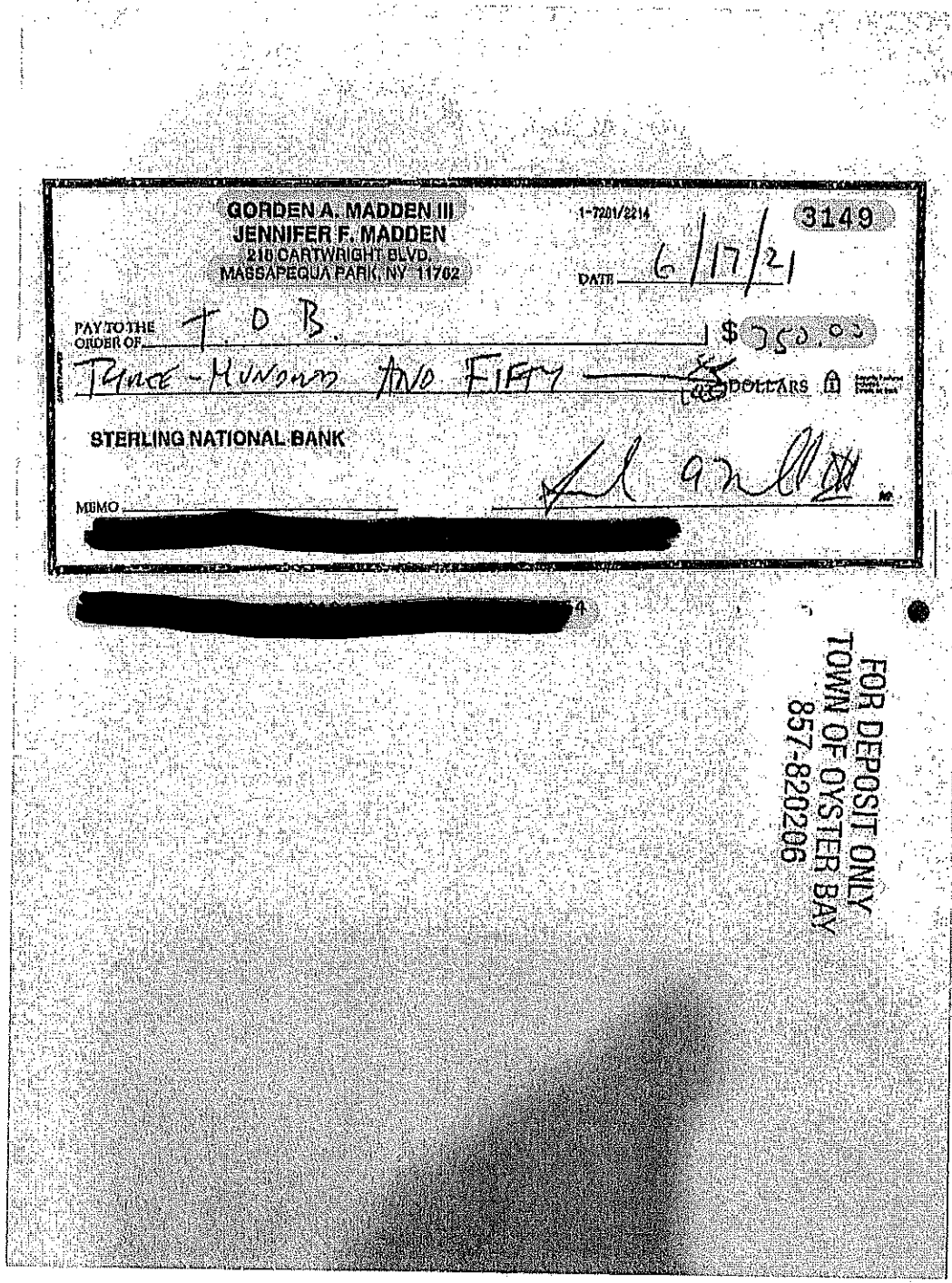
	DOLLARS	CENTS
☒ CURRENCY	1000	00
☐ COIN		
CHECK I.D.		
98	450	00
3149	350	00
941	350	00
417	950	00
1841	850	00
214	150	00
3379	150	00
	4250	00
$	3400	00

PLEASE ENTER TOTAL HERE

Checks and other items are received for deposit subject to the provisions of the Uniform Commercial Code or any applicable collection agreement.

PKS211284





GORDEN A. MADDEN III
JENNIFER F. MADDEN
210 CARTWRIGHT BLVD.
MASSAPEQUA PARK, NY 11762

1-7201/2214

3149

DATE 6/17/21

PAY TO THE ORDER OF T.O.B. $ 350.00

THREE HUNDRED AND FIFTY 00/100 DOLLARS

STERLING NATIONAL BANK

MEMO [redacted]

[redacted]

FOR DEPOSIT ONLY
TOWN OF OYSTER BAY
857-820206

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No 280-2022

WHEREAS, by Resolution No. 329-2021, adopted on June 15, 2021, the Town Board authorized LiRo Engineers, Inc., to provide design phase engineering services relative to Highway Improvements to the Intervale Avenue Area, Farmingdale, in connection with Contract No. H19-197, Phase 2; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated March 25, 2022, advised that the design for Contract No. H19-197-PH2, Construction of Highway and Drainage Improvements to the Intervale Avenue Area Located in Farmingdale, has been completed; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that the Department of Public Works/Highway has approved the plans and specifications submitted, with an estimated construction time for completion of Phase 2 of this Contract of one hundred eighty (180) days, and recommended that the Department of General Services, Division of Purchasing, proceed with setting a date for receiving bids for said Contract,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted, and the Department of General Services, Division of Purchasing, is hereby authorized and directed to contact the Division of Engineering to set a date for receiving bids for Contract No. H19-197-PH2.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 25, 2022

TO : MEMORANDUM DOCKET

FROM : RICHARD W.LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT : ACCEPTANCE OF DESIGN, REQUEST TO ENTER BID & CONSTRUCTION PHASES
CONSTRUCTION OF HIGHWAY & DRAINAGE IMPROVEMENTS
TO THE INTERVALE AVENUE AREA
LOCATED IN FARMINGDALE
CONTRACT NO. H19-197PH2

Town Board Resolution No. 329-2021 authorized LiRo Engineering, Inc. to perform engineering services relative to the above-mentioned contract.

The design has been completed, and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 180 days.

It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract. They are requested to contact the Division of Engineering to establish a bid date.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/HAS/nm
Attachments

cc: Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services
John Bishop, Deputy Commissioner/Highway

H19-197PH2 DOCKET Request to Bid Intervale Avenue Area

Meeting of June 15, 2021 Resolution No. 329-2021

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 246-2019, adopted on April 16, 2019, the Town Board authorized LiRo Engineers, Inc. to provide engineering services relative to Highway improvements to the Intervale Avenue Area, Farmingdale, New York, pursuant to Contract No. H19-197; and

WHEREAS, Michael Smith, P.E., Senior Vice President, LiRo Engineers, Inc., by letter dated May 10, 2021, described the scope of work to be performed regarding the design phase of Contract H19-197 Phase 2, in accordance with the Standard Consultant Agreement which is on file in the Division of Engineering, Department of Public Works, and for which the Department of Public Works negotiated a fee of $173,004.00 to proceed with the work; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated May 28, 2021, requested that the Town Board authorize LiRo Engineers, Inc. to perform the design phase relative to Contract No. H19-197 Phase 2; and

WHEREAS, Commissioner Lenz, by the aforementioned memorandum, further requested that the Town Board authorize and direct the Town Comptroller to issue an encumbrance order, in an amount not to exceed $173,004.00, to satisfy said engineering costs, and advised that funds to satisfy said engineering costs, are available in Account No. HWY H5197 20000 000 2103 008,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are accepted and approved, and LiRo Engineers, Inc. is authorized to provide design phase engineering services relative to Highway improvements to the Intervale Avenue Area, Farmingdale in connection with Contract No. H19-197 Phase 2, and it is further

RESOLVED, that the Comptroller is authorized to issue an encumbrance order, in an amount not to exceed $173,004.00, to satisfy said engineering costs, with funds to be drawn from Account No. HWY H5197 20000 000 2103 008.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney
Ralph P. Healey

WHEREAS, Cristina Harrison, Administrator, First Presbyterian Church, 60 East Main Street, Oyster Bay, New York 11771, by letter dated March 11, 2022, requested the use of one (1) roll-off container, to be dropped off at the Church on Tuesday, May 3, 2022, and collected on Tuesday, May 10, 2022, for the First Presbyterian Church's Annual Spring Cleanup, to be held on the aforementioned dates; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated March 21, 2022, advised that he has no objection to providing one (1) roll-off container for the First Presbyterian Church's Annual Spring Cleanup, to be dropped off on Tuesday, May 3, 2022, and collected on Tuesday, May 10, 2022, at 60 East Main Street, Oyster Bay, New York 11771, because it is not otherwise required for use by the Department of Public Works at those times, and the roll-off container is to be provided, without charge, as the event is not a profit making event as defined in the Code of the Town of Oyster Bay, Chapter 201, "Solid Waste", Section 201-17, "Roll-Off Containers"; and

WHEREAS, the Town Board of the Town of Oyster Bay deems this event to be an appropriate and worthwhile endeavor, and has determined that the approval of this request will benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is hereby approved, and the Department of Public Works is authorized to provide use of one (1) roll-off container to be dropped off on Tuesday, May 3, 2022, and collected on Tuesday, May 10, 2022, without charge, as the event is not a profit making event as defined in the Code of the Town of Oyster Bay, Chapter 201, "Solid Waste", Section 201-17, "Roll-Off Containers", for the First Presbyterian Church's Annual Spring Cleanup, subject to the following terms and conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Department of Public Works/Highway, or his duly authorized designee;

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of Town property, and in the conduct of the afore-described activities;

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains comprehensive general liability insurance, with a commercial liability limit of $1,000,000 per occurrence and $2,000,000 general aggregate per year, and naming the Town as an additional insured, in connection with the afore-described activity; and

4. The said organization shall follow all New York State Guidelines with respect to social distancing, and the afore-described activity may be cancelled by the Town of Oyster Bay at any time, to prevent harm to the population from the COVID-19 Virus, or any other threat to public health and/or safety.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

March 21, 2022

TO: Memorandum Docket

FROM: Richard W. Lenz, P.E., Commissioner of Public Works/Highway

SUBJECT: Request: First Presbyterian Church
60 East Main Street
Oyster Bay, New York 11771

Attached please find a copy of a letter received in this office from Cristina Harrison requesting a roll off container for their Spring Clean-up. The container will be placed at 60 East Main Street, Oyster Bay, on Tuesday, May 3, 2022, and collected on Tuesday, May 10, 2022.

An amendment to the Code of Ordinances of the Town of Oyster Bay, Article II: Solid Waste: Use of a Roll Off Container Pursuant to Chapter 201-17 reads as follows: "Charitable, fraternal, religious and not-for-profit organizations that maintain established meeting places within the Town of Oyster Bay and have requested the use of a Town roll off container in connection with a profit-making or fundraising event, shall be charged two hundred fifty dollars ($250.00) for each container load dumped."

It is our opinion that the Spring Clean-up does not constitute a profit-making or a fundraising event. Therefore, we hereby request the Honorable Town Board to approve this worthwhile organization the use of Town equipment without a charge.

Attached please find their certificate of insurance, endorsement, and hold harmless agreement for the use of Town of Oyster Bay equipment by the First Presbyterian Church from Tuesday, May 3, 2022 through Tuesday, May 10, 2022.

Richard W. Lenz, P.E., Commissioner
Department of Public Works/Highway

RWL: cw
Attachments
cc: Frank M. Scalera, Town Attorney
Steven Ballas, Comptroller

FIRST PRESBYTERIAN CHURCH
OYSTER BAY, NEW YORK
THE REV. DR. JEFFREY D. PREY, PASTOR

DP

March 11, 2022

Town of Oyster Bay
Department of Public Works
Sanitation Division
150 Miller Place
Syosset, NY 11791
Attention: Cathy

Dear Cathy:

We are requesting the use of one roll-off container from May 3, 2022 – May 10, 2022. Please find enclosed our application, Certificate of Insurance, endorsement and Hold Harmless Agreement.

If you have any questions, please call me at (516)922-5477.
Thank you.

Sincerely,

Cristina Harrison

Cristina Harrison
Administrator

:cjh
Enclosure

60 EAST MAIN STREET ❖ OYSTER BAY, NEW YORK 11771-2411 ❖ 516-922-5477 ❖ 516-922-5496 (FAX)

(APPLICATION FOR TOWN OF OYSTER BAY ROLL OFF CONTAINER)

PLEASE TYPE OR PRINT CLEARLY

Name of Organization: First Presbyterian Church

Billing Address: 60 East Main Street

Oyster Bay, NY 11771

Phone Number (Days): (516) 922-5477

Number of Container(s) Requested: 1

Address Where Container(s) Would Be Placed: Same

Dates Container(s) Needed: From 5/3/2022 To 5/10/2022

Describe The Event For Which Container(s) Is/Are Requested: Spring clean-up

Will The Event For Which The Container(s) Is/Are Requested Involve Fundraising Or Is It Intended To Be Profit-Making? No

I understand that this application is subject to the approval of the Town Board of the Town of Oyster Bay and that as a condition for such approval, a charge of $250.00 for each container load dumped may be assessed for which I agree to assume responsibility.

Signature: Cristina Horiom Date: 3/11/2022

Title: Church Administrator

Signature : _____ Date Received: _____

Signature: _____ Date Picked Up: _____

DO NOT WRITE BELOW THIS LINE

To Be Completed By Sanitation Division:

Approved By Resolution No.: WK $250 Charge Applies: YES _____ NO ✓

To Be Completed By Scale House:

Disposal Authorization Ticket No.: _____

Load Ticket No.: _____

Date: _____

Signature: _____

Scalehouse to return copy to Comptroller
White Copy - Sanitation Driver (to be given to Scalehouse)
Yellow Copy - Sanitation Files
Green Copy - Scale House Files

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 3/9/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh & McLennan Agency LLC
One South Jefferson Street
Roanoke VA 24011

CONTACT NAME:
PHONE (A/C, No, Ext): FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A: Lexington Insurance Company	19437
INSURER B: Lexington Insurance Company	19437
INSURER C:	
INSURER D:	
INSURER E:	
INSURER F:	

INSURED
0000005304 FIRST PRESBYTERIAN CHURCH
60 E MAIN ST
OYSTER BAY, NY 11771

COVERAGES **CERTIFICATE NUMBER: 1146950160** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY	Y		011071550	1/1/2022	1/1/2023	EACH OCCURRENCE	$2,000,000
B				040409060	1/1/2022	1/1/2023	DAMAGE TO RENTED PREMISES (Ea occurrence)	$1,000,000
	CLAIMS-MADE [X] OCCUR						MED EXP (Any one person)	$10,000
							PERSONAL & ADV INJURY	$2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$5,000,000
	[X] POLICY [ ] PRO-JECT [ ] LOC						PRODUCTS - COMP/OP AGG	$5,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N	N/A					E.L. EACH ACCIDENT	$
	(Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
Please contact your Insurance Board Agent, William A Smith and Son, Inc at 845-561-1706 for questions regarding your Certificate of Insurance. If you would like to speak to someone at the Insurance Board, please call 800-437-8830.

RE: Use of Roll off container from 5/3/2022 to 5/11/2022. The Certificate Holder is included as Additional Insured under the General Liability if required per written contract.

CERTIFICATE HOLDER

Town of Oyster Bay
54 Audrey Ave
Oyster Bay 11771

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

H. Andrew Perry

© 1988-2016 ACORD CORPORATION. All rights reserved.

Reviewed By
Office of Town Attorney

This endorsement, effective January 1, 2022, 12:01 a.m.,
Forms a part of Policy No.: 011871568
Issued to: United Church Insurance Association
By: LEXINGTON INSURANCE COMPANY

ENDORSEMENT
ADDITIONAL INSURED REQUIRED BY WRITTEN CONTRACT OR WRITTEN OR ORAL AGREEMENT ENDORSEMENT

A. **Section II – Who Is an Insured** is amended to include any person or organization you are required to include as an additional insured on this policy by a written contract or a written or oral agreement in effect during this policy period and executed prior to the "occurrence" of the "bodily injury" or "property damage".

B. The insurance provided to the above described additional insured under this endorsement is limited as follows:
   1. This insurance provides coverage with regard to Coverage A Bodily Injury And Property Damage (Section I - coverages only).
   2. The person or organization is only an additional insured with respect to liability arising out of "your work", "your product", or your operations.
   3. In the event that the Limits of Insurance provided by this policy exceed the Limits of Insurance required by the written contract or written or oral agreement, the insurance provided by this endorsement shall be limited to the Limits of Insurance required by the written contract or written agreement. This endorsement shall not increase the Limits of Insurance shown in the Declarations pertaining to the coverage provided herein.
   4. This insurance does not apply to "bodily injury" or "property damage" arising out of "your work", "your product", or your operations included in the "product-completed operations hazard" unless you are required to provide such coverage by written contract or written or oral agreement and then only for the period of time required by the written contract or written or oral agreement and in no event beyond the expiration date of the policy.
   5. Any coverage provided by this endorsement to an additional insured shall be excess over any other valid and collectible insurance available to the additional insured whether primary, excess, contingent or on any other basis, unless the written contract or written or oral agreement with additional insured specifically requires that this insurance be primary and non-contributory with any other insurance carried by the additional insured. In such case, this insurance shall be primary and non-contributory with any other insurance carried by the additional insured.

C. In accordance with the terms and conditions of the policy and as more fully explained in the policy, as soon as practicable, each additional insured must give us prompt notice of any "occurrence" which may result in a claim, forward all legal papers to us, cooperate in the defense of any actions, and otherwise comply with all of the policy's terms and conditions. Failure to comply with this provision may, at our option, result in the claim or "suit" being denied.

All other terms and conditions of the policy remain the same.

Authorized Representative

Reviewed By
Office of Town Attorney

Hold Harmless Agreement for Use of Town Property and/or Equipment

This Agreement is made this 11 day of March, 2022 by First Presbyterian Church (hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as _____

for the event described as SPRING CLEAN-UP
The property/equipment is needed from MAY 3, 2022 to MAY 10, 2022.
The event for which the property and/or equipment is requested (___) is (✓) is not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificates of insurance must be accompanied by an endorsement.

I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.

Name of Organization
First Presbyterian Church

Address of Organization
60 EAST MAIN STREET
OYSTER BAY, NY 11771

By: Cristina Harrison
Authorized Representative

Title: CHURCH ADMINISTRATOR

Telephone Number: (516) 922-5477

Reviewed By
Office of Town Attorney

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 748-2021, adopted on December 7, 2021, the Town Board authorized the Department of Public Works to enter into Contract No. PWC20-22, On-Call Civil Engineering Services relative to the Town of Oyster Bay's Tank Management Program, with for a two-year term, commencing January 1, 2022 through December 31, 2023; and

WHEREAS, Steven A. Fangmann, P.E., BCEE, President and CEO, D&B Engineers and Architects, DPC, by letter dated March 18, 2022, set forth the scope of work to be performed under Contract No. PWC20-22, in an amount not to exceed $60,000.00, in connection with On-Call Engineering Services relative to Tank Management Fuel System Improvements at the Old Bethpage Solid Waste Disposal Complex Central Vehicle Maintenance Facility; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highways, by memorandum dated March 28, 2022, requested Town Board authorization for funds, in an amount not to exceed $60,000.00, for D&B Architects and Engineers DPC to provide engineering services relative to Contract No. PWC20-22; and

WHEREAS, Commissioner Lenz, by said memorandum, further requested that the Comptroller be directed to issue an encumbrance order in an amount not to exceed $60,000.00 for this purpose, with funds available in Account No. DPW H 1997 20000 000 2100 001, Project ID No. 2110TWNA-02; and

WHEREAS, Commissioner Lenz, by said memorandum, further advised that the Office of the Inspector General has reviewed the Contract, and the proposed vendor's disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled, and

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are approved, and D&B Architects and Engineers DPC is hereby authorized to proceed with the aforementioned services in connection with Contract No. PWC20-22; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to issue an encumbrance order in an amount not to exceed $60,000.00, with funds to be drawn from Account No. DPW H 1997 20000 000 2100 001, Project ID No. 2110TWNA-02; and be it further

RESOLVED. That the Comptroller is hereby authorized to make payment for same, upon presentation of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 28, 2022

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ON-CALL ENGINEERING SERVICE REQUEST RELATIVE TO
TANK MANAGEMENT – FUEL SYSTEM IMPROVEMENTS OBSWDC CVM FACILITY
CONTRACT NO. PWC20-22
ACCOUNT NO.: DPW-H 1997- 20000-000-2110-001
PROJECT ID NO. 2110TWNA-02

The consultant, D&B Engineers & Architects DPC, has been approved by the Commissioner of Public Works to provide engineering services under On-Call Contract No. PWC20-22 by Resolution No. 748-2021 for the subject project.

Attached is a letter dated March 18, 2022 from D&B Engineers & Architects DPC, regarding the scope of work to be performed in an amount not to exceed $60,000.00. Funds are required for detailed design, permitting services, and bidding services under said on-call as described in the attached letter from D&B Engineers & Architects, DPC.

Attached is an availability of funds in the amount of $60,000.00 to satisfy said engineering costs from the Director of Finance indicating that funds are available in Account No. DPW-H-1997-20000-000 2110 - 001

The Office of the Inspector General has reviewed the proposed vendors' disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

It is hereby requested that the Town Board authorize by Resolution, D&B Engineers & Architects DPC under Contract No. PWC20-22 for on-Call Engineering Services Relative to Tank Management be approved and requests that the Comptroller be directed to issue an encumbrance order for this purpose.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/TLS/nm

Attachment

cc: Steve C. Ballas, Comptroller
Michael Cipriano, Division Head/CVM

PWC20-22 Docket DB 60000

ON-CALL CONSULTANT SERVICE / REQUIREMENTS CONTRACT
REQUEST FOR AVAILABILITY OF FUNDS

Requesting Division/Department CVM

THIS SECTION TO BE COMPLETED BY DEPARTMENT ADMINISTERING ON-CALL CONSULTANT CONTRACT

Contract Number PWC20-22

Contract Period JANUARY 01, 2022 TO DECEMBER 31, 2023

Consultant/Contractor D & B Engineers & Architects, DPC

Discipline TANK MANAGEMENT

Total Authorization $60,000.00

Resolution No. 748-2021 Date 12/7/2021

Funded To Date $0.00

Amount Requested $60,000.00

Account To Be Used DPW-H-1997-20000-000-2110-00/2110TWNA-02

If Capital Account, State The Related Contract Number: N/A

Description Of Work

If a Capital Account is used and work is not related to a Capital Project, specify the nature of the requested service that qualifies it as a Capital Expense.

ON-CALL SERVICES RELATIVE TO TANK MANAGEMENT

FUEL SYSTEM IMPROVEMENTS AT OBSWDC CVM FACILITY

Work To Be Completed In Contract Period: Yes [X] No [ ]

A "No" response will require Town Board authorization to extend the contract period.

Required Insurances Are In Effect: Yes [X] No [ ]

A "No" response will prevent further processing of this form.

Required 50% Performance Bond For This Request In Effect: Yes [ ] No [ ] N/A [X]

Amount of Bond $ n/a

Requesting Division/Department	DPW Approval Only To Be Executed By The Commissioner
Signature [signature]	Signature [signature]
Title DIVISION HEAD CVM	Title Commissioner of Public Works
Date 3-25-22	Date 3/25/22

THIS SECTION TO BE COMPLETED BY THE DIRECTOR OF FINANCE

Amount Requested 60,000.00

Unemcumbered Balance 290,564.03

Is The Account To Be Used Consistent With The Nature Of Work Listed Above? Yes [X] No [ ]

Signature [signature] Date 3/25/22

TOWN OF OYSTER BAY

WORK ORDER

This Section To Be Completed By The Department Of Public Works

Work Order No. _____ E.O. No. _____

Contract Start 1/1/2022

Contract No. PWC20-22 Contract End 12/31/2023

Commencement Date _____

No claim shall be paid for work performed prior to the Commencement Date

Vendor Name and Address

D & B ENGINEERS & ARCHITECTS , DPC

330 CROSSWAYS PARK DRIVE

WOODBURY, NEW YORK 11797

Requesting Town Department CVM

Contact _____ Phone _____

Description of Work to be Performed (Attach Detail If Necessary)

TANK MANAGEMENT SERVICES

FUEL SYSTEM IMPROVEMENTS AT OBSWDC CVM FACILITY

This work order shall not exceed $ $60,000.00

Please notify the above mentioned contact person 48 hours prior to commencing any work.

Requesting Division/Department

Signature _____

Title CVM

Date 3-25-22

Department Of Public Works Approval

Only To Be Executed By The Commissioner

Signature _____

Commissioner of Public Works

Date 3/25/22

D&B ENGINEERS AND ARCHITECTS

330 Crossways Park Drive, Woodbury, New York 11797
516-364-9890 • 718-460-3634 • Fax: 516-364-9045 • www.db-eng.com

Board of Directors

Steven A. Fangmann, P.E., BCEE
President & Chairman

Robert L. Raab, P.E., BCEE, CCM
Senior Vice President

William D. Merklin, P.E.
Senior Vice President

March 18, 2022

John Tassone, Deputy Commissioner
Town of Oyster Bay
Department of Public Works
150 Miller Place
Syosset, NY 11791

Attn: Thomas Scalfano
Engineering Division

Re: Fuel System Improvements at OBSWDC CVM Facility
TOB Contract No.: PWC 20-22, Resolution 748-2021

Dear Deputy Commissioner:

As the Town's Tank Management Consultant under the above-referenced contract, D&B Engineers and Architects, D.P.C. (D&B) is pleased to submit this Task Order Proposal to provide continued assistance to the Town with professional engineering services related to the design and permitting of fueling station improvements at the Town's Central Vehicle Maintenance Facility (CVM) at the Old Bethpage Solid Waste Disposal Complex (OBSWDC). The work of this proposal will serve to continue our services to complete remaining design, permitting and bidding related tasks.

We understand that the goal of the project is to replace the existing fueling system with new tankage and modern dispensing and accessory equipment, similar to fueling system upgrades performed at other Town CVM facilities. In addition to the fueling system work, we will evaluate and address existing site stormwater issues that are related to the existing pavements and grades in this area of the site that cause standing water to accumulate in the fueling system area. Our work will also include removal of the existing reinforced concrete retaining wall that is present adjacent to the existing underground tanks to allow for their removal, and design of a new, lower retaining wall to accommodate the difference in grades apparent between the CVM building and adjacent transfer station.

A new tank and dispenser layout will be developed to avoid vehicle wheel tracking across the tank manways and storage tank protection slabs and to accommodate the variety of Town vehicles that utilize this facility for fueling. The existing system includes a 4,000-gallon underground storage tank for diesel fuel and a 4,000-gallon underground storage tank for gasoline storage. We understand that the new facility will include a 12,000-gallon underground storage tank for diesel fuel and a 8,000-gallon underground storage tank for gasoline storage. We have reviewed dimensional information for this arrangement and have determined this arrangement to be feasible at this site.

We understand that an area of the project site is intended to be utilized in the future for a private leasehold and will coordinate the layout of the fueling system components with these proposed

boundaries, which will be provided by the Town. The existing fueling system is currently served by a mobile standby generator through a receptacle/junction box. The new fueling system will include these mobile standby generator connection provisions to maintain system operation during times of primary utility power outage.

Design elements for the fueling system will generally be consistent with previous fueling system designs performed for the Town by D&B, and shall include integration of the Town's existing fuel management system, use of submersible pumping equipment and Veeder-Root tank gauge equipment, Fiberlite tank access manways and Wayne dispensers; however, mechanical-register dispensers are understood to be preferred at this location for consistency with the Town's fuel management system requirements. Additionally, as NYSDEC no longer requires Stage II vapor recovery equipment, this will be omitted from the design to reduce future routine equipment testing requirements. Should an overhead canopy be requested to be included as part of the project, this can be integrated into our design scope with a supplemental proposal, as may be requested.

In order to continue to support the Town with the completion of design, permitting and bidding services related to these improvements, we propose the following detailed scope of work:

A. SCOPE OF WORK

Detailed Design and Permitting

- Coordinate with the Town to determine the requirements of the existing mobile standby power generator unit and connections for integration in the new fueling system design.

- Perform a stormwater evaluation and design for the areas surrounding the project to mitigate surface stormwater collection in the area of the fueling facility. The stormwater design will include new drywells and interconnecting piping, in conformance with separation requirements for Nassau County and New York State Petroleum Bulk Storage and National Fire Protection Agency Motor Vehicle Fueling code requirements.

- Meet with Town representatives to review the draft fueling system and coordinated stormwater improvements layout and discuss options and adjustments to conform to the operational requirements of the facility. Integrate the Town's comments to finalize the site layout.

- Design the electrical systems related to the fueling facility based upon the selected conceptual layout. Complete and certify the draft mechanical design documents that have been previously prepared and submitted for application for permit approval to construct.

- Perform drainage design calculations and design and develop details for the stormwater improvement aspect of the work.

- Design the electrical and controls systems including the mobile standby generator connection and fueling system lighting system including suitable energy-efficient fixtures.

- Present draft detailed design drawings and specifications to the Town for review and comment Integrate comments received from the Town.

- Meet with and coordinate with the Town's fuel management vendor to develop and integrate power and communication requirements for the fuel management system and related system components into the construction documents.

- Respond to questions and comments received from the Nassau County Department of Health (NCDH) as required to obtain permission to construct the improvements.

- Prepare a permit application and detailed design and permitting submission to the Nassau County Office of the Fire Marshal to request permission to construct a fire suppression system for the station, as required by the New York State Building Code. Coordinate with the Town as required for review and endorsement of the permitting documents and agency review fees, as required. Respond to questions and comments received as required to solicit approval to construct.

- Prepare detailed construction technical specifications to define requirements for materials and equipment related to the project. Prepare a bid sheet with lump sum and unit price items appropriate for the project work.

- Coordinate with the Town to integrate the Town's boilerplate contract and bidding requirements into the construction documents.

- Develop a conceptual cost estimate for the project work, based upon the finalized construction documents.

Bidding Services

- Prepare fifteen (15) copies of the bidding documents on compact disk for use in public bidding of the project.

- Respond to questions and requests for information received from potential bidders during the bid period.

- Attend the bid opening, review bids received, make recommendation for award of the work, and prepare conformed documents for signing of the contract.

B. FEES

The proposed fees to complete the above tasks will be based upon time and expenses actually incurred in relation to the above scope in accordance with the terms of our on-call agreement with the Town and will not exceed the following values:

Detailed Design and Permitting	$57,500
Bidding Services	$2,500
Total	**$60,000**

Direct expenses, including mileage and document reproduction are included in the above fees.

D&B would be pleased to provide a separate scope and proposal to assist the Town with construction services and oversight as the project is approved by the respective regulatory authorities for construction.

Our proposed scope of work assumes that the existing electrical service capacity of the facility is adequate to support the new electrical loads, and that regulatory review fees will be paid by the Town. Should improvements to the existing facility electrical service be required, a separate proposal can be developed to address this work.

If you have any questions regarding this proposal, please feel free to call me at (516) 364-9890, Ext. 3005.

Very truly yours,

Steven A. Fangmann, P.E., BCEE
President and CEO

SAF/PRS/kb
cc: M. Russo (TOB-Eng)
M. Cipriano (TOB-CVM)
P. Sachs (D&B)
♦PX11148\SAF031822JT-Ltr

Meeting of December 7, 2021

Resolution No. 748-2021

Reviewed By
Office of Town Attorney
Annmarie Walsh

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated November 22, 2021, advised that a Request for Proposals for On-Call Engineering Services relative to Tank Management Program was issued in accordance with the specifications contained in Contract No. PWC20-22 for a two (2) year contract term, commencing January 1, 2022 through December 31, 2023; and

WHEREAS, in response to that Request for Proposals, six (6) responses were received by the Division of Engineering; and

WHEREAS, Commissioner Lenz, by said memorandum, stated that after review of the Division of Engineering's preliminary recommendations in compliance with the requirements of Guidelines 6 and 9 of the Town of Oyster Bay Procurement Policy and in conjunction with the current workload, the Department has selected D & B Engineers and Architects, DPC, LiRo Engineers, Inc., and H2M Engineers & Architects; and

WHEREAS, Commissioner Lenz, by said memorandum requested Town Board authorization for the Department of Public Works/Highway to enter into Contract No. PWC20-22 On-Call Engineering Services relative to Tank Management Program with D & B Engineers and Architects, DPC, LiRo Engineers, Inc., and H2M Engineers & Architects for a two (2) year term, commencing on January 1, 2022 through December 31, 2023; and

WHEREAS, the Inspector General has reviewed the Request for Proposals and the proposed vendor's disclosures, and is satisfied that the Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Department of Public Works/Highway is hereby authorized to enter into Contract No. PWC20-22 with D & B Engineers and Architects, DPC, LiRo Engineers, Inc., and H2M Engineers & Architects for a two (2) year term, commencing on January 1, 2022 through December 31, 2023.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No. 283-2022

WHEREAS, pursuant to public notice, bids were duly solicited, and were regularly received on March 16, 2022, for Contract No. H20-210, Highway Improvements to the Crescent Drive Area Located in Old Bethpage, New York, and said bids were publicly opened and read; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works, by memorandum dated March 25, 2022, advised, that in compliance with the Town's Procurement Policy, the bid proposals received for Contract No. H20-210, were reviewed by deBruin Engineering, P.C., 1400 Old Country Road, Suite 106, Westbury, New York 11590, Consulting Engineers; and

WHEREAS, Luis Osorio, P.E., C.C.M., deBruin Engineering, P.C., Consulting Engineers, by letter dated March 25, 2022, recommended the award of Contract No. H20-210, to Metro Paving, LLC, 500 Patton Avenue, West Babylon, New York 11704-1417, the lowest responsive and responsible bidder among three (13) bids received, in the amount of $3,183,415.00; and

WHEREAS, as per Town policy, $159,170.75 should be added to the low bid amount for potential quantity increases, for a total bid encumbrance of $3,342,585.75; and

WHEREAS, Commissioner Lenz, by said memorandum, concurred with the recommendation of deBruin Engineering, P.C., Consulting Engineers, and recommended the award of Contract No. H20-210, to Metro Paving, LLC, the lowest responsive and responsible bidder, in the amount of $3,183,415.00, and $159,170.75, for potential quantity increases, for a total bid encumbrance of $3,342,585.75, with funds available for payment in Account No. HWY H 5197 20000 000 2203 008, Project Id. No. 2203HWYDB-02; and

WHEREAS, Commissioner Lenz, by said memorandum, further advised, that the Office of the Inspector General reviewed the Bids, the Contract, and the proposed vendor's disclosure questionnaire and is satisfied that the Town of Oyster Bay Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the recommendations as hereinabove set forth are accepted, and Contract No. H20-210 is awarded to Metro Paving, LLC, in an amount not to exceed $3,342,585.75, and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. Account No. HWY H 5197 20000 000 2203 008, Project ID No. 2203HWYDB-02; and be it further

RESOLVED, That the Town Comptroller is hereby authorized and directed to issue an encumbrance order in a total amount not to exceed $3,342,585.75, upon presentation of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 25, 2022

TO : MEMORANDUM DOCKET

FROM : RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

SUBJECT: AWARD OF CONSTRUCTION CONTRACT
HIGHWAY IMPROVEMENTS TO THE CRESCENT DRIVE AREA
LOCATED IN OLD BETHPAGE, NEW YORK
CONTRACT NO: H20-210
ACCOUNT NO: HWY H 5197 20000 000 2203 008
PROJECT ID: 2203HWYDB-02

RECEIVED
LEGISLATIVE AFFAIRS
2022 MAR 28 A 11:06
TOWN OF OYSTER BAY

On March 16, 2022, the Division of Purchasing received bids for the subject project and the consulting engineer reviewed the bids. Metro Paving LLC, 500 Patton Avenue, West Babylon, NY 11704, Federal Id# 465339257 submitted the lowest responsive bid among thirteen (13) in the amount of $3,183,415.00.

Attached is a letter dated March 25, 2022 from the office of deBruin Engineering P.C., recommending the award of this contract to Metro Paving LLC in the amount of $3,183,415.00. In accordance with Town policy $159,170.75 should be applied to the low bid amount for potential quantity increases for a total bid encumbrance of $3,342,585.75.

The construction time for completion of the subject contract is 180 calendar days. Funds are available for the subject contract work in Account No. HWY H 5197 20000 000 2203 008

The Office of The Inspector General has reviewed the Contract and proposed vendors' disclosure questionnaire and is satisfied that the procurement Policy has been fulfilled.

We concur with the recommendation of deBruin Engineering P.C., and request that Contract No. H20-210 be awarded to Metro Paving LLC in the total bid amount of $3,183,415.00 and that $159,170.75 be applied to the low bid amount for a total bid encumbrance of $3,342,585.75.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS

RWL/JCT/MR/TLS/nm
Attachments

cc: Steven Ballas, Comptroller
John Bishop, Deputy Commissioner/Highway

H20-210 award docket metro crescent drive

de Bruin

de Bruin Engineering P.C.

Civil Engineering & Construction Management

March 25, 2022

Richard Lenz, P.E.
Commissioner of Public Works
Town of Oyster Bay Department of Public Works
150 Miller Place
Syosset, NY 11791-5699

Attn: John Tassone
Deputy Commissioner

Re: Highway Improvements to the Crescent Drive Area, Old Bethpage, NY
Contract No. H20-210
Bid No. PW028-22
de Bruin No. 6306

Dear Commissioner:

Bids were received for the referenced project on March 16, 2022. Thirteen (13) contractors submitted bids as follows:

#	CONTRACTOR	BASE BID	OPTION A (MIXED-IN-PLACE BASE COURSE)	OPTION B (DENSE GRADED AGGREGATE BASE COURSE)	OPTION C (FULL DEPTH ASPHALT)	BID AMOUNT
1	METRO PAVING LLC	$1,725,965.00			$1,457,450.00	$3,183,415.00
2	LASER INDUSTRIES, INC.	$1,682,185.00	$1,817,720.00			$3,499,905.00
3	UNITED PAVING CORP.	$1,948,470.00			$1,568,255.00	$3,516,725.00
4	VALENTE CONTRACTING CORP.	$1,702,865.00			$1,848,155.00	$3,551,020.00
5	MACEDO CONTRACTING SERVICES INC.	$1,916,235.00		$1,753,700.00		$3,669,935.00
6	ROSEMAR CONTRACTING INC.	$2,071,669.00	$1,612,910.00			$3,684,579.00
7	H & L CONTRACTING LLC	$2,203,712.00			$1,541,450.00	$3,745,162.00
8	PIONEER LANDSCAPING AND ASPHALT PAVING, INC.	$2,393,736.00		$1,509,920.00		$3,903,656.00
9	PRATT BROTHERS INC.	$2,180,720.00		$1,931,080.00		$4,111,800.00

03/25/2022

#	CONTRACTOR	BASE BID	OPTION A (MIXED-IN-PLACE BASE COURSE)	OPTION B (DENSE GRADED AGGREGATE BASE COURSE)	OPTION C (FULL DEPTH ASPHALT)	BID AMOUNT
11	THOMAS NOVELLI CONTRACTING CORP.	$2,639,100.00		$2,169,400.00		$4,808,500.00
12	ROADWORK AHEAD INC.	$3,047,040.00		$2,630,650.00		$5,677,690.00
13	JR CRUZ	$4,061,386.00			$1,824,270.00	$5,885,656.00

Metro Paving, LLC is the lowest bidder at $3,183,415. Review of Metro's references indicates an experienced paving contractor that has performed road work improvements for various municipalities in Long Island. We have worked with the contractor in the past and have found that the contractor completed their work in substantial conformance with the contract requirements and on schedule.

The Engineer's estimate for the selected paving option was $3,745,313.
Our conversation with Metro Paving at our pre-award meeting today confirms that there is confidence on delivering the project on schedule and at the bid price.
Metro has also confirmed that the vicinity of the asphalt plant and concrete disposal locations play an important factor in his low pricing.

Based on the foregoing analysis we find no reason not to recommend award of this contract to Metro Paving, LLC in the amount of $3,183,415.

We are available to discuss this recommendation at your convenience.

Sincerely yours,

Luis Osorio, PE, CCM

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 118-2022, adopted on March 1, 2022, the Town Board authorized the Comptroller to issue an encumbrance order for Contract No. PWC09-22, for the work to be performed by Cameron Engineering & Associates, LLP, On-Call Engineering Services relative to Site Development in connection with design, bid and construction management services regarding turf installation at Francis M. Gaynor Park; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated March 29, 2022, advised that the design for Contract No. DP22-230, Francis M. Gaynor Park Synthetic Turf Field Installation, has been completed; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that the Department of Public Works/Highway has approved the plans and specifications submitted, with an estimated construction time for completion of Phase 1 of this Contract of ninety-five (95) days, and recommended that the Department of General Services, Division of Purchasing, proceed with setting a date for receiving bids for said Contract,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted, and the Department of General Services, Division of Purchasing, is hereby authorized and directed to contact the Division of Engineering to set a date for receiving bids for Contract No. DP22-230.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 29, 2022

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: ACCEPTANCE OF THE DESIGN & REQUEST TO ENTER BID & CONSTRUCTION PHASE
FRANCIS M. GAYNOR SYNTHETIC TURF FIELD INSTALLATION
CONTRACT NO. DP22-230

Town Board Resolution No.118-2022 authorized Cameron Engineering & Associates, L.L.P to perform engineering services relative to the above-mentioned contract.

The design has been completed and the Commissioner of Public Works has approved the plans and specifications. The estimated construction time for completion of this subject contract is 95 calendar days.

The Office of the Inspector General has reviewed the contract and the proposed vendors' disclosure questionnaire and is satisfied that the procurement Policy has been fulfilled.

It is hereby requested that the Town Board authorize by Resolution that the Division of Purchasing, by copy of this memorandum, shall proceed with setting a bid date for receiving bids for this contract. They are requested to contact Sunita Chakraborti, Project Manager, at extension 5725 to establish a bid date.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/SC/nm

cc: Steven C. Ballas, Comptroller
Eric Tuman, Commissioner/General Services
Joseph G. Pinto, Commissioner/Parks

Reviewed By
Office of Town Attorney

WHEREAS, by Resolution No. 741-2021, adopted on December 7, 2021, the Town Board authorized the Department of Public Works/Highway to enter into Contract No. PWC09-22, On-Call Engineering Services Relative to Site Development, with Cameron Engineering & Associates, L.L.P., 177 Crossways Park Drive Woodbury, New York 11797, Consulting Engineers, to provide On-Call Engineering Services to the Town, for a two (2) year contract term, commencing January 1, 2022 through December 31, 2023; and

WHEREAS, Richard J. Zapolski, Jr., P.E., Associate Partner, Cameron Engineering & Associates, LLP, Consulting Engineers, by letter dated January 20, 2022 described the scope of work to be performed under Contract No. PWC09-22, Design, Bid and Construction management services Regarding Turf Installation at Francis M. Gaynor Park, in an amount not to exceed $203,500.00; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memorandum dated February 4, 2022, requested Town Board authorization for Cameron Engineering & Associates, LLP, Consulting Engineers, to perform the aforesaid engineering services under Contract No. PWC09-22, and that the Town Comptroller be directed to issue an encumbrance order in an amount not to exceed $203,500.00 for this purpose; and

WHEREAS, Commissioner Lenz, by said memorandum, advised that funds in the amount of $203,500.00 to satisfy said engineering costs are available in Account No. PKS H 7197 20000 000 2002 001, Project ID No. 2002 PKSA-11; and

WHEREAS, Commissioner Lenz, by said memorandum, further advised that the Office of the Inspector General has reviewed the contract and the proposed vendor's questionnaire, and is satisfied that the Town of Oyster Bay Procurement policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Town Comptroller is hereby authorized and directed to issue an encumbrance order in the amount of $203,500.00, for Contract No. PWC09-22, in connection with the abovementioned project; and be it further

RESOLVED, That the funds for said payment shall be drawn from Account No. PKS H 7197 20000 000 2002 001, Project ID No. 2002 PKSA-11; and be it further

RESOLVED, That the Town Comptroller is hereby authorized and directed to make payment for same therefor, upon the submission of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney

WHEREAS, pursuant to public notice, bids were duly solicited, and were regularly received on March 29, 2022, for Contract No. DP21-221, Marjorie R. Post Park Community Center Upgrades, Massapequa, New York, and said bids were publicly opened and read; and

WHEREAS, Richard W. Lenz, P.E., Commissioner, Department of Public Works/Highway, by memoranda dated March 25, 2022 and April 4, 2022, advised, that in compliance with the Town's Procurement Policy, the bid proposals received for Contract No. DP21-221, were reviewed by John A. Grillo Architect, P.C., 1213 Main Street, Port Jefferson, New York 11777, Consulting Architect; and

WHEREAS, John M. Grillo, Architect, of John A. Grillo Architect, P.C., by letter dated April 4, 2022, recommended the award of Contract No. DP21-221, to Crossroads Construction Corp., 646 Middle Country Road, Suite #6, St. James, New York 11780, the lowest responsive and responsible bidder among three (3) bids received, in the amount of $262,500.00; and

WHEREAS, Commissioner Lenz, by said memoranda, concurred with the recommendation of John A. Grillo Architect, P.C., and recommended the award of Contract No. DP21-221, to Crossroads Construction Corp., the lowest responsive and responsible bidder, in the amount of $262,500.00, with funds available for payment in Account No. CYS H 1997 20000 000 1401 001; and

WHEREAS, in accordance with Town policy $13,125.00 should be applied to the low bid amount for potential quantity increases for a total bid encumbrance of $275,625.00; and

WHEREAS, Commissioner Lenz, by said memoranda, further advised, that the Office of the Inspector General reviewed the Bids, the Contract, and the proposed vendor's disclosure questionnaire and is satisfied that the Town of Oyster Bay Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, that the recommendations as hereinabove set forth are accepted, and Contract No. DP21-221 is awarded to Crossroads Construction Corp., in an amount not to exceed $262,500.00, and be it further

RESOLVED, that the funds for said payment shall be drawn from Account No. CYS H 1997 20000 000 1401 001; and be it further

RESOLVED, that the Town Comptroller is hereby authorized and directed to issue an encumbrance order in a total amount not to exceed $275,625.00, upon presentation of a duly certified claim, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

April 4, 2022

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: SUPPLEMENTAL DOCKET MEMO. TO ITEM NO. 15
DOCKET OF MARCH 29, 2022 AWARD OF CONSTRUCTION CONTRACT
MARJORIE R. POST PARK COMMUNITY CENTER UPGRADES
CONTRACT NO. DP21-221
ACCOUNT NO. CYS H 1997 20000 000 1401 001
PROJECT I.D. 1401TWNA-07

In furtherance to Item No.15 of the docket of March 29, 2022 please be aware on March 28, 2022, the Division of Purchasing received bids for the subject project and the consulting Architect reviewed the bids. Crossroads Construction Corp., located at 646 Middle Country Road, Suite #6, Saint James, NY 11780, Federal I.D. 03-0536606 submitted the lowest responsive bid among three (3) in the amount of $262,500.00.

Attached is a letter dated April 4, 2022 from the office of John A. Grillo Architect, P.C. recommending the award of this contract to Crossroads Construction in the amount of $262,500.00. In accordance with Town policy $13,125.00 should be applied to the low bid amount for potential quantity increases for a total bid encumbrance of $275,625.00.

The estimated construction time for completion of the subject contract is 30 calendar days. Funds are available for the subject contract work in Account Number: CYS H 1997 20000 000 1401 001.

The Office of the Inspector General has reviewed the Contract and the proposed vendor's disclosure questionnaire and is satisfied that the Procurement Policy has been fulfilled.

We concur with the recommendation of John A. Grillo Architect, P.C. and request that Contract No. DP21-221 be awarded to Crossroads Construction in the total bid amount of $262,500.00 and that $13,125.00 be applied to the low bid amount for a total bid encumbrance of $275,625.00.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/SJ/lk

Attachments

c: Steven C. Ballas, Comptroller
Maureen Fitzgerald, Commissioner of Community & Youth Services

JAG ARCHITECT

JOHN A. GRILLO
ARCHITECT, P.C.
1213 MAIN STREET
PORT JEFFERSON, NY 11777

TEL: (631) 476-2161 FAX: (631) 476-9846

April 4, 2022

Mr. Richard Lenz, Commissioner
Town of Oyster Bay
Department of Public Works
150 Miller Place
Syosset, NY 11791

RE: Town of Oyster Bay
Marjorie Post Community Center
Contract No.: DP 21-221
Bid No.: PW 027-22

Dear Mr. Lenz:

Three (3) bids were received, on March 28, 2022, for the work of the referenced project. We have reviewed the lowest bid and recommend award of the contract to Crossroads Construction Corp., as follows:

Crossroads Construction Corp.
646 Middle Country Road
Suite #6
St. James, NY 11780
631-366-3006 FAX 631-366-3008

in the following amounts:

1.	Base Bid:	$237,500.00
2.	General Allowance:	$25,000.00
3.	Total Base Bid Plus Allowance:	$262,500.00

We have completed several projects with Crossroads Construction Corp. in the past, all with satisfactory results. Crossroads Construction Corp. has submitted the necessary documentation, as required, in support of their bid.

If additional information is required, please don't hesitate to contact our office.

Very truly yours,

John M. Grillo
Architect

JMG:kw

cc: J. Tassone
S. Jordan

TOB - Marjorie Post Community Center - Rec Ltr

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TOWN OF OYSTER BAY

INTER-DEPARTMENTAL MEMO

March 25, 2022

TO: MEMORANDUM DOCKET

FROM: RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT: AWARD OF CONSTRUCTION CONTRACT
MARJORIE R. POST PARK COMMUNITY CENTER UPGRADES
MASSAPEQUA, NEW YORK
CONTRACT NO. DP21-221
BID NO. PW027-22
SUPPLEMENTAL MEMO TO FOLLOW

On March 28, 2022, the Division of Purchasing will receive bids for the subject project. The Division of Engineering will review the bids received. A formal recommendation of award will be provided by a supplemental memorandum docket.

It is therefore requested that a space be reserved at the Town Board meeting of April 12, 2022 for the Town Board to take action on an award for the Marjorie R. Post Park Community Center Upgrades, Contract No. DP21-221.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR/SJ/ nm

cc: Steven Ballas, Comptroller
Joseph G. Pinto, Commissioner/Parks

DP21-221 DOCKET Hold a Space Award for Marjorie R. Post Park Community Center Upgrades

Reviewed By
Office of Town Attorney

WHEREAS, Richard W. Lenz, P.E., Commissioner of the Department of Public Works/Highways by memorandum dated April 4, 2022, advised that the Department of Public Works has been approached by representatives from Stony Brook University ('SBU') regarding participation in a Municipal Solid Waste Characterization Study, which has been funded by the New York State Department of Environmental Conservation-Environmental Protection Fund to the SBU Waste Data and Analysis Center; and

WHEREAS, Commissioner Lenz, by said memorandum, stated students from SBU will collect data on the amounts and types of solid waste collected by Town Sanitation at the Old Bethpage Solid Waste Disposal Complex, wherein said data will be provided to the Town to assist in further solid waste and recycling efforts, and participation in the study will be at no cost to the Town,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is approved, and the Department of Public Works is hereby authorized to participate in a Municipal Solid Waste Characterization Study with Stony Brook University, at no cost to the Town.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

APRIL 4, 2022

TO : MEMORANDUM DOCKET

THROUGH : RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT : SUPPLEMENTAL DOCKET MEMO TO ITEM NO. 16
DOCKET OF MARCH 29, 2022
AUTHORIZATION TO EXECUTE A LICENSE AGREEMENT
MUNICIPAL SOLID WASTE CHARACTERIZATION STUDY
PERFORMED BY STONY BROOK UNIVERSITY
WASTE DATA AND ANALYSIS CENTER

In furtherance to Item No. 16 of March 29, 2022, representatives from Stony Brook University ('SBU') have approached the Department of Public Works about participation in a Municipal Solid Waste Characterization Study, which has been funded by the New York State Department of Environmental Conservation – Environmental Protection Fund to the SBU Waste Data and Analysis Center.

Personnel and students from SBU will collect data on the amounts and types of solid waste and recyclables collected by Town Sanitation collection at the Old Bethpage Solid Waste Disposal Complex. This data will be provided to the Town to assist in future solid waste and recycling efforts. Participation in this study will be at no cost to the Town.

The attached License Agreement has been reviewed and approved as to form by SBU and the Office of the Town Attorney which outlines the scope of work and terms of participation.

As this Agreement requires no financial commitment of the Town, the Office of the Inspector General has determined that a vendor background check of SBU is not necessary.

It is therefore recommended and requested that the Town Board authorize, by Resolution, that the Town Supervisor, or his designee, be authorized to execute the attached License Agreement upon receipt of executed Agreements from SBU.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/JCT/MR//lk

Attachment

c: Steven Ballas, Comptroller
Office of the Town Attorney
Daniel Pearl, Deputy Commissioner/DPW
Louis Savinetti, Commissioner/DER

DOCKET - SUNY-SB WASTE STUDY SUPP

LICENSE AGREEMENT

BETWEEN TOWN OF OYSTER BAY AND STONY BROOK UNIVERSITY

THIS LICENSE AGREEMENT (AGREEMENT),is made and entered into this _____ day of _____, 2022, by and between the Town of Oyster Bay ("Town") and Stony Brook University ("SBU").

WHEREAS, The Town owns a permitted transfer station known as the Old Bethpage Solid Waste Disposal Complex ("OBSWDC") located at Bethpage-Sweet Hollow Road, Old Bethpage, New York 11804.

WHEREAS, The Town and SBU mutually agree to enter into a license agreement in order to undertake a Waste Data & Analysis research project ("Activity"), sponsored by the New York State Department of Environmental Conservation, through the Environmental Protection Fund, performed by representatives of Stony Brook University, and

WHEREAS, This agreement shall commence on the date of execution by the Town and shall continue for one (1) year or until the Town or SBU gives written notice of discontinuation with 30 day written notice to the other party, and.

WHEREAS, SBU represents that the State of New York does not purchase insurance against liability arising out of the acts of arising out of the acts of The State of New York, State University of New York, University, Stony Brook University Medical Center, Long Island Veterans Home, and Stony Brook Southampton Campus or their respective officers and employees. In lieu of such insurance, the State of New York self-retains for insurance purposes (see Exhibit A).

WHEREAS, subject to the availability of lawful appropriations and consistent with Section 8 of the New York State Court of Claims Act, SBU shall hold the Town harmless from and indemnify it for any final judgment of a court of competent jurisdiction arising out of this Agreement to the extent attributable to the negligence of SBU or its officers or employees when acting within the course and scope of their employment.

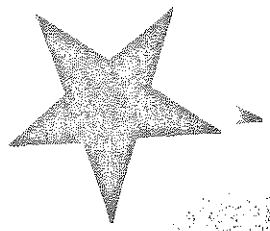
WHEREAS, The TOWN has agreed to enter into a license agreement with SBU to sample municipal solid waste, recyclables, and any other materials at the OBSWDC,

NOW THEREFORE, the TOWN and SBU HEREBY AGREE as follows:

1. The Town represents, agrees, and warrants that they;
    a. Own the real property located at Bethpage – Sweet Hollow Road, Old Bethpage, and
    b. Has full right and authority to grant access to the real property

2. The Town, hereby grants to SBU representatives reasonable access to the site for the purpose of conducting as solid waste and recycling inventory.

3. SBU is fully aware of the risks involved and hazards connected with the Activity and hereby elects to voluntarily engage in the Activity with full knowledge that the Activity may be hazardous.



4. SBU confirms that all project participants have received appropriate Health & Safety Training and are familiar with the project Best Practices Manual (Included as Exhibit B). That all participants will be provided with proper Personal Protection Equipment (steel-toed boots, coveralls, face masks, eye and hearing protection, hard hats, glove systems) and are familiar with standard procedures to manage potentially dangerous and hazardous waste materials.

5. SBU will develop a Work Plan and implementation schedule following a site visit and consultation Town representatives; the Work Plan will be made available for review and comment by the Town. The Work Plan minimizes and mitigates risks and safety issues associated with sampling wastes at this specific site and at the time of the sampling event.

6. SBU agrees to follow all safety rules and regulations at the OBSWDC, and to perform the Activity in an area to be provided by the Town.

In signing this agreement, all parties acknowledge they have read this agreement and understands it, and sign it voluntarily.

TOWN OF OYSTER BAY

Reviewed By
Office of Town Attorney

By: _____

Title: _____

STONY BROOK UNIVERSITY

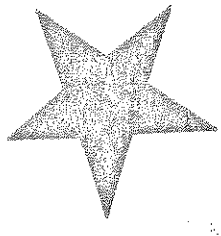
By: _____

Title: _____

EXHIBIT A

STATE OF NEW YORK

INSURANCE DOCUMENTATION



NEW YORK STATE OF OPPORTUNITY. | Office of General Services

TO: Whom it may Concern

FROM: Leighann Y. Brown
Insurance Services Manager

SUBJECT: *Statement of Self Retention*

The General Liability exposures of the State of New York as well as those of the State Agencies are self retained. Suits for bodily injury and property damage are brought in the NY State Court of Claims, which is supported by a multi-million dollar annual appropriation.

Employees are protected against suits under Public Officers Law Section 17 for actions or alleged actions that occur while they are acting within the scope of their employment.

The OGS Bureau of Risk and Insurance Management office administers the program on behalf of the State of New York. Inquiries should be directed to:

Office of General Services | Bureau of Risk and Insurance Management
Corning Tower
32nd Floor, Empire State Plaza
Albany, New York 12242
(518) 474-0367

NEW YORK STATE OF OPPORTUNITY. | **Department of Civil Service**

KATHY HOCHUL
Governor
REBECCA A. CORSO
Acting Commissioner

March 3, 2022

Deborah Marcus
Stony Brook University Procurement Office
Research & Support Services, Bldg 17
Stony Brook, NY 11727

Ms. Marcus,

In response to your recent request for documentation of workers' compensation coverage for New York State employees, this is to advise you that Section 88-C of the Workers' Compensation Law, as amended by Chapter 103 of the laws of 1981, provides for workers' compensation coverage of State employees. It states in pertinent part:

"Notwithstanding any other provisions of law, to the contrary, the liability of the State for the payment of compensation under this chapter heretofore existing or hereinafter arising shall be secured by an insuring agreement to be entered into between the Department of Civil Service and the State Insurance Fund wherein the State, from monies appropriated therefore, shall pay in to the fund on a periodic basis the actual costs to the fund for the meeting and paying, as the same become due and payable, all obligations incurred under this chapter by the State as an employer."

The Department of Civil Service has entered into said insuring agreement with the State Insurance Fund, Contract #C177594, securing the State's liability for the payment of workers' compensation in accordance with the Workers' Compensation Law. This policy is in effect until revised upon the mutual agreement of both parties.

Furthermore, in regard to your request for documentation of disability coverage for New York State employees, this is to advise you that Section 201, Subdivision 4, of the Workers' Compensation Law, provides that the State of New York is not a covered employer for purposes of the Disability Benefits Law and is not under an obligation to provide such benefits to its employees.

If you should have any additional questions concerning this matter, please contact me at Jeffrey.Stein@cs.ny.gov.

Sincerely,

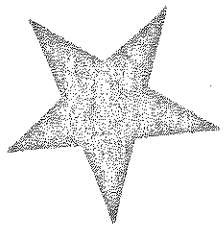
Jeffrey Stein

Jeff Stein
Vendor Management Unit
Employee Benefits Division

EXHIBIT B

MUNICIPAL SOILD WASTE CHARACTERIZATION

BEST PRACTICES MANUAL



Stony Brook University

Waste Data and Analysis Center

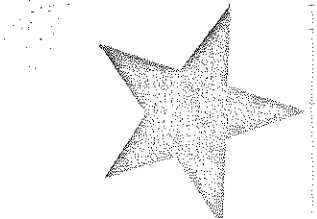
New York State Municipal Solid Waste Characterization

Best Practices Manual

Prepared by:

Manda Firmansyah
John O'Halloran
Andersson Lora
Justin Lee
Sameena Manzur
Yiyi Wang
Krista Thyberg
Elizabeth Hewitt
David Tonjes

May 2021



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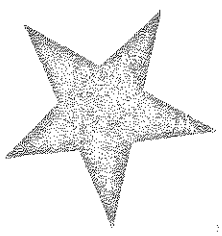


1.0 Introduction

Employees will be conducting field work across New York State in different teams while working on the waste management project. Field work is defined as research and educational activities that take place outside a traditional classroom or lab setting. Precaution must be taken to ensure a safe and productive environment while conducting field work. This manual will provide employees with useful information in regards to health and safety rules, setup, and traveling procedures.

Before beginning any field work, employees should prepare emergency contact information, appropriate communication equipment (such as a charged cell phone), personal protective equipment, first aid kits, and an emergency vehicle kit. Before utilizing any equipment, appropriate training and standard operating procedures should be obtained by your supervisors.

This document is meant to be utilized as a general guide to assist employees in the planning of the field work. This document is not intended to be an all-inclusive guide, but individuals are encouraged to further enhance this document in regards to changes specific to hazards and procedures throughout this project.

The Manual was extensively revised in May 2021 to reflect current conditions associated with COVID-19.

2.0 Health & Safety Considerations

2.1 Personal Protective Equipment

Employees are often assigned to work at locations where Personal Protective Equipment (PPE) is required to perform the job. Your employer / manager must provide you with the required PPE equipment.

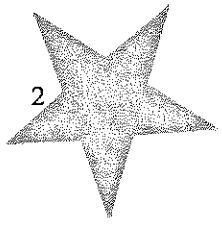
Your PPE should be worn at all times while on site. Your PPE is intended to minimize the exposure to hazardous material that can cause serious injuries or illnesses in the work place . Personal Protective Equipment includes the following:

- Full body suits (Tyvex suit / Coveralls)
- Hardhats
- Latex Gloves
- Rubber Cover-Gloves
- Breathing Masks (Particulate Respirators)
- Raincoats (In case of rain)
- Steel - toes rubber / Standard Boots
- Safety Glasses
- Knee Pads
- Halo lights
- Reflective Vests

Here are some basic guidelines to wearing your PPE:

1. **What you need.** Ask what PPE is required. Be sure on day one you ask what PPE is required to safely perform the job you are assigned to. Do not assume, or rely on someone else, just ask. Minimum will be boots, coveralls/Tyvex suit, reflective vests, glove systems. Other equipment can be used on an as-needed or as-requested basis. Defer to site operators.
2. **Use it properly.** Read instructions. Follow any use and care guidelines that accompany the PPE you are issued. If you do not use or wear it correctly, it may not protect you when you need it.
3. **Have it with you.** Whether your own PPE, or project-issued PPE, you must have it with you for it to protect you on the job. No gear, no participation.
4. **Inspect it.** Your PPE is protecting you. It is your responsibility to maintain your PPE, make sure it is functioning properly.
5. **Keep it clean.** PPE gets dirty. Clean it regularly to ensure proper function. Keep safety eyewear clean so you can see through it.
6. **Replace when worn.** When your PPE wears out, replace it. Worn PPE such as steel toe shoes exposing their caps, or safety glasses that won't stay on, are worn out. Replace it.

According to Occupational Safety and Health Regulations 1996 regulation 3.35, employees:



1. Must use protective clothing or equipment in a manner in which he or she has been properly instructed to use it
2. Must not misuse or damage the clothing or equipment, and
3. Must, as soon as practicable after becoming aware of any
    - damage to
    - malfunction of, or
    - need to clean or sterilize, the clothing or equipment
    - notify the person providing the clothing or equipment of the damage, malfunction or need to clean or sterilize the clothing or equipment.

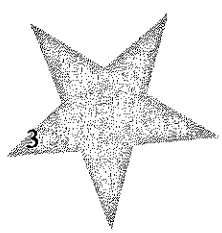
Useful Tips:

- If you wear glasses, you may consider wearing a headband to prevent them from falling.
    - If your glasses fog up while using it with a mask, consider wearing safety glasses instead
- Keep a duffle bag or spare bag with you to separate your dirty clothing / equipment.

2.2 Field Safety

During field work, you will encounter risks in your work environment, such as:

1. **Exposure to harmful chemical and biological substances**
    a. Used needles- best practice is to pick up with a device
    b. Sharp objects, such as broken glass, nails, sharp metal, and wood pieces- call them out; manage them immediately
    c. Industrial and household chemicals, including oil, mercury, solvents, and batteries. Set these aside for proper management by site personnel
    d. Dead and rotting animals, such as squirrels, rats, pets, etc. Place in plastic bag; weigh and discard
    e. Biohazards including used diapers, potentially infectious materials (wipes, tissues) and animal feces. Place in plastic bags; weigh and discard
    f. Ammunition/firearms- leave in place - call site supervisor for management
    g. Explosives- fireworks, propane canisters, gasoline- set aside for proper management by site personnel
2. **Moving vehicles and machinery**
    a. High visibility safety vest must be worn at all times to avoid getting struck. Keep your head on a swivel. Always defer to moving equipment. Make eye contact with the operator.
    b. Be aware of compactors, conveyor belts, and other sorting machinery: ensure you do not touch; avoid loose or dangling clothing
3. **Respiratory hazards: Dust and airborne contaminants**
    a. Waste products generate a lot of dust that can lead to health consequences
        i. Always wear your mask in these environments as these hazardous materials can become bioaerosols
4. **Awkward positions and repetitive motion injuries**



a. Workers must often twist, reach, jump, or stoop to sort materials
b. Take periodic breaks; Working for hours at a time could lead to injuries of the back, shoulders, knees, hands, and fingers
c. Lift using knees

5. **Avoid reaching into piles**
   a. Only reach from exterior sides (tops/ sides)
   b. Do not step into the pile

6. **Wastes are often wet; environments near waste piles can be slippery or greasy**
   a. Use caution near piles and when climbing or walking after being in wet areas

You must follow site personnel rules and signs for your safety.

2.3 Inclement Weather

In the case of inclement weather special precautions must be made. Each type of weather will require similar but different safety precautions, outlined below. Be sure you check the weather forecast before you go to the field.

Rain

PPE: You should wear your standard PPE getup along with a reflective raincoat and waterproof footwear (leak-proof boots / over boots). Take extra precaution to keep any uncovered parts of your PPE dry, Tyvek suits and respirators are not waterproof and they become very easily torn when wet.

Equipment: You will need to bring tents and tent weights with you when it rains. Make sure you account for these first on days it will rain.

Procedure: It is best practice to wear your PPE to the site, rather than attempt to stay dry while getting dressed on-site. Once on site, the first step to take will be setting up the tent and weighing it down; you will need a dry place to set up the rest of your equipment. You should either have two smaller tents (one for the sorting table, and another for the sorting bins) or one large tent that covers everything. When setting up sorting cans and bins, keep the cans closer to the center of the tent where they will be dry and not filling up with water. Sorting bins with holes in them, such as laundry baskets, are less prone to filling with water and may be placed closer to the outside edges of tents. If there are heavy winds, the positioning of your bins can also be important. Placing your bins side-by-side will help prevent them from flying away.

Housekeeping: When sorting and weighing is completed, keep in mind the order you pack up your equipment. Cleaning up with the tents still up is a great way to keep your equipment dry, but if the wind is threatening to take your tents, it may be best to fold the tents up first. Certain equipment is no longer usable after getting wet: Tyvek suits and respirators in particular should be replaced after sorting.

Snow

In the case of snowy weather, all safety precautions for rain still apply, with a few additional rules. DO NOT EAT SNOW

PPE: You should dress warmly under your PPE to avoid frostbite and hypothermia. Putting hand-warmers in your gloves and boots is recommended.

Equipment: An extra tent or tarp will be necessary to cover the pile of unsorted garbage to prevent snow buildup.

Procedure: Make sure all bins are under a tent to avoid snow buildup.

Housekeeping: Remove as much snow as you can from your equipment before packing up. Snow can be just as damaging as rain; even more so if left to melt and contaminate equipment while it's packed up.

Intense Sun and Heat

The main issue with sunshine and heat will be avoiding sunburn and heat stroke, as well as fighting the urge to remove or neglect to wear parts of your PPE to escape the heat.

PPE: Dress lightly under your Tyvek suit, but still keep your skin covered (i.e. no short-sleeves or short pants). Keep your face safe from sunburn by applying sunscreen, wearing a ballcap (covered under your Tyvek hood), and keeping your face out of direct sunlight. When using sunscreen, take caution when applying around the eyes and mouth. You will not be able to rub your eyes if you get sunscreen in them, and sunscreen may restrict your breathing under the respirator.

Equipment: Tents will help keep you cool and out of direct sunlight. Fill a cooler with ice and water to stay cool and hydrated.

Procedure: In the case of hot weather, the procedure is to keep you safe from harm. Less thought is given to the garbage you're sorting and how you position the bins to sort it. You'll have tents, but the tents are for you; set up a large area of shade for you to do your work. If you are feeling lightheaded, first tell someone. Next you will want to stay out of the sun, grab a cold water to drink or to cool your forehead, and monitor how you're feeling. Take frequent breaks; hydrate. If it is too hot do not sort

Housekeeping: When removing your PPE, take note of any equipment that may have been ruined by sweat. This applies primarily to your Tyvek suit and your respirator, but may also affect other equipment such as gloves and boots.

Cold Weather Rules

In the case of cold weather, make sure to keep track of the temperature for the site location you will be visiting. If the temperature is below 15 degrees Fahrenheit at the location, reach out to

the team coordinator to ask if sorting can be accomplished inside the facility. If it is too cold, do not sort.

All safety precautions for rain still apply, with a few additional rules.

Procedure: In the case of cold weather, the procedure is to keep your body warm and safe from harm. Using hand warmers and taking periodic moments to warm your hands can keep your hands from feeling numb. Be cautious if you encounter an icy surface while sorting. Point it out so that the team can identify the hazard.

Equipment: Dress with layers under your Tyvek suit (i.e. thermal clothing for top and legs). Keep your face covered to keep warm (covered with a mask) and wearing Vaseline helps to keep you warm. Keep all skin products away from your eyes.

Block winds if possible. Trucks can be run to provide warm shelter. Ask permission from the site supervisor to use employee areas to warm. Remember wearing bulky clothing can impede movement and affect balance.

Watch out for ice

Housekeeping: When removing your PPE, take note of any equipment that may have been wet, and store and clean that equipment in a dry and warm place to keep it from freezing up. This applies to your Tyvek suit and your respirator, but may also affect other equipment such as gloves and boots.

3.0 Best Practices

3.1 Truck Loading

Use checklist for packing. Make sure the proper number of days are accounted for. Make sure the interior of the truck is presentable. Tie down/properly store all items. Check for EZ-pass, workplan, tax exempt forms, hotel reservations-information, and other required documents. Make sure there is a personal credit card available for room security, gas fill-ups, meals, etc. Make sure all assigned personnel are accounted for. Tie equipment down and ensure it will not be damaged during the trip. Drive safely, obeying all traffic laws. Remember you represent New York State and Stony Brook University! And the cameras record the trip!

3.2 Site Set-Up

In order to begin sorting materials in an efficient manner the proper set up needs to be put into place at the work site. The supplies that will be needed to organize the samples include the following:

- Garbage Cans
- Baskets/Bins
- Garbage Bags
- Industrial Scale
- Sifter (if working with fines/small material)
- Broom Kit (scrapper included)
- Tables and table props
- Tarps
- Tent(s) (in cases of inclement weather; see section 2.3), with weights
- Shovel(s)
- Rake(s)
- Cooler(s)

For overnight trips worker personal goods will need to be included in the packing.

It is recommended that you wear your work boots and coveralls before you approach the site to reduce setup time. At the worksite, make sure you wear all PPE before setting up. This includes coveralls/tyvex suits, reflective vest, work boots, hard hats, safety masks, latex/ rubber gloves, and any other needed equipment.

When you reach the site it is recommended that anyone not dressed for sampling put on some PPE, such as full body suits and disposable gloves, before taking supplies out of the vehicle in order to minimize contact with supplies that have been previously used and contaminated. Once the supplies have been taken out the following steps should be taken to set up the work space:

1. Set up tables with tarps covering near the sample pile*
2. Put garbage bags inside the garbage cans

3. Label the cans and baskets based on which material is being sampled that day, making sure to bring extra labels for "contaminant" materials

Organize containers for different materials. OCC goes well into large baskets but not as easily into small baskets. Baskets are not good for small items like glass fragments, food wastes, and/or fines. Put commonly sorted material close to the table, as often have multiple containers on different sides of the table. E.g., if sampling just paper recyclables generally cardboard is bigger in size so a garbage can is better suited but mail paper is smaller so a basket may suffice, or if sampling plastic recyclables HDPE or PE-HD containers are larger so a garbage can is a better option

4. Place garbage cans and bins around tables
5. If working in a large group assign people to pick up certain materials to streamline the process at all times
6. Start by picking up visibly large items from the top and outside of the pile

   DO NOT pick up items from inside the pile as it may have sharp metal/glass, needles or other hazardous material not visible to the eye
7. Once most of the larger pieces have been picked use a shovel to scoop the remaining parts of the pile onto the table and sifter to be sorted by the team members

   The fines that fall through the sifter should be put into a 'Fines' container using a scraper. Never use your hands. (Refer to section 2.3)
8. At the table, specialization can work well. If passing materials, do not throw items. Hand them over or set them on the table in an orderly fashion.
9. Make sure to tare the weight of the scale for each container or subtract the weight of the container from each sample**
10. Be consistent in making choices for problematic materials – individually and as a group. Discuss choices
11. Be aware that some materials in garbage are hazardous and need special handling. This may be limited to identification and then careful handling (broken glass, sharp knives, slivers of wood), identification and then separate but routine handling and storage (needles), or identification and then management by site personnel (ammunition). When in doubt, counsel with the crew.

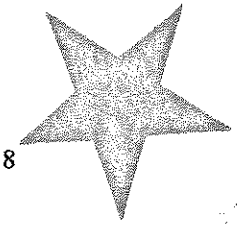
Note: The set up at each site may vary based on what items are being sampled and weather conditions

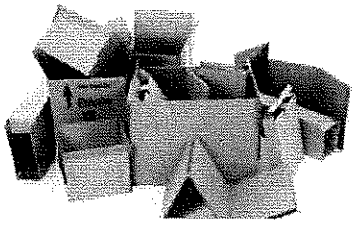
*If weather is inclement tents should be set up first

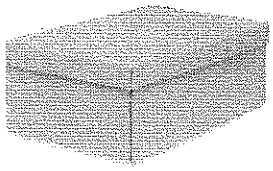
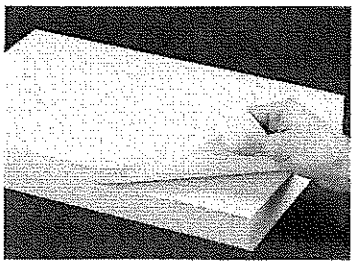
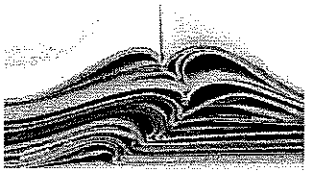
**This step can be done throughout the sorting process once the containers have been filled

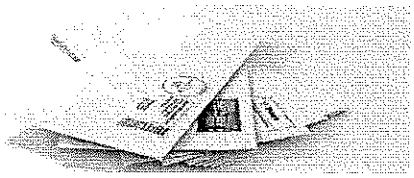
3.3. Categorization

Sorting waste is an activity that requires judgement. Use the "predominant" material as a guide to sorting. This means that a multi-material item can be put into a category where "most" of the item belongs. This should be a mass-based criterion. If there are multiple multi-material items, then "balancing" of category selection can occur; in other words, something that is ¾ plastic and ¼ aluminum could have 3 items put in plastic and 1 item put in aluminum.

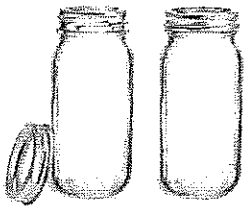
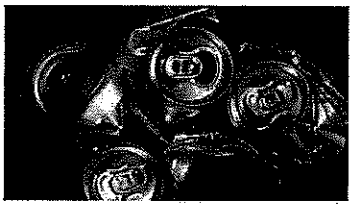
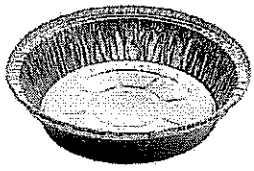


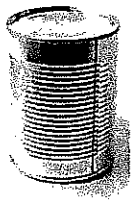
	Is:	Is not:
Recyclable Paper		
OCC-kraft paper	Old corrugated cardboard with multiple layers/wet old corrugated cardboard with multiple layers, e.g., cardboard shipping containers, multiple-layer boxes, brown paper bags shingle sheet, and brown wrapping paper, sometimes paper egg cartons	Gray or white single layer boxes
		
ONP	Old newspaper/wet newspaper	Advertising supplements that are glossy, magazines
Boxboard	Single layer clean un-corrugated cardboard/wet boxboard, e.g., cereal boxes, shoe boxes, tissue boxes, and gift boxes.	Does not have multiple layers with rippled centers. Heavily contaminated with food and oil, e.g., soiled pizza boxes

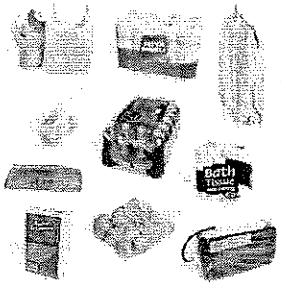
		are **NOT** boxboard but are other paper
		
Printing paper	Printing and writing papers (white and colored), e.g., copying and digital printing, stationery, printed cards	Anything bound including school notebooks
		
Magazines-glossy paper	Any coated paper with shiny appearance, e.g., brochures, advertising, flyers, one sheets, and photographic printing	Colorful plastic mail bags
		
Books	Anything that has bound pages/paper (glued, sewn, spiral bound)/wet books, e.g., phone books, reading books, notebooks	Loose pages or magazines

Mail	Letters received by postal service/wet mail, e.g., envelopes or paper with name and address. *Include contents of letter although there can also be classified as printing paper	Package boxes, plastic mailer bags
		
Other recyclable paper	Clean scraps, shredded paper, or index cards, sometimes printed receipts	Soiled shredded paper
Other paper	Soiled fine paper/shredded paper, tissues, paper towels, food soiled paper, sometimes egg cartons, sometimes printed receipts	Clean fine paper/shredded paper. Paper cups (can include plastic/wax coated paper)
Recyclable Containers ***Always Check for Recycling Code and Refund Eligibility on the Bottom of the Bottle/Containers***		
#1 Plastic containers (deposit)	Plastic containers that are labelled with PETE or PET on the bottom. Typically less than 1 Gallon. **Must be eligible for Deposit Refund for 5 cents in NYS,** e.g., Water bottles and soda bottles that include New York.	Containers 1 Gallon or over; deposit containers w/o NYS on label, e.g., juice containers, food containers

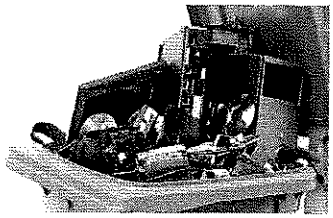
#1 Plastic containers (other non-deposit)	Plastic containers that are labelled with PETE or PET on the bottom. Typically less than 1 Gallon. **Must be non deposit in NYS.** E.g., Containers 1 Gallon or over and water bottles or soda bottles from out of state that do not include NY.	Eligible NYS deposit refund bottles
#1 Wine-liquor	Plastic containers which held any wine, liquor, or alcoholic beverage that are. Sometimes sorted for as a subcategory	Deposit soda containers
#2 Plastic containers	Plastic containers that are labelled HDPE or PE-HD, e.g., laundry detergent bottles, shampoo/conditioner bottles, and milk jugs	*May distinguish between "natural" (opaque) and colored (solid color, including white) HDPE
Glass containers (deposit)	Glass containers or bottles. **Must be eligible for Deposit Refund for 5 cents in NYS,** e.g., beer bottles, soda bottles	Glass bottles not redeemable in NYS
Glass containers (wine and liquor)	Glass containers or bottles specifically for wine and liquor.	

Glass containers (other non-deposit)	Whole glass containers or bottles. Non deposit and non wine or liquor, e.g., Whole glass jars or predominantly whole glass containers (about half)	Broken glass containers or shards of glass
		
Aluminum containers (deposit)	Aluminum containers or cans. **Must be eligible for deposit refund for 5 cents in NYS,** e.g., soda cans, beer cans	Metal/ferrous containers or non-deposit refund eligible containers in NYS **Use magnet to check**
		
Aluminum containers (non-deposit)	Aluminum containers or cans. **Must be non depositable in NYS,** e.g., soda cans, beer cans not from NYS, aluminium trays, cat food cans, tuna cans, and non-ferrous food cans	Metal/Ferrous Containers or Deposit Refund eligible containers in NYS **Use magnet to check**
		

Other aluminum	Non-container or can related items, e.g., loose aluminum pieces, aluminum foil, lids	Metal/ferrous material and aluminum containers or cans **Use magnet to check**
Ferrous containers	Metal containers that are made of magnetic alloys. Visibly identifiable with corrugation or ridges on the container. **MUST USE MAGNET TO CHECK,** e.g., soup cans, lids that belong to cans can be put in ferrous containers.	Non-magnetic metal containers
		
Other ferrous	Other items that are composed of magnetic metal alloys. **MUST USE MAGNET TO CHECK,** e.g., Metal coat hangers and steel brushes, and small appliances (see Bulky) *Lids that belong to glass or other containers can be put here	Non-magnetic metal items and ferrous containers/cans
Other non-ferrous	Items that are not composed of iron and are not magnetic. **MUST USE MAGNET TO CHECK,** e.g., small household batteries, copper wire, brass, zinc	Any items composed of metal that are ferrous/magnetic, e.g., rechargeable batteries
Glass fragments	Broken jars or bottles, broken fragments. Any excess shards that fall through sieve.	Ceramics, plate glass, light bulbs
Other glass	Plate glass, light bulbs	Fluorescent

Other		
Other plastic containers	Plastic containers with recycling codes between and including #3 to #7 or without any recycling code, e.g., yogurt containers, syrup bottles, plastic retail cups, plastic lids	Any plastic that is not a container or bottle or plastic containers labelled with recycling code #1 or #2
Other rigid plastics	Plastic items that do not give easily when squeezed, e.g., lawn chairs, plastic toys, buckets and plastic shovels	Any plastic container, bottle or easily bendable/malleable item
Plastic film	Thin plastic sheets that typically cover or hold an item. Wet/contaminated film is acceptable, e.g., plastic bags, cling wrap and food wrappers	*May sort plastic bags separately (labeled or bags with handles)
		
Other plastics	Any plastic item that does not meet any other specified plastic constraint. Includes broken plastic and plastic tableware, e.g., plastic utensils, blocks of styrofoam, styrofoam plates, plastic mailers, plastic coated cups	
Gable-top containers	Cartons used for storing liquids such as milks and juices it uses polyethylene-coated paperboard; often includes "children's" juice boxes	Boxboard or coated OCC

Food	Anything edible. Can be inside a container and includes dry food, e.g., fruits, vegetables, shrimp, bones, shells, found in container, pasta in box *The "predominant" material rule is important for food waste. Includes consumable liquids	
Yard waste	Organic material from yard maintenance. Yard waste is often bagged, e.g., grass clippings, leaves, flowers, clippings, loose branches	Lumber
Rubber-leather	Any items made of rubber or leather, e.g., shoes, purse, wallets, garden hose	
Textiles	Any items woven from cloth or artificial fibers, e.g., clothing, rugs, yarn	
Wood	Any manufactured wooden items, e.g., solid wood doors, wooden planks, lumber, wood trimmings, furniture	Yard waste

Electronics	Electronic waste, e.g., computers, phones, TVs, printers, game consoles and breadboards, things with circuit boards	Batteries
		
HHW (Household Hazardous Waste)	Household chemicals that are labelled on the container as flammable, corrosive, explosive or toxic/poison. Typically found under kitchen sinks and garages, e.g., cleaners, pesticides, paint, and automotive fluids, mercury containing light bulbs, rechargeable batteries, fluorescent bulbs, bullets, gasoline, prescription drugs, rechargeable batteries. *Most of these should be photo-documented.	
Other inorganics	Items which are made from inorganic material which cannot be recycled, e.g., ceramics, synthetic wigs *Things that will not degrade	Metals, plastics

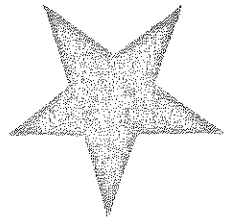
Other organics	Any items that are composed of or contaminated with organic material, e.g., soiled diapers, animal hair, kitty litter *Things that will degrade	Food, wood, yard waste, and paper
Fines	Small pieces that fall through the sieve that do not primarily fall into a specific category. When reporting, specify percentages of each category, e.g., 60% food, 20% other paper, and 20% other plastic	
Bulky wastes	Items extremely large corrugated boxes (appliance boxes) that weigh more than 20 pounds, other large items over 20 lbs. such as, furniture, rugs, larger appliances, big screen TVs *These items should be photo-documented and weighed individually. *Identified as to predominant material.	

3.4 Site Clean Up

Once all the samples have been weighed the process of cleaning up the workspace site should begin. Make sure to still have on all PPE while cleaning up to ensure no employees get hurt or contaminated from supplies that have had contact with hazardous material. The cleanup process includes the following steps:

1. Make sure that the samples have been put in a designated pile for later pick-up and that the work space is free of any and all sample materials. Check with site manager regarding the depositing of recyclable material.
2. Set up a separate garbage bag for things that will be thrown out by team members and employees
3. See if all garbage cans and baskets are empty and started removing labels
    a. If labels are laminated save them for later use
4. Remove tarp from table and make sure that tarp doesn't have too many holes or fine pieces, if so it is recommended to leave the tarp in the throwaway pile
5. Disassemble tables
    a. If tents were used disassemble them after moving the tables away
6. Team members can start packing some supplies back into the vehicle
7. Once the workspace is free make sure to use a broom to clean up the area of any fines or materials that may have fallen to the ground during the sorting process
8. Check to see if the space has been swept clean and all the supplies that can be reused have been placed back into the vehicle
9. PPE that can be reused such as rubber gloves, boots, safety glasses and hard hats should be packed into vehicles.
    a. Other PPE such as Tyvek suits, inner disposable gloves and breathing masks should be disposed*
10. Tie down all material put in truck
11. Account for all personnel prior to leaving

*If Tyvek suit is not worn out it should be reused



4.0 On the Road

While on the road, you might have to stop to refill gas, grab a snack, use the restroom, etc. Keep all your receipts as some expenses can be reimbursed. It is recommended to bring lunch as some eating locations might be too far from the work site. Remember you are responsible for all personal belongings while on the field.

4.1 Vehicle Safety

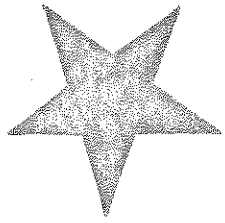
Any driver of a university vehicle or a rental vehicle must have a valid driver's license and must follow all vehicle safety laws. Vehicle load limits must be enforced and seatbelts must be available for each person.

- Only people that submitted their information to the university are allowed to use an assigned vehicle
- Smoking in state vehicles is prohibited
- Driving under the influence of drugs / alcohol is prohibited
- Possession or use of alcohol, illegal drugs or other intoxicating substances in the vehicle is prohibited
- Usage of cellphones without a hands-free adaptor is prohibited
- Eligible drivers are personally responsible for any fines, fees, legal penalties that results from the receipt of tickets and citations while operating, parked, or in possession of a state vehicle
- No undergraduate drivers allowed
- Maintain the log book found in each of the three pickup trucks

Drivers will have to use common sense and operate their vehicles in a conservative manner. Drivers are reminded that their responsibilities and actions could affect the lives and safety of other occupants in their vehicle. If you are too tired to operate the vehicle, feel free to ask your field partners if they would rather drive the vehicle, and make sure that the person operating the vehicle has a valid license and is not an undergraduate. If you are too tired to continue driving, stop driving. Immediately.

- All highway and local rules and regulations must be followed
- Drivers are allowed to turn right on red if they make a complete stop and make sure that there are no incoming hazards and there is no sign forbidding it. *(Do not turn right on red in NYC)*

Driving times and distances should be planned to prevent fatigue. A driver should take periodic breaks after driving for a few hours. While taking a break, do some light physical activities such as walking. Driving at night is more hazardous than during the daytime because it reduces visibility. Driving after a hard day can increase susceptibility to fatigue. If you are too tired, if you are having trouble maintaining concentration, if visibility is bad, stop driving. Immediately.



4.2 Vehicle Checklist

Visibility

- ❑ Lights (Headlights, Taillights, brake lights, turn signals lights, hazard lights)
- ❑ Windshield (Wipers, cracks)
- ❑ Window defroster
- ❑ Horn

Mechanical

- ❑ Fluid levels (brake, steering, oil, water, windshield liquid)
- ❑ Fuel
- ❑ Brakes (Pedal Break, Parking Brake, Emergency Brake)
- ❑ Seatbelts
- ❑ Step Boards (Make sure its not slippery)
- ❑ Tire Pressure
- ❑ Review Maintenance records (Task delegated to main operator)

Emergency

- ❑ Spare tire, Car jack and Lug wrench
- ❑ Foam tire sealant, tire repair kit
- ❑ Cell phone
- ❑ First Aid Kit
- ❑ Shovel / Axe
- ❑ Basic repair kit
- ❑ Jumper Cable / Jumper battery pack
- ❑ Warning lights, traffic cones
- ❑ Roadside-assistance number

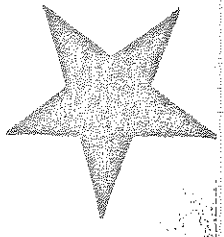
Miscellaneous

- ❑ Spare cash for tolls
- ❑ Mounted EzPASS
- ❑ Working dashcam
- ❑ Credit card
- ❑ Access to GPS

4.3 Vehicle Maintenance

The University provided operations center should make all the necessary arrangements for servicing the state owned vehicles. If emergency on-the-road maintenance is required during normal business hours of the SBU Automotive Repair Facility, the driver must call the Vehicle Operations Center (631) 632-6422 to report the problem(s) and obtain prior approval of such repairs. If emergency on-the-road maintenance is required outside of normal business hours, the driver is authorized to use a personal automobile service or local repair shops to perform the necessary work. The University will reimburse the driver for justifiable repair expenses submitted with the proper receipts and standard voucher.

- The Department of Transportation & Parking Operations is responsible for issuing vehicle/equipment fuel keys, assigning employee identification numbers and managing the SBU Fuel Station on SBU West Campus.

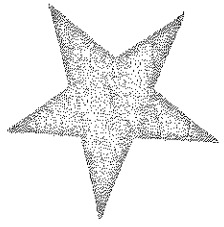


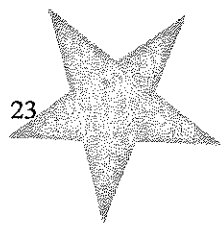
- Stony Brook University Departments are responsible for managing their assigned vehicle/equipment fuel keys and ensuring that fuel keys are properly assigned to personnel, funding accounts and vehicles/equipment at all times. SBU Departments are also required to ensure that their assigned personnel have signed for and are complying with the SBU Fuel Station Requirements and Instructions at all times.
- Stony Brook University Departments are responsible for the timely delivery of vehicle/equipment to the SBU Automotive Repair Facility for Preventative Maintenance Inspections and New York State Inspections. The SBU Automotive Repair Facility is located on the West Campus of Stony Brook University, next to Campus Operations & Maintenance on Circle Road and its hours of operation are 7:00am to 3:30pm, Monday through Friday on non-University Holidays.
- Stony Brook University Departments are responsible for monitoring vehicle/equipment usage, condition, cleanliness and signs of abuse.
- Stony Brook University Departments are required to ensure the following:
    - SBU Department vehicles/equipment have properly maintained fluid levels, tire pressure and fuel quantity in order to remain in working condition.
    - All vehicles/equipment brought to the SBU Automotive Repair Facility have at least 1/2 tank of fuel in them.
    - SBU Departments are also required to report anything unusual about the operation of their vehicles/equipment to the SBU Automotive Repair Facility.
- The Stony Brook University vehicle/equipment operator is responsible for reporting any accidents, safety issues and/or damages to their assigned vehicle/equipment to University Police, the SBU Automotive Repair Facility and their respective Department immediately. University police number: 631-632-6350
- Trucks need to be kept clean. Remove trash after each use. Clean the bed after each trip. Clean the interior quarterly (may arrange for commercial washing.)

4.4 Overnight Stays

Some trips will require overnight stays. The project will provide you with pre-paid sleeping arrangements at either a nearby hotel/motel; under some circumstances, you may need to pay for the accommodations yourself but you will receive reimbursement (provided adequate documentation such as receipts are provided). Reservations are made through your coordinators so keep in contact with them. While traveling it is recommended to keep a folder with you containing the details of your site visits and nearby location details.

- Keep track of mileage and other details in the truck log book if using a project truck and separately if using some other vehicle when traveling. Record your mileage when you start driving from your location until the end of the day when you have arrived at your location. Keep track of your mileage
- Keep a record of all your receipts and spending costs while traveling
- It is recommended that you have a large manila envelope for paperwork. Key travel details can be recorded on the outside of the envelope. Work plans, data sheets, hotel reservation information, and an envelope for daily receipts can be kept inside the envelope. Label the envelope with date and destination information.





5.0 COVID-19 Precautionary Measures

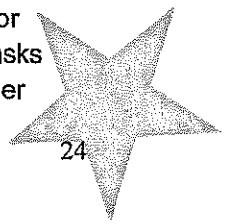
As of end of May 2021, the Coronavirus pandemic has led to widespread and significant disruptions in travel, research, daily operations, and administrative processes across the University, the region, the State, the Nation, and the world. Although the rollout of vaccines provides hope that conditions will return to some form of normal, there are still concerns that virus infection states could return, leading to repeated economic and social shut-down and distancing measures. Infection, as understood now, is primarily a function of indoor exposure to aerosols originating in an infected person, often in the early stages of infection (so that the infected person may not be aware they are infected). There appears to be low potential for infection from surfaces and vanishingly small chance of infection outdoors. The possibility of a vaccinated person becoming ill especially to the point of hospitalization is also negligible, at least during the time frame of vaccination effectiveness (which is unknown at this time). It also appears to be a low probability of any infection (symptomatic or asymptomatic) for vaccinated people; most people who were infected by the virus also appear to have good immunity to re-infection. Thus it appears the practice of waste sorting, especially if conducted outside or in well-ventilated spaces, is not inherently riskier because of infection risk from COVID-19.during the pandemic. However, we have adopted travel and site preparation precautionary measures to mitigate some potential risks. We also cannot ask samplers to reveal their vaccination status and so must assume that no one on crews has been vaccinated.

This section provides updated guidance to applicable sections of the manual in light of virus risk. Specific recommendations are informed by the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) guidelines. The general processes adopted by the project in light of the University research "re-opening" in June 2020 were written by Dr. Tonjes, Dr. Hewitt, and Dr. Thyberg, approved by the Chair of the Department of Technology and Society Dr. Wolf Schafer, and were also reviewed at by the Dean's office, College of Engineering and Applied Sciences. The general format and conceptual approach for research re-opening was established by the Research Foundation; note that this guidance and structure was oriented towards traditional laboratory settings, not fieldwork. Revisions to this section were adopted in May 2021 in anticipation of summer 2021 sampling events and in light of the general re-opening of New York State May 20, 2021.

5.1 Health & Safety

The health and safety practices outlined in an earlier section of this manual provide guidance on PPE, field safety, and inclement weather. For purposes of COVID-19 risk reduction, PPE and field safety will be addressed.

PPE: Personal Protective Equipment is an important measure against coronavirus spread; thus, care should be taken to follow all PPE guidelines while on site and conducting fieldwork. Certain PPE measures – such as mask and glove use – can be extended beyond the waste sorting activities during COVID-19 outbreaks to also reduce virus risk and provide additional protection. Team members should be sure to follow current state guidelines outlining requirements for wearing masks in public; at this time, unvaccinated people are recommended to wear masks while in the vicinity of others while vaccinated people are not required to wear masks either



outdoors or indoors (unless still required or requested). Basic masks (e.g., fabric and such) primarily protect others, not the mask wearer, as they are designed to reduce transmission towards others and are less effective at preventing intake of airborne viruses. Many COVID-positive individuals are asymptomatic while being highly contagious; since many infected people do not know they are infected, routine mask wearing decreases virus spread if used properly and consistently. Higher grade masks, such as the N95, protect the wearer as well; since social distancing will be difficult among team members at all times, we are intending on procuring a supply of N95 masks for team use. At this time, mask-wearing during sampling and travel is optional. We note that unvaccinated people in a vehicle should wear masks to protect others. During sampling, especially outdoors, masks are considered to be optional. However, we note that dust and particles are ubiquitous in sampling wastes; masks minimize-prevent inhalation and accidental ingestion of these things. Although summer heat makes masks uncomfortable, we strongly suggest that decisions regarding mask wearing include considerations of dust and particles. Masks also mitigate odors some.

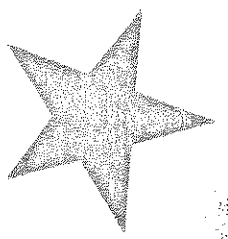
The primary means of virus spread is close contact indoors with other people so that transmission of airborne viral aerosols from one person to another occurs. Keeping distance from one another, enhancing air flows, and avoiding personal contact are the best means of staying unaffected. PPE is not to be relied upon as the sole means of personal protection; it is secondary protection. Handwashing following removal of PPE and throughout other non-project activities is essential. We have hand sanitizer available in all vehicles, but vigorous applications of soap and water are preferred.

Coronaviruses can live for multiple days on hard surfaces, although transmission from them has not been demonstrated. Virus fare less well on soft and organic surfaces, which is one reason why wastes are not thought to represent a major health concern. The primary PPE is gloves, which provide protection against virus spread by minimizing contact with contaminated surfaces. A common means of infectious spread (in general) is from a surface to hands to respiratory system; therefore, be careful not to touch your face, even if (perhaps especially) while wearing gloves.

Once gloves are removed, treat them as contaminated; dispose of them properly and wash your hands – repeatedly and vigorously and at length. If you are unable to wash hands, carry antibacterial hand sanitizer and use it. Hand sanitizer will be stored in the trucks.

Vaccination appears to be a certain means of minimizing infection risks and to eliminate the more serious health consequences of COVID-19 even if infected. Vaccination is free and may even come with certain perks (free things of various kinds). Vaccination is widely available often without any need for appointments. Vaccination will be necessary to participate fully in University life in Fall 2021.

However, base assumption needs to be that others are not vaccinated. People may choose to share their vaccination status voluntarily, but you are never required nor should you feel pressured to reveal your own status at any time. It goes without saying you may not ask others



what their vaccination status is. Treat everyone you meet as if they were unvaccinated and infectious.

Field Safety: The previous field safety section of this manual outlines specific risks you may encounter at a work site. During a COVID-19 outbreak, close contact with other individuals presents additional risk. To minimize this risk, implement distancing measures whenever possible. Stay at least 6' from all individuals you may encounter (both on your team and at outside facilities, travel sites, hotels, etc); further than 6' is preferred when and where possible, and masks should be worn even when distanced from others indoors. This is to help prevent aerosolized droplet spread via HVAC systems indoors. When distancing is not possible, be sure to use PPE consistently for additional protection. When possible, maximize air exchange.

5.2 Best Practices

The best practices outlined in an earlier section of this manual provide guidance on truck loading, site set-up, categorization, and clean-up. Most of the guidelines for health and safety at the work site during set-up and clean-up will provide protection against COVID-19 as well if followed properly.

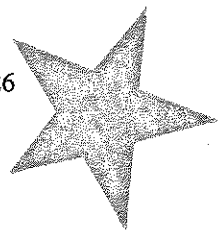
One change is that there needs to be care taken in numbers and spacing of people in interior areas. We do not want more than two people in the storage room at any one time. The space is tight and it has poor air exchange. If more than two people are loading trucks at one time, there needs to be timing made to prevent crowding in the storage area. Secondly, you should avoid sharing space while loading the truck. Endeavor to keep at least six foot distancing (more if possible): one on the truck, one on the loading dock, etc. This kind of spacing is difficult to maintain, so you need to constantly keep awareness of where others are, and where you are in relation to others. Wear masks according to current guidelines.

Similarly, when sorting keep awareness of where other team members are. Do not crowd around the sorting table. Do not congregate at the waste pile.

Special site-specific rules may be implemented at specific field sites. Please review the site plan for any such requirements and specifications. Any site that requires mask wearing means that all team members will comply, no matter individual vaccination status and/or personal preferences. We are gusts at these sites-facilities; anyone who cannot obey local rules will be sent home.

5.3 Traveling

The traveling guidelines outlined in an earlier section of this manual provide guidance on vehicle safety, checklists and maintenance, and overnight travel. For purposes of COVID-19 risk reduction, vehicle safety and overnight travel will be addressed. More broadly, travel to and from job sites presents a higher level of interaction with outside individuals at restaurants, gas stations, hotels, etc., and can mean adoption of precautionary strategies to mitigate risk. It also



includes longer times of contact with team members under conditions where preferred social distancing is difficult or hard to preserve.

Whenever possible, adhere to distancing measures of 6' or more with any/all members of the general public. Try to implement these measures with fellow team members as well. Use appropriate PPE, wash hands frequently, and avoid touching your face. Maximize air flows in environments you share with others. Vaccination is a means of absolutely minimizing risks of infection and illness. More specific guidelines are below.

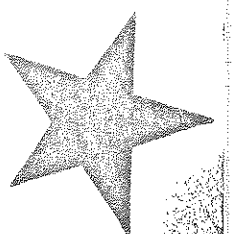
Testing at a minimum will include daily temperature testing and self-awareness of overall health (i.e., self-reporting of respiratory symptoms, loss of taste or smell, headaches), as in the processes associated with Campus Clear reporting. Those sampling locally will need to continue using Campus Clear (since you come to campus each day). Those travelling should self-report. Report your results each morning to Dr. Thyberg by email (krista.thyberg@stonybrook.edu). Failure to comply will result in you not being allowed to sample and potentially to dismissal from the project.

If you do not feel well, isolate yourself and report your conditions to the team leader. If we are travelling, we will return home. If we are local, we will find a substitute for you. Follow current protocols for self-isolation (10 days from end of symptoms and/or until a negative test result is achieved).

Vehicle Safety: Our standard practice has been to seat four people per vehicle. This creates too close proximity of drivers and passengers. Currently we will limit truck and car capacity to two. One will drive, the other will sit in the rear passenger seat, on the order of 6 feet away in the trucks. It is recommended that windows be opened to enhance air flows. We will use the rule of "two-of-three": outdoors (brisk air flow through open windows), 6' distance, masks. All people in a vehicle will be temperature tested and symptom aware at the beginning of the day's trip. If you do not feel well, do not enter the vehicle, isolate yourself and report your conditions to the team leader or a faculty member, and follow isolation procedures outlined above.

Currently nearly all overnight sampling teams will only be composed of graduate students in order to ensure there are multiple drivers for each vehicle. The exception will be sampling later in the summer. Local sampling also will be conducted using only two people per vehicle (one graduate student driver, one undergraduate passenger located in the rear seat passenger-side seat).

Overnight Travel: Overnight travel with members of the project team in hotels/motels presents additional challenges and risks during a COVID outbreak. Importantly, it may be difficult to consistently practice distancing from all individuals, including team members, when overnight travel is involved. We intend to supply individual hotel rooms (instead of shared rooms) for overnight stays. The CDC recommends that individuals self-quarantine if they believe they have been exposed, and this includes using a separate bathroom facility at home if at all possible; individual hotel rooms will allow team members to follow this guideline in case someone has



been exposed. We strongly recommend using masks when interacting with others in case you or they are infected but asymptomatic. It is recommended you run hotel fan systems at all times to enhance air exchanges and lessen the potential for you to spread virus to others who may visit your room. Temperature test yourself at the beginning of every day and be symptom aware. If you do not feel well, do not enter the vehicle, isolate yourself and report your conditions to the team leader.

Meals may present more challenges. Currently best practice is to take out all meals. However, and eat in isolation: separate from other members of the public and the team. As areas of the State continue to open up dining-in opportunities may become available. Social distancing from other groups of people will be required at a minimum (the "bubble" principle). Breakfasts may be special situations as hotel-provided breakfasts may present higher risks. Assume all others encountered while travelling are infected and so make risk decisions accordingly.

Treat everyone you meet as if they were unvaccinated and infectious. Avoid situations where you may put other members of your team at risk. So although travel to other places is often an opportunity to meet and share experiences with others, please do not socialize in ways that may lead to exposure to infection.

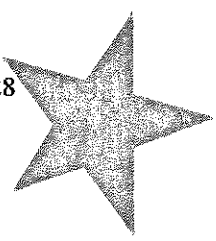
5.4 Positive Test Results

Frequent testing may result in the detection of someone with COVID-19 or the symptoms of such infection. The following details procedures that one should follow.

A positive test result can occur at home. If this is the case, do not come to work as scheduled. Call/e-mail your team leader reporting the result; relate any contacts with team members over the past 10 days. Self-isolate. If the positive result was from symptom testing, arrange (if possible) for confirmatory virus testing. Contact your local health department for any contact-tracing that may be in place. The team will initiate contact-tracing procedures at the university.

A team member may begin to feel ill at a site. If this is the case, report this to your team leader. Sampling will be cancelled, and the team will return to Stony Brook. You should arrange for confirmatory virus testing and should self-isolate for 14 days or until a virus test shows negative results. Report all team contacts over the past 10 days to Dr Tonjes, Dr. Hewitt, and/or Dr Thyberg (by email or phone). If you return home, contact your local health department for contact tracing. If you live on campus, follow announced university procedures for contact tracing. As of September 2020, the university plans to contact trace individuals who were within 6 feet of an infected person for at least 10 minutes beginning 48 hours before illness.

A team member may fall ill while overnight travelling. In that case, sampling will be cancelled and the team will report back to Stony Brook. The ill person will travel in the supervising faculty member's car rather than a truck. The students driving the trucks will convoy back to Stony Brook in order to allow for relief driving. If there is no fresh driver available, students will stop and get rooms for the night. Isolate yourselves from others while returning to the university.



When a team returns from an illness-aborted event, they should remove personal items from the truck but otherwise leave the truck as is. Arrangements will be made to empty the truck several days later.

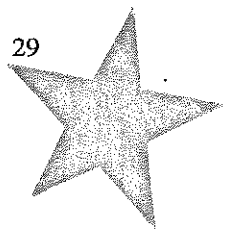
There are two circumstances that may result in a positive test while sampling. One is symptom-testing/awareness. The other is a report from a test provider about previous virus testing. Symptom testing positive results should lead to confirmatory virus testing, if possible.

Sampling team members of a person who tests positive and those with contact with a positive-testing member of the project need to assume they are infected until testing shows otherwise. Self-isolate; arrange for virus testing (if available). Report yourself into any contact-tracing process (University, County Health Departments).

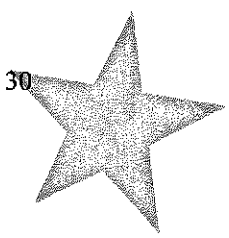
Contact tracing, generally: it is understood that overall community virus prevalence can only be reduced through thorough and effective contact tracing processes. As of September 2020, the University plans to contact trace individuals who were within 6 feet of an infected person for at least 10 minutes beginning 48 hours before illness. New York City and its adjacent suburbs are conducting contact tracing through Health Departments but this seems to be dependent on positive virus testing (not symptom testing). Dr. Tonjes, Dr. Hewitt, and Dr. Thyberg will initiate an informal team contact tracing process to notify all persons who have been in contact with the positive-testing individual, and will seek virus testing from all of those contacts (if such testing is available). Any positive virus test from a secondary contact will result in further informal contact tracing by Dr. Tonjes, Dr. Hewitt, and Dr. Thyberg.

5.5 Risk Considerations

As of mid-May 2020, infection rates in Suffolk County appear to be on the order of 1% of tested people. It is difficult to translate that to an infection rate across the County but it seems likely (based on hospitalizations for COVID-19) that on the order of 1 in 1000 people are currently infected, which seems to be a reasonable estimate of infection at the University. Temperature and symptom testing will generally not identify someone in the first two days of infection and 25% of all infected people have no symptoms. This means that regular temperature testing and symptom awareness may reduce the likelihood of the tested person being infected by about half. If infection rates do not increase from this level, then the likelihood of a team member being currently infected is on the order of 1 in 2,000. For a sorting team of four students and a supervising faculty member, the likelihood of someone on the team being infected is on the order of 0.25%. Minimizing contact through social distancing, enhancing air exchanges in confined spaces like rooms and trucks, and use of PPE should help ensure that the risk of infection is about 0.1% (which appears to be the risk of infection under "normal" conditions). There does not appear to be a significant increase in risk associated with sampling under the project guidelines. All of these risk factors, as needs be, ignore the potential that some team members may be vaccinated and so represent even less risk of transmitting infection.



Despite the calculation that appears to show the risk to anyone is low, **no one needs to participate in any sampling effort if they do not feel comfortable with the risk perception**. We intend to robustly discuss risk and risk management with all team members throughout sampling preparation and sampling events. **No one needs to participate in any sampling effort if they do not feel comfortable with the risk perception**. Risk perception varies from individual to individual and can change with changing conditions. **No one needs to participate in any sampling effort if they do not feel comfortable with the risk perception**. Having said that, please give Dr. Tonjes, Dr. Hewitt, and Dr. Thyberg as much notice as possible if you decide not to participate in the sampling (as arrangements ranging from finding a replacement to cancelling the event will need to be made).as much. **No one needs to participate in any sampling effort if they do not feel comfortable with the risk perception**.



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TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

MARCH 28, 2022

TO : MEMORANDUM DOCKET

THROUGH : RICHARD W. LENZ, P.E., COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

SUBJECT : AUTHORIZATION TO EXECUTE AGREEMENT
MUNICIPAL SOLID WASTE CHARACTERIZATION STUDY
PERFORMED BY STONY BROOK UNIVERSITY
WASTE DATA AND ANALYSIS CENTER
SUPPLEMENTAL MEMO TO FOLLOW

Representatives from Stony Brook University ('SBU') have approached the Department of Public Works about participation in a Municipal Solid Waste Characterization Study, which has been funded by the New York State Department of Environmental Conservation – Environmental Protection Fund to the SBU Waste Data and Analysis Center.

Personnel and students from SBU will collect data on the amounts and types of solid waste and recyclables collected by Town Sanitation collection at the Old Bethpage Solid Waste Disposal Complex. This data will be provided to the Town to assist in future solid waste and recycling efforts. Participation in this study will be at no cost to the Town.

At this time an Agreement between the Town and SBU is being prepared to allow for this work to commence. The final Agreement will be submitted by supplemental memorandum docket.

It is therefore that a space be reserved at the Town Board meeting of April 12, 2022 for the Town Board to take action on this item.

RICHARD W. LENZ, P.E.
COMMISSIONER
DEPARTMENT OF PUBLIC WORKS/HIGHWAY

RWL/[illegible]/MR/nm

C: Steven Ballas, Comptroller
Office of the Town Attorney
Daniel Pearl, Deputy Commissioner/DPW
Louis Savinetti, Commissioner/DER

DOCKET - SUNY-SB WASTE STUDY RESERVE

Reviewed By
Office of Town Attorney

WHEREAS, the Department of Intergovernmental Affairs issued a Request for Proposals (RFP) to seven (7) insurance brokers seeking quotes from insurance carriers for the Oyster Bay-Glen Cove-North Hempstead Local Workforce Development Board's (LWDB) Professional and General Liability Insurance Policies; and

WHEREAS, Salerno Brokerage Corp., the only insurance broker to respond, advised the Department of Intergovernmental Affairs that it solicited proposals from three (3) insurance carriers, of which two declined to offer coverage or could not offer a competitive quote; and that the quotation from the Town's current insurer, General Insurance Company of America, provided the lowest premium for the requested coverage and will issue the required coverage, as follows: $26,123.00 for General Liability and $3,746.00 for Professional Liability for the period from May 1, 2022 through April 30, 2023; and

WHEREAS, Frank V. Sammartano, Commissioner, Department of Intergovernmental Affairs, by memoranda dated March 28, 2022 and April 4, 2022, recommended renewal of insurance for the LWDB for a General Liability Policy in the amount of $26,123.00 and a Professional Liability Policy in the amount of $3,746.00, with Salerno Brokerage Corp., through General Insurance Company of America from May 1, 2022 through April 30, 2023, with funds for payment of same available in Account No. IGA CD 6293 43000 CW 21; and

WHEREAS, Thomas M. Sabellico, Special Counsel, Office of the Town Attorney, by memorandum dated April 4, 2022 has indicated that based upon the efforts made to obtain proposals, including posting of the RFP on the Town's website and sending same to seven (7) brokerage firms, it is his opinion that the selection of Salerno Brokerage, Corp., is in compliance with the Town's Procurement Policy; and

WHEREAS, this is a Workforce Innovation and Opportunity Act eligible cost and therefore at no cost to then Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is accepted and approved, and the Department of Intergovernmental Affairs is hereby authorized to secure Professional and General Liability Insurance Policies for the Oyster Bay-Glen Cove-North Hempstead Local Workforce Development Board from Salerno Brokerage Corp. through General Insurance Company of America, from May 1, 2022 through April 30, 2023; and be it further

RESOLVED, That the Office of the Comptroller is authorized and directed to issue an encumbrance order in the amount of $26,123.00 for General Liability and $3,746.00 for Professional Liability, to be drawn from Account No. IGA CD 6293 43000 CW 21; and be it further

RESOLVED, That the Office of the Comptroller is hereby authorized and directed to make payments for same, upon submission of duly certified claims therefor, after audit.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY
INTER-DEPARTMENTAL MEMO

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

DATE: APRIL 4, 2022

SUBJECT: PROFESSIONAL & GENERAL LIABILITY INSURANCE FOR THE WORKFORCE INNOVATION AND OPPORTUNITY ACT PROGRAM – SALERNO BROKERAGE CORP.
SUPPLEMENTAL MEMO FROM DOCKET DATED 3/29/2022-ITEM#13

The Department of Intergovernmental Affairs issued a Request for Proposals ("RFP") on March 3rd 2022, seeking quotes for the Oyster Bay-Glen Cove-North Hempstead Local Workforce Development Board's ("LWDB") Professional and General Liability Insurance Policies, in accordance with the Town's procurement policy. The Department of Intergovernmental Affairs made a good faith effort to solicit quotes in this regard.

The RFP was mailed to seven (7) insurance brokers and posted on the Town website. The only broker to respond to the RFP was Salerno Brokerage Corp. ("Salerno"), which advised the Department of Intergovernmental Affairs that it had provided the RFP to three (3) insurance carriers, 2 of which either declined to offer coverage or could not offer a competitive quote. Salerno provided a quote from the LWDB's current carrier, General Insurance Company of America, for the renewal of the current policy for the period from May 1st 2022 through April 30th 2023.

General Insurance Company of America provided the lowest quote, and will issue the required insurance coverage, as follows: $26,123.00 (General Liability), $3,746.00 (Professional Liability)

According to the Town's Procurement Policy dated May 9th 2021, adopted by Town Board Resolution 154-2021, " if the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall forward to the town attorney documentation regarding the attempt to obtain proposal or quotations including the number of service providers in the field, the number of Requests for Proposals or quotations including the number of service providers in the field, the number of Requests for Proposals sent out and the number of responses received." The Office of The Town Attorney by memorandum on April 4th 2022, as advised by The Department of Intergovernmental Affairs, is in compliance with The Town's procurement policy.

It is respectfully requested that the Town Board authorize the renewal of the Professional and General Liability Insurance effective May 1, 2022 through Salerno Brokerage Corp. using the General Insurance Company of America. This expense is eligible for payment under the Workforce Innovation and Opportunity Act, and therefore, is of no cost to the Town of Oyster Bay. Funds for this purpose are available in account IGA CD 6293 43000 CW 21.

Frank V. Sammartano
Commissioner
By Colin Bell

Town of Oyster Bay
Inter-Departmental Memorandum

TO : FRANK SAMMARTANO, Commissioner
Department of Intergovernmental Affairs

FROM : Thomas M. Sabellico, Special Counsel
Office of the Town Attorney

DATE : April 4, 2022

SUBJECT: Procurement – Professional & General Liability Insurance (WIOA) Program

---

We are in receipt of your memorandum dated March 30, 2022, requesting the opinion of this office with respect to compliance with the Town's Procurement Policy regarding the procurement of a carrier to provide professional and general liability insurance for the Workforce Innovation and Opportunity Act Program.

In response to your inquiry with respect to the above referenced matter, based upon the efforts you made to obtain proposals, including posting of the RFP on the Town's website, and sending same to seven brokerage firms, it is the opinion of this office that you are in compliance with the Town's Procurement Policy despite having only received one response, and that you may proceed without the need to solicit any further proposals.

Office of the Town Attorney

Thomas M. Sabellico

Thomas M. Sabellico
Special Counsel

TMS:/nb
cc: Brian Noone, Inspector General
Frank Scalera, Town Attorney

SALERNO BROKERAGE CORP.
TOWNS & VILLAGES RISK MANAGEMENT CORP.
HEALTH & FITNESS RISK MANAGEMENT CORP.
117 Oak Drive, Syosset, New York 11791-4625 • 516-364-4044 • Fax: 516-364-5901
www.salernoins.com

March 25, 2022

Mr. John Sarcone
Oyster Bay North Hempstead Glen Cove Workforce Development Board
977 Hicksville Road
Massapequa, NY 11755

RE: Policy Type: General Liability & Professional Liability
Policy Term: 5/1/2022 to 5/1/2023

Dear John:

As we are nearing the renewal for your insurance policies, we sought to obtain renewal coverage at satisfactory premiums. We are submitting this insurance proposal in advance of the Town's March 28, 2022, RFP due date, and in advance of the May 1, 2022 renewal date. Due to the nature of your business, the market was once again rather limited.

We approached the following three (3) carriers on your behalf:

1) **General Insurance Company of America/Ohio Casualty Insurance (both are Liberty Mutual Companies, as were the expiring policies)** – Quoted a premium of $26,123 for the General Liability portion and $3,746 for the Professional liability portion. (A copy of the quotation is attached for your review.)

2) **Capital Specialty** – Advised that they could not quote as they are not currently writing admitted business in New York.

3) **USLI**- Declined as could not provide a competitive quote, unable to provide abuse limits, and only writing excess and surplus lines paper.

Briefly, the policies are outlined as follows:

Named Insured: Oyster Bay North Hempstead Glen Cove Workforce Development Board

GENERAL LIABILITY	
General Aggregate	$2,000,000
Products & Completed Operations Aggregate	$2,000,000
Personal & Advertising Injury Limit	$1,000,000
Each Occurrence Limit	$1,000,000
Fire Damage Limit	$1,000,000
Medical Expense Limit	$ 20,000
Sexual Abuse/Molestation	$1,000,000 per occurrence $2,000,000 policy aggregate

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GENERAL LIABILITY CONTINUED:

Exclusions:	Employment Related Practices
	Known Injury or Damage
	Pollution

PROFESSIONAL LIABILITY

Aggregate	$2,000,000
Each Professional Incident	$1,000,000

Exclusions:	Pollution
	Medical Doctors
	Abuse and Sexual Misconduct Liability
	Employment Practices Liability
	Cyber Liability
	Communicable Disease Exclusion

Premiums:
The General Liability Premium is: $26,123. (The expiring policy was $23,945.)
The Professional Liability Premium is: $3,746. (The expiring policy was $3,583.)

Coverage Options:

We are pleased to advise on the following coverages that the Workforce Board presently does not have for consideration:

Hired and Non-Owned Auto Liability: Hired and Non-Owned Auto protects the named insured should the insured get sued due to the use of a Non-owned car (such as an employee using their own vehicle for business) and a hired car (such as a rented vehicle or a contracted vehicle for a trip for example.)

Employment Practices Liability Coverage: This coverage is used to provide protection against lawsuits by employees alleging wrongful termination, discrimination, harassment or other specified employment related matters.

Cyber insurance generally covers your liability for a data breach involving sensitive information, such as Social Security numbers, credit card numbers, account numbers, driver's license numbers and health records.

Crime: Provides **coverage** for commercial and governmental entities. Available coverages address loss of money, securities, and other assets resulting from dishonesty, theft or fraud (including computer fraud).

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www.salernoins.com

We trust that you are pleased with the renewal quotations and request written binding instructions before April 27, 2022.

Thank you for the opportunity to be of service. As always, please do not hesitate to contact our office with any questions.

Very truly yours,

Maryann K. Aiello

Maryann K. Aiello

MKA:mka
Enc.

DATE	QUOTATION	MINICO NUMBER
03/15/22	VALID FOR 30 DAYS OR EXPIRATION OF POLICY	WA1630-1

NAME & MAILING ADDRESS OF APPLICANT
OYSTER BAY-NORTH HEMPSTEAD
GLEN COVE WORKFORCE DEVELOP BD
977 HICKSVILLE ROAD
MASSAPEQUA, NY 11758

MINICO INSURANCE AGENCY, LLC
10851 N. Black Canyon Highway, Suite 200
Phoenix, AZ 85029
(516) 365-7440
UNDERWRITER: LIZ WERNER

BROKER
SALERNO BRK CORP/TOWNS & VILL
RISK MGMT /HEALTH &
117 OAK DRIVE
SYOSSET, NY 11791-4625

maiello@salernoins.com

EXPIRING INSURANCE COMPANY: GENERAL INS CO OF AMERICA [SS]
EXPIRING POLICY NUMBER: LP7768822V
EXPIRATION DATE: 05/01/22
RENEWAL INSURANCE COMPANY: GENERAL INS CO OF AMERICA [SS] — CODE: 8G

SOCIAL SERVICES PROGRAM

COVERAGES
PROFESSIONAL LIABILITY POLICY

LIMITS
$1,000,000 EACH PROFESSIONAL INCIDENT
$2,000,000 AGGREGATE

TERMS AND CONDITIONS
EXCLUSIONS: POLLUTION, MEDICAL DOCTORS, SEXUAL MISCONDUCT LIABILITY,
COMMUNICABLE DISEASE EXCL.
SM6161 NY INSURPLUS PRO ENDORSEMENT WILL ATTACH (AS EXPIRING)

ADDITIONAL COMMENTS
PROFESSIONAL LIABILITY QUOTE MUST BE ACCEPTED ALONG WITH THE GENERAL
LIABILITY THROUGH LIBERTY/SAFECO IN ORDER TO BIND.

NAMED INSURED:
OYSTER BAY - NORTH HEMPSTEAD - GLEN COVE WORKFORCE DEVELOPMENT BOARD
"POLICYHOLDER AGREES TO ACCEPT AN ELECTRONIC POLICY AND OTHER RELATED
DOCUMENTS ISSUED BY LIBERTY; POLICYHOLDER MAY REQUEST A WRITTEN POLICY."

We are accepting the quote and would like the premiums to be billed as:
Please check one option:
[ ] Direct Bill to the Insured [ ] Agency Billed

PREMIUM	$3,746.00	DEPOSIT REQ	$1,249.00
		BROKER COMM	15.000 %

ORDER CONFIRMATION

Please bind/renew the captioned contract for our office as indicated above. We guarantee to pay any earned premium should this risk be cancelled.

Deposit premium of $_____ is enclosed.

Date: _____ Broker: _____

DATE	QUOTATION	MINICO NUMBER
03/15/22	VALID FOR 30 DAYS OR EXPIRATION OF POLICY	WA1628-1

NAME & MAILING ADDRESS OF APPLICANT
OYSTER BAY-NORTH HEMPSTEAD-
GLEN COVE WORKFORCE DEVELOP BD
977 HICKSVILLE ROAD
MASSAPEQUA, NY 11758

MINICO INSURANCE AGENCY, LLC
10851 N. Black Canyon Highway, Suite 200
Phoenix, AZ 85029
(516) 365-7440
UNDERWRITER: LIZ WERNER

BROKER
SALERNO BRK CORP/TOWNS & VILL
RISK MGMT /HEALTH &
117 OAK DRIVE
SYOSSET, NY 11791-4625

maiello@salernoins.com

EXPIRING INSURANCE COMPANY: OHIO CASUALTY INS [*SS*]
EXPIRING POLICY NUMBER: BLO2261056562
EXPIRATION DATE: 05/01/22
RENEWAL INSURANCE COMPANY: OHIO SECURITY INS COMPANY
CODE: OS

SOCIAL SERVICES PROGRAM

COMMERCIAL GENERAL LIABILITY

SIMPLIFIED OCCURRENCE FORM

GENERAL AGGREGATE	$2,000,000	EACH OCCURRENCE LIMIT	$1,000,000
PRODUCTS/COMPLETED OPS AGG.	$2,000,000	FIRE DAMAGE LIMIT	$1,000,000
PERSONAL & ADV INJURY	$1,000,000	MEDICAL EXPENSE LIMIT	$20,000

SEE THE LIBERTY MUTUAL COMMERCIAL INSURANCE PROPOSAL FOR COVERAGE, LIMITS, DEDUCTIBLES AND FORMS APPLICABLE

PROFESSIONAL LIABILITY COVERAGE IS BEING QUOTED ON A SEPARATE POLICY. GL AND PROFESSIONAL MUST BOTH BE WRITTEN IN ORDER TO BIND.

EXCLUSIONS

SEE LIBERTY MUTUAL PROPOSAL

ADDITIONAL ENDORSEMENTS & CONDITIONS

SEE LIBERTY MUTUAL PROPOSAL

ADDITIONAL COMMENTS

SEE THE LIBERTY MUTUAL PROPOSAL ATTACHED
"POLICYHOLDER AGREES TO ACCEPT AN ELECTRONIC POLICY AND OTHER RELATED DOCUMENTS ISSUED BY LIBERTY; POLICYHOLDER MAY REQUEST A WRITTEN POLICY."

We are accepting the quote and would like the premiums to be billed as:
Please check one option:
[ ] Direct Bill to the Insured [ ] Agency Billed

PREMIUM	$26,123.00	DEPOSIT REQ	$8,708.00
		BROKER COMM	15.000 %

ORDER CONFIRMATION

Please bind/renew the captioned contract for our office as indicated above. We guarantee to pay any earned premium should this risk be cancelled.

Deposit premium of $_____ is enclosed.

Date: _____ Broker: _____

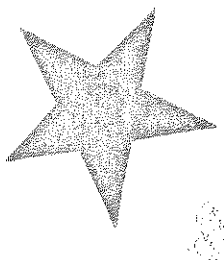
Liberty Mutual. INSURANCE

Commercial Insurance
Proposal

Prepared for:
Account Number: 61056562
OYSTER BAY-NORTH HEMPSTEAD-GLEN

Presented by:
MINICO INSURANCE AGENCY LLC

Date of Proposal:	03/15/2022
Policy Period:	Effective Date: 05/01/2022 Expiration Date: 05/01/2023
Quote Numbers Included	
General Liability - Occurrence:	61056562BLS1Q1
Underwriting Company:	Ohio Security Insurance Company[1]



This proposal is valid for 60 days from the Date of Proposal or until the Effective Date (whichever is earlier) and is solely an estimate of premium, based on the information provided, and all amounts are subject to change. This proposal does not bind or provide actual coverage and is not an offer of insurance. Specific terms of coverage, exclusions, and limitations are contained solely in a completed insurance policy for which a premium has been paid.

This proposal may vary from your original request for coverage. Please review the proposal carefully for any variances. The terms, conditions and premiums included in this proposal contemplate the sale or renewal of all the quoted insurance lines. Electing to buy or renew only some of the lines of coverage may result in changes to the terms, conditions and premiums of the remaining insurance lines.

[1] Liberty Mutual Insurance is the marketing name for the property and casualty insurance operations of Liberty Mutual Insurance Company and its affiliates. Policies may be written in the following stock insurance company subsidiaries: The Ohio Casualty Insurance Company, Ohio Security Insurance Company, American Fire & Casualty Company, and West American Insurance Company. Not all coverages or policies may be available in all states.

Commercial Insurance Proposal: Payment Plan Options

STANDARD DIRECT BILL OPTIONS:

Overview

We offer a broad range of standard Direct Bill payment plans to meet your needs and help you save time and money when paying your premiums. Self-service capabilities are available, 24/7, when you create an online direct bill account. You will have easy access to your claims information, policy documents, premium audit forms, risk control information and billing account, where you may enroll in automatic payments, make on-demand payments, sign up for paperless billing, view/print copies of your electronic notices, and more.

Automatic Payments may be enrolled in at any time. By agreeing to the paperless delivery of billing notices, you can enjoy the following benefits:

Save money:
- Save on installment fees by enrolling in EFT automatic payments. Savings vary by state.
- Avoid late fees with automatic payments processed at the same time, every month

Save time:
- Pay your premium all at once or in 12 equal installments
- Receive email notifications of automatic payment amounts for the scheduled payment dates
- Payments appear on your checking/card account statements for easy tracking

Simply have your agent enroll you at policy issuance or enroll anytime at mybusinessonline@libertymutual.com.

Automatic Payments using EFT (from checking account)	
Annual	100% down
Monthly	12 equal monthly installments

Automatic Payments using Credit/Debit Card (for accounts with total annual premium <$25,000)	
Annual	100% down
Monthly	12 equal monthly installments

Non-Automatic Payment Plans	
Annual	100% down, no service fee
Quarterly	25% down, 3 equal installments at 90-day intervals
Monthly	2 months down, 10 equal monthly installments
Monthly	10% down, 9 equal installments at monthly intervals
Monthly for TX auto policies only	12 equal monthly installments

Variable service fees, by state, apply to the monthly Credit/Debit Card plan and the quarterly and monthly non-automatic plans.

YOUR WAY PAY™ DIRECT BILL OPTION (Select lines of business only)[1]:

Overview

Our pay-as-you-go option, powered by SmartPay™, allows you take control of your cash by providing you the ability to link your business activity to your premium payments. It is easy and convenient and offers these benefits for your pay-as-you-go business:

- Improved cash flow
- No down payment
- Real-time premium calculations based on actual data reported
- Automatic withdrawals of premium payments
- Reduction in audit exposure due to immediate premium calculations

Your Way Pay Plan	Payments
Report risk exposures as scheduled by policy type (e.g. for a WC policy, payroll is reported on payroll dates).	Withdrawal from your bank account is initiated automatically for the payment of premium

[1]Not available for any risks in HI or Workers Compensation risks in ND, OH, WA, or WY.

AGENCY BILL OPTIONS:

Overview

We offer Agency Bill payment plans for specific-type policies or multi-line accounts where Direct Bill may not be the best option. Since the agent will bill and service these policies, there is no online account access or self-service capabilities available.

Agency Bill Payment Plans only (Required for Premium Finance policies; for accounts with total annual premium >$25,000)	
Annual	100% down
Quarterly	30% down, 3 equal installments at 90 day intervals
Monthly	30% down, 9 equal installments at monthly intervals
Monthly for TX auto policies only	12 equal monthly installments

Commercial Insurance Proposal: Premium Recap

General Liability Coverage	
General Liability Premium	$25,755.00
Certified Acts of Terrorism Coverage[2]	$258.00
Total General Liability - Occurrence Premium	**$26,013.00**

Account acceptability and final premium are subject to underwriting review and approval.

[2]NP 72 42 Terrorism Insurance Premium Disclosure and Opportunity to Reject:
This quote includes coverage for Certified Acts of Terrorism (as defined in the Terrorism Risk Insurance Act ("TRIA")) for the lines of business referenced above with a premium charge. You may elect to reject this coverage for any Commercial Property, General Liability, Inland Marine, Commercial Protector (BOP), or Umbrella for losses resulting from a "certified act of terrorism" according to the instructions included within this document. Should you elect to reject this coverage, we will process an endorsement to your policy upon receipt of the signed rejection form.

Note this disclosure notice and rejection option does not apply to Workers Compensation, Crime, Professional Liability or Commercial auto coverage, if included in this quote. Please refer to the enclosed notice for additional information regarding this act, its effect regarding your policy coverage, and its impact on your premium.

Additional Note: The Certified Acts of Terrorism Coverage does not apply for any Commercial Auto, burglary and theft (i.e. Commercial Crime), or professional liability coverages quoted and a premium charge has not been included for these lines of business.

Commercial General Liability Proposal

POLICY LEVEL COVERAGES

Coverage Provided	Limit of Insurance
Each Occurrence Limit	$1,000,000 Per Occurrence
General Aggregate Limit (Other Than Products-Completed Operations)	$2,000,000
Products-Completed Operations Aggregate Limit	$2,000,000
Personal And Advertising Injury Limit	$1,000,000 Any One Person or Organization
Damages To Premises Rented To You Limit	$1,000,000 (Any One Fire or Explosion)
Medical Expense Limit	$15,000 Any One Person

LOCATION EXPOSURES

Location:	Class Description:	Subject to General Aggregate	Exposure:
977 Hicksville Rd # HALL, South Massapequa, NY, 11758	61227 - Buildings Or Premises - Office NOC - Not For Profit	+	6,000

A plus sign shown in the "SUBJECT TO GENERAL AGGREGATE" column means that coverage for Products and/or Completed Operations is included in the Premises/Operations coverage at no additional premium charge.

OPTIONAL LIABILITY COVERAGES

Coverage Description	Limit of Insurance
CG9143 - Sexual Misconduct Liability	$Occurrence
• Each Sexual Misconduct Or Physical Abuse Act Limit/Sexual Misconduct Or Physical Abuse Act Aggregate Limit	$1,000,000/$2,000,000
• Deductible	$0
FLAT CHARGE	Included
CG2026 - Designated Person or Organization	Included

GENERAL LIABILITY COVERAGE FORM INCLUDES:

Coverage Extension Supplemental Payments	Limit Of Insurance
Bail Bonds	$250
Loss Of Earnings	$250 per day

COMMERCIAL GENERAL LIABILITY EXTENSION

Coverage Description	Revised Limits of Insurance
Non-Owned Aircraft	Included
Non-Owned Watercraft	Included
Property Damage Liability - Elevators	Included
Extended Damage to Property Rented To You (Tenant's Property Damage)	Included
Medical Payments Extension	Included Within 3 Years Of

Coverage Description	Revised Limits of Insurance
	The Date Of The Accident
Extension Of Supplementary Payments - Coverages A and B	Included
Cost Of Bail Bonds	$3,000
Loss Of Earnings Due To Time Off Work While Assisting In The Investigation Of a Claim Or Suit	$500 a day
Additional Insureds - By Contract, Agreement Or Permit	Included
Primary and Non-Contributory - Additional Insured Extension	Included
Additional Insureds - Extended Protection of Your "Limits of Insurance"	Included
Who Is An Insured – Incidental Medical Errors/Malpractice and Who Is An Insured - Fellow Employee Extension - Management Employees	Included
Newly Formed or Additionally Acquired Entities	Included
Failure To Disclose Hazards and Prior Occurrences	Included
Knowledge Of Occurrence, Offense, Claim Or Suit	Included
Liberalization Clause	Included
Bodily Injury Redefined	Included
Extended Property Damage	Included
Waiver Of Transfer Of Rights Of Recovery Against Others To Us - When Required In a Contract Or Agreement With You	

This Quote is based on the following forms, which apply at the time of quote and may differ on policy issuance:

CG00010413 - Commercial GL Coverage Form - Occurrence
CG01041204 - NY Changes Premium Audit
CG01630417 - NY Changes - Commercial General Liability Coverage
CG20260413 - Addt Insd - Designated Person or Org
CG21060514 - Excl Disclosure Confid Personal Info Lmt Bl Except
CG21160413 - Excl-Designated Professional Services
CG21320509 - Communicable Disease Exclusion
CG21460798 - Abuse or Molestation Exclusion
CG21471207 - Employment Related Practices Excl
CG21560999 - Total Pollution Exclusion With a Hostile Fire Exce
CG21700115 - Cap on Losses from Certified Acts of Terrorism
CG22921207 - Snow Plow Operations Cov
CG24260413 - Amend of Insd Contract Definition
CG26211091 - NY Change Transfer Duties When Limit Ins Used Up
CG85150903 - Exclusion - Professional Services
CG88100413 - Commercial GL Liab Extension
CG88601208 - Each Location General Aggregate Limit
CG88861208 - Exclusion - Asbestos Liability
CG92090116 - NY Sexual Misconduct Or Phys Abuse Act Lia Covg
CG92480116 - Sexual Misconduct or Abuse Exclusion
CG92790919 - NY CGL Enhancement For Nonprofit And Social Svcs
CNI90110718 - Reporting A Commercial Claim 24 Hours A Day
IL00171198 - Common Policy Conditions
IL00230702 - Nuclear Energy Liability Exclusion End Broad Form
IL02680114 - New York Changes - Cancellation and Nonrenewal
LC68031014 - NY Changes-Punitive Or Exemplary Damages Exclusion
NP10280916 - NP - Condemning Sexual Misconduct Liability Cov
NP72420220 - NP-Terrorism Ins Prem Disclosure and Opp to Reject
NP74260413 - NP - Fully Earned Minimum Premium Endorsements
NP74440906 - NP - Treasury Dept OFAC Notice to Policyholders
NP94520315 - NP - GL Multistate Forms Revision Advisory
NP94650413 - NP - ISO 04-13 GL Multistate Forms Revision
NP96001014 - NP - GL Access Discl Of Confid Or Pers Info Excl
SNI04011220 - NP - Liberty Mutual Group California Privacy Notice

STATE FRAUD NOTICES

The following must be provided to the applicant either by use of this proposal, by reproduction in a proposal by the Producer, or by use of a current ACORD application or its equivalent.

Applicable in AL, AR, DC, LA, MD, NM, RI and WV
Any person who knowingly (or willfully)[1] presents a false or fraudulent claim for payment of a loss or benefit or knowingly (or willfully)[1] presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison. [1]Applies in MD Only.

Applicable in CO
It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Applicable in FL and OK
Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony (of the third degree)[2]. [2]Applies in FL Only.

Applicable in KS
Any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act.

Applicable in KY, NY, OH and PA
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties (not to exceed five thousand dollars and the stated value of the claim for each such violation)[3]. [3]Applies in NY Only.

Applicable in ME, TN, VA and WA
It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties (may)[4] include imprisonment, fines and denial of insurance benefits. [4]Applies in ME Only.

Applicable in NJ
Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

Applicable in OR
Any person who knowingly and with intent to defraud or solicit another to defraud the insurer by submitting an application containing a false statement as to any material fact may be violating state law.

Applicable in PR
Any person who knowingly and with the intention of defrauding presents false information in an insurance application, or presents, helps, or causes the presentation of a fraudulent claim for the payment of a loss or any other benefit, or presents more than one claim for the same damage or loss, shall incur a felony and, upon conviction, shall be sanctioned for each violation by a fine of not less than five thousand dollars ($5,000) and not more than ten thousand dollars ($10,000), or a fixed term of imprisonment for three (3) years, or both penalties. Should aggravating circumstances [be] present, the penalty thus established may be increased to a maximum of five (5) years, if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

TERRORISM INSURANCE PREMIUM DISCLOSURE AND OPPORTUNITY TO REJECT

This notice contains important information about the Terrorism Risk Insurance Act and its effect on your policy. Please read it carefully.

THE TERRORISM RISK INSURANCE ACT

The Terrorism Risk Insurance Act, including all amendments ("TRIA" or the "Act"), establishes a program to spread the risk of catastrophic losses from certain acts of terrorism between insurers and the federal government. If an individual insurer's losses from "certified acts of terrorism" exceed a specified deductible amount, the government will generally reimburse the insurer for a percentage of losses (the "Federal Share") paid in excess of the deductible, but only if aggregate industry losses from such acts exceed the "Program Trigger". An insurer that has met its insurer deductible is not liable for any portion of losses in excess of $100 billion per calendar year. Similarly, the federal government is not liable for any losses covered by the Act that exceed this amount. If aggregate insured losses exceed $100 billion, losses up to that amount may be pro-rated, as determined by the Secretary of the Treasury.

Beginning in calendar year 2020, the Federal Share is 80% and the Program Trigger is $200,000,000.

MANDATORY OFFER OF COVERAGE FOR "CERTIFIED ACTS OF TERRORISM" AND DISCLOSURE OF PREMIUM

TRIA requires insurers to make coverage available for any loss that occurs within the United States (or outside of the U.S. in the case of U.S. missions and certain air carriers and vessels), results from a "certified act of terrorism" AND that is otherwise covered under your policy.

A "certified act of terrorism" means:

> [A]ny act that is certified by the Secretary [of the Treasury], in consultation with the Secretary of Homeland Security, and the Attorney General of the United States
>
> (i) to be an act of terrorism;
>
> (ii) to be a violent act or an act that is dangerous to
>
> > (I) human life;
> > (II) property; or
> > (III) infrastructure;
>
> (iii) to have resulted in damage within the United States, or outside of the United States in the case of
>
> > (I) an air carrier (as defined in section 40102 of title 49, United States Code) or United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), or
> > (II) the premises of a United States mission; and
>
> (iv) to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

REJECTING TERRORISM INSURANCE COVERAGE - WHAT YOU MUST DO

We have included in your policy coverage for losses resulting from "certified acts of terrorism" as defined above.

THE PREMIUM CHARGE FOR THIS COVERAGE APPEARS ON THE DECLARATIONS PAGE OF THE POLICY AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT. If we are providing you with a quote, the premium charge will also appear on your quote as a separate line item charge.

IF YOU CHOOSE TO REJECT THIS COVERAGE, PLEASE CHECK THE BOX BELOW, SIGN THE ACKNOWLEDGMENT, AND RETURN THIS FORM TO YOUR AGENT. **Please ensure any rejection is received within thirty(30) days of the effective date of your policy.**

Before making a decision to reject terrorism insurance, refer to the Disclaimer for Standard Fire Policy States located at the end of this Notice.

☐ I hereby reject this offer of coverage. I understand that by rejecting this offer, I will have no coverage for losses arising from a "certified acts of terrorism" and my policy will be endorsed accordingly.

Policyholder/Applicant's Signature	Print Name	Date Signed
_____	_____	_____

Named Insured
OYSTER BAY-NORTH HEMPSTEAD-GLEN

Policy Number
BLS(23)61056562

Policy Effective/Expiration Date
05-01-2022/05-01-2023

IF YOU REJECTED THIS COVERAGE, PLEASE RETURN THIS FORM TO YOUR AGENT.

NOTE: Certain states (currently CA, GA, IA, IL, ME, MO, NY, NC, NJ, OR, RI, WA, WI and WV) mandate coverage for loss caused by fire following a "certified act of terrorism" in certain types of insurance policies. If you reject TRIA coverage in these states on those policies, you will not be charged any additional premium for that state mandated coverage.

The summary of the Act and the coverage under your policy contained in this notice is necessarily general in nature. Your policy contains specific terms, definitions, exclusions and conditions. In case of any conflict, your policy language will control the resolution of all coverage questions. Please read your policy carefully.

If you have any questions regarding this notice, please contact your agent.

Liberty Mutual INSURANCE

Commercial Insurance
Proposal

Prepared for:
Account Number: 61056562
OYSTER BAY-NORTH HEMPSTEAD-GLEN

Presented by:
MINICO INSURANCE AGENCY LLC

Date of Proposal:	03/14/2022
Policy Period:	Effective Date: 05/01/2022 Expiration Date: 05/01/2023
Quote Numbers Included	
Employee Benefits:	61056562BIO3Q1
Underwriting Company:	The Ohio Casualty Insurance Company[1]

This proposal is valid for 60 days from the Date of Proposal or until the Effective Date (whichever is earlier) and is solely an estimate of premium, based on the information provided, and all amounts are subject to change. This proposal does not bind or provide actual coverage and is not an offer of insurance. Specific terms of coverage, exclusions, and limitations are contained solely in a completed insurance policy for which a premium has been paid.

This proposal may vary from your original request for coverage. Please review the proposal carefully for any variances. The terms, conditions and premiums included in this proposal contemplate the sale or renewal of all the quoted insurance lines. Electing to buy or renew only some of the lines of coverage may result in changes to the terms, conditions and premiums of the remaining insurance lines.

[1] Liberty Mutual Insurance is the marketing name for the property and casualty insurance operations of Liberty Mutual Insurance Company and its affiliates. Policies may be written in the following stock insurance company subsidiaries: The Ohio Casualty Insurance Company, Ohio Security Insurance Company, American Fire & Casualty Company, and West American Insurance Company. Not all coverages or policies may be available in all states.

Commercial Insurance Proposal: Payment Plan Options

STANDARD DIRECT BILL OPTIONS:

Overview

We offer a broad range of standard Direct Bill payment plans to meet your needs and help you save time and money when paying your premiums. Self-service capabilities are available, 24/7, when you create an online direct bill account. You will have easy access to your claims information, policy documents, premium audit forms, risk control information and billing account, where you may enroll in automatic payments, make on-demand payments, sign up for paperless billing, view/print copies of your electronic notices, and more.

Automatic Payments may be enrolled in at any time. By agreeing to the paperless delivery of billing notices, you can enjoy the following benefits:

Save money:
- Save on installment fees by enrolling in EFT automatic payments. Savings vary by state.
- Avoid late fees with automatic payments processed at the same time, every month

Save time:
- Pay your premium all at once or in 12 equal installments
- Receive email notifications of automatic payment amounts for the scheduled payment dates
- Payments appear on your checking/card account statements for easy tracking

Simply have your agent enroll you at policy issuance or enroll anytime at mybusinessonline@libertymutual.com.

Automatic Payments using EFT (from checking account)	
Annual	100% down
Monthly	12 equal monthly installments

Automatic Payments using Credit/Debit Card (for accounts with total annual premium ≤$25,000)	
Annual	100% down
Monthly	12 equal monthly installments

Non-Automatic Payment Plans	
Annual	100% down, no service fee
Quarterly	25% down, 3 equal installments at 90-day intervals
Monthly	2 months down, 10 equal monthly installments
Monthly	10% down, 9 equal installments at monthly intervals
Monthly for TX auto policies only	12 equal monthly installments

Variable service fees, by state, apply to the monthly Credit/Debit Card plan and the quarterly and monthly non-automatic plans.

YOUR WAY PAY™ DIRECT BILL OPTION (Select lines of business only)[1]:

Overview

Our pay-as-you-go option, powered by SmartPay™, allows you take control of your cash by providing you the ability to link your business activity to your premium payments. It is easy and convenient and offers these benefits for your pay-as-you-go business:

- Improved cash flow
- No down payment
- Real-time premium calculations based on actual data reported
- Automatic withdrawals of premium payments
- Reduction in audit exposure due to immediate premium calculations

Your Way Pay Plan	Payments
Report risk exposures as scheduled by policy type (e.g. for a WC policy, payroll is reported on payroll dates).	Withdrawal from your bank account is initiated automatically for the payment of premium

[1]Not available for any risks in HI or Workers Compensation risks in ND, OH, WA, or WY.

AGENCY BILL OPTIONS:

Overview

We offer Agency Bill payment plans for specific-type policies or multi-line accounts where Direct Bill may not be the best option. Since the agent will bill and service these policies, there is no online account access or self-service capabilities available.

Agency Bill Payment Plans only (Required for Premium Finance policies; for accounts with total annual premium >$25,000)	
Annual	100% down
Quarterly	30% down, 3 equal installments at 90 day intervals
Monthly	30% down, 9 equal installments at monthly intervals
Monthly for TX auto policies only	12 equal monthly installments

Commercial Insurance Proposal: Premium Recap

Employee Benefits Coverage	
Employee Benefits Premium	$109.00
Total Employee Benefits Premium	**$110.00**

Account acceptability and final premium are subject to underwriting review and approval.

²NP 72 42 Terrorism Insurance Premium Disclosure and Opportunity to Reject:
This quote includes coverage for Certified Acts of Terrorism (as defined in the Terrorism Risk Insurance Act ("TRIA")) for the lines of business referenced above with a premium charge. You may elect to reject this coverage for any Commercial Property, General Liability, Inland Marine, Commercial Protector (BOP), or Umbrella for losses resulting from a "certified act of terrorism" according to the instructions included within this document. Should you elect to reject this coverage, we will process an endorsement to your policy upon receipt of the signed rejection form.

Note this disclosure notice and rejection option does not apply to Workers Compensation, Crime, Professional Liability or Commercial auto coverage, if included in this quote. Please refer to the enclosed notice for additional information regarding this act, its effect regarding your policy coverage, and its impact on your premium.

Additional Note: The Certified Acts of Terrorism Coverage does not apply for any Commercial Auto, burglary and theft (i.e. Commercial Crime), or professional liability coverages quoted and a premium charge has not been included for these lines of business.

Commercial General Liability Proposal

Employee Benefits Coverage	Limit of Insurance
Each Employee	$1,000,000
Aggregate Limit	$2,000,000
Deductible Basis	Per Claim
Deductible Amount	$1,000

This Quote is based on the following forms, which apply at the time of quote and may differ on policy issuance:

CG01041204 - NY Changes Premium Audit
CG80081009 - Employee Benefits Liability Cov Form
CG84210412 - New York Changes - Legal Action Against Us
CG84231099 - NY Changes - Transfer Duties Ins Limit Used Claims
CG84410412 - NY Changes - Employee Benefits Liability
CG84451099 - NY Changes-Limits of Ins-Employee Benef. Liab
CG84670400 - New York Changes - Definitions
CNI90110718 - Reporting A Commercial Claim 24 Hours A Day
IL00171198 - Common Policy Conditions
IL00230702 - Nuclear Energy Liability Exclusion End Broad Form
IL88360115 - Cap On Losses From Certified Acts Of Terrorism
LC88031014 - NY Changes-Punitive Or Exemplary Damages Exclusion
NP72420220 - NP-Terrorism Ins Prem Disclosure and Opp to Reject
NP74440906 - NP - Treasury Dept OFAC Notice to Policyholders
NP74500107 - NP - Audit Information
NP90940412 - NP - Concerning Claims Made Emp Benefits Liab Cov
SNI04011220 - NP - Liberty Mutual Group California Privacy Notice

STATE FRAUD NOTICES

The following must be provided to the applicant either by use of this proposal, by reproduction in a proposal by the Producer, or by use of a current ACORD application or its equivalent.

Applicable in AL, AR, DC, LA, MD, NM, RI and WV
Any person who knowingly (or willfully)[1] presents a false or fraudulent claim for payment of a loss or benefit or knowingly (or willfully)[1] presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison. [1]Applies in MD Only.

Applicable in CO
It is unlawful to knowingly provide false, incomplete, or misleading facts or information to an insurance company for the purpose of defrauding or attempting to defraud the company. Penalties may include imprisonment, fines, denial of insurance and civil damages. Any insurance company or agent of an insurance company who knowingly provides false, incomplete, or misleading facts or information to a policyholder or claimant for the purpose of defrauding or attempting to defraud the policyholder or claimant with regard to a settlement or award payable from insurance proceeds shall be reported to the Colorado Division of Insurance within the Department of Regulatory Agencies.

Applicable in FL and OK
Any person who knowingly and with intent to injure, defraud, or deceive any insurer files a statement of claim or an application containing any false, incomplete, or misleading information is guilty of a felony (of the third degree)[2]. [2]Applies in FL Only.

Applicable in KS
Any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act.

Applicable in KY, NY, OH and PA
Any person who knowingly and with intent to defraud any insurance company or other person files an application for insurance or statement of claim containing any materially false information or conceals for the purpose of misleading, information concerning any fact material thereto commits a fraudulent insurance act, which is a crime and subjects such person to criminal and civil penalties (not to exceed five thousand dollars and the stated value of the claim for each such violation)[3]. [3]Applies in NY Only.

Applicable in ME, TN, VA and WA
It is a crime to knowingly provide false, incomplete or misleading information to an insurance company for the purpose of defrauding the company. Penalties (may)[4] include imprisonment, fines and denial of insurance benefits. [4]Applies in ME Only.

Applicable in NJ
Any person who includes any false or misleading information on an application for an insurance policy is subject to criminal and civil penalties.

Applicable in OR
Any person who knowingly and with intent to defraud or solicit another to defraud the insurer by submitting an application containing a false statement as to any material fact may be violating state law.

Applicable in PR
Any person who knowingly and with the intention of defrauding presents false information in an insurance application, or presents, helps, or causes the presentation of a fraudulent claim for the payment of a loss or any other benefit, or presents more than one claim for the same damage or loss, shall incur a felony and, upon conviction, shall be sanctioned for each violation by a fine of not less than five thousand dollars ($5,000) and not more than ten thousand dollars ($10,000), or a fixed term of imprisonment for three (3) years, or both penalties. Should aggravating circumstances [be] present, the penalty thus established may be increased to a maximum of five (5) years, if extenuating circumstances are present, it may be reduced to a minimum of two (2) years.

TERRORISM INSURANCE PREMIUM DISCLOSURE AND OPPORTUNITY TO REJECT

This notice contains important information about the Terrorism Risk Insurance Act and its effect on your policy. Please read it carefully.

THE TERRORISM RISK INSURANCE ACT

The Terrorism Risk Insurance Act, including all amendments ("TRIA" or the "Act"), establishes a program to spread the risk of catastrophic losses from certain acts of terrorism between insurers and the federal government. If an individual insurer's losses from "certified acts of terrorism" exceed a specified deductible amount, the government will generally reimburse the insurer for a percentage of losses (the "Federal Share") paid in excess of the deductible, but only if aggregate industry losses from such acts exceed the "Program Trigger". An insurer that has met its insurer deductible is not liable for any portion of losses in excess of $100 billion per calendar year. Similarly, the federal government is not liable for any losses covered by the Act that exceed this amount. If aggregate insured losses exceed $100 billion, losses up to that amount may be pro-rated, as determined by the Secretary of the Treasury.

Beginning in calendar year 2020, the Federal Share is 80% and the Program Trigger is $200,000,000.

MANDATORY OFFER OF COVERAGE FOR "CERTIFIED ACTS OF TERRORISM" AND DISCLOSURE OF PREMIUM

TRIA requires insurers to make coverage available for any loss that occurs within the United States (or outside of the U.S. in the case of U.S. missions and certain air carriers and vessels), results from a "certified act of terrorism" AND that is otherwise covered under your policy.

A "certified act of terrorism" means:

[A]ny act that is certified by the Secretary [of the Treasury], in consultation with the Secretary of Homeland Security, and the Attorney General of the United States

(i) to be an act of terrorism;

(ii) to be a violent act or an act that is dangerous to

(I) human life;
(II) property; or
(III) infrastructure;

(iii) to have resulted in damage within the United States, or outside of the United States in the case of

(I) an air carrier (as defined in section 40102 of title 49, United States Code) or United States flag vessel (or a vessel based principally in the United States, on which United States income tax is paid and whose insurance coverage is subject to regulation in the United States), or
(II) the premises of a United States mission; and

(iv) to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

REJECTING TERRORISM INSURANCE COVERAGE - WHAT YOU MUST DO

We have included in your policy coverage for losses resulting from "certified acts of terrorism" as defined above.

THE PREMIUM CHARGE FOR THIS COVERAGE APPEARS ON THE DECLARATIONS PAGE OF THE POLICY AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT. If we are providing you with a quote, the premium charge will also appear on your quote as a separate line item charge.

IF YOU CHOOSE TO REJECT THIS COVERAGE, PLEASE CHECK THE BOX BELOW, SIGN THE ACKNOWLEDGMENT, AND RETURN THIS FORM TO YOUR AGENT. **Please ensure any rejection is received within thirty(30) days of the effective date of your policy.**

Before making a decision to reject terrorism insurance, refer to the Disclaimer for Standard Fire Policy States located at the end of this Notice.

☐ I hereby reject this offer of coverage. I understand that by rejecting this offer, I will have no coverage for losses arising from a "certified acts of terrorism" and my policy will be endorsed accordingly.

Policyholder/Applicant's Signature	Print Name	Date Signed
_____	_____	_____

Named Insured
OYSTER BAY-NORTH HEMPSTEAD-GLEN

Policy Number
BIO(23)61056562

Policy Effective/Expiration Date
05-01-2022/05-01-2023

IF YOU REJECTED THIS COVERAGE, PLEASE RETURN THIS FORM TO YOUR AGENT.

NOTE: Certain states (currently CA, GA, IA, IL, ME, MO, NY, NC, NJ, OR, RI, WA, WI and WV) mandate coverage for loss caused by fire following a "certified act of terrorism" in certain types of insurance policies. If you reject TRIA coverage in these states on those policies, you will not be charged any additional premium for that state mandated coverage.

The summary of the Act and the coverage under your policy contained in this notice is necessarily general in nature. Your policy contains specific terms, definitions, exclusions and conditions. In case of any conflict, your policy language will control the resolution of all coverage questions. Please read your policy carefully.

If you have any questions regarding this notice, please contact your agent.

NP 72 42 02 20

TOWN OF OYSTER BAY

Inter-Departmental Memo

March 28, 2022

TO: MEMORANDUM DOCKET

FROM: FRANK V. SAMMARTANO, COMMISSIONER
INTERGOVERNMENTAL AFFAIRS

SUBJECT: SAVE THE SPACE
Workforce Development Board
General & Professional Liability Insurance

In connection with the above referenced matter, kindly reserve a space on the Town Board Action Calendar for the meeting of April 12th 2022.

This is a Workforce Innovation and Opportunity Act eligible cost and therefore at no cost to the Town of Oyster Bay.

Memorandum Docket to follow with full details.

Frank V. Sammartano
Commissioner

Reviewed By
Office of Town Attorney

Meeting of April 12, 2022 Resolution No. 288-2022

WHEREAS, Meredith Maus, Executive Director, Oyster Bay Main Street Association, Inc., Post Office Box 116, Oyster Bay, New York 11771, by letter dated March 31, 2022, requested the use of both Municipal Parking Field O-8, Oyster Bay, and Audrey Avenue between South Street and Spring Street, as well as the use of twelve (12) complete barricades and twelve (12) traffic cones, for the Association's Oyster Bay Farmers' Market, to be held from 9:00 a.m. until 3:00 p.m., on alternating Sundays, beginning on March 28, 2021, through and including Sunday, November 21, 2021; and

WHEREAS, John P. Bishop, Deputy Commissioner, Highway Department, by memorandum dated March 12, 2021, advised that the abovementioned property and equipment will not be required for use by the Town at those times, and that he has no objection to providing the Oyster Bay Main Street Association, Inc., with the use of Municipal Parking Field O-8, Oyster Bay, and the use of Audrey Avenue between South Street and Spring Street, twelve (12) complete barricades and twelve (12) traffic cones for the Association's Oyster Bay Farmers' Market, to be held from 9:00 a.m. until 3:00 p.m., on alternating Sundays, beginning on March 28, 2021, through and including Sunday, November 21, 2021; and

WHEREAS, Deputy Commissioner Bishop, by said memorandum, advised that the Oyster Bay Main Street Association, Inc., is aware that they must follow New York State guidelines for social distancing, that the event can be cancelled at any time due to COVID-19 concerns, and they are also aware that in the event of a conflict with the closure of a road or parking lot for any of the above mentioned dates and times, the Town reserves the right to cancel any date requested and will make all efforts to provide the Oyster Bay Main Street Association, Inc. with two weeks notice of any such cancellation; and

WHEREAS, the Town Board deems this an appropriate and worthwhile endeavor, and one which shall benefit the residents of the Town of Oyster Bay,

NOW, THEREFORE, BE IT RESOLVED, That the requests as hereinabove set forth are hereby approved, and the Highway Department is hereby authorized to provide the Oyster Bay Main Street Association, Inc. with the use of Municipal Parking Field O-8 in Oyster Bay, and Audrey Avenue between South Street and Spring Street, as well as twelve (12) complete barricades and twelve (12) traffic cones, for the Association's Oyster Bay Farmers' Market, to be held from 9:00 a.m. until 3:00 p.m., on Sunday, October 4, 2020, and from 9:00 a.m. until 3:00 p.m., on alternating Sundays, beginning on March 28, 2021, through and including Sunday, November 21, 2021, subject to the following terms and conditions:

1. The use of all Town property and equipment shall be in conformance with the direction of the Commissioner of the Department of Public Works/Highways, or his duly authorized representative.

2. The said organization shall comply with all ordinances of the Town of Oyster Bay, both in its use of Town property and equipment and in the conduct of the aforedescribed activity.

3. The said organization shall file a Certificate of Insurance with the Office of the Town Clerk, indicating said organization maintains general liability insurance, in the amount of $2,000,000 bodily injury and $1,000,000 property damage, and naming the Town as an additional insured, in connection with the aforedescribed activity.

4. The said organization shall follow all New York State Guidelines with respect to social distancing, and the aforedescribed activity may be cancelled by the Town of Oyster Bay at any time, to prevent harm to the population from the COVID-19 Virus, or any other threat to public health and/or safety.

5. In the event of a conflict with the closure of a road or parking lot for any of the above mentioned dates and times, the Town reserves the right to cancel any date requested and will make all efforts to provide the Oyster Bay Main Street Association, Inc. with two weeks notice of any such cancellation.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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TOWN OF OYSTER BAY

Inter-Departmental Memo

April 6, 2022

TO: MEMORANDUM DOCKET

FROM: JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

SUBJECT: OYSTER BAY MAIN STREET ASSOC.
OYSTER BAY FARMERS MARKET
ALT. SUNDAY'S FROM MAY 1ST 2022 THROUGH 11/13/22

Enclosed please find a copy of the letter from Meredith Maus, Executive Director, of the Oyster Bay Main Street Association is requesting our assistance in conducting their Oyster Bay Farmers Market on alternating Sundays starting May 1st 2022 through November 13th 2022

The Highway Department has no objection to the organizations closing Parking lot O-8 in Oyster Bay as well as Audrey Ave from South Street to Spring Street and will provide "No Parking" signs to close off the area for the market on the above mentioned dates from 9:00 A.M. to 3:00 P.M. Further, the Highway Department can readily supply twelve (12) complete barricades and twelve (12) traffic cones for the event.

Oyster Bay Main Street Association are aware that they must follow New York State Guidelines for social distancing and are also aware that the event can be cancelled at any time due to Covid-19.

In the event of a conflict with the closure of a road or parking lot for any of the above mentioned dates and times the Town of Oyster Bay has the right to cancel any date requested and will make all efforts to provide the Oyster Bay Main Street Association with a two week notice

Also attached are the Certificates of Insurance, Endorsement Sheets and Hold Harmless Agreements to cover the event. Therefore, Town Board approval is requested.

Please suspend all rules and place on April 12th 2022 Town Board Calendar

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kaz
Attachments

C: Richard Lenz, P.E. Commissioner of DPW
Grace SantaMaria, Highway Administration
Peter Brown, General Foreman 002
Steve Kelly, Sign Bureau Supervisor
Justin McCaffrey, Dept. Public Safety

DATE: 4/5/2022

TO: **HIGHWAY OPERATIONS**

SUBJECT: Oyster Bay Main Street Assoc. Farmers Market

PLEASE DELIVER TO:

The parking lot on Audrey Avenue – Lot O-8 – by generator

CONTACT: Meredith Maus
516-922-6982

DATE OF EVENT: 5/1/2022-11/13/2022
Every Other Sunday

BARRICADES: 12

CONES: 12

SORT PAILS:

PORTABLE LIGHTS:

GENERATOR:

PACKER:

DELIVER ON: April 29, 2022

PICKUP ON: November 13, 2022

SWEEPING BEFORE AFFAIR IS NEEDED:

YES	NO
XX	

Please be advised that when signing on receipt of Town Equipment, your organization will be held responsible for their return.

JOHN P. BISHOP, DEPUTY COMMISSIONER
HIGHWAY DEPARTMENT

JPB/kaz

CC: Dan Kornfeld
Peter Brown, General Foreman 002
Mike Ricardo, Regional Foreman 009
Kevin Freiberg, Area Foreman 013

Public Safety Division

OYSTER BAY
MAIN STREET ASSOCIATION

March 31, 2022

Officers
President
Sandra Coudert Graham

Vice-President
John Bonifacio

Treasurer
Timothy DiPietro

Secretary
Diana Hauser

Board of Directors
Jamie Arty
Claude Baltnik
Linda Cassola
Henry C. Clark
Mario Gallo
Janine Lizza
Richard McKean
Diane Meltzer
Alexis Pagano
Megan Pearson

Advisory Board
Roger Baltnik
Robert Brusca
John Collins
Harriet Gerard Clark
Kimberly Dey
Denice Evans-Sheppard
Kelly Fuhrmann
Jerritt Gluck
Rep. Steve Israel
Billy Joel
Leg. Joshua Lafazan
Richard LaMarca
Hunt & Betsy Lawrence
Colleen McKean
Edward Mohlenhoff
Robert Santos
Ryan Schlotter
Dr. Laura Seinfeld
William Sheeline
Dottie Simons
John Specce
Claudia Taglich
Alex Urdea
Councilwoman Vicki Walsh

Staff
Executive Director
Meredith Maus

Project Manager
Sasha Freedman

Supervisor Joseph Saladino
54 Audrey Avenue
Oyster Bay, NY 11771

Dear Supervisor Saladino,

The Oyster Bay Main Street Association would like to formally request permission to bring the Oyster Bay Market back to the downtown of Oyster Bay for the 2022 season. We would like to host the market with about 25 vendors starting on Sunday May 1, 2022 from 10am to 2pm. With your permission, we are looking to host the event in the same location as last year - the Town of Oyster Bay parking lot on Audrey Ave, including the section of Audrey Ave between Shore Ave and the municipal lot. If this is amenable to the Town the market would be held every other Sunday through November (the following dates: 5/1; 5/15; 5/29; 6/12; 6/26; 7/10; 7/24; 8/7; 8/21; 9/4; 9/18; 10/2; 10/16; 10/30; 11/13).

We have read through the NYS guidance on outdoor markets and taken into consideration the need to leave the center of Audrey Ave clear for emergency vehicles in our proposed layout of the market. We will continue to adhere to New York State Guidelines regarding social distancing measures and understand that events may be cancelled due to Covid-19 if the state or Town of Oyster Bay requires it.

We further acknowledge, that in the event of a conflict with the closure of the road the Town has the right to cancel any date required and will make all efforts to provide OBMSA with a two-week notice.

In order to assist with the lay out of the market, we would request that the Town of Oyster Bay close off access to the above referenced parking lot and roadway for our purposes on the requested dates. Set up of the market would begin at 9 am and would be fully closed down by 3 pm. To help control the flow of traffic we request that 12 barriers and 12 cones be delivered to the parking lot and placed near the generator by Saturday evening.

If there are any questions regarding our protocols or further requirements, please do not hesitate to contact me by phone at 516.922.6982 or email: maus@obmsa.org.

Thank you for your consideration.

Sincerely,

Meredith Maus
Executive Director

OYSTBAY-01 CBROKER

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY): 4/5/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Geo. V. Bullen & Son Inc. 3333 New Hyde Park Road Suite 300 New Hyde Park, NY 11042	CONTACT NAME: PHONE (A/C, No, Ext): (516) 482-7200 FAX (A/C, No): (516) 439-4341 E-MAIL ADDRESS: mail@gvbullen.com
	INSURER(S) AFFORDING COVERAGE / NAIC #
	INSURER A: Continental Casualty Company 20443
INSURED Oyster Bay Main Street Association Inc. PO Box 116 Oyster Bay, NY 11771	INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY							
	CLAIMS-MADE X OCCUR			34025932809	6/3/2020	6/3/2021	EACH OCCURRENCE	$ 1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 300,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 2,000,000
	X POLICY PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 2,000,000
	OTHER:							$
	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident)	$
	ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	HIRED AUTOS ONLY / NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
	UMBRELLA LIAB / OCCUR						EACH OCCURRENCE	$
	EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$
	DED / RETENTION $							$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						PER STATUTE / OTH-ER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N (Mandatory in NH)		N/A				E.L. EACH ACCIDENT	$
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE	$
							E.L. DISEASE - POLICY LIMIT	$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
RE: Market; dates include 5/1; 5/15; 5/29; 6/12; 6/26; 7/10; 7/24; 8/7; 8/21; 9/4; 9/18; 10/2; 10/16; 10/30; 11/13
Certificate holder is included as additional insured as required by written contract.

CERTIFICATE HOLDER

Town of Oyster Bay
54 Audrey Avenue
Oyster Bay, NY 11771

Reviewed By Office of Town Attorney

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

Matt C. Ar

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POLICY NUMBER: 4025932909

COMMERCIAL GENERAL LIABILITY
CG 20 26 04 13

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – DESIGNATED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name of Additional Insured Person(s) Or Organization(s):
Town of Oyster Bay Highway Dept. 150 Miller Place Syosset, NY 11791
Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

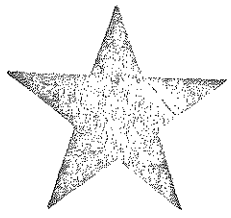
B. With respect to the insurance afforded to these additional insureds, the following is added to Section III – Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
2. Available under the applicable Limits of Insurance shown in the Declarations;

whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations.



Reviewed By
Office of Town Attorney

© Insurance Services Office, Inc., 2012

Hold Harmless Agreement for Use of Town Property and/or Equipment

This Agreement is made this 31st day of March 2022, by the Oyster Bay Main Street Association, Inc. (Hereinafter "Organization"). Whereas, Organization desires to use Town of Oyster Bay property and/or equipment located at and/or described as the municipal parking lot adjacent to 54 Audrey Avenue and the section of Audrey Avenue extending from the parking lot to the intersection with Spring Street. To help control the flow of traffic we request that 12 barriers and 12 cones be placed in the parking lot near the generator
For the event described as the Oyster Bay Market
The property/equipment is need from 9 am to 3 pm on the following dates: 5/1; 5/15; 5/29; 6/12; 6/26; 7/10; 7/24; 8/7; 8/21; 9/4; 9/18; 10/2; 10/16; 10/30; 11/13.
The event for which the property and/or equipment is requested is not a profit making event.

In consideration of the Town granting the Organization permission to temporarily use Town property and/or equipment, the undersigned, on behalf of the Organization, hereby agrees to assume all liability and risk of loss and shall be responsible for the supervision and welfare of all persons arriving on and using Town property and/or equipment in connection with the abovementioned event. The undersigned further hereby releases the Town of Oyster Bay, its officers, employees, servants, agents and enumerated volunteers from any liability for any injuries sustained or damages incurred and agrees to reimburse the Town for any damages arising out of the Organization's use of the Town property and/or equipment. The undersigned agrees to indemnify and hold harmless the Town, its officers, employees, servants, agents and enumerated volunteers, and to protect and defend them against any and all claims for loss and/or expense or suits for damage to persons or property, including its property, arising from its use of Town property and/or equipment.

Further, the Organization agrees to provide the Town with a copy of its general liability insurance certificate, in the amounts of $1,000,000 each occurrence, $2,000,000 general aggregate and, where appropriate, $2,000,000 products, naming the Town as additional insured. All certificated of insurance must be accompanied by an endorsement.

I understand that the abovementioned use of Town property and/or equipment is subject to the approval of the Town Board of the Town of Oyster Bay.

Name of Organization:

Oyster Bay Main Street Association, Inc.

Address of Organization:
P.O. Box 116
Oyster Bay, NY 11771

By: _____
Authorized Representative

Title: Executive Director

Telephone Number: 516.922.6982

Reviewed By
Office of Town Attorney

TOWN OF OYSTER BAY
ADDENDUM TO PERMIT APPLICATION

Applicant Name: Oyster Bay Main Street Association, Inc.

Event Description: Oyster Bay Market

Event Date: 5/1; 5/15; 5/29; 6/12; 6/26; 7/10; 7/24; 8/7; 8/21; 9/4; 9/18; 10/2; 10/16; 10/30; 11/13

The permit holder agrees that while conducting the activity allowed under this permit, it shall follow all applicable New York State Guidelines and Executive Orders with respect to COVID-19 and shall ensure that all participants follow such Guidelines and Orders. By accepting this permit, the permit holder agrees that it is the sole "Responsible Party," as such term is defined by the New York State Guidelines. The permit holder further recognizes and understands that the activity is subject to cancellation at any time to prevent harm to the population from COVID-19, or any other threat to public health and/or safety.

For your convenience, New York State Guidelines are available at https://forward.ny.gov/.

Applicant Signature

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

On the 31st day of March, 2022, before me, the undersigned, personally appeared Meredith Mauc personally know to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument

Notary Public
ROBERT L. BRUSCA
Notary Public, State Of New York
No. 30-4966886
Qualified In Nassau County
Commission Expires 5/21/22

Reviewed By
Office of Town Attorney

Last Revised: May 5, 2021

Reviewed By
Office of Town Attorney
E. Faughnan 4/8/22

WHEREAS, by Resolution No. 732-2010 adopted July 27, 2010, Resolution No. 441-2011 adopted May 17, 2011, and Resolution No. 591-2011, adopted July 12, 2011, the Town Board authorized the Supervisor, or his designee, to execute an Inter-Municipal Agreement ("IMA") for the period January 1, 2011 through December 31, 2020, between the Town and the Incorporated Villages of Oyster Bay Cove, Cove Neck, Laurel Hollow and Mill Neck; and

WHEREAS, execution of this IMA created a Joint Sponsoring Board for the Length of Service Award Program (LOSAP) for the Oyster Bay Fire Protection Area; and

WHEREAS, Frank M. Scalera, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by memorandum dated April 7, 2022, requested and recommended that the Town Board authorize the Supervisor or his designee, to execute a new 5 (five) year Inter-Municipal Agreement for the period January 1, 2021 through December 31, 2025, *nunc pro tunc*, regarding the Joint Sponsoring Board; and

WHEREAS, Frank M. Scalera, Town Attorney, and Elizabeth A. Faughnan, Deputy Town Attorney, by said memorandum, further requested and recommended that the Town Board appoint the Town Attorney, or his designee, to serve on the Joint Sponsoring Board, wherein he/she shall have voting authority for matters pertaining to the Oyster Bay Fire Protection Area Length of Service Award Program (LOSAP),

NOW, THEREFORE, BE IT RESOLVED, That the requests and recommendations as hereinabove set forth are hereby accepted and approved, and the Town Board of the Town of Oyster Bay hereby authorizes the Supervisor or his designee, to execute a new 5 (five) year Inter-Municipal Agreement for the period January 1, 2021 through December 31, 2025, *nunc pro tunc*, regarding the Joint Sponsoring Board; and be it further

RESOLVED, That the Town Attorney, or his designee, be appointed to serve on the Joint Sponsoring Board, wherein he/she shall have voting authority for matters pertaining to the Oyster Bay Fire Protection Area Length of Service Award Program (LOSAP).

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: OFFICE OF THE TOWN ATTORNEY

DATE: April 7, 2022

SUBJECT: Oyster Bay Fire Protection Area Length of Service Award Program (LOSAP) Inter-Municipal Agreement for the period January 1, 2021 – December 31, 2025

By Resolution No. 732-2010 adopted July 27, 2010, Resolution No. 441-2011 adopted May 17, 2011, and Resolution No. 591-2011, adopted July 12, 2011, the Town Board authorized the Supervisor, or his designee, to execute an Inter-Municipal Agreement ("IMA") for the period January 1, 2011 through December 31, 2020, between the Town and the Incorporated Villages of Oyster Bay Cove, Cove Neck, Laurel Hollow and Mill Neck. Execution of this IMA created a Joint Sponsoring Board for the Length of Service Award Program (LOSAP) for the Oyster Bay Fire Protection Area, which was created as a result of a settlement of in the lawsuit entitled, *EEOC v. Town of Oyster Bay, et al., United States District Court, Eastern District of New York, Index No. CV 09-3297.* It was alleged in the cause of action that individual firefighters were discriminated against on account of their age with regard to eligibility to earn credits past entitlement age while still actively serving the fire company.

The Office of the Town Attorney has been engaged in lengthy negotiations with the Incorporated Villages of Oyster Bay Cove, Cove Neck, Laurel Hollow and Mill Neck regarding the terms of a new 5 (five) year Inter-Municipal Agreement for the period January 1, 2021 through December 31, 2025, *nunc pro tunc*, regarding the Joint Sponsoring Board. Town Board authorization is requested for the Supervisor or his designee to execute a new Inter-Municipal Agreement accompanying this memo.

Town Board authorization is also requested for the designation of an individual by the Town Board to serve on the Joint Sponsoring Board to represent the Town without compensation. In the past, Special Counsel to the Supervisor was appointed to this position. At this time, it is recommended that the Town Attorney, or his designee, be appointed to serve on the Joint Sponsoring Board, wherein he/she shall have voting authority for matters pertaining to the Oyster Bay Fire Protection Area Length of Service Award Program (LOSAP).

Kindly suspend the rules and place this matter on the Town Board Action Calendar of April 12, 2022.

FRANK M. SCALERA
TOWN ATTORNEY

E. Faughnan by RS
Elizabeth A. Faughnan
Deputy Town Attorney

EAF:eaf
Attachment

RESOLUTION NO. 732-2010

Meeting of July 27, 2010

Reviewed By
Office of Town Attorney

WHEREAS, the Town has been named as defendant in the lawsuit entitled, *EEOC v. Town of Oyster Bay, et al., United States District Court, Eastern District of New York, Index No. CV 09-3297*; and

WHEREAS, the above referenced litigation involves an age discrimination cause of action brought by the EEOC on behalf of individual members of the Oyster Bay Fire Company and the Atlantic Steamer Fire Co. No. 1 against the Town and the Incorporated Villages of Oyster Bay Cove, Cove Neck, Laurel Hollow and Mill Neck, who receive services from said fire companies under the Oyster Bay Fire Protection District, whereby it is alleged that that individual firefighters are discriminated on account of age with regard to eligibility to earn credits past retirement age while still actively serving the fire company; and

WHEREAS, settlement of the foregoing litigation rests upon amendment the Length of Service Award Program (LOSAP) to correct the age discrimination by eliminating the retirement age and instead use forty years of service to determine a firefighter's maximum benefit/credit, as well as ancillary matters pertinent to conforming the Oyster Bay Fire Protection District's LOSAP with New York State General Municipal Law requirements and other issues necessary to secure settlement between the EEOC, Town, Villages and interested fire companies; and

WHEREAS, Gregory J. Giammalvo, Town Attorney, by memorandum dated July 8, 2010, recommends Town Board approval for the Supervisor, or his authorized representative, to sign a Memorandum of Understanding, in connection with reforming the current LOSAP, for the reasons set forth above.

NOW, THEREFORE, BE IT RESOLVED, That the above recommendation is hereby accepted, and the Supervisor, or his authorized representative, is hereby authorized to sign a Memorandum of Understanding, in connection with reforming the current LOSAP, for the reasons set forth above.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilwoman Faughnan	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye

cc: Supervisor (2)
Town Attorney
Comptroller (2)

RESOLUTION NO. 441-2011

Meeting of May 17, 2011

WHEREAS, the Town has been named as defendant in the lawsuit entitled, *EEOC v. Town of Oyster Bay, et al., United States District Court, Eastern District of New York, Index No. CV 09-3297*; and

Reviewed By
Office of Town Attorney

WHEREAS, the above referenced litigation involves a cause of action based upon age discrimination as it relates to the Oyster Bay Fire Protection District Length of Service Award Program (LOSAP), brought by the EEOC, on behalf of individual members of the Oyster Bay Fire Company and the Atlantic Steamer Fire Co. No. 1, against the Town and the Incorporated Villages of Oyster Bay Cove, Cove Neck, Laurel Hollow and Mill Neck, who receive services from said fire companies under the Oyster Bay Fire Protection District; and

WHEREAS, in an effort to secure settlement of the foregoing litigation, this Town Board, by Resolution No. 732-2010, adopted on July 27, 2010, authorized the Supervisor, and or his authorized representative, to sign a Memorandum of Understanding which outlines the proposed reformation of the Oyster Bay Fire Protection District LOSAP; and

WHEREAS, a portion of the aforementioned Memorandum of Understanding provides that the municipalities will form a joint sponsoring board, based upon a weighted voting scheme (voting shares shall be based upon the percentage of LOSAP Contract paid for by each municipal entity) whereby any decisions made must be by 3/4 majority vote, for purposes of overseeing the LOSAP; and

WHEREAS, Leonard Genova, Town Attorney, and Karen J. Underwood, Deputy Town Attorney, by memorandum dated May 3, 2011, recommend Town Board approval for the Supervisor, or his authorized representative, to sign an Inter-Municipal Agreement between the Town and the aforementioned municipal entities, in connection with the formation of a Joint Sponsoring Board, for the purposes outlined above,

NOW, THEREFORE, BE IT RESOLVED, That the above recommendation is hereby accepted, and the Supervisor, or his authorized representative, is hereby authorized to sign an Inter-Municipal Agreement between the Town and the aforementioned municipal entities, in connection with the formation of a Joint Sponsoring Board, for the purposes outlined above.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Aye
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilwoman Faughnan	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye

cc: Supervisor
Town Attorney
Comptroller (2)

Corrected Copy

Meeting of July 12, 2011 Resolution No. 591-2011

WHEREAS, the Town has been named as defendant in the lawsuit entitled, *EEOC v. Town of Oyster Bay, et al., United States District Court, Eastern District of New York, Index No. CV 09-3297*; and

WHEREAS, the above referenced litigation involves a cause of action based upon age discrimination as it relates to the Oyster Bay Fire Protection District Length of Service Award Program (LOSAP), brought by the EEOC, on behalf of individual members of the Oyster Bay Fire Company and the Atlantic Steamer Fire Co. No. 1, against the Town and the Incorporated Villages of Oyster Bay Cove, Cove Neck, Laurel Hollow and Mill Neck, who receive services from said fire companies under the Oyster Bay Fire Protection District; and

Reviewed By
Office of Town Attorney

WHEREAS, as part of securing settlement of the foregoing litigation, this Town Board, by Resolution No. 441-2011, adopted on May 17, 2011, authorized the Supervisor, or his authorized representative, to sign an Inter-Municipal Agreement between the Town and the aforementioned municipal entities, in connection with the formation of a Joint Sponsoring Board, in connection with the proposed reformation of the Oyster Bay Fire Protection District LOSAP; and

WHEREAS, Leonard Genova, Town Attorney, and Karen J. Underwood, Deputy Town Attorney, by memorandum dated June 28, 2011, recommend that the Town Board authorize the appointment of Colin O'Donnell, Esq., Special Counsel to the Supervisor, to the Joint Sponsoring Board, wherein Mr. O'Donnell will have voting authority for matters pertaining to the Oyster Bay Fire Protection District LOSAP,

NOW, THEREFORE, BE IT RESOLVED, That the above recommendation is hereby accepted, and the Supervisor, or his authorized representative, is hereby authorized to sign an Inter-Municipal Agreement between the Town and the aforementioned municipal entities, in connection with the formation of a Joint Sponsoring Board, for the purposes outlined above; and be it further

RESOLVED, That Colin O'Donnell, Esq. is hereby appointed as the Town of Oyster Bay representative to the Joint Sponsoring Board for the Oyster Bay Fire Protection District LOSAP.

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Venditto	Aye
Councilman Muscarella	Absent
Councilman Macagnone	Aye
Councilman Coschignano	Aye
Councilwoman Faughan	Aye
Councilman Pinto	Aye
Councilwoman Alesia	Aye

cc: Supervisor
Town Attorney
Comptroller (2)

INTER-MUNICIPAL AGREEMENT

AMONG THE
TOWN OF OYSTER BAY,
INC. VILLAGE OF MILL NECK,
INC. VILLAGE OF COVE NECK,
INC. VILLAGE OF OYSTER BAY COVE,
INC. VILLAGE OF LAUREL HOLLOW,

for the period
JANUARY 1, 2021 – DECEMBER 31, 2025

AGREEMENT, made and entered into this _____ day of _____, in the year Two-Thousand Twenty One, among the TOWN OF OYSTER BAY, 54 Audrey Avenue, Oyster Bay, NY 11771; the INCORPORATED VILLAGE OF MILL NECK, 32 Frost Mill Road, P.O. Box 35, Mill Neck, NY 11765-1102; the INCORPORATED VILLAGE OF COVE NECK, 100 Cove Neck Road, P.O. Box 299, Oyster Bay, NY 11771-1823; the INCORPORATED VILLAGE OF OYSTER BAY COVE, #25B – Route 25A, Oyster Bay, NY 11771, and the INCORPORATED VILLAGE OF LAUREL HOLLOW, 1492 Laurel Hollow Road, Laurel Hollow, NY 11791-9603; hereinafter collectively known as the "MUNICIPALITIES", and each individually as a "MUNICIPALITY",

WITNESSETH:

WHEREAS, the MUNICIPALITIES have heretofore approved the establishment of a Length of Service Awards Program (LOSAP) for the benefit of the members of the Oyster Bay Fire Department Inc. and the Atlantic Steamer Fire Company No. 1; hereinafter collectively known as the "FIRE COMPANIES",

WHEREAS, by Inter-Municipal Agreement last executed July 26, 2011, attached hereto as Exhibit "A" and hereby made a part hereof, the MUNICIPALITIES have heretofore approved the establishment of a joint Municipal Sponsoring Board for the purposes of administering the LOSAP program for the Length of Service Awards Program (LOSAP) for the benefit of the members of the FIRE COMPANIES;

WHEREAS, by Inter-Municipal Agreement dated August 17, 2011, attached hereto as Exhibit "B" and hereby made a part hereof, the MUNICIPALITIES agreed to the percentage allocation for LOSAP Program and fire protection contract costs for each of the MUNICIPALITIES for the period January 1, 2011 through December 31, 2020;

WHEREAS, the Inter-Municipal Agreement dated August 17, 2011, last executed July 26, 2011, has expired, and the MUNICIPALITIES are desirous of

establishing more contemporary percentage allocations for MUNICIPALITY reflecting the current position of each MUNICIPALITY relative to all of the MUNICIPALITIES,

Now, in consideration of the premises, together with the covenants, agreements and stipulations hereinafter set forth, and by virtue of the power and authority conferred by statute, the Parties hereto do hereby respectively covenant, and agree as follows:

FIRST – The weighted voting scheme delineated in Section numbered "4." of the Inter-Municipal Agreement dated August 17, 2011, shall be modified as follows:

> The MUNICIPALITIES will continue the joint Municipal Sponsoring Board, based on a weighted voting scheme, whereby voting shares of each MUNICIPALITY shall be based upon the percentage allocation of LOSAP Contract paid for by each municipal entity, whereby any changes to the LOSAP plan with respect to age of entitlement or years of service must be made by ¾ majority vote, and decisions regarding ministerial changes to the LOSAP plan, defined as changes that result in an increased cost of less than $10,000 in a calendar year, shall require a 3/5 majority vote,

SECOND – The percentage allocation delineated in Section numbered "5." of the Inter-Municipal Agreement dated August 17, 2011, shall be modified such that during the term of this Inter-Municipal Agreement, which shall be for 5 years (January 1, 2021 through December 31, 2025), the percentage allocation for LOSAP Program and fire protection costs shall be as follows: Town of Oyster Bay: 60.272024%; Incorporated Village of Mill Neck: 3.155566%; Incorporated Village of Cove Neck: 4.986200%; Incorporated Village of Oyster Bay Cove: 19.259890%; Incorporated Village of Laurel Hollow: 12.326320%.

THIRD – The FIRE COMPANIES shall enter into a five (5) year contract with each MUNICIPALITY effective January 1, 2021, for the period January 1, 2021 through December 31, 2025. The budgets of the FIRE COMPANIES shall include a no (0%) increase for calendar 2021, and no greater than a one percent (1%) increase for each calendar year 2022 – 2025.

FOURTH – This Inter-Municipal Agreement shall be effective as of January 1, 2021, and the Term of the Agreement is the five (5) year period, January 1, 2021 through December 31, 2025.

IN WITNESS WHEREOF, the Town of Oyster Bay has executed this agreement on _____, the Incorporated Village of Mill Neck has executed this agreement on _____, the Incorporated Village of Cove Neck has executed this agreement on _____, the Incorporated Village of Oyster Bay Cove has executed this agreement on _____, the Incorporated Village of Laurel Hollow has executed this agreement on _____, the Oyster Bay Fire Department Inc. has executed this

agreement on _____, and the Atlantic Steamer Fire Company No. 1 has executed this agreement on _____, each of the parties hereto have caused these presents to be signed by their duly authorized officers pursuant to resolutions duly adopted by the respective Boards of the parties.

TOWN OF OYSTER BAY

BY _____
Supervisor

INCORPORATED VILLAGE OF MILL NECK

BY _____
Mayor

INCORPORATED VILLAGE OF COVE NECK

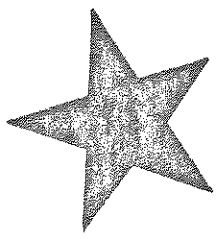
BY _____
Mayor

INCORPORATED VILLAGE OF OYSTER BAY COVE

BY _____
Mayor

INCORPORATED VILLAGE OF LAUREL HOLLOW

BY _____
Mayor



Meeting of April 12, 2022 Resolution No. 290-2022

RESOLVED, That a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York 11771, on the 10th day of May, 2022, at 7:00 o'clock p.m., prevailing time, or as soon thereafter as practicable, to consider amending the Code of the Town of Oyster Bay, New York, by adopting a new Local Law entitled, "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK TO COMPREHENSIVELY REVISE CERTAIN DEFINITIONS AND PROVISIONS OF CHAPTER 246, ZONING." and be it further

RESOLVED, That the Town Clerk shall publish a notice of said hearing in the newspapers of general circulation in the Town of Oyster Bay pursuant to the provisions of law.

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Reviewed By
Office of Town Attorney

Reviewed By
Office of Town Attorney
Domenica Wolfe

PUBLIC NOTICE

PLEASE TAKE NOTICE, that pursuant to law, a public hearing will be held before the Town Board, in the Hearing Room, Town Hall, East Building, 54 Audrey Avenue, Oyster Bay, New York, on the 10th day of May, 2022, at 7:00 o'clock p.m., prevailing time, or as soon thereafter as practicable, to consider the following amendment to the Code of the Town of Oyster Bay, Chapter 246, Zoning, in the manner set forth hereinafter: PROPOSED LOCAL LAW, entitled "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK TO COMPREHENSIVELY REVISE CERTAIN DEFINITIONS AND PROVISIONS OF CHAPTER 246, ZONING." The abovementioned Local Law is on file and may be viewed daily (except Saturday, Sunday and Holidays) between the hours of 9:00 a.m. and 4:45 p.m., prevailing time, at the Office of the Town Clerk located at Oyster Bay and Massapequa. All persons interested in the subject matter of said hearing shall have an opportunity to be heard in connection with the aforementioned Local Law at the time and place designated herein.
TOWN BOARD OF TOWN OF OYSTER BAY. JOSEPH S. SALADINO, Supervisor. RICHARD LaMARCA, Town Clerk. Dated: April 12, 2022, Oyster Bay, New York.

2.90

Town of Oyster Bay
Inter-Departmental Memorandum

TO : MEMORANDUM DOCKET

FROM : Office of the Town Attorney

DATE : April 7, 2022

SUBJECT: Proposed Local law entitled: "A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NASSAU COUNTY, NEW YORK TO COMPREHENSIVELY REVISE CERTAIN DEFINITIONS AND PROVISIONS OF CHAPTER 246, ZONING."

This office has prepared the following items necessary to establish a new local law referenced above:

1. Public Notice;
2. Resolution calling for a Public Hearing; and
3. Proposed legislation.

Kindly suspend the rules and place this matter on the Town Board Action calendar for April 12, 2022 at 10:00 a.m.

FRANK M. SCALERA
TOWN ATTORNEY

Domenica Wolfe

Domenica Wolfe
Deputy Town Attorney

Enclosure

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of Oyster Bay

Local Law No. _____ **of the year 20**22

A local law TO AMEND THE CODE OF THE TOWN OF OYSTER BAY, NASSAU COUNTY,
(Insert Title)
NEW YORK TO COMPREHENSIVELY REVISE CERTAIN DEFINITIONS AND
PROVISIONS OF CHAPTER 246, ZONING.

Be it enacted by the TOWN BOARD **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☒ **Town** ☐ **Village**
(Select one:)

of OYSTER BAY **as follows:**

Section 1. Amend Chapter 246-2.4 Definitions as follows:

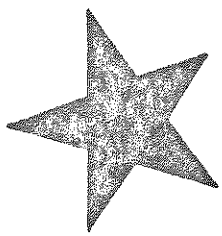
1. Delete the definition of "BUILDING, ACCESSORY" in its entirety and replace as follows:

BUILDING or STRUCTURE, ACCESSORY – A building or structure subordinate to and separated by a distance of more than three feet from the principal building on a lot and used for purposes customarily incidental to those of the principal building. Where an accessory building or structure is attached to the principal building, such accessory building or structure shall be considered part of the principal building. No accessory building or structure shall exceed 1/3 of the maximum permitted building coverage of the district in which it is located; exceed 40% of the building coverage of the principal building on the lot, contain a cooking, sanitary and/or sleeping facility, or be used as a dwelling; or, be located less than three feet from another building. (See Figure 2-3 at the end of this chapter.)

2. Delete the definition of "CHANGEABLE COPY SIGN" in its entirety and replace as follows:

CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters or illustrations that can be electronically changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a for purposes of this section. The following are not considered changeable copy signs for the purposes of this section: a sign on which the only copy that changes is an electronic or mechanical indication of time or temperature; non-electronic manually changeable signs; and fast food restaurant menu boards located in drive-thru lanes which shall be considered a freestanding or building sign. (SEE ATTACHED)

(If additional space is needed, attach pages the same size as this sheet, and number each.)



3. Delete the definition of "CONGREGATE-CARE/ASSISTED-LIVING FACILITY" in its entirety and replace with the following separate definitions:

ASSISTED-LIVING FACILITY – A building, portion of a building or group of buildings that provide dwellings in a residential environment where individual cooking facilities are limited to microwave ovens and/or cooktops, with assistance available by way of common meals, housekeeping and personal services. Occupancy is restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older who may have difficulties with one or more essential activities of daily living, such as feeding, bathing, dressing or mobility.

CONGREGATE-CARE – A building, portion of a building or group of buildings containing three or more dwelling units where individual cooking facilities are limited to microwave ovens and/or cooktops, specially designed for use and occupancy by the elderly, including a common dining facility and other common amenities and whose occupancy is restricted to persons 62 years of age or older or couples, one of whose member is 62 years of age or older.

4. Delete the definition of "FLOOR AREA, GROSS (residential)" in its entirety and replace as follows:

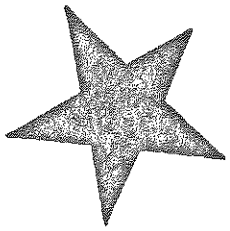
FLOOR AREA, GROSS (residential) - The sum of the horizontal areas of all floors of all *buildings*, on a *lot*, measured from the exterior faces of the walls of each floor. *Gross floor area* includes the area of all structures on the premises including garages, roofed-over balconies, decks, [except for decks not more than 3 feet above grade], or porches [except for unenclosed roofed-over porches up to six feet in width which face a *street* or extend continuously from the *street* side to the *side yard* (wrap-around porch)], attic space or basement space having a headroom greater than seven feet (including conversions of all basements to finished storage and/or habitable space) and loft floor space, if any. The *floor area* of any space which exceeds 10 feet in height, excluding garages and excluding second *story* floor space where the extra ceiling height is within what would otherwise be attic space, shall be counted at 1.5 times their actual *floor area*. The area of any detached garage shall be included if it exceeds 400 square feet in area.

5. Add the following definition for "PAVED SURFACE"

PAVED SURFACE - an area laid or covered with material (such as asphalt or concrete) that forms a firm level surface. Gravel and crushed stone are not considered a *paved surface* for purposes of this section unless applied on top of an asphalt or concrete surface.

6. Delete the definition of "SWIMMING POOL" in its entirety and replace as follows:

SWIMMING POOL - Any structure, basin, chamber or tank which is intended for swimming, diving, recreational bathing or wading and which contains, is designated to contain, or is capable of containing water more than 24 inches (610 mm) deep at any point. This includes in-ground, above-ground and on-ground pools; semi-inground pools; indoor pools; hot tubs; spas and wading pools.



Section 2. Delete Section 246-4, General Regulations, Subsection 246-4.7.1, Provisions governing fences and walls, in its entirety and replace with the following:

Fences and walls. The requirements of this chapter shall not be deemed to prohibit any otherwise lawful *fence* or wall. A *fence* or wall, or any combination thereof, not located within a required yard shall not exceed 10 feet in height. *Fences* and walls, including retaining walls, are permitted within required yards, provided that, except in R1-5A, R1-2A and R1-1A Districts, such *fences* or walls, or combination thereof, do not extend more than four feet above grade in any yard abutting a *street*, and six feet above grade in any other required yard, and further provided that they do not interfere with vehicular access and sight distance. For the purposes of this section, *average setback* shall not apply to *fences* and walls. In the R1-5A, R1-2A and R1-1A Districts and in all nonresidence districts, *fences* or walls, or a combination thereof, up to six feet in height above grade are permitted in any yard. Any *fence* or wall in nonresidence districts over six feet in height will require approval from the Zoning Board of Appeals, unless a site plan approval is granted from either the Town Board or Planning Advisory Board. In a nonresidence district, where any *fence* or wall located within a required yard has a finished or more attractive side, such side shall face the neighboring property or *street.* Required landscaping in a nonresidence district shall be provided on the side facing into the property, unless the *fence* is along a *street*, so as to allow for the maintenance of the landscaping. The height of a *fence* located along any *street* or *front lot line* shall be measured from the existing elevation of the center line of such *street.* The height requirements noted in this section are subject to the provisions of § 246.4.4.4, Visibility at *street* intersections.

Section 3. Amend Section 246-5.2 Schedule of Use Regulations – Nonresidence Districts, by deleting the following:

Nonresidence District Designation										
Uses Uses Only Where Specifically Indicated	REC	RO	OB	NB	CB	GB	WF-A	WF-B	ORD	LI
Existing businesses as of the effective date of Local Law 3-2012	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)	SP (ZBA)

Section 4. Amend Section 246-5.2 Schedule of Use Regulations – Nonresidence Districts, to read as follows:

Nonresidence District Designation									
Uses Uses Only Where Specifically Indicated	REC	RO	OB	NB	GB	WF-A	WF-B	ORD	LI
Fitness Centers, 3,500 square feet				SP(TB)	SP(TB)			SP(TB)	SP(TB)
Fitness Centers under 3,500 square feet				PP	PP			PP	PP

Section 5. Amend Section 246-5, District Regulations, Subsection 246-5.3, Schedule of Dimensional Regulations, to read as follows:

Principal Buildings	Accessory Buildings or Structures

Section 6. Amend Section 246-5, District Regulations, Subsection 246-5.3, Schedule of Dimensional Regulations, to read as follows:

District Regulations	Accessory Buildings or Structures			
	Minimum Yards (feet)			
	Front	Side	Rear	
NB	10	10	10	

Section 7. Amend Section 246-5, District Regulations, Subsection 246-5.3, Schedule of Dimensional Regulations, to read as follows:

NOTES:
Maximum permitted building height in the Oyster Bay Hamlet Residence District is 2 stories/28 feet

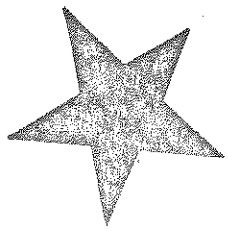
Section 8. Delete Section 246-5, General Regulations, Subsection 246-5.5.33, *Commercially Zoned Property Abutting or Within one-hundred-foot radius of Residential Districts,* in its entirety and replace as follows:

Commercial Uses Abutting or Within a one-hundred-foot radius of Residential Districts:

The hours of operation of any establishment located in a nonresidence district which either abuts a residence district or is located within a one-hundred-foot radius of any residence district, excluding places of worship, shall be limited to the hours of 6:00 a.m. to 11:00 p.m., and deliveries to said establishment and operation of property maintenance and any other potential sources of noise disturbance shall also be limited to those hours. Uses that are lawfully existing prior to the effective date of this section shall be allowed to continue to operate between the hours of 11:00 p.m. and 6:00 a.m.

Section 9. Delete Section 246-7, Site Design Standards, Subsection 246-7.3, Exterior Lighting, in its entirety and replace as follows:

All exterior lighting accessory to multifamily or nonresidence uses, and all exterior lighting of recreation facilities accessory to a residence use, including pole- and *building*-mounted area lighting and the lighting of *signs*, shall be of such type and location and shall have such shielding as will prevent the source of light from being visible from any adjoining *streets*, public areas and neighboring properties and prevent objectionable glare observable from such *streets* or properties. The height and lighting intensity of exterior lighting fixtures shall be determined on a case-by-case basis by the site plan reviewing authority, which shall consider the size, nature and location of the proposed use, and the site's relationship to neighboring properties and uses. In general, the height and lighting intensity of exterior lighting fixtures shall not exceed 24 feet and/or 400 watts, respectively. The maximum height for freestanding lighting or building mounted lighting on nonresidential properties which abut a residential property shall be fourteen (14) feet. Lighting levels for nonresidential uses shall generally not exceed an average intensity of three footcandles, nor be an average of less than 0.5 footcandle at pavement level. Exterior lighting shall be extinguished within one hour of the closing of the business or nonresidence use, except for such illumination as may be permitted by the reviewing agency for property protection and security purposes. No neon or other such lighting outlining a *building*, *structure* or other architectural feature is permitted.



Section 10. Amend Section 246-8, Off-Street Parking and Loading, Subsection 246-8.2.1, Spaces Required, to read as follows:

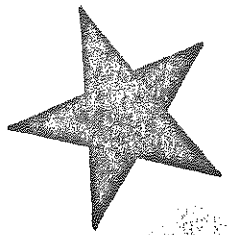
Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
Automotive		
Motor Vehicle rental/sales	Sales: 1 per 300 sq. ft. of GFA plus 1 per each vehicle stored on site Service: 4 per service bay	1

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
Public/Semipublic		
Places of Worship and associated assembly areas	1 per 3 persons occupancy	1

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
Industrial		
Warehouse, distribution, and storage	1 per employee, but no less than 1 per 500 sq. ft. of GFA, whichever is greater	Same standards as light manufacturing

Section 11. Amend Section 246-8, Off-Street Parking and Loading, Subsection 246-8.2.1, Spaces Required, to add as follows:

Principal Use	Minimum Number of Parking Spaces Required	Minimum Number of Loading Spaces
Industrial		
Accessory storage of vehicles	1 per vehicle plus 1 space per driver of vehicle. The size of spaces provided shall be commensurate with the vehicle being stored and shall not be smaller than 9 ft. x 18 ft.	Same standards as light manufacturing



Section 12. Delete Section 246-8, Off-Street Parking and Loading, Subsection 246-8.2.7, Off-street parking in nonresidence districts, in its entirety and replace as follows:

In all nonresidence districts other than the OB District, required off-street parking spaces may be located in a required *front yard*, but not less than six feet from the *front lot line* nor less than 10 feet from the curb or sidewalk line, whichever requirement is more restrictive. Off-street parking in the OB District is subject to the standards of § 246-5.4.5.2 of this chapter. Required off-street parking spaces may be located in a required *side* or *rear yard*, but not less than six feet from the *side* or *rear lot line*, except where a coordinated parking plan with adjacent nonresidential use is shown on a Town-approved site plan. Below grade parking and on grade parking located directly below a building are not permitted in any nonresidence district unless specifically authorized by another provision in this Code.

Section 13. Delete Section 246-9.2, Special Permit Review, Approving Agencies, in its entirety and replace as follows:

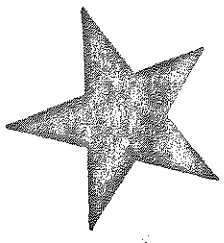
Approving agencies.
The Town Board shall be the approving agency for all special permit uses, except where the Zoning Board of Appeals is the approving agency as noted in the Schedule of Use Regulations.[1]

Section 14. Amend Section 11, Sign Regulations, Schedule of Permitted Sign Types, as follows:

	Zoning Districts			
Sign Type	**R1**	**RMF, RO**	**OB, NB**	**CB, GB, ORD, LI**
Sign Characteristic (All Sign Types)				
Changeable Copy	NP	NP	NP	NP

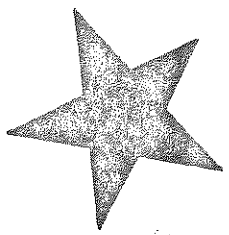
Section 15. SEQR Determination. It is hereby determined pursuant to the provisions of the State Environmental Quality Review Act, (SEQR), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5 (c) (26) of 6 N.Y.C.R.R., pertaining to "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and, accordingly, is of a class of actions which does not have a significant effect on the environment and no further review is required.

Section 16. Severability. If any section, subdivision or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by a court of competent



jurisdiction, such judgment shall be confined in its operation to the section, subdivision or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law, or the application thereof to other persons or circumstances.

Section 17. Effective Date. This local law shall take effect immediately upon its adoption and filing with the Office of the Secretary of State



(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2022 of the (County)(City)(Town)(Village) of OYSTER BAY was duly passed by the TOWN BOARD on _____ 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)~~
~~*(Name of Legislative Body)*~~

~~(repassed after disapproval) by the _____ and was deemed duly adopted~~
~~*(Elective Chief Executive Officer*)*~~

~~on _____ 20[ ][ ], in accordance with the applicable provisions of law.~~

~~**3. (Final adoption by referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)~~
~~*(Name of Legislative Body)*~~

~~(repassed after disapproval) by the _____ on _____ 20____.~~
~~*(Elective Chief Executive Officer*)*~~

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)~~
~~*(Name of Legislative Body)*~~

~~(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~
~~*(Elective Chief Executive Officer*)*~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~
~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.~~

_____
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: _____

Meeting of April 12, 2022 Resolution No 291-2022

WHEREAS, by Resolution No. 259-2022, adopted on March 29, 2022, and pursuant to the New York State "Water Authority of the North Shore Act," the Town Board appointed George Pombar and Richard Arena to the Board of Directors of the Water Authority of the North Shore, each for two (2) year terms, commencing on March 30, 2022 through January 31, 2024; and

WHEREAS, Frank M. Scalera, Town Attorney, by memorandum dated April 5, 2022, requested and recommended that the Town Board amend Resolution No 259-2022, as follows:

"WHEREAS, Frank M. Scalera, Town Attorney, requested and recommended that the Town Board appoint George Pombar, representing the residents of the unincorporated hamlet of Glen Head, and Richard Arena, representing the residents of the unincorporated hamlet of Glenwood Landing, to serve as members of the Board of Directors to the Water Authority of the North Shore, each for the balance of the initial two (2) year term, commencing on March 30, 2022 through January 31, 2024,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are hereby accepted and approved, and the Town Board of the Town of Oyster Bay hereby appoints George Pombar, representing the residents of the unincorporated hamlet of Glen Head, and Richard Arena, representing the residents of the unincorporated hamlet of Glenwood Landing, to serve as members of the Board of Directors to the Water Authority of the North Shore, each for the balance of the initial two (2) year term, commencing on March 30, 2022 through January 31, 2024,"

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth are hereby accepted and approved, and the Town Board hereby amends Resolution No. 259-2022, as specified hereinabove.

-#-

Reviewed By
Office of Town Attorney
Elizabeth A. Vaughan

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

2911

Town of Oyster Bay
Inter-Departmental Memo

TO: MEMORANDUM DOCKET

FROM: OFFICE OF THE TOWN ATTORNEY

DATE: April 5, 2022

SUBJECT: Request to the Town Board to Amend Resolution No. 259-2022 (Town Board Appointments to the Board of Directors of the Water Authority of the North Shore)

By Resolution No. 259-2022, adopted on March 29, 2022, the Town Board appointed George Pombar and Richard Arena to the Board of Directors of the Water Authority of the North Shore, each for two (2) year terms. Said appointments were made pursuant to the provisions of the New York State "Water Authority of the North Shore Act." Under the Act, the Town Board appointees are charged with "representing the residents of the unincorporated hamlets of Glen Head and Glenwood Landing, who will be serviced by said Water Authority."

The Resolution failed to specify which appointee would represent the residents of which unincorporated hamlet. Consequently, the Office of the Town Attorney requests and recommends that the Town Board amend Resolution No. 259-2022, to read as follows:

"WHEREAS, Frank M. Scalera, Town Attorney, requested and recommended that the Town Board appoint George Pombar, representing the residents of the unincorporated hamlet of Glen Head, and Richard Arena, representing the residents of the unincorporated hamlet of Glenwood Landing, to serve as members of the Board of Directors to the Water Authority of the North Shore, each for the balance of the initial two (2) year term, commencing on March 30, 2022 through January 31, 2024,

NOW, THEREFORE, BE IT RESOLVED, That the request and recommendation as hereinabove set forth is hereby accepted and approved, and the Town Board of the Town of Oyster Bay hereby appoints George Pombar, representing the residents of the unincorporated hamlet of Glen Head, and Richard Arena, representing the residents of the unincorporated hamlet of Glenwood Landing, to serve as members of the Board of Directors to the Water Authority of the North Shore, each for the balance of the initial two (2) year term, commencing on March 30, 2022 through January 31, 2024."

Kindly suspend the rules, and place this matter on the Town Board Action Calendar of April 12, 2022.

FRANK M. SCALERA
TOWN ATTORNEY
Ralph P. Healey
Ralph P. Healey
Special Counsel

RPH:ba
Attachment

Reviewed By
Office of Town Attorney

WHEREAS, the "Water Authority of the North Shore Act" was signed into Law on November 3, 2021, and became effective ninety (90) days thereafter, on February 1, 2022, and;

WHEREAS, the Water Authority of the North Shore is governed by a Board of Directors consisting of six (6) members, serving for two (2) year terms, without compensation for their services, three of whom are appointed by the governing boards of the Incorporated Village of Old Brookville, Sea Cliff and Roslyn Harbor, with each village governing board appointing one (1) member, the City Council of the City of Glen Cove, with the City Council appointing one (1) member, and the Town Board of the Town of Oyster Bay, with the Town Board appointing two (2) members; and

WHEREAS, pursuant to the aforementioned state legislation, the Town Board director-appointees must represent the residents of the unincorporated hamlets of Glen Head and Glenwood Landing who will be serviced by said Water Authority; and

WHEREAS, Frank M. Scalera, Town Attorney, recommends Town Board authorization to appoint George Pombar and Richard Arena, both of Glen Head, to serve as members of the Board of Directors to the Water Authority of the North Shore, each for the balance of the initial two (2) year term, commencing on March 30, 2022 through January 31, 2024,

NOW, THEREFORE, BE IT RESOLVED, That the abovementioned recommendation is hereby accepted and approved, and George Pombar and Richard Arena, both of Glen Head, are hereby appointed by the Town Board of the Town of Oyster Bay to serve as members of the Board of Directors of the Water Authority of the North Shore, each for the balance of the initial two (2) year term, commencing on March 30, 2022 through January 31, 2024; and be it further

RESOLVED, That pursuant to New York State Legislation, the Town Supervisor shall file Certificates of Appointment with the New York Secretary of State within thirty (30) days of the date of the appointment of aforementioned individuals.

#

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Absent
Councilman Imbroto	Aye
Councilman Hand	Aye
Councilman Labriola	Aye
Councilwoman Maier	Absent
Councilwoman Walsh	Aye

Reviewed By
Office of Town Attorney

WHEREAS, the Town solicited quotes from eleven brokers for renewal of the Town's Excess General and Automobile Liability Insurance coverage for the policy period of May 1, 2022 to May 1, 2023, and received responses from twelve insurance carriers, of which two provided quotations for either primary or excess coverage. The Town's Request for Proposals sought a policy providing $10,000,000 coverage. As a result of this process, an acceptable combined proposal was received from Allied Public Risk ("Allied"), which currently provides this coverage to the Town through Salerno Brokerage Corp. ("Salerno"), and American Alternative Insurance Corp. ("AAIC"). Salerno's proposal maintains the Town's current coverage limits, at a total premium of $389.863.00; and

WHEREAS, Frank M. Scalera, Town Attorney, and Paul Ehrlich, Deputy Town Attorney, by memorandum dated April 7, 2022, advised the Board that Allied's proposed policy provides a primary coverage limit of $5,000,000.00, at a premium of $284,884.00, and the AAIC's proposed policy provides an excess coverage limit of an additional $5,000,000.00, for a premium of $104,979.00., therefore meeting the Town's demand and need for $10,000,000.00 in coverage. The Town Attorney's Office, by the aforesaid memorandum, recommends that the Town's Excess General and Automobile Liability Insurance coverage for the policy period of May 1, 2022 to May 1, 2023 be obtained from Allied and AAIC, through Salerno, at a total premium of $389.863.00; and

WHEREAS, funds to make payment for the insurance coverage are available in Account No. TWN AMS 1910 43010 602 0000 000; and

WHEREAS, The Office of the Inspector General has reviewed the vendor's disclosure questionnaire and is satisfied that the Town's Procurement Policy has been fulfilled,

NOW, THEREFORE, BE IT RESOLVED, That the recommendation as hereinabove set forth is hereby accepted and approved, and the Office of the Town Attorney is hereby authorized to obtain the Town's Excess General and Automobile Liability Insurance coverage from Allied Public Risk (Vantapro) and American Alternative Insurance Corp., through Salerno Brokerage Corp., for the policy period of May 1, 2022 to May 1, 2023, for an annual premium of $389,863.00; and be it further

RESOLVED, That the Comptroller is hereby authorized and directed to make payment for same to Salerno Brokerage Corp., upon submission of a duly certified claim therefor, after audit, with funds to be drawn from Account No. TWN AMS 1910 43010 602 0000 000.

-#-

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent

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Town of Oyster Bay
Inter-Departmental Memo

TO: Memorandum Docket

FROM: Office of the Town Attorney

DATE: April 7, 2022

SUBJECT: Excess General and Automobile Liability Insurance

The Town of Oyster Bay is self-insured for general and automobile liability since May 1985. It has been the Town's policy to procure excess general liability and automobile liability insurance, so to protect the Town against the possibility of liability or judgment exceeding the Town's self-insured retention limit of one million two hundred fifty thousand dollars ($1,250,000).

The Town solicited quotes from eleven brokers for excess general liability and automobile liability coverage for the 2022-2023 policy period commencing May 1, 2022. The Request for Proposals was also posted on the Town website. The Town sought a policy providing $10,000,000.00 coverage, with a self-insured retention of $1,250,000.00.

In response to the Town's request, one broker, Salerno Brokerage Corp. ("Salerno"), responded. Salerno solicited quotes from twelve insurance carriers. The Town's current insurer, Allied Public Risk ("Allied"), through their Vantapro subsidiary, provided a quote for the renewal of the current policy, but, due to changes in the market, and in light of the insurance industry's current concerns with the New York market, offered a coverage limit of $5,000,000.00, at a premium of $284,884.00. To meet the Town's need and demand for a $10,000,000.00 coverage limit, Salerno obtained an additional layer of coverage, in the amount of $5,000,000.00, from American Alternative Insurance Corp. ("AAIC"). The AAIC policy has annual premium of $104,979.00. The total premium due to Allied and AAIC, through Salerno, is $389,863.00.

The Office of the Inspector General has reviewed the vendor's disclosure questionnaire and is satisfied that the Town's Procurement Policy has been fulfilled.

This Office recommends that the Town's Excess General Liability and Automobile Liability coverage for the policy year May 1, 2022 to May 1, 2023 be procured through Allied Public Risk and AAIC at a total renewal premium of $389,863.00. Funds are available in Account No. TWN AMS 1910 43010 602 0000 000.

Kindly suspend the rules and place this matter on the Town Board Action Calendar of April 12, 2022.

FRANK M. SCALERA
TOWN ATTORNEY

Paul S. Ehrlich
Deputy Town Attorney

PSE:pse
Attachment

SALERNO BROKERAGE CORP.
TOWNS & VILLAGES RISK MANAGEMENT CORP.
HEALTH & FITNESS RISK MANAGEMENT CORP.
117 Oak Drive, Syosset, New York 11791-4625 • 516-364-4044 • Fax: 516-364-5901
www.salernoins.com

April 7, 2022

Jeffrey Lesser, Esq.
Paul Ehrlich, Esq.
Town of Oyster Bay
Town Attorney's Office
54 Audrey Avenue
Oyster Bay, NY 11771

RE: Automobile and General Liability Policy- 2022-2023 Proposal- RFP Response

Dear Jeff and Paul,

In response to the Town's Request for Proposals due April 7, 2022, and as the Town's liability program expires shortly, we have canvassed the market to replace or renew coverage for the May 1, 2022-2023 policy period.

NOTE: The premium for the 5/1/21-22 expiring program with Allied Public Risk (written as Vantapro) was $253,361. The expiring SIR is $1,250,000 with a $10,000,000 limit. The reinsurance marketplace continues to be challenging and as a result, the Allied Public Risk program would only offer a maximum liability limit of $5,000,000.

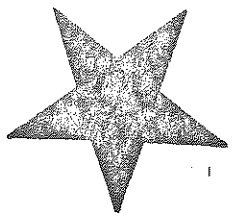
We were able to secure a $5,000,000 xs $5,000,000 liability proposal from American Alternative Insurance Corp., which when combined with Allied Public Risk brings the total liability limit to $10,000,000.

We are pleased to advise the following results.

1) Allied Public Risk (current carrier written as Vantapro)- quoted a $1,250,000 SIR with a $5,000,000 limit. Note this is NOT the same as expiring which was a $10,000,000 limit. (A copy of the renewal proposal is attached for your review and consideration.) Further comments are included below regarding claims reporting, subjectivities, and a Communicable Disease and Infectious Agent exclusion. We are seeing this on renewal accounts, largely as a response to the pandemic.
   $1,250,000 Sir- This includes TRIA for $284,884.

2) American Alternative Insurance Corp. (AAIC) – AAIC has provided a $5MM xs $5MM proposal. This policy would provide excess coverage over the primary Allied Public Risk $5MM Policy, bringing the total liability limit to $10MM.

   1. Option #1: $5MM xs $5MM without TRIA - $95,435.
   2. Option #2: $5MM xs $5MM with TRIA - $104,979.



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April 7, 2022

3) Berkley Public Entity Managers declined to quote.

4) NYMIR advised they are unable to compete with the pricing and program; their most recent indication was in excess of $400,000 and was expected to be exponentially higher at this time.

5) Trident- no longer writing public entity SIR business in New York.

6) Travelers-declined as they prefer a third party TPA for accounts they write.

7) US Specialty – declined to quote the Town's program this year. Their main reason for their declination was due to the thin pricing based upon ratable exposures.

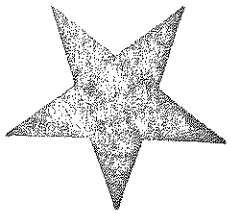
8) Chubb- Chubb has declined based on the loss history and challenges with writing in NY.

9) Munich- declined due to loss history and location.

10) Old Republic- Initial indication is a declination – pending formal response.

11) Safety National- declined to quote unless they can also write the Town's workers compensation.

12) Liberty – Cannot write due to issues with their form, loss history, and location. Cannot write the excess unless quoting all primary lines, so having the EPLI/PO separate is a nonstarter.



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The Allied (Vantapro) Proposal is summarized as follows:

Limits of Insurance – Auto, General Liability, Employee Benefits Liability, and Law Enforcement Liability:

Coverage	Specific Limit	Annual Aggregate Limit	Retention	Coverage Trigger	Retroactive Date
Auto Liability	$5,000,000	N/A	$1,250,000	Accident	N/A
General Liability	$5,000,000	$5,000,000	$1,250,000	Occurrence	N/A
Sexual Abuse Liability	$5,000,000	Included in GL	$1,250,000	Occurrence	N/A
Employee Benefits Liability	Included in GL	Included in GL	$1,250,000	Occurrence	N/A
Law Enforcement Liability	$5,000,000	$5,000,000	$1,250,000	Wrongful Act	N/A

Exclusion- Communicable Disease and Infectious Agent has been added since the 5/1/2021-2022 policy. Copy attached.

The AAIC Proposal is summarized as follows

Limit: $5,000,000 xs $5,000,000

Follow Form: Automobile Liability

Follow Form: Law Enforcement Liability

Follow Form: General Liability including Employee Benefits Liability

Key Exclusion: Sexual Abuse Liability

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Subjectivities

- The Specific Additional Conditions advise if loss experience or exposures materially change between the proposal issue and binding dates, the terms, conditions, or premium may be altered.
- Signed Allied application and Terrorism Acceptance Form – These forms will be provided upon request to Bind.
- Signed McGowan Public Entities application and Terrorism acceptance or rejection from for the $5MM xs $5MM policy – These forms will be provided upon request to Bind.

The following items are enclosed:

1. Allied Public Risk Renewal Proposal
2. AAIC $5MM xs $5MM Proposal

When reviewing alternative proposals, please be mindful of confirming that all the Town's exposures and Loss Information and Loss Details have been provided to the quoting carriers.

As you are aware, the Town has law enforcement liability for the armed bay constables. It is very important that any other quoting carrier provide this coverage to the Town. Because the Town does not have a police department, other brokers, may overlook or underestimate the exposure.

Reinsurers have continued concerns with liability claims especially in the New York area due to Social Inflation. Social Inflation is adverse loss development of a liability claim from the initial date of the claim to the closing of that claim, due to the increased costs to defend liability claims, as well as the verdicts that the courts are requiring be paid. As a result, reinsurers are concerned with liability claims both from a defense standpoint and liability limit standpoint. **As such many carriers are being forced to restrict liability limits, increase retentions, and increase premiums. This is evident from our marketing results.**

Please review the enclosures and advise any questions you may have. We look forward to continuing our work relationship with the Town.

Very truly yours,
Maryann K. Aiello
Maryann K. Aiello

MKA:nm
Enclosures

Meeting of April 12, 2022 Resolution No. 293-2022

WHEREAS, Elizabeth L. Maccarone, Commissioner, Department of Planning and Development, by memorandum dated April 11, 2022, requested that Raymond Spagnuolo be appointed as a Member of the Zoning Board of Appeals for the Town of Oyster Bay, to fill the current vacancy from April 13, 2022 through December 31, 2026, at an annual salary of $22,550.00,

NOW, THEREFORE, BE IT RESOLVED, That the request as hereinabove set forth is accepted and approved, and Raymond Spagnuolo is hereby appointed as a Member of the Zoning Board of Appeals for the Town of Oyster Bay for a term from April 13, 2022 through December 31, 2026, at an annual salary of $22,550.00.

-#-

Reviewed By
Office of Town Attorney

The foregoing resolution was declared adopted after a poll of the members of the Board; the vote being recorded as follows:

Supervisor Saladino	Aye
Councilwoman Johnson	Aye
Councilman Imbroto	Aye
Councilman Hand	Absent
Councilman Labriola	Aye
Councilwoman Maier	Aye
Councilwoman Walsh	Absent